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Government Code § 6103

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Antelope Valley Watermaster

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

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

Judicial Council Coordination
Proceeding No. 4408

12 **ANTELOPE VALLEY**
13 **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

15 **DECLARATIONS OF WATERMASTER**
16 **BOARD IN SUPPORT OF**
17 **WATERMASTER'S OPPOSITION TO**
18 **THE PEOPLE CONCERN, INC'S**
19 **MOTION FOR ACTION AND**
20 **IMPLEMENTATION**

21 **AND ALL RELATED ACTIONS**


Date: September 19, 2023
Time: 9:00 a.m.
Dept: Courtcall

22 The Antelope Valley Watermaster hereby submits the attached declarations in support of the
23 Watermaster's Opposition to the Motion for Action and Implementation by The People Concern,
24 Inc., as agent for Barrel Springs Properties, LLC.

Respectfully submitted,

25 Dated: September 1, 2023

PRICE, POSTEL & PARMA LLP

26 By: 
27 CRAIG A. PARTON
28 CAMERON GOODMAN
Attorneys for
Antelope Valley Watermaster

1 **DECLARATION OF KATHY MACLAREN**

2 I, KATHY MACLAREN, declare as follows:

3 1. I am a member of the Board of Directors of the Antelope Valley Watermaster
4 (“Watermaster”) in the above-entitled action. I make this declaration in support of the
5 Watermaster’s Opposition to the Motion for Action and Implementation filed by The People
6 Concern, Inc. as agent for Barrel Springs Properties, LLC (the “Opposition”). All capitalized terms
7 not defined herein have the same definitions as set forth in the Opposition. I have personal
8 knowledge of the facts set forth herein, and if called upon to testify thereto, I could and would
9 competently do so under oath.

10 2. I am the duly elected and currently serving Public Water Supplier representative
11 on the Watermaster Board, and currently serve as Vice Chairperson. I am also currently serving
12 my third term as a Director of the Palmdale Water District (“PWD”), and currently serve as
13 Treasurer on PWD’s Board of Directors. I previously served two terms as a Commissioner for
14 the Palmdale Planning Commission.

15 3. I was present at the April 26, 2023 Watermaster Board meeting at which the
16 Barrel Springs application for New Production (“Application”) was considered and voted upon.
17 The Application was related to a project involving the development of a 125 acre “Farming and
18 Farmworker Housing Development Community” (the “Project”) with a water demand of 120
19 acre-feet per year. I voted not to approve the Application, and I give this declaration to explain
20 what factors I considered in casting my “no” vote, and what has transpired since April 26, 2023
21 that confirms to me that my “no” vote was amply supported by the facts and substantial evidence
22 in the record.

23 4. Prior to the April 26, 2023 Watermaster Board meeting, I carefully reviewed the
24 Watermaster Engineer’s Findings, which recommended approval of the Application. The
25 Findings contained a number of what I considered to be very concerning facts that were not
26 adequately addressed by Barrel Springs prior to the Watermaster Board’s consideration thereof.

27 5. My concerns included the potential consequences and fallout if the well proposed
28 to be constructed to serve the Project should fail, leaving 144 people using 145 proposed

1 bathrooms without a certified domestic water supply to cover their proposed 47,000 square feet
2 of buildings, and knowing that PWD had already issued a serviceability letter declining to
3 provide water to the Project unless Barrel Springs constructed the necessary infrastructure.

4 6. In addition, I did not believe the Findings thoroughly addressed such issues as: (a)
5 the fact that the Project was planned to be constructed directly on the San Andreas fault zone, (b)
6 whether the estimated ten (10) acre-feet for domestic water supply for the Project was realistic,
7 (c) the potential impact on other wells in the vicinity, (d) the proximity of the State aqueduct to
8 the Project and potential contamination of State Water Project water from build out of the
9 Project, (e) whether Replacement Water purchased by Barrel Springs would be capable of
10 recharging the Basin in the area near the point of extraction, (f) whether the Board had
11 considered and approved similar or even larger New Production applications in the past with a
12 similar domestic water demand, and (g) whether Barrel Springs would consider conditioning the
13 approval of the Project on a successful aquifer test that demonstrates sufficient capacity to meet
14 Project demands.

