

# **EXHIBIT 6**

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES - CENTRAL DISTRICT  
DEPARTMENT 222 HON. JUDGE JACK KOMAR

COORDINATION PROCEEDING SPECIAL )  
TITLE (RULE 1550(B)) ANTELOPE )  
VALLEY GROUNDWATER CASES )  
(JCCP 4408) INCLUDED ACTIONS: )  
LOS ANGELES COUNTY WATERWORKS )  
DISTRICT NO. 40, )

PLAINTIFF, )

DIAMOND FARMING CO. SUPERIOR )  
COURT OF CALIFORNIA COUNTY OF )  
LOS ANGELES, CASE NO. BC 325 201 )  
LOS ANGELES COUNTY WATERWORKS )  
DISTRICT NO. 40 V. DIAMOND )  
FARMING CO. SUPERIOR COURT OF )  
CALIFORNIA, COUNTY OF KERN, )  
CASE NO. S-1500-CV-254-348 WM. )  
BOLTHOUSE FARMS, INC. V. CITY )  
OF LANCASTER DIAMOND FARMING CO.)  
V. CITY OF LANCASTER DIAMOND )  
FARMING CO. V. PALMDALE WATER )  
DIST. SUPERIOR COURT OF )  
CALIFORNIA, COUNTY OF RIVERSIDE, )  
CONSOLIDATED ACTIONS, CASE NOS. )  
RIC 353 840, RIC 344 436, RIC )  
344 668, )

DEFENDANT. )

AND RELATED ACTIONS )

COURT REPORTER'S TRANSCRIPT OF PROCEEDINGS  
THURSDAY, OCTOBER 15, 2015

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APPEARANCES:

FOR THE PLAINTIFF:

KRAUSEM, KALFAYAN, BENINK, & SLAVENS, LLP  
BY: RALPH B. KALFAYAN, ESQ.  
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FOR THE DEFENDANTS:

LAW OFFICES OF BRUNICK, MCELHANEY & KENNEDY  
BY: LELAND P. MCELHANEY, ESQ.  
1839 COMMERCENTER WEST,  
SAN BERNARDINO, CALIFORNIA 92408  
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LMCELHANEY@BMBLAWOFFICE.COM

ALSO PRESENT:

MR. DUNN, MS. WANG, MR. SLOAN, MS. AILIN, MR. BURGER,  
MS. GOLDSMITH, MR. MCLACHLAN, MR. RAMOS, MR. KUNEY,  
MR. BUNN, MR. JOYCE, MR. CHESTER, MR. DAVIS,  
MR. LEMIEUX, MR. DUBOIS, MR. BRADY, MR. ZIMMER,  
MR. WEEKS.

VOLUME I TATIANA ALVARADO, CSR NO. 13769  
PAGES 1-131 COURT REPORTER PRO TEMPORE

1 YOU QUALIFIED AS AN EXPERT ON THE SUBJECT OF WATER RIGHTS?

2 A. YES.

3 Q. AND WERE YOU ALSO QUALIFIED AS AN EXPERT IN ONE OR  
4 MORE OF THOSE COURT PROCEEDINGS ON THE SUBJECT OF  
5 INTERPRETATION OF JUDGMENTS, DECREES, AND REGULATIONS FOR THE  
6 ADMINISTRATION OF WATER RIGHTS?

7 A. YES.

8 Q. HAVE YOU REVIEWED THE PROPOSED JUDGMENT AND PHYSICAL  
9 SOLUTION IN THIS CASE?

10 A. YES, I HAVE.

11 Q. WHAT OTHER DOCUMENTS HAVE YOU REVIEWED IN  
12 PREPARATION FOR YOUR WORK?

13 A. I'VE ALSO REVIEWED PREVIOUS TECHNICAL REPORTS AND  
14 STUDIES INCLUDING THE PHASE 3 EXPERT REPORT, PREVIOUS REPORTS  
15 PUBLISHED BY THE U.S. GEOLOGICAL SURVEY, THE CALIFORNIA  
16 DEPARTMENT OF WATER RESOURCES, AND ALSO REPORTS FOR VARIOUS  
17 WATER AGENCIES WITHIN THE ANTELOPE BASIN. I HAVE ALSO  
18 REVIEWED PRIOR COURT ORDERS AND DECISIONS IN PREVIOUS PHASES  
19 IN THIS MATTER.

