

5-AGWA-7

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 FOR THE COUNTY OF LOS ANGELES

3 Coordination Proceeding)

4 Special Title (Rule)

5 1550(b)))

**CERTIFIED
TRANSCRIPT**

6 ANTELOPE VALLEY GROUNDWATER) LEAD CASE No. BC325201

7 CASES,)

) CASE No. BC 391869

8 RICHARD A. WOOD, an)

9 individual, on behalf of)

10 himself and all others)

11 similarly situated,)

12 Plaintiff,)

13 vs.)

14 LOS ANGELES COUNTY)

15 WATERWORKS DISTRICT NO. 40;)

16 et al.)

Defendants.)

17 DEPOSITION OF ADAM ARIKI, VOLUME I

18 Los Angeles, California

19 Friday, April 12, 2013

20
21 Reported by:

22 Angela S. Hartsock

23 CSR No. 12620

24 Job No. 1618985

25 PAGES 1 - 105

Page 1

1 A I did.

2 Q How long ago?

3 A 20 years ago.

4 Q And have -- has the Department of Public Works
5 been using that methodology in the Antelope Valley every
6 year over the last 20 years?

7 A Waterworks District 40 for various reasons, as
8 I've stated, for various demand, management reasons have
9 assessed how much water is being used by its customers
10 outside.

11 MR. MCLACHLAN: So I'll move to strike as
12 nonresponsive.

13 BY MR. MCLACHLAN:

14 Q The question is, Mr. Ariki, over the last
15 20 years, has the Department of Public Works done this
16 analysis that you've described in the Antelope Valley for
17 Waterworks 40?

18 A If you're referring to the Department of Public
19 Works to mean the Waterworks District, the answer is yes.

20 Q By your answer it seems to imply that this
21 particular annual -- well, let me strike that.

22 Am I right this analysis is an annual analysis?
23 In other words, it's done once a year?

24 A You are not right.

25 Q How often is it done?

1 A On an as-needed basis.

2 Q So are there some years in which this analysis
3 has not been performed?

4 A That is correct.

5 Q And the analysis is done by somebody that is
6 working in Waterworks District 40?

7 A Correct.

8 Q Now, Waterworks District 40, is it a separate
9 legal entity?

10 A Correct.

11 Q Do you know what type of entity it is?

12 MR. WELLEN: Calls for a legal conclusion.

13 BY MR. MCLACHLAN:

14 Q Do you know what form of an entity it is?

15 MR. DUNN: Objection. Calls for a legal
16 conclusion. I'll instruct him not to answer that
17 question.

18 MR. MCLACHLAN: Really? How does it possibly
19 call for a legal conclusion? His knowledge of what
20 sort of entity it is.

21 MR. DUNN: I'm going to further object on the
22 grounds it's just not relevant to what we are here at
23 this phase of trial. There is no dispute in terms of
24 what kind of legal entity Waterworks District 40 is.

25 Object further to the question. I think it's

1 harassing him.

2 MR. MCLACHLAN: All right. We will do this the
3 hard way. Unlike others in this case, I don't put up
4 with this sort of nonsense. I'm entitled to know this
5 information. I have a reason for knowing it, and it
6 is reasonably calculated to lead to discoverable
7 evidence because I have a series of questions I'm
8 going to ask the witness, and this is part of that
9 chain.

10 MR. DUNN: What chain is that? I'm sorry.

11 MR. MCLACHLAN: Well, you'll find out in my chain
12 of questioning.

13 BY MR. MCLACHLAN:

14 Q Mr. Ariki, are you enjoying yourself?

15 MR. DUNN: I'll object. Instruct him not to
16 answer.

17 Mr. McLachlan, if you continue with these types
18 of questions, we will end the deposition and seek a
19 protective order.

20 MR. MCLACHLAN: And it would be nice if your
21 client stops smirking. It's a little bit
22 unprofessional.

23 MR. DUNN: Objection. The client is not
24 smirking, and it's inappropriate to make that
25 allegation or statement on the record.

1 BY MR. MCLACHLAN:

2 Q Right. Mr. Ariki, do you know how long it is
3 that Waterworks District 40 has been an independent legal
4 entity? In other words, in what year was it formed?

5 A I do not know.

6 Q Was that longer than your involvement in the
7 Department of Public Works?

8 A That is correct.

9 Q Does the Waterworks District 40 maintain its own
10 separate operational records as distinct from the
11 Department of Public Works as a whole?

12 MR. DUNN: Do you understand the question?

13 THE WITNESS: Yes, I do, but I need to correct
14 the first question.

15 BY MR. MCLACHLAN:

16 Q Go ahead.

17 A District 40 was formed after I joined Public
18 Works.

19 Q Approximately what year was that?

20 A I don't remember.

21 Q Would it have been more than ten years ago?

22 A I believe so.

23 Q So approximately somewhere between ten and
24 20 years ago would be your best recollection as to when
25 District 40 became a legal entity?

1 A Correct.

2 Q Now, the day to day, month to month operational
3 records of District 40's business operations, are they
4 maintained in a location that is separate and distinct
5 from the Department of Public Works' main headquarters in
6 Alhambra?

7 A Some records, yes.

8 Q So I want to go back to this assessment of
9 exterior water use. Can you describe for me specifically
10 what records are required as a foundation in order to make
11 the analysis?

12 A Water sale.

13 Q All right. The water sale documents -- well, is
14 it just a single document for a given year that will
15 summarize this data?

16 A Bills. Water bills.

17 Q You are not looking at all -- how many customers
18 does District 40 have in a service area? Many thousands?

19 A 57,000, yes.

20 Q Right. So in doing the assessment, are you
21 looking at all 57,000 bills or some summary of them?

22 A Summary.

23 Q Okay. So the summary document is a document
24 that's generated in the ordinary course of District 40's
25 business?

