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3 BRUMFIELD & HAGAN, LLP
A Limited Liability Partnership
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7 Attorneys for Charles Tapia and the Nellie Tapia Family
Trust

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF LOS ANGELES – CENTRAL DISTRICT

10 ANTELOPE VALLEY
GROUNDWATER CASES

11 Included Actions:

12 Los Angeles County Waterworks District
No. 40 v. Diamond Farming Co., Superior
13 Court of California, County of Los
Angeles, Case No. BC 325201

14 Los Angeles County Waterworks District
15 No. 40 v. Diamond Farming Co., Superior
Court of California, County of Kern, Case
16 No. S-1500-CV-254348

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

Judicial Council Coordination No. 4408

CLASS ACTION

Santa Clara Case No. 1-05-CV-049053

**NOTICE OF ASSERTION OF CLAIM AND
REQUEST FOR SEPARATE
ADJUDICATION BY CHARLES TAPIA,
INDIVIDUALLY AND AS TRUSTEE OF
THE NELLIE TAPIA FAMILY TRUST**

21
22 COMES NOW Charles Tapia, individually and as Trustee of the Nellie Tapia Family Trust
23 (hereinafter “Tapia”) and submits the following notice of assertion of claim and request for
24 separate adjudication:

25 1. Tapia has previously submitted to this Court his Declaration in Support of Water
26 Usage, (“Declaration of Usage”), declaring that on average Tapia is in need of 534.5 acre feet of
27 water a year on his 137.56 acres of land. A true and correct copy of the Declaration of Usage is
28 attached hereto as Exhibit “A”.

1 2. Tapia has also previously submitted a Demand for Inclusion in Settlement
2 Discussions, (“Demand for Inclusion”), whereby Tapia requested to be a part of settlement of the
3 Small Pumper Class. A true and correct copy of the Demand for Inclusion is attached hereto as
4 Exhibit “B”.

5 3. Despite Tapia’s Demand for Inclusion, the Small Pumper Class members
6 orchestrating the settlement would not concede allowing Tapia’s inclusion in the actual
7 settlement.

8 4. Therefore, Tapia hereby submits this Notice of Assertion of Claim, and Request
9 for Separate Adjudication.

10 5. Tapia seeks to prove during his separate adjudication that he is need, on average,
11 of at least 534.5 acre feet of water for his property. Thus when the Court is considering allocation
12 of the Small Pumper Class in regards to the Stipulating Parties, Tapia’s claim of 534.5 acre feet
13 should be withheld from the Stipulating Parties allocation, pursuant to a final determination of
14 Tapia’s separate adjudication.

15 WHEREFORE, Tapia requests this Court to recognize his assertion of claim to the extent
16 of 534.5 acre feet of water, and for the Court to set a date for the separate adjudication of Tapia’s
17 claim to said 534.5 acre feet of water.

18
19 Dated: April 7, 2015

BRUMFIELD & HAGAN, LLP
A Limited Liability Partnership

20
21
22 By: 

Robert H. Brumfield, III
Attorneys for Charles Tapia and the Nellie
Tapia Family Trust

EXHIBIT "A"

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RIC 353 840, RIC 344 436, RIC 344 668

Judicial Council Coordination No. 4408

CLASS ACTION

Santa Clara Case No. 1-05-CV-049053

**DECLARATION OF CHARLES TAPIA IN
SUPPORT OF WATER USAGE**

29 I, CHARLES TAPIA, declare as follows:

30 1. I am an adult over the age of sixty-five years old and a resident of Newhall,
31 California, County of Los Angeles.

32 2. I am the owner of agricultural property that grows, at this time, corn and pumpkin
33 crops, located at 8301 Avenue A, Rosamond, Kern County ("Property"). The mailing address is
34 8425 W. Avenue A, Rosamond, Kern County. My property is irrigated by water that is in a water
35 rights dispute, commonly known as the Antelope Valley Groundwater Cases ("Case").

