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LOS ANGELES COUNTY WATERWORKS
DISTRICT NO. 40

EXEMPT FROM FILING FEES
UNDER GOVERNMENT CODE
SECTION 6103

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COUNTY WATERWORKS DISTRICT NO. 40

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

**ANTELOPE VALLEY
GROUNDWATER CASES**

Included Actions:

Los Angeles County Waterworks District
No. 40 v. Diamond Farming Co., Superior
Court of California, County of Los
Angeles, Case No. BC 325201;

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, Case Nos.
RIC 353 840, RIC 344 436, RIC 344 668

Judicial Council Coordination No. 4408

CLASS ACTION

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

**DECLARATION OF STEVE A. PEREZ ON
BEHALF OF ROSAMOND COMMUNITY
SERVICES DISTRICT IN LIEU OF
DEPOSITION TESTIMONY FOR PHASE 4
TRIAL**

DECLARATION

I, Steve A. Perez, declare:

1. I am the General Manager for the Rosamond Community Services District ("District"), a party to this action. In lieu of deposition testimony for the Phase 4 trial, I am providing this declaration. This declaration applies only to the categories I have filled in. The items left blank or crossed out do not apply to me. I have personal knowledge of each fact herein and would testify competently thereto under oath.

Property Ownership and Parcel Size

2. The District owns property that overlies the Antelope Valley Area of Adjudication as decided by this Court.

The land is located within Kern County. For the purposes of this declaration, the District identifies only those parcels that utilize water wells. The Assessor Parcel Numbers are: 258-110-09-7; 258-160-36-5; 473-022-20-0; 375-010-20-4; and 375-113-19-8.

3. The District produces water from these parcels for distribution to its customers.

4. For each APN/APNs identified above, the total acreage by parcel is as follows:

Not applicable.

If additional room is needed, please identify the APN/APNs and parcel size in Exhibit B.]

A true and correct copy of Exhibit B is attached hereto and incorporated herein.

5. For each APN/APNs identified above the City owned the property during the following time period:

6. The following are all individuals/entities appearing on the title for the above identified APN/APNS from Jan 1, 2000 to the present:

The District

7. For each individual/entity identified in paragraph 6 that individual/entity appeared on the title during the following time:

1 **Leases** (Not applicable.)

2 8. _____ (declarant or party affiliated with declarant) leases
3 property that _____ own and that overlies the Antelope Valley Area of
4 Adjudication as decided by this court and identified by the following APNS:

5 _____
6 9. The total acreage by parcel is:
7 _____

8 10. The property is currently leased to:
9 _____

10 11. The property was leased on the following dates:
11 _____

12 12. The lease provides that _____ may claim groundwater rights from the
13 use of water on the leased property. Attached to this declaration is a true and correct copy of the
14 lease.
15

16 [If additional room is needed, please list APN/APNs, acreage by APN, Lessee by APN
17 and dates for each Lessee by APN for each parcel in Exhibit C.] A true and correct copy of
18 Exhibit C is attached hereto and incorporated herein.
19
20

21 13. _____ leases property from _____ which
22 overlies the Antelope Valley Area of Adjudication as decided by this court and is identified by
23 the following APNS:
24 _____

25 14. The total acreage by parcel is:
26 _____

27 15. The Lease provides that _____ may claim groundwater rights from
28 use of water on leased property. Attached to this declaration is a true and correct copy of the

1 lease.

2
3 [If additional room is needed, please attach APN/APNs, Name of the Lessor and acreage
4 by APN for each parcel list in Exhibit D to this declaration.] A true and correct copy of Exhibit D
5 is attached hereto and incorporated herein.

6 16. _____ claims groundwater rights only as to the leasehold
7 interests listed in Paragraph 15 and Exhibit D.

8 17. _____ claims groundwater rights only as to the properties
9 listed in Paragraph 2 and Exhibit A and as to the leasehold interests listed in Paragraph 8 and
10 Exhibit C.

11 18. To the best of my knowledge, only _____ claims groundwater rights as
12 to the leased parcel(s) identified in paragraph 15 and Exhibit D.

13 **Water Meter Records**

14 19. The District measures the groundwater production on the above referenced
15 properties by water meters. Exhibit E contains the records for these water meters for the
16 following years:

17 2000, 2001, 2002, 2003, 2004, 2011 and 2012

18 A true and correct copy of Exhibit E is attached hereto and incorporated herein.

19 20. Exhibit E sets forth the total yearly production amounts by metered water well on
20 the above referenced properties for the years 2000-2004, 2011, and 2012 (through 12/18/12). A
21 true and correct copy of Exhibit E is attached hereto and incorporated herein.

