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**EXEMPT FROM FILING FEE
(Government Code § 6103)**

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

8
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **COUNTY OF LOS ANGELES**

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:

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

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;

[Assigned for All Purposes to the
Honorable Jack Komar]

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

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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PLEASE TAKE NOTICE that Defendant/Cross-Defendant BORON COMMUNITY SERVICES DISTRICT ("Boron"), inadvertently provided the wrong quantity of State Water Project water purchased from AVEK for the calendar years 2000 through 2004.

DATED: February 14, 2013

McMURTREY, HARTSOCK & WORTH

By: 
James A. Worth, Attorneys for Defendant/
Cross-Defendant, BORON COMMUNITY
SERVICES DISTRICT

SUPPLEMENTAL DECLARATION OF PETER A. LOPEZ

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

1. I am the Manager for the Boron Community Services District ("Boron"), a party to this action. In lieu of deposition testimony for the Phase 4 trial, I am providing this amended declaration. I have personal knowledge of each fact herein and would testify competently thereto under oath.

2. In addition to this supplemental declaration, Boron has provided, under penalty of perjury, the facts, information and documents submitted to the Court and posted on the Court's website on December 21, 2012 and the Declaration of Peter A. Lopez on Behalf of Boron Community Services District in Lieu of Deposition Testimony for Phase 4 trial posted on the Court's website on January 31, 2013 which are hereby incorporated fully as if attached hereto.

3. In the Declaration of Peter A. Lopez on Behalf of Boron Community Services District in Lieu of Deposition Testimony for Phase 4 trial posted on the Court's website on January 31, 2013, the quantity of SWP water purchased from AVEK for the calendar years 2000 through 2004 did not deduct the amount of water Boron delivered to Phillips Lab, which is located at Rocket Site on Edwards Air Force Base. Phillips Lab purchased the water directly from AVEK. Water delivered to

1 Phillips Lab does not constitute water use by Boron. Boron stopped delivering water to Phillips Lab
2 after 2004.

3 4. Accordingly, No. 21 of the Declaration of Peter A. Lopez on Behalf of Boron
4 Community Services District in Lieu of Deposition Testimony for Phase 4 Trial posted on the
5 Court's website on January 31, 2013 is hereby amended as follows:

6 **State Water Project Purchases**

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

	<u>OLD</u>	<u>AMENDED</u>
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11	2000 <u>613 AF</u>	<u>314 AF</u>
12	2001 <u>509 AF</u>	<u>232 AF</u>
13	2002 <u>436 AF</u>	<u>248 AF</u>
14	2003 <u>406 AF</u>	<u>209 AF</u>
15	2004 <u>475 AF</u>	<u>381 AF</u>
16	2011 <u>189 AF</u>	<u>189 AF</u>
17	2012 <u>187 AF thru November 30, 2012.</u>	<u>187 AF</u>

18 5. The complete discussion of Boron's SWP water purchases from AVEK is found at
19 Section II, (E) of Boron's Response to Discovery Order for Phase 4 Trial which is hereby
20 incorporated fully as if attached hereto.

21
22 I declare under penalty of perjury under the laws of the State of California that the foregoing
23 is true and correct. Executed this 5th day of February 2013, at Boron, California.

24
25 
26 PETER A. LOPEZ

1 **PROOF OF SERVICE**

2
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 February 15, 2013, I served the document(s) titled:

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

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

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

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

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

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

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

27 Executed on February 15, 2013, at Bakersfield, California.

28 **XXX (STATE)** I declare under penalty of perjury under the laws of the State of California that the
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