

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF RIVERSIDE

DIAMOND FARMING COMPANY, a )  
California corporation, and )  
WM. BOLTHOUSE FARMS, INC., a )  
Michigan corporation, )

Plaintiffs, )

vs. )

CITY OF LANCASTER, ANTELOPE )  
VALLEY WATER COMPANY, PALMDALE )  
WATER DISTRICT, PALM RANCH )  
IRRIGATION DISTRICT, QUARTZ )  
HILL WATER DISTRICT, ROSAMOND )  
COMMUNITY SERVICE DISTRICT, )  
MOJAVE PUBLIC UTILITY DISTRICT, )  
DOES 1 THROUGH 200, INCLUSIVE, )  
AND ALL PERSONS UNKNOWN, )  
CLAIMING ANY LEGAL OR EQUITABLE )  
RIGHT, TITLE, ESTATE, LIEN, OR )  
INTEREST IN THE PROPERTY )  
DESCRIBED IN THE COMPLAINT )  
ADVERSE TO PLAINTIFF'S TITLE, )  
OR, ANY CLOUD UPON PLAINTIFF'S )  
TITLE THERETO, )

Defendants. )

Case No.

RIC 353840

Volume I

(Pages 1 - 199)

DEPOSITION OF:

ELENI HAILU

MONDAY, MARCH 4, 2002

10:16 A.M.

Reported By: Angela Olvera, CSR No. 7265

*Olvera Court Reporting*  
*Certified Shorthand Reporter*

3812 Abbott Drive  
Bakersfield, CA 93312  
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**COPY**

1 Deposition of ELENI HAILU, a witness, Volume I, taken  
2 on behalf of the plaintiff Wm. Bolthouse Farms, Inc.,  
3 a Michigan corporation, on Monday, March 4, 2002,  
4 10:16 a.m., at the offices of Los Angeles County  
5 Department of Public Works, 1000 S. Fremont Avenue,  
6 Fourth Floor, Alhambra, California, before  
7 Angela Olvera, CSR No. 7265, pursuant to notice.  
8

9 APPEARANCES OF COUNSEL

10

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WITNESS

ELENI HAILU

EXAMINATION BY

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EXHIBIT INDEX

<u>Plaintiffs' Exhibits</u>	<u>Marked</u>
1 - Photostatic copy of Notice of Taking	22
Deposition of Persons Most Knowledgeable of Los Angeles County Water Works Dist. 37 with Request for Production of Documents with attached Proof of Service and Service List	
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3 - Map entitled "WWD No. 40, Region Map"	33
4 - Document entitled "Los Angeles County Waterworks Districts District 40, Antelope Valley Lancaster Subbasin Aquifer Storage and Recovery (ASR) Demonstration Project Final Report," dated January 2000 (Not attached to deposition transcript)	
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EXHIBIT INDEX (CONTINUED)

<u>Plaintiffs' Exhibits</u>	<u>Marked</u>
26 - Document entitled "U.S. Geological Survey Water-Level Changes (1975-98) in the Antelope Valley, California" (Not attached to deposition transcript)	
27 - U.S. Geological Survey, Water-Resources Investigations Report Number 94-4184, dated 1992, titled "Determination of Land Subsidence Related to Ground-Water-Level Declines Using Global Positioning System and Leveling Surveys in Antelope Valley, Los Angeles, and Kern Counties, California" (Not attached to deposition transcript)	
28 - File containing two draft studies (Not attached to deposition transcript)	
29 - Two-page document entitled "Los Angeles County Waterworks Districts List of Active Wells"; two-page document entitled "Los Angeles County Waterworks Districts List of Inactive Wells"	152
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ALHAMBRA, CALIFORNIA;

MONDAY, MARCH 4, 2002; 10:16 A.M.;

OFFICES OF LOS ANGELES COUNTY

DEPARTMENT OF PUBLIC WORKS

ELENI HAILU,

a witness, called by counsel for the plaintiff  
Wm. Bolthouse Farms, Inc., a Michigan corporation,  
having been first duly sworn, testified as follows:

EXAMINATION BY MR. ZIMMER

Q. Ma'am, would you please state your name  
for us and spell your first and last name.

A. My name is Eleni Hailu, E-l-e-n-i,  
H-a-i-l-u.

Q. Ms. Hailu, what is your occupation?

A. I'm a civil engineer.

Q. And who are you employed by?

A. Los Angeles County Department of Public  
Works.

Q. Ma'am, have you ever had your deposition  
taken before?

A. No.

Q. A deposition is of the same effect as if  
you were giving this testimony in a court of law.

1 The only difference is that we are seated in the  
2 somewhat informal surroundings of the LA County  
3 Waterworks' conference room, rather than being in  
4 court.

5 The testimony that you're giving is being  
6 taken down under oath by the court reporter seated to  
7 my right, and she will transcribe all of this into a  
8 booklet format, including all of the questions that  
9 are asked and the answers that you give.

10 It is extremely important that you give  
11 accurate testimony today because the testimony that  
12 you give can be used if this matter goes to trial,  
13 for example, as if you gave the testimony in court  
14 before a judge, and if you change your testimony at a  
15 later time, it potentially could look like your  
16 memory wasn't very good or like you were changing  
17 your opinion or conclusion, and that potentially  
18 could reflect badly upon you as a witness.

19 Do you follow what I'm saying?

20 A. Yes.

21 Q. Later on, you'll have a chance to look  
22 through the deposition, read through the questions,  
23 read through the answers, and make changes to your  
24 testimony.

25 Quite frankly, it's better if you do not

1 make changes or if you do not have to make changes.  
2 So endeavor to give the best testimony that you can.

3 To that end, it is absolutely essential  
4 that you understand the questions that I ask you.  
5 Sometimes, particularly in a case like this with  
6 complicated legal terms and concepts, we need to make  
7 sure that we're on the same page in terms of what I'm  
8 asking you and what you're answering, because if, for  
9 example, a portion of your testimony is read later to  
10 a jury or to the judge in this case and there's a  
11 question and there's an answer, if you do not tell us  
12 on the record that you do not understand my question,  
13 it may very well appear to the judge that you did  
14 understand the question and gave the response that  
15 you wanted to give.

16 So my caution is that you tell me  
17 immediately if you do not understand a question, any  
18 word I use in a question, or for any other reason if  
19 you do not understand that question, you need to tell  
20 us that immediately.

21 Will you do that?

22 A. Yes.

23 Q. Is there any reason, ma'am, that you feel  
24 your deposition cannot go forward at this time, or do  
25 you have any questions?

1 A. No.

2 Q. Ma'am, you indicated that you are a civil  
3 engineer with LA County Waterworks. Can you tell me  
4 how long you've been employed in that position?

5 A. Can I ask a question to clarify?

6 I said I was employed by  
7 Department of Public Works.

8 Q. I'm sorry.

9 LA Department of Public Works; right?

10 A. Public Works.

11 Q. LA Department of Public Works.

12 And how long have you been employed in  
13 that capacity?

14 A. September 1985 till present.

15 Q. Have you been a civil engineer for that  
16 entire period?

17 A. A civil engineer assistant when I  
18 started, and I've been a professional civil  
19 engineering -- civil engineer since 1992.

20 Q. Can you tell me what your business  
21 address is?

22 A. 900 South Fremont.

23 MR. ZIMMER: Counsel, I assume that  
24 you'll produce her at any time for trial or locate  
25 her, keep contact with her to make sure we have her

1 available for trial, if that's necessary.

2 MR. ABBOTT: Yes. We'll let you know if  
3 she's no longer employed here.

4 Q. (By Mr. Zimmer) Ma'am, what is your  
5 educational background?

6 A. I was trained as a civil engineer.

7 Q. Where did you go to school?

8 A. I went to UCLA.

9 Q. What year did you graduate and with what  
10 degree?

11 A. I had also gone to another  
12 university -- I don't know if that's important -- for  
13 the same purpose. My undergraduate was from  
14 Howard University in Washington, D.C.

15 Q. What degree did you obtain there?

16 A. Bachelor of Science in civil  
17 engineering.

18 Q. And I assume you attended UCLA after that  
19 time.

20 A. After that.

21 Q. And obtained what degree?

22 A. I have a Master of Science, UCLA, and a  
23 Ph.D.

24 Q. And what's the Ph.D. in?

25 A. Water resources. It's -- it's civil

1 engineering specializing in water resources.

2 Q. Other than attending UCLA and Howard, do  
3 you have any other formal post high school education?

4 A. Yeah. I did a two-year outside of the  
5 U.S.

6 Q. And where was that and what course of  
7 study?

8 A. Ethiopia.

9 Q. What course of study?

10 A. It's -- was an engineering university,  
11 and attended university, college. So I did two years  
12 there before I came to Howard University. It's  
13 called Addis Ababa University.

14 Q. Did you obtain a degree of some sort at  
15 that university?

16 A. No. I just transferred after two years.  
17 I didn't get a degree there.

18 Q. Any other formal education after high  
19 school that we have not talked about?

20 A. That's about it.

21 MR. JOYCE: Richard, could you spell the  
22 name of the university in Ethiopia?

23 THE WITNESS: A-d-d-i-s, one word,  
24 A-b-a-b-a, another word, University.

25 Q. (By Mr. Zimmer) What city is that



1 located at?

2 A. Addis Ababa is the city, also.

3 Q. Okay. Following the formal education  
4 that you have received, have you received any less  
5 formal education since? Seminars? Certificates,  
6 obtained certificates, that sort of thing?

7 A. Yes.

8 Q. Okay. Over what period of time?  
9 Recently? When?

10 A. They're very short seminars to qualify  
11 for water quality programs that I manage here.

12 Q. Those are mandatory?

13 A. It's not mandatory, but it's -- it's not  
14 mandatory that I have that, but I did take it. USC  
15 had a certificate program.

16 Q. And when did you obtain a certificate  
17 from USC?

18 A. It's called cross connection control.

19 Q. Cross connection control was the name of  
20 the seminar?

21 A. Backflow connection. Yeah. It's a  
22 long -- the certificate has a long name.

23 Q. What was the general nature of the  
24 course of study there to get that certificate?

25 A. How long the course is or --

1 Q. No. What was the nature of the course?  
2 What did it cover?

3 A. Problems of cross connections and how to  
4 prevent them.

5 Q. How long was that?

6 A. Just a week.

7 Q. Any other seminars?

8 A. No.

9 Q. "No"?

10 A. (Witness shakes head.)

11 Q. What do your duties entail as a civil  
12 engineer for the LA County Department of Public  
13 Works?

14 A. I'm presently the head of the water  
15 quality and engineering section. The duties include  
16 water quality and water resources. So I'm in charge  
17 of making sure we have water supply, but also comply  
18 with all regulations regarding water quality.

19 Q. Can you tell me just generally in  
20 chronological order your background in terms of  
21 employment after college?

22 A. I worked in Water Conservation Division,  
23 same department, Department of Public Works, Water  
24 Conservation Division September '85 until  
25 June -- June '92, I think. I'm not sure.

1                   And then I transferred to Design Division  
2 and worked in hydraulic analysis for about a year and  
3 a half.

4           Q.       In approximately '93 or '94?

5           A.       I think it's only a year that I worked  
6 there. I was here end of '93, one of the years.

7           Q.       So at the end of working for the  
8 Design/Hydraulic Analysis Division --

9           A.       Design was '92 to '93, I think.

10          Q.       One thing I forgot to mention is try and  
11 let me finish the question before you start  
12 answering. Otherwise, the court reporter, after  
13 having been stuck in traffic, having been lost, will  
14 go completely crazy and have a meltdown because she's  
15 trying to write down both of us at the same time. It  
16 also gives you a chance to think about the question  
17 and make sure the question's finished. Lawyers  
18 sometimes have a tendency to have their questions  
19 drag on. So just leave a few seconds after you think  
20 the question's finished before you start answering.

21          A.       Okay.

22          Q.       Okay?

23                   Okay. So after working in the  
24 Design/Hydraulic Analysis Division in  
25 LA County Department of Public Works, you then

1 started your position as a civil engineer with the  
2 LA County Department of Public Works, or was there  
3 something else after that?

4 A. Waterworks, yes.

5 Q. Waterworks.

6 Is it fair to say that all of your  
7 employment history has been working for the  
8 LA County Department of Public Waterworks?

9 A. Public -- Department of Public Works.  
10 Yes.

11 Q. LA County Department of Public Works?

12 A. Right.

13 Q. That's what I thought it was, and then  
14 you said LA Department of Public Waterworks.

15 A. No. It's Department of Public Works.

16 Q. Okay. You've always been employed by  
17 LA County Department of Public Works?

18 A. Yes.

19 Q. Never been in the private sector?

20 A. I worked for three months for a private  
21 company on the East Coast.

22 Q. What kind of a company?

23 A. Dewberry & Davis was the name of the  
24 company.

25 Q. What kind of a company was that?

1 A. They -- they did flood insurance studies.

2 MR. JOYCE: FEMA?

3 THE WITNESS: They worked for FEMA.

4 Q. (By Mr. Zimmer) Anything else?

5 MR. JOYCE: Can you spell the name of  
6 that firm, please.

7 THE WITNESS: That's spelled -- I think  
8 it's D-e-w-b-e-r-r-y & Davis.

9 MR. JOYCE: Okay. Thank you.

10 Q. (By Mr. Zimmer) Ma'am, you have been  
11 designated in this case to act as a person most  
12 knowledgeable regarding numerous issues in this case.

13 Do you know how you were selected for  
14 that role?

15 A. Do I know how I was selected?

16 Q. How did you become involved in this  
17 particular litigation?

18 A. I'm in charge of the section that takes  
19 care of water supply issues and water resources for  
20 the area.

21 Q. Have you been involved in other water  
22 litigation matters?

23 A. No.

24 Q. Have you had an opportunity, ma'am, to  
25 review the deposition notices and the things

1 requested in the deposition notices?

2 A. Yes.

3 MR. ZIMMER: I'd like to attach as  
4 exhibits first in order -- Exhibit 1 will be the  
5 Notice of Taking Deposition regarding Public  
6 Waterworks District 37. Exhibit 2 will be the same  
7 notice for District Number 40.

8 (Whereupon, Plaintiff's Exhibit  
9 Nos. 1 and 2 were marked for  
10 identification.)

11 Q. (By Mr. Zimmer) Ma'am, were you  
12 involved with the location of documents for  
13 compliance with the notices of deposition?

14 A. Can you clarify the question?

15 Q. Right.

16 Let me just show you these two.

17 I'm showing you what's been marked for  
18 identification exhibits 1 and 2. And Mr. Abbott  
19 showed you a copy of his, which was a copy on white  
20 paper, the same thing.

21 A. Okay. The question is?

22 Q. You have looked through these documents  
23 in terms of what the plaintiffs have requested be  
24 produced --

25 A. Yes.

1 Q. -- here at this deposition; correct?

2 A. Correct.

3 Q. And I assume that you have engaged in  
4 some kind of activities to locate all these documents  
5 and to have them available for purposes of this  
6 deposition.

7 A. The available documents, yes.

8 Q. Was there anything that you were not able  
9 to find in terms of the documents for production  
10 pursuant to these notices of deposition?

11 A. There are some that I was looking for I  
12 didn't find, yes.

13 Q. What was it you did not find?

14 A. The formation documents for all the  
15 districts.

16 Q. When you say "formation," what do you  
17 mean?

18 A. Documents that authorize the formation of  
19 the districts.

20 Q. Anything else that you did not find?

21 A. No.

22 MR. JOYCE: Didn't?

23 Did I understand that you were unable to  
24 locate the formation documents for both districts or  
25 just one?

1 THE WITNESS: No. Not for -- not for  
2 District 40 or 37.

3 MR. JOYCE: All right.

4 THE WITNESS: Some districts, I --

5 MR. JOYCE: But for the two districts  
6 identified in this litigation, you have not found the  
7 formation documents?

8 THE WITNESS: I have the formation for  
9 those.

10 MR. JOYCE: You have those?

11 THE WITNESS: (Witness nods head.)

12 MR. JOYCE: Okay.

13 Q. (By Mr. Zimmer) What was the reason you  
14 were trying to find formation documents for  
15 additional districts?

16 A. District 40 is -- was formed by  
17 consolidating other districts, and I did not -- I did  
18 not locate those documents that formed the other  
19 districts.

20 MR. JOYCE: In that vein, you mean that  
21 District 40 as it presently exists is the  
22 consolidation of predecessor districts?

23 THE WITNESS: Right.

24 MR. JOYCE: Okay. Presumably you have  
25 the governmental documentation bringing into



1 existence 40 as a consolidation of other districts  
2 but don't have the formation documents for the  
3 predecessor districts..

4 THE WITNESS: Right.

5 MR. JOYCE: Thank you.

6 Q. (By Mr. Zimmer) Does that mean that they  
7 do not exist or that you simply can't locate them at  
8 present?

9 A. I think they exist. I did not -- was not  
10 able to locate them.

11 MR. ZIMMER: Mr. Abbott, I don't know  
12 that it's going to be an issue, but I would just  
13 formally request the right to take her deposition if  
14 and when those documents are located and request that  
15 you notify us when they're located.

16 MR. ABBOTT: I will let you know if we  
17 find them.

18 Q. (By Mr. Zimmer) Ma'am, for purposes of  
19 this deposition, in addition to locating documents  
20 that were responsive to the deposition notices marked  
21 as exhibits 1 and 2, what other activities did you  
22 engage in to prepare for this deposition?

23 A. I looked through the -- the questions, I  
24 guess.

25 Q. When you say "the questions," you're

1 talking about the --

2 A. These requests.

3 Q. -- requests for production in  
4 exhibits 1 and 2?

5 A. Right. Right.

6 Q. Don't forget to let me finish the  
7 question.

8 Did you have discussions with anyone in  
9 your preparation for the deposition?

10 A. I did go over the -- the document -- the  
11 list of documents, because I had other people help me  
12 look for documents.

13 Q. Other than speaking with other  
14 individuals or employees with reference to  
15 assimilating the documents that are in exhibits 1 and  
16 2, did you have any discussions or meetings with  
17 anyone else regarding your preparation for potential  
18 testimony here today?

19 A. I've talked with Steve Abbott regarding  
20 what we -- what I need and whether it's complete or  
21 not, 'cause I had to ask him what I needed.

22 Q. Okay. Other than Mr. Abbott, were there  
23 meetings with anyone else, other than Mr. Abbott,  
24 regarding preparing for your deposition today?

25 A. I guess they're covered by, you know,

1 collecting the information, the employees here. I've  
2 done that, and that's about it.

3 Q. Right.

4 So other than speaking with employees  
5 here to collect the information and speaking with  
6 your attorney representative, Mr. Abbott, have you  
7 spoken with any other person or was any other person  
8 present during conversations with Mr. Abbott  
9 regarding preparing for this deposition?

10 A. No.

11 Q. Have you reviewed any particular  
12 documents? Out of all these documents that you  
13 assimilated, did you look at any of them in order to  
14 prepare for the questions that you anticipated would  
15 be asked here today?

16 A. No.

17 Q. So you have not looked at any documents  
18 specifically out of the 50 boxes or so Mr. Abbott has  
19 indicated exist referable to the production?

20 A. For preparation for this?

21 Q. Let me back up.

22 Mr. Abbott indicated in an E-mail that  
23 there are about 50 boxes of documents that are  
24 responsive to this Request for Production.

25 Is that correct?

1           A.     Right.

2           Q.     Is that correct?

3           A.     Correct.

4           Q.     And these are the documents that you and  
5 your staff have prepared and located?

6           A.     Correct.

7           Q.     Where are those documents?

8           A.     They're all in this room.

9           Q.     Okay. So all of the documents responsive  
10 to the Request for Production are currently in this  
11 room?

12          A.     Right.

13                 MR. JOYCE: For the purposes of the  
14 record and so we're clear, this testimony presently  
15 being given is being given in response to both  
16 notices; is that correct?

17                 MR. ZIMMER: Yes.

18                 MR. JOYCE: 37 and 40.

19                 MR. ZIMMER: That's a good point.

20                 Mr. Abbott and I discussed this off the  
21 record prior to the beginning of the deposition.  
22 It's my understanding that Mr. Abbott is producing  
23 this same witness for both districts as to all issues  
24 in the notices, in both notices.

25                 MR. ABBOTT: That's correct.

1 MR. JOYCE: Yes.

2 And I think the import of my inquiry is,  
3 so that we're clear, that questions as are being  
4 posed now are being asked and are being answered  
5 generically with reference to both districts.

6 Am I correct? I'm asking --

7 MR. ABBOTT: Yes. It will be one  
8 deposition regarding both districts.

9 MR. JOYCE: Thank you. That's all I  
10 wanted to make sure I was clear about.

11 MR. ZIMMER: That's fine with me, as long  
12 as the issue's clear on the record.

13 Okay. Let's go off the record for a  
14 second.

15 Go ahead and stay on the record. We'll  
16 just get it done.

17 As a matter of housekeeping, Mr. Abbott,  
18 if somebody wants access to any of the documents that  
19 we have here, I assume that on reasonable notice  
20 you'll make any and all of these documents available  
21 to the plaintiffs for copying or review.

22 MR. ABBOTT: Yes. They will be available  
23 here for copying and review on reasonable notice.

24 MR. JOYCE: Can I ask one question here?

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EXAMINATION BY MR. JOYCE

Q. Ma'am, with reference to the documents that are in the room as we sit here today, are they segregated by district, or do you know?

A. It --

Q. In other words, do we look to one side of the room for 37 and the other side of the room for 40, or are they kind of intermixed?

A. They're mixed.

Q. So there's no physical way of segregating what's in this room between the two districts, necessarily?

A. Oh, there is a way we could do that. I'm just saying right now, they're not sorted that way.

Q. Okay. Right now, as they sit here, they have not been segregated into 37 documents versus 40 documents; correct?

A. Correct.

FURTHER EXAMINATION BY MR. ZIMMER

Q. Can you tell us, ma'am, what general groupings of documents that we have in here with us today?

A. We have general readings.

1 Q. General --

2 A. Readings.

3 Q. What is that?

4 A. They're documents that contain  
5 communications regarding the district.

6 Q. The district and --

7 A. The district -- any kind of communication.

8 Q. With anybody or entity?

9 A. Right.

10 MR. JOYCE: Do I understand generally  
11 kind of a series of chronological correspondence  
12 files that pertain to either 37 or 40 without regard  
13 to who the correspondence was generated from? In  
14 other words, if it's a public person writing in, that  
15 goes into that file?

