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Government Code § 6103

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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**
14 **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 **DECLARATION OF CRAIG A. PARTON**
16 **IN SUPPORT OF WATERMASTER'S**
17 **CLOSING BRIEF IN OPPOSITION TO**
18 **THE PEOPLE CONCERN, INC'S**
19 **MOTION FOR ACTION AND**
20 **IMPLEMENTATION**

21

AND ALL RELATED ACTIONS

Hearing Date: October 18, 2023
Time: 9:00 a.m.
Dept: 3

21 I, CRAIG A. PARTON, declare as follows:

22 1. I am a partner in the law firm of Price, Postel & Parma LLP ("PPP"), counsel of
23 record for Antelope Valley Watermaster ("Watermaster") herein. I have personal knowledge of
24 the matters set forth below and if called as a witness could testify competently thereto.

25 2. I have served as the principal attorney responsible for providing general counsel
26 and litigation services to the Watermaster since November 2017, and I have been intimately
27 involved in the ongoing dispute with Barrel Springs related to its Motion to compel approval of
28 its application for New Production.

Exhibit A

Transcript of Proceedings

October 18, 2023

Antelope Valley Groundwater Cases [JCCP No. 4408]



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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT

Coordination Proceedings,	)	Judicial Council
Special Title (Rule	)	Coordination Proceeding
1550(b))	)	No. 4408
)	
	)	Santa Clara Case No.
ANTELOPE VALLEY	)	1-05-CV-049053
GROUNDWATER CASES)	
	)	Assigned to the Hon.
	)	Jack Komar, Judge of the
	)	Santa Clara Superior
	)	Court
<hr style="width: 50%; margin-left: 0;"/>)	
AND ALL RELATED)	
ACTIONS	)	LASC Case No. BC 325201

EVIDENTIARY HEARING
TRANSCRIPT OF PROCEEDINGS

Wednesday, October 18, 2023

REPORTED BY:
ANGELA KOTT, CSR 7811
JOB NO: 10129140

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A P P E A R A N C E S

FOR ANTELOPE VALLEY WATERMASTER:

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ALSO PRESENT:

ROBERT PARRIS, Antelope Valley Watermaster Board
Chair

JOHN MACERI, CEO of The People Concern

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1 WEDNESDAY, OCTOBER 18, 2023 9:06 AM

2 MORNING SESSION

3 ---oOo---

4 THE COURT: All right. This is a motion by
5 the people designating themselves as the Agent for
6 Barrel Springs seeking to enforce a recommendation by
7 the Watermaster Engineer to authorize the water
8 production on their property.

9 There are a lot of questions here, obviously.
10 There's a lot of evidence that's been submitted by
11 both parties, but the request for the evidentiary
12 hearing presumably was for purposes of providing some
13 cross-examination -- I'm assuming that was the
14 reason -- of one of the Watermaster board members.

15 Is that accurate?

16 MS. HUMMER: Yes, Your Honor.

17 THE COURT: Okay. And let's have everybody
18 state their appearances for the record, just for the
19 purposes of the record.

20 MS. HUMMER: Rosslyn Hummer on behalf of The
21 People Concern as Agents of Barrel Springs Properties,
22 LLC, the moving party.

23 MR. MACERI: John Maceri, the CEO of The
24 People Concern.

25 THE COURT: I'm sorry. I did not hear you.

1 MR. MACERI: John Maceri, the CEO of The
2 People Concern.

3 THE COURT: Okay.

4 MR. PARTON: Good morning, Your Honor. Craig
5 Parton for the Antelope Valley Watermaster. I have
6 with me the chair of the board, Rob Parris.

7 And Kathy MacLaren is in the audience, Arden
8 Wells from Todd Groundwater by subpoena, and
9 Mr. Joshua Montoya by subpoena.

10 THE COURT: All right. There are a lot of
11 issues here that are probably going to have to be
12 addressed by counsel at some point. But at this
13 point, let's take the witnesses, have them sworn, and
14 proceed from there.

15 MR. PARTON: Your Honor, one quick matter. I
16 just talked to counsel before we started. And I think
17 we have agreement on stipulating to the admissibility
18 of all the exhibits. So I believe we have that
19 agreement.

20 MS. HUMMER: Yes, Your Honor.

21 THE COURT: So stipulated?

22 MS. HUMMER: So stipulated. Yes.

23 MR. PARTON: I have two volumes to give to
24 the clerk, if it is okay.

25 THE COURT: Okay. In addition to that,

1 Q. Did you graduate from Herbert Hoover High
2 School?

3 A. Yes.

4 Q. When did you graduate?

5 A. I want to say '76.

6 Q. 1976?

7 A. Yes.

8 Q. And then it also indicates on the next page
9 some information about your professional functions,
10 correct?

11 Does it show you as a director of Division 4
12 at Palmdale Water District?

13 A. Yes.

14 Q. And underneath that it says studied at Los
15 Angeles Trade Technical College?

16 A. Yes.

17 Q. Did you take a degree from LA Trade Tech?

18 A. I got a labor study certificate.

19 Q. What is a labor study certificate?

20 A. It's 24 units in labor studies.

21 Q. Have you taken any kind of a certificate in
22 hydrogeology?

23 A. No.

24 Q. Have you taken any kind of a certificate in
25 geology?

1 A. No.

2 Q. Have you taken any geology classes?

3 A. Yes.

4 Q. Which geology classes did you take?

5 A. Just basic geology.

6 Q. When did you take it?

7 A. In -- I think it was in high school.

8 Q. You took basic geology at Herbert Hoover High
9 School?

10 A. To the best of my recollection, I have taken
11 geology in some sort of a general ed.

12 Q. Since becoming a member of the Antelope
13 Valley Watermaster board, have you done any coursework
14 in hydrogeology?

