

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: NAME: Gary A. Watt (SBN 191265); Rosslyn Hummer (SBN 190615) FIRM NAME: Hanson Bridgett LLP STREET ADDRESS: 777 S. Figueroa Street, Suite 4200 CITY: Los Angeles STATE: CA ZIP CODE: 90017 TELEPHONE NO.: 213-395-7620 FAX NO.: 213-395-7615 E-MAIL ADDRESS: gwatt@hansonbridgett.com; bhummer@hansonbridgett.com ATTORNEY FOR (name): The People Concern, Inc., as agent for Barrell Springs Properties, LLC	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA STREET ADDRESS: 191 N. First Street MAILING ADDRESS: 191 N. First Street CITY AND ZIP CODE: San Jose, Ca 95113 BRANCH NAME: Downtown Superior Court	
PLAINTIFF/PETITIONER: Antelope Valley Watermaster DEFENDANT/RESPONDENT: The People Concern, Inc. as Agent for Barrell Springs Properties, LLC OTHER PARENT/PARTY:	
APPELLANT'S NOTICE DESIGNATING RECORD ON APPEAL (UNLIMITED CIVIL CASE)	SUPERIOR COURT CASE NUMBER: SCSC Case No. 1-05-CV-049053; JCCP 4408; Lead Case No. BC325201
Re: Appeal filed on (date): January 5, 2024	COURT OF APPEAL CASE NUMBER (if known):
Notice: Please read <i>Information on Appeal Procedures for Unlimited Civil Cases</i> (form APP-001-INFO) before completing this form. This form must be filed in the superior court, not in the Court of Appeal.	

1 RECORD OF THE DOCUMENTS FILED IN THE SUPERIOR COURT

I choose to use the following method of providing the Court of Appeal with a record of the documents filed in the superior court (check a, b, c, or d, and fill in any required information):

- a. A clerk's transcript under rule 8.122. (You must check (1) or (2) and fill out the clerk's transcript section (item 4) on pages 2 and 3 of this form.)
- (1) I will pay the superior court clerk for this transcript myself when I receive the clerk's estimate of the costs of this transcript. I understand that if I do not pay for this transcript, it will not be prepared and provided to the Court of Appeal.
- (2) I request that the clerk's transcript be provided to me at no cost because I cannot afford to pay this cost. I have submitted the following document with this notice designating the record (check (a) or (b)):
- (a) An order granting a waiver of court fees and costs under rules 3.50-3.58; or
- (b) An application for a waiver of court fees and costs under rules 3.50-3.58. (Use Request to Waive Court Fees (form FW-001) to prepare and file this application.)
- b. An appendix under rule 8.124.
- c. The original superior court file under rule 8.128. (NOTE: Local rules in the Court of Appeal, First, Third, and Fourth Appellate Districts, permit parties to stipulate (agree) to use the original superior court file instead of a clerk's transcript; you may select this option if your appeal is in one of these districts and all the parties have stipulated to use the original superior court file instead of a clerk's transcript in this case. Attach a copy of this stipulation.)
- d. An agreed statement under rule 8.134. (You must complete item 2b(2) below and attach to your agreed statement copies of all the documents that are required to be included in the clerk's transcript. These documents are listed in rule 8.134(a).)

2 RECORD OF ORAL PROCEEDINGS IN THE SUPERIOR COURT

I choose to proceed (you must check a or b below):

- a. WITHOUT a record of the oral proceedings (what was said at the hearing or trial) in the superior court. I understand that without a record of the oral proceedings in the superior court, the Court of Appeal will not be able to consider what was said during those proceedings in deciding whether an error was made in the superior court proceedings.

CASE NAME: Antelope Valley Watermaster v. The People Concern, Inc. as agent for Barrell Springs Properties, LLC	SUPERIOR COURT CASE NUMBER: SCSC Case No. 1-05-CV-049053; JCCP 4408; Lead Case No. BC325201
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2. b. WITH the following record of the oral proceedings in the superior court (*you must check (1), (2), or (3) below*):
- (1) A reporter's transcript under rule 8.130. (*You must fill out the reporter's transcript section (item 5) on pages 3 and 4 of this form.*) I have (*check all that apply*):
 - (a) Deposited with the superior court clerk the approximate cost of preparing the transcript by including the deposit with this notice as provided in rule 8.130(b)(1).
 - (b) Attached a copy of a Transcript Reimbursement Fund application filed under rule 8.130(c)(1).
 - (c) Attached the reporter's written waiver of a deposit under rule 8.130(b)(3)(A) for (*check either (i) or (ii)*):
 - (i) all of the designated proceedings.
 - (ii) part of the designated proceedings.
 - (d) Attached a certified transcript under rule 8.130(b)(3)(C).
 - (2) An agreed statement. (*Check and complete either (a) or (b) below.*)
 - (a) I have attached an agreed statement to this notice.
 - (b) All the parties have stipulated (agreed) in writing to try to agree on a statement. (*You must attach a copy of this stipulation to this notice.*) I understand that, within 40 days after I file the notice of appeal, I must file either the agreed statement or a notice indicating the parties were unable to agree on a statement and a new notice designating the record on appeal.
 - (3) A settled statement under rule 8.137. (*You must check (a), (b), or (c) below, and fill out the settled statement section (item 6) on page 4.*)
 - (a) The oral proceedings in the superior court were not reported by a court reporter.
 - (b) The oral proceedings in the superior court were reported by a court reporter, but I have an order waiving fees and costs.
 - (c) I am asking to use a settled statement for reasons other than those listed in (a) or (b). (*You must serve and file the motion required under rule 8.137(b) at the same time that you file this form. You may use form APP-025 to prepare the motion.*)

3 RECORD OF AN ADMINISTRATIVE PROCEEDING TO BE TRANSMITTED TO THE COURT OF APPEAL

I request that the clerk transmit to the Court of Appeal under rule 8.123 the record of the following administrative proceeding that was admitted into evidence, refused, or lodged in the superior court (*give the title and date or dates of the administrative proceeding*):

Title of Administrative Proceeding	Date or Dates
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4. NOTICE DESIGNATING CLERK'S TRANSCRIPT

(*You must complete this section if you checked item 1a above indicating that you choose to use a clerk's transcript as the record of the documents filed in the superior court.*)

a. **Required documents.** The clerk will automatically include the following items in the clerk's transcript, but you must provide the date each document was filed, or if that is not available, the date the document was signed.

Document Title and Description	Date of Filing
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- (1) Notice of appeal
- (2) Notice designating record on appeal (*this document*)
- (3) Judgment or order appealed from
- (4) Notice of entry of judgment (*if any*)
- (5) Notice of intention to move for new trial or motion to vacate the judgment, for judgment notwithstanding the verdict, or for reconsideration of an appealed order (*if any*)
- (6) Ruling on one or more of the items listed in (5)
- (7) Register of actions or docket (*if any*)

CASE NAME: Antelope Valley Watermaster v. The People Concern, Inc. as agent for Barrell Springs Properties, LLC	SUPERIOR COURT CASE NUMBER: SCSC Case No. 1-05-CV-049053; JCCP 4408; Lead Case No. BC325201
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4 NOTICE DESIGNATING CLERK'S TRANSCRIPT

b. **Additional documents.** *(If you want any documents from the superior court proceeding in addition to the items listed in 4a. above to be included in the clerk's transcript, you must identify those documents here.)*

I request that the clerk include in the transcript the following documents that were filed in the superior court proceeding. *(You must identify each document you want included by its title and provide the date it was filed or, if that is not available, the date the document was signed.)*

Document Title and Description	Date of Filing
(8)	
(9)	
(10)	
(11)	

See additional pages. *(Check here if you need more space to list additional documents. List these documents on a separate page or pages labeled "Attachment 4b," and start with number (12).)*

c. **Exhibits to be included in clerk's transcript**

I request that the clerk include in the transcript the following exhibits that were admitted in evidence, refused, or lodged in the superior court. *(For each exhibit, give the exhibit number, such as Plaintiff's #1 or Defendant's A, and a brief description of the exhibit. Indicate whether or not the court admitted the exhibit into evidence. If the superior court has returned a designated exhibit to a party, the party in possession of the exhibit must deliver it to the superior court clerk within 10 days after service of this notice designating the record. (Rule 8.122(a)(3).)*

Exhibit Number	Description	Admitted (Yes/No)
(1)		
(2)		
(3)		
(4)		

See additional pages. *(Check here if you need more space to list additional exhibits. List these exhibits on a separate page or pages labeled "Attachment 4c," and start with number (5).)*

5 NOTICE DESIGNATING REPORTER'S TRANSCRIPT

You must complete both a and b in this section if you checked item 2b(1) above indicating that you choose to use a reporter's transcript as the record of the oral proceedings in the superior court. Please remember that you must pay for the cost of preparing the reporter's transcript.

a. **Format of the reporter's transcript**

I request that the reporters provide *(check one)*:

- (1) My copy of the reporter's transcript in electronic format.
- (2) My copy of the reporter's transcript in paper format.
- (3) My copy of the reporter's transcript in electronic format and a second copy in paper format.

(Code Civ. Proc., § 271.)

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5. b. **Proceedings**

I request that the following proceedings in the superior court be included in the reporter's transcript. *(You must identify each proceeding you want included by its date, the department in which it took place, a description of the proceedings (for example, the examination of jurors, motions before trial, the taking of testimony, or the giving of jury instructions), the name of the court reporter who recorded the proceedings (if known), and whether a certified transcript of the designated proceeding was previously prepared.)*

Date	Department	Full/Partial Day	Description	Reporter's Name	Prev. prepared?
(1) 10/18/23	3	Full	Evidentiary Hearing	Angela T. Kott, CSR #7811	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(2)					<input type="checkbox"/> Yes <input type="checkbox"/> No
(3)					<input type="checkbox"/> Yes <input type="checkbox"/> No
(4)					<input type="checkbox"/> Yes <input type="checkbox"/> No

See additional pages. *(Check here if you need more space to list additional proceedings. List these exhibits on a separate page or pages labeled "Attachment 5b," and start with number (5).)*

6 **NOTICE DESIGNATING PROCEEDINGS TO BE INCLUDED IN SETTLED STATEMENT**

(You must complete this section if you checked item 2b(3) above indicating you choose to use a settled statement.) I request that the following proceedings in the superior court be included in the settled statement. *(You must identify each proceeding you want included by its date, the department in which it took place, a description of the proceedings (for example, the examination of jurors, motions before trial, the taking of testimony, or the giving of jury instructions), the name of the court reporter who recorded the proceedings (if known), and whether a certified transcript of the designated proceeding was previously prepared.)*

Date	Department	Full/Partial Day	Description	Reporter's Name	Prev. prepared?
(1)					<input type="checkbox"/> Yes <input type="checkbox"/> No
(2)					<input type="checkbox"/> Yes <input type="checkbox"/> No
(3)					<input type="checkbox"/> Yes <input type="checkbox"/> No
(4)					<input type="checkbox"/> Yes <input type="checkbox"/> No


See additional pages. *(Check here if you need more space to list additional proceedings. List these proceedings on a separate page or pages labeled "Attachment 6," and start with number (5).)*

7. a. The proceedings designated in 5b or 6 include do not include all of the testimony in the superior court.

b. If the designated proceedings DO NOT include all of the testimony, state the points that you intend to raise on appeal. *(Rule 8.130(a)(2) and rule 8.137(d)(1) provide that your appeal will be limited to these points unless the Court of Appeal permits otherwise.)* Points are set forth: Below On a separate page labeled "Attachment 7."

Date: January 16, 2024

Rosslyn Hummer
(TYPE OR PRINT NAME)

 /s/ Rosslyn Hummer
(SIGNATURE OF APPELLANT OR ATTORNEY)
 Attorney for The People Concern as agent for
 Barrell Springs Properties, LLC

ATTACHMENT 1

Transcript of Proceedings
October 18, 2023

Antelope Valley Groundwater Cases [JCCP No. 4408]



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SUPERIOR COURT OF THE STATE OF CALIFORNIA	
FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT	
Coordination Proceedings,	) Judicial Council
Special Title (Rule	) Coordination Proceeding
1550(b))	) No. 4408
)
	) Santa Clara Case No.
ANTELOPE VALLEY	) 1-05-CV-049053
GROUNDWATER CASES)
	) Assigned to the Hon.
	) Jack Komar, Judge of the
	) Santa Clara Superior
	) Court
<hr/>)
AND ALL RELATED)
ACTIONS	) LASC Case No. BC 325201

EVIDENTIARY HEARING
 TRANSCRIPT OF PROCEEDINGS

Wednesday, October 18, 2023

REPORTED BY:
 ANGELA KOTT, CSR 7811
 JOB NO: 10129140

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A P P E A R A N C E S

FOR ANTELOPE VALLEY WATERMASTER:

PRICE, POSTEL & PARMA
BY: CRAIG A. PARTON, Attorney at Law
200 East Carillo Street, Fourth Floor
Santa Barbara, California 93101
805.962.0011
cap@ppplaw.com

FOR THE PEOPLE CONCERN, INC. as Agent for BARREL
SPRINGS PROPERTIES, LLC:

HANSON BRIDGETT LLP
BY: ROSSLYN BETH HUMMER, Attorney at Law
777 S. Figueroa Street, Suite 4200
Los Angeles, California 90017
(213) 395-7620
Bhummer@hansonbridgett.com

ALSO PRESENT:

ROBERT PARRIS, Antelope Valley Watermaster Board
Chair

JOHN MACERI, CEO of The People Concern

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INDEX OF EXHIBITS REFERENCED

NO.	ID	EV	WD
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1 WEDNESDAY, OCTOBER 18, 2023 9:06 AM

2 MORNING SESSION

3 ---oOo---

4 THE COURT: All right. This is a motion by
5 the people designating themselves as the Agent for
6 Barrel Springs seeking to enforce a recommendation by
7 the Watermaster Engineer to authorize the water
8 production on their property.

9 There are a lot of questions here, obviously.
10 There's a lot of evidence that's been submitted by
11 both parties, but the request for the evidentiary
12 hearing presumably was for purposes of providing some
13 cross-examination -- I'm assuming that was the
14 reason -- of one of the Watermaster board members.

15 Is that accurate?

16 MS. HUMMER: Yes, Your Honor.

17 THE COURT: Okay. And let's have everybody
18 state their appearances for the record, just for the
19 purposes of the record.

20 MS. HUMMER: Rosslyn Hummer on behalf of The
21 People Concern as Agents of Barrel Springs Properties,
22 LLC, the moving party.

23 MR. MACERI: John Maceri, the CEO of The
24 People Concern.

25 THE COURT: I'm sorry. I did not hear you.

1 MR. MACERI: John Maceri, the CEO of The
2 People Concern.

3 THE COURT: Okay.

4 MR. PARTON: Good morning, Your Honor. Craig
5 Parton for the Antelope Valley Watermaster. I have
6 with me the chair of the board, Rob Parris.

7 And Kathy MacLaren is in the audience, Arden
8 Wells from Todd Groundwater by subpoena, and
9 Mr. Joshua Montoya by subpoena.

10 THE COURT: All right. There are a lot of
11 issues here that are probably going to have to be
12 addressed by counsel at some point. But at this
13 point, let's take the witnesses, have them sworn, and
14 proceed from there.

15 MR. PARTON: Your Honor, one quick matter. I
16 just talked to counsel before we started. And I think
17 we have agreement on stipulating to the admissibility
18 of all the exhibits. So I believe we have that
19 agreement.

20 MS. HUMMER: Yes, Your Honor.

21 THE COURT: So stipulated?

22 MS. HUMMER: So stipulated. Yes.

23 MR. PARTON: I have two volumes to give to
24 the clerk, if it is okay.

25 THE COURT: Okay. In addition to that,

1 there's a request for judicial notice.

2 Is there any objection to that?

3 MS. HUMMER: It's our request for judicial
4 notice, Your Honor.

5 THE COURT: I'm sorry?

6 MS. HUMMER: It's Barrel Springs Properties'
7 request for judicial notice. We don't object to our
8 own request for judicial notice.

9 MR. PARTON: We have a request for judicial
10 notice that was filed on Friday.

11 THE COURT: Yes. Okay. Well, you need to
12 review it and determine whether or not you have an
13 objection to any part of it.

14 MS. HUMMER: Okay. Will do.

15 THE COURT: Okay. How do you want to proceed
16 here this morning?

17 MR. PARTON: Your Honor --

18 THE COURT: Who is calling the witnesses?

19 MS. HUMMER: Your Honor, Barrel Springs is
20 calling the witnesses.

21 THE COURT: Okay.

22 MS. HUMMER: A couple of housekeeping
23 matters, Your Honor. I'd like to move under Evidence
24 Code 777 to exclude witnesses.

25 THE COURT: I'm having a little trouble

1 hearing you.

2 MS. HUMMER: Oh, I'm sorry.

3 I'd like to move under 777 of the Evidence
4 Code to exclude witnesses, Your Honor.

5 THE COURT: Okay.

6 MS. HUMMER: I'm particularly concerned about
7 having Mr. Parris present while Ms. MacLaren is
8 testifying.

9 I understand he's here as the client
10 representative, but I think if he's planning to
11 testify, then he would need to step out while
12 Ms. MacLaren is testifying.

13 THE COURT: It's not my intent at this time
14 to exclude any witnesses.

15 MS. HUMMER: Understood. Thank you, Your
16 Honor.

17 MR. PARTON: Your Honor, Mr. Parris'
18 declaration is already an exhibit before the Court.

19 THE COURT: I've read it.

20 MR. PARTON: Okay.

21 MR. PARRIS: Thank you, Your Honor.

22 THE COURT: All right. Let's proceed. Call
23 your first witness.

24 MS. HUMMER: Your Honor, Barrel Springs
25 Properties calls Kathy MacLaren to the stand.

1 THE COURT: All right. Ms. MacLaren, will
2 you come forward, please.

3 The oath will be administered to you by the
4 clerk.

5 THE CLERK: Do you solemnly state under
6 penalty of perjury that the testimony you will give in
7 this matter will be the truth, the whole truth, and
8 nothing but the truth?

9 THE WITNESS: I do.

10 THE COURT: Have a seat and state your full
11 name for the record, please.

12 THE WITNESS: My name is Kathryn MacLaren.

13 THE COURT: What is your address, please?

14 THE WITNESS: 37784 Aquarius Circle,
15 Palmdale, California 93552.

16 THE COURT: Okay. Proceed, please.

17 Kathryn MacLaren (for the Plaintiff),
18 called as a witness,

19 was sworn and testified as follows:

20 DIRECT EXAMINATION

21 BY MS. HUMMER:

22 Q. Good morning, Ms. MacLaren.

23 A. Good morning.

24 Q. You have in front of you a binder of
25 exhibits. It's the white binder. We're going to be

1 referring to some of those exhibits in your testimony.

2 So when I ask you to look at a particular
3 exhibit, I'll give you the exhibit number, but if you
4 have any trouble finding what you're looking for, just
5 let me know and we'll sort it.

6 A. Okay.

7 Q. Could you please turn to Exhibit 15 in the
8 white binder.

9 (Exhibit 15 received in evidence.)

10 THE COURT: Proceed.

11 BY MS. HUMMER:

12 Q. Are you there, Ms. MacLaren?

13 A. Yes.

14 Q. Do you recognize Exhibit 15?

15 A. Yes.

16 Q. What is Exhibit 15?

17 A. It is one of the pictures I have on my
18 Facebook page.

19 Q. Is it only one picture?

20 A. One picture -- there's a picture of me in a
21 tunnel, a smaller picture of me and my husband, and a
22 picture of the Metrolink.

23 MS. HUMMER: Your Honor, may I approach?

24 That's not what I have in my exhibits.

25 THE COURT: You know, I'm having real

1 difficulty hearing you. You're going to have to speak
2 up or into the microphone.

3 MS. HUMMER: I might have to sit -- Your
4 Honor, I might have to sit to reach the microphone, is
5 it okay?

6 THE COURT: You could be seated, if you wish.

7 MS. HUMMER: Okay. Is this better, Your
8 Honor?

9 THE COURT: Yes, it's better.

10 MS. HUMMER: Okay. Sorry about that.

11 Your Honor, Ms. MacLaren is describing an
12 exhibit that does not match what's in my book.

13 Might I approach to confirm that she has the
14 correct exhibit?

15 THE WITNESS: You said Exhibit 15, correct?
16 Exhibit 15. I'll show you, Exhibit 15.

17 THE COURT: Yes.

18 THE WITNESS: And this is the picture that
19 I'm looking at. Right there.

20 THE COURT: All right. I have that.

21 BY MS. HUMMER:

22 Q. Ms. MacLaren, going back to Exhibit 15, the
23 first picture that you described yourself in a tunnel,
24 that's not the picture you were referring to of you
25 and your husband, is it?

1 A. In that picture, like on Facebook, they have
2 these pictures, and then they have a little picture in
3 there.

4 So there's this bigger picture, and the
5 little picture right here.

6 MS. HUMMER: Your Honor, move to strike as
7 nonresponsive.

8 BY MS. HUMMER:

9 **Q. If you could just answer my question, please.**

10 **Is the big picture on Exhibit 15 of you and**
11 **your husband?**

12 A. I guess there's a large picture, and no, he
13 isn't in that. In the smaller picture, which is part
14 of that big picture.

15 **Q. Is there another picture on the first page,**
16 **Ms. MacLaren?**

17 A. Yes.

18 **Q. What does that picture show?**

19 A. Metrolink.

20 **Q. Do you have a second page to Exhibit 15?**

21 A. Yes.

22 **Q. Does the second page include a picture?**

23 A. Yes.

24 **Q. And what does that picture show?**

25 A. A picture of me.

1 Q. Now, turning back to page 1 of Exhibit 15, if
2 you please, there's a section labeled "Intro"
3 underneath the big picture.

4 A. Yes.

5 Q. And that information describes you.
6 Is that correct?

7 A. Yes.

8 MS. HUMMER: Your Honor, I forgot to mention,
9 I'd like to be -- I plan to examine Ms. MacLaren under
10 Evidence Code 776.

11 THE COURT: I'm sorry. Can you say that
12 again, please?

13 MS. HUMMER: I would like to examine
14 Ms. MacLaren under Evidence Code 776.

15 THE COURT: That is granted.

16 MS. HUMMER: Thank you.

17 BY MS. HUMMER:

18 Q. Now, Ms. MacLaren, the description of
19 yourself says that you went to Herbert Hoover High
20 School.

21 Do you see that?

22 A. Yes.

23 Q. And Herbert Hoover High School is located in
24 Glendale, correct?

25 A. Yes.

1 Q. Did you graduate from Herbert Hoover High
2 School?

3 A. Yes.

4 Q. When did you graduate?

5 A. I want to say '76.

6 Q. 1976?

7 A. Yes.

8 Q. And then it also indicates on the next page
9 some information about your professional functions,
10 correct?

11 Does it show you as a director of Division 4
12 at Palmdale Water District?

13 A. Yes.

14 Q. And underneath that it says studied at Los
15 Angeles Trade Technical College?

16 A. Yes.

17 Q. Did you take a degree from LA Trade Tech?

18 A. I got a labor study certificate.

19 Q. What is a labor study certificate?

20 A. It's 24 units in labor studies.

21 Q. Have you taken any kind of a certificate in
22 hydrogeology?

23 A. No.

24 Q. Have you taken any kind of a certificate in
25 geology?

1 A. No.

2 Q. Have you taken any geology classes?

3 A. Yes.

4 Q. Which geology classes did you take?

5 A. Just basic geology.

6 Q. When did you take it?

7 A. In -- I think it was in high school.

8 Q. You took basic geology at Herbert Hoover High
9 School?

10 A. To the best of my recollection, I have taken
11 geology in some sort of a general ed.

12 Q. Since becoming a member of the Antelope
13 Valley Watermaster board, have you done any coursework
14 in hydrogeology?

15 A. No.

16 Q. Have you done any coursework in geology?

17 A. No.

18 Q. Have you tutored with any of the Watermaster
19 engineering staff on hydrogeology?

20 A. No.

21 Q. Have you tutored with any of the Watermaster
22 engineering staff on geology?

23 A. No.

24 Q. And currently you're the vice chairman, or
25 vice chairperson, of the Antelope Valley Watermaster

1 board, correct?

2 A. Yes.

3 Q. And how long have you been the vice
4 chairperson?

5 A. I think two -- two years, maybe a little bit
6 longer. COVID kind of side -- kicked in the middle of
7 there.

8 Q. So is it fair to say that you became vice
9 chairperson before COVID?

10 A. I don't -- I don't recollect.

11 Q. Well, certainly since COVID has waned and
12 people are heading back into the office, you've been
13 the vice chairperson.

14 Is that correct?

15 A. Yes.

16 Q. Now, we're here today to talk about the
17 Barrel Springs property. Is Barrel Springs property,
18 is the property located in the Palmdale Water District
19 service area?

20 A. It -- we have a serviceability letter saying
21 that it is.

22 MS. HUMMER: Move to strike as nonresponsive,
23 Your Honor. It's a yes or no question.

24 THE COURT: I'm not going to strike that at
25 this point. Keep going.

1 BY MS. HUMMER:

2 Q. Do you serve on the Palmdale Water District
3 board?

4 A. Yes.

5 Q. So is it your understanding, apart from the
6 serviceability letter, that the Barrel Springs
7 property is in the Palmdale Water District service
8 area?

9 A. I think it borders -- borderlines. That's
10 why I answered the way I did the first time.

11 So I think it's -- we would be servicing it,
12 but I think that it partially is in LA County.

13 Q. So your testimony is that part of the
14 property you believe is within the boundaries of
15 Palmdale Water District and part of it is with -- out
16 of those boundaries?

