

EXHIBIT “GG”

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 FOR THE COUNTY OF LOS ANGELES

3 DEPARTMENT NO. 316

HON. JACK KOMAR, JUDGE

4 COORDINATION PROCEEDING)

5 SPECIAL TITLE (RULE 1550B))

6 ANTELOPE VALLEY GROUNDWATER CASES))

JUDICIAL COUNCIL
COORDINATION
NO. JCCP4408

7 PALMDALE WATER DISTRICT AND)
8 QUARTZ HILL WATER DISTRICT,)

SANTA CLARA CASE NO.
1-05-CV-049053

9 CROSS-COMPLAINANTS,)

10 VS.)

11 LOS ANGELES COUNTY WATERWORKS,)
12 DISTRICT NO. 40, ET AL,)

13 CROSS-DEFENDANTS.)
14

15 REPORTER'S TRANSCRIPT OF PROCEEDINGS

16 THURSDAY, MARCH 24TH, 2011

17
18 APPEARANCES:

19 (SEE APPEARANCE PAGES)
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22
23
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25
26

27 GINGER WELKER, CSR #5585
28 OFFICIAL REPORTER

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I N D E X

W I T N E S S E S

TEJON RANCH WITNESS	DIRECT	CROSS	REDIRECT	RECROSS	COURT
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U.S. BORAX WITNESS	DIRECT	CROSS	REDIRECT	RECROSS	COURT
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LITTLE CREEK WITNESS	DIRECT	CROSS	REDIRECT	RECROSS	COURT
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PETER LEFFLER

BY MR. LEMIEUX	175				
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BY MR. JOYCE		179			
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1 CASE NUMBER: JCCP 4408
2 CASE NAME: ANTELOPE VALLEY
3 LOS ANGELES, CALIFORNIA, THURSDAY, MARCH 24, 2011
4 DEPARTMENT NO. 316 HON. JACK KOMAR
5 REPORTER GINGER WELKER, CSR #5585
6 TIME: 8:30 A.M.
7 APPEARANCES: (SEE TITLE PAGE)
8

9 THE COURT: LET'S PROCEED.

10 MR. WILLIAM KUHS: THANK YOU, YOUR HONOR. I WILL
11 STAY TO MY TIME SCHEDULE. I WOULD LIKE AN HOUR, AND I
12 PROBABLY WILL TRY TO RESERVE A LITTLE BIT MAYBE FOR
13 REDIRECT.

14 THE COURT: FINE. THANK YOU.
15

16 ERICSON JOHN LIST,
17 CALLED BY TEJON RANCH AS A WITNESS HAVING BEEN
18 PREVIOUSLY SWORN, TESTIFIED AS FOLLOWS:
19

20 DIRECT EXAMINATION (RESUMED)
21 BY WILLIAM KUHS:

22 Q DR. LIST, I WANT TO GO BACK TO SLIDE 29 AND
23 JUST KIND OF GO FORWARD TO GET A RECAP TO FOCUS ON WHAT
24 THE IMPORTANT SLIDES ARE LEADING INTO THE NEXT PART OF
25 YOUR EXAMINATION. THIS IS THE SLIDE OF THE CUMULATIVE
26 DEPARTURE FROM MEAN FROM THE BIG ROCK CREEK. AND THIS
27 IS WHAT YOU CALLED THE CLIMATE INDEX FOR MOST OF THE
28 REST OF YOUR ANALYSIS; IS THAT CORRECT?

1 A YES, THAT'S CORRECT.

2 Q WE HAD ANOTHER SLIDE FOR THE ACTON STATION,
3 BUT YOU ARE NOT GOING TO BE RELYING OR TALKING ABOUT
4 THAT IN THE REST OF YOUR PRESENTATION; IS THAT TRUE?

5 A THAT IS TRUE.

6 Q IT'S ALSO TRUE THAT YOU HAVE TAKEN THE DATA
7 USED BY MR. DURBIN AND THE DATA USED BY MR. WILDERMUTH
8 OR WILDERMUTH ENVIRONMENTAL INC. AND ASSUMED THAT THAT
9 DATA WAS ACCURATE AT LEAST FOR THE PURPOSE OF YOUR
10 ANALYSIS?