16 THE WITNESS: Right.

17 Q. (By Mr. Zimmer) So any communications  
18 about the district to or from the district are  
19 contained in that file?

20 A. Right.

21 Q. What do those look like?

22 A. Those are --

23 MR. ZIMMER: For the record, she's  
24 pointing to a table that's sitting behind us which  
25 contains numerous files separated by tabs.

1 Q. (By Mr. Zimmer) The tabs -- what? --  
2 have different dates on them?

3 A. Yes.

4 Q. This one here, for example, says  
5 33-region 1987.

6 What does that mean?

7 A. 33 is a region in District 40. So the  
8 older documents that were constructed before the  
9 formation of District 40 would have all those  
10 different numbers, regional numbers.

11 Q. So in terms of being able to decipher  
12 this, the first number is?

13 A. The region number.

14 Q. The region number within the district?

15 A. Right.

16 Q. And then the other numbers on there are  
17 the dates --

18 A. The dates, yes.

19 Q. -- for the correspondence?

20 MR. JOYCE: Do the region numbers in any  
21 way correlate with the district number of the  
22 predecessor district before it was consolidated?

23 THE WITNESS: Yes.

24 MR. JOYCE: In other words, was there a  
25 previous district for 33 that then became part of



1 District 40, and therefore it is now referred to as  
2 Region 33?

3 THE WITNESS: Yes.

4 MR. JOYCE: Okay.

5 Q. (By Mr. Zimmer) Is there some kind of  
6 chart that tells us what districts ended up as  
7 District 40 or what regions ended up as District 40?

8 A. Yes.

9 Q. And what particular diagram would that be?  
10 I see you glancing over here at the  
11 documents you brought -- or the maps you brought with  
12 you.

13 We can mark as Exhibit 3 to the  
14 deposition what's titled at the top  
15 "WWD No. 40, Region Map."

16 (Whereupon, Plaintiff's Exhibit No. 3  
17 was marked for identification.)

18 Q. (By Mr. Zimmer) What is this, ma'am?

19 A. That's a map showing District 40 with all  
20 the regions that made it, that were consolidated to  
21 be District 40.

22 Q. Now, these regions don't have any  
23 particular numbers on them. I see a legend over the  
24 on the right bottom corner of the page that has color  
25 coding.

1 Oh, I take that back. It does. Over  
2 here you have color coding, and you have these  
3 district regions. For example, the blue is  
4 Lancaster, identified as 40-04.

5 A. Right.

6 Q. What does that mean?

7 A. It means it used to be District 4, and  
8 now it's Region 4.

9 Q. It's currently Region 40?

10 A. District.

11 Q. Or District 40?

12 A. District 40, Region 4.

13 Q. Okay. And then the next one down here  
14 for Pearblossom, the orange, that would be Region 24,  
15 which is now in District 40?

16 A. Correct.

17 Q. And so on and so forth for the rest of  
18 the legend there?

19 A. Yes.

20 Q. Okay. So we have documents here showing  
21 communications by a particular district and/or region  
22 broken down by region?

23 A. Correct.

24 Q. And then what else do we have in terms of  
25 groupings of documents, in addition to the

1 communications?

2 A. We have next to that a lot of technical  
3 reports, studies done by different agencies, at the  
4 end of the table.

5 Q. Right down here.

6 For example, Amargosa Groundwater. That  
7 would be a technical report?

8 A. Yes.

9 Q. And in addition to the public  
10 reports -- does anybody want those identified in  
11 terms of exactly what reports are there, technical  
12 reports?

13 MR. JOYCE: Can I ask a real quick  
14 question before we get too far down, back on the  
15 correspondence section?

16

17 FURTHER EXAMINATION BY MR. JOYCE

18 Q. Ma'am, in the general readings files  
19 that are maintained, if I understood you correctly,  
20 those are maintained up to a particular point in time  
21 by reference to the region designation that was a  
22 predecessor district. Correct?

23 A. Correct.

24 Q. Is there a particular point in time when  
25 they were there, or have you continued that

1 practice? In other words, even today, if somebody  
2 were to write a letter concerning what used to be  
3 District 24, by way of example, that now is  
4 Region 24, would a current piece of correspondence go  
5 into a current file denoted 40-24?

6 A. Yes.

7 Q. Okay. So you still maintain that region  
8 breakout?

9 A. Yes.

10 Q. Okay. And as far as governmental  
11 permits, public notices, and things of that nature,  
12 are they maintained in these general readings files?  
13 In other words, if you have to publish a public  
14 notice in these newspapers, do you keep proof of  
15 publish in these general readings files?

16 A. Yes.

17 Q. Okay. So these general readings files  
18 would not only have correspondence from someone  
19 outside the agency, but anything coming in, as well  
20 as notices, publications, things of that nature?

21 A. Can you give me an example?

22 Q. Let's say you were applying for a permit  
23 or trying to get permission, authorization for a new  
24 well. Would the public notice aspects of that  
25 process appear in these general readings files?

1           A.     Not certain.

2           Q.     Would a CEQA negative declaration appear  
3     in these general readings files, or is there a  
4     separate file that's maintained for that kind of  
5     activity?

6           A.     We have a separate file for NDs,  
7     negative declarations, or similar activities.

8           Q.     That's sufficient for me.

9                     What files would I look to to discern  
10    where negative decs or CEQA compliance would be  
11    located?

12          A.     Can you repeat that, please.

13          Q.     Just to make sure we're clear, do you  
14    understand what I'm referring to when I say CEQA?

15          A.     Yes.

16          Q.     What files would we look to to ascertain  
17    and locate documentation to substantiate CEQA  
18    compliance either by way of negative declaration or  
19    environmental impact reports, either one?

20          A.     Okay. The readings will have that ND  
21    has been done or CEQA document has been filed. That  
22    information will be in the readings.

23          Q.     All right.

24          A.     But the --

25          Q.     The actual --

1           A.     -- CEQA document, itself, would be in a  
2 separate file.

3           Q.     Okay. Are those separate files here in  
4 this room?

5           A.     Don't believe so.

6           Q.     What label or title would we look to to  
7 discern or to locate those documents?

8           A.     Have to take that back. Some of  
9 them -- some of the CEQA documents could be in here,  
10 also. There are some EIRs that are in here.

11          Q.     There are some environmental impact  
12 reports that are in here?

13          A.     I think there is one.

14          Q.     One or two?

15          A.     (Witness nods head.)

16          Q.     Are those EIRs that were done in  
17 anticipation of water extraction permits?

18          A.     Yes.

19          Q.     Do you know when the most recent one was  
20 done?

21          A.     I don't have the date, but we could  
22 probably look it up.

23          Q.     Do you, sitting where you're sitting,  
24 know generally on that table where that is?

25          A.     For the most recent, I would probably go

1 that side, on that end of the table.

2 Q. Could I ask you to just walk over, just  
3 identify the file you're talking about?

4 MR. ZIMMER: Might as well have her  
5 identify all of them, unless there's a list.

6 MR. JOYCE: The most recent environmental  
7 impact report is what I'm attempting to ascertain.

8 Q. (By Mr. Joyce) Is it not there?

9 A. No.

10 Q. Do you know if that report is in this  
11 building?

12 A. And that would be an ND, instead of an  
13 EIR.

14 Q. I'm sorry. It was a negative dec?

15 A. Yes.

16 Q. Okay. Do you know what a draft  
17 environmental impact report is?

18 A. Yes.

19 Q. Do you know what a final EIR is?

20 A. Yes.

21 Q. Okay. Do you know whether or not a  
22 formal environmental impact process has been  
23 undertaken in connection with any water extraction  
24 programs within either of the two districts?

25 A. Yes.

1 Q. Is the answer that there have been?

2 A. Yes.

3 Q. Okay. Do you know when in time the last  
4 environmental impact report was generated in  
5 connection with the water extraction program?

6 A. The draft -- the draft is either in  
7 circulation or somewhere here.

8 Q. Okay. What you're saying is that you  
9 are currently in the process of doing an  
10 environmental review in connection with anticipated  
11 water extraction activities?

12 A. Right.

13 Q. Okay. And you are at that point in the  
14 process where a draft environmental impact report has  
15 been prepared?

16 A. The draft has been prepared.

17 Q. Do you know where you are in the comment  
18 period, as far as the draft is concerned, in terms of  
19 time?

20 A. Not for certain.

21 Q. Do you know if the public version of the  
22 draft environmental impact report is available to you  
23 in this building?

24 A. The draft, whether it's here?

25 Q. Yes. Is there a copy of it in this



1 building somewhere?

2 A. Yeah.

3 MR. JOYCE: Counsel, is there a chance  
4 that when we take a break we can see if we can  
5 isolate that draft environmental impact report? How  
6 hard would it be to get a copy of it?

7 MR. ABBOTT: Can you find it?

8 THE WITNESS: I can find it.

9 MR. JOYCE: I'm sorry?

10 MR. ABBOTT: Yes. We'll try to find it  
11 during a break.

12 MR. JOYCE: Okay.

13 Q. (By Mr. Joyce) Do you know offhand  
14 where you are in the comment period on that draft?

15 A. I don't believe it's been sent for  
16 comment yet.

17 Q. I see. Okay.

18 Has it been published as of yet? In  
19 other words, is it a document that it's already out  
20 for public consideration and comment, or is it merely  
21 a draft that has been prepared in anticipation of  
22 being submitted for public comment?

23 A. It's -- the -- the first procedure  
24 to -- to start working on it, we had to prepare a  
25 notice of preparation, and that has been sent out.

1 Q. Okay. So you're merely at the phase  
2 where you've given notice you're in the process of  
3 preparing a draft environmental impact report? The  
4 report, the draft, itself, has not yet been  
5 finalized?

6 A. It hasn't been finalized.

7 Q. Is a working draft currently in  
8 existence?

9 A. Yes.

10 Q. Is that being done internally, or do you  
11 have outside consultants working on the draft  
12 environmental impact report?

13 A. We have consultants working on it.

14 Q. Who are the consultants?

15 A. Ultrasystems.

16 Q. Can you spell it for me, please.

17 A. "Ultra"?

18 Q. A-l --

19 A. U-l-t-r-a.

20 Q. Okay. Ultrasystems.

21 A. Systems.

22 MR. JOYCE: Okay. On the break, if we  
23 could get a copy of the working draft, I would  
24 appreciate it.

25 Q. (By Mr. Joyce) What is the nature of

1 the extraction program in connection with which this  
2 draft is being prepared?

3 A. It's called Aquifer Storage and Recovery  
4 Program.

5 Q. Okay. And is this an environmental  
6 impact report that's being prepared in connection  
7 with an anticipated recharging and extraction  
8 program?

9 A. Yes.

10 MR. JOYCE: If possible, I'd like to see  
11 a copy of the working draft when we have a break, if  
12 it can be located.

13 MR. ABBOTT: We will try to find it with  
14 the understanding that it's not --

15 MR. JOYCE: Yes.

16 MR. ABBOTT: -- an admission by account  
17 of being released. It hasn't been formally released.

18 MR. JOYCE: It's not a final product  
19 yet. It's subject to further revision and  
20 fine-tuning. I appreciate that.

21 All right. Thank you. That's all I have.

22

23 FURTHER EXAMINATION BY MR. ZIMMER

24 Q. A follow-up question to that, ma'am.

25 In terms of the Aquifer Storage and

1 Recovery Program, I understand that that exists in  
2 separate documents outside of this room, but do these  
3 communications include documents which show the  
4 intent of LA County in terms of aquifer storage  
5 and/or recovery programs?

6 A. Do these readings files show, is the  
7 question?

8 Q. Right.

9 I assume at some time in the recent past  
10 LA County decided that it wants to engage in some  
11 kind of aquifer storage and recovery program.

12 Would that be a correct statement?

13 A. Correct.

14 Q. And when did that happen? When did  
15 LA County decide that it wanted to do that?

16 A. I'd have to look at the document to -- to  
17 specify the date, the exact date.

18 Q. Can you give me an estimate?

19 A. Say '92 or '91.

20 Q. And what document would you look at to  
21 confirm that particular date?

22 A. Have a report prepared for the pilot  
23 program that was completed.

24 Q. And what's the title of that report?

25 A. Lancaster Aquifer Storage and Recovery

1 Completion Report.

2 MR. JOYCE: Is that report here in this  
3 room?

4 THE WITNESS: Yes.

5 MR. JOYCE: Can you isolate that report?

6 THE WITNESS: It's right --

7 Q. (By Mr. Zimmer) Why don't you go ahead,  
8 ma'am, and pull that out.

9 MR. JOYCE: Can I see that?

10 Thank you.

11 Q. (By Mr. Zimmer) While Mr. Joyce is  
12 looking at that, let me ask you a few questions  
13 here.

14 I guess what I'm trying to find out is  
15 whether these communication files include not only  
16 communication from LA Department of Public Works to  
17 outside entities and/or persons and persons, entities  
18 back to LA County Department of Public Works, but  
19 whether these communication files also include all  
20 internal communications by and between  
21 LA County Department of Public Works with itself, you  
22 know, all correspondence of minutes or meetings, all  
23 correspondence, all computer communications back and  
24 forth, E-mails, that sort of thing.

25 A. I don't believe they include E-mails.

1 Q. But otherwise, it would include all the  
2 things I mentioned?

3 A. Yes.

4 Q. What is the purpose of these  
5 communication files? To be able to document at a  
6 later point in time exactly what the intent was of  
7 LA County with regard to these various regions within  
8 the district?

9 A. It's historical record, general purpose.

10 Q. The general purpose being to be able to  
11 document what transpired in the past as to that  
12 particular region in that particular district?

13 A. Yes.

14 Q. Are there any other files that are kept  
15 of any kind that compile documents regarding these  
16 particular regions within these particular districts  
17 in terms of what was happening in those regions or  
18 what LA County was doing in those regions?

19 A. Yes.

20 Q. What other documents or files would there  
21 be?

22 A. Pumping records, documents for -- for  
23 pumping, historical records.

24 Q. Okay. And they're somewhere else in the  
25 room?

1           A.     Right.

2           Q.     Why don't we continue our tour around the  
3 room, then.

4                     One thing we didn't mention were these  
5 green binders back here that say  
6 "Waterworks District," for example,  
7 "36-37-24 Edison Tests."

8                     What are those for, the green binders?

9           A.     Those are tests for pumping capacities  
10 of the wells and the pumps. Edison does the tests  
11 every year most of the time.

12          Q.     Would those binders show the depth of the  
13 wells or just capacities?

14          A.     It's mainly pumping capacity.

15          Q.     Is there anything else in those four  
16 binders, other than pumping capacity at the wells?

17          A.     I'm not certain.

18          Q.     Let me just ask this final question here.  
19 Do those four volumes contain all the information  
20 regarding pumping capacity on all of the wells that  
21 are located generally within the Antelope Valley?

22          A.     The district wells.

23          Q.     The LA County --

24          A.     Yes.

25                     MR. ZIMMER: Go ahead, Bob.

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FURTHER EXAMINATION BY MR. JOYCE

Q. I presume there's multiple copies available to the public.

A. Um-um.

Q. How would one get a copy of this from your department from which to have a copy of it?

MR. ZIMMER: I have a copy.

Q. (By Mr. Joyce) Well, apart from having a copy, I presume this is a copy that would be available to the public if they would come and ask for it.

A. I'm sure you could make copies.

Q. What I'm really driving at is when this was prepared, did you have more than your copy made, or were there multiple copies made, some that were intended to be made available to the public if they should request a copy?

A. Are there any other copies laying around? Is that what --

Q. This is obviously a document that went through some publication effort --

A. Correct.

Q. -- to use the term.

I assume that in that process, that they didn't publish a single copy of this; that they made



1 a number of copies not only for your department's  
2 use, but also copies to be available to the public,  
3 if they should request them.

4 Is that a fair statement?

5 A. No. We -- we did make a copy for us and  
6 copies for other agencies that we had to -- sent,  
7 including the Regional Water Quality Control Board.

8 Q. Okay. Do you know whether or not there  
9 are any extra copies available of this document as it  
10 sits before me today, in other words, same color,  
11 same print, compiled in the same manner?

12 A. I don't know.

13 Q. You have no idea?

14 A. (Witness shakes head.)

15 Q. Is it your best belief this is the only  
16 copy of this available to you currently?

17 A. I -- I don't know.

18 MR. JOYCE: This is a document I'm  
19 certainly going to want to get a copy of.

20 MR. ZIMMER: The document we're talking  
21 about is entitled "Los Angeles County Waterworks  
22 Districts, District 40, Antelope Valley Lancaster  
23 Subbasin Aquifer Storage and Recovery (ASR)  
24 January 2000."

25 ///

1 FURTHER EXAMINATION BY MR. ZIMMER

2 Q. Would this document have been an internal  
3 document prepared by Los Angeles County for its use  
4 internally, or was it prepared with the intent of  
5 using it for external purposes or external  
6 distribution?

7 A. The latter. The --

8 Q. So -- go ahead. I'm sorry.

9 A. It was prepared to be sent to the  
10 Water -- Regional Water Quality Control Board, but  
11 also for other agencies, as needed.

12 Q. Was it meant for public distribution, as  
13 well, or just for the various LA County, you know,  
14 agencies?

15 A. There's no intent for public distribution.

16 Q. Okay.

17 A. But maybe I'm not clear about the  
18 question.

19 Q. Well, that was my question, is whether it  
20 was meant for public distribution or whether it was  
21 meant for internal use in LA County between its  
22 various agencies.

23 A. It was meant to be sent to a state  
24 agency, also. So --

25 Q. Okay. Or to a state agency?

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A. Yeah.

Q. But other than that, it's not meant for public distribution --

A. Not really.

Q. -- correct?

A. Correct.

Q. Okay. Can you look at this and determine the date we were talking about a moment ago? That would have been the date when LA County first decided to set up an aquifer storage and recovery program or had that intent, let's say.

MR. TOOTLE: Can we go off the record for a moment?

MR. ZIMMER: Sure.

(Off record from 11:13 to 11:14.)

(Recess taken from 11:15 to 11:37.)

Q. (By Mr. Zimmer) Ma'am, just before the break, we were discussing --

MR. JOHNSTON: That one.

Q. (By Mr. Zimmer) -- the Lancaster Subbasin Aquifer Storage and Recovery Demonstration Project.

When, if at all, did this project ever go into place? In other words, when in time was LA County storing water pursuant to this or any other

1 plan the first time?

2 A. May '94.

3 MR. LEGGIO: Let me see that.

4 MR. ZIMMER: I think Mr. Joyce wanted to  
5 ask you some questions about that. So I'll let him  
6 go ahead and do that.

7

8 FURTHER EXAMINATION BY MR. JOYCE

9 Q. I noticed that while we were on the break  
10 you were able to procure for me a copy of the draft  
11 environmental impact report. Is that correct?

12 A. Yes.

13 Q. I notice you also have before you another  
14 report. Is that correct?

15 A. Correct.

16 Q. This one is the Los Angeles County  
17 Department of Public Works Hydraulic/Water  
18 Conservation Division, Antelope Valley Groundwater  
19 Recharge Concept Plan Air Force Site Along Amargosa  
20 Creek, March of '92.

21 I presume this is the initial study done  
22 which prompted eventually what we were talking about  
23 a moment ago, which is the project, the pilot  
24 project, that was done.

25 A. Correct.

1           Q.     All right. Before I come back to those,  
2 other than the draft environmental impact report  
3 prepared for Waterworks District Number 40, the  
4 Antelope Valley Aquifer Storage and Recovery Project,  
5 to your knowledge, has Waterworks District Number 40  
6 or Number 37 or any of the predecessor districts  
7 which became 40 ever prepared an environmental impact  
8 report in connection with any water extraction  
9 program?

10           A.     Not to my knowledge.

11           Q.     Okay. Is it your best understanding that  
12 any of the extraction programs implemented prior to  
13 this storage and recovery project were done on the  
14 basis of negative declarations?

15           A.     Once their requirements were in place,  
16 yes.

17           Q.     Okay. So, for instance, in the last  
18 10 or 15 years, if any wells had been drilled for the  
19 purposes of increasing extraction capacity or just to  
20 replace a downed well or for whatever reason, those  
21 were done through a permitting process and on the  
22 basis and strength of a negative declaration; is that  
23 correct?

24           A.     If required.

25           Q.     If required. I appreciate that.

1 A. Yes.

2 Q. With respect to any of those negative  
3 decs, are they kept in a single file or are they kept  
4 in a project file? In other words, how would you go  
5 and locate negative declarations that were generated,  
6 let's say, for the last 10 to 15 years, if you were  
7 asked to do that?

8 A. That would be with the projects.

9 Q. Okay. So is there any way that  
10 internally you can identify or isolate those projects  
11 for which negative declarations were required?

12 A. Yes.

13 Q. Okay. And how is it you would go about  
14 doing that?

15 A. You would have to check each project.

16 Q. So in order to isolate and identify any  
17 negative declarations generated in connection with  
18 any water extraction project, you would have to  
19 physically go to each separate project file and look  
20 and find out if that particular project was of the  
21 nature or had some aspect of it that necessitated  
22 environmental review and then pull it from that file?

23 A. Correct.

24 Q. And where within each project file would  
25 one locate a negative dec, assuming it existed?

1 A. Each will have its own folder in the file.

2 Q. By that, do you mean that the file is  
3 maintained on a project basis in such a manner that  
4 governmental review and approvals and CEQA compliance  
5 are a separate, isolated subfile within the project  
6 file?

7 A. Yes.

8 Q. And for how many years have you been  
9 essentially in charge of this department?

10 A. Been with this -- with the section, as  
11 the head of the section?

12 Q. Yes.

13 A. For two years.

14 Q. Now, who was the head of the section  
15 before you?

16 A. I think that's Mustafa -- I'm  
17 sorry -- Ariki.

18 Q. Can you spell that for me?

19 A. Mustafa, M-u-s-t-a-f-a.

20 Q. And the last name is?

21 A. Ariki, A-r-i-k-i.

22 Q. And when you assumed the position that  
23 you currently have assumed, did you do anything to  
24 educate yourself or to familiarize yourself with the  
25 history of the Department so as to be aware of what

1 projects may or may not have historically been  
2 implemented based on the strength of the negative  
3 declaration or an environmental impact report?