17 A. Yes.

18 Q. Does Palmdale Water District service
19 properties -- other properties that are on the
20 borderline like that?

21 A. Yes.

22 Q. And how is the decision taken for Palmdale to
23 provide the utility service as opposed to the county?

24 A. I'm not sure how that is decided.

25 Q. Would you please turn to Exhibit 16.

1 (Exhibit 16 received in evidence.)

2 BY MS. HUMMER:

3 Q. Have you seen Exhibit 16 before,
4 Ms. MacLaren?

5 A. Yes.

6 Q. What is Exhibit 16?

7 A. Agenda for Palmdale Water District board of
8 directors meeting for Monday, March 27th, 2023.

9 Q. Now, isn't it true that at the March 27th,
10 2023, meeting of the Palmdale Water District board,
11 the Barrel Springs property was on the agenda?

12 A. Yes.

13 Q. And that's agenda item number 7.5, correct?

14 A. Yes.

15 Q. On page 2. Did the Palmdale Water District
16 board approve the letter of intent that was presented
17 as item number 7.5 --

18 A. No.

19 Q. -- on the agenda?

20 Could you please wait for me to finish my
21 questions before you answer. I really don't want us
22 to talk over each other because I want the court
23 reporter to get a good record.

24 A. I apologize.

25 Q. Thank you. Did you vote on agenda item 7.5?

1 A. Yes.

2 Q. How did you vote?

3 A. Yes.

4 Q. Yes, as in you approved the letter of intent?

5 A. Yes.

6 Q. And that letter of intent was for the purpose
7 of modifying a prior agreement between Palmdale Water
8 District and Barrel Springs Properties, LLC, was it
9 not?

10 A. Yes.

11 Q. And the prior agreement related to something
12 called the Palmdale ditch, which runs partially across
13 the Barrel Springs property, correct?

14 A. Yes.

15 Q. And is the Palmdale ditch also referred to as
16 Bear Creek in some of the documents?

17 A. Yes.

18 Q. So Palmdale Water District had a prior
19 agreement regarding the ditch that required it to
20 cover the ditch, did it not?

21 A. I would say yes, but it was with a -- it
22 wasn't with this current project.

23 Q. Oh. So the Palmdale ditch being covered in
24 the Barrel Springs property was not related to Barrel
25 Springs Properties' new production application?

1 A. Let me think about what you're asking.

2 The Sevills [sic] had had a discussion before
3 about needing to cover that in a previous -- and I
4 don't know if there was a project, but they had had
5 previous conversations before my time on the board.

6 Q. And when you say the "Sevills," you mean the
7 Sevillas?

8 A. Yes.

9 Q. And are you familiar with Carol Sevilla?

10 A. I am not with her personally.

11 Q. So let me make sure that I understand your
12 testimony.

13 Your testimony is that the agreement to cover
14 Palmdale ditch was entered into by Palmdale Water
15 District and the Sevilla family?

16 A. Yes. And I -- that's why I'm saying I'm not
17 sure if it was an in stone agreement or more of a
18 discussion.

19 I don't know if it had ever gotten finalized.

20 Q. When you say "finalized" and "in stone," do
21 you mean signed and agreed to and completed?

22 A. Correct. That was before I was on the board.
23 So I did not review those documents.

24 Q. If the prior agreement wasn't signed and
25 fully executed, why did agenda item 7.5 get presented

1 to the Palmdale Water District board?

2 A. I seem to recollect that they came to the
3 Watermaster and we sent that back for them to bring it
4 to the Palmdale Water District to work on -- work on
5 this.

6 Q. What does covering the Palmdale ditch have to
7 do with the new production application?

8 A. The concern to have the open area ditch be --
9 having construction or any kind of stuff running into
10 it. It's just a very small earthened dam with no
11 protection.

12 Q. Do you know what the terms are of the letter
13 of intent?

14 A. The letter of intent is that you're intending
15 to do a project. So that is your letter of intent of
16 what you are going to -- what is your intent in this
17 project and this action.

18 Q. So I want to be very careful about using the
19 term "project."

20 Are you using the term "project" in the sense
21 of a CEQA project?

22 A. I'm talking about project in the sense of
23 Barrel Springs Farms is a project that was brought
24 before, and this discussion was on protection of the
25 Palmdale ditch.

1 Q. Do you know whether Palmdale finalized an
2 agreement over protection of the Palmdale ditch with
3 Barrel Springs Properties?

4 A. Well, we did the letter of intent.

5 Q. Do you know whether Palmdale Water District
6 finalized an agreement with Barrel Springs Properties
7 over the Palmdale ditch?

8 A. I don't know if I've seen a finalized copy.
9 I don't know if that was brought to us in any form at
10 the Watermaster.

11 Q. Why would an agreement between Barrel Springs
12 Properties and Palmdale Water District relating to the
13 Palmdale ditch be brought to the Watermaster?

14 A. I don't think that I've seen a finalization.

15 Q. Would you please turn to Exhibit 20 in the
16 exhibit binder.

17 (Exhibit 20 received in evidence.)

18 BY MS. HUMMER:

19 Q. Are you there?

20 A. Yes.

21 Q. What is Exhibit 20, Ms. MacLaren?

22 A. Consideration and possible action on
23 agreement with Barrel Springs Farms for the protection
24 of the Palmdale ditch.

25 Q. And is there a letterhead on the top of

1 **Exhibit 20?**

2 A. The "Palmdale Water District Board
3 Memorandum."

4 **Q. What is the date of this board memorandum?**

5 A. April 5th, 2023.

6 **Q. And then there's another date at the top, is
7 there not?**

8 A. April 10th, 2023.

9 **Q. And April 10th, 2023, was the board meeting
10 of the Palmdale Water District, correct?**

11 A. I wouldn't be able to say that right off the
12 top of my head. I would check it before I just
13 answered, but I see April 10th, 2023.

14 I don't see that it's saying that that --
15 unless maybe it's in here somewhere else.

16 **Q. Do you doubt that the Watermaster -- strike
17 that.**

18 **Do you doubt that the Palmdale Water District
19 board happened on April 10th, 2023?**

20 A. You know what, excuse me, it does say
21 April 10, 2023, and then board meeting under that.

22 So I'm assuming that is made to say
23 April 10th, 2023, with the board meeting under that,
24 so I'm pretty -- looking at it that way, now that I'm
25 looking at it like that, I feel pretty confident there

1 was a board meeting on April 10th, 2023.

2 Q. And agenda item number 7.4 for that board
3 meeting, which is Exhibit 20, deals with entering into
4 an agreement between Palmdale Water District and
5 Barrel Springs Farms, correct?

6 MS. HUMMER: Your Honor, we're having an
7 alarm. It's an earthquake alarm, Your Honor.

8 THE COURT: I'm sorry?

9 MS. HUMMER: We all just got an earthquake
10 alarm on our phones. That's what the buzzing was.

11 THE COURT: All right. Do you understand the
12 question?

13 THE WITNESS: Go ahead and say the question
14 again, please.

15 BY MS. HUMMER:

16 Q. Does agenda item number 7.4, which is
17 Exhibit 20, deal with an agreement between Palmdale
18 Water District and Barrel Springs Farms about
19 undergrounding or covering the Palmdale ditch?

20 A. Yes.

21 Q. Do you know if this agreement was approved?

22 A. Yes.

23 Q. Was it approved?

24 A. Yes.

25 Q. Now, if you could turn to Exhibit 21, please.

1 (Exhibit 21 received in evidence.)

2 BY MS. HUMMER:

3 Q. What is Exhibit 21, Ms. MacLaren?

4 A. Minutes of the regular meeting of the board
5 of directors of the Palmdale Water District,
6 April 10th, 2023.

7 Q. And if you could turn, please, to page 4 in
8 Exhibit 20. The numbers are in the middle at the
9 bottom of each page.

10 That's where the outcome of agenda item 7.4
11 is addressed, is it not?

12 A. Yes.

13 Q. And it shows that it was approved
14 unanimously, correct?

15 A. Yes.

16 Q. And you were one of the people who voted for
17 it, correct?

18 A. Yes.

19 Q. Because you sometimes go by the name
20 MacLaren-Gomez, correct?

21 A. Yes.

22 Q. Do you know if Palmdale Water District had
23 budgeted for the cost of undergrounding the ditch?

24 A. We just looked at the budget. I don't
25 remember specifically a line item for that.

1 THE WITNESS: Is there something I can add to
2 that, Your Honor?

3 THE COURT: Say that again.

4 THE WITNESS: Is there something I can add to
5 that?

6 THE COURT: I'm sorry?

7 THE WITNESS: Is there something I can add to
8 that?

9 THE COURT: Just answer the question the best
10 you can.

11 THE WITNESS: Okay.

12 BY MS. HUMMER:

13 Q. So Ms. MacLaren, I'd like to shift to your
14 role as a board member of the Antelope Valley
15 Watermaster right now.

16 We've already had testimony that you're the
17 vice chairperson, correct?

18 A. Yes.

19 Q. How long have you served on the Antelope
20 Valley Watermaster board?

21 A. Off the top of my head, I do not -- I don't
22 know.

23 Q. Has it been more than three years?

24 A. Yes.

25 Q. So -- strike that.

1 Now, the Watermaster board has seats
2 allocated based on various criteria, correct?

3 THE COURT: Has allocated what?

4 MS. HUMMER: Seats, Your Honor.

5 BY MS. HUMMER:

6 Q. There are board seats that are designated for
7 certain stakeholders, correct?

8 A. Correct.

9 Q. And you represent the public producers? Let
10 me withdraw the question. It's a Southern California
11 term.

12 You represent public water suppliers,
13 correct?

14 A. Yes. That's what was throwing me off, the
15 producers as opposed to public water suppliers.

16 Q. Understood. There's a lot of terminology.
17 And if you don't understand my question, let me know
18 and I'll try to ask a better one.

19 And you understand that your duties on the
20 Antelope Valley Watermaster board are governed by the
21 judgment and physical solution entered by the Court,
22 correct?

23 A. Yes.

24 Q. When was the last time you read the judgment
25 and physical solution?

1 A. Not the full judgment, but I read parts of
2 the judgment if there's something that comes up on the
3 agenda or in such cases where I have a question.

4 **Q. Did you reread portions of the judgment and**
5 **physical solution, I'm sorry, before the Antelope**
6 **Valley Watermaster considered and voted on Barrel**
7 **Springs Properties' new production application?**

8 A. I had to --

9 THE COURT: You mean the standards for
10 determining whether or not water production could
11 occur?

12 MS. HUMMER: Yes. The language in the
13 judgment and physical solution that deals with new
14 production application.

15 THE COURT: The judgment aren't there.

16 MS. HUMMER: Yes, there are, Your Honor.

17 THE COURT: All right. So you want to know
18 if that's what she read?

19 MS. HUMMER: Yes, Your Honor.

20 THE COURT: Okay.

21 THE WITNESS: Not right before that meeting,
22 no.

23 BY MS. HUMMER:

24 **Q. And when you mentioned the word "that**
25 **meeting," which meeting are you referring to?**

1 A. The August meeting.

2 Q. August of 2023?

3 A. Excuse me, April.

4 Q. April of 2023?

5 A. Yes.

6 Q. Did you review the judgment and physical
7 solution standards applicable to new production
8 applications before the January Antelope Valley
9 Watermaster board meeting?

10 A. I don't remember if there was anything in our
11 packet on that.

12 Q. Now, in addition to the judgment and physical
13 solution, the Watermaster board has promulgated rules
14 and regulations, correct?

15 A. Yes.

16 Q. Have you reviewed those rules and regulations
17 as they relate to new production applications?

18 A. Numerous times.

19 Q. When was the last time you looked at the
20 rules and regulations regarding new production
21 applications?

22 A. Probably a month or so ago.

23 Q. Did you look at the rules and regulations
24 regarding new production applications before the
25 January Antelope Valley board meeting?

1 A. Yes.

2 **Q. Before the January 2023 Antelope Valley**
3 **Watermaster board meeting?**

4 A. I said I've reviewed it several times over
5 the course, so some of those times were definitely
6 before January.

7 **Q. Let me rephrase.**

8 **Did you review the rules and regulations as**
9 **they relate to new production applications before the**
10 **January board meeting because you were having a board**
11 **meeting?**

12 A. No.

13 **Q. Same question: Did you review the rules and**
14 **regulations regarding new production applications**
15 **before the April board meeting, April 2023, because**
16 **you were having a board meeting?**

17 A. I think I did. I was doing a lot of
18 research. I do believe that I moved on something that
19 had that language.

20 **Q. Did you discuss your research with anyone**
21 **before the April 26, 2023, board meeting?**

22 A. I discussed it numerous times with my general
23 manager.

24 **Q. Who is your general manager?**

25 A. Dennis LaMoreaux.

1 Q. Dennis LaMoreaux is the general manager of
2 Palmdale Water District, isn't he?

3 A. Yes. He's also the chair of the advisory
4 board.

5 Q. But he's not the general manager of the
6 Antelope Valley Water District, is he? Watermaster,
7 I'm sorry.

8 A. No.

9 Q. So you discussed the Antelope Valley
10 Watermaster rules and regulations with Dennis
11 LaMoreaux in his capacity as the chair of the advisory
12 committee.

13 Is that correct?

14 A. As a public water supplier, since I represent
15 the public water suppliers, when I have questions or I
16 do research, I do -- we do have meetings usually
17 either the week before or the third Monday with all
18 the public water suppliers.

19 Q. And that is before the Antelope Valley
20 Watermaster board meeting, correct?

21 A. Correct.

22 Q. Did you ever exchange e-mails with anybody
23 ahead of the Antelope Valley Watermaster board
24 meetings with any of the producers?

25 A. I don't recollect doing -- I don't know if

1 I've ever done any, but I usually don't. I usually
2 verbally talk to people.

3 Q. So if you have a question, you will call
4 someone and ask them over the phone a question?

5 A. Yes. Or meet them in person.

6 Q. Are you -- is the Antelope Valley Watermaster
7 board and the -- strike that.

8 Is the Antelope Valley Watermaster back in
9 operation with people present in the office every day?

10 A. Is the -- let me see if I understand your
11 question.

12 Is the Antelope Valley Watermaster, like,
13 open every day for people to have discussions?

14 Q. No, let me rephrase.

15 A. Okay.

16 Q. Is the Antelope Valley Watermaster board --
17 strike that.

18 Are the Antelope Valley Watermaster offices
19 open in the sense that employees are coming into work
20 physically?

21 A. No. Because it's not an office like that.

22 Q. So how do you have a physical conversation
23 with folks at the Antelope Valley Watermaster if
24 there's no office?

25 A. We have Zoom meetings and we've had in-person

1 meetings at either -- usually Quartz Hill Water
2 District.

3 Q. So you use another office?

4 A. One of the water suppliers.

5 Q. Do you recall talking with Mr. LaMoreaux and
6 potentially others about the Barrel Springs
7 Properties' new production application?

8 A. Yes.

9 Q. And when did you have that conversation with
10 him?

11 A. At the public water suppliers meeting. I
12 don't know the date off the top of my head.

13 Q. Was this the meeting before the April
14 Antelope Valley Watermaster board meeting?

15 A. We had a meeting prior to every Watermaster
16 meeting.

17 Q. Was your discussion with Mr. LaMoreaux about
18 the new production application by Barrel Springs
19 Properties at the meeting before the April 2023 AV
20 Watermaster board meeting?

21 A. Yes. As well as others.

22 Q. I'm sorry. I don't know what you mean by
23 "others"?

24 A. The other public water suppliers. I
25 represent 13 public water suppliers, and as well as

1 who attends that meeting is Russ Bryden. He attends
2 that meeting. The cities attend that meeting.
3 General managers attend that meeting.

4 **Q. Did you have any discussions with the public**
5 **water producers -- strike that -- public water**
6 **suppliers before the January 2023 Antelope Valley**
7 **Watermaster meeting?**

8 A. Yes.

9 **Q. Did you discuss Barrel Springs Properties at**
10 **that meeting?**

11 A. We discuss every agenda item, yes. It's like
12 a briefing.

13 We do a similar -- we take the agenda and we
14 go over each item kind of as a briefing to have any --
15 any questions or discussions so that we don't -- we
16 even have our attorneys attend so that they would help
17 us with the language and if we're understanding the
18 language correctly.

19 So we're having the legal and ourselves to
20 have a -- usually a very lengthy meeting and
21 discussion.

22 **Q. So was this meeting part of the research you**
23 **did prior to the April Antelope Valley Watermaster**
24 **board meeting?**

25 A. I heavily research anything I do before I go

1 to any briefings or any meetings. So if I'm having
2 questions on anything, that I'm able to ask those
3 questions and get clarification if I feel I need
4 clarification.

5 **Q. Did you make a list of your questions about**
6 **the Barrel Springs Properties' new production**
7 **application?**

8 A. I have -- I do a lot of things on writing.
9 Like, I'll write on -- I'll take papers. I'm kind of
10 old school. I take papers and I'll be writing
11 questions, different things like that.

12 I usually put notes on my iPad. I'll just
13 put bullet points, notes. A lot of times I'll use my
14 iPad in taking pictures of something that I want to
15 research or look at later.

16 **Q. Did you take notes about your questions**
17 **regarding the new production application for Barrel**
18 **Springs Properties before the meeting that happened in**
19 **April ahead of the Antelope Valley Watermaster board**
20 **meeting?**

21 A. I had a lot of questions, yes.

22 **Q. Did you take notes regarding your questions?**

23 A. Yes.

24 **Q. Where are those notes today?**

25 A. In the trash.

1 Q. You don't keep your notes?

2 A. I do keep my notes, but my husband is a
3 person that doesn't ask me when he decides to clean.

4 Q. So when did the notes that you took with your
5 questions regarding Barrel Springs Properties, when
6 did those get discarded by your husband?

7 A. I definitely don't have the date when they
8 got discarded, but I know I went through and looked
9 through things looking for other notes.

10 Q. Was it before you signed your declaration in
11 this case that they were discarded?

12 A. Yes.

13 Q. So it was also before you -- the Antelope
14 Valley Watermaster received my Public Records Act
15 request?

16 A. Yes.

17 Q. Okay. So in connection with Barrel Springs
18 Properties' new production application, you voted no,
19 correct?

20 A. Yes.

21 Q. And there's no written record or transcript
22 of the April 26th, 2023, Antelope Valley Watermaster
23 board meeting, is there?

24 A. I wish there was.

25 Q. There isn't one, correct?

1 A. To my understanding.

2 Q. Is that standard practice to not have a
3 recording?

4 A. I guess it is for the Watermaster.

5 Q. You don't know as vice chairperson of the
6 Antelope Valley Watermaster what the standard practice
7 is regarding public meetings?

8 A. We have never discussed if we were going to
9 record meetings or closed sessions. I don't ever
10 recollect that being a discussion.

11 Q. Now, at the meeting, the Watermaster board
12 meeting on April 26, 2023, you voted no, correct?

13 A. Yes.

14 Q. And, but you didn't explain your no vote to
15 anyone, did you?

16 A. I gave bullet points of the things that I --
17 when I wrapped up because I was the chair that day. I
18 did give bullet points of some of the things that I
19 felt were reflected in our water engineer's packet.

20 So in me reading it and understanding and
21 listening again to her presentation, I -- and some of
22 the discussion, I brought up -- brought up several
23 points that were like bullet points. I didn't go into
24 the long things -- which I do read all the hydrologist
25 notes, and there's a lot of terminology and words,

1 that if I was to explain further than those bullet
2 notes, it would be very hard for a layperson to say,
3 you know, what those deposits are called, you know, to
4 elaborate.

5 **Q. So this bullet point list, when you were**
6 **wrapping up the meeting, included bullet points**
7 **relating to the Barrel Springs Properties' new**
8 **production application?**

9 A. They were my reasons for why I was unable to
10 give a "Yes" vote.

11 **Q. Are those bullet points now memorialized in**
12 **your declaration?**

13 A. What is memorialized in my declaration is
14 more of what happened after we met again, thinking
15 that we were able to have a conversation and maybe
16 work together on finding how some of those questions
17 could be answered.

18 One of my things that was very important to
19 me, that in the fact that we need all five to vote,
20 one of the things when I knew there were things that
21 were very complex to me, I was looking forward to
22 asking for the possibility of doing the test well.

23 But that was already taken off -- taken
24 basically off because of the prior discussion that
25 Barrel Springs gave before that vote.

1 Q. Isn't it true, Ms. MacLaren, that the idea of
2 the test well was considered and rejected by the
3 Watermaster Engineer is not being something that the
4 rules and regulations or the judgment allowed the
5 Watermaster to require?

6 A. So my understanding of our whole thing that
7 Mr. -- our Judge has done, I look at the -- I look a
8 little bit different at the judgment than my other
9 board members.

10 I look at the judgment of what my Watermaster
11 Engineer is giving to me is information that I can
12 decipher, and whether -- I still have the discretion
13 to not agree with that or feel that there's still
14 complex issues that have not been answered to the
15 degree I need when I am taking this as a very
16 important decision that I have researched and tried to
17 understand, that I did not feel that all my questions
18 were being answered where I could give a "Yes" vote
19 without the test well.

20 That was going to be one of my things, but I
21 did get an opportunity to do that.

22 Q. Ms. MacLaren?

23 A. Yes.

24 Q. It's your testimony that you have discretion
25 to overrule the Watermaster Engineer's determination

1 on whether or not a test well can be required.

2 Is that your testimony?

3 A. If I think I understand the reason for the
4 board, is that we are to look at that, but that is not
5 to make the final decision. That is why we have board
6 members to make that decision.

7 So yes.

8 Q. And you have that discretion to require a
9 test well even though the Watermaster Engineer, in
10 concert with counsel to the Watermaster, made the
11 determination that a test well could not be required
12 for Barrel Springs Properties.

13 Is that your testimony?

14 A. So part of what you said in your question,
15 you mentioned about the test well. I'm saying my
16 discretion is to be able to vote no if I do not
17 believe upon a shadow of a doubt that I'm causing harm
18 to the basin.

19 This is something that is a very, long, hard
20 fought thing that we have all gone through, and these
21 decisions cannot be taken lightly.

22 Q. Where in the judgment and physical solution
23 does it say you have to have evidence beyond a shadow
24 of a doubt before you can approve a new production
25 application?

1 A. I don't believe that says that in the
2 judgment. That was my wording.

3 Q. And have you -- strike that.

4 As part of your preparation for the
5 April 26th meeting, did you talk to Phyllis Stanin?

6 A. No.

7 Q. Why not?

8 A. If I had questions from her, I would have
9 spoke with her.

10 Q. Your testimony was that you had questions
11 about the Barrel Springs Properties' application ahead
12 of the April 26 meeting, correct?

13 A. I don't necessarily say that the application
14 itself I had questions about.

15 Q. But you did not talk to Phyllis Stanin, did
16 you?

17 A. No.

18 Q. Do you know who she is?

19 A. Yes. The Watermaster -- our Watermaster
20 Engineer. Yes.

21 Q. And isn't it Ms. Stanin who prepared the
22 findings for the board report, determining that no
23 material injury would arise from the new production
24 application submitted by Barrel Springs Properties?

25 A. Yes.

1 Q. And you disagree with that determination,
2 that's your testimony?

3 A. I wouldn't necessarily, I disagree with it.
4 I felt that the way it was worded, it's not
5 necessarily a simple I agree to and you disagree.

6 It's not -- it's not a black-and-white issue.

7 Q. But you didn't talk to her ahead of the
8 meeting to understand it, did you?

9 A. I totally understood it. If I didn't
10 understand it, I would have asked a question.

11 Q. In the back of the white binder,
12 Ms. MacLaren, just to make things simpler, is a copy
13 of your declaration.

14 Can you find that for me, please. Actually,
15 I'm sorry. Your declaration is part of the Antelope
16 Valley Watermaster board declaration. And I don't
17 believe that is in the exhibit binder.

18 MS. HUMMER: Your Honor, could we go off the
19 record a moment while I find a copy of that for
20 Ms. MacLaren?

21 THE COURT: Okay.

22 (Off the record)

23 THE COURT: Yes. We're on the record.

24 BY MS. HUMMER:

25 Q. Ms. MacLaren, you have in front of you now

1 the declaration that you signed on August 29th, 2023,
2 in connection with the dispute with Barrel Springs
3 Properties, correct?

4 A. I signed it on August 29th, correct.

5 Q. Do you recognize your declaration?

6 A. Yes.

7 Q. And that's your signature on the last page on
8 page 5, correct?

9 A. Yes.

10 Q. Did you review the Watermaster's opposition
11 brief before you signed your declaration?

12 A. If you're talking about --

13 Q. Ms. MacLaren, I really don't want you
14 referring to your own notes. We have exhibits.
15 Please look at the exhibits.

16 A. Okay. I'm not sure exactly what it's called.
17 So when you're saying those things, and because I'm
18 supposed to answer correctly, I just would like to
19 make sure that what you're saying is the same thing I
20 would be looking at. That's all.

21 Q. I agree, Ms. MacLaren. That's why you need
22 to ask me if you don't understand the question.

23 So do you know what the opposition is? What
24 does that term mean to you?

25 A. The opposition is what -- is in the court

1 documents, that you guys are opposing what we would be
2 saying. It would be the opposition.

3 I read the court documents, yes, that were
4 sent to me.

5 Q. I just want to make sure we have a clear
6 record.

7 So Barrel Springs Properties filed a motion,
8 correct?

9 A. Yes.

10 Q. And that motion said basically we disagree
11 with the Watermaster board's decision and we would
12 like Judge Komar to review it, correct?