11 A YES, THAT'S CORRECT.

12 Q YOU MADE NO INDEPENDENT ANALYSIS?

13 A I DIDN'T MAKE ANY INDEPENDENT ANALYSIS. I
14 DIDN'T CHECK THE DATA TABLES AGAINST ANY OTHER SOURCE.

15 Q NOW WE HAVE GOT SLIDE 34?

16 A EXCUSE ME, I'LL RETRACT THAT. I DID CHECK
17 THE STREAMFLOW RECORDS FROM -- AT THE USGS.

18 Q OKAY. NOW WE HAVE GOT SLIDE 34 UP ON THE
19 BOARD, AND THIS WAS THE COMPARISON OF THE CLIMATE INDEX
20 FOR BIG ROCK CREEK VERSUS MR. DURBIN'S NATURAL RECHARGE
21 ESTIMATES AND YOU TALKED ABOUT THIS YESTERDAY.

22 DID YOU MEAN TO IMPLY FROM THIS SLIDE THAT
23 THERE WAS NECESSARILY ANY VALIDITY TO MR. DURBIN'S
24 ULTIMATE ESTIMATES OF NATURAL RECHARGE?

25 A NOT AT ALL. IN FACT, I RATHER SUSPECT THIS
26 SLIDE INDICATES THAT MR. DURBIN MAY HAVE OMITTED TO
27 CONSIDER THE STORAGE IN THE MOUNTAIN, IN THE MOUNTAIN
28 BLOCK BECAUSE ONE WOULD NOT EXPECT TO SEE SUCH A PRECISE

1 CORRELATION IF THE -- IF THE STORAGE WITHIN THE MOUNTAIN
2 HAD BEEN INCLUDED IN THE RECHARGE.

3 Q BY STORAGE IN THE MOUNTAIN, ARE YOU
4 REFERRING TO WHAT SOME OF THE EXPERTS HAVE TALKED ABOUT
5 AS BEDROCK INFILTRATION?

6 A BEDROCK INFILTRATION, THE STORAGE IN THE
7 BEDROCK, IN THE FRACTURED BEDROCK.

8 Q AND THAT INFILTRATION MANIFESTING ITSELF AS
9 UNDER-FLOW OR SUBSURFACE FLOW INTO THE SATURATED
10 AQUIFER?

11 A THAT'S CORRECT.

12 Q NOW I THINK WHERE WE STOPPED YESTERDAY WAS
13 SLIDE 45, AND YOU WERE BEGINNING TO TELL US THAT YOU
14 LOOKED AT THREE OF THE HYDROGRAPHS WHICH ARE IDENTIFIED
15 WITH ARROWS ON THIS SLIDE 45; CORRECT?

16 A THAT'S CORRECT. THERE IS HYDROGRAPH 33G1 IF
17 YOU WOULD LIKE TO -- I DON'T HAVE MY POINTER WITH ME
18 THIS MORNING, BUT 33G1 IS THE SLIDE TO THE LEFT.

19 Q FOR THE PURPOSES OF THIS SLIDE, THE THREE
20 WELLS THAT YOU LOOKED AT, THE HYDROGRAPHS I'M SHOWING
21 WITH THE POINTER HAVE ARROWS LEADING TO AND YOU HAD --
22 WOULD IT BE ACCURATE TO SAY TWO OF THESE WELLS ARE
23 ESSENTIALLY TOWARDS THE MARGIN OR NEAR THE MOUNTAIN
24 FRONT?

25 A WELL, THE ONE ON THE LEFT IS 33G1 IS OUTSIDE
26 OF WEI'S AREA OF ANALYSIS SO I WOULD SAY IT IS IN THE
27 MARGIN. THE ONE AT THE BOTTOM --

28 Q THIS ONE?

1 A YES, 1391 IS ACTUALLY JUST INSIDE WEI'S
2 AREA, AND THE ONE TO THE RIGHT IS IN THE MIDDLE OF THE
3 VALLEY, AND THAT IS 09K1.

