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

11 **ANTELOPE VALLEY**  
12 **GROUNDWATER CASES**

13 Included Actions:

14 Los Angeles County Waterworks District  
No. 40 v. Diamond Farming Co.  
15 Los Angeles County Superior Court  
Case No. BC 325201

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

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

Judicial Council Coordination No. 4408

For filing purposes only:  
Santa Clara County Case No. 1-05-CV-049053

Assigned to the Honorable Jack Komar

**FIRST AMENDED  
DECLARATIONS OF DANIEL EPSTEIN  
AND CLEO BURTT IN SUPPORT OF  
THE GROUNDWATER USED BY  
DESERT BREEZE MHP, LLC AND  
ITS PREDECESSORS**

23  
24 I, Daniel Epstein, declare that:

25 1. I am a member, and the President, of Desert Breeze MHP, LLC (hereafter "DB"), and  
26 I have first hand, personal knowledge of the facts which follow. If called to testify I could and would  
27 competently testify thereto under oath.

28 Entitiy Status

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**DECLARATIONS OF EPSTEIN AND BURTT IN SUPPORT OF DESERT BREEZE MHP,  
LLC'S GROUNDWATER USAGE**

1           2.       DB was formed as a California limited liability company on October 10, 2014 and  
2 remains in Good Standing. Attached as Exhibit A is a true copy of a Business Entity Detail, from  
3 the California Secretary of State's website, reflecting DB'S status as of June 26, 2015. I am the sole  
4 member of DB, and I am all of the officers of said limited liability company.

5 The Real Property and the Park

6           3.       On November 3, 2014, DB purchased approximately 3.86 acres of real property (the  
7 "Property"), and the mobile home park operating thereon, which Property and park are commonly  
8 known as 1262 W. Rosamond Blvd., Rosamond, Kern County, CA, or Desert Breeze Mobile Home  
9 Park. Said real property is legally described as:

10           The East Half of Block 60, Rosamond Townsite, being a portion of the East Half of  
11           Section 21, Township 9 North, Range 12 West, San Bernardino Meridian, in the  
12           unincorporated area of the County of Kern, State of California, as per Map filed  
13           August 12, 1907 in Book 195, Pages 66 and 67 of Deeds, in the Office of the County  
14           Recorder of said County.

15 Said real property is also identified as Kern County Assessor's Parcel Number 258-190-01-00.  
16 Attached as Exhibit B is a true copy of the Grant Deed, recorded November 3, 2014, transferring the  
17 Property from Desert Breeze Mobile Homes Estates, Inc. to Desert Breeze MHP, LLC.

18           4.       Desert Breeze Mobile Home Park (the "Park"), the mobile home park on the Property  
19 is in the business of renting out mobile home pads or spaces to mobile home tenants. The Park  
20 provides potable water (which it pumps from its well on the Property), utility connections and sewer  
21 hook ups for its long term, residential tenants.

22           5.       The Park consists of: sixty five (65) pads or spaces, a groundwater well (located on  
23 space 43), an approximately 35,000 gallon swimming pool, a laundry room, and various landscaping  
24 (including approximately 115 trees, generally Elm). Attached as Exhibit C is a true copy of the Site  
25 Map for the Park. Of the sixty five spaces, DB rents out sixty three (63) of them to mobile home/RV  
26 households, and all such sixty three (63) spaces are generally rented.

27           6.       All water pumped from the well is used exclusively on the Property, for the benefit  
28 of the tenants and the operation of the Park. Since 1955, when the well was drilled, on information

1 and belief, upon inquiry, the pump has been the only source of water for the Park and its tenants.

2 Water Records and Water Usage

3 7. I am the duly authorized Custodian of Records for DB, and I have authority to certify  
4 its records. I am familiar with the procedures and manner in which the water records are made,  
5 recorded and kept, and how the use of water is determined. The copies of writings produced with  
6 this declaration are true copies of the described writings. All such records being produced were  
7 prepared by the personnel of the Park business, in the ordinary course of business, at or near the time  
8 of the act, condition or event.

9 8. Attached as exhibits are true copies of DB'S flow meter readings for the well, for the  
10 complete years 2008 through 2014, identified as follows: Exhibit D for year 2011; Exhibit E for year  
11 2012; Exhibit I for year 2008; Exhibit J for year 2009; Exhibit K for year 2010; .Exhibit L for years  
12 2013 through 2014. Also attached as Exhibit M is a true copy of the partial records from the year  
13 2007 (May through December), which are the only 2007 well meter records in the business'  
14 possession. I am familiar with the procedures for reading and recording the amount of well water  
15 then having been pumped: specifically, an employee reads and records on the appropriate form, at  
16 the appropriate date, the numerical flow meter representation, and then calculates and records the  
17 amount of water pumped since the last such reading. In the regular course of DB'S and its  
18 predecessor's business, the amount of water then having been pumped is recorded daily. All such  
19 writings are made at or near the time of the act, condition or event.