13 A. Yes.

14 Q. The Watermaster board then filed a response
15 to Barrel Springs Properties' motion, correct?

16 A. Yes.

17 Q. That's the document I'm referring to, is the
18 Watermaster board's opposition to Barrel Springs
19 Properties' motion.

20 A. Yes.

21 Q. Did you read the opposition?

22 A. Yes.

23 Q. Before you signed your declaration?

24 A. I read it, but I don't know if -- if there
25 was something in there that I was supposed to do

1 different before I read my -- signed my declaration.

2 **Q. Move to strike as nonresponsive.**

3 A. I'm not trying not to respond. I'm just --
4 is there a different way you want to ask me the
5 question?

6 MS. HUMMER: Your Honor, may I have a ruling
7 on my motion to strike as nonresponsive?

8 THE COURT: Motion is denied.

9 MS. HUMMER: Thank you, Your Honor.

10 BY MS. HUMMER:

11 **Q. Ms. MacLaren, did you read the opposition**
12 **filed by the Antelope Valley Watermaster board before**
13 **you signed your declaration on August 29th?**

14 A. I had read it, yes.

15 **Q. Did you read it in final form?**

16 A. I'm assuming that I read the final form. I
17 don't know if there was anything changed.

18 **Q. So if you'd take a look at your declaration,**
19 **please.**

20 A. Yes.

21 **Q. Look at paragraph 1. Are you there?**

22 A. Yes.

23 **Q. Could you look, please, at line 6 and 7?**

24 A. Yes.

25 **Q. And line 6 and 7 say, "All capitalized terms**

1 not defined herein have the same definition as set
2 forth in the opposition."

3 Do you see that?

4 A. Okay.

5 Q. When you signed your declaration, did you
6 understand that terms in your declaration were
7 matching the terms in the opposition?

8 A. So what are the capitalized terms?

9 Q. That's my question of you.

10 Did you understand that the capitalized terms
11 used in the declaration were the same as the
12 capitalized terms used in the opposition?

13 A. I'm not quite sure.

14 Q. So you didn't check the capitalized terms in
15 the declaration against those in the opposition, did
16 you?

17 A. No. Did I go back and look up -- no.

18 THE COURT: What specific terms were
19 capitalized that she's referring to?

20 THE WITNESS: That's what I'm trying to ask
21 her, what were those capitalized terms that she's
22 talking about.

23 MS. HUMMER: Your Honor, paragraph 3 refers
24 to --

25 THE COURT: I don't have a copy of that

1 declaration in front of me.

2 MS. HUMMER: Oh, I'm sorry.

3 MR. PARTON: I will get the Court a copy.

4 THE WITNESS: If I could get a water?

5 THE COURT: Thank you. What's the number of
6 the declaration?

7 MS. HUMMER: It's Exhibit 77, Your Honor.

8 (Exhibit 77 received in evidence.)

9 THE COURT: 77.

10 THE WITNESS: Thank you so much.

11 THE COURT: Do you want to give me a line and
12 page number?

13 MS. HUMMER: Yes, Your Honor. Page 2 of the
14 declaration, line 16, defines "Application" as one of
15 the capitalized terms.

16 Line 18 defines "Project."

17 In addition, paragraph 2, line 12 on page 2
18 defines "Palmdale Water District."

19 And line 6 on page 2 defines "Opposition."

20 THE COURT: All right. Ask your question of
21 the witness.

22 BY MS. HUMMER:

23 Q. So my question, Ms. MacLaren, is did you go
24 back and figure out what these capitalized terms meant
25 in the opposition before you signed your declaration?

1 A. So now I'm beginning to understand what
2 you're meaning by that, because the different things
3 that you brought up are the legal wording that you're
4 talking in -- in my declaration?

5 **Q. No. My question is different.**

6 **My question is, did you verify the terms as**
7 **they were defined in the opposition, the capitalized**
8 **terms, before you signed your declaration which used**
9 **those same terms?**

10 A. So I did not look -- so I would say no, I did
11 not look at those terms as to that.

12 But these are my terms and my way of
13 explaining it in my declaration.

14 **Q. Did you write your declaration?**

15 A. I constructed that with Craig.

16 **Q. Did you write your declaration?**

17 A. Did I write it in this form like this?

18 **Q. Did you write the words that appear on the**
19 **page in your declaration?**

20 A. No.

21 **Q. Who wrote them?**

22 A. Craig.

23 **Q. After you received -- strike that.**

24 After Craig wrote the words in your
25 declaration -- and "Craig" refers to Craig Parton,

1 correct?

2 A. Yes.

3 Q. Did you get a copy of those words and review
4 them?

5 A. Yes.

6 Q. Did you make any changes?

7 A. Yes.

8 Q. What did you change?

9 A. There were some typos.

10 Q. Anything else?

11 A. No.

12 Q. Did you delete anything from the words that
13 Craig Parton gave you in the draft declaration?

14 A. No.

15 Q. Did you add anything?

16 A. I don't think I did.

17 Q. At the time you signed your declaration on
18 August 29th, 2023, had you seen a draft of Mr. Parris'
19 declaration?

20 A. No.

21 Q. Did you discuss your declaration with
22 Mr. Parris?

23 A. We didn't discuss our declarations. We were
24 in conversation together when we had this overall talk
25 about this.

1 Q. Was that "overall talk about this" -- you
2 were motioning toward your declaration.

3 Is that correct?

4 A. Yes.

5 Q. That's what you mean by "this"?

6 A. Yes, my declaration.

7 Q. Was that overall talk about your declaration
8 before you signed it?

9 A. Yes.

10 Q. Where were you when you reviewed your draft
11 declaration?

12 A. Palmdale Water District.

13 Q. Was anyone with you?

14 A. Daniel Henry.

15 Q. Who is Daniel Henry?

16 A. My assistant, administrative assistant.

17 Q. How long did you spend reviewing your draft
18 declaration?

19 A. Before I went to the Watermaster for -- I
20 mean, the water district to print it out, I -- an hour
21 or two.

22 Q. So let me understand this. You reviewed the
23 draft declaration on the screen of a computer.

24 Is that correct?

25 A. I looked at it on my iPad.

1 Q. On your iPad. Okay.

2 Can you make changes on your iPad to a draft
3 declaration?

4 A. I do have a pen.

5 Q. Did you make changes to this draft --

6 A. I did not.

7 Q. You did not. You testified a moment ago that
8 there were typos in the draft declaration?

9 A. I gave them verbally when I talked --
10 discussed it on the phone with Craig.

11 Q. So you reviewed your draft declaration on the
12 screen -- and your testimony is that was for an hour
13 or two hours of time, correct?

14 And then you said you went to the district to
15 print it out.

16 Is that correct?

17 A. Yes.

18 Q. Did you print out the draft declaration?

19 A. I printed out -- yes. And then at the same
20 time, we were on the phone with Craig going over this,
21 and then he made changes so that it would reflect
22 those changes.

23 Q. After your draft declaration was changed
24 following your telephone call with Mr. Parton, did you
25 review it again?

1 A. Yes.

2 Q. When did you do that?

3 A. Right after the -- it was printed with the
4 corrections before I signed it.

5 Q. Was it the same day that you discussed the
6 changes?

7 A. Yes.

8 Q. Was there anybody else in that discussion of
9 the changes besides you and Mr. Parton?

10 A. Not in, per se, the discussions, but my
11 administrative assistant was in the room.

12 Q. Was with you at the time, correct?

13 A. Yes.

14 Q. Anyone else?

15 A. No.

16 Q. No one else on the phone?

17 A. That I know of.

18 Q. I'd like you to look, please, at paragraph 3
19 of your declaration, which is page 2, lines 15 to 22.

20 I'd like you to focus in particular,
21 Ms. MacLaren, on lines 20 to 22 where you state, "And
22 what has transpired since April 26, 2023, that
23 confirms to me that my no vote was amply supported by
24 the facts and substantial evidence in the record."

25 Do you see that?

1 A. Yes.

2 Q. Did I read that correctly?

3 A. "Was amply supported by the facts and
4 substantial evidence in the record."

5 Q. Did I read the text of your declaration
6 correctly?

7 A. Yes.

8 Q. You testified a little while ago that at the
9 end of the Antelope Valley Watermaster board meeting
10 on April 26, 2023, you provided bullet points to sum
11 up what had happened, correct?

12 Do you recall that testimony?

13 A. It was summed up before we took our vote.

14 Q. You summed up the bullet points, not at the
15 end, but before the vote.

16 Is that your testimony?

17 A. Yes.

18 Q. Are those bullet points that you summed up
19 before the board voted in your declaration?

20 A. Not the exact verbiage I said, but some of
21 them are similar concerns, my concerns over whether or
22 not this well will be able to pump and provide.

23 Q. Okay. So that's an interesting concern.

24 You voted no in part because you were
25 concerned that there might not be any water when

1 **Barrel Springs sunk its well?**

2 A. Not in the -- no.

3 Q. You were concerned that there might be water
4 and then there later on might not be water from the
5 well.

6 Was that your concern?

7 A. I can kind of tell you what my concern is,
8 but the way you're wording it is not how I interpreted
9 it.

10 Q. Okay. Could you please explain what you
11 meant by water from the well, water in the well?

12 A. My concern is -- is if -- I don't believe
13 there is evidence showing that this well, if it were
14 to fail, would not harm our basin or harm others who
15 have wells.

16 In some of the documentation that they had
17 given, it showed that there may not be the needed
18 pressure in -- and that wherein lies some differences
19 that I had because you guys had someone give
20 information about other wells there, about only being
21 able to get 20 gallons per minute.

22 And so some of the papers that you had from
23 your people did not align with what our engineer had
24 or discussed. So that was concerning to me.

25 As well as the fact that there was a well

1 that was brought up that I don't know even to this
2 day, is that well something that we did get to look
3 at, or is it the same well that they are talking about
4 here.

5 So there was a well brought up and there was
6 underlying concerns of things that were not matching
7 up. There were just things that I saw in this Barrel
8 Springs application from your expert that did not line
9 up with what our experts were saying and gave me
10 uncertainty. There was uncertainty.

11 MS. HUMMER: Your Honor, I know we're pushing
12 up against time for taking a break, but I wonder if I
13 could --

14 THE COURT: Say that again, please.

15 MS. HUMMER: I know we're pushing up the time
16 at which we need to take a break for the court
17 reporter.

18 But I would like to ask a couple more
19 questions about this issue of the well before we do
20 that.

21 THE COURT: Go ahead.

22 BY MS. HUMMER:

23 Q. So Ms. MacLaren, isn't it true that the
24 Watermaster Engineer determined that there were no
25 wells in the vicinity that were likely to be affected

1 **by Barrel Springs Properties' proposed well?**

2 A. I think in having discussions with Phyllis,
3 that that -- that may not necessarily be true, that
4 there is a well that we don't have the information on.

5 And that was part of what, in our discussions
6 with them, that we were asking for other things, that
7 Phyllis had made it very clear that we don't have all
8 the information that we could use to safely and
9 further demonstrate yes or no, if this well would
10 work.

11 **Q. What do you mean by "this well would work"?**

12 A. Well, what really concerns me is we have a
13 similar situation already on another street where we
14 don't have the tie-in where there's a well.

15 And it has 52 mobile homes on it. Their well
16 has gone dry. We have now been working with the
17 Department of Water Resources for several years to
18 consolidate that. Those people living in those homes
19 now are on trucked water.

20 So we need to be sure. And I would like to
21 have more information on all the wells around there.
22 So we were actually hoping in talking and working --
23 and I'm all about let's figure this out. Let's sit
24 down. Let's talk about it. Let's brainstorm.

25 But it has to be where we're all working

1 together to make this happen, to make sure there is no
2 mistakes made.

3 Our basin is clean. And it's all we have.
4 We're a closed basin. So we make a mistake on a well
5 or doing something like that, it could be catastrophic
6 for our whole area. It is not something I take
7 lightly.

8 And I do believe there could have been more
9 information that we could have got. And that's why,
10 in all seriousness, we put that back on to bring it
11 for us -- forward to us again, to look at this again
12 and ask those questions and work with Barrel Springs,
13 but they didn't take that opportunity.

14 **Q. Ms. MacLaren, I have one more question before**
15 **we take our morning break. And that is, you testified**
16 **that you were concerned that if the well failed, it**
17 **would harm the basin.**

18 **Do you recall that testimony?**

19 A. Yes. And I'm very concerned that I would be
20 the water district overtaking that to make sure that
21 those people that we put out there are not living in a
22 substandard area, that we already have people in our
23 water district now.

24 **Q. Ms. MacLaren, how does the well failing harm**
25 **the groundwater basin?**

1 A. I don't know that I said we would know that
2 it would necessarily fail. It may just not have
3 enough water. When --

4 **Q. So my question stands.**

5 A. Okay.

6 **Q. How would the well not having enough water**
7 **harm the basin?**

8 A. Because when wells get too low and wells get
9 low in that area -- which we've already had problems
10 from illegal marijuana growers. And many of our
11 farmers have come to us and say that it draws up other
12 sediments and things out of there and it can lead
13 to -- I know you're looking confused. Maybe -- am I
14 not explaining it correctly?

15 But failure of wells that get too low cause
16 subsidence that causes the area to subside.

17 **Q. Didn't the Watermaster Engineer determine**
18 **that subsidence was not a concern for this well?**

19 A. It's not a straight yes or no question. I
20 feel there was -- to the best of their knowledge,
21 there was -- there was some things saying no. But I
22 still was concerned about that.

23 I wasn't taking it, and I felt that doing a
24 test well or doing other things in that area could
25 have gave us more information so we could be ensured

1 that the decision we are making is the correct
2 decision.

3 Q. You used the word "ensured." Do you mean
4 that Barrel Springs Properties would ensure the
5 Watermaster?

6 A. No. I'm using the word ensured like further,
7 further -- not -- you can't guarantee. You can't
8 ensure, but it would make me feel more comfortable if
9 I had that data to look at in looking at giving the
10 go-ahead for this production application.

11 MS. HUMMER: Your Honor, I think this might
12 be a good place to take a break.

13 THE COURT: You'd like to take a break now?

14 MS. HUMMER: Yes, Your Honor.

15 THE COURT: All right. Let's be in recess
16 for about ten minutes.

17 (Recess taken 10:23 a.m. - 10:35 a.m.)

18 THE COURT: Let's resume with the witness.

19 BY MS. HUMMER:

20 Q. Ms. MacLaren, when we left off before the
21 break, you were testifying about your concerns about
22 the Barrel Springs Properties' new production
23 application in relation to wells in the area.

24 Do you recall that testimony?

25 A. Yes.

1 Q. And in your declaration, if you look at
2 paragraph 6, line 7, you articulate that, correct,
3 under C, the potential impact on other wells in the
4 vicinity?

5 Do you see that? It's page 3, line 8 --
6 sorry, line 7, Your Honor.

7 A. Yes.

8 Q. What do you mean by "vicinity"?

9 A. Vicinity to me is I would say, yeah, I didn't
10 give, like, a two- or three-mile vicinity. So on the
11 diagrams that it shows --

12 MS. HUMMER: Your Honor, I would ask
13 Ms. MacLaren not to refer to her own notes when she's
14 testifying.

15 THE COURT: I'll let her finish her answer.

16 MS. HUMMER: She's looking at her own notes,
17 Your Honor.

18 THE WITNESS: No. Actually, I'm looking at
19 your Geosyntec.

20 MS. HUMMER: Those are your own notes taken
21 that you brought with you, correct? And that's not --

22 THE COURT: Why don't you look at what she's
23 looking at? Why don't you step up and look at it.

24 MS. HUMMER: Okay. May I approach, Your
25 Honor? Thank you.

1 THE WITNESS: It's your geological and
2 hydrological study which is showing the locations of
3 the property with several wells.

4 THE COURT: Well, why don't you not finish
5 your answer until she's returned to her seat.

6 THE WITNESS: Oh, okay.

7 MS. HUMMER: I think it would be better if we
8 found it in the exhibits because it would be better
9 for the record, because this document is in the
10 exhibits.

11 So let me find that document, Your Honor.

12 THE COURT: If you want to say something for
13 the record, please do.

14 MS. HUMMER: I'll speak up. Your Honor, I
15 think it would be best if we found this document in
16 the exhibits, because we'll have a clean record.

17 And this document Ms. MacLaren is referencing
18 is in the exhibits. So I'd ask your indulgence while
19 I find it and we can get it.

20 THE COURT: If there's a document that is not
21 in the exhibits, let's mark it for identification.

22 All right?

23 BY MS. HUMMER:

24 **Q. Can I see the rest of your notes?**

25 A. That's my declaration. This is the new.

1 THE COURT: No conversations going on here.

2 MS. HUMMER: Thank you. Your Honor, it
3 appears Ms. MacLaren's notes are bits and pieces of
4 exhibits that are in the record.

5 So I think maybe the best way to proceed is
6 to ask her to identify with precision what she's
7 looking at, and then we can tie it to the exhibit for
8 Your Honor to facilitate your review of the testimony.

9 THE COURT: You want to ask your question.

10 BY MS. HUMMER:

11 Q. So Ms. MacLaren, you were looking at a
12 diagram, correct, when you were talking about
13 vicinity -- wells in the vicinity?

14 A. Yes. I was looking at the geological and
15 hydrological setting diagram of the geological map of
16 the project vicinity.

17 So it showed me the site boundaries of where
18 the project was, where the proposed well location
19 would be, all the existing wells with locations that
20 are proximate, and then also it shows the Antelope
21 Valley groundwater basin boundaries.

22 So that was something I was looking in and
23 seeing that there's quite a few wells in the general
24 vicinity there.

25 Q. Ms. MacLaren, is that a document prepared by

1 **Geosyntec?**

2 A. Yes.

3 MS. HUMMER: Your Honor, this document that
4 Ms. MacLaren is referring to is included in Exhibit 5.

5 (Exhibit 5 received in evidence.)

6 MS. HUMMER: And Exhibit 5 is an amalgamation
7 of an agenda for the advisory committee followed by
8 the agenda for the Watermaster board and the agenda
9 packet as it relates to the new production application
10 that's before Your Honor this morning.

11 THE COURT: All right.

12 MR. PARTON: Do you have a page number?

13 MS. HUMMER: The Geosyntec report starts on
14 page 29, and these numbered pages are in the upper
15 right-hand corner.

16 MR. PARTON: Thank you.

17 BY MS. HUMMER:

18 Q. So Ms. MacLaren, just to make sure we have a
19 clear record, could you please turn to Exhibit 5 in
20 the white binder.

21 And then go to Exhibit 30. The numbers are
22 on the upper right.

23 (Exhibit 30 received in evidence.)

24 THE WITNESS: So you said to go to Exhibit 5.

25 ///

1 BY MS. HUMMER:

2 Q. Correct.

3 A. Number 30?

4 Q. Page 30. The numbers are in the upper
5 right-hand corner.

6 A. Thanks. Yes. That's the same one that I'm
7 referring to. And since you asked me what vicinity I
8 was looking in, and I don't recall it saying if that
9 was a five-mile radius, a ten-mile -- I don't remember
10 anything stating -- other than streets that were, you
11 know -- that they were bound by these specific
12 streets.

13 Q. Do you know the standard the Watermaster
14 Engineer uses for evaluating whether it needs to look
15 at a well in the vicinity of a new production
16 application?

17 A. No.

18 Q. So you don't know how far away the
19 Watermaster looks?

20 A. It may have been stated, and probably in
21 their reports, but off the top of my head, no.

22 Q. So you don't know as you look at Exhibit 5,
23 page 30 -- which is part of the Geosyntec analysis --
24 whether the Watermaster looked at these wells shown on
25 Figure 1 in the Geosyntec report?

1 A. To make a better answer, I would have liked
2 to then have this note here, as well their analysis to
3 make that determination. Because right now I'm
4 looking at this, and you're asking me the question,
5 and if I was anywhere else and I needed to do that, I
6 would need to be able to then look at the analysis to
7 really give you a fair answer.

8 **Q. The Watermaster Engineer made her findings on**
9 **January 11th, 2023, correct?**

10 A. I don't have that date right in front of me.
11 I will take your word for it.

12 **Q. And you testified that you reviewed her**
13 **findings, correct?**

14 A. Yes. I did review the findings.

15 **Q. And the Watermaster Engineer does not address**
16 **all the wells shown on Figure 1 in the Geosyntec**
17 **report and those findings, does she?**

18 A. I don't think that that's necessary to review
19 all the wells.

20 **Q. But you're concerned about the wells in the**
21 **vicinity as a basis for voting no?**

22 A. I'm concerned because there was conflicting
23 comments on whether or not they had a well close by
24 and that they looked at it.

25 There was different information, and I'm sure

1 Arden could explain that better, but I saw
2 inconsistencies in -- in like this geological and
3 hydrological setting from what was discussed.

4 **Q. So is it your position that you voted no**
5 **because you distrusted the Watermaster Engineer's**
6 **findings?**

7 A. I would definitely not say that I distrusted.
8 In things like this, there's different opinions, I do
9 believe, because something -- until it exactly
10 happens, and even then.

11 So I think there's different opinions. I
12 would say your opinion from your expert was definitely
13 different than their opinion. And my opinion in
14 reviewing both, this is complex -- these are very
15 complex issues. Everything to do with this is not
16 just a yes or no. It's very complex.

17 **Q. What did you do to resolve these complexities**
18 **between January 11, 2023, and April 26, 2023?**

19 A. I had lots of different conversations. I
20 used to be a planning commissioner, so I reviewed some
21 of the projects that were around this area.

22 There was a very big project that was further
23 north to this, right off to the side. It was supposed
24 to be a big college -- Antelope Valley College. I
25 forgot what they called it. And it had houses and

1 everything. And so I know there was a lot of
2 discussion there.

3 And other times there were other people
4 looking to do things in this general vicinity. So I
5 was very aware of the fact of the fault line and
6 different complexities. And so I have many friends.
7 I do many things in our community, so know commercial
8 Realtors, planning commissioners, lots of different
9 people.

10 So I would have to have conversations with
11 them about this project, what they see. And so a lot
12 of people were, like, asking me, I don't -- like why
13 are they picking this project to do, you know, this
14 area, when we have so many vast areas of farming that
15 might be a lot easier than where this project is.

16 **Q. Ms. MacLaren, that concern is a concern for**
17 **someone who's on the planning commission, right?**
18 **You're raising planning concerns?**

19 A. I was giving you a background of how I made
20 my decision.

21 **Q. By thinking about planning issues?**

22 A. No. By utilizing my background. And you
23 asked who did I discuss with. That's where that came
24 into, who did I talk to.

25 **Q. Ms. MacLaren, you testified by declaration,**

1 and also here before the break, that part of the
2 problem was that you were open and willing to work
3 with Barrel Springs, but Barrel Springs didn't engage
4 with you and was difficult about giving you
5 information.

6 Do you recall that testimony?

7 A. After the first meeting, I -- Mr. Maceri came
8 up to me at the Palmdale Water District and graciously
9 asked if I had any questions, I could contact him.

10 I did not have questions for him. I did not
11 contact him.

12 Q. When was that meeting at the Palmdale Water
13 District?

14 A. I'm thinking that was the one that we
15 referenced to earlier, and I don't remember the date
16 right off the top of my head.

17 Q. Was it the meeting at which you approved the
18 undergrounding of the Palmdale ditch agreement?

19 A. I do believe that was that meeting.

20 Q. That was April 10, 2023, does that sound
21 right?

22 A. Yes, that sounds right.

23 Q. So you didn't have any questions for
24 Mr. Maceri between April 10th and April 26th, 2023?

25 A. Another thing that came across to my head is

1 since we are new on our Watermaster board, I don't
2 know what the protocol is with meeting somebody and
3 I -- I didn't have questions necessarily for him.

4 **Q. Ms. MacLaren, you've served on multiple**
5 **boards, have you not?**

6 A. Yes. And usually on those boards, when a
7 person that's doing a project, they will contact the
8 city or they would contact the general manager and say
9 that they would like to sit down and have a discussion
10 with the board member or the planning commissioner
11 or -- that's usually how it's been done.

12 **Q. So I'm trying to understand your testimony,**
13 **because I heard you testify that when Mr. Maceri**
14 **offered, graciously offered, to give you information**
15 **at the Palmdale Water District meeting which was**
16 **April 10th, you didn't have any questions for him.**

17 And then I also heard you testify that you
18 weren't sure what the rules were regarding
19 conversations with him.

20 Were you unsure whether you could speak to
21 Mr. Maceri?

22 A. Not necessarily. But I usually feel when
23 you're making a decision on a project, that you should
24 do it probably through the agency.

25 **Q. If you met with Mr. Maceri in your capacity**

1 as vice chair of the Antelope Watermaster, that would
2 not be through the Watermaster agency?

3 A. If he wanted to meet with me and have asked
4 for a meeting through an agency as opposed to
5 personally coming up and speaking to me, that would
6 have made me feel more comfortable, yes.

7 Q. Did Mr. Maceri reach out to you by e-mail
8 after the April 10th, 2023, meeting?

9 A. Yes.

10 Q. And you never responded to his e-mails, did
11 you?

12 A. No.

13 Q. And your testimony here today is that you
14 didn't respond because you had no questions, correct?

15 A. I'm not saying that there isn't -- there
16 isn't questions, but I was -- did not feel comfortable
17 taking a private meeting with no other people there.

18 Q. So you assumed from Mr. Maceri's e-mails
19 offering to provide you information, that you were
20 going to be meeting one-on-one.

