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8 PROPERTIES, LLC

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

11 Coordination Proceeding  
12 Special Title (Rule 3.550 (fka Rule 1550(b))

Judicial Council Coordination Proceeding No.  
4408

13 **ANTELOPE VALLEY GROUNDWATER**  
14 **CASES**

Santa Clara Case No. 2005-1-CV-049053  
Los Angeles Superior Court  
Case Nos. BC364553 and BC391869

15 Including Consolidated Actions:

Assigned to the Hon. Jack Komar  
Santa Clara Superior Court

16 REBECCA LEE WILLIS, on behalf of herself  
and all others similarly situated,

17 Plaintiff,

18 v.

THE PEOPLE CONCERN, INC. AS AGENT  
FOR BARRELL SPRINGS PROPERTIES,  
LLC'S REQUEST FOR EVIDENTIARY  
HEARING, OFFER OF PROOF, AND  
OBJECTIONS TO EVIDENCE

19 LOS ANGELES COUNTY WATERWORKS  
DISTRICT NO. 40, et al.

20 Defendants

*Filed concurrently with Motion to Strike*

21 RICHARD A. WOOD, an individual, on behalf  
22 of himself and all others similarly situated,

Date: September 19, 2023  
Time: 9:30 a.m.

23 Plaintiff,

24 v.

25 LOS ANGELES COUNTY WATERWORKS  
DISTRICT NO. 40, et al.

26 Defendants.

27 AND RELATED ACTIONS  
28

1  
2 TO THE HONORABLE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:

3 New Production Applicant and moving party The People Concern, Inc. as agent for Barrel  
4 Springs Properties, LLC, respectfully request that the Court set an evidentiary hearing so that The  
5 People Concern may cross-examine Antelope Valley Watermaster Board Member Kathy  
6 MacLaren regarding her August 29, 2023 Declaration filed in response to this Court's August 24,  
7 2023 Order. Pursuant to California Rules of Court rule 3.1306(b), The People Concern makes an  
8 offer of proof regarding the facts it expects to establish by examining Ms. MacLaren, and, if the  
9 Court deems necessary, presenting testimony from The People Concern's CEO, John Maceri.

10 Good cause for live testimony is shown because Ms. MacLaren's Declaration is nearly  
11 identical to August 29, 2023 Declaration of Robert Parris, which declaration is superfluous to this  
12 Court's Order, but nonetheless was filed in these proceedings on September 1, 2023. Witness  
13 credibility is always in issue. It is highly unlikely that Ms. MacLaren collected her "thoughts to  
14 explain the bases for denial" [MacLaren Decl. ¶8] using the same language by which Mr. Parris  
15 explained why he also would have voted "no" had he been at the April 26, 2023 Watermaster  
16 Board meeting. Good cause for live testimony is further shown because Ms. MacLaren's testimony  
17 by declaration is at variance with the record before the Court.

18 Ms. MacLaren's credibility is particularly in issue here because the Court's August 24,  
19 2023 Order ordered the Watermaster to submit a declaration from Ms. MacLaren explaining her  
20 "no" vote. Ms. MacLaren's Declaration is (1) not credible, (2) largely inadmissible, (3)  
21 contradicted by contemporaneous writings, and (4) does not provide evidence showing a  
22 substantial or rational basis for her "no" vote.

23 DATED: September 8, 2023

HANSON BRIDGETT LLP

24  
25 By:

DAVID C. CASARRUBIAS

26 CLAIRE H. COLLINS

27 ROSSLYN HUMMER

28 Attorneys for BARREL SPRINGS PROPERTIES,  
LLC

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9 **I. OFFER OF PROOF**

10 Pursuant to California Rules of Court rule 3.1306(b) and to preserve its rights under  
11 Evidence Code sections 353 and 354, The People Concern makes the following offer of proof in  
12 further support of its Motion for Action and Implementation of Watermaster Engineer's  
13 Recommendation of Approval of Barrel Springs' New Production Application (the "Application").  
14 California Rules of Court rule 3.1306(b) requires The People Concern to file this written statement  
15 setting forth the nature and extent of the evidence it will off at hearing and its reasonable time  
16 estimate for such presentation.