4 A. I worked for Mustafa, in the same  
5 section.

6 Q. For how long?

7 A. Since '93.

8 Q. Since 1993?

9 A. Correct.

10 Q. Okay. And do I understand, then, that,  
11 based upon your own personal knowledge, from 1993 to  
12 the present, you are personally unaware of any other  
13 project or water extraction program that necessitated  
14 either a draft or final environmental impact report?  
15 Correct?

16 A. I'm unaware of any other.

17 Q. So to your personal knowledge, the only  
18 project that you are currently aware of since 1993  
19 that went through a draft environment -- or that's  
20 going to go through a full-blown environmental  
21 assessment process is the one that we've been talking  
22 about here today, that is, the storage and recovery  
23 project?

24 A. Regarding extraction?

25 Q. Yes.



1 A. Yes.

2 Q. Okay. During that same time frame, from  
3 '93 to the present time, are you aware of any  
4 extraction projects that you, yourself, have personal  
5 knowledge of that were pursued or that were put into  
6 place on the basis of a negative declaration?

7 MR. ABBOTT: I'm going to object to that  
8 as vague as to location.

9 Q. (By Mr. Joyce) I'm talking about within  
10 District 40 or District 37.

11 A. The question is?

12 Q. The question is do you, as you sit here  
13 today, have any personal knowledge as to whether or  
14 not there have been any extraction programs  
15 implemented within District 40 or District 37 for  
16 which a negative declaration was necessitated?

17 A. Yes.

18 Q. Do you offhand know what those projects  
19 were, that you can recall?

20 A. Well drilling and construction.

21 Q. Do you know how many of those,  
22 approximately, that you're aware of between 1993 and  
23 the present time?

24 A. I don't have exact numbers.

25 Q. Is it your present understanding that

1 for each well permit that's been processed since '93  
2 to the present, that there has been, in connection  
3 with that permitting process, a negative declaration  
4 in each instance?

5 A. No. Not in each instance.

6 Q. Have there been any instances where a  
7 permit was denied or not permitted?

8 A. Was not required.

9 Q. Okay. There were instances where it was  
10 not required?

11 A. (Witness nods head.)

12 Q. Is that what you're telling me?

13 A. Yes.

14 Q. What is your understanding as to under  
15 what circumstances the well permit would not  
16 necessitate a negative dec?

17 A. When we had to replace a well.

18 Q. So when you're getting a permit to drill  
19 a replacement well, no environmental assessment was  
20 necessitated?

21 A. If there was a permit being pulled that  
22 was in the same lot, same facility.

23 Q. Same general location?

24 A. Right.

25 Q. So is it your best recollection that from

1 1993 to the present, that any negative declarations  
2 that would have been issued as part of the permitting  
3 process would have been in connection with your new  
4 wells?

5 A. Correct.

6 Q. Do you know approximately how many new  
7 wells have been brought on line from 1993 to the  
8 present?

9 A. I would say -- I'd have to guess. I  
10 don't know.

11 Q. Can you just give me a rough  
12 approximation? Are we talking about more or less  
13 than ten? Are we talking about --

14 A. Less than ten.

15 Q. Less than ten?

16 Do you have a current memory or knowledge  
17 of when the last new well was brought on line within  
18 District 40 or District 37?

19 A. Approximately a year ago.

20 Q. Approximately one year ago?

21 A. Yes.

22 Q. And that was a new well?

23 A. A replacement well.

24 Q. A Replacement well for a well that had  
25 gone down?

1 A. Right.

2 Q. Okay. With respect to new wells, wells  
3 for which negative declarations would have been  
4 necessitated as part of the permitting process, when  
5 in time was the last time, that you are aware of,  
6 that a new well was brought on line?

7 A. I don't have an exact date.

8 Q. Do you know if it's been within the last  
9 few years, or it's been longer than that?

10 A. At least five years.

11 Q. At least five years ago?

12 A. (Witness nods head.)

13 Q. Do you offhand know what well number that  
14 would have been?

15 A. 35-2. 35-2.

16 Q. Dash 2?

17 A. (Witness nods head.)

18 Q. Is the file for Well 35-2 here in the  
19 room today?

20 A. I don't believe so.

21 Q. Okay. What would I expect to see in the  
22 file for Well 35-2 if I were to look at it?

23 A. Drilling information.

24 Q. Depth of bore, well casing, that kind of  
25 stuff?

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A. Right.

Q. What else would I expect to see?

A. Permits.

Q. Including the negative dec?

A. Including the negative dec.

Q. Okay. I presume that the permitting process goes through a staff review on the issue of environmental impact. Correct?

A. Is it --

Q. In other words -- let me back that up.

In connection with a negative declaration, there is a statement of findings typically issued that addresses all the various significant environmental issues that need to be addressed before you can reach the conclusion that a negative declaration is an acceptable alternative to an environmental impact report.

Do you agree?

A. Yes.

Q. All right. Would the statement of findings in support of the negative declaration and any staff comments be contained within the file for Well 35-2, or are they kept somewhere else?

A. Comments, if there were made any, would be in the file for 35-2.

1 Q. Would that be including the findings  
2 necessitated for the issuance of the negative dec?  
3 Would that also be in that file, as well?

4 A. Yes.

5 MR. JOYCE: Is there a chance that after  
6 lunch we could get the Well File 35-2, the data, so I  
7 can take a look at it?

8 MR. ZIMMER: Just out of curiosity, why  
9 don't we have that in here?

10 THE WITNESS: Construction and drilling  
11 documents were not put in there. Did not see it as  
12 one of the requests here.

13 Q. (By Mr. Joyce) Do you recall, as you sit  
14 here today, offhand the well number designation for  
15 any other new wells that were drilled and brought on  
16 line on the strength of a negative declaration from  
17 1993 to the present time, other than 35-2?

18 A. I believe there is one more, 24-5.

19 MR. JOYCE: Could we also get a  
20 copy -- or get that file available after lunch so we  
21 can take a look at that one, as well?

22 Q. (By Mr. Joyce) Am I, then, now safe to  
23 conclude that other than Well Number 35-2 and 24-5,  
24 that you are not presently aware of any wells that  
25 were drilled on the basis of a permit for which a

1 negative declaration was issued from 1993 to the  
2 present?

3 A. Correct.

4 MR. JOYCE: And before I finish this  
5 particular line of questioning, I would like to get  
6 or arrange to have copied -- I don't know how you  
7 want to handle this as far as exhibits, but I'm going  
8 to want to get the draft, as well as the 1992 water  
9 conservation concept plan, as well as the pilot  
10 project report. Those three for sure.

11 How do you want to do that, Rich? What  
12 do you want to do? I'd like copies of it, also.  
13 What works for you folks?

14 MR. ABBOTT: Why don't we go off the  
15 record.

16 MR. JOYCE: Yes. Let's go off the record  
17 for a moment.

18 (Off record from 11:53 to 11:54.)

19 MR. JOYCE: Okay. Let's go back on the  
20 record.

21 Let's get the ones that I'm most  
22 interested in at the moment.

23 MR. ZIMMER: Mark them in kind of  
24 chronological order how they came up during the  
25 deposition.

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MR. JOYCE: Yes.

The first document that we discussed and that we're going to make arrangements to have copied by a private copy service is a bound volume that has got numerical tabs appearing on the right-hand side, and the bound volume, itself, has tabs numbered 1 through tabs numbered 8. The title of the document is Los Angeles County Waterworks Districts District 40, Antelope Valley Lancaster Subbasin Aquifer Storage and Recovery (ASR) Demonstration Project Final Report dated January 2000.

The second document --

MR. ZIMMER: We'll mark that for the purposes of the deposition as Exhibit 4?

MR. JOYCE: Yes. I suppose that for purposes of discussion it can be referred to as Exhibit 4 in the context of the deposition.

MR. ZIMMER: Yes.

And we're going to stipulate that the originals need not be attached as an exhibit, although it will be referenced --

MR. JOYCE: Yes. That's true.

MR. ZIMMER: -- to that exhibit number.

MR. ABBOTT: So stipulated.

MR. TOOTLE: Yes.



1 MR. JOYCE: The second document is a  
2 document, blue cover. It's entitled Draft  
3 Environmental Impact Report Waterworks District  
4 No. 40 Antelope Valley Aquifer Storage and Recovery  
5 Project. The lead agency is denoted to be the  
6 County of Los Angeles Department of Public Works,  
7 Waterworks, and Sewer Maintenance Division. It has  
8 the 900 South Fremont Avenue in Alhambra, California,  
9 zip code and address.

10 I'm going to get there.

11 It is noted that it is Screencheck No. 1,  
12 not for public circulation, my understanding meaning  
13 that this is the first rough draft of the draft  
14 environmental impact report. It's been prepared by  
15 Ultrasonics, one word, U-l-t-r-a-s-y-s-t-e-m-s,  
16 Environmental Incorporated. Their address is  
17 6 Jenner, Suite 210, Irvine, California 92618. It  
18 has a state clearinghouse number designated  
19 2001051091, and is dated October of 2001. Apparently  
20 the lead author on behalf of Ultrasonics  
21 Environmental Incorporated is Gene Anderson, spelled  
22 G-e-n-e, A-n-d-e-r-s-o-n.

23 MR. ZIMMER: That's Exhibit 5, for the  
24 record.

25 MR. JOYCE: The third document is

1 Los Angeles County Department of Public Works  
2 Hydraulic/Water Conservation Division Antelope Valley  
3 Groundwater Recharge Concept Plan Airforce Site Along  
4 Amargosa Creek, spelled A-m-a-r-g-o-s-a, March of  
5 1992. That will be the next exhibit, 6, if I'm not  
6 mistaken.

7 MR. ZIMMER: Correct.

8 MR. JOYCE: One that I haven't  
9 mentioned -- we'll go ahead and get it done while  
10 we're at it, just for the sake -- is, again, a bound  
11 volume. It is entitled Final Report Antelope Valley  
12 Water Resource Study, Antelope Valley Water Group,  
13 dated November 1995. It has a K/J 934620.00  
14 numerical designation, and down in the right-hand  
15 corner it has Kennedy/Jenks Consultants, which I  
16 presume are the authors or the people who prepared  
17 the study.

18 The very first page appears to be a  
19 transmittal letter signed by a Lynn M. Taknichi,  
20 T-a-k-n-i-c-h-i, vice president of Kennedy and Jenks  
21 Consultants, directed to the Antelope Valley Water  
22 Group, dated November 10 of 1995.

23 That will be Exhibit 7.

24 And the other two documents we mentioned  
25 we have not yet seen. We'll wait for those until

1 after lunch. We can get those identified, which will  
2 be the well file for Well Number 35-2 and well file  
3 for Well Number 24-5.

4 Q. (By Mr. Joyce) Ma'am, with respect to  
5 those two wells, do you know whereabouts they are  
6 situated in relationship to District 40 versus 37?

7 A. Yes, sir.

8 Q. Can you just show me on what we've  
9 previously marked as Exhibit --

10 MR. ZIMMER: 3.

11 Q. (By Mr. Joyce) -- 3 where they would  
12 be, roughly?

13 A. 35-2 would be, also, over here in  
14 the --

15 MR. ZIMMER: Brown.

16 Q. (By Mr. Joyce) 40, Region 35?

17 A. Yes.

18 Q. Okay. And where would the other be?

19 A. 24-5 would be somewhere here.

20 Q. And that would be in Region 24 of  
21 District 40?

22 A. Yes.

23 Q. All right.

24 MR. ZIMMER: What was the other one?

25 35-2 was in Region --

1 MR. JOYCE: Region 35.

2 Q. (By Mr. Joyce) Are you aware of any new  
3 wells that were permitted and done so on the basis of  
4 a negative declaration that had been drilled since  
5 1993 in the Lancaster region, i.e., Region 04?

6 A. Not aware.

7 Q. Okay. Based on the best of your current  
8 knowledge, any well drilling activity in Region 04  
9 would have been strictly replacement wells?

10 A. Correct.

11 Q. Okay. Thank you.

12 MR. ZIMMER: Can we go off the record for  
13 a second?

14 (Off record from 12:01 to 12:02.)

15 (Lunch recess taken from 12:03 to 1:18.)

16 (Whereupon, Mr. Tootle is not present.)

17 MR. JOYCE: Back on the record.

18 During a break we were apparently able to  
19 successfully locate and bring the files for wells  
20 35-2 and 24-5.

21 I am presently looking at a box which in  
22 it has what I understand to be the file referred to  
23 for Well 35-2. That in and of itself consists of  
24 four expandos, one of which is almost a full expando,  
25 three of which appear to be partial. Within those

1 are subfiles. I will just identify some of the  
2 subfiles.

3 First subfile I see is titled  
4 "Well 35-2 Booster to Blue Rock 8" diameter Pipe  
5 Specifications," and then that file has one piece of  
6 paper, it appears. There's a whole series of loose  
7 documents.

8 Then another file where it's handwritten  
9 "12" Pipeline for Well 35-2 Specifications."

10 Second expando has some loose papers, as  
11 well, then has one file entitled nothing, just a  
12 blank Manila folder; another one titled  
13 "Well 35-2 Project Schedules"; another entitled  
14 "Projects in Construction Phone Log"; another  
15 "Well 35-2 & Correspondences"; another that's blank;  
16 and another one that's entitled "Well 35-2 Project  
17 Bid Sheets & Encumbrance Cards & Change Orders."

18 Third expando, "Well 35-2 Project  
19 CH2MHILL Invoices File;" "Well 35-2 Project  
20 Transmission Pipeline Partnering Workshop -  
21 December 3, '97," I think; "Well 35-2 Project  
22 Transmission Pipeline (CH2MHILL) General Notes File";  
23 "Well 35-2 Project Krieger & Stewart Invoices File";  
24 "Well 35-2 Project Transmission Pipeline (CH2MHILL)  
25 Info. Supplied to CH2MHILL."

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(Off record from 1:22 to 1:23.)

MR. JOYCE: "Well 35-2 Project  
Transmission Pipeline Letters, Fax, Reports & Memos  
from CH2MHILL."

Q. (By Mr. Joyce) Ma'am, what does that  
refer to?

A. CH2MHILL is a company, a consulting  
company.

Q. Oh, okay.  
What kind of consulting do they do?

A. Engineering and environmental.

Q. Environmental.

So theoretically they would have been the  
one that would have done the work in securing a  
negative declaration?

A. Most likely we did the ND. We always do  
the NDs in-house.

Q. Okay. So the NDs are generally generated  
internally?

A. Right.

Q. Then "Well 35-2 Project - ND" with an  
underline in red.

Is that the negative dec?

A. Right.

Q. And that says "Letters and

1 Correspondences"; correct?

2 A. Right.

3 Q. And that's the file I would probably find  
4 the negative dec in?

5 A. Yes.

6 Q. And the last one of the third says,  
7 "Noise (dB) Measurement & Code."  
8 I presume that it's a file that has  
9 something to do with noise abatement from pump --

10 A. Right.

11 Q. -- part of the environmental assessment.

12 A. Part of the -- yes.

13 Q. Okay. The last expando has a number of  
14 files. The first one is entitled "Well 35-2 Project  
15 Well (Krieger & Stewart)."  
16 Krieger & Stewart consultants again?

17 A. Yes. Another consultant.

18 Q. Okay. What kind of consultant?

19 A. They did -- the well geologist.

20 Q. The next one is "Well 35-2 Completion  
21 Report."  
22 I presume that's the file that basically  
23 will contain the documentation confirming that they  
24 achieved depth, the casing and all the rest of it's  
25 in place that was specified.

1           A.     True.

2           Q.     The next one is "WWD35 Well Construction  
3 Project," is the name of the file.

4                     The last one in this expando says,  
5 "Well 35-2 Project Well Construction Test Results."

6                     Presumably that's post-installation  
7 testing to make sure that you're getting the drawdown  
8 and the gallons per minute ratios as designed,  
9 specified.

10          A.     That would be part of it.

11          Q.     Okay. Let me just take a quick look at  
12 the subfile that is referenced as being the one  
13 containing the negative dec.

14                     I notice in looking at the file that  
15 refers to negative declarations there's a letter  
16 dated February 20th of 1997 directed to the board of  
17 supervisors from the Department of Public Works  
18 recommending that they approve the negative  
19 declaration, basically outlining the CEQA  
20 requirements. Attached to it is the initial study of  
21 environmental factors apparently prepared by the  
22 Los Angeles County Department of Public Works,  
23 Well 35-2 Project. Actually, says prepared by  
24 Los Angeles County Waterworks, District Number 40,  
25 Antelope Valley, and then has in parentheses



1 Region Number 35, Northeast Los Angeles County, end  
2 parentheses.

3 That is a region within that district  
4 that was under your -- strike that.

5 In 1997, you were not yet in the current  
6 position you are in; is that correct?

7 A. That's correct.

8 Q. What was your position at that time?

9 A. Civil Engineer I, but --

10 Q. Did you have any direct involvement in  
11 this particular well project?

12 A. No.

13 MR. JOYCE: All right. Okay. This is a  
14 document I'm going to want copied. In fact, I would  
15 probably wish to have this entire file copied.

16 Let me get this back into the right  
17 folder.

18 THE WITNESS: Excuse me.

19 MR. JOYCE: Yes.

20 THE WITNESS: You said if I was involved  
21 in that construction. I was in one of the meetings,  
22 pre-construction meeting or pre-design meeting, with  
23 consultants.

24 Q. (By Mr. Joyce) Let me ask this  
25 question. Did you have any engineering

1 responsibilities or oversight with reference to this  
2 particular well project?

3 A. No.

4 MR. JOYCE: All right. With respect to  
5 Well Number 35-2, I would propose that we would  
6 identify as Exhibit Number 8 a subfile within that  
7 file, and that subfile is labeled in handwriting as  
8 follows, as I mentioned earlier, "Well 35-2 Project -  
9 ND," that being underlined in red, and then in red  
10 it's written in hand "Letters and Correspondences."

11 Q. (By Mr. Joyce) And, as I understand it,  
12 this is the portion of the entire file -- the subfile  
13 is the part that references the negative declaration,  
14 including solicited and public comment and the  
15 like. Correct?

16 A. Correct.

17 MR. JOYCE: And that's the one that  
18 we'll be making arrangements to have copied.

19 And let's see. With respect to 24-5, do  
20 we have that available?

21 MR. JOHNSTON: Yes.

22 MR. JOYCE: Is there a similar ND file  
23 on that?

24 MR. JOHNSTON: That sticky is something I  
25 just put there.

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THE WITNESS: There is another one.

MR. JOHNSTON: Do you want to see the whole box, Bob?

MR. JOYCE: Yes. I just want to see if I can find the -- I'm looking for the staff report as to the environmental --

MR. JOHNSTON: Do you want me to put that back where it belongs?

THE WITNESS: I just need to clarify one thing.

MR. JOYCE: Sure.

THE WITNESS: When you asked me earlier before lunch, I said there were only two of them that had an ND, and I found another one in the file. So I included that.

Q. (By Mr. Joyce) Okay. So do I understand we have --

A. Three.

Q. -- three wells since '93 that had negative declarations?

A. Right.

Q. What's the designation of the third well?

A. 4-60.

Q. 4-60?

A. Yes.

1 Q. And where in Exhibit 3 is 4-60 roughly  
2 located?

3 MR. ZIMMER: Oh, Bob.

4 MR. JOYCE: So much for 3. Sorry about  
5 that.

6 THE WITNESS: It's in the Region 4,  
7 which is the blue.

8 MR. ZIMMER: What's the blue?

9 THE WITNESS: Lancaster.

10 Q. (By Mr. Joyce) So it is a new well that  
11 was drilled in the Lancaster proper area?

12 A. Right.

13 Q. All right. And that well designation is  
14 4-60?

15 A. Yes.

16 Q. Okay. Does the first letter of the well  
17 designation refer to the region that it's in -- I  
18 mean the first number, rather?

19 A. Yes.

20 Q. So 35-2 means it's within Region 35.

21 And is the particular well number of any  
22 particular significance, like second out of two?

23 A. It's just the sequence that we follow for  
24 each region.

25 Q. Okay. In other words, in Region 35, is

1 the first well that was drilled in Region 35 denoted  
2 Well 35-1?

3 A. Yes.

4 Q. And is the second well drilled in  
5 Region 35 35-2?

6 A. Correct.

7 Q. And 3 would be the third well, 4 the  
8 second until -- you just keep going up numerically?

9 A. Most of the time.

10 Q. And I guess the import of my question is  
11 that in Region 4, the Lancaster proper area -- we  
12 know that "4" is telling us that that's Region 4,  
13 that the number "60" is telling us that it's the  
14 sixtieth well within that region?

15 A. No.

16 Q. Okay.

17 A. There are some numbers that are skipped,  
18 and I'm not sure why.

19 Q. So there aren't 60 wells?

20 A. (Witness shakes head.)

21 Q. For whatever reason there are numbers  
22 that were left out in the sequencing process?

23 A. True.

24 Q. Okay. And do I understand that the  
25 documentation for Well Number 24-5 and 4-60 are both

1 in this box?

2 A. True.

3 Q. Thank you.

4 Set this over here.

5 MR. ZIMMER: You might not be able to get  
6 out of the room if we keep bringing boxes in here.

7 Q. (By Mr. Joyce) Okay. This all appears  
8 to be Well 60 -- this is 24-5. Okay. I'm looking  
9 for similar -- protest letters. Not the kind of  
10 protest one would think. Contractors wanting to hold  
11 off on your bid solicitation.

12 Here we go. In the file for the well  
13 designated Number 4-60, there is a file that is  
14 entitled Well 4-60 Project, dash, in red, ND, and  
15 then underneath it it says General Notes.

16 Do I understand that this subfile would  
17 be the file wherein the negative declaration and the  
18 recommendation and initial study relative to  
19 environmental impacts would be located?

20 A. True.

21 Q. Thank you.

22 And, again, I would note that in that  
23 file there's a letter from the County of Los Angeles  
24 Department of Public Works directed to the board of  
25 supervisors requesting that the board act upon the

1 requested negative declaration.

2 And attached to that letter is a  
3 County of Los Angeles Department of Public Works,  
4 Los Angeles County Waterworks, District Number 40,  
5 Antelope Valley, Region Number 4, Lancaster Well 4-60  
6 Project Negative Declaration which has attached to it  
7 the initial study of environmental factors, again  
8 prepared by the Los Angeles County Waterworks,  
9 District Number 40, Antelope Valley.

