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9 Attorneys for Johnny Zamrzla, Pamella Zamrzla,
10 Johnny Lee Zamrzla and Jeanette Zamrzla (collectively
11 "Zamrzla's")

12 SUPERIOR COURT OF CALIFORNIA
13 COUNTY OF LOS ANGELES – CENTRAL DISTRICT

14 Coordinated Proceeding,
15 Special Title (Rule 1550(b))

16 ANTELOPE VALLEY
17 GROUNDWATER CASES.

Judicial Council Coordination
Proceeding No. 4408
LASC Case No. BC 32501
Santa Clara Court Case No. 1-05-CV-049053
Assigned to the Hon. Jack Komar, Judge of the
Santa Clara County Superior Court

**DECLARATION OF JOHNNY ZAMRZLA
RE OPPOSITION BY THE ZAMRZLA'S
TO THE WATERMASTER'S MOTION
FOR MONETARY, DECLARATORY AND
INJUNCTIVE RELIEF AGAINST
ZAMRZLA'S**

Date: November 12, 2021
Time: 9:00 a.m.
Dept.: By Court call

18 I, JOHNNY ZAMRZLA, declare as follows:
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26 1. I am submitting this declaration in response to the Watermaster's Motion for
27 Monetary, Declaratory and Injunctive Relief Against Zamrzla's ("Motion"). I have read and
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1 reviewed the Motion and am personally familiar with its contents.

2 2. I have personal knowledge of the matters set forth below and if called as a
3 witness I could testify competently thereto.

4 3. I have read and reviewed the declaration submitted by my spouse, Pamella
5 Zamrzla, and agree with each and every statement made in her declaration and incorporate her
6 comments into my declaration.

7 4. Together with my wife, Pamella Zamrzla, we have owned and lived in our home
8 at 48910 80th St. West, Lancaster, California since 1970. We currently own three parcels of
9 land, as follows:

10 a. 48910 80th St. West, Lancaster, California (APN 3220-006-026). This
11 property comprises 40 acres and is our home and ranch property. This
12 property has one well on it, designed originally to irrigate 40 acres of
13 crop production.

14 b. Vacant land 39.09 acres; vicinity W Ave D & 75th ST W, Lancaster,
15 California (APN's 3220-006-002).

16 c. Vacant land 40 acres; vicinity W Ave D4 & 75th ST W, Lancaster,
17 California (APN 3220-006-003).

18 5. These two parcels comprise a total of 79 acres. Parcel #APN 3220-006-003 has
19 one turbine well on it that was designed to irrigate 80 acres. 2017 was the last year that we
20 irrigated these 79 acres and the crop grown was alfalfa for our own animal's use. We do not
21 grow alfalfa for sale and we have not irrigated or produced any crop on this property since the
22 year 2017. The Declaration of Rick Koch served and filed herewith shows our water production
23 from 2011 to 2020.

24 6. Neither I nor my spouse, Pamella Zamrzla, were ever parties to this litigation.
25 Further, (1) we were never served with any documents regarding this case; (2) to our
26 knowledge, we were never named as a party to any pumper class or stipulating group or entity
27 of any kind; (3) we never received any documents at all regarding the Small Pumper Class in
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1 this case; and (4) by definition, we are not small pumpers¹.

2 7. As stated above, we were never served or named as a party to any pumper class
3 or any stipulating group or entity regarding this case.

4 8. During my fifty years as an overlying landowner, a permanent resident and active
5 volunteer in my Antelope Valley community, I have been associated and involved with many
6 organizations. I was active in many of these organizations during the time frame of the ongoing
7 Antelope Valley Water Litigation cases and remain active and involved today. Some of these
8 community organizations are included here for general information about my community
9 involvement and my visibility to fellow citizens. My wife and I are hardly difficult to locate.
10 See Exhibit A attached hereto showing my involvement the County of Los Angeles Department
11 of Regional Planning, Blue Ribbon Committee; AV Fair Association, Joint Power Authority
12 Board of Directors; Antelope Valley Hospital, AV Hospital Foundation Board of Directors; The
13 Showdown Rodeo, Inc.; PRCA, The California Circuit Finals Rodeo Board of Directors.