17 **A. Testimony by Kathy MacLaren**

18 The People Concern will demonstrate that Ms. MacLaren's August 29, 2023 Declaration is  
19 not credible by presenting evidence in three broad categories, including Ms. MacLaren's:

- 20
- 21 • Education and technical knowledge;
  - 22 • Facts relating to her review of the Application; and
  - 23 • The April 26, 2023 Watermaster Board meeting.

24 Because Ms. McLaren's testimony by declaration is not credible, there is no admissible evidence  
25 to show a substantial (or rational) basis for her "no" vote.

26 1. *Ms. MacLaren's Education and Technical Knowledge.*

27 The People Concern will present evidence to show that Ms. MacLaren does not have the  
28 technical knowledge, training, or background to question or contradict the Watermaster Engineer's  
findings. Ms. MacLaren testified by declaration that several technical issues of concern to her  
were

identifiable in the Findings, which [she] believed incorrectly  
concluded that the Project would not cause Material Injury. On April  
26, 2023, She believed, based on these facts, and she still believes  
today based on these and additional facts, that the Application  
should have been denied.

(MacLaren Decl. ¶7 at 3:16-19.) The People Concern will elicit testimony and evidence at hearing  
to show that Ms. MacLaren:

- Has not attained a post-secondary degree. (Source: MacLaren's facebook page  
linked to her Palmdale Water District bio);

- May not have graduated High School (Source: MacLaren's facebook page linked to her Palmdale Water District bio);
  - Has no training in geology. (Source: Palmdale Water District Bio);
  - Has no training in hydrogeology. (Source: Palmdale Water District Bio); and
  - Has no training in engineering. (Source: Palmdale Water District Bio)
2. *Ms. MacLaren Did Not Review the Application and the Watermaster Engineer's Findings Before Voting "No" on April 26, 2023.*

The People Concern will present evidence to show that Ms. MacLaren did not communicate with any Watermaster Engineer staff prior to her April 26, 2023 "no" vote about the Application. (Source: MacLaren Decl. ¶4 at 2:23-27; Watermaster's Return on Public Records Act request submitted August 25, 2023,<sup>1</sup> Maceri Decl. ¶13 at 2:11-13 and live testimony per order of the Court.)

The People Concern will present evidence to show that Ms. MacLaren did not read the Watermaster Engineer's January 11, 2023 Findings [Comp. Exh. 5] before voting "no" on April 26, 2023 and, indeed, does not appear to have read it before she executed her declaration on August 29, 2023. Evidence tending to show that Ms. MacLaren did not read the Watermaster Engineer's Findings includes:

- Ms. MacLaren's concern that The People Concern's project "was planned to be constructed directly on the San Andreas fault zone" [MacLaren Decl. ¶6(a) at 3:4-5] is hollow. Figure 1 to the Watermaster Engineer's Findings shows that the *California Aqueduct* is constructed in the San Andreas Fault zone." (Comp. Exh. 5 at 19.)
- Ms. MacLaren's concern whether "the estimated ten (10) acre-feet for domestic water supply for the Project was realistic." (MacLaren Decl. ¶6(b) at 3:5-6.) The

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<sup>1</sup> The Watermaster responded to The People Concern's Public Records Act request within the statutory deadline, stating that it will produce responsive records but did not give a timeline for its production. The People Concern would prefer not to continue hearing on its Motion, but a short continuance may be necessary to obtain and review the Watermaster's public records.

1 Watermaster Engineer's Findings refers to The People Concern's project  
2 description, and provides calculations for domestic water use, but omits this  
3 discussion from her Findings *because* the domestic use of the water has no bearing  
4 on the Material Injury Analysis. (*compare* Comp. Exh. 5 at p. 15 with p. 17.)  
5 Moreover, the Findings do not speak of 10 acre-feet for domestic use, but rather  
6 8.87 acre-feet per year. Some basic arithmetic by Ms. MacLaren would have shown  
7 that a 120 AF/year well is more than ample to supply domestic water at 55 gallons  
8 per person per day to the 144 farmworkers who will live at the Project, by an *order*  
9 *of magnitude*.

