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Exempt from filing fee
Government Code § 6103

4 Attorneys for Defendants
5 City of Lancaster and Rosamond Community
Services District
6

7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES
10

11 **ANTELOPE VALLEY GROUNDWATER
CASES**

12 Included Actions:

13 Los Angeles County Waterworks District
14 No. 40 v. Diamond Farming Co.
Superior Court of California, County of
15 Los Angeles, Case No. BC325201;

16 Los Angeles County Waterworks District
17 No. 40 v. Diamond Farming Co.
Superior Court of California, County of Kern,
Case No. S-1500-CV-254-348

18 Wm. Bolthouse Farms, Inc. v. City of
19 Lancaster, Diamond Farming Co. v. City of
Lancaster, Diamond Farming Co. v. Palmdale
20 Water Dist., Superior Court of California
County of Riverside, consolidated actions; Case
21 Nos. RIC 353 840, RIC 344 436, RIC 344 668.

LASC Case No. BC 325201

Judicial Council Coordination
Proceeding No. 4408

CLASS ACTION

Santa Clara Case No. 1-05-CV 049053
Assigned to The Honorable Jack Komar

**NOTICE OF LODGING DECLARATION
OF STEVE A. PEREZ ADMITTED INTO
EVIDENCE AT PHASE IV TRIAL ON
BEHALF OF ROSAMOND
COMMUNITY SERVICES DISTRICT**

Date: September 28, 2015
Time: 10:00 a.m.
Room: 222

1 PLEASE TAKE NOTICE that Rosamond Community Services District hereby lodges with the
2 Court the Declaration of Steve A. Perez on Behalf of Rosamond Community Services District
3 (“Declaration”). The Declaration was admitted into evidence during the Phase IV Trial and is being
4 lodged in connection with the Phase VI Prove-Up Trial in the above-captioned action. A true and
5 correct copy of the Declaration is attached hereto as Exhibit “1.”

6
7 DATED: September 25, 2015 MURPHY & EVERTZ LLP

8
9 By: 

Douglas J. Evertz, Attorney for Defendants
City of Lancaster and Rosamond Community Services
District

EXHIBIT 1

LAW OFFICES OF
BEST BEST & KRIEGER LLP
5 PARK PLAZA, SUITE 1500
IRVINE, CALIFORNIA 92614

1 **BEST BEST & KRIEGER LLP**
ERIC L. GARNER, Bar No. 130665
2 JEFFREY V. DUNN, Bar No. 131926
STEFANIE D. HEDLUND, Bar No. 239787
3 18101 VON KARMAN AVENUE, SUITE 1000
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5 Attorneys for Cross-Complainant
LOS ANGELES COUNTY WATERWORKS
6 DISTRICT NO. 40

**EXEMPT FROM FILING FEES
UNDER GOVERNMENT CODE
SECTION 6103**

7 **OFFICE OF COUNTY COUNSEL**
COUNTY OF LOS ANGELES
8 JOHN F. KRATTLI, Bar No. 82149
COUNTY COUNSEL
9 WARREN WELLEN, Bar No. 139152
PRINCIPAL DEPUTY COUNTY COUNSEL
10 500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012
11 TELEPHONE: (213) 974-8407
TELECOPIER: (213) 687-7337
12 Attorneys for Cross-Complainant LOS ANGELES
COUNTY WATERWORKS DISTRICT NO. 40

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
15 **COUNTY OF LOS ANGELES**

17 **ANTELOPE VALLEY**
GROUNDWATER CASES

Judicial Council Coordination No. 4408

CLASS ACTION

18 Included Actions:
19 Los Angeles County Waterworks District
No. 40 v. Diamond Farming Co., Superior
20 Court of California, County of Los
Angeles, Case No. BC 325201;

Santa Clara Case No. 1-05-CV-049053
Assigned to The Honorable Jack Komar

21 Los Angeles County Waterworks District
22 No. 40 v. Diamond Farming Co., Superior
Court of California, County of Kern, Case
23 No. S-1500-CV-254-348;

