

# EXHIBIT 34

1 CRAIG A. PARTON, State Bar No. 132759  
TIMOTHY E. METZINGER, State Bar No. 145266  
2 CAMERON GOODMAN, State Bar No. 307679  
PRICE, POSTEL & PARMA LLP  
3 200 East Carrillo Street, Fourth Floor  
4 Santa Barbara, California 93101  
Telephone: (805) 962-0011  
5 Facsimile: (805) 965-3978

Exempt from Filing Fees  
Government Code § 6103

6 Attorneys for  
7 Antelope Valley Watermaster

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT**

10  
11 Coordination Proceeding,  
Special Title (Rule 1550(b))

Judicial Council Coordination  
Proceeding No. 4408

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

LASC Case No.: BC 325201

Santa Clara Court Case No. 1-05-CV-049053  
Assigned to the Hon. Jack Komar, Judge of  
the Santa Clara Superior Court

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18 **AND ALL RELATED ACTIONS**

**WATERMASTER'S REPLY TO  
ZAMRZLAS' OPPOSITION TO MOTION  
FOR MONETARY, DECLARATORY  
AND INJUNCTIVE RELIEF;  
DECLARATION OF JEFFREY V. DUNN  
IN SUPPORT THEREOF**

Date: December 10, 2021  
Time: 9:00 a.m.  
Dept: By Zoom

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21 **I. Introduction**

22 Johnny and Pamella Zamrzla, individually and as Trustees (“**J&P**”), and John Lee and  
23 Jeanette Zamrzla (“**J&J**”) (collectively, the “**Zamrzlas**”) are Parties to the Judgment and subject  
24 to the Jurisdiction of this Court. The outdated \$273,165 invoice from the Antelope Valley  
25 Watermaster (“**Watermaster**”) for Replacement Water Assessments (“**RWAs**”) is entirely  
26 irrelevant to the Watermaster’s Motion. Injunctive and declaratory relief is appropriate in this case  
27 due to the Zamrzlas’ ongoing failure to meter and report their water usage, and the Watermaster is  
28 entitled to collect interest on the delinquent RWAs as well as its attorneys’ fees.

1 **DECLARATION OF JEFFREY V. DUNN**

2 I, JEFFREY V. DUNN, declare and state as follows:

3 1. I make this declaration in support of WATERMASTER'S REPLY TO  
4 ZAMRZLAS' OPPOSITION TO MOTION FOR MONETARY, DECLARATORY AND  
5 INJUNCTIVE RELIEF.

6 2. I am a partner with the law firm of BEST BEST & KRIEGER LLP, counsel of  
7 record for Los Angeles County Waterworks District No. 40 ("District 40"), and am duly licensed to  
8 practice law in California. I have personal knowledge of the facts stated herein and, if called upon  
9 to do so, I could testify to these facts.

10 3. On March 13, 2009, the Court in the above captioned matter approved the form of  
11 notice to be provided to all potential members of the Small Pumper Class, and ordered the  
12 publication of the notice both via newspaper publication and website. A true and correct copy of  
13 the Order Approving Revised Class Notice for Small Pumper Class Action is attached hereto as  
14 Exhibit "A."

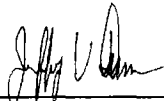
15 4. Thereafter, my office coordinated with Mr. Michael McLachlan, counsel for Small  
16 Pumper Class, to prepare the mailing list for the Small Pumper Class. My office then provided that  
17 mailing list to a third-party vendor to mail the 2009 Notice of Class Action for the "Small Pumper"  
18 Class Action (the "2009 Notice") to each of the approximately 9,883 potential Small Pumper Class  
19 members.

