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11

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT
14
15

16 ANTELOPE VALLEY GROUNDWATER)
17 CASES)

JUDICIAL COUNCIL
COORDINATED PROCEEDING
NO. 4408

18
19 Included Actions:)
20)

21 Los Angeles County Waterworks District No.)
22 40 v. Diamond Farming Company)
23 Superior Court of California, County of Los)
24 Angeles, Case No. BC325201)

Santa Clara Case No. 1-05-CV-049053
Assigned to the Honorable Jack Komar
Department I

25)
26 Los Angeles County Waterworks District)
27 No. 40 v. Diamond Farming Co.)
28 Superior Court of California)
29 County of Kern, Case No. S-1500-CV-254-348)

Declaration of John R. Foth,
Former Engineering Manager
for California Water Service Company
In Support of Phase VI Prove-Up Trial

30)
31 Wm. Bolthouse Farms, Inc. v. City of Lancaster)
32 Diamond Farming Co. v. City of Lancaster)
33 Diamond Farming Co. v. Palmdale Water District)
34 Superior Court of California)
35 County of Riverside, Consolidated Actions)
36 Case Nos. RIC 353840, RIC 344436, RIC 344668)
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Electronically Filed: September 21, 2015

1 DECLARATION

2
3 I, JOHN R. FOTH, declare:

4
5 1. I am the former Engineering Manager for California Water Service Company (Cal Water), a party
6 to this action. This declaration is made in support of the [Proposed] Judgment and Physical Solution filed
7 with the court on March 4, 2015, on behalf of Cal Water and the other stipulating parties.

8
9 2. I have personal knowledge of each fact herein and would testify competently thereto under oath.

10
11 3. I am a licensed civil engineer in the State of California. Since 1979, I have been employed by Cal
12 Water, or its predecessor Dominguez Water Corporation (Dominguez). Prior to Dominguez, I was
13 employed by the California Public Utilities Commission (Commission). See my curriculum vitae for
14 further qualifications. *[Exhibit 6 to California Water Service Company's Supplemental Exhibit List for*
15 *Phase 5 Trial and Proof of Service Cal Water- John Foth curriculum Vitae, Document #8637, Phase VI*
16 *Exhibit Cal Water 6-1]*

17
18 **Lancaster's History, Formation and Regulation**

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20 4. The Antelope Valley Water Company (Antelope), a California Corporation, was organized by
21 William N. Taylor and his wife Katie S. Taylor in 1956 for the purpose of conducting a public utility
22 water company operation.

23
24 5. The Company began operations in 1957 upon certification by the Commission issuing Decision
25 (D.) 54854 to grant a Certificate of Public Convenience and Necessity (CCN). *[Exhibit B to Cal Water's*
26 *Notice of Motion For Limited Relief From Notice Requirement Court Filing Date 7/01/2009 Document*
27 *#2944, Phase VI Exhibit Cal Water 3-1]*

28
29 6. D. 54543, page 3 "Description of Proposed Area A" (Certificated Service Area) comprise all of
30 Section 32, including the present service area of the Antelope Mutual Water Company and Taylor Mutual
31 Water Company, all of Section 4, and the [] of the part of Section 5, T.6N., R.12 W., [] totaling 1360 acres
32 of gently sloping land approximately 4 miles southwest of the town of Lancaster in unincorporated
33 territory, Los Angeles County. See Attached Thomas Brother Guide Map. *[Exhibit E to Cal Water's*
34 *Notice of Motion For Limited Relief From Notice Requirement Court Filing Date 7/01/2009 Document*
35 *#2944, Phase VI Exhibit Cal Water 3-2]*

36
37 7. In 1965, Commission D. 69516 Dominguez Water Corp. authorization to acquire all the
38 outstanding capital stock of Antelope Valley Water Co. and North Edwards Water Co., *[Phase VI Exhibit*
39 *Cal Water 3-3]*

CALIFORNIA WATER SERVICE COMPANY'S

Declaration of John R. Foth, Former Southern California Engineering Manager for California Water
Service Company, In Support of Phase VI Prove-Up Trial

1
2 8. In May 2000, Commission D. 00-05-047 Opinion Authorizing Merger authorized Antelope Valley
3 Water Co. to merge into Dominguez Water Company and Dominguez Water Company to merge into
4 California Water Service Company. *[Phase VI Exhibit Cal Water 3-4]*
5

6 9. In 2000, Secretary of the State of California recorded Antelope Valley Water Company merged
7 into Dominguez Water Company owner of 100% of the outstanding shares of Antelope Valley Water Co.
8 *[Exhibit C to Cal Water's Notice of Motion For Limited Relief From Notice Requirement Court Filing*
9 *Date 7/01/2009 Document #2944, Phase VI Exhibit Cal Water 3-5]*
10