21 Did he say that in those e-mails?

22 A. I would have to go back and look at how that
23 verbiage was. The point is, I did not take the
24 meeting.

25 That did not mean nor do I have any personal

1 reason for not taking a meeting or any distaste for
2 what they do, none of that. None of that weighs in
3 this.

4 **Q. So why were you uncomfortable with the idea**
5 **of meeting with Mr. Maceri?**

6 A. Sometimes I get an uncomfortable feeling, and
7 I usually go with that uncomfortable feeling. And
8 it's usually better, especially in cases like this, if
9 you're having a one-on-one conversation with somebody,
10 it becomes a he said/she said. And I usually don't
11 put myself in those positions.

12 **Q. And again, you were assuming that if you met**
13 **with Mr. Maceri, it would only be one-on-one?**

14 A. It may have been an assumption.

15 **Q. And you didn't contact him to clarify and**
16 **say, hey, could we have a meeting with my general**
17 **manager present and your staff or my staff, did you?**

18 A. No. That's why we were -- we had that
19 meeting after the meeting to sit down and discuss.
20 And that's when I felt -- because right after the
21 meeting, I contacted Rob and told him I had taken a no
22 vote. Then we discussed it.

23 And we both decided, well, let's have a
24 meeting with them. Let's sit down and hear them out.
25 Let's ask questions or ask things that we need to

1 clarify, making more information available.

2 And we then -- and also we then spoke with
3 our -- Phyllis and Arden and everything to -- to just,
4 you know, kind of brainstorm. How can we get down to
5 the bottom of this? How can some of the things we do
6 could reassure me where the decision might have ended
7 up a different decision.

8 **Q. Ms. MacLaren, isn't it true that the**
9 **Watermaster Engineer's findings were made in**
10 **January 2023?**

11 A. I think, and I don't know when there were
12 alternate ones from there. Like I said, I don't like
13 to just answer unless I look at something so I make
14 sure that I'm answering your correct -- and it's not
15 distrust of you, but I'm just saying --

16 **Q. Please turn to Exhibit 5 to the front of the**
17 **exhibit. Look at page number 14 in the upper**
18 **right-hand corner.**

19 A. Okay. So yes, that does say January 11,
20 2023.

21 **Q. And it's true, Ms. MacLaren, that the**
22 **Watermaster Engineer's findings as set forth in this**
23 **January 11, 2023, letter to Mr. Parris have not**
24 **changed, correct?**

25 A. What do you mean it didn't change?

1 **Q. The Watermaster Engineer has not revised its**
2 **letter of January 11 of 2023?**

3 THE WITNESS: Arden, have you made any --
4 BY MS. HUMMER:

5 **Q. Ma'am.**

6 A. Oh, I can't ask that.

7 There may -- I see this letter here, but I
8 thought there was additional ones given to us.

9 And do you have the agenda for the April
10 meeting that's showing that that's the same letter?

11 **Q. Yes. Could you please turn to -- I'm sorry.**
12 **It's not part of Exhibit 5. We'll get back to that.**

13 My question to you is, if you had questions
14 and concerns about the project, why didn't you reach
15 out to Barrel Springs between April 11 and -- sorry,
16 between January 11 and April 26 about the project?

17 A. I don't believe those are -- those are more
18 of like hydrological questions. I don't believe that
19 they necessarily could answer those in-depth
20 questions, that even not I -- I don't answer.

21 Those are more expert things that we're
22 making decisions on.

23 **Q. Isn't it the role of the Watermaster Engineer**
24 **to evaluate the impact a new well will have on the**
25 **basin by looking in part at the hydrogeology?**

1 A. Yes. And I did look at the hydrogeology.

2 Q. So what are the other questions that you're
3 talking about?

4 A. So it's not so much questions. But if you
5 want me to, I could go through -- through this letter
6 and tell you many of my concerns and different things
7 that I saw in --

8 Q. But what did you do about those concerns
9 after you saw this letter dated January 11, 2023?

10 A. I had discussions with -- in our producers
11 meetings, with attorneys, people that had been
12 involved with this adjudication for 20-plus years. I
13 had --

14 Q. But you had no discussions with the
15 Watermaster Engineer about the findings?

16 A. I didn't -- I did not question what I saw
17 on -- on here.

18 Q. If you were concerned about the Watermaster
19 Engineer's findings, would it make sense to go back to
20 the Watermaster Engineer and say, hey, you didn't take
21 care of this, you didn't address this, explain this to
22 me?

23 You didn't do that.

24 A. Because it's not something that you can
25 address. It's more things that we don't have.

1 **Q. Give me an example of what you don't have.**

2 A. We don't have data from surrounding wells.
3 We don't have data -- we have some data, but it looks
4 like, for whatever the deposits are called, that you
5 possibly could not recharge in that area because of
6 the -- I want to say the word alluvial [sic]
7 underlining --

8 **Q. Ms. MacLaren, isn't it --**

9 MR. PARTON: Your Honor, can she complete her
10 response?

11 THE COURT: All right. Go ahead. Finish
12 your answer.

13 THE WITNESS: So it's not a matter of having
14 the question. All the information that I need is
15 here. And there are many things that are left kind of
16 open-ended or that we are assuming that it will not
17 cause this or what the other effects are.

18 I took many times reading that, researching
19 any words, what those deposits look like, what that
20 means. And I was concerned because pumping out of
21 that area, it -- it looks like there might not be a
22 way to put the water back in that area to re --
23 sufficiently recharge that area.

24 BY MS. HUMMER:

25 **Q. Ms. MacLaren, where in the judgment and**

1 physical solution does it say that recharge has to go
2 back at the location of the well?

3 A. I'm not saying that's what the judgment says.
4 I'm saying as a person who is in charge of the health
5 of the basin, you should be concerned where wells are
6 put if there cannot be sufficient recharge, because
7 subsidence is something that is a very serious,
8 serious issue.

9 Subsidence can cause other wells to have
10 issues and fail. It can cause other homes to have
11 issues. It can cause roads to have issues.

12 There's so many complexities to everything in
13 there, and it wasn't -- it wasn't -- I think you're
14 trying to portray it as, because I can't have any
15 questions about it that I -- I didn't do my due
16 diligence.

17 And I assure you, and I assure you, Judge,
18 that I have done my due diligence in looking at
19 everything, taking -- many, many years -- I've been
20 involved with this for many, many years. Working to
21 get us even to a point where we were able to make the
22 Watermaster to have -- have this ability to keep our
23 basin's health.

24 You know, I don't know what else to say. In
25 retrospect, there are probably things I could have

1 done differently. I could have maybe possibly asked
2 someone to reach out to him.

3 And -- but this is the way I handled it this
4 time. And, too, it's difficult because you can't
5 necessarily talk to your other board people for Brown
6 Act violations and things like that.

7 But I assure you, I did do my due diligence.
8 And the fact that you're questioning why I didn't have
9 questions -- I had questions. I always listen. I was
10 always open. This was definitely not a decision I
11 made before listening to all and every bit of
12 testimony.

13 And then I even opened myself up to inviting
14 back and let's sit down and delve into this and find a
15 way to make this work.

16 **Q. Isn't it true, Ms. MacLaren, that when you**
17 **invited Barrel Springs to come meet with you after the**
18 **April 26 meeting, that you at that meeting refused to**
19 **explain why you voted no?**

20 A. It's -- what I'm trying to say to you, it's
21 not I'm refusing. I'm giving you many, many -- and
22 reasons. It may just not be the way you would like my
23 reasons to be given. I don't know -- I don't know
24 where the disconnect is.

25 **Q. Ms. MacLaren, at the meeting on May 25th,**

1 2023, that was held at -- is it AVEK or AVAK?

2 A. AVEK.

3 Q. AVEK headquarters, you did not provide the
4 Barrel Springs Properties team that came to that
5 meeting with any reasons for your no vote.

6 Isn't that the case?

7 A. We were there to find -- discussing -- the no
8 vote already happened. We are here to focus on what
9 we need to do to look at to do something different.

10 Like I said, I may have made different
11 choices than I did now. But I also understand from
12 what I'm going through with you today, that no matter
13 what I said, I need to be very calculated in what I
14 put out there for this exact reason.

15 Because if it goes to court, you need to be
16 very precise in what you do. And that's what I chose
17 to do. I chose to be precise, not give answers out of
18 emotion. Not give answers without having the
19 documentation there so that I was assured of my
20 wording, my text and everything that I portrayed,
21 because this is such an important decision.

22 This is so important that I did not want to
23 put any of that out there.

24 Q. Isn't it true that at the May 25 meeting you
25 were asked by the Barrel Springs team what information

1 you needed in order to be able to rule favorably on
2 the new production application?

3 A. In kind of like what you're saying to me, is
4 I'm not a hydrologist, so how could I answer some of
5 these or make a decision? Kind of the same thing.

6 If -- and they -- those questions that I
7 needed -- there were not questions that I needed to
8 ask that were relevant to my decision. They could not
9 answer the questions -- the questions and the reasons
10 I took the vote I did cannot simply be -- could not
11 have been answered by asking them a question.

12 My decision wasn't made on how many people
13 were going to be up there or what kind of homes they
14 were going to be living in, or any of those things.
15 Those -- those were none -- none of the things. The
16 things had to do with wells in the area, the things I
17 put in my declaration.

18 I don't feel those were things that could be
19 answered without further things that we needed to do.

20 Q. I'd like to go back to the producers meeting,
21 the public suppliers meeting that you had prior to the
22 April 26th Watermaster board meeting.

23 You recall testifying about that meeting,
24 correct?

25 A. Yes.

1 Q. And in that meeting you consulted with
2 Dennis LaMoreaux and others about the Barrel Springs
3 Properties' new production application?

4 A. Yes.

5 Q. And you received input from those individuals
6 in that meeting?

7 A. Yes.

8 Q. Do you know if any of the individuals at that
9 meeting provided input to you, had reviewed the new
10 production application, this analysis, the evaluation,
11 the calculations that were all submitted to the
12 Watermaster Engineer?

13 A. So the person who leads the meeting is -- I'm
14 trying to think of -- her name is called Claudia
15 Bolanos. And I think I -- her exact title is -- it
16 may be my memory at the moment -- but yes, the --
17 everyone that's there is -- I didn't personally ask
18 them, "Did you read everything?"

19 General managers and things that were tasked
20 with it, the attorneys that have been working on this
21 for 20 years.

22 So in my discussion I brought up to them and
23 we discussed our engineer's report, and I told -- I
24 told them that there were things that were still
25 concerning to me that we not necessarily can answer.

1 And after a very long and lengthy discussion
2 about many items, I had said we've decided that we
3 were going to listen again in person -- because this
4 was a letter to the report -- and see if that report
5 cleared up any of the things that we were looking at
6 on paper.

7 Because sometimes you can read something on
8 paper, and when someone then goes in to explain it,
9 you know, it takes a different context in your mind
10 and leads you to look at it a little bit different.

11 So then after that report, many of the same
12 things, uncertainties, were still there after
13 listening to that report.

14 **Q. Okay. I'd like you to focus on your**
15 **declaration again, please, which is Exhibit 77 in the**
16 **black binder.**

17 A. Okay. Oh, 77 in this binder. Let me close
18 this binder because it's getting a little small up
19 here.

20 All right.

21 **Q. Do you have Exhibit 77 in front of you?**

22 A. Yes.

23 **Q. Please turn to page 3, lines 15 through 19,**
24 **which is paragraph 7.**

25 Specifically on line 17 you testify by

1 declaration that you believed that the findings
2 incorrectly concluded that the projects were -- strike
3 that -- would not cause material injury, and that's
4 line 17 and 18.

5 Do you see that?

6 A. Yes. So -- so these -- these issues were
7 identifiable in the findings which I believe
8 incorrectly concluded that the project would not cause
9 material injury.

10 So in those findings, I had felt that the
11 findings left open areas of concern that could not be
12 answered in those findings.

13 So using the word "identifiable," maybe
14 you're picking on that word because it isn't a black
15 and white written out saying that there would be --
16 caused -- so they were saying the material injury,
17 they felt that there could be no material injury.

18 But in the same time in many of those
19 paragraphs, there were like "buts" and "ands" and
20 openings and other areas that I interpreted to mean --
21 and that is something I identified as why I believed
22 on those facts with those open-ended, not very clear
23 things, why I felt I could not vote yes.

24 THE COURT: Ms. MacLaren, why don't you look
25 at the document itself and tell us what it was about

1 the document that you felt caused you to have your
2 reservations.

3 THE WITNESS: Okay. What number is her --

4 MS. HUMMER: It's Exhibit 5 in the white
5 binder.

6 THE WITNESS: Okay. Is it --

7 THE COURT: It's Exhibit 5, Groundwater
8 Report. In particular, I'd like you to look at
9 page 4, the last paragraph on that page.

10 THE WITNESS: Here it is. Page 4.

11 MS. HUMMER: Your Honor, where are we? I
12 didn't hear where we are in Exhibit 5.

13 THE COURT: Page 4, the last paragraph.

14 Ms. MacLaren, maybe you can tell us what it
15 was about that paragraph that caused you to have your
16 doubts as to whether you should approve this proposed
17 pumping or not.

18 THE WITNESS: Okay. So it's saying that the
19 report is complete and is determined to have
20 negligible material injury based on the --

21 THE COURT: You have to read more slowly if
22 you're going to read.

23 THE WITNESS: Oh, okay. So it's the
24 "however."

25 "However, given the local hydrological

1 uncertainty."

2 Right there it says that there's uncertainty.
3 And they are recommending that the Watermaster require
4 the applicant to conduct an aquifer test on the new
5 well for an improved understanding, which is what
6 we're saying here.

7 We don't totally understand everything -- of
8 all of our aquifer conditions, all of our wells, we
9 don't understand, including the lithological data,
10 construction information and test results. All these
11 things should be provided to the Watermaster.

12 That is a good thing right there. And kind
13 of this is how I did before my vote. If I were to sum
14 up before we vote and what we're talking about here,
15 given the local hydrological uncertainties, there's
16 uncertainties. It says it right there.

17 MS. HUMMER: Your Honor, there's a lot packed
18 into this paragraph. Maybe we can take things one at
19 a time?

20 THE COURT: Say it again.

21 MS. HUMMER: There's a lot packed into this
22 paragraph on page 4. Maybe we can take things one at
23 a time?

24 THE COURT: Well, maybe we can ask her a
25 question.

1 Did you think this was an unconditional
2 recommendation to grant the permit from the
3 Watermaster Engineer?

4 THE WITNESS: So meaning, I took this to mean
5 that -- I still can vote no even though it is saying
6 they thought it was negligible material injury, that
7 it is my job to take this information.

8 And as a board, we're supposed to look at it
9 and still make a determination.

10 THE COURT: All right. Go ahead.

11 BY MS. HUMMER:

12 **Q. Ms. MacLaren, isn't it true that even though**
13 **the Watermaster Engineer in concert with counsel**
14 **determined that a test well would not be required,**
15 **that Barrel Springs Properties agreed at the hearing**
16 **on April 26, 2023, to do an aquifer test?**

17 A. I think they did agree on that, on doing an
18 aquifer test.

19 **Q. So that basis for saying no -- that basis for**
20 **voting no on the application went away, correct?**

21 A. Okay. Like I'm saying, let me -- sorry, but
22 I was trying to finish.

23 I would feel more comfortable having that
24 right in front of me. I can do my best to recollect.
25 There has been a lot since that date and a lot even

1 just going through today that I don't want to answer
2 anything quickly or how something might be spun to
3 give a not correct answer to that.

4 **Q. So do you know that Barrel Springs Properties**
5 **agreed to conduct an aquifer test?**

6 A. At this moment, I wouldn't doubt your word.

7 MR. PARTON: Your Honor, I would just object
8 as vague as to time when this aquifer test was
9 supposed to be done.

10 THE COURT: All right. Well, I think we need
11 more information about the conversation concerning
12 that, so including when these conversations occurred.

13 THE WITNESS: Right.

14 BY MS. HUMMER:

15 **Q. Isn't it the case that that statement was**
16 **made at the April 26, 2023, meeting, that Barrel**
17 **Springs Properties would do -- would agree to do an**
18 **aquifer test?**

19 A. I believe I answered that because I am not
20 sure. I would love to answer that, but --

21 THE COURT: If you don't know the answer, say
22 you don't know.

23 THE WITNESS: Okay. I don't know.

24 BY MS. HUMMER:

25 **Q. One of the other concerns you have about the**

1 **Barrel Springs Properties' new production well was how**
2 **the water was going to be used, correct?**

3 A. How the water was going to be -- say again.

4 **Q. Used?**

5 A. So in looking at it to how you guys -- how it
6 was calculated, the water in the application seemed to
7 be a different way than our Watermaster calculates it
8 and/or as other people calculate the water.

9 So yes, I was concerned about the amount that
10 they said that they would need for the domestic use.

11 I did notate that they were very -- did their
12 due diligence and would like a Leed Platinum rating on
13 what they are doing. And I understand all those
14 things about LEED Platinum and the conservation memo,
15 things like that.

16 It still left me with questions if that could
17 possibly be the correct amount for the amount of
18 people.

19 **Q. Do you know which amount Barrel Springs**
20 **Properties used to calculate the domestic water use of**
21 **the project?**

22 A. I know that they were asking for ten acre
23 feet.

24 **Q. Do you know how they arrived at ten acre**
25 **feet?**

1 A. Actually, I had in here, like a calculation.
2 It was on some theory. I can't remember the name of
3 the theory off the top of my head that they used. Let
4 me try and find it.

5 I don't know if this is the right one,
6 aquifer properties based on driller's report. That
7 one was on calculated drawdown. I might have it
8 somewhere in my notes.

9 But I couldn't tell you right off the top of
10 my head exactly how they did that calculation, but I
11 know we discussed it in our meetings. And I think we
12 even discussed it with Phyllis over the phone after
13 that meeting on the calculations. And we came to the
14 fact that they could -- and that was after the
15 meeting -- possibly do it within the ten acre feet
16 that they were saying, with all those measures and
17 everything.

18 But the day that I took that vote, there was
19 uncertainty.

20 **Q. So you believe there was uncertainty in**
21 **whether or not the calculation was sufficient to**
22 **supply the domestic water needs of the project even**
23 **though the Watermaster Engineer had determined that**
24 **the project could be approved -- that the new**
25 **production application could be approved?**

1 A. So I think that's what I stated in -- yes.

2 Q. So you also sat on the Palmdale Water
3 District board, correct?

4 A. Yes.

5 Q. Do you know the figure that Palmdale Water
6 District uses to determine domestic water use per
7 household?

8 A. 55.

9 Q. 55 what?

10 A. Gallons.

11 Q. Per? Isn't it 55 gallons per day?

12 A. Yes. And I think that was used in this
13 calculation. I have it here, but --

14 Q. So is it 55 gallons per day per household, or
15 55 gallons per day per person?

16 A. Right now, my -- I'm going to just say I
17 don't know at the moment.

18 Q. But it is --

19 A. I'm not going to answer you, because I feel
20 like I'm get bombarded a little bit. It's giving me a
21 little bit of anxiety. And those are definitely
22 questions that I normally would know, but I have a lot
23 going on through my head. And like I said, if you
24 wanted me to wait, I could probably find it in there.

25 But as I testified here, there were -- there

1 were concerns if that would be enough water for the
2 amount of people.

3 Q. Now, the recommendation for approval by the
4 Watermaster Engineer in the board agenda packet
5 contemplated that the 120 acre feet for which Barrel
6 Springs was applying was going to be the maximum,
7 correct?

8 A. Yes.

9 Q. So they weren't going to be given permission
10 to go over the numbers they calculated in their new
11 production application, correct?

12 A. Yes. And I think that was addressed
13 somewhere in the application, saying something, that
14 they may not even need that amount. May not
15 necessarily use that amount.

16 Q. Okay. So I'm trying to understand this.
17 You're concerned that the calculation for the domestic
18 water use portion of the --

19 A. You brought up the whole 120, and that was
20 for everything that they were talking about.

21 Q. I understand your testimony. I have a
22 question.

23 Your testimony is that you were concerned
24 that the ten acre feet allocation to domestic water
25 use might be insufficient, correct?

1 A. Correct.

2 Q. And your testimony also is that the new
3 production application was for a maximum of 120 acre
4 feet, correct?

5 A. Well, actually, they -- they don't -- we
6 don't use that wording in there. We say the estimated
7 annual pumping for the new well would be 120 acre feet
8 per year, well capacity assumed 150 gallons per
9 minute.

10 Which that was part of the analysis that gave
11 me concern, because it looked like we weren't -- you
12 weren't going to be able to get that gallons per
13 minute on that site.

14 Q. Okay. We can come back to that. I just want
15 to focus on what the application sought and what would
16 have been approved if you had voted yes.

17 A. And that's an estimated annual pumping of
18 120 acre feet per year.

19 Q. And you just testified a moment ago that you
20 read in the papers that the Barrel Springs Properties'
21 project wasn't sure that it would use 120 acre feet
22 per year, correct?

23 A. I should maybe take that back until I find
24 out in what context that was used, because that may
25 not be an accurate statement.

1 Q. Have you as a board, has the AV Watermaster
2 as a board given Todd Groundwater feedback critical of
3 their performance of their services as a Watermaster
4 Engineer?

5 A. I don't think that we have addressed it and
6 said that we were critical. I know that we -- and
7 this is with all of our board members -- have had a
8 discussion where we discuss in how they give us the
9 information, because I think many of my board members
10 thought that what they gave us, we had to vote on what
11 they gave us.

12 And they would like to have a little more
13 wiggle room. So it seems a little more consistent
14 than how it kind of looks right now.

15 She's saying there's no problem, but we're
16 saying there's still concerns and uncertainties.

17 So we have had that dialogue, and I wouldn't
18 say we're critical of them. It's kind of like talking
19 like a hydrologist speaking to a layperson is, you
20 know -- you're going to use different terminology.
21 You're going to use different things.

22 So I don't think we're critical. I think
23 that we've had different discussions on how we could
24 work better, and so that we could understand each
25 other a little bit better.

1 And then when we have things like this, I
2 think we learned a lot from what has transpired with
3 this -- with this whole process here on ways we could
4 do better, the way the -- the way Todd Groundwater
5 could give us information. How us and directors can
6 look at things differently.

7 **Q. Does the judgment and physical solution that**
8 **governs the adjudicated basin in the Antelope**
9 **Valley --**

10 A. Yes.

11 **Q. I haven't asked my question yet.**

12 **Does that judgment and physical solution**
13 **authorize the Watermaster Engineer to make findings**
14 **with wiggle room about material injury to the basin?**

15 MR. PARTON: Objection. Calls for a legal
16 conclusion.

17 THE COURT: Sustained.

18 BY MS. HUMMER:

19 **Q. Ms. MacLaren, you just testified that you**
20 **would prefer to have findings and determinations from**
21 **the Watermaster Engineer made with a little more**
22 **wiggle room.**

23 A. Maybe I'll retract using "wiggle room" in
24 that context, since it's going to be portrayed in that
25 way.

1 That isn't -- that was one of the words that
2 was used in our discussion. But now that you're
3 saying it and how it sounds, that probably isn't a
4 good terminology.

5 I just will go back to saying that we need to
6 further communicate so that we are understanding where
7 they are coming from and how it could help us make the
8 decision.

9 But the definite thing we learned from that
10 was some of them thought they did -- and that's where
11 that came in -- that they didn't have wiggle room also
12 to vote no with me.

13 Now, after we've had the ruling by him and
14 reminding us that they do understand, that just like
15 me, that they could have voted no also.

16 **Q. "They" being the Watermaster Engineer?**

17 A. Other directors.

18 **Q. Including directors that weren't at the**
19 **hearing?**

20 A. The other ones that weren't at the hearing --
21 yes, in our overall discussion, we have had
22 discussions with other ones that were not at the
23 hearing, for them to understand that the way this is
24 set up is we take the information, we utilize it to
25 the best of our ability, but still we as board members

1 have the discretion, have the ability to disagree with
2 the findings and do like I concluded that day and
3 voted no.

4 Q. But isn't it true, Ms. MacLaren, that your no
5 vote requires some backup information, some evidence
6 to support it?

7 MR. PARTON: Objection. Calls for a legal
8 conclusion.

9 THE COURT: Sustained.

10 BY MS. HUMMER:

11 Q. I want to come back to the January to April
12 timeframe. I don't think we have clear testimony on
13 this.

14 What did you do between the January meeting
15 where the Watermaster Engineer presented its findings,
16 finding no material injury, and April 26th to allay
17 concerns or find out information or do what you needed
18 to do in order to be able to -- to be able to approve
19 the new production application?

20 A. I drove up to the site. I talked to
21 commercial Realtors in our area. I talked to vice
22 mayors of Lancaster, which I represent. Talked to
23 city managers of Palmdale that I represent.

24 I talked to everybody in our -- in our group
25 that -- which is Waterworks, Quartz Hill Water

1 District, City of Palmdale, City of Lancaster, Little
2 Rock, White Farms, I think. And there's a few other
3 small agencies.

4 Did a lot of research. Looked into the prior
5 records of the other college projects and different
6 things that went on in that area. I sit on other
7 boards in -- that are like the AV -- it's the Antelope
8 Valley Economic Development -- and the E is the
9 entity -- Enterprise.

10 I just stepped off being the president of
11 that. So we're working regionally to look at
12 everything. So there's quite a different amount of
13 people that I work with on different boards that come
14 from all walks of life.

15 So I had numerous conversations with
16 different people asking different questions.

17 **Q. What input did the City of -- the vice mayor**
18 **of the City of Lancaster give you about the new**
19 **production application?**

20 A. He was -- he was concerned as well as other
21 community members are concerned.

22 **Q. What was he concerned about?**

23 A. Well, we're concerned about our region and we
24 just want to make sure that we're able to take care of
25 everybody in our region. We want to make sure we have

1 good -- the best transportation. We want to make sure
2 we have wraparound services.