- 10 • Ms. MacLaren's concern for the "potential impact on other wells in the vicinity"  
11 [MacLaren Decl. ¶6(c) at 3:7] is infected with similar imprecision. Ms. MacLaren  
12 does not define what she means by vicinity. The Findings, however, did address  
13 vicinity to note three things: (a) drawdown calculations for 1000' from the proposed  
14 well "did not appear relevant to the current conditions ... given the apparent lack of  
15 existing wells to the immediate northwest and southeast of the parcel (i.e., parallel  
16 to local faulting);" (b) the closest well appeared to be 1,300' away, north of the  
17 aqueduct, but that parcel appeared to be undeveloped; and (c) "given the  
18 conservative assumptions for aquifer parameters and the likely barrier effects of  
19 local faulting, [The People Concern's] analysis may be over-estimating impacts."  
20 (Comp. Exh. 5 at 16, 17.)
- 21 • Ms. MacLaren's concern about "whether Replacement Water purchased by Barrel  
22 Springs would be capable of recharging the Basin in the area near the point of  
23 extraction" [MacLaren Decl. ¶6(e) at 3:9-10] was not a concern of the Watermaster  
24 Engineer. (See Comp. Exh. 5 at 17.) The People Concern will elicit testimony and  
25 evidence to show that this analysis was not required because the Watermaster never  
26 before has tied replacement water to recharge of the Basin "in the area near the  
27 point of extraction" and the Judgment and Physical Solution contains no such  
28 requirement.

1 As such, The People Concern will elicit testimony and evidence to show that Ms. MacLaren had  
2 no basis to "believe" that the Watermaster Engineer "incorrectly concluded that the Project would  
3 not cause Material Injury." (MacLaren Decl. at 3:17-18.)

4 3. *Ms. MacLaren's Conduct and Statement at the April 26, 2023 Board Meeting Belie*  
5 *Her Testimony.*

6 Ms. MacLaren testified by declaration that she "carefully reviewed" the Watermaster  
7 Engineer's Findings *before* the April 26, 2023. And Ms. MacLaren's claims to have identified the  
8 "factors [she] considered in casting [her] "no" vote." (MacLaren Decl. ¶3 at 2:19-20 and ¶4 at  
9 2:23-24.) Ms. MacLaren also testified by declaration that, despite her careful review and diligent  
10 preparation, she "was not able to adequately collect [her] thoughts to explain the bases for denial  
11 explained [in her declaration]." (MacLaren Decl. ¶8 at 3:20-22.) Ms. MacLaren's live testimony  
12 will show that Ms. MacLaren was unable to explain her "no" vote because she had not actually  
13 done any analysis of the Application. Ms. MacLaren's live testimony will show that a month later,  
14 she *still* had not done any analysis, but relied on Robert Parris, who raised the "concerns" Ms.  
15 MacLaren now adopts as her own. (See concurrently Motion to Strike at pp:4, 16-18). Written  
16 communications between John Maceri and Ms. MacLaren will demonstrate that Ms. MacLaren's  
17 complaints now that The People Concern refused to provide information or dialog with the  
18 Watermaster are hollow. Mr. Maceri twice emailed Ms. MacLaren and other Board members after  
19 she invited him to contact her following the April 26, 2023 Board meeting but received no  
20 response.

21 4. *Ms MacLaren's Testimony by Declaration Is Contradicted by the Record.*

22 Ms. MacLaren's testimony about the Palmdale Water District's Serviceability Letter is  
23 contradicted by that letter.

24 **B. Testimony by John Maceri (If Desired by the Court)**

25 Mr. Maceri will testify as to Ms. MacLaren's demeanor at the April 26 and May 25, 2023  
26 meetings. He will testify that he contacted Ms MacLaren and other board members twice by email  
27 after the April 26, 2023 board meeting to attempt to address questions and concerns, but received  
28 no response. He will testify that the only person verbally attacking anyone at the May 25, 2023

meeting was Ms. MacLaren.

### C. Time Estimate

The People Concern estimates its examination of Ms MacLaren will take approximately one hour with at most half an hour for re-cross. The People Concern anticipate Mr. Maceri's direct examination will take 15 minutes with five minute required for re-direct, if any.

## II. OBJECTIONS TO EVIDENCE

The People Concerns' Objections to the three Declarations filed by the Watermaster on September 1, 2023 are set forth below.