15 A. No.

16 Q. Have you done any coursework in geology?

17 A. No.

18 Q. Have you tutored with any of the Watermaster
19 engineering staff on hydrogeology?

20 A. No.

21 Q. Have you tutored with any of the Watermaster
22 engineering staff on geology?

23 A. No.

24 Q. And currently you're the vice chairman, or
25 vice chairperson, of the Antelope Valley Watermaster

1 board, correct?

2 A. Yes.

3 Q. And how long have you been the vice
4 chairperson?

5 A. I think two -- two years, maybe a little bit
6 longer. COVID kind of side -- kicked in the middle of
7 there.

8 Q. So is it fair to say that you became vice
9 chairperson before COVID?

10 A. I don't -- I don't recollect.

11 Q. Well, certainly since COVID has waned and
12 people are heading back into the office, you've been
13 the vice chairperson.

14 Is that correct?

15 A. Yes.

16 Q. Now, we're here today to talk about the
17 Barrel Springs property. Is Barrel Springs property,
18 is the property located in the Palmdale Water District
19 service area?

20 A. It -- we have a serviceability letter saying
21 that it is.

22 MS. HUMMER: Move to strike as nonresponsive,
23 Your Honor. It's a yes or no question.

24 THE COURT: I'm not going to strike that at
25 this point. Keep going.

1 BY MS. HUMMER:

2 Q. Do you serve on the Palmdale Water District
3 board?

4 A. Yes.

5 Q. So is it your understanding, apart from the
6 serviceability letter, that the Barrel Springs
7 property is in the Palmdale Water District service
8 area?

9 A. I think it borders -- borderlines. That's
10 why I answered the way I did the first time.

11 So I think it's -- we would be servicing it,
12 but I think that it partially is in LA County.

13 Q. So your testimony is that part of the
14 property you believe is within the boundaries of
15 Palmdale Water District and part of it is with -- out
16 of those boundaries?

17 A. Yes.

18 Q. Does Palmdale Water District service
19 properties -- other properties that are on the
20 borderline like that?

21 A. Yes.

22 Q. And how is the decision taken for Palmdale to
23 provide the utility service as opposed to the county?

24 A. I'm not sure how that is decided.

25 Q. Would you please turn to Exhibit 16.

1 Now, the Watermaster board has seats
2 allocated based on various criteria, correct?

3 THE COURT: Has allocated what?

4 MS. HUMMER: Seats, Your Honor.

5 BY MS. HUMMER:

6 Q. There are board seats that are designated for
7 certain stakeholders, correct?

8 A. Correct.

9 Q. And you represent the public producers? Let
10 me withdraw the question. It's a Southern California
11 term.

12 You represent public water suppliers,
13 correct?

14 A. Yes. That's what was throwing me off, the
15 producers as opposed to public water suppliers.

16 Q. Understood. There's a lot of terminology.
17 And if you don't understand my question, let me know
18 and I'll try to ask a better one.

19 And you understand that your duties on the
20 Antelope Valley Watermaster board are governed by the
21 judgment and physical solution entered by the Court,
22 correct?

23 A. Yes.

24 Q. When was the last time you read the judgment
25 and physical solution?

1 A. Yes.

2 Q. Before the January 2023 Antelope Valley
3 Watermaster board meeting?

4 A. I said I've reviewed it several times over
5 the course, so some of those times were definitely
6 before January.

7 Q. Let me rephrase.

8 Did you review the rules and regulations as
9 they relate to new production applications before the
10 January board meeting because you were having a board
11 meeting?

12 A. No.

13 Q. Same question: Did you review the rules and
14 regulations regarding new production applications
15 before the April board meeting, April 2023, because
16 you were having a board meeting?

17 A. I think I did. I was doing a lot of
18 research. I do believe that I moved on something that
19 had that language.

20 Q. Did you discuss your research with anyone
21 before the April 26, 2023, board meeting?

22 A. I discussed it numerous times with my general
23 manager.

24 Q. Who is your general manager?

25 A. Dennis LaMoreaux.

1 Q. Dennis LaMoreaux is the general manager of
2 Palmdale Water District, isn't he?

3 A. Yes. He's also the chair of the advisory
4 board.

5 Q. But he's not the general manager of the
6 Antelope Valley Water District, is he? Watermaster,
7 I'm sorry.

8 A. No.

9 Q. So you discussed the Antelope Valley
10 Watermaster rules and regulations with Dennis
11 LaMoreaux in his capacity as the chair of the advisory
12 committee.

13 Is that correct?

14 A. As a public water supplier, since I represent
15 the public water suppliers, when I have questions or I
16 do research, I do -- we do have meetings usually
17 either the week before or the third Monday with all
18 the public water suppliers.

19 Q. And that is before the Antelope Valley
20 Watermaster board meeting, correct?

21 A. Correct.

22 Q. Did you ever exchange e-mails with anybody
23 ahead of the Antelope Valley Watermaster board
24 meetings with any of the producers?