15 7. I voted not to approve the Application because I considered the aforementioned
16 concerns to pose a significant enough risk to the health of the Basin. These issues were
17 identifiable in the Findings, which I believed incorrectly concluded that the Project would not
18 cause Material Injury. On April 26, 2023, I believed, based on these facts, and I still believe
19 today based on these and additional facts, that the Application should be denied.

20 8. When questioned by Barrel Springs representatives at the April 26, 2023
21 Watermaster Board meeting why I voted not to approve the Application, I was not able to
22 adequately collect my thoughts to explain the bases for denial explained herein. Nevertheless,
23 my “no” vote was based on the information in the record—namely, the Findings—at the time I
24 cast my vote.

25 9. Notwithstanding my concerns, I was open to discussing these issues in a meeting
26 with Barrel Springs’ attorneys and representatives, which the Watermaster General Counsel
27 coordinated to occur on May 25, 2023. At the meeting, Barrel Springs’ attorney and
28 representatives verbally attacked me and objected to my questions about the Project, alleging that

1 Barrel Springs had already demonstrated to the Watermaster Engineer that there was no
2 possibility of Material Injury, and that I must either agree with the Findings and approve the
3 Application or expose the Watermaster to litigation.

4 10. The May 25, 2023 meeting with Barrel Springs representatives lasted
5 approximately fifteen (15) minutes, even though I along with Robert Parris, Chairperson of the
6 Watermaster Board, and Watermaster General Counsel Craig Parton, had allotted two (2) hours
7 to meet and discuss questions that Mr. Parris and I wanted addressed.

8 11. Nevertheless, Barrel Springs representatives accused me of not having legitimate
9 concerns and instead of attempting to cobble together an after-the-fact rationalization of my “no”
10 vote. After approximately fifteen (15) minutes the Barrel Springs representatives walked out of
11 the meeting, refusing to discuss our concerns any further or answer any of our questions.

12 12. Later in the day on May 25, 2023, after the meeting with Barrel Springs
13 representatives, at the request of Mr. Parris and myself Mr. Parton wrote an e-mail to counsel for
14 Barrel Springs explaining the questions that remained for Mr. Parris and me, inviting Barrel
15 Springs to resubmit the Application, and further offering to stipulate to a stay of any limitations
16 period while settlement talks went forward and waiving any fees or costs associated with
17 resubmitting the Application. It is my understanding that the May 25th e-mail from Mr. Parton
18 to counsel for Barrel Springs is attached to Barrel Springs’ motion as part of Exhibit 1. I
19 believed then and I still believe today that this gave Barrel Springs the perfect opportunity to
20 attempt to allay my legitimate concerns about the Project’s potential to have negative impacts on
21 the Basin.

22 13. Rather than accepting our good faith invitation to further dialogue and answer
23 questions, Barrel Springs failed to respond for over three weeks. After Mr. Parton followed-up
24 one week later with a request for acknowledgement of his May 25, 2023 email, Barrel Springs
25 responded two weeks later with only perfunctory comments, saying in effect: “these questions
26 were already answered and were addressed by the Engineer, and/or are irrelevant to the
27 Watermaster’s consideration of the Application.” I disagree with this characterization of our
28 questions.

14. Notwithstanding Barrel Springs' refusal to provide meaningful or substantive responses to our questions, Mr. Parris and I, through Mr. Parton, continued to express our interest in having our questions addressed, and continued the offer to re-consider the Application at the next regular Watermaster Board meeting. In response Barrel Springs requested that the Application not be reconsidered by the Watermaster, and refused to participate further in the administrative process.

15. I believed as of April 26, 2023, and I continue to believe today, that the Project has the potential to cause harm to the Basin for the reasons set forth above and in the Opposition.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration is executed on August 29th, 2023, at

Palmdale Water District

Kathy MacLaren
KATHY MACLAREN

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1 Palmdale Water District had already issued a serviceability letter declining to provide water to
2 the Project unless Barrel Springs constructed the necessary infrastructure, which I understood
3 Barrel Springs was not willing or able to construct.

4 5. In addition, I did not believe the Findings thoroughly addressed such issues as: (a)
5 the fact that the Project was planned to be constructed directly on the San Andreas fault zone, (b)
6 whether the estimated ten (10) acre-feet for domestic water supply for the Project was realistic,
7 (c) the potential impact on other wells in the vicinity, (d) the proximity of the State aqueduct to
8 the Project and potential contamination of State Water Project water from build out of the
9 Project, (e) whether Replacement Water purchased by Barrel Springs would be capable of
10 recharging the Basin in the area near the point of extraction, (f) whether the Board had
11 considered and approved similar or even larger New Production applications in the past with a
12 similar domestic water demand, and (g) whether Barrel Springs would consider conditioning the
13 approval of the Project on a successful aquifer test that demonstrates sufficient capacity to meet
14 Project demands.