1 A Correct.

2 Q How often is that document generated?

3 A Monthly.

4 Q And when we say monthly, it's a calendar month?

5 A Correct.

6 Q So you have a document of the water sales to
7 District 40 customers that covers each month over, let's
8 say, the last ten years?

9 A Yes.

10 Q Does the analysis involve looking at those
11 summary reports of water sales and picking the month in
12 which water sales were the highest and comparing it to the
13 month and year in which the water sales -- well, the
14 season rather -- where the water sales were the lowest; is
15 that?

16 A I don't understand the question.

17 Q Okay. I want to make sure I understand how the
18 assessment is done. Using these water sale summary
19 reports that you just referenced, this analysis is
20 conducted by picking the month that has the highest volume
21 of water sales and comparing that against the month in the
22 winter portion of the year that has the lowest; is that
23 right?

24 A Subtracting it.

25 Q Right. Have you seen -- have you done that

1 analysis yourself at all?

2 A Uh-huh.

3 Q That's a yes?

4 A Yes.

5 Q When was the last time you saw an analysis done
6 or did it yourself?

7 A I don't recall.

8 Q On average what's the typical ratio between the
9 highest and the lowest?

10 A 75 percent outside use. 25 percent inside use.

11 Q Now, do I understand correctly that District 40
12 does not deliver water to any commercial agricultural
13 entities in terms of farming? Is District 40 supplying
14 any farmers?

15 A No.

16 Q You do supply some industrial operations?

17 A Correct.

18 Q And you supply residential customers?

19 A Correct.

20 Q So other than this analysis that we've just been
21 discussing in terms of trying to determine the water use
22 that your customers generate exterior to their residences,
23 has there been any other analysis other than this high
24 month, low month analysis?

25 MR. DUNN: Done by L.A. County Waterworks?

1 BY MR. MCLACHLAN:

2 Q Right. By DWP or District 40.

3 A Can you be a little more specific in the context?

4 Q Let me phrase this a little differently. This
5 line of questioning excludes the work that was done by the
6 experts. I'm just talking about the Department of Public
7 Works and L.A. County Waterworks District No. 40. I would
8 like to know if there has been any other analysis or
9 assessment done by either of those two organizations that
10 attempts to assess the amount of water you deliver to your
11 residential customers that is applied outside.

12 A I don't recall, to be honest with you.

13 Q So now we'll return for the moment to the
14 deposition notice and the stack of documents that you
15 have.

16 I think we are on request No. 7. Did you bring
17 any documents, Mr. Ariki, that would be responsive to
18 that?

19 A I did, but they are also on the website.

20 Q I think -- so in your hand, is there anything
21 other than what was attached as -- I forget the Exhibit
22 number, but in your -- did you have some participation in
23 the preparation of your discovery responses in this case?

24 A Yes, I did.

25 Q And you're generally familiar with the extraction

1 reports that were supplied?

2 A Yes, I did. Yes, I do.

3 Q Were you aware they were supplied -- it appears
4 to be for, not just District 40, but countywide.

5 A Yes, I am.

6 Q Was there a reason why the extraction reports
7 were supplied for not just District 40 but the other
8 districts within the Department of Public Works?

9 A Because they are all required to supply.

10 Q I'm sorry?

11 A All the districts are required to submit
12 extraction notices.

13 Q Right. I understand that. I'm just curious as
14 to why those would be relevant to this litigation. You
15 don't have to answer that question.

16 So what I'm really driving at is in that, I think
17 it was about 400 pages of extraction notices, is it your
18 understanding that all of the annual extraction notices
19 for District 40 for the years in question, 2000 through
20 2004 and 2010 through 2012, were produced in that
21 collection?

22 A Correct.

23 Q Okay. So the collection of documents that you
24 have in front of you, Mr. Ariki, that would be responsive
25 to request No. 7, would those be entirely duplicative of

1 what was produced through the discovery process?

2 A Correct.

3 Q All right. And so we should have one of those
4 extraction and diversion reports for each year for each of
5 the wells that was in operation in that given year for
6 District 40?

7 A Correct.

8 Q So, Mr. Ariki, I appreciate you bringing those.
9 I'm not going to take custody of those. I'm going to take
10 your word for it that those are duplicative of what's been
11 produced. We will move on to No. 8.

12 Do you have any records that would be responsive
13 to the deposition request No. 8?

14 A Yes, I do.

15 Q Could you generally describe those for me. And
16 may I see them?

17 A They are transmittal letters and copies of all
18 the checks that we sent to the State Department of Water
19 Resources.

20 MR. MCLACHLAN: The witness has handed me a stack
21 of approximately 20 double-sided pages of documents
22 that appear to fit his description. So I'll mark
23 those as next in order as Exhibit 5.

24 (Deposition Exhibit 5, Annual Recordation
25 Notices, was marked for identification and is attached

1 hereto.)

2 BY MR. MCLACHLAN:

3 Q Let's go down to the next one in order, which
4 would be request No. 9. And I'm looking at your stack,
5 Mr. Ariki, and I see the next Post-it on the stack says
6 "No. 16"; is that right?

7 A Are we on No. 9 or 16?

8 MR. DUNN: The question that's pending is --

9 BY MR. MCLACHLAN:

10 Q Is there a blue Post-it note in front of you that
11 says "No. 16"?

12 A Correct.

13 Q All right. So do you have any documents that
14 would be responsive to requests No. 9 through 15?

15 A I do not have any documents for No. 9. I do not
16 have any documents for No. 10. I do not have any document
17 for No. 11.

18 Q How about No. 12?

19 A I do have documents for No. 12.

20 Q Let's start with that. What is that?

21 A No. 12, 13 and 16 are all here. These are the
22 ones.

23 Q So the documents that are responsive to No. 12,
24 13 and 16 are all the same documents?

25 A Correct.

1 Q The witness has handed me a sizeable stack of
2 documents, which appear to contain seven reports; is that
3 correct, Mr. Ariki? I'm not going to describe each of
4 them for the record.