20 5. On July 2, 2009, my office received the mailing list used by the vendor to provide  
21 the 2009 Notice, which lists Johnny Zamrzla's and Pamella Zamrzla's ("Zamrzla") mailing address  
22 as "48910 80TH ST W, LANCASTER, CA 93536-8740." I am informed and therefore believe that  
23 a copy of the 2009 Notice was mailed to Zamrzla in late June or early July 2009 at that address. A  
24 true and correct copy of the 2009 Notice is attached hereto as Exhibit "B." A copy of the 2009  
25 Notice is also made publicly available at [www.avgroundwater.com/smallpumper/wood.cfm](http://www.avgroundwater.com/smallpumper/wood.cfm).

26 6. Additionally, my office caused a summary of the 2009 Notice to be published in The  
27 Bakersfield Californian, the Antelope Valley Press Newspaper and the Los Angeles Times. True  
28

1 and correct copies of the proofs of publication for each of these newspapers are attached hereto as  
2 Exhibit "C."

3 I declare under penalty of perjury under the laws of the State of California that the  
4 foregoing is true and correct, and that this declaration is executed on December 2, 2021, at Irvine,  
5 California.

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9 JEFFREY V. DUNN  
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# **Exhibit A**

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SUPERIOR COURT FOR THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

ANTELOPE VALLEY GROUNDWATER  
CASES

Judicial Council Coordination Proceeding  
No. 4408  
(Hon. Jack Komar)

RICHARD A. WOOD, an individual, on  
behalf of himself and all others similarly  
situated,

Case No.: BC391869

~~[proposed]~~ ORDER APPROVING  
REVISED CLASS NOTICE FOR  
SMALL PUMPER CLASS ACTION

Plaintiff,

v.

LOS ANGELES COUNTY  
WATERWORKS DISTRICT NO. 40; et al.

Defendants.

Having received no objections to the revised class notice filed by counsel for the  
Small Pumper Class, the Court hereby approves the form of notice electronically filed on  
February 18, 2009.


ORDER APPROVING REVISED CLASS NOTICE FOR SMALL PUMPER CLASS  
ACTION

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Furthermore, except as indicated in that notice, the publication of notice shall otherwise be the same as that for the Willis class, including newspaper publication and website content to be determined by counsel for the class with approval from the public water suppliers.

IT IS SO ORDERED.

Dated:           **MAR 13 2009**          

  
\_\_\_\_\_  
Honorable Jack Komar

## **Exhibit B**



**\*\*\*IF YOU RECEIVED A PRIOR CLASS ACTION NOTICE RELATING TO GROUNDWATER RIGHTS IN THE ANTELOPE VALLEY, THAT NOTICE RELATED TO A DIFFERENT LAWSUIT, DEALING WITH A DIFFERENT CLASS OF LANDOWNERS WITH DIFFERENT RIGHTS. \*\*\***

**\*\*\* IMPORTANT: IF YOU PUMP GROUNDWATER OR YOU OR YOUR PREDECESSORS HAVE EVER PUMPED GROUNDWATER ON YOUR PROPERTY, CAREFULLY READ THIS NOTICE – THIS LAWSUIT MAY AFFECT YOUR RIGHTS TO PUMP GROUNDWATER IN THE FUTURE. \*\*\***

**SUPERIOR COURT FOR THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES**

RICHARD A. WOOD, an individual, on  
behalf of himself and all others similarly  
situated,

Plaintiff,

v.

LOS ANGELES COUNTY WATERWORKS  
DISTRICT NO. 40; et al.

Defendants.

JUDICIAL COUNCIL COORDINATION  
PROCEEDING No. 4408

**NOTICE OF CLASS  
ACTION FOR THE “SMALL  
PUMPER” CLASS ACTION**

**TO CERTAIN ANTELOPE VALLEY LANDOWNERS: CAREFULLY READ AND RESPOND TO THIS NOTICE, AS IT MAY AFFECT YOUR RIGHT TO PUMP GROUNDWATER ON YOUR PROPERTY IN THE FUTURE.**

This notice is to advise you about a pending class action lawsuit, referred to as the “Small Pumper” class action. You may be a member of the Class. **PLEASE TAKE THE TIME TO READ THIS IMPORTANT LEGAL NOTICE. YOU ARE REQUIRED TO RETURN THE ATTACHED RESPONSE FORM, EITHER BY MAIL OR BY THE INTERNET, ON OR BEFORE SEPTEMBER 9, 2009.**