4 Q OKAY. LET'S GO TO SLIDE 46 AND TELL US WHAT
5 SLIDE 46 DEPICTS?

6 A SLIDE 46 IS A PLOT OF THE WATER SURFACE
7 ELEVATION IN WELL 33G1, AND IT'S MARGIN WELL 33G1 FROM
8 EXHIBIT D10. THIS IS AN INTERESTING SLIDE BECAUSE WHAT
9 IT SHOWS IS THAT THERE WAS AN INCREASE IN WATER SURFACE
10 ELEVATION IN THE WELL BEGINNING AROUND 1961 AND --

11 Q THIS SPIKE RIGHT HERE?

12 A YES, THAT SPIKE WAS A RESULT OF HEAVY RAIN
13 WATER THAT OCCURRED, AND IT IMMEDIATELY PRECEDING THAT
14 SPIKE -- AND I'LL SHOW YOU LATER HOW IT'S RELATED TO THE
15 RAINFALL. BUT IDENTIFIABLE FEATURES OF THIS ARE THAT --
16 THE BOTTOMING AT ABOUT RIGHT THERE IN 1962 AND A BIT AND
17 THE BOTTOMING OUT AROUND 1992 AND THE PEAK.

18 Q 92 OVER HERE?

19 A THAT'S RIGHT, SO YOU CAN SEE THAT THERE'S
20 SORT OF A RISE AND A FALL, AND I'LL SHOW YOU LATER HOW
21 THOSE ARE RELATED TO THE CLIMATE INDEX. AND WHAT THEY
22 INDICATE IS THAT THERE MUST HAVE BEEN A WET PERIOD
23 BEGINNING FROM 1960 OR '61 OR THEREABOUTS AND ENDING
24 AROUND RIGHT ABOUT 1990 -- 1980 OR THEREABOUTS.

25 Q UP TO HERE?

26 A YES, THAT IS WHERE IT PEAKED OUT, BUT
27 THERE'S A CHARACTERISTIC SHAPE TO THIS. WE DON'T KNOW
28 AT THIS POINT WHETHER THAT CHARACTERISTIC SHAPE IS

1 ASSOCIATED WITH RECHARGE, NATURAL RECHARGE, OR WHETHER
2 IT IS ASSOCIATED WITH THE MANNER IN WHICH THE WELL WAS
3 OPERATING.

4 BUT IF WE LOOK AT THE NEXT SLIDE.

5 Q THIS WILL BE SLIDE 47?

6 A SLIDE 47, THIS IS THE WELL 15A1 WHICH IS
7 ALSO NEAR THE MARGIN.

8 Q AND YOU SAY IN THE LOWER RIGHT CORNER THAT
9 THIS WELL IS ABOUT 3 MILES FROM THE MOUNTAIN FRONT?

10 A THAT'S CORRECT. THE PREVIOUS ONE IS ABOUT A
11 MILE AND A HALF FROM THE MOUNTAIN FRONT. AND YOU SEE
12 THAT THIS HYDROGRAPH HAS THE SAME CHARACTERISTIC SHAPE
13 AS THE ONE IN THE PREVIOUS, EVEN THOUGH THESE TWO
14 LOCATED ALONG THE MOUNTAIN FRONT, SUBSTANTIAL DISTANCE
15 APART, BUT THEY ARE RELATIVELY CLOSE TO THE MOUNTAIN
16 FRONT. IT WOULD BE EXTREMELY UNLIKELY THAT THE SHAPE OF
17 THESE TWO HYDROGRAPHS WOULD BE GENERATED BY PUMPING
18 ACTIVITY AND CHANGES IN PUMPING ACTIVITY THAT WOULD MEAN
19 THAT THESE TWO WELLS WOULD HAVE TO BE OPERATED
20 SYNCHRONOUSLY WHICH IS HIGHLY UNLIKELY. YOU SEE TWO
21 IDENTIFIABLE POINTS ON THE HYDROGRAPH, THE LOW POINT
22 THERE AND SUBSEQUENT LOW POINT LATER.