5 Can you just generally describe for me what it is
6 you've handed me.

7 A What I handed to you are the Urban Water
8 Management Plan for Los Angeles County Waterworks District
9 40 for 2000, 2005, 2010. And the Integrated Regional
10 Water Management Plan. These are all board approved
11 documents and the Integrated Regional Water Management
12 Plan was approved by 11 boards.

13 Q Was approved by who?

14 A Eleven boards.

15 Q And those boards include other water suppliers in
16 the Antelope Valley?

17 A And cities, yes.

18 Q And these Integrated Water Management Plans are
19 put together in some collaborative fashion; is that
20 correct?

21 A Correct.

22 Q By various municipal entities and water suppliers
23 in the Antelope Valley?

24 A Correct.

25 Q And they are done on what frequency? How often

1 are they issued?

2 A Every five years.

3 Q Do you have yourself any role in the preparation
4 of these documents?

5 A Yes, I do.

6 Q Can you describe for me -- not in any detail, but
7 in a general sense what your role is in the preparation of
8 these reports. Let's be more specific, and we'll stick to
9 the last one that you were involved with.

10 What did you do with regard to the preparation of
11 that?

12 A As I've stated earlier, I manage L.A. County
13 Waterworks Districts, so anything that is produced by the
14 district I oversee.

15 Q Well, did you prepare any of the text or exhibits
16 that are included in the last Integrated Regional Water
17 Management Plan for the Antelope Valley?

18 A No, I did not.

19 Q But you generally reviewed it before it was
20 finally approved by -- was it approved by District 40 or
21 approved by the Department of Public Works?

22 A It was approved by the board of directors of Los
23 Angeles County Waterworks District 40.

24 Q And the board of directors for District 40 is the
25 same board as the Department of Public Works?

1 A It's the board -- it's the L.A. County
2 supervisors.

3 Q Right. They have different hats, so to speak.
4 In other words, the board of supervisors for L.A. County
5 ultimately is responsible for approving this Integrated
6 Regional Water Management Plan on behalf of District 40.
7 Is that your understanding?

8 MR. DUNN: Objection. Calls for a legal opinion
9 and conclusion. You can ask for his understanding.

10 I'm not quite sure he knows the answer to that.

11 BY MR. MCLACHLAN:

12 Q That was the question. Okay. So you have
13 produced the -- strike that.

14 Mr. Ariki, the documents you handed me in
15 response to these three deposition document requests, are
16 they all originals or some of them copies?

17 A They are all copies.

18 Q I ask because the one on top here has a number of
19 Post-it flags on it.

20 A They are copies. You can keep them.

21 Q Okay. I don't want to be taking someone's work
22 product here. I think what I'm going to do for some of
23 this stuff -- well, not all of it, but some of it is
24 available on the Internet. I'm going to maintain custody
25 of these. This is probably too voluminous to attach to

1 the deposition and not a useful means of using our
2 resources unless there is an objection to that. And if
3 counsel wants to access these and get copies of them, they
4 can do that through my office.

5 MR. DUNN: I think that will be fine. I think
6 what we'll need to do is take the necessary time just
7 to identify each one.

8 BY MR. MCLACHLAN:

9 Q Right. That's what I'm going to do next. So I'm
10 not going to go in any particular order. I'll see if I
11 can do this chronologically.

12 Mr. Ariki, is the first report that was produced
13 the 2005 water management plan?

14 MR. DUNN: Mike, I'm sorry to interrupt. I don't
15 know if this will help. It didn't really matter to us
16 what order it came in.

17 BY MR. MCLACHLAN:

18 Q I'm just asking to save time. Was 2005 the
19 earliest water management plan that was produced today?

20 A No.

21 Q So there is one earlier than that?

22 A Correct.

23 Q Thank you. I'm going to try to go in
24 chronological order. We have the December of 2000 water
25 management plan; is that right?

1 MR. WELLEN: Mike, there are two different types.

2 There is Urban and then Intergrated. That will be.

3 BY MR. MCLACHLAN:

4 Q I'm sorry. This is the 2000 Urban Water
5 Management Plan, which I have not seen before. So I want
6 to review that at a break. Then we have a December 2005
7 Intergrated Water Management Plan, is that correct,
8 Mr. Ariki?

9 A Integrated Urban.

10 Q Integrated Urban. I'm sorry. That's what
11 happens when I work too late. And then we have -- I
12 believe there is a collection of three spiral bound
13 reports.

14 Are these all related in the same report?

15 A Correct.

16 Q And is that year 2007?

17 A '10. I could be wrong.

18 Q Would you mind looking at that and tell me if,
19 you know, what year that Intergrated Water Management Plan
20 was produced.

21 For the record, while the witness is looking at
22 it we're referring to a three volume set of reports and
23 appendices Volumes I and II.

24 A This must have been completed 2008. I'm going by
25 letters that people posted in here and articles and things

1 of that nature.

2 Q Thank you. That leaves us with two other
3 documents. There is another one here that is dated
4 August 25, 2008.

5 A That's an addendum.

6 Q And could you describe for me what that document
7 is.

8 A As the letter states, it's an addendum to the
9 2005 Intergrated Regional Water Management Plan.
10 Answering some -- or clarifying some issues that the state
11 had.

12 Q Very good. Could you summarize just generally
13 what those issues were.

14 A I do not recall.

15 Q And finally, we have what appears to be June,
16 2001 Intergrated Regional Urban Water Management Plan for
17 the Antelope Valley; is that correct?

18 A This is not June, 2001. It is a 2010 Intergrated
19 Regional Urban Water Management Plan.

20 Q I'm sorry if I misspoke. It just bears the date
21 of June, 2011, but it covers the year of 2011 -- I'm
22 sorry. The year of 2010?