25 A. I don't recollect doing -- I don't know if

1 that if I was to explain further than those bullet
2 notes, it would be very hard for a layperson to say,
3 you know, what those deposits are called, you know, to
4 elaborate.

5 Q. So this bullet point list, when you were
6 wrapping up the meeting, included bullet points
7 relating to the Barrel Springs Properties' new
8 production application?

9 A. They were my reasons for why I was unable to
10 give a "Yes" vote.

11 Q. Are those bullet points now memorialized in
12 your declaration?

13 A. What is memorialized in my declaration is
14 more of what happened after we met again, thinking
15 that we were able to have a conversation and maybe
16 work together on finding how some of those questions
17 could be answered.

18 One of my things that was very important to
19 me, that in the fact that we need all five to vote,
20 one of the things when I knew there were things that
21 were very complex to me, I was looking forward to
22 asking for the possibility of doing the test well.

23 But that was already taken off -- taken
24 basically off because of the prior discussion that
25 Barrel Springs gave before that vote.

1 Q. Isn't it true, Ms. MacLaren, that the idea of
2 the test well was considered and rejected by the
3 Watermaster Engineer is not being something that the
4 rules and regulations or the judgment allowed the
5 Watermaster to require?

6 A. So my understanding of our whole thing that
7 Mr. -- our Judge has done, I look at the -- I look a
8 little bit different at the judgment than my other
9 board members.

10 I look at the judgment of what my Watermaster
11 Engineer is giving to me is information that I can
12 decipher, and whether -- I still have the discretion
13 to not agree with that or feel that there's still
14 complex issues that have not been answered to the
15 degree I need when I am taking this as a very
16 important decision that I have researched and tried to
17 understand, that I did not feel that all my questions
18 were being answered where I could give a "Yes" vote
19 without the test well.

20 That was going to be one of my things, but I
21 did get an opportunity to do that.

22 Q. Ms. MacLaren?

23 A. Yes.

24 Q. It's your testimony that you have discretion
25 to overrule the Watermaster Engineer's determination

1 on whether or not a test well can be required.

2 Is that your testimony?

3 A. If I think I understand the reason for the
4 board, is that we are to look at that, but that is not
5 to make the final decision. That is why we have board
6 members to make that decision.

7 So yes.

8 Q. And you have that discretion to require a
9 test well even though the Watermaster Engineer, in
10 concert with counsel to the Watermaster, made the
11 determination that a test well could not be required
12 for Barrel Springs Properties.

13 Is that your testimony?

14 A. So part of what you said in your question,
15 you mentioned about the test well. I'm saying my
16 discretion is to be able to vote no if I do not
17 believe upon a shadow of a doubt that I'm causing harm
18 to the basin.

19 This is something that is a very, long, hard
20 fought thing that we have all gone through, and these
21 decisions cannot be taken lightly.

22 Q. Where in the judgment and physical solution
23 does it say you have to have evidence beyond a shadow
24 of a doubt before you can approve a new production
25 application?

1 by Barrel Springs Properties' proposed well?

2 A. I think in having discussions with Phyllis,
3 that that -- that may not necessarily be true, that
4 there is a well that we don't have the information on.

5 And that was part of what, in our discussions
6 with them, that we were asking for other things, that
7 Phyllis had made it very clear that we don't have all
8 the information that we could use to safely and
9 further demonstrate yes or no, if this well would
10 work.

11 Q. What do you mean by "this well would work"?

12 A. Well, what really concerns me is we have a
13 similar situation already on another street where we
14 don't have the tie-in where there's a well.

15 And it has 52 mobile homes on it. Their well
16 has gone dry. We have now been working with the
17 Department of Water Resources for several years to
18 consolidate that. Those people living in those homes
19 now are on trucked water.

20 So we need to be sure. And I would like to
21 have more information on all the wells around there.
22 So we were actually hoping in talking and working --
23 and I'm all about let's figure this out. Let's sit
24 down. Let's talk about it. Let's brainstorm.

25 But it has to be where we're all working

1 together to make this happen, to make sure there is no
2 mistakes made.

3 Our basin is clean. And it's all we have.
4 We're a closed basin. So we make a mistake on a well
5 or doing something like that, it could be catastrophic
6 for our whole area. It is not something I take
7 lightly.

8 And I do believe there could have been more
9 information that we could have got. And that's why,
10 in all seriousness, we put that back on to bring it
11 for us -- forward to us again, to look at this again
12 and ask those questions and work with Barrel Springs,
13 but they didn't take that opportunity.

14 Q. Ms. MacLaren, I have one more question before
15 we take our morning break. And that is, you testified
16 that you were concerned that if the well failed, it
17 would harm the basin.

18 Do you recall that testimony?

19 A. Yes. And I'm very concerned that I would be
20 the water district overtaking that to make sure that
21 those people that we put out there are not living in a
22 substandard area, that we already have people in our
23 water district now.

24 Q. Ms. MacLaren, how does the well failing harm
25 the groundwater basin?

1 Arden could explain that better, but I saw
2 inconsistencies in -- in like this geological and
3 hydrological setting from what was discussed.

4 **Q. So is it your position that you voted no**
5 **because you distrusted the Watermaster Engineer's**
6 **findings?**

7 A. I would definitely not say that I distrusted.
8 In things like this, there's different opinions, I do
9 believe, because something -- until it exactly
10 happens, and even then.