14 9. As noted in Pamella Zamrzla's declaration, all responses and communications to
15 the Watermaster's counsel, Craig Parton, have been through Mr. Brumfield except for (1) one
16 emailing that I requested Eugene B. Nebeker, Ph.D., P.E. send directly to Mr. Parton, the
17 Watermaster board, and Watermaster Engineer, Todd Groundwater which emailed documents
18 included a letter from Eugene B. Nebeker dated September 23, 2020 and a report and article
19 from Jan H.M. Hendrickx dated September 23, 2020 (which report is discussed in Mr.
20 Hendrickx declaration served and filed herewith)² and (2) a brief discussion between me,
21 Johnny Lee Zamrzla and Mr. Parton after a Watermaster board meeting discussed below. True
22 and correct copies of the documents that I asked Mr. Nebeker to email directly to Mr. Parton,
23 the Watermaster board and Todd Groundwater (the Watermaster's Engineer) on September 25,
24 2020 are attached as Exhibit P to the List of Exhibits submitted in opposition to the Motion.

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26 _____
27 ¹ I have seen that the definition of a Small Pumper states that one is not a small pumper if they have
28 pumped 25 acre-feet or more of groundwater for use on a that parcel in any calendar year since 1946.
We pumped more than 25 acre-feet every year from 1970 to 2018 on our property.

² Which report I had engaged Mr. Hendrickx to prepare.

1 10. I have raised cattle, horses and mules, produced various crops, including alfalfa,
2 onions, carrots, and pasture grasses, on owned land in Antelope Valley since 1970. At each
3 location, we pumped water from Ag wells for all these purposes.

4 11. In 1970 we purchased our home and 40-acre property APN #3220-006-026 at
5 48910 80th St. West, Lancaster, CA 93536. For fifty-one consecutive years we have lived on
6 this property, and we have continuously pumped water from our own well for the uses noted
7 above for over five decades. The well on Parcel -026 is 600 feet deep, the current standing
8 water level is 197' with pumping capacity of 331 GPM, and we have above ground water
9 storage of 20,000 gallons.

10 12. In 1986, we purchased an additional 79.09 acres (2 parcels) adjacent to our 40-
11 acre home property. As noted above, these two parcels are APN # 3220-006-002 and APN
12 #3220-006-003, which parcel included an existing Ag farm well designed to produce irrigation
13 water for 80 acres of farm crops, with approximate pumping capacity of 823 GPM. Well depth
14 is 600 feet with 14-inch casing and the efficiency test performed in January 2017, showed the
15 standing water level was 199.7 feet.

16 13. The Watermaster attorney, Craig Parton's first communication to me was a letter
17 in 2018 advising us of the Antelope Valley Adjudication and the intervention process he stated
18 was available to us.

19 14. Following the July 16, 2018 receipt of Craig Parton's letter (dated June 09, 2018)
20 Mr. Parton's next communication to us through our attorney, Robert Brumfield, was to make the
21 claim that we are small pumpers in the Adjudication.

22 15. For nearly three years, Craig Parton has refused to correct his erroneous claim,
23 and has mis-classified the Zamrzla's property, water use, and the two wells described above, as
24 small pumper wells.

25 16. It is not possible to engage in any good faith discussions with Watermaster
26 attorney, Craig Parton, when Mr. Parton insists any discussion begin with his false premise that
27 we pumped water for crop production in 2018 that we did NOT pump and his false premise that
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1 we are in the small pumper class. Those false premises are bad faith premises and Mr. Parton is
2 a bad faith negotiator.

3 17. Further, Craig Parton, has refused to admit his errors and those of the
4 Watermaster Engineer, Todd Groundwater, in their analysis of claimed water use in 2018.
5 Craig Parton's false analysis were used by him to calculate an incorrect and totally erroneous
6 invoice. Many mistakes were made by the Watermaster Engineer and the Watermaster Attorney,
7 Craig Parton, including the following:

- 8 a. Mistake #1 - used false assumptions and false water production numbers to
9 generate a false and erroneous RWA invoice to the Zamrzlas
- 10 b. Mistake #2 – used Small Pumper Class with allowance of only 3 AFY for the
11 Zamrzlas.
- 12 c. For the complete list of errors made in the Watermaster Engineers report of
13 September 5, 2019, see the Declaration of Jan H.M. Hendrickx, served and
14 filed herewith.