23 A Correct.

24 Q So I believe next in order would be request
25 No. 14.

1 MR. DUNN: And before we go on, did we decide if
2 any of them are going to be marked or --

3 MR. MCLACHLAN: Unless somebody wants to -- in
4 this room wants to have them marked as an exhibit, I'm
5 not going to do that. I'm just going to maintain
6 custody of them, and if somebody wants a copy and
7 can't find them on the Internet, then they can contact
8 my office, and we'll make them available to anybody
9 that wants them.

10 MR. FIFE: That's fine.

11 MR. MCLACHLAN: Because I know that at least the
12 recent ones are available on the Internet, I believe.

13 BY MR. MCLACHLAN:

14 Q Am I right, Mr. Ariki, that some of them are on
15 the Internet?

16 A All the reports are on the Internet.

17 MR. DUNN: Do you still want them if they are all
18 on the Internet?

19 MR. MCLACHLAN: Well, I do because there are a
20 lot of exhibits in some of those, and it's been
21 basically impossible to download them. I've tried.

22 MR. DUNN: That's fair.

23 BY MR. MCLACHLAN:

24 Q So now we are back to No. 14, I believe. Do you
25 have any documents today that would be responsive to

1 Number 14? Let's break it down. My question was too
2 general.

3 Do you have any documents here with you today
4 that you are producing responsive to that question?

5 A Yes, I do.

6 Q Can I see those?

7 A (Witness complies.)

8 Q Thank you. The witness has handed me a stack of
9 documents. Six stapled unbound documents.

10 Could you describe for me generally what these
11 documents are that you handed me, Mr. Ariki.

12 A Board packages to set water rates.

13 Q Now, these records that you provided, Mr. Ariki,
14 to your knowledge, are these publicly available records
15 that can be found on the Internet, all of them?

16 A Yes.

17 Q So with that I think I'm -- I'm going to ask you
18 a foundational question so we don't get into issues. In
19 setting water rates over the last ten years, to your
20 knowledge, does the Department of Public Works and/or
21 Waterworks District 40 consult with its lawyers to do that
22 work, or is that something you do without your lawyers?

23 MR. WELLEN: I'm going to object inasmuch as it
24 calls for information protected by the attorney-client
25 privilege.

1 MR. MCLACHLAN: That's the point of the question.

2 I don't want to get into an area of privilege.

3 BY MR. MCLACHLAN:

4 Q This process of setting your water rates, is it
5 something that requires the involvement of your counsel --
6 the district's counsel -- sorry. The Department of
7 Waterworks' counsel or not?

8 A To the extent there is legal documents and those
9 things, the answer is yes.

10 Q But that answer you gave me, is that purely a
11 hypothetical, or in other words, it does happen from time
12 to time that in this process you consult with counsel?

13 MR. WELLEN: Same objection. He can respond.

14 BY MR. MCLACHLAN:

15 Q It's a yes or no question. I don't want you to
16 respond substantively.

17 A Yes.

18 MR. MCLACHLAN: I'm going to attach these
19 documents collectively next in order, being No. 6.

20 (Deposition Exhibit 6, compilation of documents,
21 was marked for identification and is attached hereto.)

22 BY MR. MCLACHLAN:

23 Q Now, we're on to request No. 15. Mr. Ariki, did
24 you bring any documents that are responsive to that?

25 A No.

1 Q Do you know during the last 12 years, in any of
2 those years, the approximate amount of your customers'
3 indoor water use that ends up in septic tanks on the one
4 hand versus the municipal sewer system on the other?

5 A I do not know.

6 Q Has -- to your knowledge, has the Department of
7 Public Works or District 40 done any investigation or
8 analysis of that issue? Aside from any work that its
9 experts have done in this litigation.

10 A Can you repeat the question.

11 Q Right, yes. So we are setting aside any work
12 that the collective water supplier experts have done in
13 connection with this litigation.

14 The question is has the Department of Public
15 Works or District 40 done any of its own assessment of the
16 amount or percentages of water it delivers to its
17 residential customers that ultimately ends up in either a
18 septic system on the one hand or the public sewer system
19 on the other?

20 A Not to my knowledge.

21 Q Other than the work done by your experts, do you
22 have any information at the Department of Public Works or
23 District 40 on that topic? Any reports or assessments
24 done by anybody else specific to your customers in the
25 Antelope Valley?

1 A Not to my knowledge.

2 Q Have you yourself done any sort of informal
3 assessment of that issue?

4 Have you looked at any records or done any
5 analysis on your own? This is the individual you. I mean
6 Adam Ariki.

7 A No, I have not.

8 Q Thank you. In any of your contracts for the
9 purchase of imported water, is there any provision
10 relative to who owns the return flows, if any, from such
11 waters?

12 MR. DUNN: Objection. Calls for a legal opinion
13 or conclusion. Documents speaks for themselves.

14 You can answer the question, if you know from
15 your own understanding.

16 THE WITNESS: Can you repeat the question.

17 BY MR. MCLACHLAN:

18 Q Right. Let me break it down. Have you had
19 occasion to review any of the water supply contracts, for
20 example, that District 40 enters into with AVEK?

21 The question is, Mr. Ariki, if you had a chance
22 at any point in time to review over the last ten years any
23 of the water supply contracts that District 40 has with
24 AVEK?

25 A We do not have water supply contracts with AVEK.

1 Q Okay. Let me ask it this way. To your
2 knowledge, are there any documents that reflect or pertain
3 to the issue of the ownership of return flows from the
4 state water project water that District 40 purchases from
5 AVEK?

6 A Not to my knowledge.

7 Q Outside the context of this litigation, has
8 District 40 engaged in any communications with AVEK over
9 the issue of who owns the right of return flows from the
10 imported state water project water?

