Exhibit D

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 1 — HON. JACK KOMAR, JUDGE

COORDINATION PROCEEDING SPECIAL TITLE (RULE 1550B) ANTELOPE VALLEY GROUNDWATER CASES	JUDICIAL COUNCIL COORDINATION NO. JCCP4408
PALMDALE WATER DISTRICT AND QUARTZ HILL WATER DISTRICT, CROSS-COMPLAINANTS, VS. LOS ANGELES COUNTY WATERWORKS, DISTRICT NO. 40, ET AL, CROSS-DEFENDANTS.	SANTA CLARA CASE NO. 1-05-CV-049053

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TUESDAY, OCTOBER 7, 2008

(SEE APPEARANCE PAGES)

ELSIE G. DIWA, RPR, CSR #11416
OFFICIAL REPORTER

SO A SYSTEM THAT WAS IN WHAT WAS CALLED DYNAMIC EQUILIBRIUM, IT'S NOT COMPLETELY STEADY, BUT AN AVERAGE SORT OF STEADY STATE. THE AMOUNT OF WATER COMING IN IS GOING TO BE EQUAL TO THE AMOUNT OF WATER GOING OUT. AND YOU HAVE ESSENTIALLY NO CHANGE IN STORAGE.

Q CAN YOU TURN TO WHAT IS IN YOURS AS EXHIBIT 9, WHICH WILL NOW BE E-7. IF YOU'D -- I'LL DESCRIBE THIS DOCUMENT. ACROSS THE TOP IT SAYS, "PREDEVELOPMENT MASS BALANCE," WHICH SHOULD BE THE NEXT SLIDE. DO YOU HAVE THAT IN FRONT OF YOU?

A YES, I DO.

THE COURT: THAT'S E-7.

MR. DUBOIS: THANK YOU, YOUR HONOR.

Q CAN YOU DESCRIBE HOW -- WOULD YOU DESCRIBE THIS, PLEASE. CAN YOU IDENTIFY THIS?

A OKAY. SO THIS WAS A FIGURE THAT I PREPARED TO CONCEPTUALLY SHOW HOW THIS PREDEVELOPMENT MASS BALANCE WORKED IN THE ANTELOPE VALLEY. SO WE HAVE MOUNTAIN FRONT RECHARGE IN THIS AREA, SURFACE WATER EXITING THE MOUNTAINS AND SEEPING DOWN THROUGH THOSE ALLUVIAL FAN SURFACES, AND THEN INFILTRATION OR SEEPAGE FROM THE BEDROCK INTO THE GROUNDWATER SYSTEM. SO THOSE WOULD BE THE MAIN INPUTS INTO THE SYSTEM.

THE OUTPUTS WOULD BE SEEPAGE TO SPRINGS, EVAPOTRANSPIRATION BY PLANTS IN LOW LAYING AREAS AND ANY EVAPORATION OFF THE PLAYA SURFACES. AND THEN THERE'S A SMALL AMOUNT -- HENCE, THE SMALL ARROW -- OF SUBSURFACE OUTFLOW OUT OF THE NORTHERN PART OF THE BASIN OF THE

FREMONT VALLEY.

Q AND IN THE CONTEXT OF THE ANTELOPE VALLEY, THE MOUNTAIN FRONT RECHARGE WOULD HAVE BEEN COMING FROM THE WEST AND SOUTH AND MOVING TOWARDS THE --

A MOVING NORTHWARD AND EASTWARD. PRINCIPALLY IN PARTS OF THE BASIN IT WOULD HAVE BEEN NORTHWESTWARD ALSO.

Q AND ACROSS THE WILLOW SPRINGS FAULT, WHICH DIRECTION WOULD THE FLOW BE?

A IT WOULD BE PRIMARILY TOWARDS THE SOUTH, I THINK.

Q AND BECAUSE OF THE NEED TO CONSERVE MASS, ALL OF THE WATER THAT COMES IN ON THE UPSLOPE HAS TO FLOW THROUGH THE SYSTEM; IS THAT TRUE?

A RIGHT. SO THE MOVEMENT IS FROM THE REGIONS OF RECHARGE AROUND THE MARGINS OF THE VALLEY DOWN TOWARDS THAT CENTRAL DEPRESSION NEAR THE PLAYA AREAS, WHERE THE PRINCIPAL DISCHARGE IS.

Q AND I TURN YOU TO EXHIBIT 10, WHICH WOULD BE E-8. CAN YOU IDENTIFY THIS DOCUMENT, PLEASE. IT'S A DOCUMENT ENTITLED "1915 GROUNDWATER ELEVATION CONTOURS," AND THAT WILL BE MARKED AS E-8?

