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9 Attorneys for Primo Tapia, as Successor Trustee of the  
10 Charles and Nellie Tapia Family Trust established u/t/a dated  
11 January 12, 1990 and Thomas Tapia, as Successor Co-  
12 Trustee of the Felix and Eulalia Tapia Family Trust  
13 established u/t/a dated February 18, 1997

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES – CENTRAL DISTRICT

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

ANTELOPE VALLEY  
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 PRIMO TAPIA RE  
OPPOSITION TO THE WATERMASTER'S  
MOTION FOR MONETARY,  
DECLARATORY AND INJUNCTIVE  
RELIEF AGAINST TAPIA PARTIES**

Date: November 12, 2021

Time: 9:00 a.m.

Dept.: By Court call

1 I, PRIMO TAPIA, declare as follows:

2 1. I am submitting this declaration in response to the “Watermaster’s First Amended  
3 Motion for Monetary, Declaratory and Injunctive Relief Against the Tapia Parties” (“Motion”).  
4 I have read and reviewed the Motion and am personally familiar with its contents.

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

7 3. My parents are Charles and Nellie Tapia. Charles died on December 28, 2018 and  
8 Nellie died on November 17, 2005. After Charles’ death, I became the successor Trustee of the  
9 Charles and Nellie Tapia Family Trust established u/t/a dated January 12, 1990 (“C&N Trust”).

10 4. The beneficiaries of the C&N Trust which owns farm property in the Antelope  
11 Valley (Kern County APN 374-020-53; hereinafter the “Farm Property”) are me and my brothers,  
12 George, Charles and Steven. The Farm Property is located at 8310 Avenue A, Rosamond,  
13 California.

14 5. My father and his brother, Felix Tapia (along with their spouses, Nellie and  
15 Eulalia), acquired the Farm Property in 1981. The Farm Property remains an asset of the C&N  
16 Trust as to 50% ownership. The other 50% owner of the Farm Property is the Felix and Eulalia  
17 Tapia Family Trust established u/t/a dated February 18, 1997 (“F&E Trust”). My cousin, Thomas  
18 Tapia is a Co-Trustee of the F&E Trust along with their family accountant, Steven Falchini.

19 6. The Farm Property has been actively farmed through 2019. The primary crops  
20 grown have been corn, onions and pumpkins.

21 7. In 1977, my father and my uncle, Felix Tapia, formed Tapia Bros., Inc, a California  
22 corporation (“Tapia Bros.”). Tapia Bros. was formed to conduct farming on the farming  
23 properties my family owned, and it also operates a farm stand in the San Fernando Valley. I have  
24 not ever participated in Tapia Bros. in any capacity whether as an officer, director or owner. Tapia  
25 Bros. is sometimes called Tapia Brother Farms by third parties. That is just another name or way  
26 of referencing Tapia Bros.

27 8. For many years, I have been employed as a salesman for Miles Chemical. I do not  
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1 personally participate in farming operations on the Farm Property and have not done so for many  
2 years.

3 9. Since 1981, Tapia Bros. has been the entity that farms the Farm Property. Tapia  
4 Bros. directs the farming operations, pays its employees, directs what water pumping needs to  
5 occur, and otherwise runs all aspects of the farming on the Farm Property. Also, and since the  
6 time the Farm Property was purchased, all electrical billings with Southern California Edison for  
7 the Farm Property have always been in the name of Tapia Bros. and remain so to this day.

8 10. Until 2009, most of the water for the Farm Property came from ditches and was  
9 purchased from Antelope Valley East Kern Water Agency ("AVEK"). Those purchases from  
10 AVEK were also solely made by Tapia Bros. In 2009, after being informed by AVEK in 2008  
11 that AVEK would not be able to furnish water to the Farm Property in 2009, my father and my  
12 uncle, Felix Tapia, arranged for a 600' deep well to be drilled on the Farm Property. That well  
13 became the source of water for farming on the Farm Property since 2009.

14 11. Tapia Bros. actively farmed the Farm Property through 2019. No farming occurred  
15 after 2019 due to the Watermaster's claims that all pumping cease on the Farm Property until we  
16 come into compliance with the judgment in this case.

17 12. In 2019, after the initial contact from the Watermaster, a meter was installed on  
18 the well drilled in 2009. We also have submitted some quarterly and annual water production  
19 reports to the Watermaster.

20 13. No invoices for Administrative Assessments or Replacement Water Assessments  
21 have ever been invoiced to my parents or me on behalf of the C&N Trust. The Watermaster has  
22 known that Charles died since early 2019, that I then became the successor trustee of the C&N  
23 Trust, and that Tapia Bros. was responsible for all water pumping and farming on the Farm  
24 Property. I am aware of the invoices the Watermaster sent to Charles Tapia in 2019 and 2021  
25 which are attached to the Motion.

26 14. I do not dispute that pumping occurred on the Farm Property in 2018 and 2019. I  
27 do dispute the Watermaster's claims that I, my brothers, the trustees of the F&E Trust or the C&N  
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1 Trust, or any of my cousins are somehow personally responsible for the charges that the  
2 Watermaster claims are owed in the Motion.

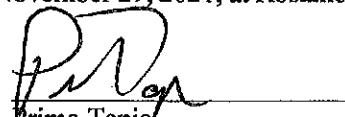
3 15. I have spoken with my cousin, Thomas Tapia, and Tapia Bros. agrees that it alone  
4 owes the Watermaster invoices related to pumping water in 2018 and 2019. However, the  
5 amounts stated in the invoices should not be assessed against the F&E Trust, the C&N Trust, any  
6 trustees of the trusts, or any beneficiaries of those trusts.

7 16. The Watermaster has known for years that Tapia Bros. is the entity that directs all  
8 farming operations on the Farm Property and directs all water production. The F&E Trust and  
9 C&N Trust are just the landowners of the Farm Property and own the land where the well is  
10 located.

11 17. If a settlement can be reached with the Watermaster as to the claimed charges, it  
12 will be Tapia Bros. as the responsible party that makes the settlement payment.

13 18. I participated in authorizing a settlement to the Watermaster of \$163,000 to resolve  
14 all charges and authorized my attorney, Mr. Brumfield, to communicate that to the Watermaster's  
15 attorney, Mr. Parton. I am aware that Mr. Parton committed to recommend a \$168,000 settlement  
16 to the Watermaster board. Apparently the Watermaster board would not follow Mr. Parton's  
17 recommendation and now insists on almost \$250,000 to pay in full all amounts owed. The Tapia  
18 family collectively and/or Tapia Bros. could likely pay the \$168,000 settlement in a lump sum  
19 but simply cannot pay the almost \$250,000 that is claimed to be owed. Without resolving the  
20 Watermaster's invoices, Tapia Bros. is unable to farm the Farm Property rendering it useless and  
21 of no value to the C&N Trust.

22 I declare under the penalty of perjury under the laws of the State of California that this  
23 declaration is true and correct and was executed on November 29, 2021, at Rosamond, California.

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25 Primo Tapia  
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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 29, 2021, I served the foregoing document(s) entitled:

**DECLARATION OF PRIMO TAPIA RE OPPOSITION TO THE WATERMASTER'S MOTION FOR MONETARY, DECLARATORY AND INJUNCTIVE RELIEF AGAINST TAPIA PARTIES**

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

X **BY ELECTRONIC MAIL**  
I posted the document(s) listed above to the Santa Clara Superior Court Website @ [www.scefiling.org](http://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 29, 2021, at Bakersfield, California.

  
SERENA BRAVO