11 10. In 2000, Secretary of the State of California recorded Dominguez Water Company merged into
12 California Water Service Company. *[Exhibit D to Cal Water's Notice of Motion For Limited Relief From*
13 *Notice Requirement Court Filing Date 7/01/2009 Document #2944, Phase VI Exhibit Cal Water 3-6]*
14

15 11. Based on the above transactions and Commission decisions, Cal Water's Antelope Valley
16 Lancaster System (Lancaster) has been continuously subject to Commission jurisdiction and regulation
17 pursuant to CCN granted in 1957 and is still subject to Commission jurisdiction. *[Exhibit 1 to California*
18 *Water Service Company's Supplemental Exhibit List for Phase 5 Trial and Proof of Service Cal Water-*
19 *Antelope Valley Tariff Area-Lancaster Service Area Document #8637, Updated Rate Information: Phase*
20 *VI Exhibit Cal Water 3-9]*
21

22 12. Cal Water's Lancaster current service area map on file with the Commission. *[Phase VI Exhibit*
23 *Cal Water 3-7]*
24

25 13. Cal Water Lancaster water system provides utility water service to approximately 701
26 connections. As of January 21, 2013, there were 646 residential customers, 15 business customers, 7
27 public authority, 3 private fire and 30 inactive connections. *[Phase VI Exhibit Cal Water 3-8]*
28

29 **Property Ownership and Well Sites**
30

31 14. California Water Service Company owns the property on which its groundwater production wells
32 are located within the Antelope Valley Area of Adjudication as decided by this Court. The land is in Los
33 Angeles County and is identified by the following APN/APNs:

34 Parcel 1: Los Angeles County Assessor's Identification Number 3109-017-026

35 Parcel 2: Los Angeles County Assessor's Identification Number 3109-017-072

36 Parcel 3: Los Angeles County Assessor's Identification Number 3109-017-076

37 Parcel 4: Los Angeles County Assessor's Identification Number 3109-022-039

38 *[Property Tax Statements 2009-2011, Phase VI Exhibit 4-1]*

1 15. Cal Water Lancaster's only source of water supply has been groundwater with the exception of a
2 few years when Cal Water's wells were under repair and water was purchased from Los Angeles County
3 Waterworks District No. 40, see Paragraph 27, below
4

5 16. Cal Water, or its predecessor Antelope, owned the properties identified in paragraph 13, above,
6 during the time period of January 1, 2000, to the present.
7

8 **Water Meter Production Records and Commission Annual Reports**
9

10 17. Cal Water measures the groundwater production from its own wells on the above referenced
11 properties by its production water meters. Production water meter reads are taken by district personnel
12 and then compiled and reviewed monthly by management personnel, since Dominguez acquired Antelope
13 Valley Water Company in 1965. *[Exhibit E, F & I to Declaration of John R. Foth in lieu of Deposition*
14 *and First Supplemental Response to December 12, 2012 Discovery for Phase IV Trial Well Record Sheets*
15 *for 2011 and 2012, Document #5970, Phase VI Exhibit 1-1]*
16

17 18. Article 5 of the California Public Utilities Code grants authority to Commission to require all
18 public utilities doing business in California to file reports as specified by the Commission of the utilities'
19 operations. Cal Water has been directed by the Commission to file an Annual Report, setting forth water
20 production and customer consumption by March 1st of the following year and has completed such reports
21 since 1965. *[Commission Annual Reports 2000-2004, 2011 Exhibit 1-6 Phase IV Discovery Document*
22 *#5535, Updated Commission Annual Reports 1965-2014 note 1985, 1992, 1993 not included), Phase VI*
23 *Exhibit 2-1]*
24

25 19. On a periodic basis (now a 3 year cycle) Cal Water is directed to file a general rate case (GRC). In
26 connection with the GRC, Commission staff, including professional engineers, review water
27 consumption, water production, power consumption used to pump groundwater, lost water and well pump
28 test data. Analysis of the data is used to determine and verify water production, meter accuracy and lost
29 water as well as overall customer water consumption. *[Copies of pump test records for wells on the*
30 *properties referenced above, dated April 12, 2012, Phase VI Exhibit 4-2]*
31