**DECLARATION OF STEVE A. PEREZ ON
BEHALF OF ROSAMOND COMMUNITY
SERVICES DISTRICT IN LIEU OF
DEPOSITION TESTIMONY FOR PHASE 4
TRIAL**

24 Wm. Bolthouse Farms, Inc. v. City of
Lancaster, Diamond Farming Co. v. City of
25 Lancaster, Diamond Farming Co. v.
Palmdale Water Dist., Superior Court of
26 California, County of Riverside, Case Nos.
RIC 353 840, RIC 344 436, RIC 344 668
27

28 {00037393.1 }

DECLARATION

DECLARATION

I, Steve A. Perez, declare:

1. I am the General Manager for the Rosamond Community Services District ("District"), a party to this action. In lieu of deposition testimony for the Phase 4 trial, I am providing this declaration. This declaration applies only to the categories I have filled in. The items left blank or crossed out do not apply to me. I have personal knowledge of each fact herein and would testify competently thereto under oath.

Property Ownership and Parcel Size

2. The District owns property that overlies the Antelope Valley Area of Adjudication as decided by this Court.

The land is located within Kern County. For the purposes of this declaration, the District identifies only those parcels that utilize water wells. The Assessor Parcel Numbers are: 258-110-09-7; 258-160-36-5; 473-022-20-0; 375-010-20-4; and 375-113-19-8.

3. The District produces water from these parcels for distribution to its customers.

4. For each APN/APNs identified above, the total acreage by parcel is as follows:

Not applicable.

If additional room is needed, please identify the APN/APNs and parcel size in Exhibit B.]

A true and correct copy of Exhibit B is attached hereto and incorporated herein.

5. For each APN/APNs identified above the City owned the property during the following time period:

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

The District

7. For each individual/entity identified in paragraph 6 that individual/entity appeared on the title during the following time:

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P.O. BOX 1028
RIVERSIDE, CALIFORNIA 92502

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Leases (Not applicable.)

8. _____ (declarant or party affiliated with declarant) leases property that _____ own and that overlies the Antelope Valley Area of Adjudication as decided by this court and identified by the following APNS:

_____.

9. The total acreage by parcel is:

_____.

10. The property is currently leased to:

_____.

11. The property was leased on the following dates:

_____.

12. The lease provides that _____ may claim groundwater rights from the use of water on the leased property. Attached to this declaration is a true and correct copy of the lease.

[If additional room is needed, please list APN/APNs, acreage by APN, Lessee by APN and dates for each Lessee by APN for each parcel in Exhibit C.] A true and correct copy of Exhibit C is attached hereto and incorporated herein.

13. _____ leases property from _____ which overlies the Antelope Valley Area of Adjudication as decided by this court and is identified by the following APNS:

_____.

14. The total acreage by parcel is:

_____.

15. The Lease provides that _____ may claim groundwater rights from use of water on leased property. Attached to this declaration is a true and correct copy of the

(00037393.1)

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1 lease.

2

3 [If additional room is needed, please attach APN/APNs, Name of the Lessor and acreage
4 by APN for each parcel list in Exhibit D to this declaration.] A true and correct copy of Exhibit D
5 is attached hereto and incorporated herein.

6 16. _____ claims groundwater rights only as to the leasehold
7 interests listed in Paragraph 15 and Exhibit D.

8 17. _____ claims groundwater rights only as to the properties
9 listed in Paragraph 2 and Exhibit A and as to the leasehold interests listed in Paragraph 8 and
10 Exhibit C.

11 18. To the best of my knowledge, only _____ claims groundwater rights as
12 to the leased parcel(s) identified in paragraph 15 and Exhibit D.

13 **Water Meter Records**

14 19. The District measures the groundwater production on the above referenced
15 properties by water meters. Exhibit E contains the records for these water meters for the
16 following years:

17 2000, 2001, 2002, 2003, 2004, 2011 and 2012

18 A true and correct copy of Exhibit E is attached hereto and incorporated herein.

19 20. Exhibit E sets forth the total yearly production amounts by metered water well on
20 the above referenced properties for the years 2000-2004, 2011, and 2012 (through 12/18/12). A
21 true and correct copy of Exhibit E is attached hereto and incorporated herein.