20 Q. APPROXIMATELY HOW MANY HOURS HAVE YOU EXPENDED ON  
21 THIS ASSIGNMENT?

22 A. ABOUT 400 HOURS.

23 MR. MCELHANEY: YOUR HONOR, I SUBMIT THAT MR. BINDER  
24 IS QUALIFIED AS AN EXPERT TO EXPRESS OPINIONS ON THE ISSUES.

25 THE COURT: BE SPECIFIC ABOUT WHAT ISSUES HE IS  
26 GOING TO OPINE ABOUT.

27 MR. MCELHANEY: YES, YOUR HONOR. THANK YOU.

28 //

1 THE COURT: I'M NOT GOING TO MAKE ANY FURTHER ORDERS  
2 CONCERNING THAT AT THIS POINT.

3 MS. BRENNAN: ALL RIGHT. THANK YOU.

4 MR. MCELHANEY: THANK YOU.

5 BY MR. MCELHANEY:

6 Q. MR. BINDER, WOULD YOU TURN TO PAGE 4, PLEASE, OF  
7 EXHIBIT 6-AVEK-2 WHICH IS TITLED "BALANCED GROUNDWATER  
8 PRODUCTION WITH NATIVE SAFE YIELD." LET ME ASK YOU FIRST OF  
9 ALL, DO YOU UNDERSTAND BASED UPON YOUR REVIEW OF THE COURT  
10 DOCUMENTS THAT YOU LOOKED AT THAT THE COURT HAS ALREADY  
11 DETERMINED THE NATIVE SAFE YIELD FOR THIS BASIN?

12 A. YES.

13 Q. IS IT YOUR UNDERSTANDING THAT THE COURT HAS ALREADY  
14 DETERMINED THE TOTAL SAFE YIELD FOR THE BASIN?

15 A. YES.

16 Q. DO YOU UNDERSTAND THAT THE TOTAL SAFE YIELD IS  
17 COMPRISED OF THE NATIVE SAFE YIELD PLUS RETURN FLOWS FROM  
18 SUPPLEMENTAL IMPORTED WATER?

19 A. YES, THAT IS CORRECT.

20 Q. NOW, THE LAST BULLET POINT ON PAGE 4 OF EXHIBIT  
21 6-AVEK-2 STATES THAT "THE GROUNDWATER PRODUCTION EQUALS  
22 NATIVE SAFE YIELD TO BRING GROUNDWATER BASIN AND HYDROLOGIC  
23 BALANCE." WHAT IS MEANT BY THAT STATEMENT?

24 A. YES. THIS STATEMENT IS REALLY MEANT TO POSE THE  
25 QUESTION TO THEN GO TO THE NEXT STEP TO ANALYZE THAT  
26 QUESTION, AND I HAVE CALCULATIONS THAT SHOW MY ANALYSIS OF  
27 THAT QUESTION.

28 Q. DO YOU HAVE A CHART THAT ILLUSTRATES THAT CONCEPT?

1 A. YES, I DO.

2 Q. WOULD YOU TURN TO PAGE 5 OF THE EXHIBIT. AND WOULD  
3 YOU PLEASE ATTEMPT -- PLEASE EXPLAIN WHAT YOU'RE ATTEMPTING  
4 TO SHOW BY THAT PAGE.

5 A. YES. PAGE 5 SHOWS A STACK BAR CHART THAT'S ENTITLED  
6 "ILLUSTRATION OF ANNUAL GROUNDWATER PRODUCTION DURING  
7 RAMP-DOWN AND POST RAMP-DOWN PERIODS." THE VERTICAL AXIS  
8 SHOWS THE TOTAL ANNUAL PRODUCTION IN ACRE FEET. THE  
9 HORIZONTAL AXIS SHOWS THE YEARS 1 THROUGH 17, AND THEN AS  
10 PROVIDED IN THE LEGEND AT THE BOTTOM OF THE GRAPH, THE THREE  
11 COLORS OF THE BARS FOR EACH YEAR THEN SHOW AN ILLUSTRATION OR  
12 ONE POSSIBLE SCENARIO FOR THE PUMPING IN EACH OF THOSE YEARS  
13 FOR EACH OF THOSE CATEGORIES WITH THE BLUE PORTION OF THE BAR  
14 SHOWING THE OVERLYING RIGHTS AS ASSOCIATED WITH EXHIBIT 4 IN  
15 THE PROPOSED JUDGMENT.