11 MR. DUNN: Outside the context of this
12 litigation?

13 MR. MCLACHLAN: Right.

14 MR. DUNN: I'm sorry. Just so he has a clear
15 understanding, you mean outside the context of this
16 litigation -- you mean anything unrelated to what's
17 happening in this case?

18 BY MR. MCLACHLAN:

19 Q Yes, I'm excluding settlement discussions. I'm
20 talking about business operations, things that you might
21 do normally if there wasn't litigation. Things that
22 didn't involve your lawyers or weren't done in the context
23 of the Robie settlement process or settlement negotiations
24 that are going right now. I don't want to inquire about
25 those sorts of things. Does that clarify it?

1 A Can you now restate the question?

2 Q Right. I'm curious as to whether there have been
3 communications between Department of Public Works and/or
4 District 40 with AVEK relative to the issue of who owns
5 the right to return flows from the imported water that
6 AVEK delivers to District 40.

7 A No.

8 Q Now, what percentage of District 40's water
9 deliveries to its customers is residential? Can you give
10 me a range? Let's stick with the last year.

11 A I -- all I can tell you is it's the majority. We
12 have this data, but it has to be extracted out of the
13 billing system.

14 Q Can you give me a rough percentage? Is it more
15 than 50 percent?

16 A Yes.

17 Q More than 75 percent?

18 A Possibly.

19 Q For the moment, Mr. Ariki, you can hand me, if
20 you would, Exhibit 1 just to keep things clean.

21 MR. DUNN: Mike, I don't know if this is a good
22 time for a break. It's about 10:35.

23 MR. MCLACHLAN: Sure.

24 (A brief recess was taken at 10:36 a.m.)

25 MR. MCLACHLAN: Back on the record. I'm going to

1 mark as next in order Exhibit 7, which is a single
2 page map.

3 (Deposition Exhibit 7, map, was marked for
4 identification and is attached hereto.)

5 BY MR. MCLACHLAN:

6 Q Mr. Ariki, could you tell me what Exhibit 7 is if
7 you recognize it.

8 MR. DUNN: What does it appear to be?

9 THE WITNESS: It appears to be a map of the
10 Antelope Valley showing the boundaries of Los Angeles
11 County Waterworks District 40 and some little
12 territories. I don't know what they are.

13 BY MR. MCLACHLAN:

14 Q Okay. The legend in that document -- this is
15 unfortunately a black and white copy of a color document
16 that your attorneys attached to your discovery response in
17 December of 2012, and so each of those boxes in the legend
18 is a different color, or let me make that representation
19 to you.

20 Do you recall seeing this in its color version
21 before?

22 A I may have.

23 Q Now, there are nine different boxes in that
24 legend; is that right?

25 A It appears to be.

1 Q Now, just on the first eight, what do those
2 relate to? Those eight color coded the boxes on this map.

3 A In the legend?

4 Q Right, in the legend.

5 A These are designations of the various regions in
6 Los Angeles County Waterworks District 40.

7 Q So you used the term region; correct?

8 A Correct.

9 Q And those regions are sections of the service
10 area for District 40; is that right?

11 A The distinct area.

12 Q And they are non-overlapping?

13 A Some are not.

14 Q Okay. So some of them do overlap?

15 A Correct. What do you mean by overlap?

16 Q Well, geographically, in other words. What I was
17 trying to figure out was whether they are all distinct
18 geographic units in and among themselves. So in other
19 words, for example, 40-04 and 40-24 just hypothetically
20 they do not involve any of the same land?

21 A That's correct.

22 Q So they are all geographically distinct?

23 A Correct.

24 Q Some of them abut each other; correct?

25 A Correct. They are contiguous but are not

1 overlapping.

2 Q Right. Why does District 40 break up its service
3 area into these eight regions? What's the purpose of
4 doing that?

5 A Well, for hydraulic purposes.

6 Q Could you elaborate on what you mean by for
7 hydraulic purposes?

8 A Hydraulics in engineering terms is description of
9 pressure on how this area is being served. That's one
10 reason. And the other reason is some of these areas are
11 not hydraulically connected.

12 Q Now, does each of these eight regions have its
13 own groundwater extraction wells?

14 A No.

15 Q How many of them do have groundwater extraction
16 wells inside their boundaries?

17 A Six.

18 Q And which two do not have groundwater extraction
19 wells in them?

20 A 40-33 and 40-34. 40-36 does not belong to the
21 Antelope Valley.

22 Q Did you say 40-36, Mr. Ariki?

23 A That is correct.

24 Q I'm not seeing that on the legend, and I know
25 unfortunately it's small.

1 A It's the third from the bottom.

2 Q I think that says 40-38. Am I wrong?

3 Mr. Wellen has Exhibit C from your discovery.

4 A If it's 38, then the answer is, yes, it is in the
5 Antelope Valley.

6 MR. WELLEN: Yeah, I have a copy, which might be
7 a little more legible. And, Mike, you're right; it
8 doesn't say 36 on the copy I have. It says 38. It's
9 hard to read.

10 BY MR. MCLACHLAN:

11 Q Mr. Ariki, why don't you look at that better copy
12 that Mr. Wellen has handed you.

13 A Yes, it does say 38.

14 Q And 38 is within District 40's service area?

15 A That is correct.

16 Q Which of the two --

17 MR. DUNN: You can mark this one. I'm sorry.

18 BY MR. MCLACHLAN:

19 Q On that exhibit, which is Exhibit 7, can you
20 identify with an X which of the two regions are 40-33 and
21 40-34.

22 MR. DUNN: And just so we're clear, the exhibit
23 he will mark will be the piece of paper that was given
24 to him by Mr. Wellen.

25 MR. MCLACHLAN: If that's okay by Mr. Wellen.

1 MR. WELLEN: It is.

2 BY MR. MCLACHLAN:

3 Q So that document will become Exhibit 7, and
4 for -- for sake of confusion, Mr. Ariki, handed me the
5 other one since we will not use that.

