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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 FOR THE COUNTY OF LOS ANGELES

12
13 **ANTELOPE VALLEY**
14 **GROUNDWATER CASES**

Judicial Council Coordination No. 4408

CLASS ACTION

15 Included Actions:

16 Los Angeles County Waterworks District
17 No. 40 v. Diamond Farming Co., Superior
18 Court of California, County of Los
19 Angeles, Case No. BC 325201;

Santa Clara Case No. 1-05-CV-049053
Assigned to The Honorable Jack Komar

20 Los Angeles County Waterworks District
21 No. 40 v. Diamond Farming Co., Superior
22 Court of California, County of Kern, Case
23 No. S-1500-CV-254-348;

**SECOND REVISED DECLARATION OF
JARED SCOTT IN LIEU OF DEPOSITION
TESTIMONY FOR PHASE 4 TRIAL**

24 Wm. Bolthouse Farms, Inc. v. City of
25 Lancaster, Diamond Farming Co. v. City of
26 Lancaster, Diamond Farming Co. v.
27 Palmdale Water Dist., Superior Court of
28 California, County of Riverside, Case Nos.
RIC 353 840, RIC 344 436, RIC 344 668

1 **DECLARATION**

2 I, Jared Scott, declare:

3 1. I am Chief, Industrial Facilities Branch, Acquisition Environmental and Industrial
4 Facilities Division, Agile Combat Support Directorate, Air Force Life Cycle Management
5 Center, Wright Patterson Air Force Base (WPAFB), Ohio. I am the industrial facility
6 engineering and real property technical authority for all Air Force owned Industrial Plants,
7 including Air Force Plant 42 (AFP 42). The United States is a party to this action. In lieu of
8 deposition testimony for the Phase 4 trial, I am providing this declaration. I have personal
9 knowledge of each fact herein, or have obtained these facts from staff working under my
10 direction or the business records of AFP 42 and would testify competently thereto under oath.

11 **Property Ownership and Parcel Size**

12 2. The United States owns property known as AFP 42 that overlies the Antelope
13 Valley Area of Adjudication as decided by this Court. The land is in Los Angeles County within
14 the adjudication area, and is identified by the APNs described in Exhibit A attached hereto and
15 incorporated herein by reference.

16 3. With respect to AFP 42, the United States claims groundwater rights only as to
17 the properties listed in Paragraph 2 and Exhibit A.

18 4. AFP 42 is 5,349.32 acres in size. Total acreage by APN is provided in Exhibit A.

19 5. The United States of America currently owns the entire AFP 42 property and has
20 owned the property since at least January 1, 2000.

21 6. The United States is the only individual/entity appearing on the title for the above
22 identified APNs from January 1, 2000 to the present.

23 **Water Meter Records**

24 7. AFP 42 is divided into eight operating sites, numbered Site 1 through Site 8. Six
25 of the sites are leased to aerospace contractors. These are Site 1 (The Boeing Company), Sites 2,
26 7, 8 (Lockheed Martin Corporation), Sites 3 and 4 (Northrop Grumman Corporation). The U.S.
27 Air Force operates Sites 5 and 6, which are the common areas. Groundwater production is
28 measured on Sites 1-4 and 7-8 by water meters operated and maintained by the contractor lease

1 operator for each site. Fire protection wells on Sites 5 and 6 are not metered. Bates-numbered
2 documents USAF007239 through USAF012618 in the U.S. Document Production contain true
3 and correct copies of the records for the water meters on Sites 1-4 and 7-8 for the following
4 years: 2000-2004, 2011-2012. The meter data is collected and recorded daily by contractor
5 employee personnel in the ordinary course of the contractor's business.