11 So I think there's different opinions. I
12 would say your opinion from your expert was definitely
13 different than their opinion. And my opinion in
14 reviewing both, this is complex -- these are very
15 complex issues. Everything to do with this is not
16 just a yes or no. It's very complex.

17 **Q. What did you do to resolve these complexities**
18 **between January 11, 2023, and April 26, 2023?**

19 A. I had lots of different conversations. I
20 used to be a planning commissioner, so I reviewed some
21 of the projects that were around this area.

22 There was a very big project that was further
23 north to this, right off to the side. It was supposed
24 to be a big college -- Antelope Valley College. I
25 forgot what they called it. And it had houses and

1 Q. Give me an example of what you don't have.

2 A. We don't have data from surrounding wells.

3 We don't have data -- we have some data, but it looks
4 like, for whatever the deposits are called, that you
5 possibly could not recharge in that area because of
6 the -- I want to say the word accuvial [sic]
7 underlining --

8 Q. Ms. MacLaren, isn't it --

9 MR. PARTON: Your Honor, can she complete her
10 response?

11 THE COURT: All right. Go ahead. Finish
12 your answer.

13 THE WITNESS: So it's not a matter of having
14 the question. All the information that I need is
15 here. And there are many things that are left kind of
16 open-ended or that we are assuming that it will not
17 cause this or what the other effects are.

18 I took many times reading that, researching
19 any words, what those deposits look like, what that
20 means. And I was concerned because pumping out of
21 that area, it -- it looks like there might not be a
22 way to put the water back in that area to re --
23 sufficiently recharge that area.

24 BY MS. HUMMER:

25 Q. Ms. MacLaren, where in the judgment and

1 physical solution does it say that recharge has to go
2 back at the location of the well?

3 A. I'm not saying that's what the judgment says.
4 I'm saying as a person who is in charge of the health
5 of the basin, you should be concerned where wells are
6 put if there cannot be sufficient recharge, because
7 subsidence is something that is a very serious,
8 serious issue.

9 Subsidence can cause other wells to have
10 issues and fail. It can cause other homes to have
11 issues. It can cause roads to have issues.

12 There's so many complexities to everything in
13 there, and it wasn't -- it wasn't -- I think you're
14 trying to portray it as, because I can't have any
15 questions about it that I -- I didn't do my due
16 diligence.

17 And I assure you, and I assure you, Judge,
18 that I have done my due diligence in looking at
19 everything, taking -- many, many years -- I've been
20 involved with this for many, many years. Working to
21 get us even to a point where we were able to make the
22 Watermaster to have -- have this ability to keep our
23 basin's health.

24 You know, I don't know what else to say. In
25 retrospect, there are probably things I could have

1 uncertainty."

2 Right there it says that there's uncertainty.
3 And they are recommending that the Watermaster require
4 the applicant to conduct an aquifer test on the new
5 well for an improved understanding, which is what
6 we're saying here.

7 We don't totally understand everything -- of
8 all of our aquifer conditions, all of our wells, we
9 don't understand, including the lithological data,
10 construction information and test results. All these
11 things should be provided to the Watermaster.

12 That is a good thing right there. And kind
13 of this is how I did before my vote. If I were to sum
14 up before we vote and what we're talking about here,
15 given the local hydrological uncertainties, there's
16 uncertainties. It says it right there.

17 MS. HUMMER: Your Honor, there's a lot packed
18 into this paragraph. Maybe we can take things one at
19 a time?

20 THE COURT: Say it again.

21 MS. HUMMER: There's a lot packed into this
22 paragraph on page 4. Maybe we can take things one at
23 a time?

24 THE COURT: Well, maybe we can ask her a
25 question.

1 A. Actually, I had in here, like a calculation.
2 It was on some theory. I can't remember the name of
3 the theory off the top of my head that they used. Let
4 me try and find it.

5 I don't know if this is the right one,
6 aquifer properties based on driller's report. That
7 one was on calculated drawdown. I might have it
8 somewhere in my notes.

9 But I couldn't tell you right off the top of
10 my head exactly how they did that calculation, but I
11 know we discussed it in our meetings. And I think we
12 even discussed it with Phyllis over the phone after
13 that meeting on the calculations. And we came to the
14 fact that they could -- and that was after the
15 meeting -- possibly do it within the ten acre feet
16 that they were saying, with all those measures and
17 everything.

18 But the day that I took that vote, there was
19 uncertainty.

20 Q. So you believe there was uncertainty in
21 whether or not the calculation was sufficient to
22 supply the domestic water needs of the project even
23 though the Watermaster Engineer had determined that
24 the project could be approved -- that the new
25 production application could be approved?

1 That isn't -- that was one of the words that
2 was used in our discussion. But now that you're
3 saying it and how it sounds, that probably isn't a
4 good terminology.

5 I just will go back to saying that we need to
6 further communicate so that we are understanding where
7 they are coming from and how it could help us make the
8 decision.

9 But the definite thing we learned from that
10 was some of them thought they did -- and that's where
11 that came in -- that they didn't have wiggle room also
12 to vote no with me.

13 Now, after we've had the ruling by him and
14 reminding us that they do understand, that just like
15 me, that they could have voted no also.