THE COURT: IT IS MARKED.

MR. DUBOIS: THANK YOU, YOUR HONOR.

THE WITNESS: THESE ARE GROUNDWATER ELEVATION CONTOURS ONLY FOR THE PRINCIPAL AQUIFER PORTION. THESE ARE -- ACTUALLY, I TOOK THEM OFF A USGS WEBSITE, BECAUSE I THOUGHT THEY WERE MORE LEGIBLE, BUT THEY ARE TAKEN

DIRECTLY FROM DURBIN'S 1978 REPORT.
BY MR. DUBOIS:
Q THESE FIGURES ARE FROM THE USGS WEBSITE?
A YES.
Q AND DOES THIS ILLUSTRATE THE GROUNDWATER CONTOURS THAT YOU WERE DESCRIBING?
A RIGHT. SO THOSE BLUE LINES ON THERE ARE THE CONTOURS OF EQUAL GROUNDWATER ELEVATION, AND THEN THERE'S SMALL ARROWS THAT ARE INDICATING THE DIRECTION OF FLOW.
Q CAN YOU USE YOUR POINTER AND SHOW -- DESCRIBE WHAT YOU'RE TALKING ABOUT.
A OKAY. SO THE CONTOURS ARE DRAWN HERE, AND THE ARROWS ARE DRAWN AT RIGHT ANGLES TO THOSE CONTOURS. SO YOU HAVE FLOW COMING DOWN THROUGH THIS AREA FROM THE TEHACHAPI'S ALONG THIS SIDE, AND THEN IT MOVES THIS DIRECTION THROUGH THE NEENACH AREA OFF OF THE SAN GABRIELS OFF IN THIS DIRECTION, AND DOWN HERE PARTICULARLY YOU CAN SEE PROBABLY THE INFLUENCE OF THE TWO MAJOR CREEKS IN THIS AREA, FLOWING UP NORTH TOWARDS THIS MAIN DISCHARGE AREA AROUND ROSAMOND LAKE.
Q AND WOULD YOU TURN TO TAB 11 WHICH WILL BE MARKED EXHIBIT 11, AND I ASK THAT THIS BE MARKED AS E-9.
THE COURT: E-9.
MR. DUBOIS: THANK YOU.
Q CAN YOU IDENTIFY THIS DOCUMENT FOR ME, PLEASE.
A THIS IS, ACTUALLY, DIRECTLY FROM ONE OF THE

PLATES IN MR. DURBIN'S 1978 REPORT. AND THESE ARE CLOSE-UPS OF THE ONLY AREA WHERE HE'S DRAWN THE CONTOURS ON THE DEEP AQUIFER. SO THIS IS THAT AREA OF ROGERS DRY LAKE UP INTO THE NORTH MUROC AREA. AND, AGAIN, THERE ARE CONTOURS OF EQUAL GROUNDWATER ELEVATION, AND THE ARROWS INDICATE THAT FLOW IN THIS REGION IS GOING NORTH, AND THEN THIS IS THE GENERAL EXIT PATHWAY INTO THE FREMONT VALLEY.

Q SO THIS IS IN THE DEEP CONFINED AQUIFER?

A WELL, WHEN IT'S PRESENT BENEATH THE REGIONAL AQUIFER, IT'S CONFINED. ONCE THAT ALLUVIAL DEPOSITS YOU'VE MOVED FURTHER NORTH, THEY BECOME UNCONFINED. SO THE REGIONAL AQUITARD PINCHES OUT, AND IT BECOMES AN UNCONFINED AQUIFER TO THE NORTH.

Q AND THE FLOW IS FROM THE ANTELOPE VALLEY INTO THE --

A INTO THIS NORTH MUROC. IT'S THE ANTELOPE VALLEY FROM THE LANCASTER SUBBASIN UP INTO THE NORTH MUROC SUBBASIN AND UP INTO THE FREMONT VALLEY.

Q HAS THE GENERAL DIRECTION OF FLOW OR PLACES OF DISCHARGE CHANGED WITH GROUNDWATER DEVELOPMENT?

A YES. THEY'VE CHANGED QUITE SIGNIFICANTLY, PARTICULARLY THE -- WELL, THE REGION'S PRIMARILY STILL WITHIN THE LANCASTER AREA, SO IN PREDEVELOPMENT TIMES, ALMOST ALL OF THE NATURAL DISCHARGE WAS WITHIN THE LANCASTER AREA. AFTER DEVELOPMENT IT'S STILL IN THE LANCASTER AREA, BUT THE LOCALE OF DISCHARGE HAVE SHIFTED.