36 - 1 -

37 DECLARATION OF CHARLES TAPIA IN SUPPORT OF WATER USAGE

38 Exhibit A
Pg 1 of 10

- 1 3. I am also the Trustee of the Nellie Tapia Family Trust ("Trust").
- 2 4. The Trust is also the owner of the Property, and as the Trustee of the Trust, I
3 submit this declaration on the Trust's behalf.
- 4 5. The Property consists of a total of 137.36 acres, and all of it is used for agricultural
5 purposes, specifically, over the years, corn and/or pumpkin crop growing. A true and correct copy
6 of a Property's tax bill to show the recorded acreage is attached hereto as Exhibit "A."
- 7 6. To grow my crops, I use water from my well, Serial No. 111206, with a Pump
8 Reference No. 25314.
- 9 7. The amount of water I use for the crops on the Property has been quantified by
10 using a Southern California Edison well test and usage figures, comprised from the Property's
11 Southern California Edison bills from 2011 and 2012. This quantification was submitted in a
12 report from Russ Johnson on or around February 20, 2013, which based its results from a well test
13 done by Rick Koch on February 12, 2013. A true and correct copy of Southern California's report
14 is attached hereto as Exhibit "B."
- 15 8. The well tester, Rick Koch, AKA Frederick Koch, has already testified in the
16 Antelope Valley Groundwater Litigation during Phase 4 of trial, on May 28, 2013, in regards to
17 the validity of his tests.
- 18 9. According to Mr. Koch's well test of the Property, based on water pumped at 45
19 psi (pounds per square inch), the Property pumps 581 kilowatts per acre foot.
- 20 10. This 581 kilowatts per acre foot figure, divided into the amount of kilowatts billed
21 to the property per year (kWh / 581) is how I can annually calculate my water usage in acre feet
22 produced.
- 23 11. The Property's Southern California Edison Billing History, which details the
24 Property's kilowatt usage month by month is attached hereto as Exhibit "C."
- 25 12. Based on the kilowatt usage of Exhibit C, plugged into the formula recited in
26 Paragraph 10, *infra*, substantiated by Mr. Koch's well test, I have estimated the water usage on
27 the Property for the years 2011 and 2012 (the years Mr. Koch used for his test) as follows:
- 28 a. 2011 – 300,609 kWh used / 581 kWh per acre foot = 517.4 acre feet of water.

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b. 2012 – 320,521 kWh used / 581 kWh per acre foot = 551.6 acre feet of water.

13. These results are representative of the current level of crops the Property is producing, and what I expect it can produce in the future, with an average of 534.5 acre feet of water a year.

14. I believe that my property will continue to use roughly 534.5 acre feet of water a year, with a max usage of 551.6 acre feet of water a year, based on my crop estimations and normal yearly precipitations averages. In times of drought, such as in 2013 and 2014, the usage would be higher.

15. Based on these calculations, my Property should be entitled to a minimum annual supply of 534.5 acre feet a year from the Antelope Valley Groundwater Basin, stemming from my overlying water rights attributable to the Property's location over the groundwater basin central to this Case.

16. With a confirmation from this Court of the annual entitlement of 534.5 acre feet a year, I intend to continue my irrigated farming on the Property.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on November 24, 2014 at Newhall, California.



Charles Tapia

EXHIBIT "A"

2012-2013 SECURED PROPERTY TAX BILL

FOR FISCAL YEAR BEGINNING JULY 1, 2012 AND ENDING JUNE 30, 2013

1 BILL TYPE: 2012-2013 SECURED

2 PROPERTY ADDRESS - DESCRIPTION

PAY ONLINE: www.kcttc.co.kern.ca.us

8301 AVENUE A ROSAMOND 137.38 AC
 32 9 13
 UEHAMA RANCH

CURRENT OWNER

TAPIA CHARLES & NELLIE FAMILY TRUST
 C/O TAPIA CHARLES SUCC TTEE
 21083 PLACERITA CANYON RD
 NEWHALL CA 91321-1924
 FELIX AND CHARLES OWN