10 I would propose that that be identified  
11 as Exhibit Number 9.

12 MR. ZIMMER: What do you call it again?

13 MR. JOYCE: It is the file for the  
14 negative dec. It's a subfile within the file for  
15 Well Number 4-60 and the subfile which contains the  
16 negative dec and presumably any letters of protest or  
17 comment or correspondence relating to the negative  
18 dec or the initial environmental study.

19 Q. (By Mr. Joyce) Is that roughly correct?

20 A. Correct.

21 Q. Thank you.

22 Then looking at Well Number 24-5 -- well,  
23 one moment, please.

24 I notice in here that there's apparently  
25 a bound report from the Los Angeles Department of

1 Health Services, and it concerns to some extent an  
2 amendment to the well permit for Well 4-60.

3 Do you have any knowledge as to what  
4 this is about?

5 A. This is a permit to operate the well.

6 Q. Okay. Now, do you have any idea what  
7 prompted or what necessitated the amendment to the  
8 existing permit?

9 A. I'm not sure when the law was passed, but  
10 there is a requirement for wellhead assess -- it's  
11 called wellhead assessment, and we have to prepare a  
12 report that would be sent to the State for new wells.

13 Q. Okay.

14 A. For, I think, the old wells, the State's  
15 supposed to do it themselves. It's a new regulation.

16 Q. Okay. Now back to Well 24-5. This file  
17 does not seem to be quite as voluminous as some of  
18 the others. In fact, it appears to be a single blue  
19 multisection file. It also contains the report  
20 concerning the amendment to the permit.

21 Do you know within the contents of the  
22 structure of this file where I would be able to  
23 locate and find the negative dec?

24 A. I haven't looked through that folder, but  
25 it should be --



1 Q. Request for proposal. That would be  
2 merely a solicitation for bids?

3 A. Yes.

4 Q. And here we do have the initial study of  
5 environmental factors prepared by the Los Angeles  
6 County Waterworks, District Number 40, Antelope  
7 Valley.

8 It appears towards the end of the file  
9 when you're opening it up, looking from the right to  
10 the left at the very bottom of the furthest  
11 right-hand side tab -- and if we could have something  
12 to mark this with, I'd like to have this negative dec  
13 duplicated, along with the --

14 MR. ZIMMER: Here you go.

15 MR. JOYCE: -- transmittal letter.

16 I'm going to mark and indicate on the  
17 green marker "1," which is the beginning of what I  
18 would like to have duplicated, and on the very last  
19 page that I'm going to want to have duplicated I'm  
20 going to put a blue marker that's going to say "end,"  
21 e-n-d. That way the person that's duplicating it can  
22 locate it and get it copied.

23 That will be Exhibit Number 10, and that  
24 will be the letter directed to the board of  
25 supervisors, along with the initial study, in support

1 of the application for negative declaration for  
2 Well Number 24-5.

3 MR. ZIMMER: Is there a date on that?

4 MR. JOYCE: The date on that would have  
5 been a letter to the board of supervisors,  
6 December 11th, 1997. And it appears to have a  
7 received stamp acknowledgement by the board of  
8 supervisor of January 6th of '98.

9 Q. (By Mr. Joyce) So we can kind of  
10 summarize up the one area I was concerned about and  
11 be clear, we've now looked at all negative decs that  
12 you are aware of which have been generated in  
13 connection with any extraction projects in  
14 District 40 or District 37 from 1993 to the present;  
15 correct?

16 A. Correct.

17 Q. Okay. And we've also taken a look at and  
18 have available to be copied the preliminary first  
19 draft of an anticipated draft environmental impact  
20 report for the recharge/extraction project  
21 contemplated; correct?

22 A. Correct.

23 Q. You are not aware of any other negative  
24 declarations and/or affirmative environmental reviews  
25 in the form of an environmental impact report since

1 1993 to the present involving any extraction  
2 activities in District 40 or District 37; correct?

3 A. Correct.

4 Q. You are not aware of any other districts  
5 or any other areas within the Antelope Valley that  
6 your department has jurisdiction or has any  
7 involvement in, are you? In other words, there's no  
8 other areas or regions that you have oversight over  
9 that we have not identified yet here today, is there,  
10 within the Antelope Valley?

11 A. No.

12 Q. Okay. With respect to the recharge and  
13 extraction program, do you know whether or not your  
14 department has had any interaction with the  
15 Kern County Department of Public Works?

16 A. No, I do not.

17 Q. Are they an affected or involved agency,  
18 as far as being on your list of other government  
19 entities with whom you communicate and transmit your  
20 analysis and your findings?

21 A. Not that I know of.

22 Q. Are you aware that the Antelope Valley is  
23 in a sense, of at least county jurisdictions, split  
24 between -- part of it in Kern County and part of it  
25 in Los Angeles County?

1           A.     Yes.

2           Q.     And do you know whether or not there are  
3 any shared groundwater basins between the two  
4 counties? In other words, do you, yourself, have any  
5 hydrological understanding or appreciation for the  
6 boundaries and location of the aquifers from which  
7 District 40 and District 37 extract water?

8           A.     Let me get the question.

9           Q.     Let me back up and ask it this way.  
10           Do you, yourself, have a working  
11 knowledge of what you perceive to be the relative  
12 boundaries of the aquifers from which you extract  
13 water in District 40 and District 37?

14          A.     I've seen reports of -- of areas defining  
15 what basin we extract from.

16          Q.     Subbasins within the larger basin?

17          A.     Right.

18          Q.     Okay. And do you know whether or not the  
19 basins, themselves, correspond geographically with  
20 political boundaries, in other words, basins  
21 underneath a single city versus basins within  
22 Los Angeles County as distinct from Kern County, or  
23 do you understand there to be a basin that  
24 transverses those political subdivisions?

25          A.     The latter.

1 Q. The latter?

2 A. (Witness nods head.)

3 Q. Has anyone considered or discussed

4 whether or not Kern County should have been included

5 or consulted in the planning and implementation

6 process for the recharging and extraction or for any

7 other activities regarding extraction out of a common

8 aquifer?

9 A. Not that I know of.

10 Q. Okay. Are you aware of any other reports

11 that have been generated -- strike that. Let me

12 break this down into two areas.

13 First, are you aware of any reports that

14 have been created internally within your department

15 that address water supplies, water availabilities,

16 either underground or surface waters, in the

17 Antelope Valley, other than what we've looked at here

18 so far?

19 A. There was a report done in collaboration

20 with the DWR that we participated in.

21 Q. And do you know what year that was done?

22 A. I think it was 1980.

23 Q. 1980?

24 A. Um-hum.

25 Q. Do you know if that report is available

1 here in the room?

2 A. I believe so.

3 Q. Okay. Can you isolate that? Could you  
4 procure that for me?

5 A. (Witness complies.)

6 MR. JOYCE: Okay. Well, I've been  
7 handed and I would propose that we identify as  
8 Exhibit 11 -- am I correct?

9 That's amazing. I don't usually get this  
10 far and not mess up the numbers.

11 It's a bound document. At the top it  
12 reads "State of California The Resources Agency  
13 Department of Water Resources Southern District." In  
14 bold print across the top it says, "Planned  
15 Utilization of Water Resources in Antelope Valley."  
16 Beneath that it says, "District Report October  
17 1980." It appears to be approximately 70 pages.

18 It has a loose-leaf errata at the front  
19 of it that says on Page 4, Column 1, Paragraph 4,  
20 last line, the figures within the parentheses should  
21 be, paren, 30 degrees Fahrenheit to 40 degrees  
22 Fahrenheit, rather than 63 degrees Fahrenheit to  
23 72 degrees Fahrenheit.

24 And then the next errata says on Page 56,  
25 Table 19, last column, the final numbers should be

1 5,161,480 acre-feet, rather than 1,161,480  
2 acre-feet. And then there's a table of contents  
3 that runs roughly four pages.

4 I propose we mark that as 11. And we'll  
5 have that duplicated.

6 Q. (By Mr. Joyce) Are there any other  
7 internally generated studies or reports which are  
8 currently available and which by content concern the  
9 availability of either groundwater or surface water  
10 in the Antelope Valley that we have not yet looked at  
11 that are here with you today?

12 A. I have a question.

13 Q. Sure.

14 A. "Internally" means not using consultants,  
15 but within ourselves?

16 Q. For the purposes of this deposition, the  
17 definition -- by "internally," I mean authored by you  
18 or authored by a consultant for your use.

19 A. I believe there are some reports that  
20 would have some information pertaining to water  
21 supply and water resources.

22 Q. Okay. And what are you thinking of?

23 A. There are some studies of that I put over  
24 there that we had consultants do --

25 Q. Consultants --

1 A. -- geologically for --

2 Q. Consultants generated a report at your  
3 request for what purposes? In other words, what was  
4 the rationale behind requesting the work be done?

5 A. To determine reliability of water  
6 resources.

7 Q. Can you go ahead and isolate those for  
8 me?

9 MR. ZIMMER: I guess where we left off on  
10 our documents --

11 MR. JOYCE: I think we can kind of  
12 segregate out of all of this the meetings, the  
13 analytical report related to the information. That's  
14 going to be some help to us.

15 MR. ZIMMER: Oh, yes. I'd just like to  
16 get them in some kind of chronological order.

17 MR. JOYCE: We're probably going to have  
18 to kind of retrospectively put them in chronology,  
19 because we're not getting to them in that context.  
20 But there's a whole lot of paper here, and I don't  
21 know how you can conceivably -- I've got a feeling  
22 that about 99 percent of it is about as useful as  
23 this cup.

24 MR. ZIMMER: We can go off the record.

25 (Off record from 1:52 to 1:53.)



1 MR. JOYCE: Okay. Let the record  
2 reflect that the deponent has handed me four  
3 additional bound reports.

4 Q. (By Mr. Joyce) Do I understand that  
5 this is the balance of reports that were done  
6 internally or done by consultants at your request  
7 that by content address the availability of either  
8 groundwater and/or surface water in the  
9 Antelope Valley?

10 A. Yes.

11 I have a question.

12 Q. Sure.

13 A. This did not include 37.

14 Did you want 37 also included in that for  
15 Antelope Valley?

16 Q. When you say "37," what are you referring  
17 to?

18 A. Acton.

19 Q. Pardon me?

20 A. Acton.

21 Q. Acton.

22 "Acton" being --

23 A. District 37.

24 Q. District 37. Oh, I'm sorry. Okay.

25 Are there reports that pertain to

1 District 37, in addition to District 40, that we have  
2 not yet seen?

3 A. Right.

4 Q. All right. And are they here? I mean,  
5 similar to this?

6 A. Yes. They're over there.  
7 Do you want me to get them?

8 Q. Yes. Let's just get them all at one  
9 time.

10 (Off record from 1:56 to 1:57.)

11 Q. (By Mr. Joyce) As I understand, before  
12 the short break, apparently in my questioning,  
13 limiting myself to District 40 and not 37, that's  
14 what kind of prompted the double in the number of  
15 reports.

16 Fair to say?

17 A. True.

18 Q. So what you've now handed me are all  
19 other reports that you are aware of that you have  
20 available and which by content address water  
21 resources availability either by way of groundwater  
22 or surface water in both District 40 and District 37  
23 within the Antelope Valley?

24 A. True.

25 Q. So what you've now handed me, in

1 addition to what we had already looked at and had  
2 identified, I now have all reports in tow that  
3 address that issue in both districts?

4 A. True.

5 Q. Thank you.

6 First one -- or the next additional  
7 one -- I believe would be Exhibit 12 -- would be a  
8 bound report dated December 1995. It's Los Angeles  
9 County Waterworks District 40, Antelope Valley, and  
10 the title of the document is "Urban Water Management  
11 Plan," consisting of approximately 61 -- let's see  
12 here -- approximately 62 pages. No. I take that  
13 back. That's just one of the exhibits. In any  
14 event, it's about a three-quarters-of-an-inch thick  
15 report.

16 The next is a report entitled  
17 "Hydrogeologic Assessment of Waterworks District No.  
18 35 - Northeast Los Angeles County, Los Angeles  
19 County, California, For ASL Consulting Engineers and  
20 Los Angeles County Department of Public Works."  
21 Apparently this report was prepared in  
22 September of 1991 by a Richard C. Slade, spelled  
23 S-l-a-d-e, consulting groundwater geologist. And  
24 it's a brown cover, approximately 32 pages long.

25 Do I understand, ma'am, that

1 District Number 35 was a separate district at that  
2 time that is now a region within District 40?

3 A. True.

4 Q. And just so we're clear, in looking at  
5 Exhibit 3, 35 would be the Northeast Los Angeles  
6 County? That's the -- kind of the dark --

7 MR. ZIMMER: Brown.

8 Q. (By Mr. Joyce) -- red, reddish  
9 brown.

10 A. True.

11 Q. Gotcha.

12 MR. JOYCE: That would be 13.

13 MR. ZIMMER: What was the short title on  
14 that?

15 MR. JOYCE: Short title is  
16 "Hydrogeologic Assessment of Waterworks District  
17 No. 35 - Northeast Los Angeles County."

18 The next one, which will be 14, is  
19 titled "Geology & Soils Investigation, County of  
20 Los Angeles Department of Public Works Materials  
21 Engineering Division for Antelope Valley Groundwater  
22 Recharge Study, Phase 2, Air Force Site Along  
23 Amargosa Creek," dated March 13th of 1991, prepared  
24 by the Geology & Soils Investigation Section,  
25 Materials Engineering Division, Department

1 of Public Works, Los Angeles County. It has a table  
2 of contents. Based on the table of contents, appears  
3 to run through roughly Page 22, and it has a series  
4 of appendices attached to it.

5 The next provided is -- it would be  
6 Exhibit 15 -- "Antelope Valley Spreading Grounds  
7 Study, Phase 1 - Preliminary Report, Engineering  
8 Geology & Soils Group," dated February 22, 1989.  
9 Based on the table of contents, it appears to run  
10 through approximately Page 18 with a series of graphs  
11 and appendices attached thereto.

12 The next is a document which will be 16  
13 entitled "Final Draft Antelope Valley Water Resource  
14 Study" -- excuse me. Let me restate that. "Final  
15 Draft Antelope Valley Water Resource Study Executive  
16 Summary Antelope Valley Water Group," dated  
17 March 1995, Kennedy/Jenks Consultants,  
18 Number Reference 934620.00.

19 I think we may have seen this before,  
20 haven't we?

21 And within that, itself, we have a  
22 two-page document entitled Recommended Actions, one  
23 page which appears to be a listing of individuals and  
24 entities whom they represent that attended a meeting.

25 Then there's also a separate

1 Antelope Valley Water Resource Study.

2 And that would appear to be the entirety  
3 of that document, which would be Exhibit 16.

4 Next is "Assessment of Hydrogeologic  
5 Conditions Within Alluvial and Stream Terrace  
6 Deposits Acton Area, Los Angeles County For County of  
7 Los Angeles Department of Public Works And ASL  
8 Consulting Engineers," Richard C. Slade, dated  
9 October 1990. Based on the table of contents, it  
10 would appear to run through approximately Page 58.

11 That was 17.

12 Next again, Richard C. Slade,  
13 "Assessment of Hydrogeologic Conditions Within  
14 Alluvial and Stream Terrace Deposits Acton Area,  
15 Los Angeles County For County of Los Angeles  
16 Department of Public Works and ASL Consulting  
17 Engineers," dated October 1990, Job Number S8931.

18 Appears to be a duplicate of what we just  
19 identified as 17. Let me just check, make sure we're  
20 not ending up duplicating stuff.

21 Yes. This is a duplicate report. It's  
22 exactly the same as the one I just marked. So we're  
23 not going to kill a bird with it.

24 MR. ZIMMER: I think that would be a  
25 tree.

1 MR. JOYCE: Well, if you take the tree,  
2 you lose the bird.

3 This puts me back to 18?

4 Exhibit 18 is a document entitled  
5 "2000 Urban Water Management Plan Update for  
6 Los Angeles County Waterworks District 40," dated  
7 December 2000, with -- down here it says "PSOMAS."

8 Q. (By Mr. Joyce) Do you happen to know  
9 what that stands for?

10 A. PSOMAS is a consulting firm.

11 Q. Okay. So that's the name of a consulting  
12 firm?

13 A. Yes.

14 MR. JOYCE: Based upon the table of  
15 contents, it has an introduction. Section 2 is water  
16 supply. Section 3 is water use. Section 4 is  
17 reliability planning. 5 is supply and demand  
18 comparison. 6 is water demand and management  
19 measures. 7 is water storage tendency plan. 8 is  
20 water reclamation. 9 is references. It appears that  
21 it runs through approximately 25 pages with  
22 appendices attached thereto.

23 And that's 18.

24 Q. (By Mr. Joyce) Okay. Now, that's all  
25 the studies that you're aware of that pertain to

1 water extraction and availability by groundwater or  
2 surface water in District 40 and District 37;  
3 correct?

4 A. No, that's not.

5 Q. Okay. That's all that would have been  
6 generated internally and/or by consultants at your  
7 request; correct?

8 A. That have been generated, yes.

9 Q. Okay. Now, are there studies that you  
10 are aware of that have been done not at your request  
11 or by consultants that you request but by other  
12 agencies within the state or by private persons that  
13 concern water availability in the Antelope Valley?

14 A. Yes.

15 Q. Okay. Are any of those studies here  
16 today and available to us?

17 A. Yes. Some studies over there.

18 Q. And can you get those and identify those  
19 for us?

20 (Off record from 2:11 to 2:12.)

21 Q. (By Mr. Joyce) Okay. Before I start  
22 identifying each of those separately, whether  
23 internally generated or generated by consultants at  
24 the Department's request or studies that exist in the  
25 world at large, we now have before me everything



1 that's available to you in your files that pertain to  
2 water availability either in the form of groundwater  
3 or surface water in the District 40, District 37  
4 areas; correct?

5 A. Not in that.

6 Q. What else do we have available to us in  
7 the context of a study or report that would address  
8 the availability of water in that area?

9 A. We have draft reports that we are  
10 reviewing -- actually, they're not supposed to be  
11 released -- USGS reports that we are reviewing.

12 Q. You certainly have a draft of the USGS  
13 report that you, yourself, are reviewing or your  
14 department is?

15 A. We are reviewing it. We are part of  
16 the -- we funded the study, part of it. The funding  
17 came from us.

18 Q. Gotcha.

19 And that report is still in the drafting  
20 phase?

21 A. It's -- right.

22 Q. We'll come back to that in a moment.

23 Okay. Let's talk about this.

24 First thing I have here appears to be a  
25 book, and it says or it's titled "Calibration of a

1 Mathematical Model of the Antelope Valley  
2 Ground-Water Basin, California." That's the title.  
3 Then it says "Geological Survey Water-Supply Paper  
4 2046, Prepared in cooperation with the California  
5 Department of Water Resources." And I don't see a  
6 date, but it's obviously somewhat old just by its  
7 appearance and character. United States cover  
8 printing office in Washington, 1978, written by  
9 Timothy J. Durbin. The pamphlet portion of the book,  
10 it says, according to its contents, that, including  
11 the references cited, it's approximately 50 pages  
12 long. And then with it, it appears to have a whole  
13 series of maps presumably of the Antelope Valley  
14 groundwater basin.

15 Q. Have you ever had occasion to actually  
16 look at this document?

17 A. Yes.

18 Q. Is it a historical resource or source  
19 material that's relied upon, to your knowledge?

20 A. I believe so.

21 MR. JOYCE: Okay. That's 19; am I  
22 correct?

23 MR. ZIMMER: That's true.

24 MR. JOYCE: Okay. The next document is a  
25 U.S. geological survey, reference number

1 Open-File Report 96-186. Title of the document is  
2 "Time-Series Ground-Water-Level and Aquifer-System  
3 Compaction Data, Edwards Air Force Base,  
4 Antelope Valley, California, January 1991 through  
5 September 1993," prepared in cooperation with  
6 Edwards Air Force Base. And in the table of  
7 contents, it appears to be 21 pages, including the  
8 references cited.

9 The next one is U.S. Geological Survey  
10 Water-Resources Investigations Report 84-4081. Title  
11 of the document is "Geohydrology of the Antelope  
12 Valley Area California and Design for  
13 a Ground-Water-Quality Monitoring Network." And  
14 appears to have been prepared in 1987, prepared in  
15 cooperation with the California State Water Resources  
16 Control Board and the California Regional Water  
17 Quality Control Board -- Lahontan Region, by  
18 Lowell F. W. Duell, Jr. That's spelled D-u-e-l-l.  
19 Based on the table of contents, appears to run  
20 through Page 71, which includes selected references.

21 Next is U.S. Geological Survey  
22 Water-Resources Investigations Report 93-4114  
23 entitled "Hydrogeology and Land Subsidence, Edwards  
24 Air Force Base, Antelope Valley, California,  
25 January 1989 through December 1991," prepared by

1 C.J. Londquist; D.L. Rewis, spelled R-e-w-i-s;  
2 D.L. Galloway, G-a-l-l-o-w-a-y; and W.F. McCaffrey,  
3 capital M-c, capital C-a-f-f-r-e-y. By contents  
4 appears to run through Page 72, including references  
5 cited.

6 So far, you're getting the exhibit  
7 numbers as we're going forward?

8 I'm just going to use the U.S.  
9 geological survey file report number. That will get  
10 -- Exhibit Number 20 would have been and should be  
11 the document that I previously identified, which  
12 included the U.S. Geological Survey Open-File Report  
13 Number 96-186.

14 Exhibit 21 should have been the U.S.  
15 Geological Survey Water Resources Investigations  
16 Report 84-4081.

17 And Exhibit 22 should have been the  
18 U.S. Geological Survey Water Resources Investigations  
19 Report 93-4114.

20 23 will be "U.S. Geological Survey  
21 Subsidence Interest Group Conference,  
22 Edwards Air Force Base, Antelope Valley, California,  
23 November 18-19, 1992: Abstracts and Summary." It's  
24 U.S. Geological Survey Open-File Report 94-532.  
25 Based on the table of contents, it runs through

1 approximately Page 81, including the references  
2 cited.

3 24 is a Manila folder with a series of  
4 maps.

5 Q. (By Mr. Joyce) Do you happen to know  
6 what these are associated with?

7 MR. ABBOTT: The witness can look at  
8 them.

9 MR. JOYCE: Yes.

10 It says Water Resources Investigations  
11 Report 84-4081.

12 MS. THYNE: That was Exhibit 21.

13 Q. (By Mr. Joyce) Apparently the maps that  
14 are in this Manila folder should go with Exhibit 21.  
15 Is that correct?