15 6. In light of these concerns, had I been present at the April 26, 2023 Watermaster
16 Board meeting, I likely would have voted not to approve the Application unless these questions
17 were adequately addressed by Barrel Springs.

18 7. After discussing the Watermaster Board's denial of the Application with Director
19 Kathy MacLaren, I was nevertheless open to discussing these issues in a meeting with Barrel
20 Springs' attorneys and representatives, which the Watermaster General Counsel coordinated to
21 occur on May 25, 2023. At the meeting, Barrel Springs' attorney and representatives verbally
22 attacked Director MacLaren and objected to her questions about the Project, alleging that Barrel
23 Springs had already demonstrated to the Watermaster Engineer that there was no possibility of
24 Material Injury, and that Director MacLaren must either agree with the Findings and approve the
25 Application or expose the Watermaster to litigation. I was not given the opportunity to pursue
26 and discuss my various concerns with respect to the Project.

27 8. The May 25, 2023 meeting with Barrel Springs representatives lasted
28 approximately fifteen (15) minutes, even though we had allotted two (2) hours to meet and

1 discuss questions that we wanted addressed with respect to the Application. Nevertheless, Barrel
2 Springs representatives accused Director MacLaren of not having legitimate concerns and
3 instead of attempting to cobble together an after-the-fact rationalization of her “no” vote. After
4 approximately fifteen (15) minutes the Barrel Springs representatives walked out of the meeting,
5 refusing to discuss any further or answer any of our questions. I was shocked by this reaction to a
6 good faith offer to discuss open questions about the Project and the Application. Barrel Springs’
7 intransigence and unwillingness to work with the Watermaster continued thereafter.

8 9. Later in the day on May 25, 2023, after the meeting with Barrel Springs
9 representatives, at the request of Director MacLaren and myself Mr. Parton wrote an e-mail to
10 counsel for Barrel Springs explaining the questions that remained for Director MacLaren and me,
11 and inviting Barrel Springs to resubmit the Application, and further offering to stipulate to a stay
12 of any limitations period while settlement talks went forward and waiving any fees or costs
13 associated with resubmitting the Application. It is my understanding that Mr. Parton’s May 25th
14 e-mail is attached to Barrel Springs’ motion as part of Exhibit 1. I believed then and I still
15 believe today that this gave Barrel Springs the perfect opportunity to attempt to allay any
16 concerns about the Project’s potential to have negative impacts on the Basin.

17 10. Rather than accepting our good faith invitation to further dialogue and answer
18 questions, Barrel Springs failed to respond for over three weeks. After Mr. Parton followed-up
19 one week later with a request for acknowledgement of his May 25, 2023 email, Barrel Springs
20 responded two weeks later with only perfunctory comments, saying in effect: “these questions
21 were already answered and were addressed by the Engineer, and/or are irrelevant to the
22 Watermaster’s consideration of the Application.” I disagree with this characterization of our
23 questions.

24 11. Notwithstanding Barrel Springs’ refusal to provide meaningful or substantive
25 responses to our questions, Ms. MacLaren and I, through Mr. Parton, continued to express our
26 interest in having our questions addressed, and continuing the offer to re-consider the
27 Application at the next regular Watermaster Board meeting. In response Barrel Springs requested
28 that the Application not be reconsidered by the Watermaster, and refused to participate further in

1 the administrative process. Again, I am shocked at Barrel Springs' unwillingness to respond to
2 our legitimate questions and concerns about potential Project impacts.

3 12. In its Reply to the Watermaster's Opposition, Barrel Springs points out that two
4 New Production applications were recently approved by the Watermaster requesting more water
5 than Barrel Springs requested in the Application: Long Valley Road, L.P. ("Long Valley") in the
6 amount of 300 acre-feet on February 23, 2023, and Ron Banuk ("Banuk") in the amount of 215
7 acre-feet on June 28, 2023. I do not believe either of these New Production approvals are
8 relevant to or set a precedent for Barrel Springs' Application, which remains a case of first
9 impression for the Watermaster.