6 So on Exhibit 7, which is in front of you, which
7 has the three hole punches, could you identify with an X
8 where Regions 33 and 34 are located if you know where they
9 are.

10 A On the map?

11 Q Right.

12 A This is an approximation.

13 Q Right. Next to each of those can you put the
14 designation either 33 or 34.

15 A (Witness complies.)

16 Q Thank you. Are those two regions at any point
17 during the last ten years served by water that's produced
18 from groundwater?

19 A Let me -- I just recalled something. There is
20 one well in 34.

21 Q Has that well produced water in the last ten
22 years?

23 A Correct.

24 Q So then the record accurately reflects your
25 testimony. You can just cross that out if you would like.

1 So there is only one region that does not have
2 its own well?

3 A Correct.

4 Q And the other regions, are the wells within those
5 regions used primarily to supply the customers in those
6 regions?

7 A No.

8 Q I believe we are left with region 34 is the only
9 one that doesn't have any groundwater extraction wells; is
10 that right?

11 A No, region 33.

12 Q Okay, 33. Is region 33 -- do the customers there
13 receive any water that is extracted from the ground?

14 A Under normal operating conditions, no.

15 Q So normal operating conditions typically the
16 customers in region 33 are receiving surface delivery
17 water?

18 A State water project water.

19 Q Right. To your knowledge, during the course of
20 the time from the year 2000 to date has the service area
21 for District 40 increased in size in any way?

22 A Can you be a little more specific.

23 Q Yeah, this map that we're looking at in
24 Exhibit 7, this is a current depiction of the service area
25 boundaries for Waterworks District 40; correct?

1 A The current service area.
2 Q The service area; right?
3 A Serviced area.
4 Q Like as in surface of the earth or...
5 A No, serve them.
6 Q Okay. Got it. So the question is has this
7 service area increased over time since the year 2000 in
8 any way, or has it remained the same?
9 A Since 2000, possibly.
10 Q But you don't know one way or the other?
11 A No.
12 Q I'm going to hand you Exhibit A, as in apple.
13 You can leave that map in front of you. We may need it
14 again. This is Exhibit A from your discovery response.
15 I'm sorry. This is how it was produced. I know it's
16 small print. We don't need to read it at great length.
17 Do you recognize the three pages that are in
18 Exhibit A?
19 MR. DUNN: Exhibit 8?
20 MR. MCLACHLAN: Exhibit A to your discovery
21 response.
22 MR. DUNN: But for the record, it's Exhibit 8?
23 MR. MCLACHLAN: No, I haven't identified it or
24 marked it. I don't think I will because everyone has
25 it.

1 BY MR. MCLACHLAN:

2 Q Do you recognize this document, Mr. Ariki?

3 A I may have seen it.

4 Q You've had a moment to review it?

5 A Uh-huh.

6 Q Does this summarize the real property that is
7 within the ownership of District 40?

8 A It appears to be.

9 Q Do you know who prepared this document?

10 A I do not.

11 Q To your understanding, this is a complete and
12 accurate list of the real property that District 40 owns?

13 A It appears to be. As I said...

14 Q Well, let me ask it this way. At the time you
15 verified the discovery response, were you of the mind that
16 it was accurate?

17 A Correct.

18 Q The real property that's outlined in Exhibit A to
19 your discovery response in this case, is that all, to your
20 knowledge, titled -- legally titled in the name of
21 District 40, or is it owned by some other entity?

22 A I don't know.

23 Q I'm going to jump around a little here. I'll
24 hand the witness what has been attached to that discovery
25 document from December as Exhibit D, as in dog.

1 Mr. Ariki, I'd like you to take a look at it and
2 see if you recognize the three pages that constitute
3 Exhibit D.

4 A Yes, it appears to be the wells that are owned
5 and operated by L.A. County Waterworks District 40.

6 Q What is your understanding of the significance of
7 the several rows in this spreadsheet that are dark or
8 bolded? What does that signify?

9 A I really don't know.

10 Q To your understanding, are all the wells listed
11 in this report capable of producing groundwater? In other
12 words, they haven't been decommissioned or destroyed?

13 A It is possible some of these wells are either
14 inactive or destroyed.

15 Q When you say inactive, do you mean that the well
16 is still likely functional but it's just not in use
17 currently? As compared to a well that's been destroyed?

18 A Yes. Inactive is a technical term used by the
19 regulatory agency to designate wells that are no longer
20 used for potable water use.

21 Q But we do not know whether the bold on these...

22 A I'm certain that 347 does not exist.

23 Q When you say it doesn't exist, do you mean --

24 A Was destroyed.

25 Q And why are you certain of that?

1 A Because I recall it.

2 Q It was constructed in 2008, and it was destroyed
3 at some point since then?

4 A 347 -- I'm sorry. 346.

5 Q I see. 346 has been destroyed?

6 A Yes, correct. It was replaced by 347.

7 Q All right. Well, do you know who prepared this
8 three-page spreadsheet?

9 A I can't tell, no.

10 Q You can set that aside for the moment, Mr. Ariki.
11 Maybe just set it up here just to get it out of the way,
12 and you can do the same with A.

13 I'm going to hand you another section of that
14 discovery report that your attorneys produced in December,
15 and it's only a portion of the meter readings that you
16 produced to the parties. I notice that the meter readings
17 that were produced date back to 1990. Do you see that?

18 A Uh-huh.

19 Q And I'll represent to you that they cover the
20 period 1990 going forward to the present date. Why was
21 it, if you know, that you produced meter readings from,
22 let's say, 1990 through 1999? Is there a reason for doing
23 that?