16 MR. ABBOTT: Yes.

17 MR. JOYCE: I'm just going to put a  
18 little green sticker that references back to  
19 Report 84-4081 and put that with that document.

20 So now we're still at Number 24;  
21 correct?

22 Exhibit 24, "Land Use and Water Use in  
23 the Antelope Valley, California," U.S. Geological  
24 Survey Water-Resources Investigations Report 94-4208.  
25 Appears to have been prepared in 1995 and, based on

1 the table of contents, appears to run through  
2 approximately Page 42.

3 Oh, boy. This is great. These actually  
4 are maps that go with the Water Resources  
5 Investigations Report 98-4022 --

6 MS. THYNE: I don't think we have that.

7 MR. JOYCE: -- which I suspect --

8 Q. (By Mr. Joyce) Is there an actual  
9 separate report, or do you know?

10 A. That's it. That's the report.

11 Q. So the map and the report are all the  
12 same?

13 A. Yes.

14 Q. Okay. We will --

15 A. Is there two maps in there?

16 Q. No. There's one here, and here's a  
17 couple of others.

18 Here we go. Let's get this straightened  
19 out on the record.

20 I think we've got two of the same thing.  
21 We don't need that. We can do the same with this as  
22 we did the other one.

23 All right. I have U.S. Department of  
24 Interior, U.S. Geological Survey Water Level Changes,  
25 paren, 1975-'98 in Antelope Valley, California,

1 prepared by Carl S. Carlson and Steven M. Phillips,  
2 USGS Open-File Report Number 98-561.

3 That will be 25?

4 MR. ZIMMER: 26.

5 MR. JOYCE: 26.

6 MR. ABBOTT: Exhibit 25 is the map.

7 MR. ZIMMER: That would be what was  
8 produced in discovery.

9 MR. JOYCE: Pardon me?

10 MS. THYNE: What happened to 98-4022?

11 MR. JOYCE: 25 will be -- I'll read this  
12 into the record because I think this is where we got  
13 confused.

14 25 is "Regional Water Table (1996) and  
15 Water-Table Changes in the Antelope Valley  
16 Ground-Water Basin" prepared by Carl S. Carlson,  
17 David A. Leighton, spelled L-e-i-g-h-t-o-n,  
18 Steven P. Phillips, P-h-i-l-l-i-p-s, and Loren,  
19 L-o-r-e-n, F. Metzger, M-e-t-z-g-e-r, Water-Resources  
20 Investigation Report Number 98-4022.

21 Is that correct?

22 MR. ABBOTT: Yes.

23 MR. JOYCE: And then 26 would be  
24 "U.S. Geological Survey Water-Level Changes (1975-98)  
25 in the Antelope Valley, California," by

1 Carl S. Carlson, C-a-r-l-s-o-n, and Steven P.  
2 Phillips, P-h-i-l-l-i-p-s, USGS Open-File Report  
3 98-561.

4 Last, which would be Exhibit 27 -- am I  
5 back on track? -- is U.S. Geological Survey  
6 Water-Resources Investigations Report Number 94-4184,  
7 dated 1992, titled "Determination of Land Subsidence  
8 Related to Ground-Water-Level Declines Using Global  
9 Positioning System and Leveling Surveys in  
10 Antelope Valley, Los Angeles, and Kern Counties,  
11 California."

12 Q. (By Mr. Joyce) Now, have we got all  
13 inside, outside, and other reports that in any way  
14 address or reflect information pertaining to the  
15 availability of water, both groundwater as well as  
16 surface waters, within the Antelope Valley, as  
17 you're aware?

18 A. Yes.

19  
20 FURTHER EXAMINATION BY MR. ZIMMER

21 Q. All right. Okay. This is what I want  
22 to do. I just want to find out, generally speaking,  
23 what we have in the room. We can go back and look at  
24 a lot of these things in more detail as the  
25 deposition goes on.



1                   There are some other reports that are  
2 left that Mr. Joyce has not specifically identified.  
3 Are those other reports related to other aspects of  
4 water control by the County?

5           A.     No.

6           Q.     What are those?

7           A.     Some of the reports are, I think,  
8 duplicates, but some of them are the ones I mentioned  
9 earlier done by USGS, but they're not completed.  
10 They're just drafted and reviewed. They haven't been  
11 finalized and printed.

12                   MR. JOYCE: Can you isolate those that  
13 are in the present draft form?

14                   MR. ZIMMER: Do you want to ask any  
15 questions on that, or are we free to go?

16                   MR. JOYCE: I want to look at that  
17 first.

18                   I'm kind of curious. Let me ask  
19 preliminarily.

20  
21                   FURTHER EXAMINATION BY MR. JOYCE

22           Q.     I noted in looking at what you handed me  
23 there's two different reports involved in the  
24 process. Is that true?

25           A.     Yes.

1 Q. One of them had to do with chemical  
2 contaminants, and one of them had to do with  
3 essentially the topic of providing fresh water to the  
4 Antelope Valley.

5 Both of those are apparently still in the  
6 draft phase; is that correct?

7 A. Correct.

8 Q. Okay. With reference to your office's  
9 participation, how do you participate in that draft  
10 process? Do you provide statistical data? Do you  
11 provide drafting assistance? I mean, what role do  
12 you play in bringing that report about?

13 A. Funding, monitoring.

14 Q. "Funding" meaning providing part, if not  
15 all, of the financial resources necessary to bring  
16 about the report, itself?

17 A. True.

18 Q. Okay. In that particular case, are you  
19 the sole source of funding or just one of multiple  
20 sources?

21 A. We're one of three.

22 Q. Okay. Who are the other two?

23 A. USGS; AVEK, Antelope Valley East Kern  
24 Water Agency.

25 Q. Antelope Valley East Kern Water Agency?

1           A.     Yes, sir.

2           Q.     Do you know what the percentage division  
3 of the cost of the report is between all of you? Is  
4 it a third, a third, and a third? Is it 60 percent  
5 you, 40 percent them? Do you have any idea?

6           A.     I think it depends on the study, on  
7 the -- on one of the studies, which is the  
8 chemistry.

9                     I think half of it was -- about half of  
10 it was USGS, and we split half of it with AVEK.

11          Q.     Okay.

12          A.     A quarter and a quarter.

13          Q.     Gotcha.

14          A.     On the other study, AVEK provided -- this  
15 is part of the ASR demonstration project. So  
16 they -- AVEK participated in supplying the water.

17          Q.     I noted in looking at it it appears that  
18 a significant portion of the report is targeting that  
19 activity by virtual title of the report, itself.

20                     Do you know when this report is  
21 anticipated being final?

22          A.     No, I don't know. It's -- it's -- they  
23 have completed the work, and I think it's in review,  
24 and they have to print it. I don't know what their  
25 processes are, federal agency.

1 Q. From your vantage point, are there any  
2 more comments? Is there any additional input  
3 contemplated by your department before that report  
4 can be finalized?

5 A. No.

6 Q. So it's sent to you in its current form?

7 A. Right.

8 Q. Who in your department is responsible for  
9 reviewing in its draft form and passing upon its  
10 acceptability in its current form?

11 A. Myself.

12 Q. So I presume, then, that you have read  
13 the report.

14 A. True.

15 Q. And as far as you, yourself, are  
16 currently concerned, the report is acceptable in its  
17 current form?

18 A. Yes.

19 Q. The information contained within the  
20 report appears to be accurate to your satisfaction?

21 A. Yes.

22 Q. Have you shared all or any part of that  
23 report with any outside consultants?

24 A. Yes.

25 Q. What and to whom?

1           A.     I'm guessing. I think the -- the  
2 Urban Water Management Plan that was prepared by  
3 PSOMAS probably has some information from it, but  
4 also the -- the Ultrasystems EIR --

5           Q.     Is --

6           A.     -- is based on that.

7           Q.     Is relying in part --

8           A.     Relying.

9           Q.     -- upon that information?

10          A.     True.

11          Q.     So is it fair to say that that report in  
12 its draft form has been made available to the  
13 consultants who prepared the draft EIR?

14          A.     True.

15          Q.     And to the consultants who prepared what  
16 we previously identified as being the 2000 Urban  
17 Water Management Plan Update, the one done by PSOMAS?

18          A.     With some changes. We have extracted  
19 information and passed it on to --

20          Q.     So in the case of the consultants who did  
21 the draft environmental impact report, were they  
22 provided with a complete copy of the full report or  
23 just extracted portions?

24          A.     Portions.

25          Q.     With respect to PSOMAS, who did the

1 Urban Water Management Program report, portions,  
2 also?

3 A. True.

4 Q. Do you know what portions of the report  
5 they have been provided with?

6 A. To PSOMAS?

7 Q. Yes.

8 A. It wasn't, like, from this page to this  
9 page, or it's not, like, a portion of it. It's  
10 information extracted, passed on.

11 Q. That's my point. Someone took  
12 information contained within that report and then  
13 passed that same information along to these  
14 consultants?

15 A. True.

16 Q. And in doing that, were the consultants  
17 told where the information was coming from?

18 A. True.

19 Q. So, in other words, the information was  
20 being extracted, passed on to the consultants, and  
21 the consultants were being told its source so that  
22 they could have some sense of trustworthiness in the  
23 information being given to them. Fair statement?

24 A. That's true.

25 Q. Same thing being true with respect to the

1 consultants with respect to the environmental impact  
2 report?

3 A. True.

4 Q. They were given pieces of information  
5 contained within this report and told that this  
6 information came from this report so as to give them  
7 some sense of comfort in relying upon the  
8 information?

9 A. That's true.

10 MR. JOYCE: Let's go ahead and mark that  
11 next in order.

12 MR. ZIMMER: That whole file?

13 MR. JOYCE: Yes.

14 Q. (By Mr. Joyce) And you currently have no  
15 understanding as to when that's going to be finalized  
16 as far as made official? No one's communicated to  
17 you a time when they expect to complete the review  
18 and publication process?

19 A. I think it was October.

20 Q. Of this coming year?

21 A. Of 2001. I haven't received it.

22 Q. Do you have any knowledge as to what its  
23 current status is?

24 A. No.

25 Q. Any other reports over there?

1 A. No. I think you've got them.

2 Q. Now we've got them all?

3 A. (Witness nods head.)

4 Q. Okay.

5 (Recess taken from 2:41 to 2:59.)

6 Q. (By Mr. Joyce) Ma'am, in looking at the  
7 last exhibit we identified, Exhibit 28, there appears  
8 to be two draft studies. One of them has to do  
9 with -- or, actually, maybe it's comments about a  
10 portion of the overall study, but the topic matter  
11 appears to be Conclusions to Chapter 4, parentheses,  
12 Potential for Adsorption of Trihalomethanes by  
13 Aquifer Materials.

14 I'll just hand that to you.

15 I was looking at the back. She directed  
16 me to the correct front. Apparently the actual title  
17 is Processes Affecting the Trihalomethane  
18 Concentrations Associated with the Aquifer Storage  
19 and Recovery Program in Lancaster Subbasin,  
20 Antelope Valley, California.

21 It has no water resource investigation  
22 report number at this point because it's still in the  
23 draft stage; correct?

24 A. Correct.

25 Q. What is the general topic matter that



1 this is addressing?

2 A. This is addressing the quality of water  
3 that's acceptable to be injected for our recharge  
4 program.

5 Q. Okay. And are we talking about water  
6 that's being provided through the Antelope Valley  
7 East Kern Water Storage District? Is that the water  
8 we're talking about?

9 A. Yes. The water that we inject comes from  
10 Antelope Valley.

11 Q. Part of a contracted entitlement?

12 A. Yes.

13 Q. Do I understand that the water that's  
14 being provided has this chemical problem? Or maybe  
15 the correct term isn't "chemical problem." Is the  
16 water in its condition as delivered from the  
17 Antelope Valley East Kern Water Storage District to  
18 you palatable?

19 A. It's palatable. It's drinking water.

20 Q. So it's okay as it's being delivered?

21 A. It's okay to drink.

22 Q. Okay. Is there a problem, though, with  
23 this particular chemical compound identified as  
24 Trihalomethane?

25 A. Is there a problem?

1 Q. Is that chemical compound present in the  
2 water being delivered by AVEK?

3 A. Yes.

4 Q. Is it present in concentrations at parts  
5 per million or however you wish to measure it that  
6 make it an environmental or a health issue?

7 A. No. All the water that we get from AVEK  
8 complies with drinking water standards.

9 Q. Okay. Well, what is the significance of  
10 this study, then, with reference to that particular  
11 compound?

12 A. The Regional Water Quality Control Board  
13 had a problem with injecting any water that did  
14 introduce any other chemical to the groundwater basin  
15 that was not existing prior to injection.

16 Q. All right. And apparently  
17 Trihalomethane, which is present in the water being  
18 delivered to you by AVEK, is a compound which is not  
19 existing or not present in the existing groundwater  
20 that's available; correct?

21 A. True.

22 Q. So the issue is whether or not you are in  
23 compliance with the requirements of the  
24 Regional Water Quality Control Board, injecting AVEK  
25 water into the underground aquifer, given the

1 presence of this Trihalomethane. Correct statement?

2 A. True.

3 Q. Has that issue been resolved? In other  
4 words, has an answer or a solution to that problem  
5 been found acceptable to the Regional Water Quality  
6 Control Board?

7 A. The EIR is going to address it. We  
8 haven't gotten to it yet.

9 Q. Do you, as you sit here today, know what  
10 the proposed fix is or solution to the problem?

11 A. No.

12 Q. Let me ask this question. Would  
13 spreading the AVEK water and allowing it to naturally  
14 percolate to the aquifer address and solve this  
15 problem, given the presence of Trihalomethane, or do  
16 you know?

17 A. I don't know.

18 Q. Straight injection, though, would  
19 obviously not address the problem because now you're  
20 directly introducing this into the water table;  
21 correct?

22 A. Correct, unless you do something to the  
23 water.

24 Q. Okay. Is there some treatment  
25 pre-injection or pre-spreading, or do you know?

1           A.     There isn't anything decided upon.  
2     Studies are in process -- in progress.

3           Q.     Do I understand that the current state of  
4     the project is such that if you are going to go ahead  
5     and proceed with an importation and a recharging  
6     effort either by spreading or injection, that  
7     something is going to have to be done to address the  
8     presence of Trihalomethane in the water that you're  
9     going to be using?

10          A.     True.

11          Q.     Okay. What that is, no one yet knows?

12          A.     There are two -- two suggestions from the  
13     Water Quality Control Board. One is to inject the  
14     water and take it out within the cycle, within the  
15     early cycle. You have to use it so it doesn't spread  
16     anywhere else.

17          Q.     Okay. In other words --

18          A.     The other one --

19          Q.     In other words, inject it and extract it  
20     within a sufficiently short period of time so as to  
21     not permit it to have the opportunity to diffuse into  
22     the rest of the aquifer?

23          A.     True.

24          Q.     And the other one is?

25          A.     The other one is treat the water before

1 it goes in so it doesn't have any.

2 Q. Has anyone undertaken to analyze the  
3 economics of a treatment facility to make the water  
4 acceptable for injection under the latter  
5 circumstance?

6 A. That's in progress by Ultrasystems.

7 Q. Okay. So at this point in time, no one  
8 yet knows what the economics are of making that water  
9 suitable for injection, assuming that the first  
10 alternative is not adopted?

11 A. True.

12 Q. Okay. You indicated that the district  
13 began the importation and recharging of water in  
14 1994; is that correct?

15 A. Correct.

16 Q. Okay. What method of recharging was  
17 being employed at that time?

18 A. Injection through well.

19 Q. Okay. Does either district currently  
20 engage in any surface spreading recharging efforts?

21 A. No.

22 Q. So all methods of introducing an outside  
23 or an imported water supply into the aquifer have  
24 been through well injection?

25 A. True.

1 Q. Okay. And do you know what the current  
2 levels are of importation and injection now, in the  
3 last few years? What quantity of water are we  
4 talking about?

5 A. The only injection that was done was for  
6 the demonstration project, and it's been completed,  
7 and we haven't injected in the last three years.

8 Q. Okay. So there haven't been any  
9 importation or injection efforts in the last three  
10 years. The only efforts that have been undertaken  
11 were undertaken as part of the pilot project.

12 A. True.

13 Q. And over how many years was that done?

14 MR. ZIMMER: The pilot project?

15 MR. JOYCE: Yes.

16 Q. (By Mr. Joyce) How many years when you  
17 were actively injecting water?

18 A. Injection?

19 '94 through '98.

20 Q. Four years?

21 A. Yeah.

22 Q. Four or five years?

23 A. (Witness nods head.)

24 Q. Do you know, was there the same amount of  
25 injection each year, or did it increase, decrease,

1 or, wrapping up, just kind of a constant?

2 A. Variable. The first one was about a  
3 month long, and then I think the second one was  
4 short. I don't really remember how long. The  
5 longest was five months, and that was the third  
6 cycle. The last cycle was about a month.

7 Q. Are these injection wells under pressure?

8 A. No.

9 Q. So that's just basically introducing the  
10 water and letting the gravity take --

11 A. True.

12 Q. Okay. Do you know what the highest per  
13 month quantity of water was that was being injected  
14 at any given point in time?

15 A. Per month?

16 No.

17 Q. Do you know what the total volume of  
18 water is that has been injected over the entire pilot  
19 project?

20 A. I don't have the exact number. I should  
21 have --

22 Q. But it's in the report?

23 A. It should be in that booklet.

24 Q. Apart from the pilot project, then, is it  
25 fair to say that the district, itself, has not

1 engaged in any other recharging projects of any  
2 description or nature?

3 A. Not that I know of.

4 MR. JOYCE: Okay. Did you want to go  
5 ahead and pick up?

6 MR. ZIMMER: Yes.

7

8 FURTHER EXAMINATION BY MR. ZIMMER

9 Q. Just a couple follow-up questions to  
10 that, the questions that Mr. Joyce asked you.

11 You do not have a figure as far as the  
12 estimate of the total water injected at various times  
13 throughout that four- to five-year period?

14 A. We do have it in the report. I just  
15 didn't have it in my --

16 Q. Can you give me an estimate of  
17 approximately how much?

18 A. No.

19 Q. No idea?

20 A. I mean --

21 Q. Was it just a couple -- was it two  
22 different months that you did that and tried and then  
23 kind of analyzed it, or were you doing it  
24 continuously during that period of time?

25 A. It was run through a couple of wells at a



1 time, sometimes only one well. Ran it 24 hours for a  
2 month, for two months. Some of them -- one time five  
3 months, but variable rates.

4 So, yeah. The numbers should be in that  
5 report.

6 Q. But you don't have any estimate at all  
7 without going and reviewing the report?

8 A. I think a total of less than 3,000  
9 acre-feet.

10 Q. Why was that not used simply for  
11 consumption? In other words, why would you inject it  
12 back into the ground, rather than just simply  
13 diverting it somewhere for consumption?

14 A. The program, itself, is -- our program,  
15 itself, was initiated to find a more reliable way of  
16 providing water.

17 There are times we have droughts,  
18 Southern California, and because of that, we wanted  
19 to test if there was a way to store water when we  
20 have it abundant so that we can use it later when we  
21 need it.

22 Q. So this was just an experiment to decide  
23 if this would be a feasible alternative in the future  
24 and whether in the future at some time the district  
25 would intend and carry out a process of doing that?

1           A.     True.

2           Q.     Just going back to my survey here of the  
3 documents in the room, we have the reports we talked  
4 about. We talked about three things -- the  
5 communication documents as to each region and  
6 district, the production records. We talked about  
7 the reports that were -- that have been accomplished  
8 by LA County for a variety of different reasons  
9 dealing with water usage.

10           What else do we have in the room, besides  
11 that, in terms of general categories of the  
12 documents?

13           A.     We have the pumping data, the amount of  
14 water we extract the from each well.

15           Q.     And which --

16           A.     All those books should --

17           Q.     The ones that are lying flat?

18           A.     Some are flat, yeah. Some of the flat  
19 ones, but most of the binders.

20           Q.     Okay. So binders up against the wall:  
21 Triggering binders, if you will?

22           A.     Right.

23           Q.     And that's pumping data for each well  
24 that LA County operates?

25           A.     True.

1 Q. Since the beginning of time? How far  
2 back do they go?

3 A. All -- some of them, I think, are in the  
4 '50s. Some of them are for whatever we have.

5 MR. JOYCE: This is well data just for  
6 District 40 and 37; correct?

7 THE WITNESS: Correct.

8 Q. (By Mr. Zimmer) Okay. And then what do  
9 we have next as we proceed clockwise around the room  
10 here?

11 MR. JOYCE: Would you like for me to  
12 move?

13 THE WITNESS: I'd like to look at it.

14 MR. JOYCE: Here. Let me get out of your  
15 way.

16 Oh, you need to physically look at it.

17 These are leftover meetings.

18 Q. (By Mr. Zimmer) That's more  
19 communication information?

20 A. Right.

21 Q. So have we now covered the general  
22 categories of things that have been produced pursuant  
23 to the Request for Production?

24 A. True.

25 MR. JOYCE: Rich, let me ask one

1 question.

2

3

FURTHER EXAMINATION BY MR. JOYCE

4

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10

A. In those books?

11

Q. No.

12

13

14

15

16

17

18

19

20

A. Some.

21

22

Q. Okay. And are those summaries available here anywhere?

23

24

25

A. Right. Some of -- some of the data there has been part of a report that we sent to the State as recordation notice, and that is those flat -- flat

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files.

Q. Okay. And you're talking about your annual well data reporting to the Department of Water Resources?

A. Right.

Q. Okay. And I presume each of your annual reports as per well is contained in the files here.

A. Right.

Q. Okay. And how many wells in toto are we talking about in District 40?

A. District 40.

I'd have to look at it.

Q. Okay. Is there any document that summarizes or compiles each of the wells' annual pump average into a single document, in other words, lists 17 wells, however many acre-feet or gallons or however you measure it? In other words, is there a single document that would summarize each year's activities within the district as far as extractions are concerned?

A. No.

Q. That's not maintained for --

A. Do we maintain data?

Q. I realize you maintain that data. I just want to know whether the data is compiled into a

1 single source that you can readily access that can  
2 say, "In 1996, we pumped X gallons or X acre-feet of  
3 water for District 40. In 1997, we did X gallons or  
4 X acre-feet."

5 In other words, if I were to ask you,  
6 "What was the total extraction within District 40 in  
7 1999?" how would you answer that question? What  
8 would you go to?

