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EXEMPT FROM FILING FEE
(Government Code § 6103)

6 Attorneys for Defendant/Cross-Defendant,
7 BORON COMMUNITY SERVICES
8 DISTRICT

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **COUNTY OF LOS ANGELES**

11
12 Coordination Proceeding
13 Special Title (Rule 3.550(c))

Judicial Council Coordination
Proceeding No. 4408

14 ANTELOPE VALLEY GROUNDWATER CASES

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

15 Included Actions:

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

DECLARATION OF PETER A. LOPEZ
ON BEHALF OF BORON
COMMUNITY SERVICES DISTRICT
IN LIEU OF DEPOSITION
TESTIMONY FOR PHASE 4 TRIAL

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

[Assigned for All Purposes to the
Honorable Jack Komar]

21 Wm. Bolthouse Farms, Inc. v. City of Lancaster,
Diamond Farming Co. v. City of Lancaster,
22 Diamond Farming Co. v. Palmdale Water Dist.,
Superior Court of California, County of Riverside,
23 Case Nos. RIC 353 840, RIC 344 436, RIC 344 668

Action Filed: October 26, 2005

24 AND RELATED ACTIONS.

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1 DECLARATION

2 I, **PETER A. LOPEZ**, declare:

3 1. I am the Manager for the Boron Community Services District (“Boron”), a party to
4 this action. In lieu of deposition testimony for the Phase 4 trial, I am providing this declaration.
5 This declaration applies only to the categories I have filled in. The items left blank or crossed out do
6 not apply to Boron. I have personal knowledge of each fact herein and would testify competently
7 thereto under oath.

8 In addition to this declaration, Boron has provided, under penalty of perjury, the facts,
9 information and documents submitted to the Court and posted on the Court’s website on December
10 21, 2012 and are hereby incorporated fully as if attached hereto.

11 Property Ownership and Parcel Size

12 2. Boron owns two (2) parcels that overlie the Antelope Valley Area of Adjudication as
13 decided by this Court.

14 The parcels are located within Kern County. For the purposes of this declaration,
15 Boron identifies only those parcels that utilize water wells. The Assessor’s Parcel Numbers are:
16 232-220-27-7 (Well 13) and 232-220-31-9 (Well 15). Although the community of Boron is situated
17 entirely outside of the Jurisdictional Boundary of the Antelope Valley Groundwater Adjudication, it
18 is partially served by the two (2) groundwater wells referenced above which are located within the
19 Jurisdictional Boundary, approximately four (4) miles to the west of Boron. The number of service
20 connections has varied over the years and there are presently approximately 600 connections that
21 serve approximately 2,500 people. Boron is located entirely within Kern County.

22 3. Boron produces water from these parcels for distribution to its customers.

23 4. For each APN/APNs identified above, the total acreage by parcel is as follows:

24 Not applicable.

25 [If additional room is needed, please identify the APN/APNs and parcel size in Exhibit B.]

26 5. For each APN/APNs identified above, Boron owned the property during the
27 following time period:

28 Boron acquired the parcels in the mid 1950’s.

1 6. The following are all individuals/entities appearing on the title for the above-
2 identified APN/APNs from January 1, 2000 to the present:

3 Boron Community Services District.

4 7. For each individual/entity identified in paragraph 6, that individual/entity appeared on
5 the title during the following time:

6 From the mid 1950's to the present.

7 Leases (Not applicable)

8 8. _____ (declarant or party affiliated with declarant) leases property that
9 _____ own and that overlies the Antelope Valley Area of Adjudication as decided by this court
10 and identified by the following APNs:

11 _____.

12 9. The total acreage by parcel is:

13 _____.

14 10. The property is currently leased to:

15 _____.

16 11. The property was leased on the following dates:

17 _____.

18 12. The lease provides that _____ may claim groundwater rights from the use
19 of water on the leased property. Attached to this declaration is a true and correct copy of the lease.

20 [If additional room is needed, please list APN/APNs, acreage by APN, Lessee by APN and
21 dates for each Lessee by APN for each parcel in Exhibit C.] A true and correct copy of Exhibit C is
22 attached hereto and incorporated herein.

23 13. _____ leases property from _____ which overlies
24 the Antelope Valley Area of Adjudication as decided by this court and is identified by the following
25 APNs:

26 _____.

27 14. The total acreage by parcel is:

28 _____.

1 15. The Lease provides that _____ may claim groundwater rights from use of
2 water on leased property. Attached to this declaration is a true and correct copy of the lease.

3 [If additional room is needed, please attach APN/APNs, name of the Lessor and acreage by
4 APN for each parcel list in Exhibit D to this declaration.] A true and correct copy of Exhibit D is
5 attached hereto and incorporated herein.

6 16. _____ claims groundwater rights only as to the leasehold interests listed
7 in Paragraph 15 and Exhibit D.

8 17. _____ claims groundwater rights only as to the properties listed
9 in Paragraph 2 and Exhibit A and as to the leasehold interests listed in Paragraph 8 and Exhibit C.

