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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 4 HON. JACK KOMAR, JUDGE

COORDINATION PROCEEDING)	
SPECIAL TITLE (RULE 1550B))	
)	JUDICIAL COUNCIL
ANTELOPE VALLEY GROUNDWATER CASES))	COORDINATION
_____))	NO. JCCP4408
)	
PALMDALE WATER DISTRICT AND)	SANTA CLARA CASE NO.
QUARTZ HILL WATER DISTRICT,)	1-05-CV-049053
)	
CROSS-COMPLAINANTS,)	
)	
VS.)	
)	
LOS ANGELES COUNTY WATERWORKS,)	
DISTRICT NO. 40, ET AL,)	
)	
CROSS-DEFENDANTS.)	
_____))	

REPORTER'S TRANSCRIPT OF PROCEEDINGS

MONDAY, JANUARY 31, 2011

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(SEE APPEARANCE PAGES)

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* * *

SAYS IT HAS NOT EQUILIBRATED.

Q SO YOU ARE THINKING THAT THE PAST STRESSES, THE RESULTS OF THAT, ARE CONTINUING?

A THERE WAS A DECLINE IN WATER LEVELS IN THE PAST. THAT CREATES A STRESS. BUT THAT -- I THINK THE STRESS THAT YOU ARE REFERRING TO IS THE STRESS IN THE AQUITARDS.

Q LET'S TRY THIS. CAN YOU TELL US WHEN THE THRESHOLD LEVEL WAS REACHED OR WHERE IT -- WHAT THE THRESHOLD LEVEL IS?

A NO.

Q NOW, YOU CAN TELL US, THOUGH, THAT THE MAJORITY OF SUBSIDENCE OCCURRED BETWEEN 1957 AND 1981, ACCORDING TO YOUR ANALYSIS IN THE SUMMARY EXPERT REPORT?

A I WOULD HAVE TO DO A LOOK-UP, BUT I BELIEVE THAT IS CORRECT.

Q CHECK OUT PAGE 12. IT'S THE LAST SENTENCE JUST BEFORE THE 2.7 SECTION.

A (REVIEWS DOCUMENT.)

IF THAT'S WHAT IT SAYS, IT'S CORRECT.

Q YOU TALKED THE OTHER DAY ABOUT THE COMPUTATION OF NATURAL RECHARGE IN THE CONTINUITY EQUATION -- WHICH SIMPLY MEANS THAT THE CHANGE OF STORAGE IS EQUAL TO INFLOW MINUS OUTFLOW, IN VERY BASIC TERMS; CORRECT?

A YES.

Q AND ON OUTFLOWS ALONE, YOU HAVE GROUNDWATER PUMPING AND SUBSURFACE OUTFLOW AS VARIABLES WITHIN THE

OVERALL DETERMINATION OF OUTFLOWS; CORRECT?

A YES.

Q SO IF EITHER OF THOSE DETERMINATIONS OR ESTIMATES ARE WRONG, EITHER IN TERMS OF THE PUMPING OR THE SUBSURFACE OUTFLOW, THE RESULT IS NOT CORRECT?

A IT WOULD BE DIFFERENT.

Q IN TERMS OF INFLOWS, YOU HAVE RETURN FLOWS, RETURN FLOW TYPES, RETURN FLOW LAG TIME, AND ARTIFICIAL RECHARGE AS INDEPENDENT COMPONENTS THAT ARE ESTIMATED TO DETERMINE TOTAL INFLOWS; CORRECT?

A YES.

Q IF ANY OF THOSE ARE ESTIMATED WRONGLY OR ARE INCORRECT OR OFF, THEN YOUR RESULTS ARE GOING TO CHANGE, AS WELL?

A YES.

Q NOW, BOTH THE BASE PERIOD SELECTED AND LAG TIME IS IMPORTANT TO THE DETERMINATION OF NATURAL RECHARGE; CORRECT?

A YES.

Q IF EITHER ONE OF THOSE ARE DONE INCORRECTLY, IT WILL THROW OFF, MAKE INACCURATE TO SOME DEGREE, THE DETERMINATION OF NATURAL RECHARGE; TRUE?

A YES.