This Class Action lawsuit involves water rights in the Antelope Valley Groundwater Basin. Plaintiff Richard Wood brought this case to protect his right and those of other landowners in the Basin to pump water on their properties in the future. The case has been combined with other cases to determine all the groundwater rights in the Basin. The Court has not yet decided the case. This Notice is intended to inform you of the pendency of this case and advise you how you can protect your rights. You have been sent this Notice because as a property owner in the Antelope Valley your rights to pump and use groundwater on your property may be affected by this case.

### **ARE YOU A MEMBER OF THE CLASS?**

You have been designated as a possible class member because records show that you may own improved property in the Antelope Valley. The class includes all private (i.e., non-governmental) landowners within the Antelope Valley Groundwater Basin that have pumped groundwater on their property at any time since 1946, with certain exceptions set out below.

You are **NOT in the Class** if you fall within one of the categories set forth below. **BUT YOUR RIGHTS MAY BE AFFECTED UNLESS YOU RETURN THE ATTACHED RESPONSE FORM AND MAKE CLEAR THAT YOU ARE NOT IN THE CLASS. HENCE, IT IS IMPORTANT THAT YOU RETURN THE RESPONSE FORM AS PROMPTLY AS POSSIBLE, EVEN IF YOU ARE NOT A CLASS MEMBER.**

**YOU ARE NOT IN THE CLASS WITH RESPECT TO ANY GIVEN PARCEL OF PROPERTY IF THAT PARCEL FALLS WITHIN ANY OF THE FOLLOWING CATEGORIES:**

1. You have pumped 25 acre-feet or more of groundwater for use on a that parcel in any calendar year since 1946; *or*
2. You are a shareholder in a mutual water company in the Antelope Valley; *or*
3. You are already a party to this litigation (but, in that event, you may elect to join the Class).

### **WHAT IS THE CASE ABOUT?**

Under California law, property owners have a right to pump and use groundwater (water underneath the surface) on their land. In this case, however, the naturally available supply of water in the Basin may not be adequate to satisfy everyone who wants to use that water. Plaintiff Richard Wood brought this action to protect his right and that of other Antelope Valley landowners to pump and use the water under their properties and to obtain compensation for any wrongful taking of their property rights. Mr. Wood claims that he and other landowners have water rights which are superior to the rights of certain public water suppliers to use that water. The public water suppliers claim that their historical pumping has given them superior water rights. If the public water suppliers win, your rights to use the groundwater under your property may be cut back. The Court has not yet ruled on these claims.

### **WHAT DO YOU NEED TO DO?**

**YOU ARE REQUIRED TO SUBMIT the attached RESPONSE FORM, either by mail or on the internet, by September 9, 2009. The instructions for completing this form are below. All persons who receive this Notice should respond, so that the parties and Court will know whether you are a class member or not.**

If you are a Class Member, you have the right to remain in the Class or exclude yourself from the Class. Class Members are defined to include all private (i.e., non-governmental) landowners within the Antelope Valley Groundwater Basin that have pumped groundwater on a given parcel of property at any time since 1946, and who does not fall within any of the exclusions set forth above. Class Members should complete and return the attached response form.

*If you remain in the Class:*

- You will be bound by the decision in the case, whether favorable or unfavorable.
- Plaintiff Wood and his attorneys will act as your representatives in this case, and you will not personally be obligated to pay any fees or costs out of your pocket.
- You may, but need not, hire your own lawyer at your own expense to represent you.

*If you exclude your parcel(s) from the Class:*

- Your parcel(s) will not be bound by any decision that affects the Class.
- But you (or your parcel) may be added to the lawsuit as an individual defendant, and you may have to represent yourself or hire a lawyer to represent you.