119007

RETAIN THIS PORTION FOR YOUR RECORDS

3 OWNER OF RECORD AS OF 01/01/12
 TAPIA CHARLES & NELLIE FAMILY TRUST
4 EVENT DATE 01/01/12 **5 BILL DATE** 09/08/12

6 BILL NO.	7 ASSESSOR TAX NO.	8 TRA	9 1st INSTALLMENT	+	10 2nd INSTALLMENT	=	11 TOTAL DUE
2012-1285888-00-2	374-020-53-00-8	119-004	3,579.35	+	3,579.35	=	7,158.70

12 YOUR TAX DISTRIBUTION

TAXING AGENCY	RATE/PHONE #	TAX AMOUNT
GEN. INC. ARG. CV		
AV. E. WTR. DEPT.		
AV. V. S. CO. 2001		
AV. V. S. CO. 2002		
AV. V. S. CO. 2003		
AV. V. S. CO. 2004		
AV. V. S. CO. 2005		
AV. V. S. CO. 2006		
AV. V. S. CO. 2007		
AV. V. S. CO. 2008		
AV. V. S. CO. 2009		
TOTAL		

13 YOUR TAX DISTRIBUTION

TAXING AGENCY	RATE/PHONE #	TAX AMOUNT
GEN. INC. ARG. CV		
AV. E. WTR. DEPT.		
AV. V. S. CO. 2001		
AV. V. S. CO. 2002		
AV. V. S. CO. 2003		
AV. V. S. CO. 2004		
AV. V. S. CO. 2005		
AV. V. S. CO. 2006		
AV. V. S. CO. 2007		
AV. V. S. CO. 2008		
AV. V. S. CO. 2009		
TOTAL		

14 VALUES

VALUES	MINERAL	LAND	IMPROVEMENTS	OTHER IMPROVEMENTS	PERSONAL PROPERTY	EXEMPTIONS	15 NET TOTAL VALUE
01/01/12	0	338,037	282,153	0	0	0	600,190

WELL -
 Serial #
 111206

EXHIBIT “B”



Confidential/Proprietary Information

February 20, 2013

CHARLES TAPIA
21083 PLACERITA CYN
NEWHALL, CA 91321

HYDRAULIC TEST RESULTS, Plant: WELL
 Location: 8425 W AVENUE A HP: 200.0
 Cust #: 0-013-3928 Serv. Acct. #: 000-9676-96
 Meter: V349N-14077 Pump Ref. #: 25314

In accordance with your request, an energy efficiency test was performed on your turbine well pump on February 12, 2013. If you have any questions regarding the results which follow, please contact RICK KOCH at (805)654-7312.

Pump: SIMFLO Equipment No: 111206
 Motor: US No: 0173393330002R000

Results	Test 1	Test 2	Test 3
Discharge Pressure, PSI	5.4	45.5	76.0
Standing Water Level, Feet	211.8	211.8	211.8
Drawdown, Feet	27.6	24.8	22.4
Discharge Head, Feet	12.5	105.1	175.6
Pumping Water Level, Feet	239.4	236.6	234.2
Total Head, Feet	251.9	341.7	409.8
Capacity, GPM	2,127	1,858	1,871
GPM per Foot Drawdown	77.1	74.9	74.6
Acre Feet Pumped in 24 Hours	9.401	8.212	7.386
kW Input to Motor	205.3	198.7	193.6
HP Input to Motor	276.3	266.5	259.6
Motor Load (%)	131.9	127.6	124.4
Measured Speed of Pump, RPM	1,782		
kWh per Acre Foot	524	581	629
Overall Plant Efficiency (%)	49.1	60.2	66.6

The above test results indicate various operating conditions of this pump. Test #1 was performed with the pump free boarding. Test #2 represents the normal operating point.

