

Walter J. Wilson (SBN 68040)
LAW OFFICES OF WALTER J. WILSON
333 West Broadway, Suite 200
Long Beach, CA 90802
Tel: (562) 432-3388 Fax: (562) 432-2969
Email: walterw1@aol.com

Attorney for Desert Breeze MHP, LLC

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.
Los Angeles County Superior Court
Case No. BC 325201

Los Angeles County Waterworks District
No. 40 v. Diamond Farming Co.
Kern County Superior Court
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.
Riverside County Superior Court
Consolidated actions
Case Nos. RIC 353 840, RIC 344 436, RIC
344 668

Judicial Council Coordination No. 4408

For filing purposes only:
Santa Clara County Case No. 1-05-CV-049053

Assigned to the Honorable Jack Komar

**SECOND AMENDED
DECLARATIONS OF DANIEL EPSTEIN
AND CLEO BURTT IN SUPPORT OF
THE GROUNDWATER USED BY
DESERT BREEZE MHP, LLC AND
ITS PREDECESSORS**

I, Daniel Epstein, declare that:

1. I am a member, and the President, of Desert Breeze MHP, LLC (hereafter "DB"), and
I have first hand, personal knowledge of the facts which follow. If called to testify I could and would
competently testify thereto under oath.

Entitiy Status

**DECLARATIONS OF EPSTEIN AND BURTT IN SUPPORT OF DESERT BREEZE MHP,
LLC'S GROUNDWATER USAGE**

1 2. DB was formed as a California limited liability company on October 10, 2014 and
2 remains in Good Standing. Attached as Exhibit A is a true copy of a Business Entity Detail, from
3 the California Secretary of State's website, reflecting DB'S status as of June 26, 2015. I am the sole
4 member of DB, and I am all of the officers of said limited liability company.

5 The Real Property and the Park

6 3. On November 3, 2014, DB purchased approximately 3.86 acres of real property (the
7 "Property"), and the mobile home park operating thereon, which Property and park are commonly
8 known as 1262 W. Rosamond Blvd., Rosamond, Kern County, CA, or Desert Breeze Mobile Home
9 Park. Said real property is legally described as:

10 The East Half of Block 60, Rosamond Townsite, being a portion of the East Half of
11 Section 21, Township 9 North, Range 12 West, San Bernardino Meridian, in the
12 unincorporated area of the County of Kern, State of California, as per Map filed
13 August 12, 1907 in Book 195, Pages 66 and 67 of Deeds, in the Office of the County
14 Recorder of said County.

15 Said real property is also identified as Kern County Assessor's Parcel Number 258-190-01-00.
16 Attached as Exhibit B is a true copy of the Grant Deed, recorded November 3, 2014, transferring the
17 Property from Desert Breeze Mobile Homes Estates, Inc. to Desert Breeze MHP, LLC.

18 4. Desert Breeze Mobile Home Park (the "Park"), the mobile home park on the Property
19 is in the business of renting out mobile home pads or spaces to mobile home tenants. The Park
20 provides potable water (which it pumps from its well on the Property), utility connections and sewer
21 hook ups for its long term, residential tenants.

22 5. The Park consists of: sixty five (65) pads or spaces, a groundwater well (located on
23 space 43), an approximately 35,000 gallon swimming pool, a laundry room, and various landscaping
24 (including approximately 115 trees, generally Elm). Attached as Exhibit C is a true copy of the Site
25 Map for the Park. Of the sixty five spaces, DB rents out sixty three (63) of them to mobile home/RV
26 households, and all such sixty three (63) spaces are generally rented.

27 6. All water pumped from the well is used exclusively on the Property, for the benefit
28 of the tenants and the operation of the Park. Since 1955, when the well was drilled, on information

1 and belief, upon inquiry, the pump has been the only source of water for the Park and its tenants.

2 Water Records and Water Usage

3 7. I am the duly authorized Custodian of Records for DB, and I have authority to certify
4 its records. I am familiar with the procedures and manner in which the water records are made,
5 recorded and kept, and how the use of water is determined. The copies of writings produced with
6 this declaration are true copies of the described writings. All such records being produced were
7 prepared by the personnel of the Park business, in the ordinary course of business, at or near the time
8 of the act, condition or event.

9 8. Attached as exhibits are true copies of DB'S flow meter readings for the well, for the
10 complete years 2008 through 2014, identified as follows: Exhibit D for year 2011; Exhibit E for year
11 2012; Exhibit I for year 2008; Exhibit J for year 2009; Exhibit K for year 2010; Exhibit L for years
12 2013 through 2014. Also attached as Exhibit M is a true copy of the partial records from the year
13 2007 (May through December), which are the only 2007 well meter records in the business'
14 possession. I am familiar with the procedures for reading and recording the amount of well water
15 then having been pumped: specifically, an employee reads and records on the appropriate form, at
16 the appropriate date, the numerical flow meter representation, and then calculates and records the
17 amount of water pumped since the last such reading. In the regular course of DB'S and its
18 predecessor's business, the amount of water then having been pumped is recorded daily. All such
19 writings are made at or near the time of the act, condition or event.

20 9. Attached as Exhibit H is a true copy of my summary of water usage at the Park,
21 evidencing the following acre feet ("AF") per the identified records/years: 2008 - 18.8 AF, 2009 -
22 18.8 AF, 2010 - 17.6 AF, 2011 - 18.1 AF, 2012 - 22.6 AF, 2013 - 22.2 AF, and 2014 - 23.3 AF. For
23 the partial year 2007 - 18.2 AF (for 9 months).