**Please complete the response form on the website for the Small Pumper Class at <http://www.avgroundwater.com/smallpumper/ResponseForm.cfm> by September 9, 2009. Alternatively, you may complete and return the attached response form by mail no later than September 9, 2009 to the following address:**

Antelope Valley Groundwater Litigation  
P.O. BOX 12013  
Riverside, CA 92502-9839

**WHERE CAN YOU GET ADDITIONAL INFORMATION?**

**The complaint, certain other documents from the litigation, and some other general information are available at: <http://www.avgroundwater.com/smallpumper/wood.cfm>. You may complete and submit the response form on that website. In addition, that website has a list of answers to certain other questions you may have. That website has an e-mail address for you to obtain information if you have further questions. That website will be updated from time to time to advise you of the status of this litigation. Also, all of the documents filed in the case are available on the court's website at: <http://www.scefiling.org/cases/casehome.jsp?caseId=19>**

**PLEASE DO NOT CALL OR WRITE THE COURT OR CLERK'S OFFICE. IF YOU HAVE ANY QUESTIONS, PLEASE CONSULT YOUR OWN COUNSEL, VISIT THE WEB SITES LISTED ABOVE, OR WRITE TO CLASS COUNSEL AT THE ADDRESS ABOVE.**

Dated: June 26, 2009

BY ORDER OF THE SUPERIOR COURT  
OF CALIFORNIA FOR THE COUNTY OF  
LOS ANGELES

# **Exhibit C**

# PROOF OF PUBLICATION

The BAKERSFIELD CALIFORNIAN  
P.O. BOX 440  
BAKERSFIELD, CA 93302

BEST, BEST & KRIEGER, LLP  
5 PARK PLAZA SUITE 1500  
IRVINE, CA 92614

Ad Number: 11393604 PO #:   
Edition: TBC Run Times 4  
Class Code Legal Display Only  
Start Date 8/2/2009 Stop Date 8/12/2009  
Billing Lines 0 Inches 756.00  
Total Cost \$ 4,510.80 Account 57195635  
Billing BEST, BEST & KRIEGER, LLP  
Address 5 PARK PLAZA SUITE 1500  
IRVINE, CA 92614

STATE OF CALIFORNIA  
COUNTY OF KERN

I AM A CITIZEN OF THE UNITED STATES AND A RESIDENT OF THE COUNTY AFORESAID: I AM OVER THE AGE OF EIGHTEEN YEARS, AND NOT A PARTY TO OR INTERESTED IN THE ABOVE ENTITLED MATTER. I AM THE ASSISTANT PRINCIPAL CLERK OF THE PRINTER OF THE BAKERSFIELD CALIFORNIAN, A NEWSPAPER OF GENERAL CIRCULATION, PRINTED AND PUBLISHED DAILY IN THE CITY OF BAKERSFIELD COUNTY OF KERN,

AND WHICH NEWSPAPER HAS BEEN ADJUDGED A NEWSPAPER OF GENERAL CIRCULATION BY THE SUPERIOR COURT OF THE COUNTY OF KERN, STATE OF CALIFORNIA, UNDER DATE OF FEBRUARY 5, 1952, CASE NUMBER 57610; THAT THE NOTICE, OF WHICH THE ANNEXED IS A PRINTED COPY, HAS BEEN PUBLISHED IN EACH REGULAR AND ENTIRE ISSUE OF SAID NEWSPAPER AND NOT IN ANY SUPPLEMENT THEREOF ON THE FOLLOWING DATES, TO WIT:

8/2/09  
8/5/09  
8/9/09  
8/12/09

ALL IN YEAR 2009

I CERTIFY (OR DECLARE) UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

*Sivota Blackburn*

DATED AT BAKERSFIELD CALIFORNIA

August 12, 2009

Solicitor I.D.: 0

First Text  
SUPERIOR COURT FOR THE STATE OF CALIFORNIA

Ad Number 11393604

SUPERIOR COURT FOR THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

<p>RICHARD A. WOOD, an individual, on behalf of himself and all others similarly situated,</p> <p>Plaintiff,</p> <p>LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40; et al.</p> <p>Defendants.</p>	<p>JUDICIAL COUNCIL COORDINATION PROCEEDING No. 4408</p> <p>NOTICE OF CLASS ACTION FOR THE "SMALL PUMPER" CLASS ACTION</p>
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**SUMMARY NOTICE OF PENDENCY OF CLASS ACTION**