22 **State Water Project Purchases**

23 21. The District purchases State Water Project water from a State Water Contractor for
24 use by its customers on the properties referenced above. The District purchased the following
25 amounts of water from AVEK:

26 2000 1,638 ac/ft.

27 2001 981 ac/ft.

28 2002 845 ac/ft.

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1 2003 1219 ac/ft.

2 2004 1193 ac/ft.

3 2011 336 ac/ft.

4 2012 34 ac/ft.

5 In 2011, the District also banked 1,017 ac/ft. in the Antelope Valley Water Bank. In
6 2012, the District ordered an additional 1,000 ac/ft. and began banking this order in December
7 2012.

8 22. Exhibit E sets forth the total yearly State Water Project water deliveries to the
9 properties referenced above for the years 2000-2004, 2011, and 2012. A true and correct copy of
10 Exhibit E is attached hereto and incorporated herein.

11 **Pump Tests/ Electric Records** (Not applicable.)

12 23. In order to calculate groundwater pumped and used on the properties referenced
13 above, _____ relied on pump tests and electric records. Exhibit I contains true and
14 correct copies of the pump test records and electrical records for wells on the properties
15 referenced above. The electric records attached to this declaration as Exhibit I do not include
16 electric use on the properties referenced above for anything other than pumping groundwater.

17 24. Exhibit J sets forth the amount of total yearly groundwater that _____
18 estimates was pumped and used on the properties referenced above for the years 2000-2004,
19 2011, and 2012 based on the attached pump test records and electrical records for the wells on the
20 properties referenced above. A true and correct copy of Exhibit J is attached hereto and
21 incorporated herein.

22 25. Pump tests were performed on the following dates:

23 _____.

24 26. _____ is not producing pump test records for the following
25 dates _____ because:

26 _____.

27 27. I am not aware of any other pump tests having been performed on the properties
28 referenced above.

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1 **Pump Tests/Diesel Records** (Not applicable.)

2 28. In order to calculate groundwater pumped and used on the properties referenced
3 above, _____ relied on pump tests and diesel fuel records. Exhibit K
4 contains true and correct copies of the records pertaining to pump tests and diesel fuel purchases
5 for the properties referenced above. The diesel fuel records attached to this declaration as Exhibit
6 K do not include diesel fuel used on the properties referenced above for anything other than
7 pumping groundwater.

8 29. Exhibit L sets forth the amounts of total yearly groundwater pumped and used on
9 the properties referenced above for the years 2000-2004, 2011, and 2012. A true and correct copy
10 of Exhibit L is attached hereto and incorporated herein.

11 30. Pump tests were performed on the following dates:
12 _____

13 31. _____ is not producing pump test records for the following
14 dates _____ because:
15 _____

16 32. I am not aware of any other pump tests having been performed on the properties
17 referenced above.

18 **Crop Duties and Irrigated Acres** (Not applicable.)

19 33. In order to calculate water use on the properties referenced above,
20 _____ relies on the amount of acres in irrigation on the properties referenced
21 above multiplied by the crop duty identified in the Summary Expert Report, Appendix D-3: Table
22 4, a true and correct copy of which is attached to this declaration as Exhibit M.

23 34. The total amount of irrigated acres and type of crops on the properties referenced
24 above by APN for the years 2000-2004, 2011 and 2012 are described in Exhibit N. A true and
25 correct copy of Exhibit N is attached hereto and incorporated herein.

26 **Other Sources of Water** (Not applicable.)

27 35. On the properties referenced above, _____ received water from
28 sources other than groundwater pumped within the Basin or State Water Project Water. Exhibit

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1 O sets forth the source of the water and the amounts received for the years 2000-2004, 2011, and
2 2012.

3 **Use of Water** (Complete for each APN. If water for used for multiple purposes, identify
4 the amount of water for each use.) Water production/use by the District for the relevant years is
5 set forth in Exhibit E. Such water was delivered to the District's customers and used for
6 municipal, industrial and domestic purposes.