9 A. I'd go to a computer where we maintain  
10 data.

11 Q. Okay. There's apparently a computer  
12 program with data inputted that you can call up that  
13 would readily answer that question.

14 A. I wouldn't say readily answer that  
15 question. I would have to do some --

16 Q. What bites of information would it  
17 provide to you that would facilitate that  
18 computation?

19 A. It's in a work sheet. You have dates and  
20 amount of -- produced, water.

21 Q. Do I understand that you have a computer  
22 program that you can go to that if you were to input  
23 the dates and the well numbers, that it will then  
24 take information that's already been inputted into  
25 the program, compile it for you, and give you the

1 answer to how much water those wells produced during  
2 that time frame?

3 A. I don't have a program that would do that.

4 Q. Do you have a program that would  
5 facilitate you telling us how many acre-feet or how  
6 many gallons of water were extracted districtwide any  
7 given year?

8 A. No.

9 Q. Do you keep track of how much water you  
10 extract districtwide in any given year?

11 A. Yes. It doesn't go that far back. It  
12 won't cover all our data. But we do.

13 Q. Does it go back the last five years?

14 A. Yes.

15 Q. Does it go back the last ten years?

16 A. Yes.

17 Q. How do you measure? Gallons? Acre-feet?

18 A. Acre-feet.

19 Q. So internally for record keeping purposes  
20 you measure your extractions by acre-feet of water  
21 within District 40?

22 A. Our meters are, I believe, in, probably,  
23 cubic feet.

24 Q. Okay. And then you convert them from  
25 cubic feet to acre-feet; correct?

1           A.     Correct.

2           Q.     I guess what I'm trying to ascertain, at  
3 what point does the computer stop and the brain have  
4 to turn on and go to work? In other words, what  
5 information do you get from the computer that then  
6 gives you what you need to then go to the next step  
7 to give us the end number, and that is how much cubic  
8 feet of water was extracted in the entire District 40  
9 operation. In other words, where was the computer  
10 end being helped?

11          A.     I'd have to tell you what I have, and  
12 then you decide.

13          Q.     Okay. What does the computer give to you?

14          A.     The computer has a table that shows date,  
15 meter reading, well number, and those in some  
16 sequence.

17                 You can use that number, go from one  
18 meter reading to the other, to find the difference  
19 and then convert that into volume of water.

20          Q.     Okay. I presume that someone within the  
21 Department is responsible for compiling the data  
22 that's submitted to the State for each well on an  
23 annualized basis as far as consumption's concerned.  
24 Right?

25          A.     True.



1 Q. Okay. That person, I presume, uses the  
2 same program to do that.

3 A. True.

4 Q. Do I understand that there's nothing  
5 available to you within the program that will take  
6 all of the meters, combine them, and give you an  
7 annualized districtwide consumption figure?

8 A. That is -- I can't say that. I can't  
9 answer that. Pretty much --

10 Q. At the end of each year, when the well  
11 reports are being generated for filing, does anyone  
12 ever sit down and compile an aggregate figure based  
13 upon each of the individual well reports? Is that  
14 done as a matter of course?

15 A. I'm trying to figure out the question.  
16 Is the question --

17 Q. Does anyone, as a matter of the ordinary  
18 day-in-and-day-out business, at the time that the  
19 annual reports are prepared, sit down and say,  
20 "Okay. We have however many wells." Let's say for  
21 purposes of discussion 17. Does anyone sit down and  
22 take each of those 17 aggregate figures and then add  
23 them all together and say, "That's the total for the  
24 district"?

25 A. Oh, yes.

1 Q. So is that done on an annualized basis?

2 A. Yes.

3 Q. And where is that information  
4 maintained? In what form?

5 A. Besides what we send to -- recordation  
6 notices to DWR, we keep a copy.

7 Q. Is there a recordation notice sent to  
8 the Department of Water Resources that is the total  
9 figure for the entire district?

10 A. It just says each well, but we do have  
11 our files that we could call up that.

12 Q. Okay. What you send to the  
13 Department of Water Resources is each well report,  
14 showing its total extraction for the year?

15 A. Right.

16 Q. Internally you have your own file that  
17 shows a summary of each well added to each and every  
18 other well for a total; correct? Is that --

19 A. Per region.

20 Q. Pardon me?

21 A. Per region, you said?

22 Q. Either region or district. I don't know.

23 A. Region.

24 Q. By "region," you mean region within the  
25 district?

1           A.     Right.

2           Q.     So with respect to District 40, the  
3 furthest you can get me down the road to knowing what  
4 the total extractions are within the district is to  
5 give me the region summaries and add all the  
6 requisite regions together, and that would give me  
7 the district total; correct?

8           A.     It could give you the district total.

9           Q.     Is there any reason why you don't  
10 maintain on an annualized basis the district total?

11          A.     We have it. I don't -- I don't know --

12          Q.     Well, I assume --

13          A.     We have the data. It's on the computer.  
14 If I needed it -- if I needed to put a report, I  
15 could put a report.

16          Q.     Well, I have to believe that on an  
17 annualized basis the question comes up within the  
18 district "How much water did we extract during the  
19 last operating year?"

20          A.     For District 40, for example.

21          Q.     Right.

22          A.     Yes.

23          Q.     For District 40.

24                   And I assume that question is asked from  
25 year to year occasionally.

1 A. Yes.

2 Q. How is that question asked and then how  
3 is it answered in terms of lines of communication?  
4 Is it in print? Is it on a hard file? Is it in a  
5 computer program? I mean, is it -- that's what I'm  
6 really driving at.

7 Is there somewhere I can find a piece of  
8 paper that would show me the end result of that kind  
9 of an inquiry for any particular year?

10 A. I don't recall seeing any request for  
11 it.

12 We can produce that information if we  
13 need it. I know that much.

14 Q. Do you, yourself, know what the  
15 districtwide extractions have been for the last  
16 couple years?

17 A. Approximately?

18 Q. Yes.

19 A. Yes.

20 Q. And what were they last year for  
21 District 40, based on your recollection?

22 A. About 20,000.

23 Q. Acre-feet?

24 A. Yes.

25 Q. The year before?

1           A.     I should be able to get that data, I  
2 think, instead of guessing.

3           Q.     All right. That's fine.

4           A.     That's not a problem to get.

5           Q.     If you were going to get it, what would  
6 you do?

7           A.     Go to my computer, ask somebody to --

8           Q.     Somebody to go and plug it in the  
9 computer and pull up the information?

10          A.     Right.

11          Q.     And presumably it would be accessing each  
12 individual well, production numbers, and go through  
13 the process of adding those together.

14          A.     We have a file that has all the wells  
15 with that production data.

16          Q.     Filed with other computer programming?

17          A.     Right.

18          Q.     Gotcha.

19                 Okay. That's all I'm going to do on the  
20 well stuff.

21

22                         FURTHER EXAMINATION BY MR. ZIMMER

23          Q.     Ma'am, I wanted to ask you a couple of  
24 follow-up questions on the AVEK water.

25                         You testified earlier that LA County has

1 a certain entitlement to AVEK water?

2 A. LA County?

3 I don't believe I said that.

4 Q. Okay. Well --

5 A. AVEK has entitlement to state water,  
6 project water, and AVEK sells it to us, and we buy  
7 it.

8 Q. Okay. So do you have any kind of  
9 limitation as to how much is available to buy?

10 A. I know what we normally do. We'll be  
11 asked how much water we need for the year that we're  
12 planning. We'll submit that number to AVEK, and AVEK  
13 budgets or plans their water supply accordingly.

14 Q. Now, do you get as much as you need?

15 A. Sometimes.

16 Q. Has there ever been a circumstance where  
17 you did not obtain as much as you asked for?

18 A. Yes.

19 Q. When was that?

20 A. Last year.

21 Q. How does that work, if you know, in terms  
22 of whether you get what you ask for or not?

23 A. Depending on, I think, what the  
24 circumstances are. AVEK will notify us we will be  
25 able to get 100 percent of our request or 80 percent

1 or 50 percent, whatever they have. They will let us  
2 know, and we'll go from there.

3 Q. And when you request a certain amount of  
4 water, is that total or is it separated out into  
5 separate regions or districts?

6 A. By regions.

7 Q. Can you, on behalf of the County,  
8 allocate the water that you obtain authorization for  
9 in any region you want?

10 A. The water that we get from AVEK is  
11 dedicated to certain regions as we requested it  
12 originally. So, like, I wouldn't be able to buy  
13 water for 35 and send it out to 37, or something.

14 Q. Is the amount of water that you can  
15 obtain through AVEK limited by region, in other  
16 words, a maximum amount per region?

17 A. It's -- that's how we request. We will  
18 request a certain amount for a certain region, and  
19 that's what we get.

20 Q. If you don't request it for one region,  
21 can you get a credit to obtain more for another  
22 region?

23 A. I don't know.

24 Q. Well, how do you go about determining how  
25 much water you want to request for each region?

1           A.     We have to project for them for seven  
2 years in advance, submit a report. "This is what we  
3 expect the population to be, and this is what we  
4 expect the demand will be," and AVEK takes it from  
5 there.

6           Q.     Last year you said there was some kind of  
7 limitation on the amount of water you requested.

8           A.     Right.

9           Q.     Was that for a particular region, or was  
10 that based on the total acre-footage that you had  
11 requested?

12          A.     Total for everybody.

13          Q.     Total for everybody.

14          A.     For all -- for all our districts.

15          Q.     For all your districts.

16          A.     Yes. Anything we got from AVEK was less  
17 than what we had requested.

18          Q.     Okay. So you, last year, requested a  
19 certain acre-footage?

20          A.     Right.

21          Q.     How much was it you requested?

22          A.     I believe we had requested maybe 43,000,  
23 or so. Could be a little bit more or less. I'm not  
24 sure.

25          Q.     And that's total for all your districts?



1 A. Right.

2 MR. JOYCE: Rich, when you say  
3 "last year," are you talking about the calendar year  
4 2001?

5 THE WITNESS: Calendar year.

6 MR. JOYCE: Okay. So we're going  
7 January 1 through December 31 --

8 THE WITNESS: Right.

9 MR. JOYCE: -- of 2001?

10 THE WITNESS: Correct.

11 MR. JOYCE: Thank you.

12 THE WITNESS: Those numbers might be  
13 off. I am not sure --

14 Q. (By Mr. Zimmer) Well, let's just assume  
15 for the moment it was 43,000 acre-feet that you  
16 requested.

17 You requested it just like that,  
18 43,000 acre-feet?

19 A. We requested it separate for each region,  
20 and it added up to be 43-.

21 Q. And does the document that you submit to  
22 AVEK have each region broken out separately?

23 A. Right.

24 Q. Is that document here somewhere?

25 A. I did not check. I'll have to see.

1 Q. What's that document called?

2 A. It's a form we fill out every year. I'm  
3 not sure.

4 Q. And what was the response from AVEK?

5 A. Regarding our request?

6 Q. Yes, ma'am.

7 A. We got a letter saying we will be  
8 getting, I think, 30 percent of what -- of our  
9 request, or something like that. I don't remember  
10 what the percentage was, but it was a very small  
11 number compared to what we had requested.

12 Q. So AVEK advised you that you could have  
13 30 percent of the 43,000 acre-feet, if that's the  
14 accurate number?

15 A. Right.

16 Q. And could you at that point have adjusted  
17 that any way you wanted in terms of districts?

18 A. No. I don't believe so, but I'm not  
19 sure.

20 Q. Well, if they only authorized 30 percent  
21 of the 43,000, how do you know how much of that  
22 30 percent that they're giving you you're going to  
23 allocate to each district?

24 A. Each district has its connection to AVEK  
25 water.

1 Q. Right. But if you want 43,000 gallons  
2 and they say, "You can't have 43,000 gallons. You  
3 can have 30 percent," which is roughly a third of  
4 that --

5 A. Right.

6 Q. -- roughly 13,000 gallons, how do you at  
7 that point determine what to do with the  
8 13,000 gallons?

9 A. 43- is a summation of what's for  
10 everybody; right?

11 Q. Every district.

12 A. Right.

13 So you just go the 30 percent of what we  
14 requested, and that -- that should give you  
15 43 percent of the total. So you just go with that  
16 same percentage.

17 Q. With that same percentage as to each  
18 district?

19 A. Yes. Each region.

20 Q. Each region.

21 And how would you decide in each  
22 particular region how much to ask for at the outset?

23 A. We have population information and trends  
24 that we -- we look at when we request.

25 Q. Let's take, for example, out in the

1 Antelope Valley where 37 and 40 are. Let's take 40.  
2 In District 40, how did you decide in the calendar  
3 year 2001 how much water to ask for?

4 A. We usually base our projection on  
5 regional plans population projection. I know last  
6 year's was about five percent over what we had served  
7 the year before, about five percent, and that's what  
8 we did across the board for everybody.

9 Q. So all you did was determine that there  
10 would be a five percent increase in population and  
11 increase the prior figure request by five percent?

12 A. Five percent in demand.

13 Q. Five percent what?

14 A. In water demand.

15 Q. "In water demand"?

16 A. Yes.

17 Q. How do you differentiate between how much  
18 you're going to request versus how much you're going  
19 to pump?

20 A. How do we differentiate?

21 Q. Right. In other words, in the calendar  
22 year 2001, why didn't you increase the amount you  
23 were demanding from AVEK to the maximum amount that  
24 you could get for that particular district and pump  
25 correspondingly from the ground?

1           A.       There's a general tendency or a general  
2 belief that we would want to minimize water  
3 extraction from the groundwater. That's true.

4                    That being true, though, all we -- we  
5 also have to, I think, balance our -- our sources  
6 so -- whatever we supply, we have to cover all  
7 costs. I think that's one major concern.

8                    There could be other reasons. I don't  
9 know.

10           Q.       Okay. So when you say there's a general  
11 concern on the part of LA County to minimize the  
12 amount of water that you're pumping from the ground,  
13 I assume that is because you, as LA County, do not  
14 want to do anything that would harm the basin, so to  
15 speak.

16           A.       True.

17           Q.       Now, let's just take last year, for  
18 example, in District 40. How was it decided by  
19 LA County to pump a certain amount versus importing a  
20 certain amount?

21           A.       I mean, last year is not very different  
22 from any other year. I guess it's the same way. We  
23 might -- my understanding is we have to be able to  
24 supply water at no loss. We have to have operation  
25 costs covered to be able to supply.

1 Q. And how does the decision --

2 A. And cost of --

3 Q. -- as to whether you import or extract  
4 come into play with regard to that amount of money?

5 A. Cost of groundwater is a lot less than  
6 cost of importing the water, for one.

7 But to -- to that picture, I would like  
8 to stress those -- the concern that we don't want to  
9 be pumping too much. And so we go with as minimum  
10 pumping as possible.

11 Q. So what you're saying is that LA County  
12 in any particular year -- not limited to last year,  
13 but any particular year -- LA County's policy is to  
14 extract groundwater only to the extent that it's not  
15 harming the amount of water in the basin, and  
16 anything above and beyond that would be taken from  
17 AVEK?

18 A. No. I don't think that's what I meant.

19 We want to minimize -- LA County wants to  
20 minimize the groundwater use. That's one policy.  
21 That's -- but also want to be able to supply water at  
22 a cost where LA County does not -- has to cover its  
23 cost --

24 Q. Right. I understand you're --

25 A. -- of water.

1 Q. I understand you're balancing both those  
2 things.

3 A. Right.

4 Q. But what I hear you saying is the County  
5 would not do anything to harm the basin. If it came  
6 to harming the basin, you'd go and take the water  
7 from AVEK before you took the water and harmed the  
8 basin.

9 A. True.

10 Q. Does the County get any monetary benefit  
11 from requesting water for one district, as opposed to  
12 another district?

13 A. Not that I know of.

14 Q. Is there any difference in cost as to  
15 whether you're supplying water to one district, as  
16 opposed to another district, in terms of the price  
17 you have to pay AVEK for the water?

18 A. No.

19 Q. Is there any difference in pumping cost  
20 between water in one district versus another district  
21 in terms of your extraction costs at the County?

22 A. Yes. And that depends on the well depth  
23 and availability of head and --

24 Q. Where is that information contained in  
25 terms of the differential in cost?

1           A.     To operate the wells?

2           Q.     Right.

3           A.     Not in this room.

4           Q.     It's not in this room?

5           A.     No.

6           Q.     Can you identify what the source of that

7 information would be?

8           A.     We keep a log of how much electricity we

9 paid for operating the pumps for each well.

10          Q.     And the depth of the well would have a

11 bearing on the electricity?

12          A.     Right.

13          Q.     Now, is it generally the case or always

14 the case with the County of Los Angeles that the

15 deeper your well is, the more electricity it takes to

16 operate that well?

17          A.     You can say that. It's not

18 generally -- it's -- it's not -- it's not so much the

19 depth of the well. It's the level of the water, the

20 groundwater, that determines how much electricity you

21 need. However, the deeper the well, the depth of the

22 water is lower, also, in our case.

23          Q.     So in the case of the County, the deeper

24 the well is, the more electricity it costs for the

25 County to bring the water to the surface?



1 A. True.

2 Q. Do you have a document of any kind that  
3 has plotted on it the various wells that LA County  
4 has in either District 40 and/or District 37?

5 A. I have some document that has that.

6 Q. Is that in the room?

7 A. Yes.

8 Q. Can you pull that out? I just want to  
9 get an idea. I know where Bolthouse Farms has its  
10 properties. I'm curious where your properties are in  
11 reference to that.

12 Before you open that, let me -- go ahead  
13 and sit down.

14 A. Okay.

15 Q. Let me ask you just a couple more quick  
16 follow-up questions.

17 With regard to the amount of water  
18 requested by LA County from AVEK for any particular  
19 district, are there ever any occasions when all that  
20 water is not taken?

21 A. Probably. I don't recall. I don't  
22 recall looking at a document that showed it, but it's  
23 possible that we didn't use all our requests.

24 Q. Why would that be?

25 A. Maybe it's a wet year, our customers

1 didn't use it. I don't know. Different reasons.

2 Q. So just because you requested it does not  
3 mean that you would use it --

4 A. Yeah.

5 Q. -- correct?

6 A. Correct.

7 Q. And if you do not use it, can you then  
8 use that excess in a different district?

9 A. I don't believe so. I don't know what  
10 the annexation laws say, but I think you're  
11 restricted to serve the water to the area that you  
12 requested it for.

13 Q. Is that water paid for in advance, or is  
14 it paid for after it's extracted?

15 A. I think we get the bill after we get the  
16 water.

17 Q. You indicated earlier that there was a  
18 form that LA County fills out every year where the  
19 request is made to AVEK.

20 A. Right.

21 Q. Is there also a form or a record of some  
22 kind that shows what water was actually used out of  
23 that allotment?

24 A. Yeah. We have purchased water. We keep  
25 a log of purchased water amounts.

1 Q. Is that per district or per region, or  
2 what?

3 A. Per region.

4 Q. So that document would be called the log  
5 of purchased water per region?

6 A. It's in the computer. I don't know what  
7 the sheet is.

8 Q. Can you think of the form that you fill  
9 out every year requesting AVEK water?

10 A. I could -- I could bring a form to show  
11 you. I don't --

12 Q. That's all right.

13 Go ahead and look through the document  
14 that you pulled out in terms of the location of  
15 LA County wells.

16 A. This is a schematic of where they are.

17 Q. Go ahead and open it up there and show me  
18 what you're talking about. I can look over the table  
19 here.

20 A. For example --

21 Q. That is a schematic of one well?

22 A. It has one, two -- I guess two -- two  
23 wells, two tank-size, and pump station.

24 Q. I guess what I'm looking for, ma'am, is  
25 whether there is something like what we have on the

1 table in front of us here, a document of the --

2 A. One big map that shows it?

3 Q. Right. One big map that shows where  
4 LA County's wells are.

5 A. Approximate location should be in any of  
6 these reports, but it wouldn't have the street  
7 numbers, and stuff.

8 Q. Well, are there any of the reports in  
9 there that would show on one diagram or on a couple  
10 of diagrams the general location of all of  
11 LA County's wells?

12 A. I think so.

13 Q. Do you know where that would be right  
14 offhand?

15 A. I would think the --

16 Q. Go ahead and take a look at whatever  
17 you'd like to look at.

18 A. LA County -- this is only -- I think this  
19 one will show us, probably, Lancaster wells. I don't  
20 know if you can see it, but these have the wells.

21 Q. Okay. Just for the record, you have  
22 pulled out a page here, and this is a page -- before  
23 I mark this, does this page show us all the different  
24 wells of LA County?

25 A. This is only for Region 4.

1 Q. Only for Region 4.

2 MR. JOYCE: How many wells does that  
3 depict Region 4 having?

4 THE WITNESS: I don't know.

5 Q. (By Mr. Zimmer) Okay. The page you just  
6 showed us --

7 A. Yeah.

8 Q. -- showed all the wells that LA County  
9 has in Region 4; correct?

10 A. It doesn't have the newer wells.

11 Q. It shows some of the wells in Region 4?

12 A. Yes.

13 Q. Do you have some master list or diagram  
14 that shows all the wells that LA County currently has  
15 in District 37 or 40?

16 This is real simple what I'm trying to do  
17 here.

18 These are Bolthouse properties here --

19 A. Right.

20 Q. -- and wells, and I'm trying to find out  
21 where LA County wells are in the easiest way, most  
22 expeditious way possible.

23 A. Okay.

24 Q. So I need a list of where they all are or  
25 a diagram that shows where they are. That's what I'm

1 looking for.

2 A. I could -- probably have a map that was  
3 used for some other study, but that will show the  
4 approximate location.

5 Q. That would work good. I don't care if it  
6 was used for some other study. I would just like to  
7 see the approximate location of these wells.

8 A. Okay.

9 Q. Do you have that?

10 A. I think so.

11 Q. Is that here?

12 A. Not in this room.

13 Q. How long would it take you to get it?

14 A. Let me check if I have it, and --

15 Q. Okay.

16 (Recess taken from 3:49 to 4:02.)

17 MR. ABBOTT: We can go back on the  
18 record.

19 The witness would like to clarify her  
20 answer to your previous question as to whether there  
21 were any lists of wells available.

22 Q. (By Mr. Zimmer) Okay. Ma'am, you were  
23 going to clarify something. Go ahead.

24 A. Okay. The list of wells and their  
25 addresses is available for both active and inactive

1 wells.