16 THE YELLOW SHOWS THE NON-OVERLYING RIGHTS ASSOCIATED  
17 WITH EXHIBIT 3 IN THE PROPOSED JUDGMENT, AND THEN ALL OTHER  
18 RIGHTS ARE LUMPED TOGETHER AS SHOWN IN THE RED AND THE MAIN  
19 TAKE AWAY FROM THIS GRAPH AND THE PURPOSE OF THIS GRAPH IS  
20 JUST TO SHOW AN EASY SIMPLE ILLUSTRATION TO DEMONSTRATE THAT  
21 BY YEAR EIGHT, THE GROUNDWATER PRODUCTION WILL BE REDUCED  
22 DOWN TO THE NATIVE SAFE YIELD OF 82,300 ACRE FEET PER YEAR.

23 Q. IN YOUR GRAPH, THE TOP NUMBER INDICATES 131,773 ACRE  
24 FEET AVERAGE FOR 2011, 2012. DID YOU ESTIMATE THAT AMOUNT?

25 A. YES, I DID.

26 Q. AND CAN YOU EXPLAIN HOW YOU ESTIMATED THAT AMOUNT?

27 A. I ESTIMATED THE AMOUNT OF THE -- WHAT I REFER TO AS  
28 THE CURRENT WATER REQUIREMENT OR THE CURRENT PUMPING IN TERMS

1 AS OF AVERAGE YEARS 2011 AND '12, AND THEN REFERRED TO THAT  
2 AS THE CURRENT PUMPING. THE REASON THAT I SELECTED 2011 AND  
3 2012 IS BECAUSE THE PARTIAL DECISION ENTERED IN PHASE 4 OF  
4 THIS MATTER PROVIDES THE PRODUCTION FOR THE VARIOUS PARTIES  
5 IN YEARS 2011 AND 2012.

6 Q. BEFORE WE LEAVE THE GRAPH, DO YOU HAVE AN OPINION AS  
7 TO -- RELATED TO THE FUNCTIONALITY OF THE PROPOSED PHYSICAL  
8 SOLUTION?

9 A. YES.

10 Q. WHAT IS THAT OPINION?

11 A. MY OPINION IS THAT THIS GRAPH ILLUSTRATES THAT THE  
12 PROVISION THAT IS INCLUDED IN THE PROPOSED PHYSICAL SOLUTION  
13 FOR THE RAMP-DOWN WILL RESULT IN THE GROUNDWATER PRODUCTION  
14 BEING REDUCED DOWN TO THE NATIVE SAFE YIELD AND THUS THE  
15 GROUNDWATER BASIN WILL BE IN HYDROLOGIC BALANCE.

16 Q. WOULD YOU TURN, PLEASE, TO PAGE 6 OF THE EXHIBIT  
17 6-AVEK-2. DOES THAT PAGE SHOW YOUR CALCULATION OF THE  
18 CURRENT WATER PRODUCTION?

19 A. YES, IT DOES.

20 Q. WOULD YOU PLEASE EXPLAIN WHAT IS SHOWN ON PAGE 6?

21 A. YES. PAGE 6 IS A TABLE THAT IS ENTITLED "TOTAL  
22 CURRENT WATER REQUIREMENTS, AVERAGE USES FOR 2011 AND '12 AND  
23 THE VALUES SHOWN IN ACRE FEET PER YEAR." THE TABLE IS  
24 DIVIDED INTO TWO MAIN PARTS, THE UPPER PORTION OF THE TABLE  
25 PROVIDES THE GROUND WATER USES, AND YOU CAN LOOK DOWN THEN IN  
26 BOLD SHOWN AS THE SUBTOTAL FOR THE GROUNDWATER USES, YOU SEE  
27 THE NUMBER 131,773 ACRE FEET PER YEAR. THAT NUMBER WAS  
28 ARRIVED AT BY SUMMING THE INDIVIDUAL NUMBERS SHOWN FOR THE

1 WHETHER OR NOT THERE ARE SUFFICIENT STATE WATER SUPPLIES THAT  
2 WILL THEN RESULT OR ACHIEVE THE SUPPLEMENTAL SAFE YIELD.