24 A I don't know.

25 Q Now, we are going to move to the current time

1 frame. Let's say the last year. Can you describe for me
2 the process as to how District 40 goes about collecting
3 its meter readings whether manually or some electronic
4 system that is transmitting data. I would like to know
5 the mechanics of how the readings at the point of
6 extraction get from there to this document or whatever
7 documents you regularly maintain that information in.

8 A By point of extractions you mean?

9 Q Okay. Let me break it down a little bit. Do I
10 understand correctly that on each of District 40's wells
11 there is a flow meter?

12 A Correct.

13 Q And that flow meter is keeping track of the
14 amount of water that's produced through that well;
15 correct?

16 A Correct.

17 Q And District 40 memorializes that data in some
18 fashion; is that right? It records it?

19 A Correct.

20 Q I'd like to know the process. In other words,
21 are you sending out an individual to read those meters on
22 some periodic basis, or is it some other method in which
23 the data is collected?

24 A The former.

25 Q Right. How often are those meters read?

1 A Monthly.

2 Q So once a month?

3 A Correct.

4 Q And that's true for all of the meters -- I'm
5 sorry. That's true for all of the wells that are in
6 District 40's service area?

7 A Correct.

8 Q And every single one of those wells has a meter
9 on it; correct?

10 A To my knowledge.

11 Q The ones that are active and haven't been
12 destroyed?

13 A To my knowledge, yes.

14 Q And are those meters typically read on the same
15 day of a particular month?

16 A Approximately.

17 Q On what frequency are those calibrated, if you
18 know?

19 A Every two years.

20 Q And can you describe -- well, who typically does
21 that calibration? Is that District 40 or somebody else?

22 A Edison in conjunction with District 40.

23 Q And those would be some of the records we saw in
24 the box that you brought with you today. Some of those
25 records we were talking about calibration are in the

1 binders in the box?

2 A And the summary I provided to you.

3 MR. MCLACHLAN: Right. Okay. Let's go off the
4 record for just a moment.

5 (A brief recess was taken at 11:25 a.m.)

6 CROSS-EXAMINATION

7 BY MR. FIFE:

8 Q Good morning, Mr. Ariki. I am Michael Fife. I
9 represent a group of landowners in the adjudication known
10 as the Antelope Valley groundwater Agreement Association,
11 and I just have a few follow-up questions that you covered
12 with Mr. McLachlan.

13 A Okay.

14 Q I'd like to turn back to the notice of your
15 deposition, and I'm handing that to you. That's
16 Exhibit 1. You indicated, I believe, and if I'm wrong
17 please correct me, that in response to document request
18 No. 2, you did not bring any documents with you; is that
19 correct?

20 A That's correct.

21 Q And why didn't you bring any documents with you
22 in response to document No. 2?

23 MR. DUNN: Mr. Fife, perhaps I can answer that.

24 We have asserted an objection to the request.

25 Objections. Plural.

1 BY MR. FIFE:

2 Q Mr. Ariki, do you intend to testify at the phase
3 four trial?

4 MR. DUNN: Objection. That calls for matter that
5 are not covered within the scope of this deposition.
6 It doesn't matter whether he intends to or not.

7 BY MR. FIFE:

8 Q Is it your understanding that you will testify at
9 the phase four trial?

10 MR. DUNN: Objection on attorney-client
11 privilege. It will be up to legal counsel to decide
12 who testifies.

13 MR. FIFE: That's true, but I'm asking what his
14 understanding is as of this time.

15 MR. DUNN: The objection is attorney-client
16 privilege because his understanding would only come
17 from legal counsel in terms of our strategy or plans
18 or intent in the trial.

19 MR. FIFE: So you are instructing him not to
20 answer?

21 MR. DUNN: That's correct.

22 BY MR. FIFE:

23 Q And let's look at document request No. 4. That
24 requests that you provide documents sufficient to fully
25 and accurately describe the flow meter calibration

1 methodology employed for each of Waterworks' wells in
2 production at any time since 2000.

3 Do you see that document request?

4 A Uh-huh.

5 Q And in response to that you produced Exhibit No.
6 3. What's been marked as Exhibit No. 3; is that correct?

7 A Correct.

8 Q And this is a single sheet of paper that
9 describes what -- it describes as three different methods.
10 Method A, Method B and Method C; is that correct?

11 A Correct.

12 Q What is Method A? What is that a method for?

13 A As it states here, it's a measurement of water
14 produced using a water meter.

15 Q So is it -- and I'm just trying to rephrase what
16 you just said. Is it a methodology for measuring the
17 amount of water that's coming out of a well?

18 A Correct.

19 Q How about Method B, what's that a method for?

20 A It's another measurement of water produced using
21 an hour meter.

22 Q So again if I can rephrase this. This is a
23 methodology for measuring the amount of water that comes
24 out of the well; is that correct?

25 A Correct.

1 Q And Method C, what's that?

2 A Method C is a comparative or comparing flow meter
3 gallon per minute to Edison Efficiency Testing GPM.

4 Q And so is this a method of what could be
5 described as calibrating?

6 A Correct.

7 Q And so if Exhibit No. 3 fully and accurately
8 describes the flow meter calibration methodology employed
9 for each of Waterworks' wells, is it your testimony that
10 Exhibit C -- or I'm sorry. Methodology C is the
11 methodology used by Waterworks for each of its wells to
12 calibrate?

13 A Correct.

14 Q And this is a full articulation of the
15 methodology used by Waterworks?

16 A Correct.

17 Q What kind of flow meters are on Waterworks'
18 wells? Are they, for example -- and I'm not an expert in
19 meters, so I'm hoping you can help me -- but I understand
20 that there are what are known as flywheel meters. Let me
21 ask a foundational question.

22 Are there different types of flow meters?

23 A I'm sure there are.

24 Q And are there specific type of flow meters that
25 are used for Waterworks' wells? Do they all have the same

1 type of flow meter?