7 36. _____ used _____ acre feet of water on APN# _____ in
8 2000. The water was used for the following:

9 _____
10 [State the crop type and number of acres of that crop. If not used for irrigation, describe
11 the use. In lieu of answering this question, a crop map may be attached that shows the date, crop
12 type, irrigated acreage and parcels.]

13 37. _____ used _____ acre feet of water on APN# _____ in
14 2001. The water was used for the following:

15 _____
16 [State the crop type and number of acres of that crop. If not used for irrigation, describe
17 the use. In lieu of answering this question, a crop map may be attached that shows the date, crop
18 type, irrigated acreage and parcels.]

19 38. _____ used _____ acre feet of water on APN# _____ in 2002.
20 The water was used for the following:

21 _____
22 39. _____ used _____ acre feet of water on APN# _____ in 2003.

23 The water was used for the following:

24 _____
25 [State the crop type and number of acres of that crop. If not used for irrigation, describe
26 the use. In lieu of answering this question, a crop map may be attached that shows the date, crop
27 type, irrigated acreage and parcels.]

28 40. _____ used _____ acre feet of water on APN# _____ in 2004.

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1 The water was used for the following:

2 _____

3 [State the crop type and number of acres of that crop. If not used for irrigation, describe
4 the use. In lieu of answering this question, a crop map may be attached that shows the date, crop
5 type, irrigated acreage and parcels.]

6 41. _____ used _____ acre feet of water on APN# _____ in 2011.

7 The water was used for the following:

8 _____

9 [State the crop type and number of acres of that crop. If not used for irrigation, describe
10 the use. In lieu of answering this question, a crop map may be attached that shows the date, crop
11 type, irrigated acreage and parcels.]

12 42. _____ used _____ acre feet of water on APN# _____ in 2012.

13 The water was used for the following:

14 _____

15 [State the crop type and number of acres of that crop. If not used for irrigation, describe
16 the use. In lieu of answering this question, a crop map may be attached that shows the date, crop
17 type, irrigated acreage and parcels.]

18 43. Other than what is declared hereinabove, the District did not produce or use water
19 within the Antelope Valley Area of Adjudication for 2000-2004, 2011, and 2012.

20

21 I declare under penalty of perjury under the laws of the State of California that the
22 foregoing is true and correct. Executed this 23rd day of January 2013, at Rosemead,
23 California.

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Steve A. Perez

EXHIBIT "E"

Rosamond Community Services District
Water Usage Data for 2000, 2001, 2002, 2003, 2004, 2011, 2012

2000				
Well Nam	APN	Well ID #	GW Pumped In 2000	ACF Purchased From AVEK
Well # 5	258-110-09-7	1510018 - 006	221.7 ac/ft	35th St. West Turnout 1,333 ac/ft
Well # 6	258-160-36-5	1510018 - 007	341 ac/ft	Sierra Hwy Vault 305 ac/ft
Well # 7	473-022-20-0	1510018 - 008	253 ac/ft	Total 1,638 ac/ft
Well # 8	375-010-20-4	1510018 - 009	646 ac/ft	
Total			1,461.7 ac/ft	
2001				
Well Nam	APN	Well ID #	GW Pumped In 2001	ACF Purchased From AVEK
Well # 5	258-110-09-7	1510018 - 006	245.5 ac/ft	35th St. West Turnout 677 ac/ft
Well # 6	258-160-36-5	1510018 - 007	324 ac/ft	Sierra Hwy Vault 304 ac/ft
Well # 7	473-022-20-0	1510018 - 008	237 ac/ft	Total 981 ac/ft
Well # 8	375-010-20-4	1510018 - 009	1,362 ac/ft	
Total			2,168.5 ac/ft	
2002				
Well Nam	APN	Well ID #	GW Pumped In 2002	ACF Purchased From AVEK
Well # 5	258-110-09-7	1510018 - 006	182 ac/ft	35th St. West Turnout 530 ac/ft
Well # 6	258-160-36-5	1510018 - 007	279 ac/ft	Sierra Hwy Vault 315 ac/ft
Well # 7	473-022-20-0	1510018 - 008	225 ac/ft	Total 845 ac/ft
Well # 8	375-010-20-4	1510018 - 009	1,637 ac/ft	
Total			2,323 ac/ft	
2003				
Well Nam	APN	Well ID #	GW Pumped In 2003	ACF Purchased From AVEK
Well # 5	258-110-09-7	1510018 - 006	232 ac/ft	35th St. West Turnout 936 ac/ft
Well # 6	258-160-36-5	1510018 - 007	338 ac/ft	Sierra Hwy Vault 283 ac/ft
Well # 7	473-022-20-0	1510018 - 008	158 ac/ft	Total 1,219 ac/ft
Well # 8	375-010-20-4	1510018 - 009	1,041 ac/ft	
Total			1,769 ac/ft	