3 Q. TURNING TO PAGE 8 OF THE EXHIBIT, WHAT POINT ARE YOU  
4 TRYING TO ILLUSTRATE RELATED TO YOUR OPINION?

5 A. THE BULLET CHART ON PAGE 8 THEN IS ALSO ANOTHER STEP  
6 TOWARD THE CALCULATION THAT I JUST DESCRIBED, AND THIS BULLET  
7 CHART THEN LISTS ALL OF THE AVAILABLE SUPPLEMENTAL WATER  
8 SUPPLIES THAT I IDENTIFIED THAT CAN BE UTILIZED TO MEET THE  
9 CURRENT WATER REQUIREMENTS, AND THEN ALSO THEN TO SUPPLEMENT  
10 THE NATIVE SAFE YIELD. THOSE LISTED THEN IN THE BULLET

11 POINTS ARE THE LOCAL SURFACE WATER SUPPLIES OF 4,000 ACRE  
12 FEET PER YEAR. WE PRESENTLY ESTIMATE THAT THE RECYCLED WATER  
13 SUPPLIES THAT ARE AVAILABLE ARE 23,800 ACRE FEET PER YEAR.

14 THIRD BULLET LISTS THE TABLE A IMPORTED SUPPLIES  
15 FROM THE STATE WATER PROJECT, EQUALING A TOTAL AMOUNT OF  
16 168,444 ACRE FEET PER YEAR. LISTED BELOW THAT THEN ARE THE  
17 THREE STATE WATER CONTRACTORS WITHIN THE ANTELOPE BASIN AND  
18 THEIR RESPECTIVE TABLE A CONTRACT AMOUNTS WITH ANTELOPE  
19 VALLEY'S KERN WATER AGENCY, BEING THE LARGEST LISTED FIRST AT  
20 144,844 ACRE FEET PER YEAR. LITTLE ROCK CREEK IRRIGATION  
21 DISTRICT 2,300 [SIC] ACRE FEET PER YEAR, AND LASTLY PALMDALE  
22 WATER DISTRICT, THIRD TABLE A CONTRACT AMOUNT OF 21,300 ACRE  
23 FEET PER YEAR. ALL COMBINED, THE TOTAL PRESENT AMOUNT OF  
24 SUPPLEMENTAL SUPPLIES THEN EQUALS 196,244 ACRE FEET PER YEAR.

25 Q. THANK YOU. IF YOU TURN NOW TO PAGE 9 OF EXHIBIT  
26 6-AVEK-2, WHICH IS TITLED -- IT'S GOT A BIG TITLE,  
27 "ILLUSTRATION OF THE AVERAGE WATER SUPPLIES PROVIDED BY  
28 PHYSICAL SOLUTIONS WITH SWP SUPPLIES LIMITED TO EMBEDDED



1 THE DEPOSITION EXHIBITS, BOTH OF THESE PAGES HAVE THE TITLE  
2 "TOTAL CURRENT WATER REQUIREMENTS AVERAGE USES FOR 2011 AND  
3 2012;" CORRECT?

4 A. YES.

5 Q. AND SO WOULD IT BE FAIR TO SAY THAT PAGE 5 IN THE  
6 DEPOSITION EXHIBITS AND PAGE 6 IN TODAY'S EXHIBITS ADDRESS  
7 THE SAME SUBJECT?

8 A. THAT IS CORRECT.

9 Q. NOW, IN TODAY'S EXHIBITS, ON THE LINE ITEM  
10 UNDERGROUND WATER USES OPPOSITE WATER SUPPLIERS -- EXCUSE ME  
11 OPPOSITE OPEN LINE LAND OWNERS, THE NUMBER IN TODAY'S  
12 EXHIBITS IS 84,650; CORRECT?

13 A. YES.

14 Q. BUT IN THE DEPOSITION EXHIBIT, THE NUMBER YOU HAVE  
15 IS 114,720; CORRECT?

16 A. THAT IS CORRECT.

17 Q. WHY DID THAT NUMBER CHANGE BETWEEN THE DEPOSITION  
18 EXHIBITS AND TODAY'S EXHIBITS?

19 A. BETWEEN THE TIME OF MY DEPOSITION AND PREPARATION OF  
20 MY FINAL EXHIBITS, I DISCOVERED THAT THE NUMBER THAT I HAD  
21 PREVIOUSLY USED FOR -- ON PAGE 5 FROM THE DEPOSITION THAT THE  
22 NUMBER FOR THE OVERLYING LAND OWNERS WAS NOT CORRECT.