6 8. Wells FW-2B and FW-2C on Sites 5 and 6 serve the Fire Water protection system
7 at AFP 42. Both wells pump directly into the North Fire Water Storage Reservoir, which is a
8 one million gallon, above ground, 88 foot diameter closed steel tank. The primary use of this
9 water system is to maintain adequate quantity and pressure of water in AFP 42's fire protection
10 system to serve facility fire protection systems and fire hydrants in fire response operations. This
11 system does not serve domestic purposes and therefore is not treated, sampled and metered for
12 use as are the domestic systems on the plant. As this system is not treated to domestic standards,
13 the fire water system is also used to supply water for construction, facility rehabilitation and
14 facility maintenance purposes.

15 9. I have developed an engineering estimate of water production from these fire
16 protection wells because of the lack of water meters on this system. This engineering estimate is
17 based on observed water levels within the storage tank. U.S. Air Force Facility Engineering
18 staff, within my organization, are responsible for the day to day operation of this system, which
19 includes maintaining water levels in the water storage reservoirs. The operator responsible for
20 this system has reported that the water level in the north side tank served by the fire protection
21 wells drops between 0.5 to 1 feet per day during days with no reported draws for fire system
22 flushing/testing and/or draws for construction/maintenance purposes. These draws are more
23 variable but often exceed 2 feet of additional drop per day. Therefore, my engineering estimate
24 is based on a tank drop of 1.25 feet per day. 1.25 feet of water in an 88 foot diameter tank
25 equates to 56,872 gallons. For a year, this equates to 20.8 million gallons, which I have rounded
26 to 21 million gallons per year or 64.45 acre-feet per year.

27 10. Exhibit B sets forth the total yearly production amounts by APN for metered
28 water wells and the fire protection wells on the above referenced properties for the years 2000-

1 2004, 2011-2012. A true and correct copy of Exhibit B is attached hereto and incorporated
2 herein.

3 **Other Sources of Water**

4 11. The United States purchases water, directly and through its contractors, from the
5 Palmdale Water District for use by the United States on the properties referenced above. Bates-
6 numbered documents USAF007239 through USAF012618 in the U.S. Document Production
7 contain true and correct copies of the invoices for delivery of water from the Palmdale Water
8 District to the properties referenced above for the following years: October 2001-2004, 2011-
9 2012.

10 12. Exhibit C sets forth the total yearly deliveries of water from the Palmdale Water
11 District to the properties referenced above for the years 2002-2004, 2011- 2012. Palmdale Water
12 District invoice data is only available back to October 2001. Dates of service on the Palmdale
13 Water District invoices reflect the date of meter readings and therefore do not coincide with
14 precise calendar months; e.g., July 2011 usage covers the period 16 Jun 2011 to 18 Jul 2011.
15 A true and correct copy of Exhibit C is attached hereto and incorporated herein.

16 13. In addition to the amounts shown on Exhibit C, the United States claims an
17 amount for deliveries of water from the Palmdale Water District to the properties referenced
18 above for the years 2000 and 2001. This amount will be established by an estimate and is not
19 part of this declaration.

20 **Use of Water**

21 14. The United States pumped and used 387.45 acre feet from the groundwater
22 underlying AFP 42 in 2000. Palmdale Water District provided service in 2000; however, usage
23 data is not available. The water was used for the following military purposes in connection with
24 AFP 42: Water at AFP 42 was used for domestic, industrial, construction and fire protection
25 purposes to support the military mission of providing industrial base capacity and common area
26 infrastructure to develop, manufacture, sustain and flight-test aerospace systems. Examples
27 include supplying water to industrial production facilities, aircraft production, aircraft
28

1 sustainment, fire protection systems, office buildings, drinking water, irrigation of landscaping
2 and Heating Ventilation & Climate Control (HVAC) systems.

3 15. The United States pumped and used 423.42 acre feet from the groundwater
4 underlying AFP 42 in 2001. Palmdale Water District provided service in 2001; however, usage
5 data is not available for January through September 2001. The water was used as set forth in
6 paragraph 14 above.

