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EXEMPT FROM FILING FEE
(Government Code § 6103)

6 Attorneys for Defendant/Cross-Defendant,
7 BORON COMMUNITY SERVICES
8 DISTRICT

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **COUNTY OF LOS ANGELES**

12 **Coordination Proceeding**
13 **Special Title (Rule 3.550(c))**

14 **ANTELOPE VALLEY GROUNDWATER**
15 **CASES**

16 **Included Actions:**

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

19 **Los Angeles County Waterworks District**
20 **No. 40 v. Diamond Farming Co.**
Superior Court of California, County of Kern,
Case No. S-1500-CV-254348

21 **Wm. Bolthouse Farms, Inc. v. City of Lancaster,**
22 **Diamond Farming Co. v. City of Lancaster,**
23 **Diamond Farming Co. v. Palmdale Water Dist.,**
Superior Court of California, County of
Riverside, Case Nos. RIC 353 840, RIC 344 436,
24 **RIC 344 668**

25 **AND RELATED ACTIONS.**

26
27 ///

28 ///

Judicial Council Coordination
Proceeding No. 4408

Santa Clara Case No. 1-05-CV-049053

SUPPLEMENTAL DECLARATION OF
PETER A. LOPEZ ON BEHALF OF
BORON COMMUNITY SERVICES
DISTRICT IN SUPPORT OF PROVE-
UP TRIAL

[Assigned for All Purposes to the
Honorable Jack Komar]

Date: September 28, 2015
Time: 9:00 a.m.
Dept.: Los Angeles Superior
111N. Hill Street
Los Angeles, CA 90012
Room: 222

Action Filed: October 26, 2005

1 I, **PETER A. LOPEZ**, declare:

2 1. I am the Manager for the Boron Community Services District ("Boron"), a party to
3 this action. This declaration is made in support of the proposed Judgment and Physical Solution to
4 which Boron is a stipulating party. This declaration supplements and reintroduces Boron's
5 evidence previously presented and admitted as part of the Phase IV trial. I have personal
6 knowledge of each fact herein and would testify competently thereto under oath.

7 2. As part of the Manager's duties, I prepare, supervise and maintain Boron's water
8 production and usage records, and am Custodian of Records for its water and business records.

9 3. Boron was established on January 19, 1953 and has been continuously serving its
10 customers with groundwater since its date of establishment. Boron is situated outside of the
11 Jurisdictional Boundary of the Antelope Valley Groundwater Adjudication and is partially served
12 by two (2) groundwater production wells that overlie the Antelope Valley Area of Adjudication as
13 decided by this Court. The number of service connections has varied over the years and there are
14 presently approximately 600 connections that serve approximately 2,500 people. Boron is located
15 entirely within Kern County.

16 4. Boron owns two (2) parcels and appurtenant groundwater production wells that
17 overlie the Antelope Valley Area of Adjudication as decided by this Court. The parcels are located
18 within Kern County and the Assessor's Parcel Numbers are: 232-220-27-7 (Well 13) and 232-220-
19 31-9 (Well 15). True and correct copies of the Grant Deeds for the water well and parcel recorded
20 April 23, 1965, Kern County Recorder's Office at Book 3834, Page 339 and the Grant Deed for the
21 water well and parcel recorded August 19, 1969, Kern County Recorder's Office at Book 4309,
22 Page 330 were posted on the Court's website on September 21, 2015 as Exhibits Boron CSD-7 and
23 Boron CSD-8 to Boron's Disclosure of Exhibits Lists Regarding Trial and Prove-Up of the
24 [Proposed] Stipulated Judgment and Physical Solution Trial. [SCE E-Filing Document No.
25 10555].

26 5. Boron claims the right to produce groundwater from the Antelope Valley Area of
27 Adjudication. The amount of groundwater produced by Boron, measured in acre feet, for the
28 following years is as follows:

| <u>Year</u> | <u>Amount A/F</u> |
|-------------|-------------------|
| 2000 | 318 |
| 2001 | 413 |
| 2002 | 416 |
| 2003 | 516 |
| 2004 | 455 |
| 2011 | 228 |
| 2012 | 233 |

6. The District measures the groundwater production from the above-referenced wells by water meters on a daily basis. The records for these water meters for the years 2000 thru 2004, 2011, and 2012 ("Meter Readings") are attached to Defendant/Cross-Defendant Boron Community Services District Response to Discovery Order for Phase 4 Trial ("Boron's Response to Discovery Order") submitted to the Court and posted on the Court's website on December 21, 2012, and are hereby incorporated as if attached hereto. [SCE E-Filing Document No's. 5496 and 5497]. Boron's Response to Discovery Order was admitted as Exhibit Boron CSD-1 at the Phase IV trial.