23 Q. WHERE HAD YOU GOTTEN THE NUMBER THAT WAS USED IN THE  
24 DEPOSITION EXHIBIT?

25 A. AS INDICATED IN THE FOOTNOTE, NOTE NO. 4, IT'S  
26 ATTRIBUTED TO THE SUPPLEMENTAL EXHIBIT 4 SPREADSHEET.

27 Q. AND WHERE DID THE NUMBER THAT IS IN TODAY'S EXHIBIT,  
28 PAGE 6 OF YOUR EXHIBIT 2, COME FROM?

1 A. ALSO AS INDICATED IN THE NOTES FOR NOTES THREE AND  
2 FOUR FOR TODAY'S EXHIBIT ON PAGE 6, THAT NUMBER IS PRIMARILY  
3 DERIVED FROM THE AMENDED STATEMENT AND PARTIAL DECISION IN  
4 THE PHASE 4 TRIAL, AND THEN FOR THOSE PARTIES THAT WERE NOT  
5 LISTED IN THE PARTIAL DECISION, I USED THE NUMBER FROM THE  
6 EXHIBIT 4 IN THE PROPOSED JUDGMENT.

7 Q. NOW, MR. BINDER, WOULD YOU PLEASE TURN TO PAGE 8 IN  
8 THE DEPOSITION EXHIBITS -- ACTUALLY, BEFORE WE DO THAT, ON  
9 PAGE 6 OF TODAY'S EXHIBITS, THAT CHANGE IN THE OVERLYING LAND  
10 OWNERS' NUMBER RESULTED IN A CONCURRENT CHANGE IN THE TOTAL  
11 CURRENT WATER REQUIREMENTS; CORRECT?

12 A. YES, IT DID.

13 Q. AND IN TODAY'S EXHIBIT, THE TOTAL CURRENT WATER  
14 REQUIREMENTS NUMBER IS 218,173; CORRECT?

15 A. YES.

16 Q. AND IN THE DEPOSITION EXHIBIT, THAT NUMBER WAS  
17 248,243; CORRECT?

18 A. YES.

19 Q. NOW LET'S TURN TO PAGE 8 IN THE DEPOSITION EXHIBITS,  
20 AND PLEASE ALSO TURN TO PAGE 10 IN TODAY'S EXHIBITS.

21 MR. MCELHANEY: FOR THE RECORD, YOUR HONOR, IF I  
22 MIGHT INDICATE THAT ALL OF THESE PAGES ARE MARKED WITH THE  
23 WORD "DRAFT" ON IT.

24 THE COURT: YOU ARE REFERRING TO THE DEPOSITION?

25 MR. MCELHANEY: YES, YOUR HONOR.

26 THE COURT: OKAY.

27 BY MS. AILIN:

28 Q. AND ON PAGE 8 OF THE DRAFT, YOUR TOTAL WATER

1 SUPPLIES NUMBER IS 248,546; CORRECT?

2 A. YES.

3 Q. AND ON PAGE 10 OF TODAY'S EXHIBITS, THE TOTAL WATER  
4 SUPPLIES NUMBER IS 218,173; CORRECT?

5 A. THAT IS CORRECT.

6 Q. WHAT CAUSED THAT NUMBER TO CHANGE BETWEEN THE  
7 DEPOSITION EXHIBITS AND TODAY'S EXHIBITS?

8 A. THE SAME CHANGE WAS REQUIRED FOR THIS EXHIBIT DUE TO  
9 THE REDUCTION IN THE OVERLYING GROUNDWATER PUMPING THAT I HAD  
10 PREVIOUSLY ESTIMATED.

11 Q. ON PAGE 10, IN TODAY'S EXHIBITS, YOU HAVE UNDER  
12 HEADING D, SUPPLEMENTAL DIRECT DELIVERIES FROM THE STATE  
13 WATER PROJECT, YOU SHOW A PERCENTAGE OF TABLE A AMOUNT OF  
14 168,444 ACRE-FEET PER YEAR, AND TODAY'S EXHIBIT, PAGE 10,  
15 SAYS 46 PERCENT. IS THAT FORTY-SIX PERCENT OF?