10 18. To the best of my knowledge, only _____ claims groundwater rights as to the
11 leased parcel(s) identified in Paragraph 15 and Exhibit D.

12 **Water Meter Records**

13 19. The District measures the groundwater production on the above-referenced
14 properties/wells by water meters on a daily basis. The records for these water meters (“Meter
15 Readings”) are attached to Defendant/Cross-Defendant Boron Community Services District
16 Response to Discovery Order for Phase 4 Trial (“Boron Response to Discovery Order”) submitted to
17 the Court and posted on the Court’s website on December 21, 2012 and are hereby incorporated as if
18 attached hereto. The Meter Readings show groundwater production for the following years:

19 2000, 2001, 2002, 2003, 2004, 2011 and 2012.

20 20. The Meter Readings set forth the total yearly production amounts by metered water
21 well on the above-referenced properties for the years 2000-2004, 2011, and 2012 (through
22 November 30, 2012). The records for these water meters (“Meter Readings”) are attached to
23 Defendant/Cross-Defendant Boron Community Services District Response to Discovery Order for
24 Phase 4 Trial (“Boron Response to Discovery Order”) submitted to the Court and posted on the
25 Court’s website on December 21, 2012 and are hereby incorporated as if attached hereto.

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1 **State Water Project Purchases**

2 21. The District purchases State Water Project water from a State Water Contractor for
3 use by its customers on the properties referenced above. The District purchased the following
4 amounts of water from AVEK:

5 2000 613 AF

6 2001 509 AF

7 2002 436 AF

8 2003 406 AF

9 2004 475 AF

10 2011 189 AF

11 2012 187 AF thru November 30, 2012.

12 In 2011, the District also banked _____ in the Antelope Valley Water Bank.
13 In 2012, the District ordered an additional _____ and began banking this order in December
14 2012.

15 22. The Meter Readings and Invoices from AVEK set forth the total yearly State Water
16 Project water deliveries to Boron for the years 2000-2004, 2011, and 2012. The records for these
17 water meters (“Meter Readings”) and Invoices from AVEK are attached to Defendant/Cross-
18 Defendant Boron Community Services District Response to Discovery Order for Phase 4 Trial
19 (“Boron Response to Discovery Order”) submitted to the Court and posted on the Court’s website on
20 December 21, 2012 and are hereby incorporated as if attached hereto.

21 **Pump Tests/Electric Records** (Not applicable)

22 23. In order to calculate groundwater pumped and used on the properties referenced
23 above, _____ relied on pump tests and electric records. Exhibit I contains true and
24 correct copies of the pump test records and electrical records for wells on the properties referenced
25 above. The electric records attached to this declaration as Exhibit I do not include electric use on the
26 properties referenced above for anything other than pumping groundwater.

27 24. Exhibit J sets forth the amount of total yearly groundwater that _____
28 estimates was pumped and used on the properties referenced above for the years 2000-2004, 2011,

1 and 2012 based on the attached pump test records and electrical records for the wells on the
2 properties referenced above. A true and correct copy of Exhibit J is attached hereto and incorporated
3 herein.

4 25. Pump tests were performed on the following dates:

5 _____.

6 26. _____ is not producing pump test records for the following dates
7 _____ because:

8 _____.

9 27. I am not aware of any other pump tests having been performed on the properties
10 referenced above.

11 **Pump Tests/Diesel Records** (Not applicable)

12 28. In order to calculate groundwater pumped and used on the properties referenced
13 above, _____ relied on pump tests and diesel fuel records. Exhibit K contains true and
14 correct copies of the records pertaining to pump tests and diesel fuel purchases for the properties
15 referenced above. The diesel fuel records attached to this declaration as Exhibit K do not include
16 diesel fuel used on the properties referenced above for anything other than pumping groundwater.

17 29. Exhibit L sets for the amounts of total yearly groundwater pumped and used on the
18 properties referenced above for the years 2000-2004, 2011, and 2012. A true and correct copy of
19 Exhibit L is attached hereto and incorporated herein.

20 30. Pump tests were performed on the following dates:

21 _____.

22 31. _____ is not producing pump test records for the following dates
23 _____ because:

24 _____.

25 32. I am not aware of any other pump tests having been performed on the properties
26 referenced above.

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Crop Duties and Irrigated Acres (Not applicable)

33. In order to calculate water use on the properties referenced above, _____
relies on the amount of acres in irrigation on the properties referenced above multiplied by the crop
duty identified in the Summary Expert Report, Appendix D-3: Table 4, a true and correct copy of
which is attached to this declaration as Exhibit M.

34. The total amount of irrigated acres and type of crops on the properties referenced
above by APN for the years 2000-2004, 2011 and 2012 are described in Exhibit N. A true and
correct copy of Exhibit N is attached hereto and incorporated herein.

Other Sources of Water (Not applicable)

35. On the properties referenced above, _____ received water from
sources other than groundwater pumped within the Basin or State Water Project Water. Exhibit O
sets forth the source of the water and the amounts received for the years 2000-2004, 2011, and 2012.