August 29, 2023 Declaration of Kathy MacLaren			
	Testimony	Objection	Ruling
1.	what has transpired since April 26, 2023 that confirms to me that my "no" vote was amply supported by the facts and substantial evidence in the record.  (¶3 at 2:20-21)	Relevance (Evid. Code §350; <i>County of Mono v. City of Los Angeles</i> (2022) 82 Cal.App.5th 657, 666 [extra-record evidence not relevant])	
2.	My concerns included the potential consequences and fallout if the well proposed to be constructed to serve the Project should fail, leaving 144 people using 145 proposed bathrooms without a certified domestic water supply to cover their proposed 47,000 square feet of buildings  (¶5 at 3:27 – 4:2)	Relevance (Evid. Code §350)  No. Foundation (Evid. Code §403)  Speculation. (Evid. Code §702)  Approval/disapproval decision limited to effect of New Production Application on the Antelope Valley Groundwater Basin.	
3.	PWD had already issued a serviceability letter declining to provide water to the Project unless Barrel Springs constructed the necessary infrastructure.  (¶5 at 3:2-3)	Relevance (Evid. Code §350)  Hearsay (Evid. Code §1200)  Approval/disapproval decision limited to effect of New Production Application on the Antelope Valley	

August 29, 2023 Declaration of Kathy MacLaren			
	Testimony	Objection	Ruling
		Groundwater Basin.	
4.	I did not believe the Findings thoroughly addressed such issues as: (a) the fact the Project was planned to be constructed directly on the San Andreas fault zone  (¶6 at 3:4-5)	No foundation. (Evid. Code §§403, 702)  Improper lay opinion. (Evid. Code §800)  Improper expert opinion. (Evid. Code §801)	
5.	(b) whether the estimated ten (10) acre-feet for domestic water supply for the Project was realistic  (¶6 at 3:5-6)	No foundation. (Evid. Code §§403, 702)  Improper lay opinion. (Evid. Code §800)  Improper expert opinion. (Evid. Code §801)	
6.	(c) the potential impact on other wells in the vicinity	No foundation. (Evid. Code §§403, 702)  Improper lay opinion. (Evid. Code §800)  Improper expert opinion. (Evid. Code §801)	
7.	(d) the proximity of the State aqueduct to the Project and the potential contamination of the State Water Project from build out of the Project  (§6 at 3:7-9)	Relevance (Evid. Code §350; No foundation. (Evid. Code §§403, 702)  Improper lay opinion. (Evid. Code §800)  Improper expert opinion. (Evid. Code §801)  Approval/disapproval decision limited to effect of New Production Application on the Antelope Valley Groundwater Basin.	
8.	(e) whether Replacement water purchased by Barrel Springs would be capable of recharging the Bain in the area near the point	No foundation. (Evid. Code §§403, 702.)	



August 29, 2023 Declaration of Kathy MacLaren			
	Testimony	Objection	Ruling
	of extraction (¶6 at 3:9-10)	Improper lay opinion. (Evid. Code §800)  Improper expert opinion. (Evid. Code §801)  Approval/disapproval decision limited to effect of New Production Application on the Antelope Valley Groundwater Basin.	
9.	(f) whether the Board had considered and approved similar or even larger New Production application in the past with a similar domestic water demand  (¶6 at 3:10-12)	Relevance (Evid. Code §350; <i>County of Mono v. City of Los Angeles</i> (2022) 82 Cal.App.5th 657, 666 [extra-record evidence not relevant]  Approval/disapproval decision limited to effect of New Production Application on the Antelope Valley Groundwater Basin.	
10.	(g) whether Barrel Springs would consider conditioning the approval of the Project on a successful aquifer test that demonstrated sufficient capacity to meet Project demands.  (¶6 at 3:12-14)	Relevance (Evid. Code §350; <i>County of Mono v. City of Los Angeles</i> (2022) 82 Cal.App.5th 657, 666 [extra-record evidence not relevant]  Approval/disapproval decision limited to effect of New Production Application on the Antelope Valley Groundwater Basin.	
11.	I voted not to approve the Application because I considered the aforementioned concerns to pose a significant enough risk to the health of the Basin.  (¶7 at 3:15-16)	No foundation. (Evid. Code §§403, 702)  Improper lay opinion. (Evid. Code §800)  Improper expert opinion.	