16 A. THAT'S 46 PERCENT OF THE TOTAL TABLE A AMOUNT.

17 Q. NOW, IN YOUR DEPOSITION EXHIBIT ON PAGE 8, THE  
18 PERCENTAGE YOU HAD AT THAT SAME PLACE IN THE TABLE WAS  
19 60 PERCENT; CORRECT?

20 A. YES.

21 Q. SO WHAT CHANGED? WHY DID 60 PERCENT IN THE  
22 DEPOSITION EXHIBIT CHANGE TO 46 PERCENT IN TODAY'S EXHIBIT?

23 A. THE CHANGE IS DUE TO -- IN THE DRAFT EXHIBIT, I HAD  
24 ESTIMATED THAT THE TOTAL CURRENT WATER REQUIREMENT WAS  
25 248,546 ACRE-FEET, BUT FOR THE FINAL EXHIBIT, NOW I AM  
26 ESTIMATING THAT THE TOTAL CURRENT WATER REQUIREMENT IS  
27 218,173 ACRE-FEET PER YEAR.

28 Q. WELL, MR. BINDER, IN EXHIBIT D WHERE YOU'RE TALKING

1 ABOUT SUPPLEMENTAL DIRECT DELIVERIES FROM THE STATE WATER  
2 PROJECT, THERE IS A NUMBER THERE THAT CHANGED BETWEEN THE TWO  
3 EXHIBITS; CORRECT?

4 A. YES.

5 Q. SO IN THE DEPOSITION EXHIBIT FOR ADDITIONAL STATE  
6 WATER PROJECT DIRECT DELIVERIES TO SATISFY UNMET 2011 TO 2012  
7 WATER REQUIREMENTS, YOU HAVE 28,766; CORRECT?

8 A. YES.

9 Q. BUT IN TODAY'S EXHIBIT, YOU HAVE 6,099; CORRECT?

10 A. YES.

11 Q. AND THAT ALSO AFFECTED THE NUMBER FOR SUPPLEMENTAL  
12 DIRECT DELIVERIES FROM THE STATE WATER PROJECT IN BOTH  
13 EXHIBITS; CORRECT?

14 A. WELL, THOSE ARE THE CALCULATED NUMBERS IN THE TABLE  
15 THAT THEN REFLECT THE REQUIRED AMOUNT OF SUPPLEMENTAL WATER  
16 THAT WOULD THEN BE NECESSARY TO MEET OR SATISFY THE CURRENT  
17 WATER REQUIREMENTS. SO IF THE TOTAL CURRENT WATER  
18 REQUIREMENTS GO DOWN, THEN THERE WILL BE A CORRESPONDING  
19 REDUCTION IN THE AMOUNT OF IMPORTED WATER THAT WOULD BE  
20 NECESSARY TO MEET THE CURRENT WATER REQUIREMENTS.

21 Q. AND DID YOU TAKE INTO -- STRIKE THAT.

22 DID YOU GET SOME NEW INFORMATION ABOUT HOW MUCH  
23 TABLE A WATER WAS LIKELY TO BE AVAILABLE BETWEEN THE TIME YOU  
24 PREPARED THE DEPOSITION EXHIBITS AND THE TIME YOU PREPARED  
25 TODAY'S EXHIBITS TO SUPPORT THE CONCLUSION THAT THAT WATER  
26 WOULD BE AVAILABLE?

27 A. NO, THAT INFORMATION DID NOT CHANGE IN BETWEEN THE  
28 TIME OF MY DEPOSITION AND TODAY.

1 Q. NOW, ON PAGE 10 OF TODAY'S EXHIBIT, YOUR ITEM B IS  
2 LOCAL SUPPLEMENT SURFACE WATER SUPPLIES. DO YOU SEE THAT?

3 A. YES.

4 Q. AND THE TABLE SAYS 4,000; CORRECT?

5 A. YES.

6 Q. AND ACCORDING TO YOUR NOTES ON THAT EXHIBIT, THAT  
7 NUMBER CAME FROM THE PALMDALE WATER DISTRICT 2010 URBAN WATER  
8 MANAGEMENT PLAN, JUNE 2011; CORRECT?