2 A Most likely.

3 Q But you don't know?

4 A That is correct.

5 Q Who would know that?

6 A Operators.

7 Q Any specific operator?

8 A The electromechanics operators of the wells.

9 Q Are they employees of the Public Works
10 Department?

11 A They are employees of Los Angeles County.

12 Q And can you identify any of those? If you wanted
13 to answer this question, who would you contact?

14 A The head operator that oversees the wells
15 operation.

16 Q And do you know the identity of that person?

17 A Yes, I do.

18 Q Will you tell me that person's name?

19 A Sure.

20 Q This would be the time to do that.

21 A That's fine. His name is Taub Toby.

22 Q Can you spell that, please.

23 A T-a-u-b, and then T-o-b-y.

24 Q And he is not an employee of Public Works; is
25 that correct?

1 A He is an employee of L.A. County, which Public
2 Works is a part of.

3 Q Okay. And so it would be this person that knows
4 what type of flow meters are installed on Waterworks'
5 wells?

6 A He would be the one to know.

7 Q And do you know the meters that are installed on
8 Waterworks' wells, are they all flow meters?

9 A Correct.

10 Q So this is distinct from, say, a power meter that
11 measures the amount of power that's being used -- sorry.
12 Strike that.

13 Could I see Exhibit 3? Method B on Exhibit No. 3
14 is titled "Measurement of Water Produced Using an Hour
15 Meter," and so my understanding, and please correct me if
16 I'm wrong, is that according to this methodology there
17 would be an hour meter, which would indicate how many
18 hours a pump was being run, and then one could correlate
19 that with the amount of water that is produced by that
20 pump and by that determine the amount of water that was
21 produced from that well. Is that a correct description?

22 A Everything is a correct description except
23 instead of "pump" use "well."

24 Q Well, okay. Thank you. Is this what you would
25 describe as a flow meter?

1 A No. It's an hour meter.

2 Q So is it your understanding that Method B is not
3 a method that is used by Waterworks -- sorry. Strike
4 that.

5 You said before that it's your understanding that
6 the meters that are on Waterworks' wells are flow meters;
7 is that correct?

8 A Correct.

9 Q So would it be correct to say that Method B is
10 not a method that is used by Waterworks because this does
11 not utilize a flow meter?

12 A It's not the primary method that's used to
13 measure the flow out of the wells.

14 Q What do you mean by primary in that context?

15 A The main. The main way that we measure flow.

16 Q And are there wells that have hour meters rather
17 than flow meters?

18 A No.

19 Q So are there any wells -- any of Waterworks'
20 wells for which the water production is measured using an
21 hour meter?

22 A Not the primary way.

23 Q I'm not sure that was responsive. It's a yes or
24 no question. Are there any wells whose water is measured
25 with a hour meter?

1 A No.

2 Q And so if I understand it correctly, you
3 testified earlier that there are different types of flow
4 meters; is that correct?

5 A Possibly, yeah.

6 Q Possibly different types exist or do they?

7 MR. DUNN: Well, he indicated he doesn't know.
8 It would have to be -- he doesn't know all the types
9 out there. He believes there could be multiple types.
10 Someone else would have to answer that question.

11 MR. FIFE: And I thought he had said which ones
12 would be on the wells was for another person. I'm
13 asking generally --

14 THE WITNESS: Oh, of course, there are tons of
15 meters.

16 MR. DUNN: Sorry. I didn't understand.

17 BY MR. FIFE:

18 Q But you don't know which ones -- what types are
19 on the Waterworks' wells?

20 A That's correct.

21 Q Based on what you know about flow meters, is it
22 your understanding that different types of flow meters
23 have different ranges of accuracy, say, a plus or minus
24 5 percent or plus or minus 10 percent?

25 A Sounds logical.

1 Q But again, you don't know what type of flow
2 meters are on Waterworks' wells, so you could not give us
3 an assessment of the range of possible error of the meters
4 that are on Waterworks' wells; is that correct?

5 A You need to be a little more specific. What do
6 you mean by accuracy here?

7 Q What do I mean by what?

8 A Accuracy.

9 Q You said a moment ago that it seems logical, I
10 think were your words, that different types of flow meters
11 would have different ranges of accuracy. Am I correct?

12 A Within a standard.

13 Q Within a standard, yes. And so if -- would it be
14 correct that if all of Waterworks' wells had the same type
15 of flow meter we could assess the accuracy of those
16 readings just based on the standard range of accuracy for
17 that kind of flow meter; is that correct?

18 MR. DUNN: Objection. Incomplete hypothetical.
19 Calls for speculation. The question is vague, but you
20 can go ahead and try to answer.

21 THE WITNESS: As the case for all water products,
22 parts that are using water systems, meters are
23 approved by professional organizations, and accuracy
24 of the meters is accepted within a specific range.
25 That's industry standards. As such the case for

1 meters that we use. That's the answer.

2 BY MR. FIFE:

3 Q So let me try the hypothetical again. And again
4 I apologize, I don't know anything about meters. So let's
5 say there is a kind of meter -- let's call it the green
6 meter -- and the industry standard for that meter is that
7 it's accuracy is plus or minus 5 percent, for example, and
8 so if all of Waterworks' wells had that kind of meter, the
9 green meter, would it be correct to say that the volume of
10 water indicated by all of these meter readings to have
11 been produced from these wells would be plus or minus
12 5 percent because that's the industry standard for that
13 meter, which is on all the wells?

14 MR. DUNN: Objection. Assumes facts not in
15 evidence. Incomplete hypothetical, and the question
16 is vague and ambiguous.

17 BY MR. FIFE:

18 Q Do you understand what I'm asking?

19 A I do.

20 Q And can you answer?

21 A Not necessarily true. What you stated is not
22 necessarily true.

23 Q Why wouldn't it be?

24 A Because determining the accuracy under controlled
25 lab conditions is not the same as doing it under field