August 29, 2023 Declaration of Kathy MacLaren			
	Testimony	Objection	Ruling
		(Evid. Code §801)	
12.	<p>On April 26, 2023, I believed, based on these facts, and I still believe today based on these and additional facts, that the Application should be denied.</p> <p>(¶7 at 3:18-19)</p>	<p>No foundation. (Evid. Code §§403, 702)</p> <p>Improper lay opinion. (Evid. Code §800)</p> <p>Improper expert opinion. (Evid. Code §801)</p> <p>Relevance (Evid. Code §350; <i>County of Mono v. City of Los Angeles</i> (2022) 82 Cal.App.5th 657, 666 [extra-record evidence not relevant])</p> <p>Approval/disapproval decision limited to effect of New Production Application on the Antelope Valley Groundwater Basin.</p>	
13.	<p>I believe as of April 26, 2023, and I continue to believe today, that the Project has the potential to cause harm to the Basin</p> <p>(¶15 at 5:7-8)</p>	<p>No foundation. (Evid. Code §§403, 702)</p> <p>Improper lay opinion. (Evid. Code §800)</p> <p>Improper expert opinion. (Evid. Code §801)</p> <p>Relevance (Evid. Code §350; <i>County of Mono v. City of Los Angeles</i> (2022) 82 Cal.App.5th 657, 666 [extra-record evidence not relevant])</p> <p>Approval/disapproval decision limited to effect of New Production Application on the Antelope Valley Groundwater Basin.</p>	

August 29, 2023 Declaration of Robert Parris			
	Testimony	Objection	Ruling
14.	I had concerns about the potential consequences and fallout if the single well proposed to be constructed to serve the Project should fail, leaving 144 people using 145 proposed bathrooms without a certified domestic water supply to cover their proposed 47,000 square feet of buildings  (¶4 at 6:25 -28)	Relevance (Evid. Code §350; <i>County of Mono v. City of Los Angeles</i> (2022) 82 Cal.App.5th 657, 666 [extra-record evidence not relevant])  No. Foundation (Evid. Code §403)  Speculation. (Evid. Code §702)  Approval/disapproval decision limited to effect of New Production Application on the Antelope Valley Groundwater Basin.	
15.	knowing that Palmdale Water District had already issued a serviceability letter declining to provide water to the Project unless Barrel Springs constructed the necessary infrastructure.  (¶4 at 6:28 – 7:3)	Relevance (Evid. Code §350)  Hearsay (Evid. Code §1200)  Approval/disapproval decision limited to effect of New Production Application on the Antelope Valley Groundwater Basin.	
16.	I did not believe the Findings thoroughly addressed such issues as: (a) the fact the Project was planned to be constructed directly on the San Andreas fault zone  (¶5 at 7:4-5)	No foundation. (Evid. Code §§403, 702)  Improper lay opinion. (Evid. Code §800)  Improper expert opinion. (Evid. Code §801)	
17.	(b) whether the estimated ten (10) acre-feet for domestic water supply for the Project was realistic  (¶5 at 7:5-6)	No foundation. (Evid. Code §§403, 702)  Improper lay opinion. (Evid. Code §800)  Improper expert opinion. (Evid. Code §801)	

August 29, 2023 Declaration of Robert Parris			
	Testimony	Objection	Ruling
18.	(c) the potential impact on other wells in the vicinity  (¶5 at 7:7)	No foundation. (Evid. Code §§403, 702)  Improper lay opinion. (Evid. Code §800)  Improper expert opinion. (Evid. Code §801)	
19.	(d) the proximity of the State aqueduct to the Project and the potential contamination of the State Water Project from build out of the Project  (¶5 at 7:8-9)	Relevance (Evid. Code §350. No foundation. (Evid. Code §§403, 702)  Improper lay opinion. (Evid. Code §800)  Improper expert opinion. (Evid. Code §801)	
20.	(e) whether Replacement water purchased by Barrel Springs would be capable of recharging the Bain in the area near the point of extraction  (¶5 at 7:9-10)	No foundation. (Evid. Code §§403, 702)  Improper lay opinion. (Evid. Code §800)  Improper expert opinion. (Evid. Code §801)  Approval/disapproval decision limited to effect of New Production Application on the Antelope Valley Groundwater Basin.	
21.	(f) whether the Board had considered and approved similar or even larger New Production application in the past with a similar domestic water demand  (¶5 at 7:10-12)	Relevance (Evid. Code §350; <i>County of Mono v. City of Los Angeles</i> (2022) 82 Cal.App.5th 657, 666 [extra-record evidence not relevant])  Approval/disapproval decision limited to effect of New Production Application on the Antelope Valley Groundwater Basin.	