2 Q. For both 37 and 40?

3 A. All 40.

4 Q. Would you have the same information  
5 available for 37, as well?

6 A. Yes. I should be able to produce it.

7 MR. JOYCE: Can I see that listing?

8 MR. ZIMMER: Let me just --

9 MR. JOYCE: It's the same as what I'm  
10 looking at, I think. I just want to be sure.

11 MR. ZIMMER: On what exhibit did we leave  
12 off?

13 (Off record from 4:04 to 4:05.)

14 MR. ZIMMER: If we could attach a copy  
15 and make copies for everybody.

16 Q. (By Mr. Zimmer) Ma'am, you've produced  
17 a list of active wells and inactive wells related to  
18 District 40; correct?

19 A. Correct.

20 Q. How current is this list?

21 A. I guess it doesn't have dates on it.  
22 It's current.

23 Q. Current up to today?

24 A. Yes.

25 MR. ZIMMER: So we can mark as

1 Exhibit 30A and B --

2 MS. THYNE: 29.

3 MR. ZIMMER: 29. I'm sorry. I thought  
4 you said 30.

5 Okay. Exhibit 29A will be the active  
6 wells and Exhibit 29B the inactive wells, both lists  
7 being current as of today.

8 THE WITNESS: Right.

9 (Whereupon, Plaintiff's Exhibit No. 29  
10 was marked for identification.)

11 Q. (By Mr. Zimmer) Now, do you have the  
12 same information for District 37, as well?

13 A. I don't have it here, but it could be  
14 produced.

15 Q. It's somewhere in the office?

16 A. Yes.

17 MR. JOYCE: Can I see, Rich?

18 MR. ZIMMER: Yes.

19 Before we leave today, I'd like to get  
20 that information, also. And why don't we go ahead  
21 and make it Exhibit -- we'll make it Exhibit 30A and  
22 B, same type of breakdown, A being active and B being  
23 inactive.

24 Q. (By Mr. Zimmer) Next question, ma'am,  
25 is on these lists of wells, both active and inactive,



1 for District 40 and District 37, there's no  
2 indication on there as to the depth of the well;  
3 correct?

4 A. Correct.

5 Q. Is there a quick way to determine the  
6 depth of all the wells on these sheets?

7 A. Can I look at the --

8 MR. JOYCE: Which one do you want?

9 THE WITNESS: No. Not from that.

10 Q. (By Mr. Zimmer) There's no depth  
11 recorded on these sheets?

12 A. Right.

13 Q. My question is different than that. My  
14 question is is there a way to determine quickly from  
15 another source the depth of each of these wells on  
16 these sheets?

17 A. For the active wells, yes.

18 Q. What about for the inactive?

19 A. Most of them I think we should be able to  
20 produce.

21 Q. What document would we be looking at to  
22 determine the depth of the active or inactive wells  
23 in District 37, District 40?

24 A. Driller's -- driller's log.

25 Q. Driller's logs?

1           A.       (Witness nods head.)

2           Q.       Are those all maintained in one place for  
3 all of these wells, or are they in different places?

4           A.       They're in different files for each well.

5           MR. JOYCE: Each separate file for each  
6 specific well will have within it the driller's log,  
7 which would give you the depth?

8           THE WITNESS: Right.

9           Q.       (By Mr. Zimmer) Would there be some  
10 other source for the depth of these wells, for  
11 example, a study of how deep you had to get water in  
12 some place where all of these wells would be listed  
13 out in terms of the depth?

14          A.       It may not cover all of them. We might  
15 have some --

16          Q.       Might cover most of them?

17                   (A sotto voce discussion was held between  
18 Mr. Abbott and the witness.)

19          Q.       (By Mr. Zimmer) Do you have some  
20 information?

21          A.       I'm not sure if it covers all of them,  
22 but there is some information.

23          Q.       So you have some information now in front  
24 of you that shows the depth of some of these wells?

25          A.       Correct.

1 Q. Is that for District 40 or District 37?

2 A. Both 37 and 40.

3 Q. For both 37 and 40?

4 A. Right.

5 MR. ZIMMER: Okay. Why don't we mark as  
6 Exhibit 31 the data that you have there setting forth  
7 the well depth for the various wells that are  
8 provided there.

9 Q. (By Mr. Zimmer) Is there some reason to  
10 believe this is not current, ma'am?

11 MR. JOYCE: It was produced in response  
12 to our original round of discovery, if I'm not  
13 mistaken.

14 MR. ABBOTT: What she was looking at was  
15 attached as an exhibit to the discovery responses  
16 that the County Waterworks Districts made to the  
17 discovery propounded by Diamond Farming.

18 MR. JOYCE: That's about a year ago.

19 I'm just trying to think.

20 There haven't been any new wells added  
21 since then, have there, the last 12 months?

22 THE WITNESS: Right.

23 This cannot be a year ago. Is it?

24 MR. ABBOTT: November 29, 2000.

25 MR. ZIMMER: So it was current as of

1 November 29, 2000.

2 Q. (By Mr. Zimmer) And have there been any  
3 wells, new wells, put into place or old wells put  
4 back into service since that date?

5 A. There's -- the well is cited here, but it  
6 doesn't have the dates -- I mean the address or  
7 relevant information. It's one of the new wells.  
8 24-5 is not in here.

9 Q. 24-5 was one of the wells Mr. Joyce was  
10 asking you about.

11 A. The new wells are not -- I mean, they're  
12 cited here. 35-2 is cited, but it doesn't have that  
13 information on there.

14 Q. But you have that information here in the  
15 office?

16 A. Yes.

17 MR. ZIMMER: Why don't we do this. Why  
18 don't we agree to make this --

19 MR. JOYCE: The information is  
20 sitting -- the driller's logs would be in those well  
21 files for the three she's indicated on that chart  
22 that are noted but not -- the depths are not  
23 available. The depths are sitting in those boxes in  
24 the well logs.

25 MR. ZIMMER: I just want to get it all in

1 one place.

2 Q. (By Mr. Zimmer) Maybe we can just have  
3 you write on the well the depth of the ones that do  
4 not appear on the information you have regarding the  
5 well depths so that we have the depths of all wells  
6 in one spot.

7 Would you be able to do that?

8 A. I'm just wondering if this list and our  
9 list are similar or if it -- if this is inclusive of  
10 everything that's there.

11 MR. JOYCE: I counted 46 wells in  
12 Region 4.

13 THE WITNESS: Here?

14 MR. JOYCE: Yes. I should say  
15 District 40. Excuse me.

16 THE WITNESS: I could either get the  
17 numbers from here to there or check if we have  
18 anything that covers it, covers everything with depth  
19 and --

20 MR. JOYCE: Can I see the exhibit,  
21 itself?

22 She wants to know what you want her to do.

23 There's apparently three wells that are  
24 identified that don't have the depth numbers.

25 MR. ZIMMER: I just want to have her

1 obtain that from any other source that is necessary  
2 and record those three.

3 MR. JOYCE: On here?

4 MR. ZIMMER: On the sheet that shows all  
5 the wells.

6 THE WITNESS: Okay.

7 Q. (By Mr. Zimmer) And then the other ones  
8 we can transfer over ourselves as soon as -- they  
9 appear on the other documents you provided.

10 A. Okay.

11 Q. Do the sheets, ma'am, that you have  
12 provided here show the depth of the pump  
13 notwithstanding the depth of the well? Do they show  
14 the depth of the pump in each well?

15 MR. LEGGIO: Pump level.

16 MR. ZIMMER: That would be some of them.

17 MR. LEGGIO: I don't know if that's the  
18 same thing.

19 Q. (By Mr. Zimmer) Ma'am, one of  
20 these -- is this Exhibit 31?

21 MR. JOYCE: It hasn't been marked yet,  
22 but that's what I understood you intended to do.

23 MR. ZIMMER: This will be Exhibit 31.

24 ///

25 ///

1 (Whereupon, Plaintiff's Exhibit No. 31  
2 was marked for identification - later  
3 amended to be Exhibit 30)

4 Q. (By Mr. Zimmer) On Exhibit 31, ma'am,  
5 there are some figures that say, for example,  
6 "Pump Level." There's a "Level." Then it says  
7 "Pump," and then it says "Static."

8 Under "Pump," there's, for example,  
9 "252" on 44349 North Beech Avenue.

10 What does that reflect?

11 Here's "Beech Avenue," and it says  
12 "Level," and it says "Pump," and it says "252."

13 A. I think that's the water level --

14 Q. Is that 252 feet?

15 A. -- when they're pumping.

16 Yeah. Depth to the water level we're  
17 pumping is 252.

18 Q. So that's the level to the pump?

19 A. To the water. The pump to the water.  
20 From the ground surface to the water level.

21 Q. That's the distance from the ground  
22 surface to the water level; correct?

23 A. I think so. That's what it means.

24 Q. Now, how do you know where the pump is in  
25 relation to that?

1           A.     This wouldn't say.  If it's a submersible  
2 pump, it would be on the bottom.  If it's a wellhead  
3 pump, it would be -- we should have some information  
4 to identify that elsewhere, not in here.

5

6                   FURTHER EXAMINATION BY MR. JOYCE

7           Q.     If it was a surface pump, then you're  
8 going to have a bubble setting at some depth;  
9 correct?

10          A.     Correct.

11          Q.     If it's a submersible pump, then that's  
12 going to tell us where the depth of the pump is going  
13 to be located; right?

14          A.     Right.

15          Q.     What you're telling us is that the "252"  
16 figure that he referenced is the active drawdown  
17 level of the water?  In other words, that's where the  
18 water is below surface when the pump is on and  
19 running?

20          A.     That's my understanding of that, that  
21 table.

22          Q.     Okay.  That's what I mean.  That's how  
23 you would interpret that?

24          A.     (Witness nods head.)

25     ///



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FURTHER EXAMINATION BY MR. ZIMMER

Q. Okay. Now, you mentioned earlier that -- we discussed the policy of the LA County not to extract groundwater from the basin if it would harm the basin.

Is that based solely on LA County's policy, or is that based on some statute, regulation, ordinance, or otherwise that requires that the municipal water purveyor not extract water in such a way that would harm the basin?

A. I believe it's a County-responsible position. I don't think there's any regulation tying them to it. I'm not sure about the existence of any regulation.

Q. Okay. Above and beyond that?

A. Right.

Q. Okay. In terms of the production levels on each well, that's the information that is behind Mr. Johnston in those four volumes?

A. Those are Edison tests. Only are testing the pump capacity, efficiency, and the -- whatever, you know, the electricity used.

The water pump data, how much we pumped by date, are those other books.

Q. Okay. Those would be the books that you

1 described for us earlier? That's the actual pump  
2 average -- pump average records?

3 A. Right.

4 Q. Does any of the water that is pumped from  
5 either District 37 or 38 leave the geographic  
6 confines of the Antelope Valley in terms of where  
7 you're providing it as a purveyor of water?

8 A. No.

9 Q. And you understand what I mean by  
10 "the geographic confines"?

11 In other words, is all this water that  
12 LA County is pumping in Antelope Valley being  
13 distributed to customers in Antelope Valley?

14 A. True. Within -- within the basin  
15 boundary -- I mean the Antelope Valley.

16 Q. Okay.

17 A. But, for example, I have -- let's say I  
18 have a well in Region 38. That water system is  
19 connected to Region 35. So a water well producing  
20 from Region 38 could be supplying 35, but it's within  
21 the Antelope Valley. It's all within District 40.

22 Q. So as long as it's within the  
23 Antelope Valley, there is no distinction made or no  
24 requirement that if it's extracted from one well on  
25 one particular property, that it be used in any

1 particular geographic confine around that particular  
2 well?

3 A. It all depends. It's per system. Some  
4 of our -- some of our system combines three different  
5 regions, some of them two, some of them just one.

6 Q. Let me make my question a little simpler.

7 Can you look at Exhibit 3?

8 You have all these different districts  
9 identified with different colors.

10 A. Right.

11 Q. Does it matter whether water that is  
12 extracted from a well in, let's say, the blue area,  
13 Lancaster -- where that water is distributed by the  
14 County in the Antelope Valley? In other words, can  
15 it be distributed over here in the reddish-brown  
16 section identified as Northeast Los Angeles County?

17 A. It's a practice we don't do that. Our  
18 system does not allow that. Our system allows them  
19 to be interconnected, all these systems that are  
20 connected, but not that far.

21 Q. Okay. When you say "interconnected," are  
22 you saying that some wells are all connected together  
23 and some wells are not?

24 A. Their piping?

25 Yes.

1 Q. In terms of their piping, if you're  
2 drawing water in the blue area here, the Lancaster  
3 area, are all of those wells interconnected?

4 A. Not all of them.

5 Q. Only some of them?

6 A. Some of them are connected.

7 Q. Would that be true of the other  
8 districts, as well?

9 A. True. We have different zones because of  
10 pressure and where they are located. So --

11 Q. Is there some kind of a diagram that  
12 would show the piping setup and the routing of water  
13 from the wells to a particular area?

14 A. That was the map that I showed. I think  
15 this -- these maps show distribution systems to -- by  
16 piping from the wells to --

17 Q. Is this for all of the wells in 37 and 40  
18 or just some of them?

19 A. No. That's only regions -- three regions  
20 in 40.

21 Q. Three regions in 40?

22 A. Yeah. There's a -- 24, 27, and 33.

23 Q. Okay. So, for example, this shows those  
24 three different regions?

25 A. Yeah.

1 Q. Is this typical of how the piping is set  
2 up in a particular area? In other words, you have a  
3 bunch of green lines here. I assume that's piping  
4 that's all interconnected.

5 A. Right. It means the same zone.

6 Q. And then you have some red lines. And  
7 that's another zone, apparently, within that region.

8 A. Right.

9 Q. And is that typical of how these are set  
10 up throughout the various regions?

11 A. Yes.

12 Q. Can you tell how many wells are connected  
13 there?

14 A. No.

15 Q. Does it mean that those wells that are in  
16 that area, in that particular color grid, are  
17 servicing the residences in those grids?

18 A. Yeah. The colors only indicate the  
19 pressure zones in that area, what kind of pressure we  
20 have to our system.

21 Q. So within a particular region, these  
22 zones are set up because of pressure concerns?

23 A. Right.

24 Q. That's why some of them are bigger and  
25 some are smaller?

1           A.     That's true.

2           Q.     Just like if you're running sprinkler  
3 pipe in the ground. You can only service a certain  
4 number of residences, given all the physical  
5 properties involved on a particular line.

6           A.     Right.

7           MR. ZIMMER:  Anybody want this attached?  
8           I don't need it attached, I don't think,  
9 at this time.

10          MR. JOYCE:  No.

11          Q.     (By Mr. Zimmer)  Ma'am, how familiar are  
12 you with the issues involved in this particular case  
13 in terms of description -- do you know what the  
14 issues are in this case from a legal standpoint?  Not  
15 saying you're a lawyer, or anything, but do you have  
16 any idea what the issues are?

17          A.     Not really.

18          Q.     Has the LA County Water District ever  
19 taken any action of any kind to prevent or impair  
20 pumping and/or using water on any property within the  
21 Antelope Valley?

22          A.     Impaired another party?

23          Q.     Right.

24                 In other words, has LA County, to your  
25 knowledge, ever taken any action to prevent or impair

1 any other property owner in the Antelope Valley from  
2 using water on their property?

3 A. No.

4 Q. In terms of imported water, have you done  
5 any kind of calculation in terms of the total amount  
6 of imported water over any given time period and the  
7 amount of that water that, if any, has made its way  
8 back into the ground?

9 A. Have I made any calculations?

10 Q. Right.

11 A. No.

12 Q. Do you know if the County has made any  
13 calculations of that type, trying to determine the  
14 total amount of imported water and coming up with  
15 some kind of calculation as to how much of that water  
16 has made it back into the groundwater system?

17 A. No.

18 Q. "No," that has not been done, to your  
19 knowledge?

20 A. That's correct.

21 Q. A number of different studies and reports  
22 were done, and I'd kind of like to get your knowledge  
23 as to the reasons these various reports were done  
24 chronologically over the time that you have knowledge  
25 of them.

1                   In other words, of all these reports that  
2 Mr. Joyce was talking to you about earlier, do you  
3 know which one is the oldest, the oldest study or  
4 evaluation?

5                   MR. JOYCE: It's left the room.

6                   THE WITNESS: The Durbin report probably  
7 is --

8                   Q.       (By Mr. Zimmer) Which one was it?

9                   A.       Durbin, 1978.

10                  Q.       Now, you were not with the District at  
11 that time; correct?

12                  A.       No.

13                  Q.       But you have some knowledge of that  
14 report, given your position with the County?

15                  A.       Right.

16                  Q.       Do --

17                  A.       I looked at the report.

18                  Q.       You looked it up?

19                  A.       I mean I looked at it bringing it here.

20                  Q.       Given your knowledge and your position,  
21 what was the reason for the Durbin report? What was  
22 the issue involved? Why was that report obtained,  
23 that sort of thing?

24                  A.       I'm not -- I'm not sure.

25                  Q.       Okay. Do you have any idea what the



1 report was for or what the report was about?

2 A. The report -- the report documented basin  
3 boundaries, inflows, outflows.

4 Q. Is there anything contained in the report  
5 or any other writings you're aware of that indicates  
6 what the intent was of the County in procuring or  
7 having that report prepared?

8 A. That was not prepared for the County.  
9 That was the USGS report.

10 Q. Okay. Next chronologically, what was the  
11 next report or evaluation or study?

12 A. If my memory's right, I think a 1980 DWR  
13 report.

14 Q. And do you know why that report was  
15 obtained or used by the County?

16 A. That was a cooperative effort between a  
17 lot of agencies, including the County.

18 Q. In terms of the County, itself, how was  
19 the County using that report? Why was that report of  
20 interest to the County?

21 A. I'm trying to remember the title of the  
22 report. I think Planned Utilization of Water  
23 Resources, or something like that. It's -- County  
24 participated in that report with DWR and other  
25 agencies.

1 Q. Would it help you to have the reports  
2 back in the room?

3 Why don't we take a slight break here  
4 and go ahead and get the reports. That would be  
5 helpful.

6 (Recess taken from 4:27 to 4:33.)

7 MR. ABBOTT: Go back on the record.

8 What was marked Exhibit 29A and 29B also  
9 included District 37 on it.

10 MR. ZIMMER: Oh, it did?

11 MR. ABBOTT: Yes.

12 MR. ZIMMER: So we don't need Exhibit 30,  
13 then?

14 MR. ABBOTT: That's correct.

15 MR. ZIMMER: So Exhibit 29 now includes  
16 active and inactive wells currently.

17 MR. JOYCE: In 40 and 37.

18 MR. ZIMMER: In 37 and 40.

19 Okay. That works for me.

20 Then why don't we amend that and make  
21 that next exhibit we had there Exhibit 30, rather  
22 than 31, and this will be the exhibit that shows the  
23 well depths.

24 That's what it was; correct?

25 Yes. It shows the well depth.

1 Q. (By Mr. Zimmer) That well depth that's  
2 on there, ma'am, that's measured from ground  
3 level -- for example, Cedar Avenue, the very top one,  
4 says "502." I assume that's 502 feet.

5 A. Below the ground level.

6 Q. Is that measured from ground level all  
7 the way to the rock bottom of the well?

8 A. Yes.

9 I'm not sure how -- how this -- it's from  
10 ground level, but I -- I want to say there is a  
11 reference point elevation for that ground level that  
12 they measure it from, but it's not on here or  
13 anywhere to --

14 Q. All right. But regardless of the  
15 reference point of ground level, this is the depth to  
16 the bottom of the well?

17 A. Right.

18 MR. JOYCE: Can I see that real quick,  
19 ma'am?

20 Q. (By Mr. Zimmer) Ma'am, you indicated  
21 earlier that the County's policy is not to ever take  
22 water in such a way that it would harm the basin.

23 Notwithstanding that policy, has the  
24 County ever, to your knowledge, on any occasion taken  
25 some kind of action which caused the basin to be in

1 overdraft?

2 A. We've been pumping. So if the basin was  
3 overdrafted at the time we pumped, I guess I would  
4 have to say yes.

5 Q. So you're saying you don't have any way  
6 of knowing whether the basin was in overdraft or not;  
7 correct?

8 A. Correct.

9 Q. Going back to my question, as you sit  
10 here right now, do you have any information that the  
11 County pumped in such a way at any given point in  
12 time that it caused the basin to be in overdraft?

13 A. Can you say the question again?

14 Q. As you sit here right now, do you have  
15 any knowledge that the County at any given point in  
16 time pumped so as to cause this basin to be in  
17 overdraft?

18 A. The County has pumped since 1919, I  
19 think. The oldest well we have is 1919. And if  
20 there was any overdraft from then until now, then we  
21 did overdraft the basin.

22 Q. You're saying you don't know whether it  
23 ever was in overdraft and, if so, at what particular  
24 time?

25 A. That's true.

1 Q. Has the County at any time ever kept any  
2 records that you are aware of that would show at any  
3 given time whether the basin was in overdraft or not  
4 so as to determine whether they should pump water or  
5 not or, if so, how much to pump?

6 A. Not to my knowledge.

7 MR. JOYCE: Can I ask a question, Rich?

8 MR. ZIMMER: Yes. Go ahead.

9 MR. JOYCE: Do you know what an  
10 appropriator is, as opposed to a prescriptor, in  
11 terms of water law?

12 THE WITNESS: No.

13 Q. (By Mr. Zimmer) So as far as you know,  
14 ma'am, there are no records of any kind that the  
15 County kept that showed if the basin was in overdraft  
16 or otherwise; correct?

17 A. Correct.

18 Q. How did the County, then, go about  
19 determining or conforming with their policy of not  
20 harming the basin? What would you do? Would you  
21 just base that on, you know, knowing what you're  
22 pumping out of your wells, and if there was no  
23 significant change, you would just keep on pumping,  
24 or you assumed everything was okay? In other words,  
25 how did the County go about assuring that it did not

1 harm the basin?

2 MR. ABBOTT: I'm going to object to that  
3 question as vague as to time period.

4 Q. (By Mr. Zimmer) At any time period that  
5 you're aware of, ma'am.

6 A. I'm unclear. What's the question?

7 Q. Well, let's start with the proposition  
8 that you don't have any specific knowledge of the  
9 basin being in overdraft at any particular time.  
10 Correct?

11 A. Correct.

12 Q. You indicated that it's the policy of the  
13 County not to harm the basin, in other words, not to  
14 put it in overdraft; correct?