3 Q. So the vice mayor of Lancaster was concerned
4 that the new production for the Barrel Springs
5 property would impact regional issues related to
6 transportation?

7 A. I didn't say that. I said I spoke with the
8 mayor of Lancaster, like, talking to him.

9 Q. What were his concerns about the new
10 production application?

11 A. I don't necessarily think that he looked at
12 the application. It was more -- it wasn't a technical
13 conversation that I had with him.

14 Q. You listed a lot of people you talked to.
15 Did you have technical conversations with any
16 of those people about the application?

17 A. I would say they weren't technical
18 conversations, no.

19 Q. So you also testified that you were worried
20 about the findings because you thought there were
21 "buts" and "ands" and "ifs" relating to the technical
22 issues before you as a Watermaster board member.

23 Why were you talking to all these other
24 people about nontechnical issues if your concerns
25 about the Watermaster Engineer's analysis was

1 **technical?**

2 A. Okay. So you asked me what did I do from
3 January to then, and just like I didn't ask him
4 questions, I was just telling you -- and let me
5 rephrase it so that they'll take some of this --
6 however you're putting it.

7 I sit on many different boards and a
8 community activist. So you asked me what did I do
9 from here to then. I would say I did nothing of a
10 technical in those conversations with those people
11 that swayed my decision.

12 That's probably a better way to answer that,
13 because otherwise it sounds like a long list. But
14 when you asked me the question what did I do, I was
15 thinking more along what I do.

16 Because I'm on quite a different array of
17 boards in the community and I'm very active in -- and
18 you know, in conversations I might have had brought
19 this up. But definitely nothing technical.

20 So I'll leave those out of it.

21 **Q. So is it fair to say that the research you**
22 **did between January and April 26th didn't include**
23 **research into calculations of gallon per minute, for**
24 **example?**

25 A. I think that, yes, I read over several

1 things. Like your things here, I've looked back on
2 this numerous -- numerous times and things being
3 brought up.

4 **Q. What research did you do outside the four**
5 **corners of the new production application and the**
6 **agenda report?**

7 A. I researched all kinds of different water --
8 see, excuse me, because I'm not using the correct
9 terminology, because in Barrel Springs in that meeting
10 they said they were using some sort of water process.

11 **Q. That meeting was after you voted no. I'm**
12 **talking about between January and April, right, before**
13 **you voted no.**

14 A. Right.

15 **Q. What research did you do, technical research?**

16 A. What I was trying to say is there was some
17 water processes that they brought up that were
18 mentioned that I saw in here.

19 So I researched the regenerative agriculture.
20 I asked my general manager about that.

21 I had researched The People Concern. I knew
22 about their other facilities, in fact, his Kensington
23 project. We were in talks with them in another
24 capacity about -- back then. I know about that
25 project. It's very successful.

1 And so there was research done on anything
2 that I looked in there and I had -- I had
3 questioned -- questions on. I drove to the site,
4 which then I realize it's very high up from that.

5 One of the other concerns that I even said in
6 the meeting of the Palmdale Water District of covering
7 our ditch -- which I didn't get to add earlier --
8 which there isn't necessarily a line item. We've
9 gotten \$22 million worth of grants to be able to cover
10 that.

11 So that was something that you were asking
12 about, our budget, if it was in a line item, so --

13 **Q. What did you research about -- strike that.**

14 **What research did you do to investigate your**
15 **concerns about contamination of the aqueduct?**

16 A. So that's not so much research as it is --
17 which I started to say that, and I did get
18 sidetracked, on the fact that until it's covered, if
19 there were to be any construction done up there, we
20 would necessarily want to have good compliance to make
21 sure nothing runs down into that -- into our ditch.

22 **Q. I wasn't asking about the ditch. I'm asking**
23 **about the aqueduct.**

24 A. Well, our ditch goes directly to our Palmdale
25 Water District, which has water pumped into and goes

1 out of, into the aqueduct. We have our Little Rock
2 dam, which we have an open liner kind of thing that
3 runs on down through.

4 And we have our Lake Palmdale, and that feeds
5 into that. That's where our treatment facility is.

6 We also are connected right to the aqueduct
7 where we can take water in and move water out. So
8 this is all in that general area.

9 **Q. So my question is specific.**

10 In your declaration at paragraph 6, which is
11 page 3 of Exhibit 77, at line 7 and 8, item D as in
12 David, you express that you were concerned that the
13 findings did not adequately address the proximity of
14 the state aqueduct to the project and potential
15 contamination of state water project water from
16 build-out of the project.

17 A. Yes.

18 **Q. So you had that concern in addition to the**
19 **ditch, correct?**

20 A. I should have not used the ditch, but the
21 ditch is like right there which feeds into the
22 aquifer. But, yes.

23 **Q. So isn't this concern a planning issue,**
24 **Ms. MacLaren?**

25 A. No.

1 Q. The Watermaster is charged with ensuring that
2 construction doesn't generate dust to contaminate an
3 open ditch?

4 A. The Watermaster is concerned in approving a
5 project that can, because of its proximity and being
6 up on the hill and everything runs downhill, would be
7 a concern because of our aquifer, and our aquifer is
8 open too. It's not covered.

9 Q. Ms. MacLaren, the project that the
10 Watermaster board is evaluating and considering is the
11 dropping of a new well and the production of 120 acre
12 feet from that well.

13 Isn't that the project?

14 A. I believe that -- that -- even though it is
15 the project, if you look at what you're applying for,
16 it gives us the definition of a lot of things that
17 you're doing there.

18 So being that this is -- so it's talking
19 about a well.

20 There's going to be row crop vegetable
21 gardens. I don't know if they are organic, if they
22 are going to be using contaminants that can go down
23 there.

24 Annual grasses, flowers, farm animals with
25 orchard area.

1 So there's -- it's not just the well for the
2 application. It's a much broader thing that I was
3 looking at and considering.

4 MS. HUMMER: Your Honor, my examination of
5 Ms. MacLaren at this juncture is complete.

6 THE COURT: No further questions?

7 MS. HUMMER: No further questions.

8 THE COURT: Okay.

9 THE WITNESS: Thank you.

10 THE COURT: Well, it's about eight minutes to
11 noon. I suppose we should take our noon recess.

12 THE WITNESS: Should I leave these?

13 MR. PARTON: Leave them.

14 THE COURT: Just leave everything there. You
15 may step down.

16 THE WITNESS: Thank you.

17 THE COURT: You have some further
18 examination, Mr. Parton?

19 MR. PARTON: Yes. Yes, I will have some
20 questions.

21 THE COURT: Do you want to do that after
22 lunch?

23 MR. PARTON: Absolutely.

24 THE COURT: Okay. Fine. All right. Let's
25 take an hour for lunch.

1 MS. HUMMER: Come back at just before 1:00,
2 Your Honor?

3 THE COURT: I'd like to resume as quickly as
4 we can. I don't know how many other witnesses, if
5 any, there are going to be. I know there is going to
6 be some argument. That I would have to deal with.

7 So let's come back around 1:00.

8 MS. HUMMER: Very good, Your Honor.

9

10 (Lunch recess taken 11:49 a.m. - 1:05 p.m.)

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1 WEDNESDAY, OCTOBER 18, 2023

1:05 PM

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AFTERNOON SESSION

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5

THE COURT: Good afternoon, everybody. We
6 can have Ms. MacLaren back on the stand.

7

MR. PARTON: Yes, thank you.

8

THE COURT: Ms. MacLaren, you're still under
9 oath.

10

THE WITNESS: Yes.

11

CROSS-EXAMINATION

12

BY MR. PARTON:

13

Q. Good afternoon, Ms. MacLaren.

14

A. Good afternoon.

15

**Q. Very briefly, I wanted to have you recollect
16 or refresh a recollection about the boards that you
17 serve on.**

18

It's Palmdale Water District, right?

19

A. Correct.

20

**Q. Is that an elected position or an appointed
21 position?**

22

A. That is elected.

23

**Q. And you've also been on the planning
24 commission on Palmdale?**

25

A. Yes. The City of Palmdale planning

1 commissioner.

2 Q. Is that elected or appointed?

3 A. That is appointed by -- it used to be
4 appointed by the mayor. Now it's the whole city
5 council.

6 Q. How long have you been in that position?

7 A. I did two terms there.

8 Q. Okay. And you're the vice chair of the
9 Antelope Valley Watermaster, correct?

10 A. Yes.

11 Q. In your positions as planning commissioner,
12 the City of Palmdale Water District and other boards,
13 have you reviewed technical reports before?

14 A. Yes. Many times.

15 Q. And you've analyzed technical issues before,
16 correct?

17 A. Yes.

18 Q. And you say "many times." How many would you
19 estimate, technical reports for the planning
20 commission, the water district and the Antelope Valley
21 Watermaster have you reviewed?

22 A. So at least maybe 1- or 200.

23 Q. When did you -- strike that.

24 The Todd findings of January 11, 2023, you're
25 familiar with those, right?

1 A. Yes.

2 Q. When did you first review them?

3 A. For the January 20th?

4 Q. Yes.

5 A. Usually back in that time, the third Monday
6 of the month and when we get -- whenever we get the
7 packet, I always read through the packet and then I
8 will study anything that I need to study in
9 preparation for the briefing with the public water
10 suppliers.

11 Q. So the January 25, 2023, board meeting of the
12 Antelope Valley Watermaster, was the report from Todd
13 Groundwater, the findings as to Barrel Springs,
14 contained in that agenda?

15 A. Yes.

16 Q. And you -- to the best of your recollection,
17 that's the first time you reviewed it, correct?

18 A. Yes.

19 Q. And then you had approximately three months,
20 right, until you voted on it?

21 A. Yes.

22 Q. And during that three months, did you read
23 the report again?

24 A. I'm going to say ad nauseam. No.
25 Yes, I read it and researched and

1 contemplated on different things after reading it.

2 Q. And then the vote was taken on April 26th,
3 2023?

4 A. Yes.

5 Q. With respect to the new production
6 application of Barrel Springs, right?

7 A. That is correct.

8 Q. Okay. What else -- I understood from your
9 testimony you talked to people about the Barrel
10 Springs application and you've testified to that.

11 You spent -- is that correct?

12 A. Yes.

13 Q. And you spent how many hours reviewing the
14 report itself?

15 A. I would say ten hours.

16 Q. Okay. And what else did you do to satisfy
17 yourself with respect to that report of Todd
18 Groundwater on January 11, 2023?

19 A. Yeah, I would say that I had conversations
20 with my manager and city managers both, because they
21 are engineers.

22 So what I might look at in one way, even
23 though, you know, that's through Palmdale Water
24 District and not the Watermaster, they still are
25 engineers and, you know, they could answer some other

1 questions in my mind. I think they are a good source,
2 as well as knowing all the issues, like the proximity
3 to the aquifer and different things like that.

4 **Q. And my understanding from your testimony is**
5 **that you drove to the Barrel Springs site.**

6 **Is that right?**

7 A. Yes. I drove there two times just
8 specifically to look at that. I have a four-wheeler
9 and I have a Jeep and that is like one of the areas
10 that I usually frequent.

11 I live on 40th Street now, and that's usually
12 a way that I go up into that area when I take a nice
13 Jeep drive for relaxation.

14 **Q. Let me shift gears for a moment. I want**
15 **you -- the topic is the advisory committee to the**
16 **Antelope Valley Watermaster.**

17 **Do you understand that the advisory committee**
18 **is set up in the judgment?**

19 A. Yes. I understand the importance of the
20 advisory committee. And not always do we still find
21 exactly the way they vote, but you must take
22 everything that they look at into very serious -- you
23 seriously have to look at what they are saying and
24 what they are feeling.

25 And I think that's one way that -- it's one

1 way that this adjudication works and has been helping,
2 is because they have a say, you know, whether they are
3 a small pumper or an overlrier. A lot of times they've
4 looked at us like, public water suppliers, like we
5 don't care necessarily, you know, about their wants
6 and needs or the way they look at it.

7 So that's why the board members represent
8 different things. And then you have that advisory
9 committee. And I know they -- they were quite
10 confused on which way to go with that. There's quite
11 a few extensions.

12 And so it comes by a slim margin that there
13 was a lot more people not really sure either. I
14 believe there was uncertainty in -- in the way they
15 took, you know, the information.

16 **Q. Can you turn in the black binder in front of**
17 **you to Exhibit 67, page 29.**

18 (Exhibit 67 received in evidence.)

19 THE WITNESS: 67.

20 BY MR. PARTON:

21 **Q. And Exhibit 67 is what? Can you identify it**
22 **for us, first?**

23 A. Yes. So that's the consideration of the
24 possible action on the new production, and it's during
25 the Barrel Springs with a vote of three "Yes," one

1 "No," and five "Abstain."

2 Q. Okay. But this is in relation to the
3 advisory committee, not the full board, correct?

4 A. Correct.

5 Q. And you know that by looking at page 27?

6 A. Yes.

7 Q. The first page indicates --

8 A. Yeah, this is the agenda.

9 Q. This is the advisory committee agenda?

10 A. Report.

11 Q. Report, okay. There was a motion and a
12 second and a vote, three "Yes," one "No," five
13 "Abstain."

14 Do you see that?

15 A. Yes.

16 Q. In your experience with the board of the
17 Antelope Valley Watermaster, have you ever seen as
18 divisive of a vote amongst the advisory committee on
19 any issue?

20 A. Never.

21 Q. I want to have you turn to Exhibit 78.

22 (Exhibit 78 received in evidence.)

23 BY MR. PARTON:

24 Q. Exhibit 78 is an e-mail to Claire Collins
25 from myself dated May 25, 2023.

1 Tell me when you see that. Exhibit 78.

2 A. Yes. And you want me on page 1 of that?

3 Q. Page 1 of that.

4 First of all, May 25, what was significant
5 about that day?

6 A. May 25. Sorry.

7 Q. I think you've testified that there was a
8 settlement conference on that day, correct?

9 A. Yes.

10 Q. Okay.

11 A. In all actuality, this is what we discussed
12 right after that meeting.

13 Q. And who is "we"?

14 A. It was Matt Knudson was there, Rob Parris,
15 yourself, and myself.

16 Q. Okay. And as a result, what did -- what were
17 you trying to accomplish by this e-mail from me to
18 Claire Collins dated May 25, 2023?

19 MS. HUMMER: Objection. The e-mail is not
20 from Ms. MacLaren, so I don't know how she could
21 accomplish an e-mail being sent by Craig Parton.

22 MR. PARTON: Claire Collins -- this is an
23 e-mail from Craig Parton to Claire Collins.

24 THE COURT: Well, why don't you lay a further
25 foundation as to how she would have been affected by

1 it.

2 BY MR. PARTON:

3 Q. Okay. You had a discussion with Mr. Knudson,
4 Mr. Parris, myself and you on May 25, correct?

5 A. Yes.

6 Q. And had there been a meeting of the parties
7 before this?

8 A. Yes.

9 Q. And the result of that meeting, did the group
10 take any action with respect to directing a letter be
11 sent to the representative from Barrel Springs?

12 A. Yes. After discussing among ourselves, as
13 well as talking with Phyllis Stanin, we compiled some
14 things that we would like to put forward to Barrel
15 Springs to do a reconsideration of their application.

16 And so we went over several different things.
17 And these were the items that we all agreed upon that
18 we wanted them to give us some more information to
19 help us reconsider their application.

20 Q. And this letter purports to request and ask
21 Barrel Springs if they would consider a resubmittal of
22 their application.

23 Is that right?

24 A. Yes. And we were -- we were hoping with
25 that, that we were opening up being welcome to, you

1 know, written comments, anything that they could give
2 us on these subjects in advance of the meeting so that
3 we could even, you know, refine the matter and have
4 that information even before we have the meeting for
5 the reconsideration.

6 So I thought it was a really good way to try
7 to open it up and giving them every opportunity to
8 answer some of these questions.

9 Q. And did you approve of the form of the
10 letter, Exhibit 78, before it was sent to Barrel
11 Springs' --

12 A. Yes.

13 Q. -- counsel? Okay.

14 And is this letter -- was it responded to?

15 MS. HUMMER: Objection. It's not a letter.

16 BY MR. PARTON:

17 Q. Was this e-mail responded to?

18 A. I don't think we got an e-mail response from
19 them.

20 Q. Well, look at Exhibit 79, Ms. MacLaren.

21 (Exhibit 79 received in evidence.)

22 BY MR. PARTON:

23 Q. It's an e-mail -- purports to be an e-mail
24 from Craig Parton to Claire Collins dated Friday
25 June 2, more than a week after Exhibit 78 was sent.

1 And it purports to request a response to the
2 May 25th letter, right?

3 A. Yes.

4 Q. And is it your understanding that as of
5 June 2 there had been no response?

6 A. Yes.

7 Q. And are you aware of when a response, if
8 ever, was received?

9 A. I'm not sure if -- I don't think there was a
10 response. And I know we went to get ready to go to
11 the meeting in which then I found out that they would
12 not be attending -- they would not be further
13 interested in submitting those information.

14 Q. So you have an understanding that initially
15 the Watermaster reentered or resubmitted -- had an
16 agenda item on the June 25th board meeting to
17 reconsider the Barrel Springs application?

18 A. Yes. Rob promising that he would make sure
19 that that got on the agenda.

20 Q. And what is your understanding of what
21 happened with that matter?

22 A. That they felt that they had already
23 basically -- in other words, they weren't answering
24 those questions and that they were sticking by what
25 they originally thought the conclusion is of our

1 Watermaster Engineer.

2 And so they didn't feel any necessary means
3 to try to give us more information, supply us any new
4 reports or further have dialogue over this, which I
5 feel is -- it's just a shame.

6 I think we could have avoided maybe going to
7 court and things could have been looked at and we
8 could have got the information and we wouldn't be in
9 this position that we're at right now, I think.

10 **Q. Do you have an understanding of whether the**
11 **board was directed by Barrel Springs to remove the**
12 **request for reconsideration from the agenda for the**
13 **June meeting?**

14 A. No. I think that we were, even during the
15 meeting, thinking that there was a possibility that
16 they may call in. And, you know, put anything,
17 something, you know, on the record, but --

18 **Q. Did they call in?**

19 A. No.

20 **Q. Did they appear at the board meeting?**

21 A. No.

22 **Q. Did they communicate that they wanted**
23 **anything done to resubmit to the board?**

24 A. No.

25 MR. PARTON: Thank you, Your Honor. No

1 further questions.

2 MS. HUMMER: Redirect, Your Honor?

3 THE COURT: Go ahead.

4 REDIRECT EXAMINATION

5 BY MS. HUMMER:

6 Q. Ms. MacLaren, please turn back to Exhibit 78,
7 which is the e-mail from Craig Parton to Ms. Collins
8 dated May 25, 2023, at 6:46 p.m.

9 Do you have it?

10 A. Yes.

11 Q. And it lists questions for which you wanted
12 answers, 1 through 7.

13 Do you see that?

14 A. Yes.

15 Q. Wasn't the time to get those questions before
16 you went to the board in April 26, 2023?

17 A. Say that again.

18 Q. Wasn't the time to get answers to these
19 questions before you went to hear this matter at the
20 April 26, 2023, board meeting?

21 A. Those were not necessarily -- those -- these
22 questions are what came out of having discussion of
23 the uncertainties and in discussing with our
24 Watermaster Engineer actually finding out more
25 information, like finding out how they felt.

1 And at that time, they even let us know their
2 uncertainty or how -- by having these things answered,
3 how it would be a wealth of information for our
4 Watermaster to have, because we rely on reports from
5 the USGS service.

6 We're trying to make our own model, because
7 we don't even have that, which can model all the areas
8 of where the water is going and what they are doing.

9 And so these are -- I don't feel I didn't do
10 my due diligence, in other words, by not knowing these
11 questions.

12 These questions came about by having other
13 discussions and opening up communications with our
14 engineer, as well as other things, so that we could
15 come up with ways that if they were to answer these
16 questions, it could make a big difference on -- if we
17 could determine that we could pass this.

18 But it brought up the fact -- and they
19 admitted that there were things that we could do, you
20 know, small community water systems.

21 **Q. Ms. MacLaren, you testified about going**
22 **back -- taking the Barrel Springs new production**
23 **application back to the board in June.**

24 **Do you recall that testimony?**

25 A. Taking back the --

1 Q. Reconsidering the new production application
2 of Barrel Springs Properties at the June Watermaster
3 board meeting -- you just testified about that?

4 A. Yes.

5 Q. And it was your testimony that you didn't
6 know that Barrel Springs Properties was not going to
7 appear at that hearing and did not, in fact, intend
8 there to be a reconsideration until the moment of the
9 hearing when they didn't show up, correct?

10 A. I -- to the best of my recollection.

11 Q. Okay. So if the Watermaster Engineer and you
12 all got together and the items 1 through 7 on
13 Exhibit 78 reflect the Watermaster Engineer's
14 concerns, why didn't the Watermaster withdraw the
15 January 11, 2023, findings and issue new findings
16 addressing these points ahead of the June 23rd, 2023,
17 meeting?

18 A. Because some of these questions on here are
19 things that they would look at, and we were hoping
20 that we could get, like, whether replacement water is
21 capable of recharging the pertinent project area.

22 All these things that we are asking, most of
23 it is gathering more information so they could make a
24 different recommendation -- or I could measure this
25 and say, even if I had some uncertainty, it might have

1 made my uncertainties less uncertain where I would
2 feel comfortable.

3 Q. It's true, to today, that the Watermaster
4 Engineer has not withdrawn the January 11, 2023,
5 findings, correct?

6 A. I don't think they have, but I don't -- I
7 don't necessarily know that just because they haven't
8 put out something different, doesn't mean that any of
9 these questions aren't any relevancy to getting
10 answered.

11 Q. We'll get to the questions in a minute.

12 Two members of the Watermaster engineering
13 staff submitted declarations in connection with this
14 motion, correct?

15 A. I'm not sure.

16 Q. So you don't know that the Watermaster
17 Engineer and the person, which is Arden Wells,
18 submitted a declaration in support of AV Watermaster's
19 opposition to my client's motion?

20 A. I have not read her declaration.

21 Q. And you don't know that Ms. Stanin also
22 submitted a declaration in support of your opposition
23 to my client's motion, correct?

24 A. I will say that at this point, I don't
25 recollect. It could have been something.

1 Q. So you wouldn't know whether either one of
2 those declarations withdrew or carved back or
3 otherwise proposed amendments to the January 11, 2023,
4 findings letter?

5 A. Not to my knowledge.

6 Q. Okay. Let's go through these requests.

7 Item number two, whether replacement water is
8 capable of recharging the pertinent project area.

9 We discussed this this morning. Where in the
10 judgment and physical solution is a requirement set
11 forth that recharged water be recharged in the basin
12 and the location of the well?

13 A. I believe that there are things that we
14 should be taking into consideration for us knowing,
15 and I don't know that they could put every fine detail
16 asking for every single thing, but I definitely know
17 that it is very pertinent whether or not you can
18 recharge where you're doing a project in a well that
19 is removing water from our ground table.

20 Q. The new production application form that the
21 Watermaster board has approved, which is tailored to
22 comply with the judgment of physical solution, doesn't
23 require an analysis of replacement water to be
24 replaced at the location it is extracted from, does
25 it?

1 A. So maybe this is something we should ask to
2 be considered and put in, because it definitely is
3 something that is very pertinent to our aquifer.

4 **Q. But as of right now, it's not a requirement,**
5 **correct?**

6 A. I guess not.

7 **Q. And it wasn't a requirement in April 2023**
8 **either, correct?**

9 A. I guess not.

10 **Q. Or January 2023?**

11 A. Probably not.

12 **Q. Or September 2022 when the application was**
13 **submitted?**

14 A. I would guess not.

15 **Q. Okay. Now, number three, we spent some time**
16 **talking about project impact on wells within the**
17 **vicinity of the project area.**

18 **What is "vicinity"?**

19 A. So the vicinity, which I learned today in
20 having this discussion, the vicinity we don't have --
21 the Watermaster Engineer does not have a definition of
22 what vicinity is.

23 So a vicinity for each project can and will
24 be different.

25 **Q. What was the standard the Watermaster used**

1 for "vicinity" in processing Barrel Springs
2 Properties' new production application?

3 A. If they used one specifically to this, off
4 the top of my head, I don't know what they used. But
5 I --

6 Q. So you cannot testify that wells in the
7 vicinity using the standard the Watermaster Engineer
8 established for "vicinity" as applied to the Barrel
9 Springs Properties -- as applied to the location
10 proposed for the Barrel Springs Properties' well, you
11 cannot testify that that was not considered, correct?

12 A. I can -- I can state that in discussing this
13 after the meeting with all those people that I named
14 and talking to Phyllis, that this was a relevant
15 question to ask.

16 Q. Your discussions after the meeting with
17 Phyllis on May 25, 2023, were not part of the record
18 on which you made your decision on April 26, 2023,
19 were they?

20 A. No. So if that is something that the Judge
21 doesn't feel that I should have put in there, we were
22 just trying to give an opportunity, open up questions,
23 open up dialogue to do our due diligence and giving
24 every opportunity to this applicant.

25 Q. And you have no explanation for why item

1 number seven on Exhibit 78 is still included when
2 Barrel Springs Properties had already indicated to the
3 Watermaster that it would do a test well?