20 9. Attached as Exhibit H is a true copy of my summary of water usage at the Park,  
21 evidencing the following acre feet ("AF") per the identified records/years: 2008 - 18.8 AF, 2009 -  
22 18.8 AF, 2010 - 17.6 AF, 2011 - 18.1 AF, 2012 - 22.6 AF, 2013 - 22.2 AF, and 2014 - 23.3 AF. For  
23 the partial year 2007 - 18.2 AF (for 9 months).

24 10. Attached as Exhibit F is a true copy of the May 15, 2006 Notice prepared by DB'S  
25 park manager, Cleo Burttt, notifying the tenants in advance that on May 18, 2006, from 8 a.m. to 12  
26 p.m., the well would be down, and so water would be unavailable. Attached as Exhibit G is a true  
27 copy of the record, made by Ms. Burttt, noting the installation on May 18, 2006 of a flow meter, by  
28 Steve White and his assistant.

1 requests that the "average water usage" recorded via the flow meter for some or all of the years 2008  
2 through 2014 be used. For the last four years (2011 to 2014) such "average water usage" would be  
3 21.6 AF; for all seven years (2008 through 2014) such average would be 20.2 AF.

4 12. It's unclear the reason that water readings for 2007 were only sporadically maintained,  
5 but DB is unable to provide the meter readings for 2007.

6 13. DB is a "Late" Stipulating Party (but a Stipulating Party nonetheless) to the Proposed  
7 Judgment and Physical Solution "PJPS," and DB asks that the Court approve the PJPS; following  
8 such Judgment, DB has agreed to a post rampdown production right of 18.1 AF per year.

9 I declare under penalty of perjury under the laws of the State of California that the foregoing  
10 is true and correct. Executed September \_\_, 2015, at Encino, California.

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13 Daniel Epstein, Declarant

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1 assistant.

2 8. I was present at the Park on May 18, 2006, and met with Mr. White, who informed me,  
3 first, he was going to install a meter on our well, and, then later, that he had installed such meter.  
4 Thereafter, I saw that a meter had been installed. I recorded the installation via the above described  
5 Exhibit G

6 9. Prior to May 18, 2006, our groundwater well was un metered, and so, to my  
7 knowledge, there is no way to measure how much water was pumped during any of the years before  
8 2006.

9 10. The swimming pool is filled year-round due to the security risks inherent in an unfilled  
10 pool.

11 11. Through the present, no water service provider has ever laid any pipes, or connected  
12 any pipes, to serve water to the Property. If DB doesn't pump water from its wells, it would have to  
13 haul water onto the Property

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15 I declare under penalty of perjury under the laws of the State of California that the foregoing  
16 is true and correct. Executed on July 4, 2015, at Rosamond, California

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20 Cleo Burt, Declarant

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1 assistant.

2 8. I was present at the Park on May 18, 2006, and met with Mr. White, who informed me,  
3 first, he was going to install a meter on our well, and, then later, that he had installed such meter.  
4 Thereafter, I saw that a meter had been installed. I recorded the installation via the above described  
5 Exhibit G.

6 9. Prior to May 18, 2006, our groundwater well was un metered, and so, to my  
7 knowledge, there is no way to measure how much water was pumped during any of the years before  
8 2006.

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10 pool.

11 11. Through the present, no water service provider has ever laid any pipes, or connected  
12 any pipes, to serve water to the Property. If DB doesn't pump water from its wells, it would have to  
13 haul water onto the Property.

14

15 I declare under penalty of perjury under the laws of the State of California that the foregoing  
16 is true and correct. Executed on July \_\_\_\_, 2015, at Rosamond, California.

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Cleo Burt, Declarant

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1 **PROOF OF SERVICE**

2 I am a resident of the State of California and over the age of eighteen years, and not a party  
3 to the within action; my business address is 333 West Broadway, Suite 200, Long Beach, CA 90802.

4 On September 29, 2015, I served the within document(s) in the Antelope Valley Groundwater  
5 Adjudication Cases, JCCP No. 4408, described as:

6 **FIRST AMENDED DECLARATIONS OF DANIEL EPSTEIN AND CLEO BURTT IN**  
7 **SUPPORT OF THE GROUNDWATER USED BY DESERT BREEZE MHP, LLC AND ITS**  
8 **PREDECESSORS**

9 on the interested parties in this action, by posting the document(s) listed above to the Santa Clara  
10 County Superior Court e-filing website (<http://www.scefiling.org>) under the Antelope Valley  
11 Groundwater matter pursuant to the Court's Order dated October 27, 2005.

12 I declare under penalty of perjury under the laws of the State of California that the above is  
13 true and correct. Executed on September 29, 2015, at Long Beach, California.

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15 \_\_\_\_\_  
16 Walter J. Wilson, Esq.