August 29, 2023 Declaration of Robert Parris			
	Testimony	Objection	Ruling
22.	(g) whether Barrel Springs would consider conditioning the approval of the Project on a successful aquifer test that demonstrated sufficient capacity to meet Project demands.  (¶5 at 7:12-14)	Relevance (Evid. Code §350; <i>County of Mono v. City of Los Angeles</i> (2022) 82 Cal.App.5th 657, 666 [extra-record evidence not relevant]  Approval/disapproval decision limited to effect of New Production Application on the Antelope Valley Groundwater Basin.	
23.	two New Production applications were recently approved by the Watermaster requesting more water than Barrel Springs requested in its Application: Long Valley Road, L.P. ("Long Valley") in the amount of 300 acre-feet on February 23, 2023, and Ran Banuk ("Banuk") in the amount of 215 acre-feet on June 28, 2023  (¶12 at 9:3-7)	Relevance (Evid. Code §350; <i>County of Mono v. City of Los Angeles</i> (2022) 82 Cal.App.5th 657, 666 [extra-record evidence not relevant]  Approval/disapproval decision limited to effect of New Production Application on the Antelope Valley Groundwater Basin.	
24.	I do not believe either of these New Production approval are relevant to or set a precedent for Barrel Springs' Application, which remains a case of first impression for the Watermaster  (¶12 at 9:7-9)	No foundation. (Evid. Code §§403, 702)  Improper lay opinion. (Evid. Code §800)  Improper expert opinion. (Evid. Code §801)  Relevance (Evid. Code §350; <i>County of Mono v. City of Los Angeles</i> (2022) 82 Cal.App.5th 657, 666 [extra-record evidence not relevant]  Approval/disapproval decision limited to effect of New Production Application on the Antelope Valley Groundwater Basin.	

August 29, 2023 Declaration of Robert Parris			
	Testimony	Objection	Ruling
25.	Long Valley's New Production application is distinguishable from Barrel Springs' Application because Long Valley is a Party to the Judgment in a well-known area of the Basin with an existing well that has a demonstrated history of producing a large amount of groundwater on an annual basis.  (¶13 at 9:10-13)	Improper lay opinion. (Evid. Code §800)  Improper expert opinion. (Evid. Code §801)  Relevance (Evid. Code §350; <i>County of Mono v. City of Los Angeles</i> (2022) 82 Cal.App.5th 657, 666 [extra-record evidence not relevant])  Approval/disapproval decision limited to effect of New Production Application on the Antelope Valley Groundwater Basin.	
26.	There were no questions about Long Valley's New Production impacting the area around it  (¶13 at 9:13-14)	Relevance (Evid. Code §350; <i>County of Mono v. City of Los Angeles</i> (2022) 82 Cal.App.5th 657, 666 [extra-record evidence not relevant])  Approval/disapproval decision limited to effect of New Production Application on the Antelope Valley Groundwater Basin.	
27.	and Long Valley's use is not domestic, so there is no threat of a Public Water Supplier having to step-in and pick up the pieces if Long Valley's well becomes unproductive  (¶13 at 9:15-16)	No Foundation (Evid. Code §403)  Speculation. (Evid. Code §702)  Relevance (Evid. Code §350; <i>County of Mono v. City of Los Angeles</i> (2022) 82 Cal.App.5th 657, 666 [extra-record evidence not relevant])  Approval/disapproval decision limited to effect of New Production Application on the	

August 29, 2023 Declaration of Robert Parris			
	Testimony	Objection	Ruling
		Antelope Valley Groundwater Basin.	
28.	Banuk's well is located in a well-known area of the Basin with adequate hydrogeological data  (¶14 at 9:18-19)	Improper lay opinion. (Evid. Code §800)  Improper expert opinion. (Evid. Code §801)  Relevance (Evid. Code §350; <i>County of Mono v. City of Los Angeles</i> (2022) 82 Cal.App.5th 657, 666 [extra-record evidence not relevant])  Approval/disapproval decision limited to effect of New Production Application on the Antelope Valley Groundwater Basin.	
29.	Banuk did not propose to use the New Production for domestic use  (¶14 at 9:19-20)	Relevance (Evid. Code §350; <i>County of Mono v. City of Los Angeles</i> (2022) 82 Cal.App.5th 657, 666 [extra-record evidence not relevant])  Approval/disapproval decision limited to effect of New Production Application on the Antelope Valley Groundwater Basin.	
30.	In contrast, Barrel Springs' Application relates to housing for 144 people, with an unproven record of groundwater pumping capability, and if Barrel Springs' well cannot meet its domestic treated water demand, a public health disaster will ensue  (¶14 at 9:21-24)	No Foundation (Evid. Code §403)  Speculation. (Evid. Code §702)  Relevance (Evid. Code §350; <i>County of Mono v. City of Los Angeles</i> (2022) 82 Cal.App.5th 657, 666 [extra-record evidence not relevant])  Approval/disapproval	