Rosamond Community Services District
Water Usage Data for 2000, 2001, 2002, 2003, 2004, 2011, 2012

2004				
Well Nam	APN	Well ID #	GW Pumped In 2003	ACF Purchased From AVEK
Well # 5	258-110-09-7	1510018 - 006	298 ac/ft	35th St. West Turnout
				901 ac/ft
Well # 6	258-160-36-5	1510018 - 007	323 ac/ft	Sierra Hwy Vault
				292 ac/ft
Well # 7	473-022-20-0	1510018 - 008	161 ac/ft	
Well # 8	375-010-20-4	1510018 - 009	1,213 ac/ft	Total 1,193 ac/ft
Total			1,995 ac/ft	
2011				
Well Nam	APN	Well ID #	GW Pumped In 2011	ACF Purchased From AVEK
Well # 5	258-110-09-7	1510018 - 006	229 ac/ft	35th St. West Turnout
				240 ac/ft
Well # 8	375-010-20-4	1510018 - 009	1,334 ac/ft	Sierra Hwy Vault
				96 ac/ft
Well # 9	375-113-19-8	1510018 - 002	1,431 ac/ft	
Total			2,994 ac/ft	Total 336 ac/ft
2012 as of 12/18				
Well Nam	APN	Well ID #	GW Pumped In 2012	ACF Purchased From AVEK
Well # 5	258-110-09-7	1510018 - 006	405 ac/ft	35th St. West Turnout
				17 ac/ft
Well # 8	375-010-20-4	1510018 - 009	777 ac/ft	Sierra Hwy Vault
				17 ac/ft
Well # 9	375-113-19-8	1510018 - 002	1,678 ac/ft	
Total			2,860 ac/ft	Total 34 ac/ft

2010 - RCSD Banked 595.6 ac/ft in the Antelope Valley Water Bank (AVWB)

2011 - RCSD banked 1,017 ac/ft in the AVWB

2011 - RCSD Ordered an additional 1,000 ac/ft and began banking 500 ac/ft of this order in the AVWB on 12/18/12, the remaining 500 ac/ft will be delivered as soon as AVEK can release it. All banked water has been purchased from our State Water Contractor Antelope Valley East Kern Water Agency AVEK

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PROOF OF SERVICE

ANTELOPE VALLEY GROUNDWATER CASES
Judicial Council Coordination, Proceeding No. 4408

Santa Clara Case No. 1-05-CV 049053
Assigned to the Honorable Jack Komar
Los Angeles County Superior Court, Central, Dept. 1

I am a resident of the State of California, over 18 years of age and not a party to this action. I am employed in the County of Orange, State of California. My business address is 650 Town Center Drive, Suite 550, Costa Mesa, California 92626.