**TO: ALL PERSONS WHO OWN LAND IN THE ANTELOPE VALLEY BASIN AND HAVE PUMPED GROUNDWATER ON THEIR PROPERTIES AT ANY TIME SINCE 1946 ("THE SMALL PUMPER CLASS")**

This Summary Notice is to advise you about a pending class action lawsuit that may affect your property rights. Plaintiff Richard Wood is a landowner in the Antelope Valley who alleges on behalf of himself and others similarly situated that such landowners have a right to pump and use the groundwater under their properties and to seek compensation for any wrongful taking of their water rights by the Public Water Suppliers. The Public Water Suppliers claim that their historical pumping has given them a superior right to pump groundwater. If the public water suppliers win, your rights to use the groundwater under your property may be modified.

On September 2, 2008, the Court certified this case to proceed as a class action on behalf of all private (non-governmental) persons who own property in the Basin on which groundwater has been pumped at any time after 1946. If you are a Glass Member, you have the right to remain a member of the Glass or to exclude yourself from the Glass. These rights, as well as the background of the litigation, are more fully detailed in a NOTICE OF PENDENCY OF CLASS ACTION that was recently mailed to the last known addresses of all persons who are believed to be Glass Members. IF YOU HAVE NOT RECEIVED THAT NOTICE, YOU MAY FIND THAT NOTICE AND OTHER RELEVANT DOCUMENTS AT [www.avgroundwater.com](http://www.avgroundwater.com). You may also request a copy of that notice by sending an e-mail to: [pumperinfo@avgroundwater.com](mailto:pumperinfo@avgroundwater.com) or by mail to P.O. Box 12018, Riverside, CA 92502-9839. Please note that the deadline to respond is October 11, 2009. IF YOU PUMP GROUNDWATER IN THE ANTELOPE VALLEY, IT IS IMPORTANT THAT YOU RESPOND IN ORDER TO PROTECT YOUR RIGHTS. PLEASE DO NOT CONTACT THE COURT.

**THE COURT HAS MADE NO DECISION AS TO THE MERITS OF THIS CASE. THIS NOTICE IS NOT AN EXPRESSION OF ANY OPINION ON THE MERITS OF THE CLAIMS ASSERTED IN THIS LAWSUIT.**

AUG 2 0 2009

Best Best & Krieger LLP  
5 Park Plaza, Suite 1500  
Irvine, CA 92614

# Affidavit of Publication

-of-

## Classified Advertising

Angelina de Cordova

\_\_\_\_\_ of said  
County and State being duly sworn, says:

That he is and at all times herein mentioned was a citizen of the United States, over 21 years of age, and not a party to nor interested in the above entitled matter; that he is a principal clerk of the printers and publishers of the **LOS ANGELES TIMES** a newspaper printed and published daily in the said Los Angeles County; that the

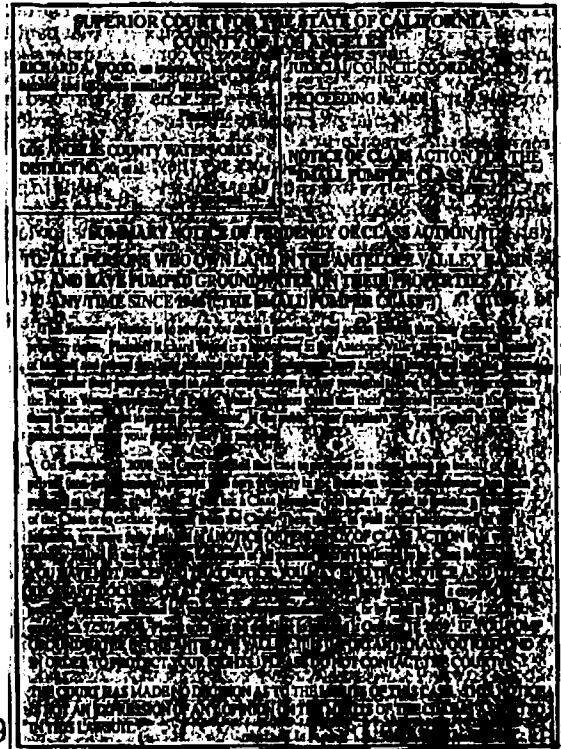
in the above entitled matter of which the annexed is a printed copy, was published in said newspaper