22 **State Water Project Purchases**

23 21. The District purchases State Water Project water from a State Water Contractor for
24 use by its customers on the properties referenced above. The District purchased the following
25 amounts of water from AVEK:

26 2000 1,638 ac/ft.

27 2001 981 ac/ft.

28 2002 845 ac/ft.

1 2003 1219 ac/ft.

2 2004 1193 ac/ft.

3 2011 336 ac/ft.

4 2012 34 ac/ft.

5 In 2011, the District also banked 1,017 ac/ft. in the Antelope Valley Water Bank. In
6 2012, the District ordered an additional 1,000 ac/ft. and began banking this order in December
7 2012.

8 22. Exhibit E sets forth the total yearly State Water Project water deliveries to the
9 properties referenced above for the years 2000-2004, 2011, and 2012. A true and correct copy of
10 Exhibit E is attached hereto and incorporated herein.

11 **Pump Tests/ Electric Records** (Not applicable.)

12 23. In order to calculate groundwater pumped and used on the properties referenced
13 above, _____ relied on pump tests and electric records. Exhibit I contains true and
14 correct copies of the pump test records and electrical records for wells on the properties
15 referenced above. The electric records attached to this declaration as Exhibit I do not include
16 electric use on the properties referenced above for anything other than pumping groundwater.

17 24. Exhibit J sets forth the amount of total yearly groundwater that _____
18 estimates was pumped and used on the properties referenced above for the years 2000-2004,
19 2011, and 2012 based on the attached pump test records and electrical records for the wells on the
20 properties referenced above. A true and correct copy of Exhibit J is attached hereto and
21 incorporated herein.

22 25. Pump tests were performed on the following dates:

23 _____.

24 26. _____ is not producing pump test records for the following
25 dates _____ because:

26 _____.

27 27. I am not aware of any other pump tests having been performed on the properties
28 referenced above.

Pump Tests/Diesel Records (Not applicable.)

28. In order to calculate groundwater pumped and used on the properties referenced above, _____ relied on pump tests and diesel fuel records. Exhibit K contains true and correct copies of the records pertaining to pump tests and diesel fuel purchases for the properties referenced above. The diesel fuel records attached to this declaration as Exhibit K do not include diesel fuel used on the properties referenced above for anything other than pumping groundwater.

29. Exhibit L sets forth the amounts of total yearly groundwater pumped and used on the properties referenced above for the years 2000-2004, 2011, and 2012. A true and correct copy of Exhibit L is attached hereto and incorporated herein.

30. Pump tests were performed on the following dates:

_____.

31. _____ is not producing pump test records for the following dates _____ because:

_____.

32. I am not aware of any other pump tests having been performed on the properties referenced above.

Crop Duties and Irrigated Acres (Not applicable.)

33. In order to calculate water use on the properties referenced above, _____ relies on the amount of acres in irrigation on the properties referenced above multiplied by the crop duty identified in the Summary Expert Report, Appendix D-3: Table 4, a true and correct copy of which is attached to this declaration as Exhibit M.

34. The total amount of irrigated acres and type of crops on the properties referenced above by APN for the years 2000-2004, 2011 and 2012 are described in Exhibit N. A true and correct copy of Exhibit N is attached hereto and incorporated herein.

Other Sources of Water (Not applicable.)

35. On the properties referenced above, _____ received water from sources other than groundwater pumped within the Basin or State Water Project Water. Exhibit

O sets forth the source of the water and the amounts received for the years 2000-2004, 2011, and 2012.

Use of Water (Complete for each APN. If water for used for multiple purposes, identify the amount of water for each use.) Water production/use by the District for the relevant years is set forth in Exhibit E. Such water was delivered to the District's customers and used for municipal, industrial and domestic purposes.

36. _____ used _____ acre feet of water on APN# _____ in 2000. The water was used for the following:

[State the crop type and number of acres of that crop. If not used for irrigation, describe the use. In lieu of answering this question, a crop map may be attached that shows the date, crop type, irrigated acreage and parcels.]

37. _____ used _____ acre feet of water on APN# _____ in 2001. The water was used for the following:

[State the crop type and number of acres of that crop. If not used for irrigation, describe the use. In lieu of answering this question, a crop map may be attached that shows the date, crop type, irrigated acreage and parcels.]

38. _____ used _____ acre feet of water on APN# _____ in 2002. The water was used for the following:

39. _____ used _____ acre feet of water on APN# _____ in 2003. The water was used for the following:

[State the crop type and number of acres of that crop. If not used for irrigation, describe the use. In lieu of answering this question, a crop map may be attached that shows the date, crop type, irrigated acreage and parcels.]