Q IN TERMS OF THE SUBSIDENCE ISSUE THAT WE WERE TALKING ABOUT AND THE MAXIMUM STRESS, IF WE CONTINUED TO EXTRACT GROUNDWATER FROM THE GROUNDWATER BASIN AT, LET'S SAY, 150,000 ACRE-FEET, WOULD WE BE CAUSING ANY SIGNIFICANT RISK TO THE BASIN?

MR. DUNN: OBJECTION; INCOMPLETE HYPOTHETICAL.

THE COURT: DO YOU UNDERSTAND THAT QUESTION AS ASKED?

THE WITNESS: PARTIALLY, YOUR HONOR.

THE COURT: ALL RIGHT. YOU MAY ANSWER IT AS YOU CAN, AND TELL HIM WHAT IS MISSING.

THE WITNESS: MR. ZIMMER, THERE IS EVIDENCE TO SHOW THAT THERE IS STILL SUBSIDENCE OCCURRING IN THE BASIN TODAY. AND I WOULD SUGGEST THAT IT'S QUITE RISKY TO ATTEMPT TO PUMP AT THAT LEVEL BECAUSE WE DON'T REALLY KNOW WHERE THE PRECONSOLIDATION STRESS IS THROUGHOUT THE SUBSIDENCE AREA. SO YOU ENTERTAIN A GREAT DEAL OF RISK IF YOU PUMP AT THAT LEVEL.

BY MR. ZIMMER:

Q ISN'T IT TRUE, THOUGH, THAT WITH -- IF YOU PUT IN PLACE ACTIVE MONITORING AND ADAPTIVE MANAGEMENT, THERE WOULD BE NO RISK OF SUBSTANTIAL HARM TO THE ANTELOPE VALLEY'S GROUNDWATER RESOURCES; ISN'T THAT TRUE?

MR. DUNN: OBJECTION; BEYOND THE SCOPE OF THIS PHASE OF TRIAL. ASSUMES FACTS THAT ARE NOT IN EVIDENCE.

MR. KEITH LEMIEUX: I'LL ALSO OBJECT ON THE GROUND IT'S AMBIGUOUS BECAUSE HE USED TERMS THAT ARE NOT DEFINED.

THE COURT: SUSTAINED.

MR. ZIMMER: RESERVE FOR 776, YOUR HONOR.

AND I DO THINK IT HAS A BEARING ON THE SUBSIDENCE INFORMATION THAT HE HAS TESTIFIED TO, THE

PRECONSOLIDATION STRESS ISSUES THAT HE HAS TESTIFIED TO,
AND THE EXTENT TO WHICH --

THE COURT: THE OBJECTION WAS SUSTAINED,
MR. ZIMMER.

BY MR. ZIMMER:

Q HAVE YOU EVER PROVIDED AN OPINION ON THAT
ISSUE BEFORE?

MR. KEITH LEMIEUX: SAME OBJECTION.

THE COURT: I DON'T UNDERSTAND THAT QUESTION.

BY MR. ZIMMER:

Q HAVE YOU EVER PROVIDED, MR. WILDERMUTH, AN
OPINION THAT, WITH PUMPING AT 150,000 ACRE-FEET, WITH
COMPONENTS IN PLACE INCLUDING ACTIVE MONITORING AND
ADAPTIVE MANAGEMENT, THAT THERE WOULD BE NO RISK OF
SUBSTANTIAL HARM TO THE ANTELOPE VALLEY GROUNDWATER
RESOURCE?

MR. DUNN: SAME OBJECTIONS.

THE COURT: SUSTAINED.

MR. ZIMMER: I'D ALSO OFFER IT, YOUR HONOR, AS
BIAS, INTEREST.

THE COURT: SUSTAINED.

MR. ZIMMER: MISS HEDLUND, IF WE COULD PUT UP
EXHIBIT 8.

Q MR. WILDERMUTH, WE HAVE ON THE SCREEN BEHIND
US EXHIBIT 8, WHICH IS ENTITLED "GROUNDWATER PRODUCTION
BY TYPE FROM 1919 TO 2009." DO YOU SEE THAT?

A YES.