**LOS ANGELES TIMES**  
202 West First St. Los Angeles, CA. 90012

on the following days, to-wit:

Sun; August 2, 2009 & Wed; August 5, 2009

Sun; August 9, 2009 & Wed; August 12, 2009



*[Handwritten signature]*

State of California

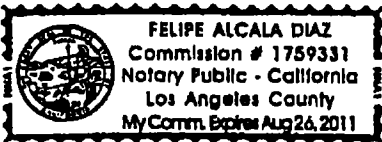
County of Los Angeles

Subscribed and sworn to (or affirmed) before me on this

20th day of August, 2009 by

(1) Angelina de Cordova  
Name of Signer

proved to me on the basis of satisfactory evidence to be the person who appeared before me (.)



*[Handwritten signature]*

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**Los Angeles Times  
Communications LLC**

**Publishers of  
Los Angeles Times**

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**Affidavit of Publication of**

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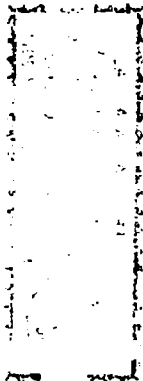
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## AFFIDAVIT OF INSERTION

Angela Edwards  
Antelope Valley Press  
P.O. Box 4050  
Palmdale, CA 93590-4050  
(661) 940-5368

Advertiser: Best Best Krieger LLP

Day/Date of distribution: Sun Aug 2<sup>nd</sup>, Wed Aug 5<sup>th</sup>;

Sun Aug 9<sup>th</sup>; Wed Aug. 12<sup>th</sup>

Number of inserts distributed: ROP Advertising

Publication Name: Antelope Valley Press Newspaper

### Affidavit Completed:

Date: September 11, 2009

By: Angela Edwards

Title: Advertising Representative

**Valley Press**

ESTABLISHED 1915

Angela Edwards

Retail Advertising Account Executive

661-940-5368

All Mail: P.O. Box 4050, Palmdale, CA 93590-4050  
44939 10th Street West, Lancaster, California 93534-2313  
(661) 273-2700 • FAX (661) 949-3593

www.avpress.com • e-mail: aedwards@avpress.com

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**PROOF OF SERVICE**

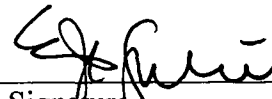
STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA

I am employed in the County of Santa Barbara, State of California. I am over the age of eighteen (18) and not a party to the within action. My business address is 200 East Carrillo Street, Fourth Floor, Santa Barbara, California 93101.

On December 3, 2021, I served the foregoing document described **WATERMASTER'S REPLY TO ZAMRZLAS' OPPOSITION TO MOTION FOR MONETARY, DECLARATORY AND INJUNCTIVE RELIEF; DECLARATION OF JEFFREY V. DUNN IN SUPPORT THEREOF** on all interested parties in this action by placing the original and/or true copy.

- BY ELECTRONIC SERVICE:** I posted the document(s) listed above to the Santa Clara County Superior Court Website @ [www.scefilings.org](http://www.scefilings.org) and Glotrans website in the action of the Antelope Valley Groundwater Cases.
- (*STATE*) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- (*FEDERAL*) I hereby certify that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Executed on December 3, 2021, at Santa Barbara, California.



\_\_\_\_\_  
Signature  
Elizabeth Wright