RUSS JOHNSON
Manager
Hydraulic Services

EXHIBIT “C”

Tapia Bros. Inc.
SCE Billing History - SA #000-9676-96
Well Ref # 25314

Account No.	Company Name	Address	Service	Start Date	End Date	PA-2	PA-2	PA-2	PA-2	PA-2	PA-2
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	December, 2007	12/21/07	PA-2	\$1,423.93	6,880	95.2	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	January, 2008	01/23/08	PA-2	\$116.36	180	8.4	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	February, 2008	02/22/08	PA-2	\$101.25	0	5.6	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	March, 2008	03/21/08	PA-2	\$108.81	80	5.8	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	April, 2008	04/22/08	PA-2	\$147.23	80	9.6	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	May, 2008	05/22/08	PA-2	\$184.18	720	7.2	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	June, 2008	06/20/08	PA-2	\$154.17	480	6.4	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	July, 2008	07/22/08	PA-2	\$188.41	880	7.2	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	August, 2008	08/20/08	PA-2	\$189.69	880	5.6	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	September, 2008	09/19/08	PA-2	\$198.67	880	7.2	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	October, 2008	10/22/08	PA-2	\$4,880.82	45,680	82.0	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	November, 2008	11/20/08	PA-2	\$1,586.86	31,440	88.8	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	December, 2008	12/22/08	PA-2	\$845.82	1,520	73.6	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	January, 2009	01/22/09	PA-2	\$273.00	1,440	8.8	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	February, 2009	02/23/09	PA-2	\$314.20	1,820	8.8	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	March, 2009	03/25/09	PA-2	\$283.31	1,520	8.8	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	April, 2009	04/24/09	PA-2	\$251.50	1,200	8.8	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	May, 2009	05/28/09	PA-2	\$1,338.67	3,600	93.6	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	June, 2009	06/23/09	PA-2	\$3,288.21	26,560	83.6	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	July, 2009	07/24/09	PA-2	\$5,254.87	50,000	82.0	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	August, 2009	08/24/09	PA-2	\$8,474.60	74,080	208.0	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	September, 2009	09/23/09	PA-2	\$8,303.03	39,520	281.8	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	October, 2009	10/23/09	PA-2	\$5,515.89	41,520	281.8	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	November, 2009	11/23/09	TOU-PA-B	\$2,847.30	33,130	88.8	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	December, 2009	12/23/09	TOU-PA-B	\$1,883.25	18,450	84.5	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	January, 2010	01/23/10	TOU-PA-B	\$322.04	2,356	10.8	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	February, 2010	02/24/10	TOU-PA-B	\$267.89	1,905	10.1	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	March, 2010	03/25/10	TOU-PA-B	\$278.10	1,850	8.2	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	April, 2010	04/23/10	TOU-PA-B	\$2,708.11	15,260	205.0	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	May, 2010	05/24/10	TOU-PA-B	\$2,483.70	11,035	202.6	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	June, 2010	06/23/10	TOU-PA-B	\$5,308.59	22,287	204.5	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	July, 2010	07/23/10	TOU-PA-B	\$7,818.41	46,594	205.0	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	August, 2010	08/23/10	TOU-PA-B	\$9,651.88	73,582	204.5	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	September, 2010	09/22/10	TOU-PA-B	\$8,132.44	50,357	203.0	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	October, 2010	10/22/10	TOU-PA-B	\$3,102.60	8,801	201.8	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	November, 2010	11/22/10	TOU-PA-B	\$237.57	956	7.2	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	December, 2010	12/22/10	TOU-PA-B	\$256.77	1,017	8.8	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	January, 2011	01/22/11	TOU-PA-B	\$274.14	1,568	7.2	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	February, 2011	02/23/11	TOU-PA-B	\$232.11	842	7.2	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	March, 2011	03/24/11	TOU-PA-B	\$32.82	839	7.2	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	April, 2011	04/22/11	TOU-PA-B	\$228.54	777	7.2	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	May, 2011	05/23/11	TOU-PA-B	\$2,877.41	18,255	203.0	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	June, 2011	06/22/11	TOU-PA-B	\$5,127.01	28,724	202.1	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	July, 2011	07/22/11	TOU-PA-B	\$6,801.56	44,448	204.5	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	August, 2011	08/22/11	TOU-PA-B	\$4,373.18	63,591	202.1	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	September, 2011	09/21/11	TOU-PA-B	\$8,341.34	44,002	274.1	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	October, 2011	10/20/11	TOU-PA-B	\$8,885.83	55,480	282.2	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	November, 2011	11/22/11	TOU-PA-B	\$2,680.88	29,586	93.1	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	December, 2011	12/22/11	TOU-PA-B	\$1,594.87	12,701	80.2	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	January, 2012	01/24/12	TOU-PA-B	\$221.16	789	7.2	
133928	TAPIA BROS INC	8425 W AVENUE A	ROSA MOND	03560	February, 2012	02/23/12	TOU-PA-B	\$3,155.28	27,128	205.9	