7 16. The United States used 439.62 acre feet of water (groundwater and Palmdale
8 Water District water) on the above identified APNs in 2002. Of the amount of water used in
9 2002, 396.69 acre feet were pumped and used from the groundwater underlying AFP 42. The
10 water was used as set forth in paragraph 14 above.

11 17. The United States used 425.11 acre feet of water (groundwater and Palmdale
12 Water District water) on the above identified APNs in 2003. Of the amount of water used in
13 2003, 288.94 acre feet were pumped and used from the groundwater underlying AFP 42. The
14 water was used as set forth in paragraph 14 above.

15 18. The United States used 447.71 acre feet of water (groundwater and Palmdale
16 Water District water) on the above identified APNs in 2004. Of the amount of water used in
17 2004, 315.67 acre feet were pumped and used from the groundwater underlying AFP 42. The
18 water was used as set forth in paragraph 14 above.

19 19. The United States used 458.37 acre feet of water (groundwater and Palmdale
20 Water District water) on the above identified APNs in 2011. Of the amount of water used in
21 2011, 407.34 acre feet were pumped and used from the groundwater underlying AFP 42. The
22 water was used as set forth in paragraph 14 above.

23 20. The United States used 446.49 acre feet of water (groundwater and Palmdale
24 Water District water) on the above identified APNs in 2012. Of the amount of water used in
25 2012, 391.37 acre feet were pumped and used from the groundwater underlying AFP 42. The
26 water was used as set forth in paragraph 14 above.

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21. Other than what is declared herein above (actual usage or declared data gaps for Palmdale Water District), the United States did not produce or use water within the Antelope Valley Area of Adjudication for AFP 42 for 2000-2004, 2011-2012.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 21 day of May 2013, at Wright-Patterson AFB OH.



Exhibit A: AFP 42 Parcel Numbers

LA County Assessor Parcel Number	Acres - No Easement Loss
3022-028-904	321.76
3022-029-904	414.98
3170-029-903	644.87
3170-029-902	399.49
3022-034-901	560
3022-035-900	325.1
3170-030-903	321.56
3170-030-905	81.44
3170-030-904	641.82
3022-033-900	347.35
3022-034-900	643.47
3022-029-903	74.65
3006-002-900	30.34
3006-001-900	3.097
3006-001-901	4.43
3006-001-902	2.5
3005-001-903	217.69
3005-021-900	34.92
3170-020-903	120
3170-020-904	40
3126-025-900	119.85
OVERALL TOTAL	5,349.32

Exhibit B - AFP 42 Water Well Locations and Production

APN for Wells	Groundwater produced (acre-feet)						
	Los Angeles County						
	2000	2001	2002	2003	2004	2011	2012
3170-029-902	86.76	119.69	95.57	42.20	27.50	7.30	12.09
3170-029-903 (Site 2, 3 wells)	65.18	65.06	55.06	56.37	45.57	101.52	107.56
3170-030-904	133.44	132.36	149.82	123.86	175.60	231.09	202.02
3022-034-901	37.62	41.86	31.79	2.06	2.55	2.98	5.25
3170-029-903 (Fire Water Wells*)	64.45	64.45	64.45	64.45	64.45	64.45	64.45
Total	387.45	423.42	396.69	288.94	315.67	407.34	391.37

*The Fire Wells provide Fire Protection water for all the North-end facilities at Sites 1, 2, 3 and 4. These wells are not currently metered but engineering estimates fire water use at 21MG/yr. or 64.45 ac-ft/yr

Exhibit C - AFP 42 Municipal Water Purchases

Municipal Water Purchases (acre-feet)

	2000	2001	2002	2003	2004	2011	2012
Sites 5/6	no data	incomplete data	42.93	77.89	79.42	43.22	50.56
Site 7	0	0	0	58.28	52.62	7.81	4.56
Total	-	-	42.93	136.17	132.04	51.03	55.12

Note: PWD water invoice data only available from Oct 2001