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**Attorneys for:** Gene T. Bahlman, William and Julie Barnes, William R. Barnes & Eldora M. Barnes Family Trust of 1989, Thomas M. Bookman, B.J. Calandri, John Calandri, John Calandri as Trustee of the John and B.J. Calandri 2001 Trust, Son Rise Farms, Calmat Land Company, Sal and Connie L. Cardile, Efren and Luz Chavez, Consolidated Rock Products, Del Sur Ranch LLC, Steven Godde as Trustee of the Forrest G. Godde Trust, Lawrence A. Godde, Lawrence A. Godde and Godde Trust, Robert and Phillip Gorrindo, Gorrindo Family Trust, Laura Griffin, Healy Farms, Healy Enterprises, Inc., Habod Javadi, Juniper Hills Water Group, Eugene V., Beverly A., & Paul S. Kindig, Paul S. & Sharon R. Kindig, Kootenai Properties, Inc., Gailen Kyle, Gailen Kyle as Trustee of the Kyle Trust, James W. Kyle, James W. Kyle as Trustee of the Kyle Family Trust, Julia Kyle, Wanda E. Kyle, Maritorena Living Trust, Jose and Marie Maritorena, Richard H. Miner, Barry S. Munz, Terry A. Munz and Kathleen M. Munz, Eugene B. Nebeker, R and M Ranch, Inc., Richard and Michael Nelson, Robert Jones, John and Adrienne Reca, Edgar C. Ritter, Paula E. Ritter, Paula E. Ritter as Trustee of the Ritter Family Trust, Sahara Nursery, Mabel Selak, Jeffrey L. & Nancee J. Siebert, Dr. Samuel Kremen, Tierra Bonita Ranch Company, Beverly Tobias, Triple M Property FKA and 3M Property Investment Co., Vulcan Materials Co. and Vulcan Lands Inc., Willow Springs Company, Donna and Nina Wilson, Ramin Zomorodi, Genz Development and Castle Ranch Estate, **collectively known as the Antelope Valley Groundwater Agreement Association (“AGWA”)**

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**FOR THE COUNTY OF LOS ANGELES**

## ANTELOPE VALLEY GROUNDWATER CASES

Judicial Council Coordination Proceeding  
No. 4408

Included Actions:

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

Los Angeles County Waterworks District No. 40 v. Diamond Farming Co. Superior Court of California County of Los Angeles, Case No. BC 325 201 Los Angeles County Waterworks District No. 40 v. Diamond Farming Co. Superior Court of California, County of Kern, Case No. S-1500-CV-254-348 Wm. Bolthouse Farms, Inc. v. City of Lancaster Diamond Farming Co. v. City of Lancaster Diamond Farming Co. v. Palmdale Water Dist. Superior Court of California, County of Riverside, consolidated actions, Case No. RIC 353 840, RIC 344 436, RIC 344 668

**AGWA's OBJECTION TO  
DECLARATIONS SUBMITTED IN LIEU  
OF DEPOSITION TESTIMONY FOR  
PHASE IV TRIAL**

1 The Antelope Valley Groundwater Agreement Association (“AGWA”) hereby objects to  
2 any Declaration and/or any Stipulation executed by any party who has refused and/or declined to  
3 execute the Stipulations posted by AGWA members on January 31, 2013. AGWA objects to  
4 these declarations pursuant to the Court’s direction in the Second Amended Case Management  
5 Order, which directs that parties file and serve objections to declarations submitted in lieu of  
6 deposition testimony by February 28, 2013. AGWA reserves its rights to dispute the legal import  
7 of the facts stated in the declarations.

8 In addition, AGWA specifically objects to the following Declarations in Lieu of  
9 Deposition Testimony for Phase IV Trial:

10 Declaration of Steve A. Perez on Behalf of Rosamond Community Services District In  
11 Lieu of Deposition Testimony for Phase 4, filed January 30, 2013;

12 Declaration of Chad Reed In Lieu of Deposition Testimony for Phase 4 on behalf of  
13 Quartz Hill Water District, filed January 31, 2013;

14 Declaration of Adam Ariki in Lieu of Deposition Testimony for Phase 4 Trial on behalf of  
15 Los Angeles County Waterworks District No. 4, filed January 31, 2013;

16 Declaration of Brad Bones for Littlerock Creek Irrigation District’s Deposition in Lieu of  
17 Testimony for Phase 4 Trial, filed January 31, 2013;

18 Declaration of Peter Tuculet for Palm Ranch Irrigation District’s Deposition in Lieu of  
19 Testimony for Phase 4 Trial, filed January 31, 2013;

20 Declaration of Jared Scott in Lieu of Deposition Testimony for Phase IV Trial, filed on  
21 behalf of the United States January 31, 2013, as revised February 8, 2013;