2011 300,609

Tapia Bros. Inc.
 SCE Billing History - SIA 0006-9676-06
 Well Ref # 25314

TAPIA BROS INC	133928	987698	V2494-014077	8425 W AVENUE A	ROSA MOND	83560	March, 2012	03/23/12	TOU-PA-B	\$216.42	714	72
TAPIA BROS INC	133928	987698	V2494-014077	8425 W AVENUE A	ROSA MOND	83560	April, 2012	04/23/12	TOU-PA-B	\$216.40	723	67
TAPIA BROS INC	133928	987698	V2494-014077	8425 W AVENUE A	ROSA MOND	83560	May, 2012	05/23/12	TOU-PA-B	\$2,498.13	12,432	2059
TAPIA BROS INC	133928	987698	V2494-014077	8425 W AVENUE A	ROSA MOND	83560	June, 2012	06/23/12	TOU-PA-B	\$5,076.32	33,406	2008
TAPIA BROS INC	133928	987698	V2494-014077	8425 W AVENUE A	ROSA MOND	83560	July, 2012	07/23/12	TOU-PA-B	\$8,146.73	62,811	2010
TAPIA BROS INC	133928	987698	V2494-014077	8425 W AVENUE A	ROSA MOND	83560	August, 2012	08/23/12	TOU-PA-B	\$8,491.84	65,782	2010
TAPIA BROS INC	133928	987698	V2494-014077	8425 W AVENUE A	ROSA MOND	83560	September, 2012	09/26/12	TOU-PA-B	\$6,582.01	40,736	2010
TAPIA BROS INC	133928	987698	V2494-014077	8425 W AVENUE A	ROSA MOND	83560	October, 2012	10/23/12	TOU-PA-B	\$3,915.28	38,811	1990
TAPIA BROS INC	133928	987698	V2494-014077	8425 W AVENUE A	ROSA MOND	83560	November, 2012	11/21/12	TOU-PA-B	\$2,408.36	28,484	810
TAPIA BROS INC	133928	987698	V2494-014077	8425 W AVENUE A	ROSA MOND	83560	December, 2012	12/21/12	TOU-PA-B	\$1,250.40	7,717	890
TAPIA BROS INC	133928	987698	V2494-014077	8425 W AVENUE A	ROSA MOND	83560	January, 2013	01/23/13	TOU-PA-B	\$230.41	718	50

2012
 320,521

AP Produced is based on 2013 Pump Test point #2 of S61 KWH AF; Only kWh used where 200 hp well operation can be confirmed
 200 HP well was placed on line in August 2009
 Billing History before August 2009 includes a legal well and the cold storage facility

EXHIBIT "B"

1 Robert H. Brumfield, III (State Bar No. 114467)
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3 Heather A. Ijames (State Bar No. 222516)
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27 Lancaster, Diamond Farming Co. v. City of
28 Lancaster, Diamond Farming Co. v.
Palmdale Water District, Superior Court of
California, County of Riverside, Case Nos.
RIC 353 840, RIC 344 436, RIC 344 668