40. _____ used _____ acre feet of water on APN# _____ in 2004.

1 The water was used for the following:

2 _____
3 [State the crop type and number of acres of that crop. If not used for irrigation, describe
4 the use. In lieu of answering this question, a crop map may be attached that shows the date, crop
5 type, irrigated acreage and parcels.]

6 41. _____ used _____ acre feet of water on APN# _____ in 2011.

7 The water was used for the following:

8 _____
9 [State the crop type and number of acres of that crop. If not used for irrigation, describe
10 the use. In lieu of answering this question, a crop map may be attached that shows the date, crop
11 type, irrigated acreage and parcels.]

12 42. _____ used _____ acre feet of water on APN# _____ in 2012.

13 The water was used for the following:

14 _____
15 [State the crop type and number of acres of that crop. If not used for irrigation, describe
16 the use. In lieu of answering this question, a crop map may be attached that shows the date, crop
17 type, irrigated acreage and parcels.]

18 43. Other than what is declared hereinabove, the District did not produce or use water
19 within the Antelope Valley Area of Adjudication for 2000-2004, 2011, and 2012.

20
21 I declare under penalty of perjury under the laws of the State of California that the
22 foregoing is true and correct. Executed this 28th day of January 2013, at Rosamond,
23 California.

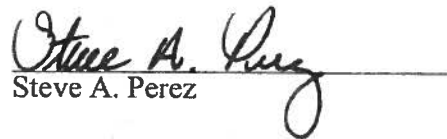
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25 Steve A. Perez
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EXHIBIT “E”

Rosamond Community Services District
Water Usage Data for 2000, 2001, 2002, 2003, 2004, 2011, 2012

2000				
Well Nam	APN	Well ID #	GW Pumped in 2000	ACF Purchased From AVEK
Well # 5	258-110-09-7	1510018 - 006	221.7 ac/ft	35th St. West Turnout
				1,333 ac/ft
Well # 6	258-160-36-5	1510018 - 007	341 ac/ft	Sierra Hwy Vault
				305 ac/ft
Well # 7	473-022-20-0	1510018 - 008	253 ac/ft	Total 1,638 ac/ft
Well # 8	375-010-20-4	1510018 - 009	646 ac/ft	
Total			1,461.7 ac/ft	
2001				
Well Nam	APN	Well ID #	GW Pumped in 2001	ACF Purchased From AVEK
Well # 5	258-110-09-7	1510018 - 006	245.5 ac/ft	35th St. West Turnout
				677 ac/ft
Well # 6	258-160-36-5	1510018 - 007	324 ac/ft	Sierra Hwy Vault
				304 ac/ft
Well # 7	473-022-20-0	1510018 - 008	237 ac/ft	Total 981 ac/ft
Well # 8	375-010-20-4	1510018 - 009	1,362 ac/ft	
Total			2,168.5 ac/ft	
2002				
Well Nam	APN	Well ID #	GW Pumped in 2002	ACF Purchased From AVEK
Well # 5	258-110-09-7	1510018 - 006	182 ac/ft	35th St. West Turnout
				530 ac/ft
Well # 6	258-160-36-5	1510018 - 007	279 ac/ft	Sierra Hwy Vault
				315 ac/ft
Well # 7	473-022-20-0	1510018 - 008	225 ac/ft	Total 845 ac/ft
Well # 8	375-010-20-4	1510018 - 009	1,637 ac/ft	
Total			2,323 ac/ft	
2003				
Well Nam	APN	Well ID #	GW Pumped in 2003	ACF Purchased From AVEK
Well # 5	258-110-09-7	1510018 - 006	232 ac/ft	35th St. West Turnout
				936 ac/ft
Well # 6	258-160-36-5	1510018 - 007	338 ac/ft	Sierra Hwy Vault
				283 ac/ft
Well # 7	473-022-20-0	1510018 - 008	158 ac/ft	Total 1,219 ac/ft
Well # 8	375-010-20-4	1510018 - 009	1,041 ac/ft	
Total			1,769 ac/ft	

Rosamond Community Services District
Water Usage Data for 2000, 2001, 2002, 2003, 2004, 2011, 2012