24 10. Attached as Exhibit F is a true copy of the May 15, 2006 Notice prepared by DB'S
25 park manager, Cleo Burt, notifying the tenants in advance that on May 18, 2006, from 8 a.m. to 12
26 p.m., the well would be down, and so water would be unavailable. Attached as Exhibit G is a true
27 copy of the record, made by Ms. Burt, noting the installation on May 18, 2006 of a flow meter, by
28 Steve White and his assistant.

1 11. As there was no flow meter on the well before May 18, 2006, and as there has never
2 been a separate electric meter on the well/pump, DB had no direct method by which to determine
3 its water usage in any of the years 2000 through 2004 (or in any of the other years). As such, DB
4 requests that the "average water usage" recorded via the flow meter for some or all of the years 2008
5 through 2014 be used. For the last four years (2011 to 2014) such "average water usage" would be
6 21.6 AF; for all seven years (2008 through 2014) such average would be 20.2 AF.

7 12. DB is a "late" Stipulating Party (but a Stipulating Party nonetheless) to the Proposed
8 Judgment and Physical Solution "PJPS," and DB asks that the Court approve the PJPS; following
9 such Judgment, DB has agreed to a post rampdown production right of 18.1 AF per year.

10 I declare under penalty of perjury under the laws of the State of California that the foregoing
11 is true and correct. Executed September 29, 2015, at Encino, California.

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13 Daniel Epstein, Declarant
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12. DB is a “late” Stipulating Party (but a Stipulating Party nonetheless) to the Proposed Judgment and Physical Solution “PJPS,” and DB asks that the Court approve the PJPS; following such Judgment, DB has agreed to a post rampdown production right of 18.1 AF per year.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed September __, 2015, at Encino, California.

Daniel Epstein, Declarant

DECLARATION OF CLEO BURTT

I, Cleo Burtt, declare that:

1. I am and have been since 1997 the Manager at Desert Breeze Mobile Home Park, and I have first hand, personal knowledge of the facts which follow. If called to testify I could and would competently testify thereto under oath.

Work History

2. I started as the Manager of Desert Breeze Mobile Home Park in 1997, and I have been the Manager of the mobile home park ever since.

3. In November 2014, prior owner Desert Breeze Mobile Homes Estates, Inc. sold the Park to Desert Breeze MHP, LLC ("DB"). Following the sale, I continued on as Park Manager.

The Park

4. Desert Breeze Mobile Home Park (the "Park") is in the business of renting out mobile home pads or spaces to mobile home households at 1262 W. Rosamond Blvd., Rosamond, CA. The Park provides potable water (which it pumps from its well located on the Park), utility connections and sewer hook ups for its long term, residential tenants.

5. The Park consists of: sixty five (65) pads or spaces, of which it rents out sixty three (63) spaces, for sixty three (63) households. The attached Exhibit C, the Site Map, is a true copy of the layout of the Park. Since I started working here, the Park has been, and is, generally, fully rented.

6. All water pumped from the on site well is used exclusively on the Property, for the benefit of the tenants and for the operation of the Park.

Meter Installation

7. On May 18, 2006, a meter to measure the amount of groundwater pumped was installed on our well (at space 43 of the Park), by Steve White of Skookum H2O. Attached as Exhibit F is a true copy of the May 15, 2006 Notice I prepared and caused to be distributed to all Park tenants, informing them in advance that on May 18, 2006, from 8 a.m. to 12 p.m., the well would be down, and so water would be unavailable. Attached as Exhibit G is a true copy of the record I made as to the installation on May 18, 2006 of a flow meter, by Steve White and his

1 assistant.

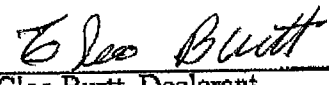
2 8. I was present at the Park on May 18, 2006, and met with Mr. White, who informed me,
3 first, he was going to install a meter on our well, and, then later, that he had installed such meter.
4 Thereafter, I saw that a meter had been installed. I recorded the installation via the above described
5 Exhibit G

6 9. Prior to May 18, 2006, our groundwater well was un metered, and so, to my
7 knowledge, there is no way to measure how much water was pumped during any of the years before
8 2006.

9 10. The swimming pool is filled year-round due to the security risks inherent in an unfilled
10 pool.

11 11. Through the present, no water service provider has ever laid any pipes, or connected
12 any pipes, to serve water to the Property. If DB doesn't pump water from its wells, it would have to
13 haul water onto the Property

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15 I declare under penalty of perjury under the laws of the State of California that the foregoing
16 is true and correct. Executed on July 4, 2015, at Rosamond, California.

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19 Cleo Burt, Declarant

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DECLARATIONS OF EPSTEIN AND BURTT IN SUPPORT OF DESERT BREEZE MHP,
LLC'S GROUNDWATER USAGE

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3 first, he was going to install a meter on our well, and, then later, that he had installed such meter.
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7 knowledge, there is no way to measure how much water was pumped during any of the years before
8 2006.

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10 pool.

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12 any pipes, to serve water to the Property. If DB doesn't pump water from its wells, it would have to
13 haul water onto the Property.

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15 I declare under penalty of perjury under the laws of the State of California that the foregoing
16 is true and correct. Executed on July ____, 2015, at Rosamond, California.

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20 Cleo Burt, Declarant
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