August 29, 2023 Declaration of Robert Parris			
	Testimony	Objection	Ruling
		decision limited to effect of New Production Application on the Antelope Valley Groundwater Basin.	
31.	Palmdale Water District will potentially be forced to provide water to Barrel Springs.  (¶14 at 9:24-25)	No Foundation (Evid. Code §403)  Speculation. (Evid. Code §702)  Relevance (Evid. Code §350; <i>County of Mono v. City of Los Angeles</i> (2022) 82 Cal.App.5th 657, 666 [extra-record evidence not relevant])  Approval/disapproval decision limited to effect of New Production Application on the Antelope Valley Groundwater Basin.	
32.	I believe as of April 26, 2023, and I continue to believe today, that the Project has the potential to cause harm to the Basin  (¶15 at 9:27-28)	No foundation. (Evid. Code §§403, 702)  Improper lay opinion. (Evid. Code §800)  Improper expert opinion. (Evid. Code §801)  Relevance (Evid. Code §350; <i>County of Mono v. City of Los Angeles</i> (2022) 82 Cal.App.5th 657, 666 [extra-record evidence not relevant])  Approval/disapproval decision limited to effect of New Production Application on the Antelope Valley Groundwater Basin.	



August 31, 2023 Declaration of Russ Bryden			
	Testimony	Objection	Ruling
33.	however in hindsight, now that I have been made aware of Directors MacLaren's and Parris' [sic] questions and concerns regarding the Engineer's Findings  (¶3 at 11:17-19)	No foundation. (Evid. Code §§403, 702)  Hearsay. (Evid. Code §1200)	
34.	and now knowing Barrel Springs' intransigence and unwillingness to respond in any meaningful way to the Watermaster's follow-up questions  (¶3 at 11:19-20)	No foundation. (Evid. Code §§403, 702)  Hearsay. (Evid. Code §1200)	
35.	I am no longer certain I would vote to approve the Application.  (¶3 at 11:21)	Relevance (Evid. Code §350)  Speculation (Evid. Code §702)  Relevance (Evid. Code §350; <i>County of Mono v. City of Los Angeles</i> (2022) 82 Cal.App.5th 657, 666 [extra-record evidence not relevant])  Approval/disapproval decision limited to effect of New Production Application on the Antelope Valley Groundwater Basin.	
36.	I believe that the list of follow-up questions generated by Director MacLaren and Director Parris must be answered completely by Barrel Springs  (¶4 at 11:22-23)	Relevance (Evid. Code §350)  Relevance (Evid. Code §350; <i>County of Mono v. City of Los Angeles</i> (2022) 82 Cal.App.5th 657, 666 [extra-record evidence not relevant])  Approval/disapproval decision limited to effect of New Production Application on the Antelope Valley Groundwater Basin.	

August 31, 2023 Declaration of Russ Bryden			
	Testimony	Objection	Ruling
37.	the Watermaster Board and the Watermaster Engineer must be given an opportunity to more fully evaluate those questions—beyond what is set forth in the Findings—before the Watermaster Board can make an informed decision on whether to approve the Application  (¶4 at 11:23-26)	Speculation (Evid. Code §702)  Improper factual conclusion (§§403, 702)  Improper legal conclusion (Evid Code §702)  Approval/disapproval decision limited to effect of New Production Application on the Antelope Valley Groundwater Basin.	

### III. CONCLUSION


For all of the foregoing reasons, The People Concern respectfully requests that the Court:

- (a) Set an evidentiary hearing to take testimony from Kathy MacLaren and John Maceri and any other witness the Court wishes to examine;
- (b) Sustain the objections to evidence and each of them set forth above;
- (c) Strike the Bryden Declaration in its entirety;
- (d) Admit the Parris Declaration into evidence for the sole purpose of cross-examining Ms. MacLaren; and
- (e) Strike the Parris Declaration.

DATED: September 8, 2023

HANSON BRIDGETT LLP

By:

  
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