Judicial Council Coordination No. 4408

CLASS ACTION

Santa Clara Case No. 1-05-CV-049053

**DEMAND FOR INCLUSION IN
SETTLEMENT DISCUSSIONS BY
CHARLES TAPIA, INDIVIDUALLY AND
AS TRUSTEE OF THE NELLIE TAPIA
FAMILY TRUST**

29 COMES NOW Charles Tapia, individually and as Trustee of the Nellie Tapia Family Trust
30 (hereinafter "Tapia") and submits the following demand for inclusion in settlement discussions
31 that are occurring by and between similarly situated groundwater users:

32 1. Tapia is the owner of agricultural property that grows, at this time, corn and
33 pumpkin crops, located at 8301 Avenue A, Rosamond, Kern County ("Property").

34 2. The Property consists of a total of 137.36 acres, and all of it is used for agricultural
35 purposes, specifically, over the years, corn and/or pumpkin crops. To grow crops, Tapia uses

1 water from Tapia's well, Serial No. 111206, with a Pump Reference No. 25314.

2 3. As set forth in the "Declaration of Charles Tapia in Support of Water Usage" filed
3 in this case on December 2, 2014, the amount of water used for the crops on the Property for the
4 years 2011 and 2012 is as follows:

5 a. 2011 – 300,609 kWh used /581 kWh per acre foot = 517.4 acre feet of water.

6 b. 2012 – 320,521 kWh used /581 kWh per acre foot = 551.6 acre feet of water.

7 4. Based on these calculations, the Property should be entitled to a minimum annual
8 supply of 534.5 acre feet a year from the Antelope Valley Groundwater Basin, stemming from
9 Tapia's overlying water rights attributable to the Property's location over the groundwater basin
10 central to this case. Tapia further intends to continue his irrigated farming on the Property.

11 5. The undersigned attorney for Tapia has been advised that settlement discussions
12 are in a relatively advanced stage and that a draft confidential settlement document has been
13 circulated which affects persons and/or farmers who are similarly situated to Tapia and which
14 would undoubtedly adversely affect Tapia's ability to continue irrigated farming if Tapia is not
15 included as a party therein. If not included in said discussions, Tapia would further be forced to
16 oppose any efforts by those similarly situated parties to approve any settlement as being unfair to
17 Tapia and which settlement could also conceivably deny Tapioca property rights and due process
18 rights in violation of applicable law, constitutional or otherwise.

19 6. The undersigned attorney for Tapia has further been advised that neither Tapia nor
20 his attorneys are allowed to participate in said settlement discussions due to their confidential
21 nature. It is submitted that this is patently unfair especially to someone such as Tapia who was
22 unnecessarily and improperly excluded from this case when Tapia had requested that his default
23 be lifted much earlier in this year, which request was unreasonably refused. That refusal then
24 necessitated a motion to set aside the default, which was granted this past September. In other
25 words, it is not Tapia's fault that he is a relatively late participant in this case.

26 7. Tapia submits this demand, through his undersigned counsel, for inclusion in the
27 settlement discussions that affect his property and water rights. Failing to be voluntarily admitted
28 to those discussions, Tapia will be forced to file a motion with the court requesting that the court,


1 in the interests of justice and based upon its inherent ability to control the processes before it,
2 require the parties and attorneys similarly situated as Tapia to allow Tapia and his counsel to
3 participate in said settlement discussions.

4 8. This Demand will, after its filing with the court, be emailed directly to attorneys
5 for the United States Department of Justice (whom the undersigned also believes is acting as the
6 attorneys in charge of drafting the proposed settlement documentation for parties similarly
7 situated as Tapia) and to William Brunick, counsel for the Antelope Valley East-Kern Water
8 Agency.

9 WHEREFORE, Tapia demands to be included in the settlement discussions that are
10 occurring and which directly affect the Property and Tapia's water rights related thereto.

11 Dated: December 16, 2014

BRUMFIELD & HAGAN, LLP
A Limited Liability Partnership

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13 By: 
14 Robert H. Brumfield, III
15 Attorneys for Charles Tapia and the Nellie
16 Tapia Family Trust
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