10 13. Long Valley's New Production application is distinguishable from Barrel
11 Springs' Application because Long Valley is a Party to the Judgment in a well-known area of the
12 Basin with an existing well that has a demonstrated history of producing a large amount of
13 groundwater on an annual basis. There were no questions about Long Valley's New Production
14 impacting the area around it (in part because Long Valley's production has been ongoing at that
15 rate for so long), and Long Valley's use is not domestic, so there is no threat of a Public Water
16 Supplier having to step-in and pick up the pieces if Long Valley's well becomes unproductive—
17 Long Valley would just be forced to shut down their farm or apply for transfer water.

18 14. Banuk's New Production application is likewise distinguishable because Banuk's
19 well is located in a well-known area of the Basin with adequate hydrological data, and Banuk did
20 not propose to use the New Production for domestic use (the water is to be used for dust
21 abatement relating to land adjacent to Banuk being constructed to be a solar farm). In contrast,
22 Barrel Springs' Application relates to housing for 144 people, with an unproven record of
23 groundwater pumping capability, and if Barrel Springs' well cannot meet its domestic treated
24 water demand, a public health disaster will ensue and Palmdale Water District will potentially be
25 forced to provide water to Barrel Springs. At worst, if Banuk's well fails to produce enough
26 water, the neighboring solar facility will have to find dust control water from another source.

27 15. I believed as of April 26, 2023, and I continue to believe today, that the Project
28 has the potential to cause harm to the Basin for the reasons set forth above and in the Opposition.

1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct, and that this declaration is executed on August 29th, 2023, at
3 Vancouver, Washington

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5 ROBERT PARRIS
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DECLARATION OF RUSS BRYDEN

I, RUSS BRYDEN, declare as follows:

1. I am a member of the Board of Directors of the Antelope Valley Watermaster (“Watermaster”) in the above-entitled action. I make this declaration in support of the Watermaster’s Opposition to the Motion for Action and Implementation filed by The People Concern, Inc. as agent for Barrel Springs Properties, LLC (the “Opposition”). All capitalized terms not defined herein have the same definitions as set forth in the Opposition. I have personal knowledge of the facts set forth herein, and if called upon to testify thereto, I could and would competently do so under oath.

2. I am the duly elected and currently serving Los Angeles County Waterworks District No. 40 (District 40) representative on the Watermaster Board. I am Assistant Deputy Director at District 40.

3. I was present at the April 26, 2023 Watermaster Board meeting at which the Barrel Springs application for New Production (“Application”) was considered and voted upon. The Application was related to a project involving the development of a 125 acre “Farming and Farmworker Housing Development Community” (the “Project”) with a water demand of 120 acre-feet per year. I voted to approve the Application, however in hindsight, now that I have been made aware of Directors MacLaren’s and Parris’ questions and concerns regarding the Engineer’s Findings, and now knowing Barrel Springs’ intransigence and unwillingness to respond in any meaningful way to the Watermaster’s follow-up questions and offer to reconsider the Application, I am no longer certain I would vote to approve the Application.

4. I believe the list of follow-up questions generated by Director MacLaren and Director Parris must be answered completely by Barrel Springs, and the Watermaster Board and the Watermaster Engineer must be given an opportunity to more fully evaluate those questions—beyond what is set forth in the Findings—before the Watermaster Board can make an informed decision on whether to approve the Application.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration is executed on August 31, 2023, at ALHAMBRA, CA.



RUSS BRYDEN

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA

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

5 On September 1, 2023, I served the foregoing document described **DECLARATIONS OF**
6 **WATERMASTER BOARD IN SUPPORT OF WATERMASTER'S OPPOSITION TO THE**
7 **PEOPLE CONCERN, INC.'S MOTION FOR ACTION AND IMPLEMENTATION** on all
interested parties in this action by placing the original and/or true copy.

8 ☒ **BY ELECTRONIC SERVICE:** I posted the document(s) listed above to the Santa Clara
9 County Superior Court Website @ www.scefilings.org and Glotrans website in the action of
the Antelope Valley Groundwater Cases.

10 ☒ (*STATE*) I declare under penalty of perjury under the laws of the State of California that
11 the foregoing is true and correct.

12 ☐ (*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.

13
14 Executed on September 1, 2023, at Santa Barbara, California.

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17 Signature
Elizabeth Wright