15 A. Correct.

16 Q. And my question is how would you know  
17 that you were not harming the basin or, to the  
18 contrary, how would you know if you were?

19 A. I -- I don't know how much of the studies  
20 went into the decision making, but a lot of studies  
21 have been generated.

22 Even without studies, I think whatever  
23 you put in, if it's more -- what you take out is more  
24 than what you put in, it's -- it's just -- I don't  
25 know. It's common sense.

1 Q. Okay. So you're saying that the County  
2 relied in part on all the studies that they had done  
3 to confirm that they were not harming the basin at  
4 any particular period of time; correct?

5 A. Correct.

6 Q. Did the County, to your knowledge, ever  
7 do anything in the Antelope Valley to try and take  
8 water rights from any other landowner in the  
9 Antelope Valley?

10 A. No.

11 Q. Did, to your knowledge, the County ever  
12 take any action at any time to impair the water  
13 rights of any overlying landowner in the  
14 Antelope Valley?

15 A. No.

16 MR. JOYCE: Can I ask a question, Rich?

17 MR. ZIMMER: Let me just follow up with  
18 one question here.

19 MR. JOYCE: Sure.

20 Q. (By Mr. Zimmer) Has, to your knowledge,  
21 Los Angeles County ever at any time made any claim  
22 that they have rights to water superior to any other  
23 landowner in the Antelope Valley?

24 A. Not that I know of.

25 Q. To your knowledge, has Los Angeles County

1 ever been involved in any dispute as to water in the  
2 Antelope Valley with any overlying landowner?

3 A. No.

4 Q. To your knowledge, has the County ever  
5 taken any position that any landowner in the  
6 Antelope Valley should not be entitled to reasonably  
7 use water on their property?

8 A. No.

9 Q. To your knowledge, has the County ever  
10 taken any action of any kind to prevent any landowner  
11 in the Antelope Valley from reasonably using water on  
12 their property?

13 A. No.

14 Q. Have you ever seen any documents during  
15 your tenure in your position as you described it  
16 earlier that would indicate in any way that the  
17 County has ever tried to stop or impair any landowner  
18 from using reasonable use of water on their property  
19 and/or to interfere with that use of water on their  
20 property?

21 A. No.

22 MR. ZIMMER: Go ahead, Bob.

23

24 FURTHER EXAMINATION BY MR. JOYCE

25 Q. Do you know what an overdrafted



1 condition is in a water basin or an aquifer?

2 MR. ABBOTT: I'm going to object that  
3 that calls for a legal conclusion.

4 Q. (By Mr. Joyce) Do you know from a  
5 hydrological or engineering perspective what the  
6 concept of overdraft means to a water aquifer?

7 A. My understanding is extraction exceeds  
8 replenishment.

9 Q. Okay. Not a bad understanding.

10 With that understanding in mind, you've  
11 been with the Department for how long?

12 A. With the Department for -- since 1985,  
13 September.

14 Q. From September of 1985 to the present  
15 time, did you ever learn or ever become aware of a  
16 policy of the County of Los Angeles Department of  
17 Water and Public Works to continue to pump in the  
18 Antelope Valley with the knowledge that the basin was  
19 then overdrafted?

20 A. Can you repeat that question? Reask it.

21 Q. Did you ever learn of the County adopting  
22 a policy to continue pumping in the Antelope Valley  
23 with knowledge that the basin was overdrafted?

24 A. Adopting a policy?

25 Q. No. Pursuing a policy of continued

1 pumping in excess of replenishment at a time when the  
2 basin was overdrafted, in other words, consciously  
3 doing it, knowing it's happening, and continuing to  
4 proceed accordingly.

5 A. I know County has pumped through the  
6 years.

7 Q. Do you know whether or not --

8 MR. ZIMMER: That's nonresponsive.

9 Q. (By Mr. Joyce) Do you know whether or  
10 not, at the time that the pumping was occurring,  
11 anyone within a position of responsibility, such as  
12 yours, continued that level of pumping in the face of  
13 an overdraft condition?

14 MR. ABBOTT: Can we clarify what time  
15 period you are talking about?

16 MR. JOYCE: Since she's been with the  
17 Department. Since --

18 Q. (By Mr. Joyce) September of 1985, did  
19 you say?

20 A. I started working with Waterworks here  
21 in '93.

22 Q. Okay. Well, then we'll use 1993 to the  
23 present.

24 Are you aware at any time during that  
25 time frame people with responsibility authorizing

1 continuing to pump at the same level, even in the  
2 face of a known overdraft condition?

3 A. No.

4 MR. ZIMMER: Since she's designated as  
5 the person most knowledgeable, she can rely on the  
6 records for the entire time period.

7 MR. JOYCE: I understand.

8 Q. (By Mr. Joyce) Going back before 1993,  
9 do you have any knowledge as to whether or not there  
10 was ever any period of time where the County  
11 consciously made the decision to continue to pump at  
12 levels that were extracting water during a period of  
13 time when the basin was known to be in an overdrafted  
14 condition?

15 A. Do I know that?

16 Q. Yes. Do you know that that ever  
17 happened, in other words, that the conscious decision  
18 was made to continue to pump in the face of an  
19 overdrafted condition?

20 A. I don't know about the decision.

21 Q. Do you know whether or not that ever  
22 happened, in fact?

23 A. We've pumped. That's all I can say.

24 MR. ZIMMER: So the answer is?

25 THE WITNESS: We've pumped through the

1 years.

2 MR. ZIMMER: You have no knowledge of  
3 that happening; is that correct?

4 THE WITNESS: Correct.

5 Q. (By Mr. Joyce) In other words, you can't  
6 direct me to a block of time or to a particular  
7 person known to have made the decision consciously to  
8 continue to proceed with pumping with the knowledge  
9 that at the same time the aquifer was already  
10 overdrafted? In other words, you can't direct me to  
11 any writing, the name of any person, any particular  
12 date or point in time when that happened; correct?

13 A. No.

14 MR. ZIMMER: Correct?

15 THE WITNESS: Correct.

16 Q. (By Mr. Joyce) Do you know if the County  
17 ever authorized pumping in the Antelope Valley,  
18 knowing that by doing so that it may impair or impede  
19 the ability of other landowners in the area to  
20 extract water from their wells?

21 A. This is when?

22 Q. At any time.

23 A. I'm trying to see the difference between  
24 the first question and this. I'm not clear.

25 MR. JOYCE: Can you just read the

1 question back to her?

2 And the time frame I'm concerned about is  
3 at any time you're aware of, in the entire history of  
4 the Department.

5 (Record read.)

6 THE WITNESS: I don't know.

7 MR. ZIMMER: That's, no, you don't have  
8 any information?

9 THE WITNESS: No.

10 MR. ZIMMER: Correct?

11 THE WITNESS: Correct.

12 Q. (By Mr. Joyce) Do you have any knowledge  
13 as to whether or not anyone within the Department or  
14 within the County of Los Angeles ever took any steps  
15 to advise any landowner in the Antelope Valley that  
16 the County was extracting water and by doing so was  
17 claiming or asserting a right that was superior to or  
18 had more legal significance to it than a surface  
19 owner or another landowner?

20 A. Any documents, you mean?

21 Q. No. Any procedure to tell the people  
22 that were affected "This is what we're doing, and  
23 this is what's likely to happen to you," in other  
24 words, a legal notice, a publication in a local  
25 newspaper, a TV advertisement? Anything to say,

1 "We're pumping water, and by doing so we're acquiring  
2 rights that are superior to yours"? Anything like  
3 that ever happen?

4 A. Not that I know.

5 Q. Okay.

6

7

FURTHER EXAMINATION BY MR. ZIMMER

8 Q. Ma'am, do you have any information from  
9 any source, whether it's documents, writings,  
10 E-mails, computer reports, any information from any  
11 source, whatsoever, that the County has ever taken a  
12 position that its rights, in terms of water, are  
13 superior to any landowner in the Antelope Valley?

14 A. No.

15 MR. ZIMMER: Did we get all of the  
16 documents identified that we wanted to identify with  
17 regard to the pumps, the depth of -- excuse me -- the  
18 wells, the depth of the wells? We got that all  
19 identified now?

20 MR. JOYCE: No. I think we still have  
21 the three wells that you wanted her to extract the  
22 information and write on there.

23 Q. (By Mr. Zimmer) Ma'am, maybe we can do  
24 that now.

25 Do you have this information readily

1 available that you can put that information in there?

2 MR. JOYCE: She believes they should be  
3 in the well files, I thought.

4 Q. (By Mr. Zimmer) Let's just do it at the  
5 end of the deposition.

6 You were talking about the different  
7 studies that have been done over the years, and your  
8 lawyer asked you whether you would feel more  
9 comfortable having the studies in front of you.

10 Do you now have the studies in front of  
11 you?

12 A. Yes.

13 Q. And from what you know, based on your  
14 knowledge of these issues, working for the County,  
15 what was the oldest study?

16 A. Calibration of a Mathematical Model.

17 Q. What year was that?

18 A. 1978.

19 Q. Is that the Durbin report?

20 A. Yes.

21 Q. Okay. 1978.

22 Can you tell by looking at it and based  
23 upon your knowledge in your capacity working for the  
24 County what type of study that was?

25 A. This study -- the -- I'm not sure about

1 the purpose of preparing it or what the scope of it  
2 was, but as far as I have seen what is in it --

3 Q. What is it?

4 A. -- depicted boundaries for the basin,  
5 vaults, geologic information.

6 Q. Okay. What was the next study after  
7 that? Was it the 1980 study, the DWR report?

8 A. Yes.

9 Q. What was the nature of that report?

10 A. I don't see it.

11 Q. I don't know that we identified them in  
12 chronological order.

13 Can you tell by looking at them, or are  
14 you missing something?

15 A. Yeah. I'm missing one report.

16 There is one over there.

17 Q. Go ahead and check over there, ma'am.

18 We'll go off the record just for a  
19 second.

20 (Off record from 4:59 to 5:07.)

21 Q. (By Mr. Zimmer) Were you able to find  
22 those other well depths?

23 A. Didn't finish.

24 Q. Oh, didn't finish?

25 How many did you get?



1 A. I just looked at one of them.

2 Q. In terms of the next study  
3 chronologically after the DWR report, that was when?  
4 I'm just looking for very basic information. We can  
5 come back another day and discuss this in more  
6 detail, but I'm just talking about very basic  
7 information. When was the next date, next report?  
8 Generally, what was it for?

9 A. This report. This is a USGS report.

10 Q. It was somehow obtained by the County?

11 A. We have a copy of it.

12 Q. What's the date of it?

13 A. 1984 -- '87.

14 Q. 1987?

15 And what's the nature of the report?

16 A. "Geohydrology of the Antelope Valley Area  
17 California and Design for a Ground-Water-Quality  
18 Monitoring Network."

19 Q. What's the next report we have?

20 MR. JOYCE: Rich, it might just make  
21 sense to wait, because we can get all this stuff  
22 copied, and we'll have them all, and we can organize  
23 them chronologically.

24 THE WITNESS: There's a report by  
25 Richard Slade, "Hydrogeologic Assessment of

1 Waterworks District No. 35."

2 Q. (By Mr. Zimmer) What was the date on it?

3 A. September '91.

4 Q. And it was a water assessment for those  
5 regions?

6 A. Yes.

7 Q. Okay.

8 A. Similar report was done for District 37  
9 in 1990.

10 Q. 1990?

11 A. Yeah. This one is 1990.

12 Q. Same type of report?

13 A. Yes.

14 Q. Water assessment?

15 A. Assessment of hydrogeologic conditions.

16 Q. Okay.

17 A. "Antelope Valley Groundwater Recharge  
18 Study, Phase 2," March 1991.

19 Q. '91?

20 A. Yes.

21 Q. And that was the one we talked about  
22 earlier? That was the first study by  
23 Los Angeles County to determine whether it would be  
24 feasible and/or appropriate to do recharge?

25 A. Yes.

1 Q. And as I understand it, there's still no  
2 decision that's been made by the County of Los  
3 Angeles as to whether it will, in fact, engage in  
4 this process of recharging water into the basin. Is  
5 that correct?

6 A. No. We're going through EIR to  
7 recharge.

8 Q. As of today's date, it has not been  
9 approved to do that?

10 A. That's correct.

11 Q. You're still in the EIR phase of  
12 determining whether that will be allowed and, if so,  
13 under what conditions; correct?

14 A. Correct.

15 Q. And at that point, the County can decide  
16 whether it wants to do that?

17 A. Correct.

18 "Hydrogeologic and Land Subsidence,  
19 Edwards' Air Force Base, Antelope Valley,  
20 California." This report was done 1993 by USGS.

21 Antelope Valley Water Resource Study.  
22 This report was done for Antelope Valley Water Group  
23 by Kennedy/Jenks in 1995.

24 Q. Okay. It was not done for LA County? It  
25 was done for the Antelope Valley?

1           A.     The Water Group.  
2           Q.     The Water Group?  
3           A.     Yeah.  
4           Q.     Who does that consist of?  
5           A.     I know part of it.  
6           Q.     Purveyors?  
7           A.     Farmers, purveyors.  
8           Q.     Okay.  
9           A.     "Determination of Land Subsidence Related  
10          to Ground-Water-Level Declines Using Global  
11          Positioning System and Leveling Surveys in Antelope  
12          Valley."  
13          Q.     The date on that one was?  
14          A.     1994.  
15          Q.     Okay.  
16          A.     The title says 1992, I think, 'cause of  
17          the deal.  
18                    "U.S. Geological Survey Subsidence  
19          Interest Group Conference, Edwards Air Force Base,  
20          Antelope Valley, California, November 18-19, 1992."  
21          The abstract was printed in 1995.  
22          Q.     Just parenthetically, subsidence is one  
23          of those things you look at to determine if there's  
24          any harmful decrease in water levels that you can  
25          detect based on subsidence?

1           A.     Correct.

2           Q.     Go ahead, ma'am.

3           A.     "Land Use and Water Use in the

4 Antelope Valley, California." This report was done

5 in 1995 by the USGS.

6           Q.     And what was the name of it?

7           A.     "Land Use and Water Use in the

8 Antelope Valley."

9           Q.     Okay.

10          A.     These following two reports were done for

11 the Water Group, Antelope Valley Water Group. One is

12 "Regional Water Table (1996) and Water-Table Changes

13 in the Antelope Valley Ground-Water Basin" done by

14 USGS.

15          Q.     Okay.

16          A.     There's another report documenting water

17 level changes, 1975 to 1998, in Antelope Valley.

18          Q.     What was the date of that report?

19          A.     I was going to say 1998, but it doesn't

20 have any dates on it. Usually the report numbers

21 correspond to the dates that they were --

22          Q.     So your best estimate is 1998?

23          A.     Yeah. It had to be at least '98 because

24 that's what the last date on the study was. Okay?

25                    The following reports are in progress.

1 They haven't been finalized or printed as final.

2 Q. And those relate generally to what  
3 categories?

4 A. They were done in conjunction with the  
5 aquifer storage and recovery program that we had,  
6 pilot program.

7 Q. Okay. You don't need to go into each of  
8 them.

9 They're all related to the aquifer  
10 storage?

11 A. Right.

12 It says "Do not copy or distribute" on  
13 each page.

14 Q. Okay. Any other studies or reports?

15 A. I have the Urban Water Management Plans  
16 from 1995 and 2000.

17 Q. Two separate ones?

18 A. Two separate ones.

19 These are done by us. One was done by a  
20 consultant. One was done in-house.

21 Q. Okay. And also in 2000?

22 A. Yes.

23 Q. Water management study or water  
24 management plan?

25 A. Water management plan.

1 Q. Okay. Anything else?  
2 A. "Aquifer Storage and Recovery  
3 Demonstration Project Final Report," January 2000.  
4 Q. Okay. Anything else?  
5 A. I guess that's it.  
6 I don't know if I called this out.  
7 Q. What was the name of it?  
8 A. The spreading ground study.  
9 Q. What does that involve?  
10 A. It's part of the study that was  
11 done -- preliminary study that was done for  
12 spreading --  
13 Q. Recharge?  
14 A. -- water.  
15 Recharge.  
16 Q. For spreading it, as opposed to injecting  
17 it?  
18 A. Right. This was one option that was  
19 investigated.  
20 Q. What was the date on that?  
21 A. February 1989.  
22 Q. '89.  
23 Okay. Is that it?  
24 A. That's it.  
25 Q. Let me ask you this question. You are

1 aware that there are other municipal water purveyors  
2 involved in this case; right?

3 A. Other municipal water purveyors?

4 Q. Right.

5 In this lawsuit we're dealing with,  
6 there's other municipal water providers..

7 A. Okay. I think so.

8 Q. Okay. Is the County taking any position  
9 currently or has it in the past that it has superior  
10 rights to appropriation of water to any of the  
11 codefendants in this case, in other words, the County  
12 saying, "We got this water first. We got this  
13 amount. We pulled it out of the ground and gave it  
14 to our customers"? Is the County taking any position  
15 or has it in the past, to your knowledge, that it has  
16 rights that are superior to the other defendants?

17 A. No.

18 Q. Is the County taking any position that it  
19 has a right to appropriate water that is superior in  
20 any way to any of the other providers of water taking  
21 water out of the Antelope Valley?

22 A. Does the County have --

23 MR. ABBOTT: Are you asking if she knows  
24 the County has the position?

25 MR. ZIMMER: Right.



1 THE WITNESS: No, I don't know.

2 Q. (By Mr. Zimmer) Do you know of the  
3 County ever taking the position that it has  
4 appropriated water; therefore, it has appropriative  
5 rights that are superior to any other entity in the  
6 basin which is extracting water and providing it to  
7 customers?

8 A. No, I don't know.

9 Q. Do you know what the year was that the  
10 County first began extracting water from the  
11 Antelope Valley?

12 A. Going by the log, the well information  
13 that we have, the oldest well that I've seen in  
14 record is 19- -- 1919.

15 Q. 1919?

16 A. Yeah. I think the formation of Region 4  
17 dates back to 1919.

18 Q. And that's water extraction from the  
19 Antelope Valley?

20 A. I'm guessing that's where the district is  
21 formed.

22 Q. I don't want you to guess.

23 A. Okay. No.

24 Q. Nor does anyone else.

25 Do you have some information, based upon

1 your position with the County and your review of  
2 records, that indicates approximately when the County  
3 first began appropriating water from the  
4 Antelope Valley?

5 MR. ABBOTT: I'll object. That calls for  
6 a legal conclusion.

7 MR. ZIMMER: Well, I'll just take out the  
8 word "appropriating" and put in the word  
9 "extracting."

10 Okay now?

11 MR. JOYCE: It works for me.

12 Q. (By Mr. Zimmer) Okay. Go ahead, ma'am.

13 A. 1919 is the formation of the  
14 Waterworks District for --

15 Q. 1919 was the formation of the  
16 Waterworks District for Antelope Valley?

17 A. For Region 4 only.

18 Q. For Region 4, which is in the  
19 Antelope Valley?

20 A. Lancaster. Right.

21 MR. ZIMMER: I don't know how long  
22 anybody wants to go tonight. My suggestion would be  
23 that --

24 MR. JOYCE: About done.

25 MR. ZIMMER: -- we break for the day and

1 pick up later.

2 MR. JOYCE: The only issue we need to  
3 resolve is is there really any significant impediment  
4 if she were to go ahead and just take them and get  
5 them copied and get them back to you.

6 (Off record from 5:23 to 5:38.)

7 MR. ZIMMER: Propose a stipulation to  
8 relieve the court reporter of her duties under the  
9 Code. She can transcribe this portion of the  
10 deposition in the ordinary course of things and  
11 provide a copy of it to Mr. Abbott, who will see that  
12 the witness reviews the deposition transcript, making  
13 any changes in the deposition transcript she wishes  
14 to make within -- how many days after your receipt?

15 MR. ABBOTT: I would prefer to keep it  
16 open until the deposition is completed.

17 MR. ZIMMER: I'd like to get at least  
18 this portion of it done and reviewed.

19 MR. LEGGIO: And signed.

20 MR. ZIMMER: Yes. And signed. I don't  
21 want to wait until the whole thing --

22 MR. JOYCE: Why don't you just do it per  
23 Code, because by the time we get out here, we'll be  
24 way out of that time period, anyway, the way I see  
25 it. It's 30 days post-receipt, the signature

1 process.

2 MR. ZIMMER: I don't have a problem with  
3 that.

4 MR. JOYCE: Do you have a problem with  
5 that?

6 That will give you about 45 days.

7 MR. ZIMMER: Is that all right?

8 MR. ABBOTT: Okay.

9 MR. JOYCE: Okay. And just the last  
10 thing that needs to be clarified, that as to the  
11 reports and the various negative declaration files  
12 and the like that we referred to during the course of  
13 the deposition today and had referred to by exhibit  
14 numbers, the County has agreed to make arrangements  
15 to have that documentation sent out for copying and  
16 will provide two copies, one to counsel for Bolthouse  
17 and one to counsel for Diamond.

18 Is that a correct -- and then you'll  
19 provide us with a bill for the cost of doing so.

20 MR. ABBOTT: Yes.

21 MR. ZIMMER: And one other thing that I'd  
22 add is that the deposition is not yet completed.  
23 We'll pick it up on a date that is convenient to  
24 counsel and the witness.

25 MR. JOYCE: We'll work out the date as

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soon as we get a better picture of where we're going.

(Whereupon, at 5:41 p.m., the deposition of ELENÍ HAILU, Volume I, was concluded.)

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1 STATE OF CALIFORNIA )  
2 COUNTY OF KERN ) ss.  
3

4 I, Angela Olvera, a Certified Shorthand  
5 Reporter in the State of California, holding  
6 Certificate No. 7265, do hereby certify that  
7 ELENI HAILU, the witness named in the foregoing  
8 deposition, was by me duly sworn; that said  
9 deposition was taken Monday, March 4, 2002, at the  
10 time and place set forth on the second page hereof.

11 That upon the taking of the deposition, the  
12 words of the witness were written down by me in  
13 stenotypy and thereafter transcribed by computer under  
14 my supervision; that the foregoing is a true and  
15 correct transcript of the testimony given by the  
16 witness.

17 I further certify that I am neither counsel  
18 for, nor in any way related to any party to said  
19 action, nor in any way interested in the result or  
20 outcome thereof.

21 Dated this 27th day of June, 2002, at  
22 Bakersfield, California.

23  
24   
25 Angela Olvera, CSR No. 7265