15 18. Mr. Hendrickx completely discredits the Watermaster Engineer's report,
16 describing it as a "baseless claim" and an "act of professional misconduct."

17 19. The court should hold the Watermaster, the Watermaster Engineer and the
18 Watermaster attorney accountable for their misconduct.

19 20. Rather than use the authority and power given to them in a responsible manner to
20 properly resolve the Zamrzla water rights issue, Mr. Parton and his rubber stamp Watermaster
21 Board have steadfastly ignored the facts of our water production history and usage. They have
22 refused to acknowledge that not only were we never served notice of small pumper class, but
23 just as, or more importantly, we do not meet the small pumper criteria, as required by the small
24 pumper definition.

25 21. Mr. Parton and the Watermaster have shown a complete disregard for the true
26 and factual data that we have provided to them. Even when presented with the objective report
27 of an expert soil hydrologist, they refused to acknowledge their mistakes. Jan H.M. Hendrickx,
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1 Soil Hydrologist, submitted a powerful memorandum that completely discredited the Todd
2 Groundwater analysis that Craig Parton used to generate an erroneous invoice for 2018 water
3 production that never occurred.

4 22. Craig Parton has cost us thousands of dollars in attorney's fees, soil expert costs,
5 and hundreds of hours of distress and misery in trying to work with him in good faith. Not to
6 mention that the wasted dollars spent by the Watermaster for Mr. Parton's fees are taxpayer
7 dollars, which means we, as taxpayers, have paid to have Mr. Parton and the Watermaster
8 unjustly attack us, still using their discredited claims of water usage.

9 23. It is impossible to expect us to negotiate in any reasonable and legal manner with
10 this person in charge for the Watermaster. Mr. Parton is clearly not willing to correct and
11 withdraw his erroneous billings to us; furthermore, Parton has repeatedly lumped his discussion
12 about our case, with our attorney Robert Brumfield's OTHER clients. Parton also continues to
13 lump us Zamrzlas together in his discredited assumptions, even though we Zamrzlas are
14 distinctively separate families with separate wells, residences and separate APN numbers.

15 24. I could not find a path to any negotiation with Mr. Parton. His refusal to rescind
16 the discredited Todd Groundwater analysis, his adversarial position against us, and his
17 erroneous beliefs in how he applied the Antelope Valley Basin Adjudication to our situation are
18 all unacceptable to me.

19 25. Mr. Parton has failed to follow textbook example of how groundwater law exists,
20 as stated in the California Supreme Court decision in City of Barstow vs. Mojave Water Agency
21 a 2000 case. My understanding of the types of groundwater rights as presented in an overview
22 by The Honorable Ronald B. Robie, Associate Justice, Court of Appeal, Third Appellate
23 District, a known expert in water and legal challenges and legal rights are as he stated, "The first
24 and the most important right is that of an overlying pumper, which means that every overlying
25 landowner has an equal right to every other overlying landowner."

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1 26. Justice Robie’s review of the City of Barstow case included statements regarding
2 groundwater common law water rights and the rights are correlative up to the safe yield of the
3 basin and up to the amount of water that can safely be taken out.

4 27. We have managed our water pumping rights responsibly for 50 years. Mr.
5 Parton’s false claim in his Motion about the amount of water we pumped in 2018 leads him
6 directly to his next false claim against us – “any further delay in bringing the aquifer back to
7 sustainable levels could have severely deleterious results.”

8 28. I see Mr. Parton attempting to eliminate any God given and legal rights to the
9 water I have pumped for more than 50 years as an overlying landowner, and his plan to entrap
10 me by insisting I “compromise” in “good faith”.