2004				
Well Nam	APN	Well ID #	GW Pumped in 2003	ACF Purchased From AVEK
Well # 5	258-110-09-7	1510018 - 006	298 ac/ft	35th St. West Turnout
				901 ac/ft
Well # 6	258-160-36-5	1510018 - 007	323 ac/ft	Sierra Hwy Vault
				292 ac/ft
Well # 7	473-022-20-0	1510018 - 008	161 ac/ft	Total 1,193 ac/ft
Well # 8	375-010-20-4	1510018 - 009	1,213 ac/ft	
		Total	1,995 ac/ft	
2011				
Well Nam	APN	Well ID #	GW Pumped in 2011	ACF Purchased From AVEK
Well # 5	258-110-09-7	1510018 - 006	229 ac/ft	35th St. West Turnout
				240 ac/ft
Well # 8	375-010-20-4	1510018 - 009	1,334 ac/ft	Sierra Hwy Vault
				96 ac/ft
Well # 9	375-113-19-8	1510018 - 002	1,431 ac/ft	Total 336 ac/ft
		Total	2,994 ac/ft	
2012 as of 12/18				
Well Nam	APN	Well ID #	GW Pumped in 2012	ACF Purchased From AVEK
Well # 5	258-110-09-7	1510018 - 006	405 ac/ft	35th St. West Turnout
				17 ac/ft
Well # 8	375-010-20-4	1510018 - 009	777 ac/ft	Sierra Hwy Vault
				17 ac/ft
Well # 9	375-113-19-8	1510018 - 002	1,678 ac/ft	Total 34 ac/ft
		Total	2,860 ac/ft	

2010 - RCSD Banked 595.6 ac/ft in the Antelope Valley Water Bank (AVWB)

2011 - RCSD banked 1,017 ac/ft in the AVWB

2011 - RCSD Ordered an additional 1,000 ac/ft and began banking 500 ac/ft of this order in the AVWB on 12/18/12, the remaining 500 ac/ft will be delivered as soon as AVEK can release it. All banked water has been purchased from our State Water Contractor Antelope Valley East Kern Water Agency AVEK

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PROOF OF SERVICE

ANTELOPE VALLEY GROUNDWATER CASES
Judicial Council Coordination, Proceeding No. 4408

Santa Clara Case No. 1-05-CV 049053
Assigned to the Honorable Jack Komar
Los Angeles County Superior Court, Central, Dept. 1

I am a resident of the State of California, over 18 years of age and not a party to this action. I am employed in the County of Orange, State of California. My business address is 650 Town Center Drive, Suite 550, Costa Mesa, California 92626.

On December 21, 2012, I served the within document(s):


**ROSAMOND COMMUNITY SERVICES DISTRICT'S RESPONSES TO COURT
ORDERED PHASE IV DISCOVERY**

- ☒ by posting the document(s) listed above to the website <http://www.scefilling.org>, a dedicated link to the Antelope Valley Groundwater Cases; Santa Clara Case No. 1-05-CV 049053, Assigned to the Honorable Jack Komar, said document(s) is electronically served/distributed therewith.
- ☐ By transmitting via e-mail the document(s) listed above to the e-mail address(es) and/or fax number(s) set forth below on this date.
- ☐ by placing the document(s) listed above in a sealed Overnight Express envelope/package for overnight delivery at Costa Mesa, California addressed as set forth below.
- ☐ by causing personal delivery by Nationwide Legal of the document(s) listed above, to the person(s) at the address(es) set forth below.

I am readily familiar with Murphy & Evertz, LLP's practice for collecting and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 21, 2012, at Costa Mesa, California.


Stephanie Patis

PROOF OF SERVICE

ANTELOPE VALLEY GROUNDWATER CASES

Judicial Council Coordination, Proceeding No. 4408

Santa Clara Case No. 1-05-CV 049053

Assigned to the Honorable Jack Komar

Los Angeles County Superior Court, Central, Dept. 1

I am a resident of the State of California, over 18 years of age and not a party to this action. I am employed in the County of Orange, State of California. My business address is 650 Town Center Drive, Suite 550, Costa Mesa, California 92626.

On January 30, 2013, I served the within document(s):

DECLARATION OF STEVE A. PEREZ ON BEHALF OF ROSAMOND COMMUNITY SERVICES DISTRICT IN LIEU OF DEPOSITION TESTIMONY FOR PHASE 4 TRIAL

☒ by posting the document(s) listed above to the website <http://www.scefiling.org>, a dedicated link to the Antelope Valley Groundwater Cases; Santa Clara Case No. 1-05-CV 049053, Assigned to the Honorable Jack Komar, said document(s) is electronically served/distributed therewith.

☐ By transmitting via e-mail the document(s) listed above to the e-mail address(es) and/or fax number(s) set forth below on this date.

☐ by placing the document(s) listed above in a sealed Overnight Express envelope/package for overnight delivery at Costa Mesa, California addressed as set forth below.

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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.

Executed on January 30, 2013, at Costa Mesa, California.


Stephanie Pattis