23 Q THE LOW POINT BEING APPROXIMATELY 1970?

24 A 1971.

25 Q AND THE LOW POINT OVER HERE?

26 A 2004.

27 Q OKAY.

28 A SO YOU SEE THAT THE EXTENT OF THE RECHARGE

1 PERIOD IS ABOUT 23 YEARS, 25 YEARS, SORRY.

2 Q THE HORIZONTAL ARROW WITH THE DESIGNATION
3 CHANGE IN STORAGE 1971 TO 2004?

4 A THAT'S CORRECT. IF WE LOOK BACK TO PREVIOUS
5 SLIDE.

6 Q GO BACK A SLIDE, ROBERT.

7 A BACK. YOU SEE THAT THIS SIMILAR SHAPE IS
8 THE EVIDENCE; THE SHAPE IS RATHER MORE PREDOMINANT.

9 Q WHAT DO YOU MEAN BY PREDOMINANT?

10 A WELL, THE CHANGES, THE AMPLITUDE OF THE
11 MOVEMENTS IN THE WELL SURFACE ELEVATION WITHIN THE WELL
12 ARE GREATER IN THIS WELL THAN THEY WERE IN THE WELL
13 3 MILES OFF THE MOUNTAIN FRONT.

14 Q OKAY.

15 A BUT THE TWO IDENTIFIABLE FEATURES ARE STILL
16 THERE -- THREE IDENTIFIABLE FEATURES. WHAT IT SHOWS IS
17 THAT THIS CHANGE IN STORAGE BEGAN AROUND 1962 AND WENT
18 THROUGH 21 YEARS TO 1993. NOW REMEMBER THIS WELL IS ONE
19 AND A HALF MILES FROM THE MOUNTAIN FRONT.

20 NOW YOU GO TO THE NEXT SLIDE, AND THIS WELL
21 IS 3 MILES FROM THE MOUNTAIN FRONT. AND YOU SEE THAT
22 THE CHANGE BEGAN IN 1971 AND RUNS THROUGH TO 2004. SO
23 THERE IS A TIME LAG BETWEEN WHEN THESE WELLS CHANGE FROM
24 BEING IN A DOWN-MODE INTO BEING IN AN UP MODE AND
25 CONTINUOUS UP-MODE.

26 Q WHEN YOU SAY A TIME LAG, AGAIN WE TALKED
27 YESTERDAY ABOUT LAG AND CONNECTION WITH AGRICULTURAL
28 RETURN FLOWS WHICH IS A VERTICAL LAG; CORRECT?

1 A THAT'S CORRECT.

2 Q THAT IS WHEN YOU APPLY WATER ON SURFACE FOR
3 AGRICULTURAL PURPOSES, AND IT ULTIMATELY REACHES THE
4 WATER TABLE IN A VERTICAL MANNER. A LOT OF EXPERTS HAVE
5 BEEN TALKING ABOUT LAG IN THAT CONNECTION. YOU ARE NOT
6 TALKING -- YOU ARE NOT USING LAG IN THAT CONTEXT?

7 A NOT USING LAG IN THAT CONTEXT.

8 Q WHAT CONTEXT ARE YOU USING IT IN?

9 A I'M USING IT IN THE CONTEXT OF THE RESPONSE,
10 THE CHANGE IN TIME BETWEEN ONE WELL RESPONDS AND AN
11 ADJACENT WELL RESPONDS.

12 Q WOULD IT BE ACCURATE THAT YOU ARE TALKING
13 NOW ABOUT THE IMPACT OF HORIZONTAL FLOW OF VELOCITIES?

14 A THAT WOULD MOST LIKELY BE HORIZONTAL FLOW OF
15 VELOCITIES; BECAUSE IF IT WERE VERTICAL FLOW OF
16 VELOCITIES THAT RESULTED FROM SURFACE INFILTRATION, YOU
17 WOULD EXPECT THE TWO WELLS TO SHOW SIMILAR BEHAVIOR AT
18 THE SAME TIME. WHAT WE ARE SEEING HERE IS THESE WELLS
19 ARE SHOWING SIMILAR BEHAVIOR BUT SHIFTED IN TIME.