16 **Q. "They" being the Watermaster Engineer?**

17 A. Other directors.

18 **Q. Including directors that weren't at the**
19 **hearing?**

20 A. The other ones that weren't at the hearing --
21 yes, in our overall discussion, we have had
22 discussions with other ones that were not at the
23 hearing, for them to understand that the way this is
24 set up is we take the information, we utilize it to
25 the best of our ability, but still we as board members

1 have the discretion, have the ability to disagree with
2 the findings and do like I concluded that day and
3 voted no.

4 Q. But isn't it true, Ms. MacLaren, that your no
5 vote requires some backup information, some evidence
6 to support it?

7 MR. PARTON: Objection. Calls for a legal
8 conclusion.

9 THE COURT: Sustained.

10 BY MS. HUMMER:

11 Q. I want to come back to the January to April
12 timeframe. I don't think we have clear testimony on
13 this.

14 What did you do between the January meeting
15 where the Watermaster Engineer presented its findings,
16 finding no material injury, and April 26th to allay
17 concerns or find out information or do what you needed
18 to do in order to be able to -- to be able to approve
19 the new production application?

20 A. I drove up to the site. I talked to
21 commercial Realtors in our area. I talked to vice
22 mayors of Lancaster, which I represent. Talked to
23 city managers of Palmdale that I represent.

24 I talked to everybody in our -- in our group
25 that -- which is Waterworks, Quartz Hill Water

1 WEDNESDAY, OCTOBER 18, 2023 1:05 PM

2

3

AFTERNOON SESSION

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5

THE COURT: Good afternoon, everybody. We
6 can have Ms. MacLaren back on the stand.

7

MR. PARTON: Yes, thank you.

8

THE COURT: Ms. MacLaren, you're still under
9 oath.

10

THE WITNESS: Yes.

11

CROSS-EXAMINATION

12

BY MR. PARTON:

13

Q. Good afternoon, Ms. MacLaren.

14

A. Good afternoon.

15

Q. Very briefly, I wanted to have you recollect
16 or refresh a recollection about the boards that you
17 serve on.

18

It's Palmdale Water District, right?

19

A. Correct.

20

Q. Is that an elected position or an appointed
21 position?

22

A. That is elected.

23

Q. And you've also been on the planning
24 commission on Palmdale?

25

A. Yes. The City of Palmdale planning

1 commissioner.

2 Q. Is that elected or appointed?

3 A. That is appointed by -- it used to be
4 appointed by the mayor. Now it's the whole city
5 council.

6 Q. How long have you been in that position?

7 A. I did two terms there.

8 Q. Okay. And you're the vice chair of the
9 Antelope Valley Watermaster, correct?

10 A. Yes.

11 Q. In your positions as planning commissioner,
12 the City of Palmdale Water District and other boards,
13 have you reviewed technical reports before?

14 A. Yes. Many times.

15 Q. And you've analyzed technical issues before,
16 correct?

17 A. Yes.

18 Q. And you say "many times." How many would you
19 estimate, technical reports for the planning
20 commission, the water district and the Antelope Valley
21 Watermaster have you reviewed?

22 A. So at least maybe 1- or 200.

23 Q. When did you -- strike that.

24 The Todd findings of January 11, 2023, you're
25 familiar with those, right?

1 A. Yes.

2 Q. When did you first review them?

3 A. For the January 20th?

4 Q. Yes.

5 A. Usually back in that time, the third Monday
6 of the month and when we get -- whenever we get the
7 packet, I always read through the packet and then I
8 will study anything that I need to study in
9 preparation for the briefing with the public water
10 suppliers.

11 Q. So the January 25, 2023, board meeting of the
12 Antelope Valley Watermaster, was the report from Todd
13 Groundwater, the findings as to Barrel Springs,
14 contained in that agenda?

15 A. Yes.

16 Q. And you -- to the best of your recollection,
17 that's the first time you reviewed it, correct?

18 A. Yes.

19 Q. And then you had approximately three months,
20 right, until you voted on it?

21 A. Yes.

22 Q. And during that three months, did you read
23 the report again?

24 A. I'm going to say ad nauseam. No.

25 Yes, I read it and researched and

1 contemplated on different things after reading it.

2 Q. And then the vote was taken on April 26th,
3 2023?

4 A. Yes.

5 Q. With respect to the new production
6 application of Barrel Springs, right?

7 A. That is correct.

8 Q. Okay. What else -- I understood from your
9 testimony you talked to people about the Barrel
10 Springs application and you've testified to that.

11 You spent -- is that correct?

12 A. Yes.

13 Q. And you spent how many hours reviewing the
14 report itself?

15 A. I would say ten hours.

16 Q. Okay. And what else did you do to satisfy
17 yourself with respect to that report of Todd
18 Groundwater on January 11, 2023?

19 A. Yeah, I would say that I had conversations
20 with my manager and city managers both, because they
21 are engineers.

22 So what I might look at in one way, even
23 though, you know, that's through Palmdale Water
24 District and not the Watermaster, they still are
25 engineers and, you know, they could answer some other

1 questions in my mind. I think they are a good source,
2 as well as knowing all the issues, like the proximity
3 to the aquifer and different things like that.

4 Q. And my understanding from your testimony is
5 that you drove to the Barrel Springs site.

6 Is that right?

7 A. Yes. I drove there two times just
8 specifically to look at that. I have a four-wheeler
9 and I have a Jeep and that is like one of the areas
10 that I usually frequent.

11 I live on 40th Street now, and that's usually
12 a way that I go up into that area when I take a nice
13 Jeep drive for relaxation.