Q GOING BACK TO EXHIBIT E-8, IF YOU WILL.
MR. WILLIAM KUHS: COUNSEL, I DIDN'T HEAR.
MR. DUBOIS: E-8.
THE WITNESS: CAN YOU TELL ME WHICH TAB. I'M NOT WRITING THESE DOWN.
MR. DUBOIS: 10.
Q DO YOU RECALL MR. DURBIN'S TESTIMONY TODAY AND YESTERDAY REGARDING THE BEDROCK RIDGE THAT HE DESCRIBED AS BEING GENERALLY LOCATED IN THE AREA OF, I BELIEVE, ANTELOPE BUTTE TO LITTLE BUTTE?
A YES, I DO.
Q ARE YOU FAMILIAR WITH THAT BEDROCK RIDGE?
A YES, I AM.
Q HISTORICALLY, DID THE AREAS EAST AND WEST OF THAT RIDGE SHARE A COMMON SOURCE OF WATER SUPPLY?
A WELL, IN THE SENSE THAT ALL THE WATER WEST OF THIS COMING OFF THE TEHACHAPI'S IN THIS PORTION OF THE SAN GABRIEL ULTIMATELY ENDED UP IN THIS LANCASTER BASIN, THEN THEY DID SHARE A SOURCE OF SUPPLY.
Q SO THE WATER FLOWING FROM THE WESTERN PART OF THE ANTELOPE BASIN OFF OF THE TEHACHAPI AND SAN GABRIEL MOUNTAINS SUPPLIED WATER TO THE EAST OF THE RIDGE?
A EAST OF THE RIDGE.
Q LET'S TALK ABOUT THE WATER BALANCES AS IT CURRENTLY EXISTS. IF YOU TURN TO EXHIBIT 12, WHICH WE WILL MARK AS E-10. I REQUEST IT BE MARKED AS E-10.
THE CLERK: YES.

MR. DUBOIS: AND IT'S ENTITLED "MASS BALANCE AFTER EXTENSIVE GROUNDWATER DEVELOPMENT."

Q IS THIS A GENERAL CONCEPTUALIZATION?

A YES, IT IS.

Q CAN YOU DESCRIBE IT AND IDENTIFY THE DOCUMENT, PLEASE.

A SO THIS WAS TWO THAT I DREW TO TRY AND EXPLAIN THE CHANGES THAT WENT ON AFTER DEVELOPMENT OCCURRED. SO INSTEAD OF THE WATER TABLE COMING UP AND BEING VERY CLOSE TO THE GROUND SURFACE, WATER TABLES HAVE BEEN LOWERED BY PUMPING IN THE BASIN THOSE NATURAL DISCHARGES THROUGH EVAPOTRANSPIRATION, SPRING FLOW, EVAPORATION OFF THE PLAYAS HAVE CEASED, AND THAT'S BECAUSE THAT WATER IS BEING REMOVED BY PUMPAGE [SIC.] FOR VARIOUS PURPOSES.

THERE'S SOMEWHAT OF A CHANGE TO THE INPUTS TO THE BASIN. BECAUSE OF THE APPLICATION OF THAT PUMPED WATER TO THE GROUND SURFACE, WE DO NOW HAVE SOME RETURN FLOWS THAT ARE GOING TO INPUT, AND WE DO STILL HAVE THAT SMALL SUBSURFACE OUTFLOW INTO THE FREMONT VALLEY.

Q BUT BECAUSE OF THE CONSERVATION OF MASS, WATER IN STILL HAS TO EQUAL WATER OUT?

A YES. WELL, LET ME MODIFY THAT. UNLESS YOU'RE CHANGING THE AMOUNT OF WATER IN STORAGE. SO TO THE EXTENT THAT YOU'RE RAISING OR LOWERING THE WATER TABLE, THOSE TWO ARE NOT GOING TO BE EQUAL. SO I MISSPOKE.

Q THANK YOU. WOULD YOU TURN TO TAB 13,

EXHIBIT WHICH WE ASK BE MARKED AS E-11. IT'S A DOCUMENT THAT IS ENTITLED "1961 GROUNDWATER ELEVATION CONTOURS." CAN YOU IDENTIFY THIS DOCUMENT?

A THIS IS A MAP TAKEN FROM THE USGS WEBSITE, BUT THE ORIGINAL SOURCE WAS DURBIN'S 1978 REPORT. SO THESE ARE CONTOURS OF EQUAL GROUNDWATER ELEVATION FOR THE PRINCIPAL AQUIFER FOR 1961.