11 29. I believe that any partial agreement and/or any payment to the Watermaster of
12 Mr. Parton’s illegal assessments against me, was his attempt entrap my wife and me in an
13 unreasonable and unacceptable outcome.

14 30. On February 27, 2019, my son, Johnny Lee Zamrzla and I attended the Water
15 Master Board meeting. I spoke with a number of people I knew prior to the start of the meeting.
16 One conversation was with farmer Gailen Kyle, who then introduced me to the day’s Board
17 Chairman, Dennis Atkinson. Gailen said to Dennis in my presence, “This is Johnny Zamrzla,
18 the guy you have billed for water on his acreage, that I know he didn’t farm.”

19 31. As I walked away, Gailen and Dennis had some small talk out of my hearing
20 range and then shortly thereafter the meeting began.

21 32. At the end of the meeting, I went to the desk and seating area of Watermaster
22 attorney, Craig Parton and introduced myself to him. He immediately said, “I can’t speak to
23 you without your attorney.” I said, “I’m representing myself today, and Brumfield won’t care if
24 I let you know who I am.”

25 33. I then introduced Johnny Lee to him. I said, “I hope you and Brumfield are
26 discussing our issues,” and Mr. Parton said “Yes, Bob and I have been speaking regularly.” I
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1 then said in departure, "Great, we don't want this situation to get out of control." I have never
2 spoken to Craig Parton again.

3 34. At this point in time, my spouse and I are exploring all options regarding our
4 water usage on our parcels. This may involve adding further legal counsel to our team to
5 associate in and assist, but not replace, Mr. Brumfield.

6 35. Accordingly, and pending a decision as to what approaches we will use, I believe
7 that the Motion is premature, does not reflect any type of emergency requiring the Motion to be
8 heard and the merits ruled upon at this time, and should therefore be denied without prejudice
9 pending further discussions by and between me and my spouse and Mr. Parton and/or the
10 Watermaster board.

11 I declare under the penalty of perjury under the laws of the State of California that this
12 declaration is true and correct and was executed on November 12, 2021, at Lancaster,
13 California.

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16 Johnny Zamrzla

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EXHIBIT "A"

Blue Ribbon Committee

the BRC who, what, where our roots the plan maps talk to us

the BRC
who, what, where
our roots
the plan
maps
talk to us

our roots

Committee Members

Harvey Holloway, BRC Co-Chairman
Owner, Coldwell Banker Commercial Valley Realty

James D. Vose, BRC Co-Chairman
City of Lancaster Planning Commission

Wayne Argo, Former Director, Association of Rural Town Councils

Karen Bryan, Antelope Valley Business owner since 1989
*Leona Valley resident for 13+ years
Lancaster resident for 2 years*

John Calandri, John Calandri Farms

Diane Carlton, Government Affairs Director, GAVAR
*Raised in Antelope Valley
Long-term resident of 50 years*

Dr. Jackie L. Fisher, Superintendent/President, Antelope Valley College

Marta Golding Brown, Antelope Valley Director, BIA
*Raised in Antelope Valley
Long-term resident for approximately 40 years*

Melvin Layne, President, Greater Antelope Valley Economic Alliance

Gene Nebeker, President, Los Angeles County Farm Bureau

Forrest McElroy, President, Sumac Corporation

Greg Medeiros, Vice-President, Centennial Founders, LLC

Vance Pomeroy, Director, Association of Rural Town Councils

Regina Rossall, Superintendent, Westside Union School District

Betty Smith, Director, Friends of the Antelope Valley Fair, Inc.

Craig Van Dam, Owner, Van Dam Farms

Johnny Zamrzla, President, Western Pacific Contractors
*Chairman of the Board, Joint Powers Authority at Antelope Valley Fair
Vice President, California Horse Council
Cattlemen, Rancher and Antelope Acres Resident for 45 years*

Johnny Zamrzla was a founding member of the Blue Ribbon Committee, formed in 2011 by area residents and concerned citizens in order to have a voice in the *Antelope Valley Area Plan* being promoted by the County of Los Angeles Department of Regional Planning.