32 20. Cal Water has filed Annual Notice of Groundwater Extraction and Diversion with the State Water
33 Resources Control Board, Division of Water Rights (State Board) for its Lancaster groundwater
34 production wells. Groundwater extraction is reported on fiscal year, November 1st to October 31st of each
35 year. *[Phase VI Exhibit 2-2 Groundwater Extraction Notices 1997-2002] [Phase VI Exhibit 2-3 added*
36 *Groundwater Extraction Notices 1992, 1993 and 2011-2013]*
37

38 21. Furthermore, Cal Water, as its predecessor Dominguez Services Corporation, is a publicly traded
39 corporation also United States Security and Exchange Commission (SEC) rules and regulations, which

1 require quarterly financial information to be provided to shareholders. *[Reference to SEC website*
2 *www.sec.gov]*

3
4 22. Based on company records, including groundwater production records and filings with the
5 Commission and State Board, I have prepared a Summary of Historical Groundwater Pumping from 1965
6 to 2014 (Historical Groundwater Pumping). *[Phase VI Exhibit 1-1]*

7
8 23. Historical Groundwater Pumping peaked in 2005. Groundwater pumping is dependent upon
9 number of customers, economic conditions, precipitation, temperature and drought conditions. Currently,
10 Lancaster and most of the State of California is in a drought condition. *[Phase VI Exhibit 1-1]*

11
12 24. Attached to my declaration, used to prepare Historical Groundwater Pumping are the following
13 documents for Lancaster:

14 CPUC Annual Reports

15 1965-1984

16 1986-1991

17 1994-2005

18 2011-2014

19 State Board Submittals

20 1992-1993

21 1998-2004

22 2011-2012

23 Meter Production Records

24 1998-2004

25 2011-2014

26 Well Record Sheets

27 2011-2012

28
29 **State Water Project Purchases**

30 25. Cal Water does not purchase State Water Project water from a State Water Contractor in its
31 Lancaster system. However, California Water Service Company is in the process of securing a purchased
32 water connection with the Antelope Valley-East Kern Water Agency (AVEK) for use in Lancaster
33 System. *[Exhibit 8 to California Water Service Company's Witness and Exhibit List for Phase 5 Trial*
34 *Dated 1/24/2014 Turnout Capacity Fee, Phase VI Exhibit 5-1]*

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36 26. Cal Water has purchased State Water Project water from AVEK for use in its Antelope Valley –
37 Leona Valley system. *[Exhibit 8 to California Water Service Company's Witness and Exhibit List for*
38 *Phase 5 Trial Dated 1/24/2014 Turnout Capacity Fee, Phase VI Exhibit 5-2]*

1 **Other Sources of Water**

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3 27. California Water Service Company has an emergency connection with LA County Waterworks
4 District No. 40 in Lancaster. In years 2003 and 2004, California Water Service Company purchased
5 significant quantities of water through this connection due to operational issues with one of its wells. Cal
6 Water is not claiming any return flow related to this water.
7

8 I declare under penalty of perjury under the laws of the State of California that the foregoing is
9 true and correct. Executed this 21st day of September, 2015, at Torrance, California.
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12 _____
13 John R. Foth
14 Former Engineering Manager
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1 **PROOF OF SERVICE (C.C.P. §1013a, 2015.5)**

2 **Antelope Valley Groundwater Cases**

3 **Judicial Counsel Proceeding No. 4408**

4 **Santa Clara County Superior Court Case No. 1-05-CV-049053**

5 I am employed in the County of Los Angeles, State of California. I am
6 over the age of 18 and not a party to the within action; my business address
7 is 2632 West 237th Street, Torrance, CA 90505.

8 On September 21, 2015, I served the foregoing document(s) entitled:

9 **CALIFORNIA WATER SERVICE COMPANY'S DECLARATION OF JOHN R. FOTH, FORMER**
10 **ENGINEERING MANAGER FOR CALIFORNIA WATER SERVICE COMPANY**
11 **IN SUPPORT OF PHASE VI PROVE-UP TRIAL**

12 — by placing the true copies thereof enclosed in sealed
13 envelopes addressed as stated on the attached mailing
14 list.


15 — by placing _ the original, _ a true copy thereof,
16 enclosed in a sealed enveloped addressed as follows:

17 X **BY SANTA CLARA SUPERIOR COURT E-FILING IN COMPLEX LITIGATION**
18 **PURSUANT TO CLARIFICATION ORDER DATED OCTOBER 27, 2005.**

19 Executed on September 21, 2015, at Torrance, California

20 X (State) I declare under penalty of perjury under the laws of
21 the State of California that the above is true and
22 correct.

23 — (Federal) I declare that I am employed in the office of a
24 member of the Bar of this Court at whose direction
25 the service was made.

26 
27 Michael Duque