Q WHAT DOES THIS WATER, WATER ELEVATION MAP SHOW?

A WELL, YOU STILL HAVE WATER FLOWING FROM THE RECHARGE AREAS IN THE TEHACHAPI'S ACROSS THESE VARIOUS FAULTS THROUGH THE NEENACH SUBBASIN OFF OF THE SAN GABRIELS DOWN HERE UP ACROSS AND TO A DEPRESSION IN THE WATER TABLE SURFACE, CREATED BY PUMPING THAT'S SORT OF JUST TO THE EAST OF THE LITTLE BUTTES AREA.

THERE'S ANOTHER DEPRESSION HERE SOUTH OF ROSAMOND LAKE SO THE FLOW IS NO LONGER FOCUSED TOWARDS ROSAMOND LAKE BUT, RATHER, DOWN TO THIS DEPRESSION IN THE WATER SURFACE HERE. STILL, WE HAVE WATER OFF THE TEHACHAPI'S FLOWING TO THE NORTH TO THESE TWO DEPRESSIONS.

Q OKAY. IF YOU WOULD TURN TO EXHIBIT 14, WHICH I'D ASK BE MARKED AS E-12.

THE COURT: ALRIGHT. THAT WILL BE MARKED.

BY MR. DUBOIS:

Q CAN YOU IDENTIFY THIS DOCUMENT, PLEASE.

A THIS IS A PORTION OF CLOSE-UP FROM ONE OF DURBIN'S PLATES FROM HIS 1978 REPORT THAT, AGAIN,

FOCUSES ON THAT PORTION OF THE GROUNDWATER ELEVATION CONTOUR MAP THAT IS FOR THE DEEP AQUIFER. AND, AGAIN, WE HAVE CONTOUR LINES HERE. AGAIN, IN THIS MAP, EVEN FOR THE DEEP AQUIFER, WE CAN START TO SEE HOW BOTH THE DIRECTION OF FLOW AND THE WATER SURFACE ARE AFFECTED BY PUMPING. AND THE NORTHERN PART OF THE BASIN FLOW IS STILL UP TO THE NORTH HERE, BUT WE HAVE A CHANGE OF DIRECTION TOWARDS PUMPING HERE, SOME OF THE SOUTH BAY AS WELL AS AT EDWARDS AND EVEN SOME REVERSAL OF FLOW HERE IN THE SOUTH.

Q ARE THERE ANY CONCLUSIONS YOU DRAW FROM THIS MAP, OR IS THIS JUST SHOWING CHANGES IN WATER FLOW?

A IT'S SHOWING HOW OVER TIME DEVELOPMENT AND PUMPING STRESSES CAN SHIFT THE DIRECTION OF FLOW, CAN SHIFT THE WATER SURFACE, AND AS YOU CHANGE THOSE PUMPING AREAS, YOU'RE GOING TO CHANGE DIRECTIONS OF FLOW.

Q UNDER CURRENT CONDITIONS, DOES THE RECHARGE IN THE WESTERN PART OF THE ANTELOPE VALLEY, WEST OF THE BEDROCK RIDGE, STILL FLOW EAST TOWARD THE CENTER OF THE VALLEY AND EAST OF THE BEDROCK RIDGE?

A YOU'RE TALKING IN 2008?

Q OR THE LATEST DATA YOU HAVE, THE MOST RECENT DATA.

A THERE IS A DEPRESSION IN THE WATER SURFACE IN THAT GENERAL AREA. AND THERE IS, I THINK, SOME FLOW ACROSS THAT, BUT IT'S BEEN GREATLY REDUCED FROM WHAT IT WAS IN PREDEVELOPMENT TIMES DUE TO PUMPING TO THE WEST.

MR. DUBOIS: MR. KUHS, ARE YOU STANDING FOR

SUPERIOR COURT OF THE STATE OF CALIFORNIA

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I, ELSIE G. DIWA, OFFICIAL COURT REPORTER FOR THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT THE FOREGOING PAGES 1 THROUGH 187, INCLUSIVE, COMPRISE A FULL, TRUE AND CORRECT TRANSCRIPT OF THE PROCEEDINGS TAKEN IN THE ABOVE-ENTITLED MATTER ON OCTOBER 7, 2008.

DATED THIS 8TH DAY OF OCTOBER, 2008.

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ELSIE G. DIWA, RPR, CSR #11416
OFFICIAL COURT REPORTER