9 A. YES.

10 Q. WHAT ELSE CAN YOU TELL US ABOUT WHAT THAT NUMBER  
11 REPRESENTS? IS THAT WATER THAT'S AVAILABLE TO THE PALMDALE  
12 WATER DISTRICT ALONE? IS IT GENERALLY AVAILABLE?

13 MR. ZIMMER: MR. ZIMMER REPRESENTING BOLTHOUSE. I  
14 WOULD LIKE TO INTERPOSE AN OBJECTION AS TO THE RELEVANCE OF  
15 THIS INQUIRY, PARTICULARLY SINCE IT HAS NO BEARING ON PHELAN  
16 PINON HILLS AS FAR AS I CAN TELL. WE'RE TALKING ABOUT  
17 NUMBERS ON THE DRAFT VERSUS THE FINAL NUMBERS. I DON'T SEE  
18 THE RELEVANCE OF PHELAN PINION HILLS (INAUDIBLE.)

19 MR. DUNN: I WILL FURTHER OBJECT ON THE GROUNDS OF  
20 RELEVANCY. THE QUESTION CONCERNS ALLOCATION. THIS WITNESS  
21 HAS NO TESTIMONY REGARDING ALLOCATION.

22 THE COURT: AS I UNDERSTAND HIS TESTIMONY, AS I'VE  
23 SAID PREVIOUSLY, IT IS -- THE MECHANISM WOULD BE SUFFICIENT  
24 GIVEN THESE NUMBERS TO RESULT IN BALANCE. YOU CAN CHALLENGE  
25 THE NUMBERS, BUT THE NUMBERS ARE WHAT THE NUMBERS ARE, AND AT  
26 SOME POINT I WOULD ASSUME THAT IF THERE'S SOME INACCURACY  
27 THAT YOU BELIEVE, YOU SHOULD PRESENT SOME EVIDENCE TO SHOW  
28 WHAT THE REAL NUMBERS ARE. BUT I'M GOING TO LET YOU GET AN

1 ANSWER TO THE LAST QUESTION. I WANT TO KNOW WHAT THE ANSWER  
2 IS.

3 BY MS. AILIN:

4 Q. IS THAT 4,000 ACRE-FEET OF SURFACE WATER AVAILABLE  
5 TO ANYONE OTHER THAN PALMDALE WATER DISTRICT?

6 A. I BELIEVE THAT THE 4,000 ACRE-FEET PER YEAR WOULD BE  
7 AVAILABLE TO THE LICENSEE FOR THAT PARTICULAR WATER.

8 Q. AND DO YOU KNOW WHO THE LICENSEE IS?

9 THE COURT: OFFHAND DO YOU KNOW?

10 THE WITNESS: NOT PRECISELY, NO. THE LICENSE IS A  
11 LITTLE MORE COMPLEX THAN JUST A SINGLE LICENSEE, BUT I RELIED  
12 UPON THE INFORMATION THAT WAS IN THE CITED REPORT AS AN  
13 ESTIMATE OF THE AVERAGE SUPPLIES THAT WOULD BE AVAILABLE IN  
14 THAT CATEGORY FOR THE ENTIRE BASIN, BUT DID NOT DISTINGUISH  
15 THE SPECIFIC USER OF THAT WATER SUPPLY.

16 BY MS. AILIN:

17 Q. BASED ON YOUR UNDERSTANDING OF THE PROPOSED PHYSICAL  
18 SOLUTION, WOULD THE WATER MASTER HAVE ANY AUTHORITY OVER  
19 SURFACE WATER SUPPLIES?

20 A. THERE IS A PROVISION THAT SURFACE WATER PERMITTED  
21 UNDER THE STATE STATUTES WOULD BE SEPARATE AND NOT INCLUDED  
22 IN THE PROPOSED PHYSICAL SOLUTION.

23 THE COURT: MR. ZIMMER, DID YOU WANT TO INTERPOSE AN  
24 OBJECTION?

25 MR. ZIMMER: I WANTED TO INTERPOSE AN OBJECTION AS  
26 TO RELEVANCE AGAIN.

27 THE COURT: CALLS FOR A LEGAL CONCLUSION.  
28 SUSTAINED.

1 State of California )ss.  
2 County of Orange )

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I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were placed under oath; that a true and correct record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof.

I further certify that I am neither financially interested in the action nor a relative or employee of any attorney of any of the parties.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: November 2, 2015

TATIANA ALVARADO, CSR No. 13769