Q NOW, BACK IN APPROXIMATELY 1927, WE HAVE A

Q AS WELL AS WELL 19R1. THAT IS ALSO IN THE GENERAL LANCASTER AREA THAT MR. ZIMMER WAS REFERRING TO EARLIER; CORRECT?

A I'M NOT SURE IT WAS 19R1.

Q I'M SORRY?

A I'M NOT SURE IF THAT IS IN LANCASTER OR NOT.

Q OKAY. LET'S JUST STICK TO THE FIRST TWO, THEN. THOSE TWO WELLS ARE AMONG, IF NOT THE -- DEPICT THE MOST SIGNIFICANT GROUNDWATER DECREASE, IF NOT THE MOST SIGNIFICANT GROUNDWATER DECREASE, ON THIS EXHIBIT; IS THAT RIGHT -- OVER THE SAME PERIOD OF TIME?

A COULD YOU PLEASE STATE YOUR QUESTION --

Q THE TWO WELLS -- LET'S STICK WITH 19E6 AND 27J5, THE HYDROGRAPHS YOU HAVE DEPICTED HERE. AND WE CAN JUST USE THE ENTIRE TIME FRAME. THOSE TWO WELLS SHOW THE MOST SIGNIFICANT DECLINE IN GROUNDWATER ELEVATION. DO YOU AGREE WITH THAT?

A AMONGST ALL THESE WELLS?

Q YES, AMONG THE 20 THAT YOU DEPICTED IN THIS EXHIBIT.

A (REVIEWS EXHIBIT.)

I BELIEVE THAT THE ONE LABELED 1986 DOES. THE 27J5, I THINK THERE IS AT LEAST ONE OTHER WELL THAT HAS A GREATER DECLINE, AND POSSIBLY TWO.

Q OKAY. THOSE TWO WELLS THAT WE ARE REFERRING TO, DO YOU KNOW WHO OWNS EITHER OF THOSE WELLS?

A WHAT TWO WELLS?

Q THE TWO YOU WERE JUST DISCUSSING, 19E6 AND

27J5, ARE THOSE PUBLIC WATER SUPPLY WELLS, TO YOUR KNOWLEDGE?

A I DON'T RECALL.

Q THOSE TWO WELLS ARE LOCATED IN THIS CONE OF DEPRESSION WE SEE DEVELOPING OVER TIME IN THE GROUNDWATER TABLE; IS THAT RIGHT?

A NO. I WOULD HAVE TO CHECK MY MAPS TO KNOW.

Q I WANT TO -- I BELIEVE, EARLY ON IN YOUR TESTIMONY, THERE WAS REFERENCE TO A PERIOD IN -- A PERIOD IN THE 1950S IN WHICH YOU WERE USING A TEN-YEAR LAG TIME, AND THAT PRODUCED A NEGATIVE NUMBER FOR RECHARGE. DO YOU RECALL THAT?

A I DO.

Q OKAY. AND IT IS CORRECT THAT YOUR MODEL DID, IN FACT -- WHEN GIVEN AN INPUT OF A TEN-YEAR LAG TIME, IT DID PRODUCE A NEGATIVE RECHARGE NUMBER; IS THAT RIGHT?

A THE ASSUMPTION THAT ALL RETURN FLOWS AT TEN YEARS PRODUCE A NEGATIVE NATURAL RECHARGE.

Q AND THAT IS A PHYSICAL IMPOSSIBILITY; CORRECT?

A YES.

Q DOES THE MODEL PRODUCING A NUMBER THAT IS A PHYSICAL IMPOSSIBILITY IN ANY WAY, IN YOUR MIND, QUESTION THE OVERALL VALIDITY OF THE MODEL?

A I THINK IT QUESTIONS THE VALIDITY OF THE ASSUMPTION. IT QUESTIONS THE VALIDITY OF ASSUMING THAT ALL AG. RETURNS AND ALL URBAN RETURNS TAKE IT TEN YEARS

TO GET TO THE WATER TABLE.

Q YOUR CHANGE IN STORAGE MODEL, DID YOU DO ANY CALIBRATION WORK WITH THAT MODEL?

A NO.

