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10 LITTLEROCK CREEK IRRIGATION DISTRICT, PALM RANCH IRRIGATION DISTRICT,
11 NORTH EDWARDS WATER DISTRICT, DESERT LAKE COMMUNITY SERVICES DISTRICT,
12 LLANO DEL RIO WATER CO., LLANO MUTUAL WATER CO., BIG ROCK MUTUAL WATER
13 CO.

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

15 **IN AND FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

16 Coordinated Proceeding) **Judicial Council Coordination No. 4408**
17 Special Title (Rule 1550(b)))
18 ANTELOPE VALLEY GROUNDWATER) Santa Clara Case No. 1-05-CV-049053
19 CASES) Assigned to the Honorable Jack Komar – Dept. 12
20 Included Actions:) **DECLARATION OF DOLLIE**
21 Los Angeles County Waterworks District No. 40) **KOSTOPOULOS OF DESERT LAKE**
22 v. Diamond Farming Co. Los Angeles County) **COMMUNITY SERVICES DISTRICT IN**
23 Superior Court Case No. BC 325201;) **LIEU OF DEPOSITION FOR PHASE 4**
24 Los Angeles County Waterworks District No. 40) **TRIAL**
25 v. Diamond Farming Co., Kern County Superior)
26 Court, Case No. S-1500-CV-234348;)
27 Wm. Bolthouse Farms, Inc. v. City of Lancaster)
28 Diamond Farming Co. v. City of Lancaster v.)
Palmdale Water District, Riverside County)
Superior Court, Consolidated Actions, Case Nos.)
RIC 353840, RIC 344436, RIC 344668)
AND RELATED CROSS-ACTIONS)
_____)

DECLARATION

1 I, DOLLIE KOSTOPOULOS, declare:

2
3 1. I am General Manager for Desert Lake Community Services District (“District”), a party to
4 this action. In lieu of deposition testimony for the Phase 4 trial, I am providing this declaration. This
5 declaration applies only to the categories I have filled in. The items left blank or crossed out do not apply
6 to me. Except where stated on information and belief, I have personal knowledge of each fact herein and
7 would testify competently thereto under oath.

8
9 **Property Ownership and Parcel Size**

10 2. District owns property that overlies the Antelope Valley Area of Adjudication as decided
11 by this Court. The land is in Kern County and is identified by the following APNs: 232-08-105-007; 232-
12 08-108-006; 121-14-004-004; 232-15-032-008. Desert Lake Community Services District: Well #2
13 Primary and only functioning well: Located at Borax Road and Highway 58.

14 [If additional room is needed, please identify the APN/APNs in Exhibit A: Exhibit A omitted.]

15 3. District claims groundwater rights, but does not use groundwater on its own property. The
16 groundwater is used by District’s customers in its service area. District is a public water purveyor.
17 District has asserted rights to groundwater based on prescriptive rights, rights to return flows,
18 appropriative rights, California Constitution, California Water Code sections 106, 106.3, 106.5. In
19 addition, Responding party asserted is has in lieu pumping rights, imported water and the return flows
20 therein.

21 4. For each APN identified above, the total acreage by parcel is as follows: Less than one (1)
22 acre each.

23 [If additional room is needed, please identify the APN and parcel size in Exhibit B: Exhibit B
24 omitted.]

25 5. For each APN identified above, District owned the property during the following time
26 period: during the entire time period relevant to this declaration and the discovery ordered by the Court
27 for the Phase 4 Trial.

1 6. The following are all individuals/entities appearing on the title for the above identified
2 APN/APNS from Jan 1, 2000 to the present: Desert Lake Community Services District.

3 7. For each individual/entity identified in paragraph 6 that individual/entity appeared on the
4 title during the following time: Desert Lake Community Services District.

5
6 **Leases**

7 8.-18. Not applicable. Desert Lake leased property to Verizon for a cell tower, but it did not lease
8 out a well site and well. Verizon does not pump or use groundwater on the leased area. Exhibits C and D
9 are not applicable.

10
11 **Water Meter Records**

12 19. District measures the groundwater production on the above-referenced properties by a
13 meter system. Exhibit E contains meter records for 2004, 2011-2012. A true and correct copy of Exhibit
14 E is attached hereto and incorporated herein.

15 20. Exhibit F, part 1, production reports specify the total yearly production amounts by
16 metered water well on the above referenced properties for the years 2003-2012. Attached as Exhibit F,
17 part 2, is a true and correct copy of a document entitled "South Basin Pumpage," including information on
18 District's production for 1958-1993. A true and correct copy of Exhibit F (parts 1 and 2) is attached
19 hereto and incorporated herein.

20
21 **State Water Project or AVEK purchases**

22 21. District purchases AVEK water from AVEK for use by District to sell to its customers.
23 Exhibit G contains true and correct copies of the invoices for delivery of AVEK water during 2004, 2011-
24 2012.

25 22. Exhibit F, charts, specify the total yearly AVEK water deliveries to District for use by
26 District's customers for the years 2003- 2012. A true and correct copy of Exhibit F is attached hereto and

1 incorporated herein. District does not purchase water from other sources other than AVEK. Exhibit H is
2 not needed because the data is contained in Exhibit F.

3
4 **Pump Tests/ Electric Records**

5 23. For 2000 to 2001 District produces electric records for wells on the properties referenced
6 above. Exhibit I contains true and correct copies of the electrical records for the properties referenced
7 above.

8 24. Exhibit F, chart, sets forth the amount of total yearly groundwater that District recorded as
9 pumped on the properties and used by customers, for the years 2003-2012, based on the attached meter
10 records and electrical records. A true and correct copy of Exhibit F chart is attached hereto and
11 incorporated herein.

12 25. Pump tests were performed on the following dates: unknown.

13 26. District is not producing pump test records for other dates because: District relied on meter
14 records, and has produced such meter records. [Exhibit J omitted.]

15 27. I am not aware of the dates of pump tests having been performed on the properties
16 referenced above.

17
18 **Pump Tests/Diesel Records**

19 28.-32. Not applicable. [Exhibits K-L omitted.]
20

21 **Crop Duties and Irrigated Acres**

22 33.-34. Not applicable. [Exhibits M-N omitted.]
23

24 ///

25 ///

26 ///

1 **Other Sources of Water**

2 35. On the properties referenced above, District did not receive water from sources other than
3 groundwater pumped within the Basin or AVEK water. Exhibit G are invoices from AVEK received
4 during the period 2004, 2011-2012. [Exhibit O omitted.]

5
6 **Use of Water** (Complete for each APN. If water used for multiple purposes, identify the amount of water
7 for each use.)

8 36.-42. District is a public water purveyor. Its water is not used to irrigate its own property. Its
9 property is used for water production. On information and belief, all District groundwater was used for
10 municipal and domestic purposes by customers, and imported water was used for municipal and domestic
11 uses. See Exhibit F for amounts used per year. Attached hereto as Exhibit P is a true and correct copy of
12 the map of District’s service area.

13 43. All of District’s water use and production for 2003-2012 is set forth in exhibits hereto
14 including but not limited to Exhibit F to this declaration.

15 I declare under penalty of perjury under the laws of the State of California that the foregoing is
16 true and correct. Executed this ____ day of _____, 2013, at Boron, California.

17
18 _____
19 Dollie Kostopoulos, Declarant