On December 21, 2012, I served the within document(s):

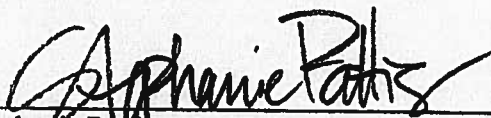
ROSAMOND COMMUNITY SERVICES DISTRICT'S RESPONSES TO COURT ORDERED PHASE IV DISCOVERY

- by posting the document(s) listed above to the website <http://www.scefilling.org>, a dedicated link to the Antelope Valley Groundwater Cases; Santa Clara Case No. 1-05-CV 049053, Assigned to the Honorable Jack Komar, said document(s) is electronically served/distributed therewith.
- By transmitting via e-mail the document(s) listed above to the e-mail address(es) and/or fax number(s) set forth below on this date.
- by placing the document(s) listed above in a sealed Overnight Express envelope/package for overnight delivery at Costa Mesa, California addressed as set forth below.
- by causing personal delivery by Nationwide Legal of the document(s) listed above, to the person(s) at the address(es) set forth below.

I am readily familiar with Murphy & Evertz, LLP's practice for collecting and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 21, 2012, at Costa Mesa, California.


Stephanie Patis

PROOF OF SERVICE

ANTELOPE VALLEY GROUNDWATER CASES
Judicial Council Coordination, Proceeding No. 4408

Santa Clara Case No. 1-05-CV 049053
Assigned to the Honorable Jack Komar
Los Angeles County Superior Court, Central, Dept. 1

I am a resident of the State of California, over 18 years of age and not a party to this action. I am employed in the County of Orange, State of California. My business address is 650 Town Center Drive, Suite 550, Costa Mesa, California 92626.

On January 30, 2013, I served the within document(s):

DECLARATION OF STEVE A. PEREZ ON BEHALF OF ROSAMOND COMMUNITY SERVICES DISTRICT IN LIEU OF DEPOSITION TESTIMONY FOR PHASE 4 TRIAL

by posting the document(s) listed above to the website <http://www.scefilng.org>, a dedicated link to the Antelope Valley Groundwater Cases; Santa Clara Case No. 1-05-CV 049053, Assigned to the Honorable Jack Komar, said document(s) is electronically served/distributed therewith.

By transmitting via e-mail the document(s) listed above to the e-mail address(es) and/or fax number(s) set forth below on this date.

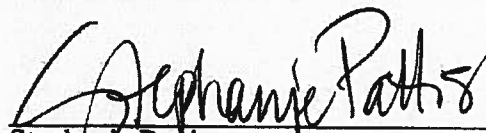
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on January 30, 2013, at Costa Mesa, California.


Stephanie Parris

LAW OFFICES OF
BEST BEST & KRIEGER LLP
5 PARK PLAZA, SUITE 1500
IRVINE, CALIFORNIA 92614

1 **PROOF OF SERVICE**

2 **ANTELOPE VALLEY GROUNDWATER CASES**
3 Judicial Council Coordination, Proceeding No. 4408

4 Santa Clara Case No. 1-05-CV 049053
5 Assigned to the Honorable Jack Komar
6 Los Angeles County Superior Court, Central, Dept. 1

7 I am a resident of the State of California, over 18 years of age and not a party to this action. I
8 am employed in the County of Orange, State of California. My business address is 650 Town Center
9 Drive, Suite 550, Costa Mesa, California 92626.

10 On September 25, 2015, I served the within document(s):

11 **NOTICE OF LODGING DECLARATION OF STEVE A. PEREZ ADMITTED INTO**
12 **EVIDENCE AT PHASE IV TRIAL ON BEHALF OF ROSAMOND COMMUNITY**
13 **SERVICES DISTRICT**

14 by posting the document(s) listed above to the website <http://www.scefiling.org>, a
15 dedicated link to the Antelope Valley Groundwater Cases; Santa Clara Case
16 No. 1-05-CV 049053, Assigned to the Honorable Jack Komar, said document(s) is
17 electronically served/distributed therewith.

18 By transmitting via e-mail the document(s) listed above to the e-mail address(es) and/or
19 fax number(s) set forth below on this date.

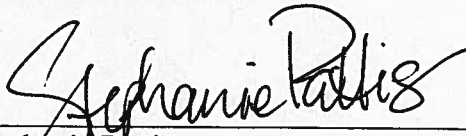
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26 the same day that the correspondence is placed for collection and mailing, it is deposited in the
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28 fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is
true and correct.

Executed on September 25, 2015, at Costa Mesa, California.


Stephanie Patis