Q I JUST WANT TO CLARIFY ONE FURTHER POINT THAT I BELIEVE WAS -- IN LOOKING AT ONE OF THE OTHER EARLIER VOLUMES IN YOUR TRIAL TESTIMONY IN THIS CASE, THERE WAS A TYPOGRAPHICAL ERROR OR A TRANSCRIPTION ERROR, SO I WANT TO GET THAT RIGHT IN THE RECORD.

THE DEPARTMENT OF WATER RESOURCES HAS CALCULATED THE AMOUNT OF WATER IN STORAGE TO BE APPROXIMATELY 50 MILLION ACRE- FEET; IS THAT CORRECT -- NOT 15?

MR. WEEKS: OBJECTION; IRRELEVANT. THE WATER IS IN STORAGE.

THE COURT: OVERRULED.

THE WITNESS: THERE IS A DWR STUDY. I DON'T RECALL THE TITLE. I THINK IT CAME OUT IN THE '70S, OR IT WAS BASED ON INFORMATION IN THE 70S. AND MY BEST RECOLLECTION IS, THEY COMPUTED A TOTAL STORAGE IN THE 50- TO 60-MILLION-ACRE-FOOT RANGE.

MR. MCLACHLAN: OKAY. THANK YOU. NO FURTHER QUESTIONS.

THE COURT: ALL RIGHT. ANY FURTHER CROSS- EXAMINATION?

MR. WILLIAM KUHS: YES, YOUR HONOR.

THE COURT: ALL RIGHT. MR. KUHS.

MR. WILLIAM KUHS: COULD WE HAVE A MOMENT TO SET

UP?

THE COURT: YES.

(BRIEF PAUSE.)

MR. WILLIAM KUHS: THIS IS WILLIAM KUHS, OF KUHS & PARKER, COUNSEL FOR TEJON RANCH CORP.

A COUPLE OF BOOKKEEPING ISSUES IN TERMS OF HOW WE MARK EXHIBITS FOR TEJON RANCH CORP. TEJON RANCH CORP. MARKED SOME EXHIBITS IN SCALMANINI'S DEPOSITION, AND I PROPOSE TO USE THE SAME DESIGNATION WITH RESPECT TO THIS WITNESS; BUT I PROPOSE TO PROVIDE THE COURT AND COUNSEL WITH A COPY OF THAT EXHIBIT SO THAT WE HAVE IT HERE IN THIS PROCEEDING, IF THAT IS APPROPRIATE.

THE COURT: THAT IS FINE. BUT WHAT MARKINGS ARE WE USING?

MR. WILLIAM KUHS: D, AS IN DOG, FOR TEJON RANCH CORP.

THE COURT: OKAY.

MR. WILLIAM KUHS: AND THEN THE THING IS THAT A NUMBER OF COUNSEL HAVE INTRODUCED DOCUMENTS WHICH WE WOULD LIKE TO INTRODUCE ON BEHALF OF TEJON RANCH CORP.

AND INSTEAD OF REFERRING AND HAVING TO GO BACK AND PULL OTHER EXHIBITS, WHAT I PROPOSE TO DO IS JUST SIMPLY MARK DUPLICATES WITH TEJON RANCH'S DESIGNATION ON IT BECAUSE I DON'T KNOW WHAT OTHER COUNSEL WILL DO WITH RESPECT TO OFFERING OR NOT OFFERING AN EXHIBIT AT THE CONCLUSION OF OUR EXAMINATION.

SUPERIOR COURT FOR THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

DEPARTMENT NO. 4

HON. JACK KOMAR, JUDGE

COORDINATION PROCEEDING)
SPECIAL TITLE (RULE 1550B))
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_____)

JUDICIAL COUNCIL
COORDINATION
NO. JCCP4408

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

STATE OF CALIFORNIA)
)
COUNTY OF LOS ANGELES) SS.

I, GINGER WELKER, OFFICIAL REPORTER OF THE
SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE
COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT THE
TRANSCRIPT DATED JANUARY 31, 2011 COMPRISES A FULL,
TRUE, AND CORRECT TRANSCRIPT OF THE PROCEEDINGS HELD IN
THE ABOVE ENTITLED CAUSE.

DATED THIS 1ST DAY OF FEBRUARY, 2011.

OFFICIAL REPORTER, CSR #5585