20 Q OKAY. NOW, ARE YOU READY FOR THE NEXT
21 SLIDE, NEXT WELL?

22 A YES. THE NEXT WELL IS LOCATED -- 09K1 IS
23 LOCATED WELL WITHIN THE MIDDLE OF THE VALLEY. AND WHAT
24 WE SEE IS THE SAME CHARACTERISTIC BEHAVIOR THAT WE SAW
25 BEFORE, BUT THE AMPLITUDE OF THE FLUCTUATIONS IN THE
26 WELL, WELL SURFACE ELEVATION OF THE WELL OF -- DAMP.

27 YOU RECALL YESTERDAY I SPOKE ABOUT THESE
28 WAVES OF TRAVEL AND THE WAVES HAVING DAMPING SO THAT THE

1 FURTHER YOU GET FROM THE EXCITATION THE MORE DAMPING
2 THERE IS.

3 Q YOU HAVE GOT TO TELL US WHAT THAT MEANS?

4 A THE INFLOW THAT RESULTS FROM SEASONAL
5 RAINFALL. AND YOU SEE THAT THIS WELL OUT IN THE MIDDLE
6 STARTS RESPONDING ABOUT 1982, RUNS THROUGH TO 2000,
7 BEFORE IT STARTS TO DROP OFF. NOW, WE DON'T REALLY KNOW
8 WHETHER THIS IS A RESPONSE TO PUMPING ACTIVITY OR NOT
9 WITHIN THE MIDDLE OF THE WELL (SIC), BUT IT IS VERY
10 SUGGESTIVE.

11 Q MIDDLE OF THE VALLEY YOU MEAN?

12 A MIDDLE OF THE VALLEY. IT IS VERY SUGGESTIVE
13 LOOKING AT THE SHAPE OF IT COMPARED TO PREVIOUS TWO THAT
14 THIS IS THE WAVE AND GROUNDWATER SURFACE ELEVATION THAT
15 IS RESPONDING TO THE WET PERIOD THAT BEGAN AROUND 1960.

16 Q OKAY. LET'S GO BACK TO THE NEXT SLIDE -- OR
17 GO TO THE NEXT SLIDE 49. AND THIS IS BACK TO THE WELL
18 THAT IS A MILE AND A HALF FROM THE MOUNTAIN FRONT; IS
19 THAT CORRECT?

20 A THAT IS CORRECT. THIS IS WELL 33G1 WHICH IS
21 A MILE AND A HALF FROM THE MOUNTAIN FRONT. AND THE RED
22 LINE THAT ARE PLOTTED ON HERE IS THE STREAM FLOW, BIG
23 CREEK STREAMFLOWS, ANNUAL STREAMFLOWS. SO WHAT YOU SEE
24 IS --

25 Q WELL, LET'S GO THROUGH A COUPLE OF LINES?

26 A SURE.

27 Q THE RED LINE IS BACK TO BIG ROCK CREEK
28 ANNUAL STREAMFLOW; CORRECT?

1 SUPERIOR COURT FOR THE STATE OF CALIFORNIA

2 COUNTY OF LOS ANGELES

3 DEPARTMENT NO. 316

HON. JACK KOMAR,

4 COORDINATION PROCEEDING)

5 SPECIAL TITLE (RULE 1550B))

6 ANTELOPE VALLEY GROUNDWATER CASES))

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12 DISTRICT NO. 40, ET AL,)

13 CROSS-DEFENDANTS.)
14

15 STATE OF CALIFORNIA)

) SS.

16 COUNTY OF LOS ANGELES)
17

18 I, GINGER WELKER, OFFICIAL REPORTER OF THE
19 SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE
20 COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT THE
21 TRANSCRIPT DATED MARCH 24, 2011 COMPRISES A FULL, TRUE,
22 AND CORRECT TRANSCRIPT OF THE PROCEEDINGS HELD IN THE
23 ABOVE ENTITLED CAUSE.

24 DATED THIS 25TH DAY OF MARCH, 2011.
25
26

27 _____
28 OFFICIAL REPORTER, CSR #5585