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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 4

HON. JACK KOMAR, JUDGE

COORDINATION PROCEEDING)

SPECIAL TITLE (RULE 1550B))

ANTELOPE VALLEY GROUNDWATER CASES))

-----))

PALMDALE WATER DISTRICT AND)

QUARTZ HILL WATER DISTRICT,)

CROSS-COMPLAINANTS,)

VS.)

LOS ANGELES COUNTY WATERWORKS,)

DISTRICT NO. 40, ET AL,)

CROSS-DEFENDANTS.)

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JUDICIAL COUNCIL
COORDINATION
NO. JCCP4408

SANTA CLARA CASE NO.
1-05-CV-049053

REPORTER'S TRANSCRIPT OF PROCEEDINGS

MONDAY, JULY 11, 2011

APPEARANCES:

(SEE APPEARANCE PAGES)

GINGER WELKER, CSR #5585
OFFICIAL REPORTER

1 INTO THE AQUIFER.

2 AND IN THIS CASE, OBVIOUSLY, THE COURT FOUND
3 BASED UPON THE OPINIONS OF EXPERTS THAT AS I INDICATED
4 IN THE TENTATIVE DECISION THE AMOUNT OF RECHARGE WAS
5 EXCEEDED BY THE AMOUNT OF PUMPING OVER A LONG PERIOD OF
6 TIME. IT DOESN'T MEAN EVERY YEAR, BUT OVER A LONG
7 PERIOD OF TIME USING THE TIMELINE OF 50 YEARS, WHICH I
8 THOUGHT WAS THE APPROPRIATE ONE BECAUSE IT MANIFESTED
9 ALL CYCLES OF PRECIPITATION, DROUGHT AND THE LIKE.

10 THAT IS TO MY MIND THE MOST IMPORTANT THING
11 THAT WE DECIDED IN PHASE III.

12 I DID NOT MAKE AND COULD NOT MAKE INDIVIDUAL
13 DETERMINATIONS AS TO PUMPING IN VARIOUS AREAS, TOTAL
14 SOURCES OF WATER THAT WENT INTO VARIOUS PORTIONS OF THE
15 AQUIFER, THE AMOUNT OF SUBSIDENCE IN VARIANCE AREAS OR
16 LACK THEREOF.

17 NONE OF THOSE THINGS WERE ADJUDICATED. IT
18 WAS ADJUDICATED ON A VERY GENERAL BASIS WITH THE INTENT
19 OF DETERMINING WHETHER OR NOT THERE WAS A SUFFICIENT
20 OVERDRAFT PROBLEM IN THE ADJUDICATION AREA SUCH THAT THE
21 COURT WOULD BE IN THE POSITION OF MAKING DETERMINATIONS
22 CONCERNING PHYSICAL SOLUTIONS AND HOW THAT MIGHT BE
23 BROUGHT ABOUT.

24 SO THAT WHEN -- WHEN YOU ARE ASKING FOR A
25 LOT OF DETAILED FINDINGS, I DON'T THINK YOU ARE ENTITLED
26 TO THEM. AND I DON'T THINK YOU ARE ENTITLED TO
27 FINDINGS -- AND I WOULDN'T BE COMFORTABLE MAKING
28 FINDINGS AS TO WHAT FOR EXAMPLE PUBLIC WATER --

1 CALIFORNIA WATER PROJECT WATER IS GENERATED AND PRODUCED
2 INTO THE AQUIFER. I CAN'T MAKE THAT DETERMINATION.

3 I CAN TELL YOU WHAT IT MIGHT HAVE BEEN IN
4 ONE YEAR OR TWO YEARS BASED UPON THE TESTIMONY THAT WAS
5 PROVIDED. BUT THAT CERTAINLY IS NOT A SUFFICIENT BASIS
6 FOR MAKING A FINDING WHICH WOULD GIVE CERTAIN RIGHTS TO
7 PARTIES WHO PRODUCED -- OBTAINED THAT WATER. THAT'S
8 BEYOND THE SCOPE OF THIS THIRD PHASE OF THE TRIAL.

9 SO I'M NOT INCLINED TO DO THAT. AND I THINK
10 THAT THERE IS A POSSIBILITY FOR A GREAT DEAL OF ARGUMENT
11 AND DISCUSSION CONCERNING WATER THAT IS INTRODUCED INTO
12 THE VALLEY FROM OTHER AREAS AS WELL AS WITH THE RETURN
13 FLOWS MIGHT BE FOR AGRICULTURAL AND FOR MUNICIPAL AND
14 INDUSTRIAL, FOR SALVAGED WATER FOR ANY NUMBER OF OTHER
15 SOURCES OF WATER OR WHATEVER THEY MAY BE.

16 SO, ESSENTIALLY, WHAT I'M SAYING IS I'M
17 GOING TO SUSTAIN THE OBJECTION. AND WHAT I'M ULTIMATELY
18 GOING TO DO HERE WITH REGARD TO EACH ONE OF THESE ISSUES
19 IS DEAL WITH IT IN TERMS OF THE STATEMENT OF DECISION,
20 AND I'LL DRAFT IT MYSELF. ALL RIGHT.

21 ALL RIGHT. LET'S GO ONTO BOLTHOUSE'S MORE
22 SPECIFIC OBJECTION. IS THERE AN OBJECTION FINDING THERE
23 HAS BEEN A 50-YEAR OLD OVERDRAFT WITHIN THE VALLEY? I
24 DON'T THINK THAT IS WHAT I INTENDED BY MY TENTATIVE
25 DECISION. VERY CLEARLY THERE WERE YEARS WHERE THE
26 INFLOW WAS SUBSTANTIALLY EQUAL TO OUTFLOW. BUT YOU
27 CAN'T DECIDE OVERDRAFT ON THE BASIS OF ONE YEAR OR TWO
28 YEARS. IT HAS GOT TO BE DECIDED ON A LONG-TERM BASIS.