4 A. I do remember something being brought up, but
5 in the middle of that aquifer being discussed, it was
6 amidst very contentious questioning of Arden, very --
7 almost even -- I think there were threats about doing
8 a round of litigation. And so it was all mixed in
9 there.

10 Q. Your testimony today is that there were
11 threats made at the April 26th, 2023, AV Watermaster
12 board hearing about threats of litigation?

13 A. I think I recollect that being said. And
14 very -- very aggressive testimony and questioning of
15 Arden, and being brought up about having to do a test
16 well.

17 But there is no record of that, because in
18 thinking about that, I wanted to look back on that.
19 But since we don't have the verbal recollection, I
20 would say I -- I do definitely know that it was very
21 contentious, argumentative, and I felt that there were
22 hammering of our engineer.

23 Q. Isn't it true that the hammering was coming
24 from board members and not Barrel Springs Properties?

25 A. Nope.

1 Q. Your testimony here today is that Barrel
2 Springs Properties was asking Arden Wells questions
3 about her presentation on the new production
4 application?

5 A. I don't -- I don't think that our board
6 members were hammering them. I feel Barrel Springs
7 was hammering our engineer.

8 Q. So let me ask it again.

9 Your testimony here today is at this hearing,
10 that was Barrel Springs Properties' new production
11 application was being considered, Barrel Springs
12 Properties was questioning Arden Wells?

13 A. Yes.

14 Q. This purported questioning of Arden Wells,
15 did it occur before or after the vote?

16 A. Before.

17 Q. And this purported threat of litigation, did
18 that occur before or after the vote?

19 A. Before.

20 Q. Now, Ms. MacLaren, you also testified that --
21 you testified about some disappointment in the fact
22 that Barrel Springs Properties did not ask for
23 reconsideration of its new production application.

24 Is that a fair characterization?

25 A. I felt like we, number one, opened up a very

1 long time to sit down and have a conversation, which
2 there was very little. They came and left in
3 15 minutes.

4 After that we were kind of like amazed at,
5 here they are, they want to do this and everything,
6 and it didn't seem like there was any willingness to
7 really engage with us, problem solve, throw out ideas.

8 And then after, we sat back and thought,
9 okay -- especially for Rob, because he wasn't there,
10 he really felt like no matter what, he wanted to hear
11 it again.

12 And that's when we sat down, talked to the
13 engineer, went over things of concern, and we compiled
14 this, which we thought this was very important
15 information that we could use to reconsider Barrel
16 Springs.

17 **Q. It's not really up to Rob whether or not it**
18 **gets reconsidered. The applicant has to agree to**
19 **reconsideration, does it not?**

20 A. Yes. That's true. Rob is who puts it on the
21 agenda.

22 **Q. And the physical judgment, the physical**
23 **solution, allows Barrel Springs Properties to make a**
24 **motion to this Court to enforce its rights under the**
25 **judgment.**

1 Does it not?

2 MR. PARTON: Objection. It calls for a legal
3 conclusion.

4 THE COURT: That's more a statement than a
5 question.

6 BY MS. HUMMER:

7 Q. Ms. MacLaren, is there anything in the
8 physical judgment and physical solution that prohibits
9 Barrel Springs Properties from applying to the Court
10 by motion after its new production well application
11 was turned down?

12 MR. PARTON: Objection. Calls for a legal
13 conclusion.

14 THE COURT: Well, the answer is no.

15 MR. PARTON: That's true, too.

16 MS. HUMMER: Correct. The answer is no.

17 BY MS. HUMMER:

18 Q. So, Ms. MacLaren, I still don't understand if
19 you had all of these concerns about the proposed well
20 and all of these worries that were outside the scope
21 and beyond the scope of the analysis done by the
22 engineer, that you didn't raise these issues with the
23 engineer between January and April, that's four
24 months, why is it you didn't address these concerns
25 before the April meeting?

1 A. Because all of these concerns are just not
2 black and white, like a simple question.

3 **Q. Yeah, they are not black and white because**
4 **they don't come out of the judgment and physical**
5 **solution, do they?**

6 MR. PARTON: Objection. Argumentative.

7 THE COURT: Sustained. It's argumentative.

8 BY MS. HUMMER:

9 **Q. Ms. MacLaren, do these requirements that**
10 **you've listed here, that Mr. Parton listed in**
11 **Exhibit 78, come out of the judgment and physical**
12 **solution?**

13 A. I don't think on here we characterized this
14 as these are things that need to be answered per the
15 judgment.

16 These are simply our compilation of questions
17 that we wanted to ask and things that we were hoping
18 that Barrel Springs could do some of the things that
19 would help us assure that this well is going to be
20 able to take care of those people that are put there
21 and be able to do and function like The People Concern
22 would like.

23 **Q. I want to turn our questioning to the**
24 **advisory committee.**

25 You testified that the advisory committee has

1 an important role in the functioning of the
2 Watermaster.

3 Is that correct?

4 A. Yes.

5 Q. And that the Watermaster board endeavors to
6 take questions and concerns raised by the advisory
7 committee seriously?

8 A. Yes.

9 Q. And you also testified that that's in fact
10 what happened here, correct?

11 A. Yes.

12 Q. So did you take into consideration that the
13 advisory committee had looked at the new production
14 application in January?

15 A. Am I -- you're asking me if I know for sure
16 they did?

17 Q. I'm asking if you took that into
18 consideration?

19 A. Yes. I took into consideration that they
20 would have looked at this.

21 Q. But are you sure that they did or you don't
22 know?

23 A. I really can't speak for them.

24 THE COURT: Do you know whether the advisory
25 committee considered the application and made a

1 recommendation to the board?

2 THE WITNESS: Yes. That I heard of from --
3 I'm sorry. I wasn't getting it from her.

4 Yes, because they give us a written report
5 which is in our agenda. And a lot of times our
6 engineer -- whether it's Arden or Phyllis -- after
7 they go through their testimony, they usually remind
8 us what it was, whether or not the advisory board said
9 yes or no.

10 And I, myself, when I do it, I have several
11 different piles. I usually have that to the side so
12 that I always look at what they said for each item
13 that is before me.

14 BY MS. HUMMER:

15 Q. As part of your research and preparation for
16 the April 26th, 2023, meeting, did you discuss the new
17 production application for Barrel Springs Properties
18 with Mr. Calandri of the advisory committee?

19 A. Mr. Calandri and -- before what date?

20 Q. Before April 26, 2023.

21 A. I'm thinking that I -- I don't recollect.

22 Q. Have you ever discussed the Barrel Springs
23 Properties new production application with
24 Mr. Calandri?

25 A. In closed session, yes.

1 Q. Did you ever discuss with Mr. Calandri his
2 position that Barrel Springs Properties would have to
3 prepay 20 years' worth of replacement water costs in
4 order to get approval of its new production
5 application?

6 MR. PARTON: Objection to the extent it's
7 part of closed session. It would be privileged.

8 THE COURT: Again?

9 MR. PARTON: To the extent the answer calls
10 for revealing the confidences in a closed session,
11 we'd object, Your Honor.

12 But if she had the conversation outside of
13 closed session, she obviously is free to respond.

14 MS. HUMMER: Your Honor, facts don't become
15 privileged just because they happened to come up in a
16 closed session.

17 THE COURT: I don't know what was closed and
18 what wasn't, so I'm going to overrule the objection at
19 this point.

20 MS. HUMMER: Should I re-ask the question,
21 Your Honor?

22 THE COURT: Well, somebody needs to establish
23 the context in which the objection relates to.

24 Quite frankly, I'm a little concerned about
25 staying focused on her decision as opposed to

1 conversations she may have had with other people about
2 any part of this, unless you can establish some
3 relevance of it.

4 MS. HUMMER: I understand. I agree we need
5 to focus on Ms. MacLaren's decision-making. But she's
6 testified that she talked to all these different
7 people as part of her doing her research and due
8 diligence. So that's why I've gotten into this line
9 of questioning.

10 If Your Honor would like me to move on, I
11 will move on.

12 THE COURT: There's no question that we do
13 have a report from the Watermaster Engineer that is
14 somewhat equivocal in terms of the data upon which the
15 recommendation is based.

16 That seems to me, that gives rise to a
17 serious question for the board member as to whether or
18 not they can endorse the recommendation from their
19 employee.

20 And so far, we've not heard any other
21 evidence as to what's going to fill in the blanks, and
22 there are a lot of blanks.

23 So you might address that.

24 MS. HUMMER: Your Honor, Ms. MacLaren has
25 testified that she didn't talk to the engineer.

1 THE COURT: She read the report, and based
2 upon the report, she's testified that she had
3 reservations about the data that was missing and what
4 impact that would have on the aquifer, which the board
5 obviously has a responsibility to address.

6 MS. HUMMER: Understood, Your Honor.

7 BY MS. HUMMER:

8 **Q. Ms. MacLaren, let's focus on Exhibit 78 where**
9 **the list of concerns about data gaps, shall we call**
10 **them, is discussed.**

11 Do you have that in front of you?

12 A. Yes.

13 **Q. Did you do anything to double-check the**
14 **arithmetic on item number one?**

15 A. I personally did not take a calculation, but
16 we did talk to Phyllis. And I don't remember actually
17 if she did calculations right there in discussing it,
18 but we did -- I didn't personally take my own
19 calculations.

20 **Q. Did you obtain recalculations of the water**
21 **use calculations that were included in the new**
22 **production application?**

23 A. Like I said, I remember talking to -- I
24 remember distinctly talking to Phyllis of all these
25 questions, but I -- and Arden was on there -- but I

1 don't remember if we verbally said okay, let's
2 calculate this, look at how many people we know, so --

3 **Q. So you were concerned about this before the**
4 **data gap, but you did not instruct the Watermaster**
5 **Engineer to recalculate anything, correct?**

6 A. It's not so much that we were asking for her
7 to calculate it, because even if she did calculate it,
8 it doesn't mean that that's the only way to calculate
9 it.

10 That's what we're saying, that your
11 calculations by your experts may have calculated it
12 different than our engineer in taking with things --
13 whether they were doing water conservation things for
14 LEED Platinum. All those things were taken and can be
15 construed differently.

16 There's different ways to do the water
17 calculations, I believe.

18 **Q. So here's why I'm confused. If you were**
19 **concerned that there was a question about the**
20 **calculations and perhaps a question about the**
21 **methodology used to make those calculations, wouldn't**
22 **you want to do an independent calculation so you could**
23 **compare the answers and decide whether or not you**
24 **were -- your concerns about the calculations submitted**
25 **by Barrel Springs were a problem?**

1 A. So these were questions that we were sending
2 over to you, the Barrel Springs applicant, which then,
3 too, if it went before us, you guys would have gave
4 your testimony on how those calculations were done.

5 We probably would have had our engineer
6 waiting on that. She would have gave her
7 calculations. Then still, I would have to look over
8 both of them and feel certain that the way those
9 calculations were done would be correct in the way
10 they were done.

11 I would still -- but this is why we were
12 asking these questions. None of these things -- they
13 weren't there for us to ask. This was after everybody
14 left.

15 These were questions that we were hoping to
16 get more clarification on.

17 **Q. You didn't ask these questions before**
18 **April 26th, 2023.**

19 A. Those questions were outlined in the report
20 that I read and I still felt that there was
21 uncertainty.

22 **Q. Your testimony is that the engineer's report**
23 **takes issue with the calculations of water use.**
24 **That's your testimony?**

25 A. I would have to stop and go back and read

1 exactly what they said at that time. Like I said,
2 these were compiled with looking at what our engineer
3 had already given us, the information that I took back
4 from the meeting of the 26th, any questions that Rob
5 had that he wasn't there for, and trying to decide
6 what else we need to look at.

7 I think you keep asking the same question,
8 and I'm not trying to be hard. I don't know how I can
9 clarify it more for you except that these are
10 pertinent questions that we compiled together to try
11 to be able -- where there's holes, like he stated, and
12 open areas of uncertainty, that some of those gaps
13 could be filled in by answering these questions.

14 **Q. Ms. MacLaren, did Barrel Springs Properties**
15 **ever ask for reconsideration of its new production**
16 **application?**

17 A. I don't know.

18 **Q. So these questions you're asking are**
19 **presupposing that there's a reconsideration**
20 **application on the agenda for June?**

21 A. So I think it was a good will gesture, that
22 after that meeting we sent these questions to let them
23 know we would be willing. I know numerous times Rob
24 said that he was willing to put it on the agenda for
25 reconsideration numerous times in the conversations.

1 **Q. Ms. MacLaren, are you familiar with the**
2 **expression "moving the goalposts"?**

3 A. Moving the goalposts would mean like -- and I
4 don't know if you're saying it to me, like I'm trying
5 to just move it further along or not answer.

6 **Q. My question is, are you familiar with that**
7 **expression?**

8 A. Yes, I am.

9 **Q. And what's your understanding of that**
10 **expression? What does it mean?**

11 MR. PARTON: Your Honor, argumentative,
12 relevance.

13 THE COURT: I think it is argumentative.

14 BY MS. HUMMER:

15 **Q. Ms. MacLaren, these questions that are on**
16 **Exhibit 78 were not asked in September of 2022, in**
17 **October of 2022, in November of 2022, in December of**
18 **2022, in January of 2023, or any time before the**
19 **Watermaster board voted on April 26th, correct?**

20 A. Those questions -- those items were not
21 brought forward to me before that January meeting.

22 **Q. The Watermaster Engineer was able to make its**
23 **findings without having these questions answered,**
24 **correct?**

25 A. They -- yes. They made a recommendation and

1 findings, but if there's -- it's not black and white
2 like that.

3 Q. And so my statement to you -- my question
4 about moving the goalpost, you can understand how
5 Barrel Springs receiving a list like this, say, well,
6 the whole application process has changed. Now we
7 have this whole set of new things that we're supposed
8 to address, some of which we've already addressed.

9 So if these issues were so critical and so
10 important and you did all this research and thinking
11 and analysis and talking to a blizzard of people
12 before April 26th, why didn't these questions apart
13 from the test well come up?

14 A. That wasn't up to me to do.

15 Q. Except it was, because Mr. Maceri reached out
16 to you and said, "Please contact me," twice, "if you
17 have any questions," and you didn't do it.

18 A. These questions -- some of these questions I
19 don't know. I don't even think these questions would
20 be something that I would ask him necessarily today,
21 because I don't even know if he would be able to -- I
22 don't know if he could write off that calculate -- the
23 water calculations.

24 Like I said to you, I may have done things
25 differently. But I assure you that I do not feel that

1 I let anyone down by not taking a one-on-one meeting.

2 Q. No one was talking about a one-on-one
3 meeting, Ms. MacLaren.

4 A. Well, we can say that now. There's no -- how
5 could I not know there's a one-on-one meeting?

6 Q. Isn't it true that that e-mail -- those two
7 e-mails that Mr. MacLaren [sic] sent to you were
8 addressed to you and --

9 A. You said "Mr. MacLaren."

10 Q. I'm sorry, Mr. Maceri -- were sent to you,
11 Ms. MacLaren, and Mr. Bryden, correct?

12 A. Yes. I had not been told that I need to
13 answer to those kind of e-mails. It is a person that
14 is putting a project before you.

15 And once again, what we're going through
16 right now, I am not putting myself in the position to
17 be having discussions, that if you do not take the
18 right way or you do not answer the correct way or say
19 something, that it could lead to litigation like we're
20 in now.

21 So no, I did not take that meeting.

22 Q. If the e-mails requesting a meeting or
23 offering to answer any further questions were directed
24 to both you and Mr. Bryden, why would you assume that
25 they would be one-on-one?

1 A. I answered your question to the best of my
2 ability. And I gave you a reason why I didn't feel
3 comfortable, nor did I feel there would be relevant
4 information that would make a -- make a choice in me
5 making a different decision.

6 **Q. Did you know that Mr. Parris had recommended**
7 **that Mr. Maceri reach out to you and Mr. Bryden to**
8 **discuss any questions you had about the application?**

9 A. I do think that if Rob, our chairman, had
10 been contacted or made that, he would have told me,
11 "Kathy, I have made a suggestion that you -- that he
12 reach out to you." I think somebody would have let me
13 know that.

14 And I don't know if this is able to ask
15 questions back, but did Mr. Maceri reach out to any
16 other directors and meet with them? Why only me?

17 **Q. Ms. MacLaren, in this setting, it is my**
18 **prerogative to ask questions of you, not answer**
19 **questions.**

20 I've already explained to you that the e-mail
21 from Mr. Maceri was not just addressed to you, but was
22 also addressed to Mr. Bryden. So that answers your
23 question.

24 MS. HUMMER: Your Honor, pardon me for a
25 moment. I'm trying to find the exhibit number for the

1 e-mail so that we can get it in front of Ms. MacLaren,
2 because I think that will assist things.

3 THE COURT: All right.

4 (Off the record)

5 THE COURT: Let's make sure the record is
6 clear for the people who are on the phone.

7 We're in the middle of examination of
8 Ms. MacLaren and she's being examined by Ms. Hummer
9 and on behalf of the moving party. If -- I'm not sure
10 how this is going to connect with people on Court
11 Call, to what extent they may have objections or
12 further questions, but we're not going to do that
13 until after the examination by Ms. Hummer has been
14 completed.

15 MS. HUMMER: Thank you, Your Honor. I wanted
16 to actually address that point.

17 The folks that have dialed in who are
18 interested in this matter from the Barrel Springs
19 Properties' side are just observers. They couldn't
20 participate in the hearing as observers if they
21 weren't physically present, except through Court Call.

22 So they're not going to be asking questions
23 or making any objections.

24 THE COURT: Well, there will be the ability
25 to have a complete transcript of these proceedings

1 upon request. So let's proceed.

2 BY MS. HUMMER:

3 Q. Okay. Ms. MacLaren, please turn to
4 Exhibit 22 in the white binder.

5 (Exhibit 22 received in evidence.)

6 THE WITNESS: Oh, the white binder. Hold on.

7 BY MS. HUMMER:

8 Q. Are you there?

9 A. Yes.

10 Q. So I'd like you to turn to the last page of
11 Exhibit 2, please. It actually starts on the bottom
12 of the first page. I apologize.

13 What is the first e-mail in this chain?

14 A. On the bottom of the --

15 Q. On the bottom of the first page.

16 A. Bottom of the first page. From John Maceri,
17 sent Wednesday -- so it looks to Russ and me.

18 I'm sorry. I did not remember that.

19 Q. What's the date? Wednesday, what?

20 A. April 5th, 2023.

21 Q. And if you turn the page, have you read the
22 text?

23 A. Hm-hmm.

24 Q. Now, if you look at the second paragraph in
25 the e-mail, the one that starts "We have resubmitted

1 our application."

2 Do you see that?

3 A. Yes.

4 Q. And it says it's going to go to the
5 Watermaster Advisory Committee on the 19th.

6 Do you see that?

7 A. Yes.

8 Q. And then the next sentence says, "We very
9 much appreciate the opportunity to meet with you via
10 Zoom or in person if you prefer in advance of the
11 meeting to answer any questions you may have."

12 A. Yes.

13 Q. And it's your testimony you don't remember
14 receiving this e-mail?

15 A. No, I didn't say I didn't remember seeing the
16 e-mail. I did not remember it being directed to
17 Director Bryden as well as myself.

18 Q. If you turn to the first page, there's a
19 follow up e-mail, correct?

20 A. There's -- pardon me?

21 Q. A follow up e-mail. The first e-mail in
22 Exhibit 22 dated April 12, 2023.

23 A. Yes.

24 Q. So that's a follow-up e-mail to the April 5th
25 e-mail, is it not?

1 A. Yes. But it's all like shows -- rolling up
2 from one to the other, so --

3 **Q. And to whom is the --**

4 A. Forwarded.

5 **Q. To whom is the April 12th e-mail addressed?**

6 A. To Russ Bryden and me.

7 **Q. And we've already -- you've already testified**
8 **you didn't meet with Mr. Maceri or anyone from his**
9 **staff?**

10 A. No. Asked and answered.

11 MS. HUMMER: No further questions, Your
12 Honor.

13 MR. PARTON: No further questions.

14 THE COURT: Mr. Parton?

15 MR. PARTON: No further questions.

16 THE COURT: You may step down. Thank you
17 very much.

18 THE WITNESS: Thank you very much.

19 THE COURT: Now, Ms. Hummer, do you intend to
20 call any other witnesses?

21 MS. HUMMER: Your Honor, I think we need to
22 talk with the Court about what would be most helpful
23 to the Court.

24 Mr. Maceri is here and prepared to testify.

25 In addition, based on records I received in

1 response to a Public Records Act request from the
2 Watermaster last week, I asked that the engineering
3 staff be here, and they are here as well.

4 THE COURT: You're talking about engineering
5 staff from Todd?

6 MS. HUMMER: Correct, Your Honor. Ms. Wells
7 is here, and I believe Ms. Stanin is here as well.

8 THE COURT: Well, it seems to me that the
9 record is pretty clear as to what the concerns were
10 and what the reason was, at least from Ms. MacLaren,
11 why she voted the way she did.

12 And certainly what happened after that or
13 even before that is also pretty clear.

14 There's -- from what I've heard from the
15 evidence, there's an absence of a lot of information
16 that was not contained -- not known by the engineer at
17 the time the report was prepared, which led to the
18 conclusion that they came to.

19 Where we go from there, the issue here is
20 whether or not the board acted within its powers and
21 within the confines and the limits of the judgment in
22 making its decision with regard to this application.
23 Okay.

24 There are questions that I have in my own
25 mind about the status of Barrel Springs, as either a

1 small pumper class member or a non-pumper class
2 member, the Willis class versus the Wood class.
3 That's not been answered yet.

4 It's been suggested that Barrel Springs at
5 one point was a small pumper class member, but that
6 that property, as I understood it, was sold.

7 MS. HUMMER: Correct, Your Honor.

8 THE COURT: As well as the water rights to
9 that property.

10 MS. HUMMER: The well that qualified Barrel
11 Springs Properties as a small pumper class member was
12 north of the property that is now in escrow with The
13 People Concern.

14 THE COURT: Yeah, but it's not part of the
15 same property.

16 MS. HUMMER: Correct. It was severed.

17 THE COURT: It was sold.

18 MS. HUMMER: It was severed off and sold
19 separately along with the well.

20 THE COURT: And who purchased that property
21 is bound by the prior determination, that it was a
22 small pumper class member.

23 MS. HUMMER: Correct.

24 THE COURT: It has nothing to do with the
25 current application, which is a totally separate piece

1 of property.

2 Is that correct?

3 MS. HUMMER: Yes. It is now, Your Honor.
4 And I thought we had clarified this at our first
5 hearing, that the motion should not have proceeded
6 under the small pumper class, because we cleared up
7 the confusion over that issue.

8 So it's strictly under the Willis class.

9 THE COURT: Okay. That helps.

10 So at this point, this is an application to
11 begin pumping?

12 MS. HUMMER: Correct.

13 THE COURT: Okay. And I'm sure it's an
14 important application. I don't mean to suggest not.

15 There are no political consequences here that
16 anybody has presented any evidence about, so I'm
17 assuming that this is purely based upon the
18 application to begin pumping and a determination,
19 whether it's right or wrong, by the Watermaster to
20 deny the application?

21 MS. HUMMER: I'm not sure that we can say
22 that there are no political considerations, Your
23 Honor.

24 THE COURT: There's none that the Court is
25 concerned about. I've certainly heard no evidence

1 that there is. And I don't think that would be in a
2 proper approach, in any event, given this procedure.

3 The aquifer has been found to be an
4 overdraft.

5 MS. HUMMER: Correct, Your Honor, I
6 understand.

7 THE COURT: There's no question about that.
8 The question is, and there's been a physical solution
9 that's been created by in part stipulation by
10 90 percent of the parties to this litigation. The
11 Court has adopted that as its own physical solution.

12 It is embodied in a judgment. The judgment
13 has been appealed. It has been affirmed. The Supreme
14 Court has denied review. So we're bound by the
15 judgment and its terms.

16 And the question is whether or not the
17 Watermaster board acted properly in denying the
18 application to start new pumping by the moving party
19 in this case.

20 MS. HUMMER: We agree, Your Honor. That's
21 the question, whether the decision was taken in
22 conformity with the requirements that the Watermaster
23 has to follow, which is set forth in the judgment and
24 physical solution.

25 THE COURT: It's not the decision of the

1 Watermaster Engineer as to whether or not the petition
2 or application should be approved. That's entirely up
3 to the Watermaster, and it must follow the standards
4 set forth in the judgment.

5 MS. HUMMER: Your Honor, we agree with that
6 statement as well.

7 THE COURT: So this hearing is de novo in
8 terms of whether or not it has done so.

9 I've heard one witness so far. I've received
10 a large number of pages of declarations from various
11 other witnesses who are not called here, and those
12 will be seriously considered. And the matter will be
13 deemed submitted after you have concluded your
14 presentation of evidence.

15 And I certainly appreciate the fact that this
16 is an important issue for the moving party, and I
17 don't know what the consequences are to them of this
18 being decided one way or the other, but that's
19 irrelevant.

20 What is relevant is only whether or not the
21 judgment is complied with in terms of the standard
22 that the Watermaster must use to evaluate these
23 matters.

24 So I don't know what else you want to do here
25 this afternoon, but I'm certainly willing to hear any

1 other evidence that you might want to produce that is
2 relevant to those issues.

3 MS. HUMMER: Well, I think, Your Honor,
4 Ms. MacLaren has established by her testimony that she
5 makes an independent judgment. And we don't disagree
6 with that, not at all. Our point is that the judgment
7 was not based on proper grounds.

