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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 (collectively the
14 "Trustee's")

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

Date: December 10, 2021

Time: 9:00 a.m.

Dept.: By Court call

I, THOMAS TAPIA, declare as follows:

1 1. I am submitting this declaration in response to the “Watermaster’s First Amended
2 Motion for Monetary, Declaratory and Injunctive Relief Against the Tapia Parties” (“Motion”).

3 I have read and reviewed the Motion and am personally familiar with its contents.

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

6 3. My parents are Felix and Eulalia Tapia. Felix died on June 18, 2020 and Eulalia
7 died on August 12, 2020. After Eulalia’s death, I (along with the family CPA, Steven Falchini)
8 became the successor co-trustees of the Felix and Eulalia Tapia Family Trust established u/t/a
9 dated February 18, 1997 (“F&E Trust”).

10 4. The beneficiaries of the F&E Trust as to the farm property located in the Antelope
11 Valley (Kern County APN 374-020-53; hereinafter the “Farm Property”) are me and my brother,
12 Felix Tapia. The Farm Property is located at 8310 Avenue A, Rosamond, California.

13 5. My father and his brother, Charles Tapia (along with their spouses, Eulalia and
14 Nellie), acquired the farm property in 1981. The Farm Property remains an asset of the F&E Trust
15 as to 50% ownership. The other 50% owner of the Farm Property is the Charles and Nellie Tapia
16 Family Trust established u/t/a dated January 12, 1990. Charles and Nellie passed away, and my
17 cousin, Primo Tapia, is Trustee of my uncle and aunt’s trust known as the Charles and Nellie
18 Tapia Family Trust established u/t/a dated January 12, 1990 (“C&N Trust”).

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, Charles Tapia, formed Tapia Bros., Inc, a
22 California 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 been Vice President of Tapia Bros. for many years and am President now after my father and
25 Charles passed away. Tapia Bros. is sometimes called Tapia Brother Farms by third parties. That
26 is just another name for or way of referencing Tapia Bros.

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

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

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

14 11. In 2019, after the initial contact from the Watermaster, a meter was installed on
15 the well drilled in 2009. We also have submitted some quarterly and annual water production
16 reports to the Watermaster.

17 12. No invoices for Administrative Assessments or Replacement Water Assessments
18 have ever been invoiced to my parents or me on behalf of the F&E Trust. I am aware of the
19 invoices the Watermaster sent to Charles Tapia in 2019 and 2021 which are attached to the
20 Motion.

21 13. I do not dispute that pumping occurred on the Farm Property in 2018 and 2019. I
22 do dispute the Watermaster's claims that I, my brother, the trustees of the F&E Trust or the C&N
23 Trust, or any of my cousins are somehow personally responsible for the charges that the
24 Watermaster claims are owed in the Motion.

25 14. Tapia Bros. agrees that it alone owes the Watermaster invoices related to pumping
26 water in 2018 and 2019. However, the invoices should not be assessed against the F&E Trust,
27 the C&N Trust, any trustees of the trusts, or any beneficiaries of those trusts.

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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 THOMAS 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 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