The Blue Ribbon Committee's most important goal was to help shape an Area Plan that was locally generated, comprehensive, and balanced, representing the aspirational future envisioned for our own Antelope Valley.

Blue Ribbon Committee

the BRC who, what, where our roots the plan maps talk to us

the BRC

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The Antelope Valley Press

Front Page (below the fold) 6/14/13

Determining population density of our Valley

By: Julie Drake

LANCASTER - The Antelope Valley Blue Ribbon Committee came together about two years ago when Los Angeles County Department of Regional Planning released the draft Antelope Valley Area Plan, also known as Town and County, for the unincorporated areas.

Supervisor Michael D. Antonovich supported the efforts of concerned citizens who were worried about how the proposed plan, that will exist for the next 20 years or so, would impact the Antelope Valley.

So they formed the Blue Ribbon Committee, comprising a diverse group of locals including farmers, developers, school district representatives and town councilmembers.

"There was a lot of concern from many people that really didn't know what the county was going to be proposing," said committee co-chairman Harvey Holloway.

When the draft document was released, it showed most of the unincorporated Valley would end up with density overlays ranging from one house per 10 acres up to one house per 40 acres.

"It made it very low density, very restrictive," Holloway said. "So we formed a committee and have been working with the county in trying to offer another alternative to their plan. We've had some progress, and they've accepted some of our ideas."

Another concern about the proposed county plan was a reduction in the jobs opportunities, with a decrease in the zoning that could support jobs for the area.

"They've taken a lot of our suggestions on that and expanded that opportunity, but there's a lot more that we need to be discussing. It's an ongoing thing," Holloway said.

The committee also supported Antonovich's push to direct the Department of Regional Planning to prepare a separate Environmental Impact Report for the Antelope Valley Area Plan, which the Board of Supervisor unanimously approved Tuesday.

"Today's action is the culmination of a community effort that began when the Planning Department announced its intention to downzone private land in the Antelope Valley. In some cases as much as one unit per 40 acres," Antonovich said in a statement. "The Antelope Valley Area Plan deserves its own independent environmental review."

An independent environmental impact report for the Antelope Valley Area Plan will give the Valley an opportunity to have more input and the ability for people to express their ideas for what it will have, Holloway said.

The Blue Ribbon Committee is staying out of the town centers and not addressing the particular issues that exist for the respective town councils and how the boundaries are defined.

"We're making a very real attempt to not change anything in their town centers," Holloway said.

He added the committee agreed early on to allow each town center to come up with its own ideas.

The committee's own draft plan reduces the one house per 40-acre density overlays to 10 or 20 acres. But Holloway added the committee recognizes that some town councils like the idea of a 40-acre parcel and will respect that. Still, he said there are good reasons to rethink some of the areas where a 40-acre overlay is dropped on top of smaller parcels.

"We're trying to allow the Antelope Valley to have more input in the whole thing," Holloway said, adding the committee was glad that Antonovich's motion for a separate Environmental Impact Report garnered unanimous approval.

That will give the entire Valley a lot more input into the results of the Environmental Impact Report and allow it to be considered on its own merits. Holloway noted the Valley has its own unique environmental factors that should be considered for the Valley as a whole and not as part of Los Angeles County.

"We'll have our own process," Holloway said.

The Blue Ribbon Committee seeks a comprehensive and balanced approach to support a more economical and environmentally sustainable program in three regional areas - east, along the proposed High Desert Corridor; central, adjacent to Fox Field, State Route 138 and the Division Street Corridor; and west, at the intersection of Interstate 5 and State Route 138 - with equal distribution among them.

The *Blue Ribbon Committee* consists of a group of local residents, business people, and concerned citizens who came together with the support of Supervisor Michael D. Antonovich to review the content, context and likely outcomes that would result from the adoption of the *Antelope Valley Area Plan: Town & Country* planning efforts promoted by the County of Los Angeles Department of Regional Planning. Our conclusions thus far have been of deep concern to each of us, be we businessperson, farmer, Town Council member, school official, or just someone who loves the Antelope Valley.