Use of Water *(Complete for each APN. If water used for multiple purposes, identify the
amount of water for each use.)* Water production/use by Boron for the relevant years is set forth in
the water meters (“Meter Readings”) attached to Defendant/Cross-Defendant Boron Community
Services District Response to Discovery Order for Phase 4 Trial (“Boron Response to Discovery
Order”) submitted to the Court and posted on the Court’s website on December 21, 2012 and are
hereby incorporated as if attached hereto. Such water was delivered to Boron’s customers and used
for municipal, industrial and domestic purposes.

36. _____ used _____ acre feet of water on APN# _____ in
2000. The water was used for the following:
_____.

[State the crop type and number of acres of that crop. If not used for irrigation, describe the
use. In lieu of answering this question, a crop map may be attached that shows the date, crop type,
irrigated acreage and parcels].

37. _____ used _____ acre feet of water on APN# _____ in
2001. The water was used for the following:
_____.

1 [State the crop type and number of acres of that crop. If not used for irrigation, describe the
2 use. In lieu of answering this question, a crop map may be attached that shows the date, crop type,
3 irrigated acreage and parcels].

4 38. _____ used _____ acre feet of water on APN# _____ in
5 2002. The water was used for the following:

6 _____.

7 [State the crop type and number of acres of that crop. If not used for irrigation, describe the
8 use. In lieu of answering this question, a crop map may be attached that shows the date, crop type,
9 irrigated acreage and parcels].

10 39. _____ used _____ acre feet of water on APN# _____ in
11 2003. The water was used for the following:

12 _____.

13 [State the crop type and number of acres of that crop. If not used for irrigation, describe the
14 use. In lieu of answering this question, a crop map may be attached that shows the date, crop type,
15 irrigated acreage and parcels].

16 40. _____ used _____ acre feet of water on APN# _____ in
17 2004. The water was used for the following:

18 _____.

19 [State the crop type and number of acres of that crop. If not used for irrigation, describe the
20 use. In lieu of answering this question, a crop map may be attached that shows the date, crop type,
21 irrigated acreage and parcels].

22 41. _____ used _____ acre feet of water on APN# _____ in
23 2011. The water was used for the following:

24 _____.

25 [State the crop type and number of acres of that crop. If not used for irrigation, describe the
26 use. In lieu of answering this question, a crop map may be attached that shows the date, crop type,
27 irrigated acreage and parcels].

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42. _____ used _____ acre feet of water on APN# _____ in
2012. The water was used for the following:

[State the crop type and number of acres of that crop. If not used for irrigation, describe the
use. In lieu of answering this question, a crop map may be attached that shows the date, crop type,
irrigated acreage and parcels].

43. Other than what is declared hereinabove, Boron did not produce or use water within
the Antelope Valley Area of Adjudication for 2000-2004, 2011, and 2012.

I declare under penalty of perjury under the laws of the State of California that the foregoing
is true and correct. Executed this ____ day of January 2013, at Boron, California.

PETER A. LOPEZ

1 **PROOF OF SERVICE**

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3 **STATE OF CALIFORNIA, COUNTY OF KERN**

4 I, GUADALUPE GONZALEZ, declare: I am and was at the time of the service hereunder
5 mentioned, over the age of eighteen (18) years and not a party to the within cause. My business
6 address is 2001 22nd Street, Suite 100, Bakersfield, California 93301.

7 On January 31, 2013, I served the document(s) titled:

8 **DECLARATION OF PETER A. LOPEZ ON BEHALF OF BORON**
9 **COMMUNITY SERVICES DISTRICT IN LIEU OF DEPOSITION**
10 **TESTIMONY FOR PHASE 4 TRIAL**

11 to be served on the parties in this action as follows:

12 XXX **(BY ELECTRONIC TRANSMISSION)** I caused such document(s) listed above to be
13 posted to the Santa Clara County Superior Court website in regard to the Antelope Valley
14 Groundwater matter.

15 _____ **(BY MAIL)** I am readily familiar with the firm's practice of collection and processing of
16 documents for mailing. Under that practice, it would be deposited with the United States
17 Postal Service on that same day with postage thereon fully prepaid at Bakersfield, California,
18 in the ordinary course of business.

19 _____ **(BY FACSIMILE TRANSMISSION)** A transmission report was properly issued by the
20 sending facsimile machine, and the transmission was reported as completed and without
21 error.

22 _____ **(BY PERSONAL SERVICE)** I caused such envelope to be delivered by hand to the offices
23 of the addressee(s).

24 _____ **(BY OVERNIGHT COURIER)** I caused such envelope with delivery fees fully prepaid to
25 be sent by overnight courier.

26 Executed on January 31, 2013, at Bakersfield, California.

27 XXX **(STATE)** I declare under penalty of perjury under the laws of the State of California that the
28 above is true and correct.

_____ **(FEDERAL)** I declare that I am employed in the office of a member of the bar of this Court
at whose direction the service was made.



GUADALUPE GONZALEZ