8 And her testimony has established that she,
9 prior to voting in April, did not figure out some of
10 these complex issues that relate to calculation and
11 recharge, right, these issues. Not the neighborhood
12 association's concern about the property being
13 redeveloped, the issues that the engineer has to
14 figure out.

15 I don't know whether the Court would benefit
16 from my questioning the engineers with live testimony.
17 Their declarations are pretty skinny and don't say a
18 lot of things. And the records that were produced by
19 the Watermaster Engineer in response to my PRA request
20 reveal some communications by Ms. MacLaren to the
21 engineers that differ from Ms. MacLaren's testimony
22 here this morning.

23 So there may be some benefit in the short
24 examination of the one engineer who actually presented
25 the item at the board on April 26th. And so if Your

1 Honor thinks that that would be helpful, that's what I
2 would recommend that we do.

3 THE COURT: That's fine. Call your next
4 witness.

5 MS. HUMMER: Barrel Springs Properties calls
6 Arden Wells.

7 THE COURT: Stop right there and raise your
8 right hand, please.

9 THE CLERK: Do you solemnly state under
10 penalty of perjury that the testimony you shall give
11 in this matter shall be the truth, the whole truth,
12 and nothing but the truth?

13 THE WITNESS: I do.

14 THE CLERK: Can you please state your name
15 for the record.

16 THE WITNESS: Arden Alana Wells, A-r-d-e-n,
17 A-l-a-n-a, W-e-l-l-s.

18 THE COURT: All right. Have a seat and state
19 your -- restate your name for the record, as well as
20 your business address.

21 THE WITNESS: My name is Arden Alana Wells.
22 And we just changed offices, so I do not know Todd
23 Groundwater's address off the top of my head. But I
24 can provide my personal address.

25 THE COURT: Okay. Please spell your last

1 name.

2 THE WITNESS: Oh, W-e-l-l-s.

3 THE COURT: Okay. Thank you.

4 ARDEN WELLS (for the Plaintiff),

5 called as a witness,

6 was sworn and testified as follows:

7 DIRECT EXAMINATION

8 BY MS. HUMMER:

9 **Q. Good afternoon, Ms. Wells.**

10 A. Good afternoon.

11 **Q. You are a registered geologist, correct?**

12 A. Yes. I am a professional geologist licensed
13 by the California Board of Engineers, Land Surveyors
14 and Geologists.

15 **Q. And you work for Todd Groundwater, correct?**

16 A. Yes, ma'am.

17 **Q. And one of your responsibilities at Todd**
18 **Groundwater relates to processing new production**
19 **applications for the Antelope Valley Watermaster,**
20 **correct?**

21 A. Yes. I am an associate geologist with Todd
22 Groundwater and I serve on the Watermaster Engineer
23 team at Todd Groundwater.

24 **Q. Who else is on that team?**

25 A. Currently Phyllis Stanin and Maureen Reilly

1 and Mike Maley, Michael Maley. And also, we have our
2 GIS analyst, Michael Wottrich as well.

3 Q. And when you first started working on the
4 Barrel Springs Properties new production application,
5 you were taking over from an engineer who was
6 retiring, were you not?

7 A. So we first received the application on
8 October 4th of 2022. And at the time Kate White, who
9 was our senior engineer on our team, she was in the
10 process of retiring.

11 So she retired at the end of 2022. And I was
12 kind of shadowing her for several years and assisting
13 with the applications.

14 Q. And when you started working with Ms. White,
15 you actually hadn't finished getting your
16 qualification as a professional geologist, correct?

17 A. Yes, ma'am. That is correct.

18 Q. So you earned it in the process of -- at the
19 same time that you were working on this application,
20 correct?

21 A. Yes. The California Board of Engineers, Land
22 Surveyors and Geologists requires five years of
23 experience as defined by the board in order to take
24 your final examination to receive your credentialing.

25 Q. So you hit that five-year milestone and you

1 **took the exam and you passed, correct?**

2 A. Yes, that is correct. Thank you.

3 **Q. Congratulations.**

4 A. Thank you very much.

5 **Q. So one of the things that you did in**
6 **processing the Barrel Springs Properties' new**
7 **production application, is you did an initial analysis**
8 **of the application, is that not right?**

9 A. Yes, ma'am. I was the first person to review
10 the application on the Watermaster Engineer team.

11 **Q. And after you did your initial review, did**
12 **you send it to Ms. White?**

13 A. I believe in your exhibits there's an e-mail
14 that I wrote to Ms. White and Ms. Stanin, and I also
15 cc'd Mr. Maley on it, and it kind of states -- I've
16 had some back and forth with Angel Fitzpatrick from
17 the staff. And I had some questions answered.

18 So I begun my review. But it's a bit more
19 challenging than I initially expected because of the
20 high level of hydrogeologic uncertainty.

21 **Q. And some of that hydrogeologic uncertainty is**
22 **driven by the fact that the project, the well, is**
23 **located in the fault zone for the San Andreas Fault,**
24 **correct?**

25 A. Yes. Correct.

1 Q. Did you review the judgment and physical
2 solution before you started evaluating the new
3 production application by Barrel Springs Properties?

4 A. Yes. Prior to my work beginning, working on
5 that Watermaster Engineer team, I read through the
6 judgment carefully. And then I know with this
7 application, I revisited the sections that referred to
8 material injury, as well as new production
9 applications, as well as the rules and regulations.

10 Q. And by "rules and regulations" you're
11 referring to the Watermaster's adopted and approved
12 rules and regulations?

13 A. Yes. That is correct.

14 Q. And did you also review the new production
15 application itself, the form and the documents that
16 were submitted for compliance with the requirements
17 for new production application?

18 A. Yes, ma'am.

19 Q. Now, isn't it true, Ms. Wells, that every new
20 production application that you process is different
21 from the last?

22 A. Yes.

23 Q. And part of that is just the physical reality
24 of where the wells are being drilled, correct?

25 A. Yes.

1 Q. And the amount of water that is expected to
2 be extracted from the aquifer, correct?

3 A. That is correct.

4 Q. And so you have to do an independent analysis
5 of each individual application for new production,
6 correct?

7 A. Yes. For each application we conduct a
8 material injury analysis -- and it's big M, big I, in
9 the judgment, I believe.

10 Q. And so even though you have to conduct a
11 individualized material injury analysis for each
12 application, the standard for what you have to
13 consider in determining whether or not there will be
14 material injury is the same, is it not?

15 A. The standard is defined in the judgment, but
16 the level of detail by which we must delve into can
17 also depend on the volume that is requested, the
18 location, the proximity to by wells, and the
19 groundwater conditions in the basins as reported in
20 our annual reports and the available data.

21 Q. Are those variables set forth in the rules
22 and regulations?

23 A. I am not sure off the top of my head.

24 Q. Is there a guidance document that Todd
25 Groundwater uses that says when we're considering this

1 kind of well for this location, for this amount of
2 water, we delve into additional analysis?

3 A. I would not say that there is a particular
4 guidance document that has been developed outside of
5 the rules and regulations in the judgment.

6 Q. Would it be fair to say that it's a
7 geologist's best practices that you're implementing in
8 making your determination of material injury?

9 A. Yes, ma'am, I believe that is fair.

10 Q. Now, one of the issues that we've heard about
11 today is that there's a concern that there's
12 insufficient data, right?

13 A. Yes.

14 Q. You don't have a complete dataset for you to
15 do a thorough detailed analysis of this particular new
16 production application, correct?

17 A. That is correct.

18 Q. But nonetheless, a finding was made that upon
19 payment of replacement water, there would be no
20 material injury, correct?

21 A. Yes, that is correct. And we recognized in
22 the application that there was a higher level of
23 uncertainty than we typically run into in most
24 applications.

25 We felt that was important for the board to

1 know.

2 Q. Part of why there was a higher level of
3 uncertainty was the location of the proposed well,
4 correct?

5 A. Yes, the geologic study.

6 Q. Because in that area, there aren't a lot of
7 other wells, are there?

8 A. There are not. We have very little data
9 about the local subsurface condition. And because it
10 is in the fault zone, there are sort of -- there's a
11 high potential for somewhat isolated alluvial pockets
12 among the bedrock.

13 And we don't know if the fault in that area
14 is acting as a partial or full hydrogeologic barrier.

15 Q. So the data are not available to you,
16 correct?

17 A. Correct.

18 Q. And they are not not available because Barrel
19 Springs failed to provide them to you, correct?

20 A. Well, there is one well that was included,
21 and I believe the map provided by Geosyntec in the
22 application that Barrel Springs submitted that Phyllis
23 Stanin and Kate White did request information about, I
24 believe to Mr. Larson, and we did not receive
25 information about that well.

1 And so we did state in our analysis that
2 there was a referenced well in the application that we
3 could not identify a home associated with it.

4 **Q. Isn't it the case that in your final report,**
5 **your January 11, 2023, report, the concerns about that**
6 **well were addressed by obtaining information from**
7 **Palmdale Water District?**

8 A. I would like to review what was written in
9 the report, if that is okay.

10 **Q. Would you turn to Exhibit 5 in the white**
11 **binder, please.**

12 A. Yes.

13 **Q. There isn't actually pagination in Exhibit 5.**
14 **It's the Todd Groundwater letterhead document.**

15 **Have you found it?**

16 A. Which page is it on?

17 THE COURT: Page 4.

18 THE WITNESS: On page 4, okay. Yes.

19 BY MS. HUMMER:

20 **Q. So where in this analysis, this January 11**
21 **analysis, is the question of this well raised by**
22 **Geosyntec addressed?**

23 I think if you look at the bottom of page 3
24 and top of page 4, do you think that's where it's
25 addressed, Ms. Wells?

1 A. Yes. It says on the bottom paragraph of
2 page 3, "The closest wells to the Barrel Springs
3 Properties are likely domestic wells that serve
4 several homes north and west of the property. The
5 analysis suggested the closest well was located on a
6 parcel about 0.25 miles or about 1,300 feet north of
7 the proposed well location north of the California
8 aqueduct. However, the parcel appears to be
9 undeveloped, no homes, according to County records and
10 satellite imagery."

11 I do believe that is the well that Ms. White
12 and Ms. Stanin were referring to in their
13 conversations. But I am not sure because that was the
14 conversation initially between them that I did not
15 participate in, but I heard about through Phyllis.

16 **Q. Okay. So could you please turn to Exhibit 31**
17 **in the white binder.**

18 (Exhibit 31 received in evidence.)

19 THE WITNESS: Exhibit 31.

20 BY MS. HUMMER:

21 **Q. Do you recognize Exhibit 31?**

22 A. Yes. This is an e-mail that I received from
23 Phyllis.

24 **Q. And it's an e-mail regarding the Barrel**
25 **Springs Properties' new production application,**

1 correct?

2 A. Yes, ma'am. It is part of this.

3 Q. And what is the date of this e-mail?

4 A. The date of the e-mail was Wednesday,
5 January 11, 2023.

6 Q. So the same day that Exhibit 5, Todd
7 Groundwater's findings were made?

8 A. Hm-hmm, yes.

9 Q. Yes? Correct. Okay.

10 Could you take a look at the bottom of the
11 first bullet point, the last sentence of that bullet
12 point, could you read it aloud into the record,
13 please?

14 A. "We learned from TWD that the wells to the
15 north and northwest are served by the District and
16 would not have domestic wells to impact."

17 Q. Are these wells -- do these wells refer to
18 that one well that you mentioned in the findings?

19 A. It may.

20 Q. You're not sure?

21 A. I am not sure.

22 Q. Turn back to Exhibit 5, please.

23 A. Yes.

24 Q. Do you have something to stick in your book
25 to have a placeholder to 31 so you can flip back

1 easily?

2 A. Oh, I have a little sticky note. I'll put it
3 there. 31. Okay.

4 Q. Now, in Exhibit 5, in addition to the
5 January 11 Todd Groundwater findings, there are some
6 other documents immediately after it. There is a map.

7 Do you have that?

8 A. Yes. I created this map.

9 Q. Figure 1, correct?

10 A. Yes. That is correct.

11 Q. And then you have another drawing, map,
12 labeled Figure 2.

13 Did you create this as well?

14 A. I created the first draft, and Michael
15 Wottrich, our GIS analyst, finalized this.

16 Q. Now, does Figure 2 show the well that's
17 approximately 1,300 feet away from the proposed Barrel
18 Springs well?

19 A. It does not. We did not have information
20 about that well. It is in the Geosyntec report.

21 Q. You didn't know exactly where it was?

22 A. No. We looked up information. I believe I
23 looked at a mapping application tool by DWR and I
24 could not find the well.

25 Q. Does that happen a lot in California, that

1 **DWR's record of wells is incomplete?**

2 A. Their online application tool often is, yes.

3 THE COURT: Let me make a suggestion here.

4 We've been in session now for an hour and a
5 half. I think we should give the reporter about a
6 ten-minute break. Okay. So just a short recess.

7 (Recess taken 2:31 p.m. - 2:40 p.m.)

8 THE COURT: We're back in session. The
9 witness is on the stand, still under oath.

10 BY MS. HUMMER:

11 **Q. So Ms. Wells, when we left off we were**
12 **turning our attention to the Geosyntec report that is**
13 **included in Exhibit 5.**

14 Do you have that in front of you?

15 A. I can pull this up.

16 **Q. It's past the two maps in the new production**
17 **application.**

18 Did you find it?

19 A. On page 29, correct?

20 I also would just like to say that I can
21 provide the Todd Groundwater address, if that is
22 necessary for the record.

23 **Q. Your business address?**

24 A. Yes.

25 **Q. Yeah. Go ahead.**

1 A. It is 1301 Marina Village Parkway, Suite 320,
2 Alameda, California 94501.

3 Q. So turning to the Geosyntec report that was
4 attached to the new production application for Barrel
5 Springs Properties, would you please look at what
6 Geosyntec has labeled in its internal pagination as
7 page 3?

8 A. I'm on page 3.

9 Q. Now, is the top paragraph the paragraph that
10 Geosyntec mentions this well that you were not able to
11 locate?

12 A. I --

13 Q. I'm sorry. I misspoke.

14 A. Okay.

15 Q. Yeah, it's confusing.

16 A. I am not entirely sure, but I believe the
17 well might be the one that is shown on page 2 of the
18 Geosyntec report, which is shown right above the
19 Barrel Springs property.

20 Q. In the Figure 2?

21 A. Oh, I'm sorry. Yes, Figure 2 on page 2.

22 Q. And it's the little blue dot right above the
23 aqueduct, correct?

24 A. I believe so.

25 THE REPORTER: Can we get them to mute?

1 (Discussion off the record)

2 THE WITNESS: And I'd like to clarify. In
3 the e-mail sent by Kate White on November 17th, she
4 does ask Mr. Larson, "The Geosyntec report shows wells
5 on the well completion report on Figure 2 at the
6 vicinity of the project site, but its locations are
7 approximate with no scale and no additional
8 information is provided."

9 So I can confirm that these are the wells
10 that Kate White and Phyllis Stanin were interested in
11 learning more about.

12 BY MS. HUMMER:

13 Q. And it's your testimony that you didn't get
14 additional information about these wells from Barrel
15 Springs, correct?

16 A. Correct. I did not receive additional
17 information about these wells from Barrel Springs.

18 Q. And it's also your testimony that you
19 yourself were not able to locate information about
20 these wells, correct?

21 A. Correct.

22 Q. So it may be that you were not given
23 additional information because no such information or
24 data were available to Barrel Springs Properties,
25 correct?

1 MR. PARTON: Objection. Calls for
2 speculation.

3 THE COURT: I'll overrule.

4 THE WITNESS: Can you repeat your question,
5 please?

6 BY MS. HUMMER:

7 Q. It's possible that the reason you weren't
8 given additional information about these wells from
9 Barrel Springs is that no data were available to
10 Barrel Springs to give to you?

11 A. Am I allowed to speculate about what I would
12 do if I worked for Barrel Springs and was helping
13 prepare?

14 THE COURT: Just answer the question.

15 THE WITNESS: Okay. It is -- well, the well
16 locations are included in a report provided by Barrel
17 Springs.

18 BY MS. HUMMER:

19 Q. But no additional data was provided after the
20 Watermaster Engineer requested it, correct? That's
21 your testimony?

22 A. Correct. We were not given information from
23 Barrel Springs in regards to these wells.

24 Q. And you yourself were not able to locate
25 information about those wells, correct?

1 A. Correct.

2 Q. So my question is, it's possible the reason
3 you didn't get additional information about the wells
4 from Barrel Springs is that Barrel Springs itself was
5 not able to locate that information, correct?

6 A. Yes, that is possible.

7 Q. Now, in connection with this motion practice,
8 you signed a declaration, correct?

9 A. Correct.

10 Q. And if you turn to -- I think it's in the
11 back of the white exhibit binder is where we put all
12 the declarations.

13 Do you see your declaration there?

14 A. Is it under "AVWM Declarations"?

15 Q. No. That's the declarations of the board
16 members. You're called out by name.

17 A. Oh, I see, "Wells Declaration."

18 Q. Yeah. Do you recognize your declaration?

19 A. Yes.

20 Q. And on page 3, that's your signature?

21 A. Yes, ma'am. That is my signature.

22 Q. And at the time you executed this
23 declaration, you did so under penalty of perjury under
24 the laws of the State of California?

25 A. Yes, I did.

1 Q. So you understood that you were testifying in
2 this declaration and that you needed to testify
3 truthfully, correct?

4 A. Yes. What I say here is truthful.

5 Q. Now, did you draft this declaration?

6 A. No. The Watermaster counsel wrote the first
7 draft of the declaration.

8 Q. And then it was sent to you for review?

9 A. Yes.

10 Q. Did you make any changes?

11 A. I did.

12 Q. How extensive were the changes?

13 A. I do not remember exactly what my changes
14 were, but they were not extensive.

15 Q. What were -- what was the nature of the
16 changes you made to the draft declaration?

17 A. I think there was a sentence that I removed
18 because there was so much uncertainty in this case.

19 Q. There was a sentence included in the draft
20 declaration that you took out?

21 A. Yes.

22 Q. Because of uncertainty?

23 A. I don't recall what it was, but I think it
24 was a strong statement in some direction, and I didn't
25 want to make a strong statement in whatever that

1 sentence was about.

2 Q. Okay. So your testimony is that it was
3 perhaps more strongly worded than you thought
4 comfortable stating a fact?

5 A. Yes, ma'am.

6 Q. And you removed that sentence?

7 A. I believe so.

8 Q. Did you take anything else out?

9 A. I don't recall.

10 Q. Did you add anything?

11 A. I don't believe so.

12 Q. Now, I'd like to direct your attention to
13 item number seven.

14 A. Item number seven. Are these the e-mails
15 between --

16 Q. I'm sorry. Paragraph 7 in your declaration.
17 I apologize.

18 A. Okay. Okay. Yes.

19 Q. Now, in this paragraph you are mentioning
20 that the -- strike that.

21 The Barrel Springs Properties' new production
22 application was pulled off the December agenda,
23 correct?

24 A. Correct.

25 Q. And in fact, in 2022 there was a combined

1 November and December meeting of the Watermaster
2 board, correct?

3 A. Yes. In early December there was a meeting,
4 and there was not a meeting in November or late
5 December.

6 Q. And by this declaration you're testifying
7 that Mr. LaMoreaux pulled the Watermaster -- pulled
8 the new production application from the Watermaster
9 Engineer's agenda, correct?

10 A. I'm declaring that he e-mailed Matt Knudson
11 to request that the application be delayed until the
12 property's complete background is taken into full
13 consideration.

14 Q. And that happened, didn't it?

15 A. Yes.

16 Q. Okay. Mr. LaMoreaux doesn't work for the
17 Watermaster, does he?

18 A. No.

19 Q. Did you ever learn what it was that needed to
20 be taken into consideration by Mr. LaMoreaux?

21 A. I believe it is related to the serviceability
22 letter.

23 Q. Do you know what part of the serviceability
24 letter?

25 A. I do not.

1 Q. And isn't it the case, Ms. Wells, that the
2 serviceability letter from Palmdale Water District in
3 this new production application was revised?

4 A. I am unsure.

5 Q. Now, it fell to you to present the new
6 production application to the April advisory committee
7 meeting, correct?

8 A. Yes, ma'am. That is correct.

9 Q. And it also fell to you to present to the
10 water board -- sorry, the Watermaster board on
11 April 26, correct?

12 A. Yes. That is correct.

13 Q. Did you take notes at that meeting on
14 April 26th?

15 A. Yes, I did. And I included it in the Public
16 Records Act request.

17 Q. And those notes were taken on an iPad.
18 Is that correct?

19 A. Incorrect. They were taken on my computer on
20 the -- I believe the One Note app. And so I didn't
21 know how to directly send it without sending all of
22 my -- every project information.

23 So I took screenshots of those notes and I
24 submitted them in the PRA. And I believe they are one
25 of your exhibits.

1 **Q. So let's turn to that exhibit, please.**

2 A. Okay. Can I apologize for any typos. I was
3 watching the screen and then trying to type, and it's
4 a bit embarrassing.

5 **Q. I didn't see any typos.**

6 A. That's generous.

7 **Q. Exhibit 36, please.**

8 (Exhibit 36 received in evidence.)

9 MS. HUMMER: I will represent to you,
10 Ms. Wells, and to the Court that upon receipt of the
11 Watermaster's Public Records Act request, Your Honor,
12 we Bates numbered the documents, so that is what --
13 the legend refers to AVWM PRA, page 2454.

14 BY MS. HUMMER:

15 **Q. Do you see that at the bottom of the page,**
16 **Ms. Wells?**

17 A. Yes, I do.

18 **Q. Apart from that legend, do you recognize**
19 **Exhibit 36?**

20 A. Yes. This includes my notes from the
21 meeting. This also includes notes from closed
22 session.

23 **Q. I want to talk to you about everything above**
24 **question water quality model.**

25 **Is that in closed session?**

1 A. Where it says "private" and downward was --
2 those two sentences were from closed session. And the
3 water quality model was open session.

4 So the two lines that say "private" and the
5 one below it are from closed session.

6 MS. HUMMER: Your Honor, I don't see in these
7 two lines any reference to any legal advice or
8 anything other than facts.

9 So I believe that it's appropriate for me to
10 question Ms. Wells on these documents.

11 THE COURT: Go ahead.

12 MR. PARTON: It's fine, Your Honor. I think
13 it's clear what's closed session and --

14 THE COURT: I'm sorry, Mr. Parton?

15 MR. PARTON: It's fine for her to examine her
16 on the facts of this document. We have no problem.

17 BY MS. HUMMER:

18 **Q. So Ms. MacLaren is the "Kathy" you mentioned**
19 **here.**

20 **Is that correct?**

21 A. That's correct.

22 **Q. And is the "private" your way of referencing**
23 **closed session?**

24 A. Yes, ma'am. That is correct.

25 **Q. That's your signal that it's a closed**

1 session?

2 A. Yeah.

3 Q. So Ms. MacLaren is saying that she felt her
4 testimony would be required?

5 A. Yes. That is what I heard.

6 Q. And that is the testimony you heard here this
7 morning in this courtroom, right?

8 A. I believe that's referring to -- and I can't
9 promise that I'm recalling this 100 percent
10 correctly -- but she believed initially that there
11 would be a test well prior to the approval of the
12 application as opposed to after the approval of the
13 application.

14 Q. And that wasn't the case, was it?

15 A. No. No. We said that as a recommendation
16 from the Watermaster Engineer to the board, we would
17 require an aquifer test after approval in order to
18 provide information about the well's production, as
19 well as providing the Watermaster Engineer with
20 geological and aquifer parameter information for that
21 area because there's such a high level of uncertainty.

22 Q. And it's true, is it not, that Barrel Springs
23 Properties agreed to do that, to share the well data
24 with the Watermaster?

25 A. Yes. After sending a letter from Claire

1 Collins, who I believe stated that they would not --
2 they would -- I think, from my recollection, that
3 y'all would fight having a test well be required prior
4 to the approval of the application.

5 Q. Right. So there's a difference between
6 requiring the test well before the application is
7 acted upon and having the test well done after the
8 application is approved.

9 A. Yes, that is correct. And we asked our
10 counsel to discuss that prior to the board meeting.

11 Q. And in fact, the conclusion of your analysis
12 prior to the board meeting was that you could not --
13 there was no basis to require a test well prior to
14 approval, correct?

15 A. That is not necessarily applicable for every
16 case, but in this case, we felt that because there was
17 the -- and correct me if I'm saying this wrong,
18 Mr. Parton -- but the addendum to the rules and
19 regulations that stated that the application could be
20 revoked if we found additional data that supported
21 that there could be material injury, we -- our
22 recommendation to the board was to have the test well
23 as a condition of approval, but have that aquifer test
24 after approval.

25 And of course, this was the Watermaster

1 recommendation to the board. What the Watermaster
2 says, does not go. It's up to the board.

3 **Q. Did you explain the addendum to the rules and**
4 **regulations and the test well after approval to**
5 **Ms. MacLaren in closed session?**

6 A. Prior to our presentation about the
7 information related to the application, Mr. Parton
8 made a statement to the board.

9 **Q. What do you recall Mr. Parton saying to the**
10 **board?**

11 MR. PARTON: Your Honor, this is closed
12 session material. I object on a privileged grounds.

13 MS. HUMMER: Your Honor, this isn't closed
14 session. This is prior to the presentation to the
15 board for approval.

16 THE WITNESS: This was prior in the board
17 meeting.

18 THE COURT: Mr. Parton, tell me about the
19 privilege.

20 MR. PARTON: My understanding is this is
21 about to discuss my communications with the board in
22 closed session.

23 Maybe I'm wrong. Can you clarify?

24 THE WITNESS: I do believe that there was a
25 brief statement made by counsel prior to discussing

1 the application in open session.