14 Q. Let me shift gears for a moment. I want
15 you -- the topic is the advisory committee to the
16 Antelope Valley Watermaster.

17 Do you understand that the advisory committee
18 is set up in the judgment?

19 A. Yes. I understand the importance of the
20 advisory committee. And not always do we still find
21 exactly the way they vote, but you must take
22 everything that they look at into very serious -- you
23 seriously have to look at what they are saying and
24 what they are feeling.

25 And I think that's one way that -- it's one

1 "No," and five "Abstain."

2 Q. Okay. But this is in relation to the
3 advisory committee, not the full board, correct?

4 A. Correct.

5 Q. And you know that by looking at page 27?

6 A. Yes.

7 Q. The first page indicates --

8 A. Yeah, this is the agenda.

9 Q. This is the advisory committee agenda?

10 A. Report.

11 Q. Report, okay. There was a motion and a
12 second and a vote, three "Yes," one "No," five
13 "Abstain."

14 Do you see that?

15 A. Yes.

16 Q. In your experience with the board of the
17 Antelope Valley Watermaster, have you ever seen as
18 divisive of a vote amongst the advisory committee on
19 any issue?

20 A. Never.

21 Q. I want to have you turn to Exhibit 78.

22 (Exhibit 78 received in evidence.)

23 BY MR. PARTON:

24 Q. Exhibit 78 is an e-mail to Claire Collins
25 from myself dated May 25, 2023.

1 it.

2 BY MR. PARTON:

3 Q. Okay. You had a discussion with Mr. Knudson,
4 Mr. Parris, myself and you on May 25, correct?

5 A. Yes.

6 Q. And had there been a meeting of the parties
7 before this?

8 A. Yes.

9 Q. And the result of that meeting, did the group
10 take any action with respect to directing a letter be
11 sent to the representative from Barrel Springs?

12 A. Yes. After discussing among ourselves, as
13 well as talking with Phyllis Stanin, we compiled some
14 things that we would like to put forward to Barrel
15 Springs to do a reconsideration of their application.

16 And so we went over several different things.
17 And these were the items that we all agreed upon that
18 we wanted them to give us some more information to
19 help us reconsider their application.

20 Q. And this letter purports to request and ask
21 Barrel Springs if they would consider a resubmittal of
22 their application.

23 Is that right?

24 A. Yes. And we were -- we were hoping with
25 that, that we were opening up being welcome to, you

1 know, written comments, anything that they could give
2 us on these subjects in advance of the meeting so that
3 we could even, you know, refine the matter and have
4 that information even before we have the meeting for
5 the reconsideration.

6 So I thought it was a really good way to try
7 to open it up and giving them every opportunity to
8 answer some of these questions.

9 Q. And did you approve of the form of the
10 letter, Exhibit 78, before it was sent to Barrel
11 Springs' --

12 A. Yes.

13 Q. -- counsel? Okay.

14 And is this letter -- was it responded to?

15 MS. HUMMER: Objection. It's not a letter.

16 BY MR. PARTON:

17 Q. Was this e-mail responded to?

18 A. I don't think we got an e-mail response from
19 them.

20 Q. Well, look at Exhibit 79, Ms. MacLaren.

21 (Exhibit 79 received in evidence.)

22 BY MR. PARTON:

23 Q. It's an e-mail -- purports to be an e-mail
24 from Craig Parton to Claire Collins dated Friday
25 June 2, more than a week after Exhibit 78 was sent.

1 conversations she may have had with other people about
2 any part of this, unless you can establish some
3 relevance of it.

4 MS. HUMMER: I understand. I agree we need
5 to focus on Ms. MacLaren's decision-making. But she's
6 testified that she talked to all these different
7 people as part of her doing her research and due
8 diligence. So that's why I've gotten into this line
9 of questioning.

10 If Your Honor would like me to move on, I
11 will move on.

12 THE COURT: There's no question that we do
13 have a report from the Watermaster Engineer that is
14 somewhat equivocal in terms of the data upon which the
15 recommendation is based.

16 That seems to me, that gives rise to a
17 serious question for the board member as to whether or
18 not they can endorse the recommendation from their
19 employee.

20 And so far, we've not heard any other
21 evidence as to what's going to fill in the blanks, and
22 there are a lot of blanks.

23 So you might address that.

24 MS. HUMMER: Your Honor, Ms. MacLaren has
25 testified that she didn't talk to the engineer.

1 THE COURT: She read the report, and based
2 upon the report, she's testified that she had
3 reservations about the data that was missing and what
4 impact that would have on the aquifer, which the board
5 obviously has a responsibility to address.

6 MS. HUMMER: Understood, Your Honor.

7 BY MS. HUMMER:

8 Q. Ms. MacLaren, let's focus on Exhibit 78 where
9 the list of concerns about data gaps, shall we call
10 them, is discussed.

11 Do you have that in front of you?

12 A. Yes.

13 Q. Did you do anything to double-check the
14 arithmetic on item number one?

15 A. I personally did not take a calculation, but
16 we did talk to Phyllis. And I don't remember actually
17 if she did calculations right there in discussing it,
18 but we did -- I didn't personally take my own
19 calculations.

20 Q. Did you obtain recalculations of the water
21 use calculations that were included in the new
22 production application?

23 A. Like I said, I remember talking to -- I
24 remember distinctly talking to Phyllis of all these
25 questions, but I -- and Arden was on there -- but I

1 response to a Public Records Act request from the
2 Watermaster last week, I asked that the engineering
3 staff be here, and they are here as well.