We have been at work for just about two years in analyzing and developing alternative approaches to the *Town & Country*, **working with other concerned groups, Town Councils and the Department of Regional Planning to understand and help shape a more locally-generated, aspirational and balanced Area Plan for our children and grandchildren's future.**



Our main focus is not "our" draft plan or someone else's draft plan; rather, while we have tried to listen to all and put our best effort forward, **it is far more important that we have a locally-generated product that represents the kind of future we all envision for our Antelope Valley.**

Elected Officials



Senator Steve Knight



Assemblyman Steve Fox

Associations

Building Industry Association (BIA), *Los Angeles Ventura Chapter*

Greater Antelope Valley Association of REALTORS (GAVAR)

Greater Antelope Valley Economic Alliance (GAVEA)

Antelope Valley Fair Association

Joint Power Authority Board of Directors

Marvin Crist	Chairman
Ron Emard	Vice Chairman
Johnny Zamrzla	Director (Served 3 Yr Term as Founding JPA Chairman)
Rob Parris	Director
John Calandri	Director

Antelope Valley Fair Association Board of Directors

Drew Mercy	President
Angie Hughes	Vice President
Deana Ward	Director
Ron Emard	Director
Howard Harris	Director
Newton Chelette	Director
Mark Troth	Director
Gus Camacho	Director
Kathy MacLaren	Director
Gary Van Dam	Director
Debbie Dino	Director

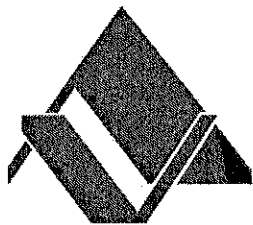
**AV FAIR &
EVENT CENTER**

2551 West Avenue H, Suite 102, Lancaster, CA 93536

(661) 948-6060 Phone

Antelope Valley Hospital Foundation Board

Johnny Zamrzla	Chair
Jim Lewis	Vice Chair
Scott Evans	Treasurer
Becky Smith	Secretary
Douglas Cain	
Lori Fischer	
Pamela Gaspar	
Jennifer Hill, MD	
Judy Hutton	
Nancy Kinley-Wood	
Hank Marvin, Sr.	
Edward Mirzabegian	
Kimberly Perkins	
Wadie Tadros, MD	
David Vierra	
Carl Volpe	



**ANTELOPE VALLEY
HOSPITAL**

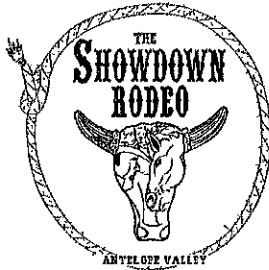
A facility of Antelope Valley Healthcare District

1600 West Avenue J, Lancaster, CA 93534

(661) 949-5802

The Showdown Rodeo, Inc.

Johnny Zamrzla Chair
Tom Fuller/Katie Nelson
Michelle Lewis
Sandy Travis



The California Circuit Finals Rodeo Board

PRCA

Johnny Zamrzla	President and Treasurer
Jeff Davis	Vice President
Tim Bridwell	Secretary
Al Girard	
Charles Harris	
Traci Mitchell	
Joaquin Real	



2229 East Avenue Q, Palmdale, CA 93550

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PROOF OF SERVICE (C.C.P. §1013a, 2015.5)

I am employed in the County of Kern, State of California. I am over the age of 18 and not a party to the within action; my business address is 1810 Westwind Drive, Bakersfield, CA 93301.

On November 12, 2021, I served the foregoing document(s) entitled:

DECLARATION OF JOHNNY ZAMRZLA RE OPPOSITON BY THE ZAMRZLA'S TO THE WATERMASTER'S MOTION FOR MONETARY, DECLARATORY AND INJUCNTIVE RELIEF AGAINST ZAMRZLA'S

X by placing the original, X a true copy thereof on all interested parties.

X **BY ELECTRONIC SERVICE:**
I posted the document(s) listed above to the Santa Clara Superior Court Website @ www.scefiling.org and Glotrans website in the action of the Antelope Valley Groundwater Cases.

X (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on November 12, 2021, at Bakersfield, California.


SERENA BRAVO