7. Boron also purchases State Water Project water from a State Water Contractor (AVEK) for use by its customers. Boron purchased the following amounts of water from AVEK:

| | |
|------|---------------------------------------|
| 2000 | <u>613 AF</u> |
| 2001 | <u>509 AF</u> |
| 2002 | <u>436 AF</u> |
| 2003 | <u>406 AF</u> |
| 2004 | <u>475 AF</u> |
| 2011 | <u>189 AF</u> |
| 2012 | <u>187 AF thru November 30, 2012.</u> |

The Meter Readings and Invoices from AVEK set forth the total yearly State Water Project water deliveries to Boron for the years 2000-2004, 2011, and 2012. The records for these water Meter Readings and Invoices from AVEK are attached to Boron's Response to Discovery Order submitted to the Court and posted on the Court's website on December 21, 2012, and are hereby incorporated as if attached hereto. [SCE E-Filing Document No's. 5496 and 5497].

1 8. Boron's Meter Reading for December 2012 was not available at the time of posting
2 of Boron's Response to Discovery Order and was instead posted on the Court's website on
3 September 21, 2015 as Exhibit Boron CSD-6 to Boron's Disclosure of Exhibits Lists Regarding
4 Trial and Prove-Up of the [Proposed] Stipulated Judgment and Physical Solution Trial. [SCE E-
5 Filing Document No. 10555].

6 9. I have reviewed Boron's Response to Discovery Order posted on the Court's
7 website on December 21, 2012 as SCE E-Filing Document No's. 5496 and 5497 and Boron's
8 Disclosure of Exhibits Lists Regarding Trial and Prove-Up of the [Proposed] Stipulated Judgment
9 and Physical Solution Trial posted on the Court's website on September 21, 2015 as SCE E-Filing
10 Document No. 10555 and find them to be true and correct and same are hereby incorporated as if
11 set forth in full.

12 10. Water production/use by Boron was and is delivered to Boron's customers and used
13 for municipal, industrial and domestic purposes.

14 11. I have reviewed the Declaration of Peter A. Lopez on Behalf of Boron Community
15 Services District In Lieu of Deposition for Phase 4 Trial posted January 31, 2013 as SCE E-Filing
16 Document No. 5935; Signature Page Re: Declaration of Peter A. Lopez on Behalf of Boron
17 Community Services District In Lieu of Deposition for Phase 4 Trial posted February 15, 2013 as
18 SCE E-Filing Document No. 6018; and the Notice of Errata and Supplemental Declaration of Peter
19 A. Lopez on Behalf of Boron Community Services District In Lieu of Deposition posted February
20 15, 2013 as SCE E-Filing Document No. 6019 and find them to be true and accurate and hereby
21 incorporate them into my supplemental declaration as if set forth in full. The Declaration of Peter
22 A. Lopez, the Signature Page and Notice of Errata were admitted as Exhibits Boron CSD-2, Boron
23 CSD-3 and Boron CSD-4, respectively.

24 I declare under penalty of perjury under the laws of the State of California that the
25 foregoing is true and correct. Executed this 30th day of September 2015, at Boron, California.

26
27 
28 PETER A. LOPEZ

1 **PROOF OF SERVICE**

2

3 **STATE OF CALIFORNIA, COUNTY OF KERN**

4 I, GUADALUPE GONZALEZ, declare: I am and was at the time of the service hereunder
5 mentioned, over the age of eighteen (18) years and not a party to the within cause. My business
address is 2001 22nd Street, Suite 100, Bakersfield, California 93301.

6 On September 30, 2015, I served the document(s) titled:

7 **SUPPLEMENTAL DECLARATION OF PETER A. LOPEZ ON**
8 **BEHALF OF BORON COMMUNITY SERVICES DISTRICT IN**
SUPPORT OF PROVE-UP TRIAL

9 to be served on the parties in this action as follows:

10

11 **XXX (BY ELECTRONIC TRANSMISSION)** I caused such document(s) listed above to be
12 posted to the Santa Clara County Superior Court website in regard to the Antelope Valley
Groundwater matter.

13 **(BY MAIL)** I am readily familiar with the firm's practice of collection and processing of
14 documents for mailing. Under that practice, it would be deposited with the United States
Postal Service on that same day with postage thereon fully prepaid at Bakersfield, California,
in the ordinary course of business.

15 **(BY FACSIMILE TRANSMISSION)** A transmission report was properly issued by the
16 sending facsimile machine, and the transmission was reported as completed and without
error.

17 **(BY PERSONAL SERVICE)** I caused such envelope to be delivered by hand to the offices
18 of the addressee(s).

19 **(BY OVERNIGHT COURIER)** I caused such envelope with delivery fees fully prepaid to
be sent by overnight courier.

20 Executed on September 30, 2015, at Bakersfield, California.

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

23 **(FEDERAL)** I declare that I am employed in the office of a member of the bar of this Court
at whose direction the service was made.

24

25 
26 **GUADALUPE GONZALEZ**

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