4 THE COURT: You're talking about engineering
5 staff from Todd?

6 MS. HUMMER: Correct, Your Honor. Ms. Wells
7 is here, and I believe Ms. Stanin is here as well.

8 THE COURT: Well, it seems to me that the
9 record is pretty clear as to what the concerns were
10 and what the reason was, at least from Ms. MacLaren,
11 why she voted the way she did.

12 And certainly what happened after that or
13 even before that is also pretty clear.

14 There's -- from what I've heard from the
15 evidence, there's an absence of a lot of information
16 that was not contained -- not known by the engineer at
17 the time the report was prepared, which led to the
18 conclusion that they came to.

19 Where we go from there, the issue here is
20 whether or not the board acted within its powers and
21 within the confines and the limits of the judgment in
22 making its decision with regard to this application.
23 Okay.

24 There are questions that I have in my own
25 mind about the status of Barrel Springs, as either a

1 that there is. And I don't think that would be in a
2 proper approach, in any event, given this procedure.

3 The aquifer has been found to be an
4 overdraft.

5 MS. HUMMER: Correct, Your Honor, I
6 understand.

7 THE COURT: There's no question about that.
8 The question is, and there's been a physical solution
9 that's been created by in part stipulation by
10 90 percent of the parties to this litigation. The
11 Court has adopted that as its own physical solution.

12 It is embodied in a judgment. The judgment
13 has been appealed. It has been affirmed. The Supreme
14 Court has denied review. So we're bound by the
15 judgment and its terms.

16 And the question is whether or not the
17 Watermaster board acted properly in denying the
18 application to start new pumping by the moving party
19 in this case.

20 MS. HUMMER: We agree, Your Honor. That's
21 the question, whether the decision was taken in
22 conformity with the requirements that the Watermaster
23 has to follow, which is set forth in the judgment and
24 physical solution.

25 THE COURT: It's not the decision of the

1 Watermaster Engineer as to whether or not the petition
2 or application should be approved. That's entirely up
3 to the Watermaster, and it must follow the standards
4 set forth in the judgment.

5 MS. HUMMER: Your Honor, we agree with that
6 statement as well.

7 THE COURT: So this hearing is de novo in
8 terms of whether or not it has done so.

9 I've heard one witness so far. I've received
10 a large number of pages of declarations from various
11 other witnesses who are not called here, and those
12 will be seriously considered. And the matter will be
13 deemed submitted after you have concluded your
14 presentation of evidence.

15 And I certainly appreciate the fact that this
16 is an important issue for the moving party, and I
17 don't know what the consequences are to them of this
18 being decided one way or the other, but that's
19 irrelevant.

20 What is relevant is only whether or not the
21 judgment is complied with in terms of the standard
22 that the Watermaster must use to evaluate these
23 matters.

24 So I don't know what else you want to do here
25 this afternoon, but I'm certainly willing to hear any

1 took the exam and you passed, correct?

2 A. Yes, that is correct. Thank you.

3 Q. Congratulations.

4 A. Thank you very much.

5 Q. So one of the things that you did in
6 processing the Barrel Springs Properties' new
7 production application, is you did an initial analysis
8 of the application, is that not right?

9 A. Yes, ma'am. I was the first person to review
10 the application on the Watermaster Engineer team.

11 Q. And after you did your initial review, did
12 you send it to Ms. White?

13 A. I believe in your exhibits there's an e-mail
14 that I wrote to Ms. White and Ms. Stanin, and I also
15 cc'd Mr. Maley on it, and it kind of states -- I've
16 had some back and forth with Angel Fitzpatrick from
17 the staff. And I had some questions answered.

18 So I begun my review. But it's a bit more
19 challenging than I initially expected because of the
20 high level of hydrogeologic uncertainty.

21 Q. And some of that hydrogeologic uncertainty is
22 driven by the fact that the project, the well, is
23 located in the fault zone for the San Andreas Fault,
24 correct?

25 A. Yes. Correct.

1 kind of well for this location, for this amount of
2 water, we delve into additional analysis?

3 A. I would not say that there is a particular
4 guidance document that has been developed outside of
5 the rules and regulations in the judgment.

6 Q. Would it be fair to say that it's a
7 geologist's best practices that you're implementing in
8 making your determination of material injury?

9 A. Yes, ma'am, I believe that is fair.

10 Q. Now, one of the issues that we've heard about
11 today is that there's a concern that there's
12 insufficient data, right?

13 A. Yes.

14 Q. You don't have a complete dataset for you to
15 do a thorough detailed analysis of this particular new
16 production application, correct?

17 A. That is correct.

18 Q. But nonetheless, a finding was made that upon
19 payment of replacement water, there would be no
20 material injury, correct?

21 A. Yes, that is correct. And we recognized in
22 the application that there was a higher level of
23 uncertainty than we typically run into in most
24 applications.

25 We felt that was important for the board to

1 A. I believe so.

2 Q. So you would shut down the well, correct?

3 A. I believe so. I don't quite know what the
4 process would look like.

5 Q. I'd like to direct you to the second line in
6 the "private" in your notes from the meeting on
7 April 26th.

8 "Felt concern that small system would be a
9 liability."