22 Declaration of Gerald T. Boetsch in Lieu of Deposition Testimony for Phase IV Trial,  
23 filed on behalf of the United States January 31, 2013;

24 Declaration of Dennis Lamoreaux in Lieu of Deposition Testimony for Phase 4 Trial on  
25 behalf of Palmdale Water District, filed February 1, 2013;

26 Response and Declaration of Don Bartz for Phelan Piñon Hills Community Services  
27 District to the Court’s Order to All Parties for Disclosure of Certain Information by  
28 January 31, 2013;

Declaration of Ray Tremblay, P.E. in Lieu of Deposition Testimony for Phase IV Trial,  
offered by County Sanitation District Nos. 14 and 20 of Los Angeles County (“Sanitation  
Districts”), filed January 31, 2013.

AGWA objects to the above declarations on the grounds that the specified Public Water Supplier, United States, and Sanitation District declarations are deficient to support their claimed water use in Phase IV because they overly rely—in part or as a whole—upon unverified water meter readings to measure groundwater production. For example, the Declaration of Adam Ariki in Lieu of Deposition Testimony for Phase IV Trial, filed January 31, 2013 on behalf of Los Angeles County Waterworks District No. 40, at ¶¶ 6-7, refers to Exhibit B to District No. 40’s Responses to Discovery Order for Phase 4 Trial, which contains yearly production amounts by metered water well on District No. 40-owned properties for the designated years within the scope of this phase of trial. Such water meters are not verified by any third party, and are inherently unreliable absent corroboration and further foundation that the meters are accurate.

The other Public Water Supplier, United States and Sanitation Districts declarations similarly reference water meter records to support water use without proper foundation and without adequate explanation of how the water meters are used and calibrated, which would help ensure that parties may verify the accuracy of the meter readings.<sup>1</sup> While the Declaration of Jared Scott filed by the United States explains where water meters are located and who they are operated by, neither the Declaration of Mr. Scott nor that of Mr. Gerald Boetsch verifies that such water meters are correctly calibrated and operated. (See Declaration of Jared Scott in Lieu of Deposition Testimony for Phase IV Trial, filed January 31, 2013, ¶ 8; Declaration of Gerald T. Boetsch in Lieu of Deposition Testimony for Phase IV Trial, filed January 31, 2013, ¶ 8.) Further, while the Declaration of Peter Tuculet for Palm Ranch Irrigation District’s Deposition in Lieu of Testimony for Phase 4 Trial, filed January 31, 2013 references the fact that Palm Ranch Irrigation District uses a SCADA system for its meter readings, the Declaration offers no independent verification of the accuracy of the system’s calibrations.

The Public Water Supplier, United States and Sanitation Districts declarations AGWA objects to also fail to establish a chain of custody of the proffered meter records and fail to describe whether the agency has any system in place to ensure that meter readings are reported

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<sup>1</sup> For example, proper installation must be assured by an independent contractor representing the manufacturer. Proper maintenance must be verified by an independent contractor representing the manufacturer.

1 accurately and truthfully. At a minimum, AGWA believes the Public Water Suppliers and United  
2 States should furnish some form of corroboration to indicate the reliability of their reported meter  
3 readings, such as utility energy readings with pump tests, acreages with crop water requirements  
4 where not already provided, or other methods of water measurement. Absent such corroboration,  
5 AGWA objects to the Public Water Suppliers', Sanitation Districts', and the United States'  
6 declarations and intends to take the declarants' depositions during this fourth phase of trial.

7 AGWA reserves all rights to amend the objections herein, whether by adding, deleting, or  
8 making other modifications to these objections, including preservation of all rights to challenge  
9 any party during discovery or trial during Phase IV and all other subsequent proceedings.

10  
11 Dated: February 28, 2013

BROWNSTEIN HYATT FARBER SCHRECK, LLP



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13  
14 By: \_\_\_\_\_

MICHAEL T. FIFE  
BRADLEY J. HERREMA  
ATTORNEYS FOR AGWA

**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 18 and not a party to the within action; my business address is: 21 E. Carrillo Street, Santa Barbara, California 93101.

On February 28, 2013, I served the foregoing document described as:

**AGWA's OBJECTION TO DECLARATIONS SUBMITTED IN LIEU OF DEPOSITION  
TESTIMONY FOR PHASE IV TRIAL**

on the interested parties in this action.

By posting it on the website by 5:00 p.m. on February 28, 2013.

This posting was reported as complete and without error.

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

Executed in Santa Barbara, California, on February 28, 2013.

**LINDA MINKY  
TYPE OR PRINT NAME**

  
SIGNATURE