10 Do you see that?

11 A. I do, yes.

12 Q. Did Ms. MacLaren elaborate on what she meant
13 by a small system being a potential liability?

14 A. Briefly.

15 Q. What did she say?

16 A. I believe that there was the concern that if
17 the community ran out of water, then it would be on
18 the shoulders of some of the public water systems to
19 consolidate and bear the cost of that.

20 Q. What do you mean by "consolidate"?

21 A. I don't know if I'm representing her words
22 correctly, but my thought is that if -- kind of, as
23 she alluded to, with some -- a mobile home park in the
24 basin.

25 And I don't know if this is a direct

1 comparison, but if there's a community water system
2 that cannot provide safe drinking water to the people
3 who depend on it, in some cases in California that
4 smaller system is consolidated into a larger system so
5 that there can be clean water for the people who live
6 there.

7 Q. But isn't it true, Ms. Wells, that there's no
8 community water system required for the Barrel Springs
9 property?

10 A. I do not know. I will say, when Ms. MacLaren
11 expressed this, I thought, "Huh, that's a really good
12 way -- interesting thing to look at," and also, I
13 recognize it's not my role as Watermaster Engineer to
14 think about those issues. It seems like something for
15 the board to think about.

16 Q. So returning to your declaration -- we're
17 looking at Ms. Waxman's declaration. Referring you to
18 paragraph 6 in your declaration on the second page?

19 A. Yes. I'm looking at that now.

20 Q. So this is where you discuss the fact that
21 Ms. White, also of Todd Groundwater, has asked David
22 Larson for some additional information.

23 Do you see that?

24 A. Yes. I see that.

25 Q. And that's on line 6, page 3 of the

1 Q. Did you attend the January board meeting?

2 A. Yes.

3 Q. Okay. So you were at the board meeting, and
4 the new production application was not ruled upon.
5 There was no vote taken, correct, on January?

6 A. Correct. Phyllis gave a presentation to
7 provide more information to the board. And we
8 discussed it, but there was no vote.

9 Q. And that presentation was based in part on
10 your January 11 findings, correct?

11 A. Correct. What I recall from the presentation
12 is that it gave a summary of the project and it
13 included some information about what the aquifer
14 conditions tend to look like in the San Andreas Fault
15 zone in Antelope Valley and why there was such a high
16 level of uncertainty on this application that
17 surpassed what we typically have in most of the
18 applications that we consider.

19 Because as the Watermaster Engineer, we felt
20 that the board needed to know that we did say that
21 material injury, as defined by the judgment, appeared
22 to be negligible. But that was made with this limited
23 information that we had and there was a much higher
24 level of uncertainty for this application than most.

25 Q. And between January when there was all this

1 MS. HUMMER: Yes, well, theoretically. We're
2 not going to call any other witnesses in this
3 evidentiary hearing, Your Honor.

4 THE COURT: Mr. Parton?

5 MR. PARTON: Nothing further, Your Honor.

6 Just to reiterate, all our Exhibits 1 to 80
7 are stipulated as admissible.

8 THE COURT: Yes.

9 MR. PARTON: Thank you.

10 MS. HUMMER: And Your Honor, I think there's
11 the matter of the Watermaster's RJN from October 13th
12 and the exhibits to the RJN. We don't have any
13 particular objection to them, I'm not sure how helpful
14 they are, but we don't object.

15 MR. PARTON: Yeah. Our Exhibit 68, 69 -- 67,
16 68, 69, and 71, I think they are all judicially
17 noticeable.

18 THE COURT: Okay. All right. How do you
19 want to proceed at this point?

20 Do you wish to make final statements on your
21 motion in the opposition? Do you want to do it in
22 writing? How do you want to proceed?

23 MS. HUMMER: Your Honor, I think it would be
24 more fruitful to file written closing statements once
25 we have the transcript, because there was a lot of

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MS. HUMMER: Thank you, Your Honor.

MR. PARTON: Thank you.

MR. PARRIS: Thank you, Your Honor.

THE COURT: Maybe I should say adjourned.

(Whereupon, the proceedings adjourned at 3:40 p.m.)

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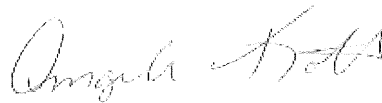
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CERTIFICATE OF REPORTER

I, ANGELA T. KOTT, a Certified Shorthand Reporter, hereby certify that the foregoing proceedings were taken in shorthand by me, at the time and place therein stated, and that the said proceedings were thereafter reduced to typewriting, by computer, under my direction and supervision;

I further certify that I am not of counsel or attorney for either or any of the parties nor in any way interested in the event of this cause, and that I am not related to any of the parties thereto.

DATED: October 19, 2023.



ANGELA T. KOTT, CSR #7811

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,
4 Fourth Floor, Santa Barbara, California 93101.

5 On November 6, 2023, I served the foregoing document described **DECLARATION OF**
6 **CRAIG A. PARTON IN SUPPORT OF WATERMASTER'S CLOSING BRIEF IN**
7 **OPPOSITION TO THE PEOPLE CONCERN, INC'S MOTION FOR ACTION AND**
8 **IMPLEMENTATION** on all interested parties in this action by placing the original and/or true
9 copy.

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

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

15 (*FEDERAL*) I hereby certify that I am employed in the office of a member of the Bar of
16 this Court at whose direction the service was made.

17 Executed on November 6, 2023, at Santa Barbara, California.

18 
19 _____
20 Signature
21 Elizabeth Wright
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