2 MR. PARTON: In open session. I withdraw my
3 objection.

4 THE COURT: All right. Proceed.

5 BY MS. HUMMER:

6 Q. So what do you recall Mr. Parton saying
7 before you presented the new production application
8 for Barrel Springs Properties?

9 A. I think this is a relatively new addendum to
10 the R and Rs -- I'm sorry, the rules and regulations.
11 And so he did just say that the application could be
12 revoked if there is information about material injury.

13 Q. Do you mean the application, or do you mean
14 the right to pump water?

15 A. Can you clarify the difference?

16 Q. Well, I'm confused. If the application is
17 approved that grants Barrel Springs Properties the
18 right to sink a well and pump water, correct?

19 A. Within the bounds of the rules and
20 regulations.

21 Q. And so what could be withdrawn in the amended
22 rules and regulations was the right to pump water from
23 that well.

24 Is that what you're saying?

25 A. I believe so. But I think this is a legal

1 question, so I'm not -- I don't want to, you know, say
2 with full confidence, because I think there are other
3 people here who could interpret that better than me.

4 Q. You apply the rules and regulations in
5 completing your analysis in new production
6 applications, correct?

7 A. Yes, we do. I will note that I believe that
8 the January 11th application was written prior to this
9 amendment to the rules and regulations.

10 Q. Yeah. So in January, this new rules and
11 regulation didn't exist?

12 A. Correct.

13 Q. By the time you go back to the board in
14 April, there's a new rule and regulation.

15 And Mr. Parton made a statement to the board
16 prior to you presenting the new production application
17 for consideration by the board, correct?

18 A. Correct.

19 Q. And the presentation was to the effect that,
20 if data were revealed from the aquifer test that
21 demonstrated that there was in fact a possibility of
22 material injury, a likelihood of material injury to
23 the aquifer, the well -- Barrel Springs would not be
24 allowed to proceed to extract water from the well,
25 correct?

1 A. I believe so.

2 Q. So you would shut down the well, correct?

3 A. I believe so. I don't quite know what the
4 process would look like.

5 Q. I'd like to direct you to the second line in
6 the "private" in your notes from the meeting on
7 April 26th.

8 "Felt concern that small system would be a
9 liability."

10 Do you see that?

11 A. I do, yes.

12 Q. Did Ms. MacLaren elaborate on what she meant
13 by a small system being a potential liability?

14 A. Briefly.

15 Q. What did she say?

16 A. I believe that there was the concern that if
17 the community ran out of water, then it would be on
18 the shoulders of some of the public water systems to
19 consolidate and bear the cost of that.

20 Q. What do you mean by "consolidate"?

21 A. I don't know if I'm representing her words
22 correctly, but my thought is that if -- kind of, as
23 she alluded to, with some -- a mobile home park in the
24 basin.

25 And I don't know if this is a direct

1 comparison, but if there's a community water system
2 that cannot provide safe drinking water to the people
3 who depend on it, in some cases in California that
4 smaller system is consolidated into a larger system so
5 that there can be clean water for the people who live
6 there.

7 Q. But isn't it true, Ms. Wells, that there's no
8 community water system required for the Barrel Springs
9 property?

10 A. I do not know. I will say, when Ms. MacLaren
11 expressed this, I thought, "Huh, that's a really good
12 way -- interesting thing to look at," and also, I
13 recognize it's not my role as Watermaster Engineer to
14 think about those issues. It seems like something for
15 the board to think about.

16 Q. So returning to your declaration -- we're
17 looking at Ms. Waxman's declaration. Referring you to
18 paragraph 6 in your declaration on the second page?

19 A. Yes. I'm looking at that now.

20 Q. So this is where you discuss the fact that
21 Ms. White, also of Todd Groundwater, has asked David
22 Larson for some additional information.

23 Do you see that?

24 A. Yes. I see that.

25 Q. And that's on line 6, page 3 of the

1 declaration, Your Honor.

2 And you also say that Mr. Larson responded
3 with a memo dated November 30, 2022, on line 4.

4 Do you see that?

5 A. Yes.

6 Q. And then you have a sentence that says, "The
7 'response memo'" in quotes -- "response" and "memo" in
8 quotes -- "largely ignored most of the questions
9 opposed by the Watermaster Engineer.

10 Do you see that?

11 A. Yes, I see that.

12 Q. Now, Mr. Larson didn't provide well data for
13 that one well that Geosyntec plotted.

14 What was the other information that he
15 largely ignored?

16 A. So that references e-mails from Kate White to
17 David Larson on November 21st, 2022.

18 So let me see if I can pull up those e-mails.

19 Q. Well, hang on a second. Let's use the
20 exhibits that we have.

21 A. It's somewhere between Exhibit 6 and 11, is
22 this e-mail, I believe.

23 Q. Looking at Exhibit 6.

24 (Exhibit 6 received in evidence.)

25 THE WITNESS: I believe it might be

1 Exhibit 10.

2 (Exhibit 10 received in evidence.)

3 BY MS. HUMMER:

4 Q. So Exhibit 10 is, starting on page 1, that's
5 Ms. White's e-mail to David Larson, correct?

6 A. Yes. I believe this is the e-mail that
7 refers to.

8 Q. And she's asking for information, correct?

9 A. Yes.

10 Q. And your declaration at paragraph 6 is
11 testifying that he largely ignored her request for
12 information?

13 A. Yes.

14 Q. And my question to you is, other than the
15 plotting of the well location and data about that
16 well, what information did he fail to provide?

17 A. Would you like me to take the time to review
18 his memo in order to identify that?

19 Q. Well, you signed a declaration that says he
20 didn't provide the information when you signed the
21 declaration.

22 Did you verify that he had largely ignored
23 the request?

24 A. I think by failing to provide the well
25 information to me, that is largely ignoring the

1 request.

2 Q. But there wasn't any other thing that he
3 failed to provide, correct?

4 A. I would need to review his declaration again
5 to double-check that.

6 Q. Okay.

7 A. Would you like me to do that?

8 Q. His memo, you mean?

9 A. Oh, I'm sorry. Yes. Please, excuse me.

10 Q. So at the time you signed this declaration,
11 you didn't go back and double-check his November 30
12 memo, did you, before you wrote that he largely
13 ignored Ms. White's request?

14 A. I do remember reading through his memo on the
15 day that I signed my declaration.

16 Q. To verify the accuracy of the declaration?

17 A. Yes. And I did identify that there was
18 information that was not provided.

19 Q. Why not list it?

20 A. I guess I thought that it was not necessary
21 to list it.

22 Q. Okay. Now, you also in your declaration at
23 paragraph 5 talk about getting data that you requested
24 on October 5.

25 So paragraph 4 you talk about asking for

1 information on October 5.

2 A. Yes. One day after we received the
3 application.

4 Q. Correct. And then you testify, starting on
5 line 23 in paragraph 5, that you didn't get the
6 responses until October 11.

7 Do you see that?

8 A. Yes. That is correct.

9 Q. And is it your position as you sit here today
10 that six days to provide answers to your questions was
11 tardy?

12 A. It depends on your definition of "tardy."
13 If -- in order to have the application before the
14 board for the October meeting, we needed to have the
15 complete application to the Watermaster staff by
16 October 13th.

17 And in cases with a simple straightforward
18 application, that would not be enough time. Two days
19 would not be enough time to fully prepare the
20 application after receiving a complete -- information
21 that would make the application complete.

22 Q. But isn't it true, Ms. Wells, that Ms. Stanin
23 didn't have the bandwidth due to the press of other
24 matters to actually do the analysis in time to get it
25 on the October agenda?

1 A. Yes. This is an application that had so much
2 uncertainty, that it required more time than normal
3 for the review. And less than two days was not enough
4 time for Phyllis to give it her due diligence -- I'm
5 sorry, Ms. Stanin to give it her due diligence.

6 **Q. And in fact, you didn't take it to the board**
7 **in December, did you?**

8 A. We did not, but that was due to delays that I
9 believe are stated in my declaration related to
10 Mr. Dennis LaMoreaux wanting to take the time to have
11 the new serviceability letter.

12 **Q. You don't know what Mr. LaMoreaux's concerns**
13 **were?**

14 A. I do not. But I know Phyllis was very
15 frustrated when later Barrel Springs blamed the
16 Watermaster Engineer for delaying the application by
17 three months.

18 And for those who know Phyllis, she is a very
19 easy going person, but I have never seen her more
20 upset.

21 **Q. So your testimony is that Phyllis Stanin**
22 **became upset about my client complaining about delays?**

23 A. Yes. Your client blaming us for delays when
24 there were several factors that played -- that led to
25 the delays.

1 Q. And one of the factors turns out that it
2 wasn't Ms. Stanin or Todd Groundwater --

3 A. Correct.

4 Q. -- or -- well, hang on. I haven't asked the
5 question yet.

6 A. Oh, I'm sorry.

7 Q. It wasn't Ms. Stanin or Todd Groundwater who
8 pulled the agenda from the December meeting. It was
9 LaMoreaux, correct?

10 A. I believe that it was related to Palmdale
11 Water District.

12 Q. So it could be the case that Barrel Springs
13 Properties maybe didn't know that Mr. LaMoreaux was
14 intermeddling in the Watermaster's agenda?

15 A. I don't think that --

16 MR. PARTON: Objection. Calls for
17 speculation.

18 THE COURT: Sustained.

19 THE WITNESS: I do not --

20 THE COURT: Wait for the next question.

21 THE WITNESS: Oh, okay. Thank you.

22 BY MS. HUMMER:

23 Q. Ms. Wells, it could be that based on what
24 Barrel Springs Properties knew, it could have been --
25 the appearance could have been to them that the delays

1 were being caused by the Watermaster.

2 That's possible, right?

3 MR. PARTON: Objection. Calls for
4 speculation.

5 THE COURT: It does. Sustained.

6 BY MS. HUMMER:

7 Q. Did Mr. LaMoreaux ever speak to Ms. Stanin,
8 do you know, about why he pulled it from the agenda?

9 A. I do not know.

10 Q. Now, even though there were these delays and
11 the new production application was pulled from the
12 agenda, didn't go in October or December, it went in
13 January, but any consideration was continued, correct?

14 A. I believe so.

15 Q. And that was because there were questions
16 that came out of the advisory committee meeting,
17 correct?

18 A. I don't recall 100 percent sure, but I do not
19 believe that the advisory committee had a strong
20 stance on this application in the January advisory
21 committee meeting.

22 But I did not attend that meeting.

23 Q. You did not attend the January advisory
24 committee meeting?

25 A. Correct.

1 Q. Did you attend the January board meeting?

2 A. Yes.

3 Q. Okay. So you were at the board meeting, and
4 the new production application was not ruled upon.

5 There was no vote taken, correct, on January?

6 A. Correct. Phyllis gave a presentation to
7 provide more information to the board. And we
8 discussed it, but there was no vote.

9 Q. And that presentation was based in part on
10 your January 11 findings, correct?

11 A. Correct. What I recall from the presentation
12 is that it gave a summary of the project and it
13 included some information about what the aquifer
14 conditions tend to look like in the San Andreas Fault
15 zone in Antelope Valley and why there was such a high
16 level of uncertainty on this application that
17 surpassed what we typically have in most of the
18 applications that we consider.

19 Because as the Watermaster Engineer, we felt
20 that the board needed to know that we did say that
21 material injury, as defined by the judgment, appeared
22 to be negligible. But that was made with this limited
23 information that we had and there was a much higher
24 level of uncertainty for this application than most.

25 Q. And between January when there was all this

1 **uncertainty and April, you didn't have additional**
2 **information, correct?**

3 A. No, ma'am. We did not change our letter.

4 And on the April meeting, I gave the exact
5 same presentation with the same slides that Phyllis
6 gave.

7 **Q. And the Watermaster Engineer to today has not**
8 **revoked the January 11th findings, correct?**

9 A. We have not. With the information that we
10 have, we still stand by what we said, taking into
11 account the high level of uncertainty.

12 I would also note that --

13 MS. HUMMER: Your Honor, you know, these
14 addenda when there's no question pending are getting a
15 little out of hand.

16 THE COURT: All right. Just in order for the
17 record to be very clear, don't spontaneously decide to
18 explain something that's not before you. Wait for a
19 question.

20 THE WITNESS: Yes, Your Honor.

21 THE COURT: Sometimes it's real hard to be
22 quiet.

23 THE WITNESS: I really love hydrogeology.

24 BY MS. HUMMER:

25 **Q. I have a confession to make. I do, too.**

1 A. Excellent. You're in good company.

2 Q. So Ms. Wells, did you ever discuss the Barrel
3 Springs Properties' new production application with
4 Ms. MacLaren prior to the April 26th board meeting?

5 A. I did not.

6 Q. Did you ever discuss with Ms. MacLaren what
7 to ask the -- strike that.

8 Did you ever discuss with Ms. MacLaren after
9 the April 26th Watermaster board meeting, and not in
10 closed session, about information you would like to
11 see in order for the Watermaster board to reconsider
12 Barrel Springs' new production application?

13 A. I did not.

14 Q. Did anybody ever tell you that Barrel Springs
15 was asking for reconsideration of its new production
16 application?

17 A. I think Phyllis brought it up in conversation
18 with me.

19 Q. But you never actually presented on an agenda
20 item of reconsideration of the new production
21 application, did you?

22 A. After April?

23 Q. After April?

24 A. No, I did not.

25 Q. And Ms. Stanin didn't either?

1 A. No, she did not.

2 MS. HUMMER: Your Honor, I'd just like to
3 check a couple things, but I think my questioning
4 might be completed.

5 THE COURT: Go ahead.

6 BY MS. HUMMER:

7 Q. Do you recall telling Ms. Stanin that the
8 April 26 board meeting was tense?

9 A. Yes. Those are the words I used in an e-mail
10 that I sent to Ms. Stanin.

11 Q. And why did you use the word "tense"?

12 A. It was the subject of debate.

13 Q. Did you also use the expression "hot seat"?

14 A. I did, yes.

15 Q. And in fact, you used the expression "hot
16 seat" in a text message to Mr. Montoya, correct?

17 A. Yes.

18 Q. So you felt you were a little bit on the hot
19 seat when you were presenting the item?

20 A. That is correct. In the advisory committee
21 meeting, that was my first time as a licensed
22 professional geologist ever presenting before a board
23 without a senior staff member there.

24 Q. It's a little nerve-racking, correct?

25 A. Yes, ma'am.

1 Q. Now, you -- when you presented to the board
2 on April 26th, there was some discussion this morning
3 that you were being asked questions about the new
4 production application.

5 Do you recall hearing that testimony?

6 A. Can you repeat?

7 Q. Let me rephrase.

8 A. Okay.

9 Q. When you presented the new production
10 application on April 26th to the Watermaster board,
11 did anyone ask you questions about the application?

12 A. Yes. Several people asked me questions, but
13 I do not remember exactly who. I know Ms. MacLaren
14 asked me some questions, but I think other people did
15 as well.

16 Q. So I want to be very precise about this.
17 When you were asked questions, were those questions
18 asked of you before the board voted?

19 A. Yes.

20 Q. And they were asked in open session, everyone
21 could hear the questions and your answers, correct?

22 A. That is correct.

23 Q. And you recall Ms. MacLaren asking you
24 questions?

25 A. Yes.

1 Q. Do you recall anybody from the audience
2 asking you questions?

3 A. I don't remember.

4 Q. Do you recall anybody from Barrel Springs
5 Properties asking you questions?

6 A. I don't remember.

7 Q. Would it be usual for an applicant to ask the
8 presenter questions about the application?

9 A. "Usual," I don't recall other circumstances
10 where that has happened.

11 Q. It's normally the board members who ask
12 questions, correct?

13 A. Correct.

14 Q. Did anybody else ask questions, maybe the
15 board administrator?

16 A. I'm unsure if there are typically input from
17 audience members or advisory committee members.

18 Q. So you remember being questioned, you
19 remember Ms. MacLaren asking you questions before the
20 vote was taken, and you remember some others, but you
21 don't remember how many and who it was exactly,
22 correct?

23 A. Correct. I was a bit anxious.

24 Q. Now, do you -- did you feel when you were
25 being questioned that you were being interrogated in

1 an oppressive way?

2 A. I -- I'll reuse my phrase. I felt as if I
3 was in the hot seat. But it's hard for -- in my
4 memory to know if that was just how I felt, or if I
5 was being asked questions in an intimidating manner.

6 Q. Do you feel that any of the questions you
7 were asked were inappropriate?

8 A. No. They were related to the application.

9 Q. And you were able to answer them to the best
10 of your ability?

11 A. To the best of my ability.

12 MS. HUMMER: Your Honor, I have no further
13 questions for this witness.

14 MR. PARTON: Just a few questions, Your
15 Honor.

16 THE COURT: Go ahead, Mr. Parton.

17 CROSS-EXAMINATION

18 BY MR. PARTON:

19 Q. Ms. Wells, you -- in response to a question
20 from Ms. Hummer, you began to answer about you how you
21 would have done it if you had been Barrel Springs'
22 engineer.

23 What was that in reference to?

24 A. If I were working for Barrel Springs, I would
25 have contacted Geosyntec and requested the -- either a

1 spreadsheet of the wells that were included in their
2 map or issued file of the wells.

3 Q. Did you ever receive that information?

4 A. No, sir.

5 Q. You mentioned the memorandum of
6 November 30th, 2022, which is -- I believe is attached
7 to your declaration. Exhibit Number 70.

8 (Exhibit 70 received in evidence.)

9 BY MR. PARTON:

10 Q. Do you think if you peruse this, you could
11 discern whether there are more than the reason of the
12 proximity of another well, an aquifer test, that were
13 concerns that you had?

14 A. Is it -- I'm sorry. Is this referring to the
15 Geosyntec report, or is it the report that was an
16 exhibit to my declaration by David Larson?

17 Q. The so-called memo by David Larson.

18 A. Okay.

19 Q. Dated November -- well, we think it's
20 November 30th, 2022.

21 A. On -- and you are asking -- can you repeat
22 your question?

23 Q. Yeah. You reference this, that if you had
24 more time, you'd be able to discern whether this memo
25 reveals other reasons --

1 A. Yes.

2 Q. -- for the delay.

3 Do you have a chance now to take a look at
4 that?

5 A. Yes. I did recently get to take a look at
6 it, and I did identify some miscalculations, as well
7 as, I would say, some conclusions that are out -- that
8 are kind of outside the realm of typical professional
9 practices.

10 Q. This is in reference to Mr. Larson's
11 memorandum that is attached to your declaration as
12 Exhibit 70, right?

13 A. Correct.

14 Q. And what miscalculations did Mr. Larson, his
15 memorandum, contain?

16 A. Notably in section E, that's on page 4 of the
17 internal pages for this declaration, he says that to
18 meet the demand of 40,067 gallons per day, a pump
19 would be required to run at 27.82 gallons per minute.

20 And he says that the 42 gallons per day
21 refers to the 120 acre feet per year. But I
22 calculated what the gallons per day would be for
23 120 acre feet per year and I came up with
24 107,129.1 gallons per day.

25 And I also would, in my professional practice

1 when advising somebody to have a production model, I
2 would say as -- under ideal conditions, you could
3 reasonably assume that your well is pumping about
4 50 percent of the time.

5 So that would put the required pumping rate
6 at about 150 gallons per minute as opposed to the
7 27.82 gallons per minute.

8 And then that kind of ties to the Geosyntec
9 report, which assumes 25 to, I believe, 47 feet of
10 drawdown in a nearby well, depending on the
11 hydrogeologic conditions for 20 gallons per minute for
12 a well.

13 When realistically, it would probably be
14 about a 150 gallon per minute pumping rate. And the
15 Theis equation linearly connects the pumping rate (Q)
16 to the drawdown.

17 So we would expect that to be -- what's 150
18 divided by 20 -- that's 7.5 times lower than what is
19 shown in the Geosyntec estimate, with their assumed
20 aquifer conditions.

21 **Q. When did you last read Exhibit 70 that led**
22 **you to find this apparent miscalculation?**

23 A. That was Exhibit 70, Mr. Larson's report?

24 **Q. Yes.**

25 A. Well, I last read it this morning, but

1 yesterday I identified this miscalculation in this
2 report. And it jogged my memory, because of the
3 advisory committee meeting, a representative from
4 Barrel Springs, who I think was Mr. Larson, mentioned
5 the pumping rate of 30 gallons per minute, and the
6 word kind of latched onto that.

7 But then I left the advisory committee
8 meeting and I kind of did my calculations, and I said,
9 "Huh, that would be about 150 gallons per minute."

10 And, but that doesn't align with what the
11 original application said, because the high end of
12 their pumping estimates in the well diagram, they
13 included 150 gallons per minute.

14 So you know, I didn't rewrite the letter
15 because of that, because it was in the application.
16 But it does make me think about how much more the
17 drawdown would be.

18 And Phyllis in the application -- in the
19 letter that she wrote, she said -- if we can refer to
20 the Todd Groundwater original application for a
21 second. Remind me what exhibit that is.

22 **Q. The January 11, 2023, is --**

23 A. January 11 --

24 **Q. It's part of Exhibit 71, beginning on page 8.**

25 (Exhibit 71 received in evidence.)

1 THE WITNESS: Okay. Yes, I do recall that
2 somewhere in this, Phyllis wrote -- okay, yes.

3 On page 4 of Todd Groundwater's analysis in
4 the second paragraph, you know, she was already way
5 ahead of me on this. And it is in our original
6 letter. In order to produce 120 acre feet per year,
7 the well would need to pump 74.4 gallons per minute on
8 a continuous basis.

9 And that's a correct calculation, but a
10 continuous basis for a well, 365/24 hours a day is an
11 unreasonable thing to recommend for a client.

12 So I always recommend 150 gallons per minute
13 for a pumping rate.

14 **Q. Did you discuss this miscalculation with any**
15 **of your professional colleagues at Todd Groundwater?**

16 A. Yes. Actually, Chad Taylor, who is a
17 principal hydrogeologist and one of the other vice
18 presidents at Todd Groundwater -- and the other, let
19 me rephrase, Phyllis as the other vice president -- he
20 pointed out that miscalculation to me yesterday.

21 **Q. Did he -- did he agree with your analysis**
22 **that you just gave?**

23 A. Correct. And he is the one who advised me
24 after the advisory committee meeting on the percentage
25 of active pumping that he would recommend to a client

1 with a production well, saying that 50 percent of the
2 time, it's reasonable to expect the well to be
3 pumping, and 50 percent off.

4 **Q. So you haven't brought this to the attention**
5 **of Mr. Larson yet?**

6 A. I have not had any personal communication
7 with Mr. Larson except for he may have been present at
8 board meetings and advisory committee meetings that I
9 was present at.

10 **Q. What is the fundamental problem in his**
11 **calculation? What is the wrong -- or are the wrong**
12 **data that he's using?**

13 A. Let me refer -- look at that real quick.

14 I believe that it is his conversion of acre
15 feet per year to gallons per day.

16 **Q. That seems to be the fundamental problem?**

17 A. Related to this issue, yes.

18 MR. PARTON: Okay. No further questions,
19 Your Honor.

20 THE COURT: Anything further?

21 MS. HUMMER: Yes, Your Honor.

22 REDIRECT EXAMINATION

23 BY MS. HUMMER:

24 **Q. So this analysis, picking apart the**
25 **November 30, 2022, memo from Mr. Larson to find**

1 errors, that didn't happen before the findings were
2 made on January 11, 2023, did it?

3 A. I do not know the degree to which Ms. White
4 and Ms. Stanin analyzed and assessed the letter.

5 Q. So the search for errors in Mr. Larson's
6 analysis occurred after there was some back and forth,
7 shall we say, in the advisory committee meeting?

8 MR. PARTON: Argumentative, Your Honor.
9 Objection.

10 THE COURT: Overruled. You can answer the
11 question, if you can.

12 THE WITNESS: Could you repeat the question?

13 BY MS. HUMMER:

14 Q. You didn't go to look at Mr. Larson's
15 calculations until after there was some discussion
16 about gallons per day calculations at the advisory
17 committee meeting, correct?

18 A. Yes. Yes. That would be --

19 Q. That was the April advisory committee
20 meeting, right?

21 A. Yes. I did not review his calculations until
22 after that meeting.

23 Q. And you didn't review them between that
24 meeting and the board meeting on April 26, did you?

25 A. I did do my own calculations between those

1 meetings.

2 Q. But you didn't present evidence or -- you
3 didn't present these calculation errors at the
4 April 26th board meeting, did you?

5 A. I did not think it was necessary to point out
6 his errors, but I'm pretty sure I did mention that we
7 believed the well would pump at about 150 gallons per
8 minute in order to produce 120 acre feet per year.

9 Q. So in fact, the errors in Mr. Larson's
10 calculation had no impact on the Watermaster
11 Engineer's findings in the January 11th, 2023, letter?

12 A. No, it did not. Well, I would say that
13 Phyllis stated the correct pumping rate, if you assume
14 constant pumping in the letter.

15 So we did not feel it necessary to call out
16 another person's errors.

17 Q. So after you discovered that Phyllis Stanin
18 had used a constant pumping rate in the January 11
19 letter, you didn't revise the January 11 letter to
20 reflect what you believe is a more appropriate rate of
21 50 percent?

22 A. I did not.

23 Q. And today, again, the January 11th findings,
24 still stand, correct?

25 A. Correct. With the pumping rate that Phyllis

1 listed, I think she gets her point across quite well,
2 that the drawdown would be greater than the Geosyntec
3 letter -- or I'm sorry, the Geosyntec memo states,
4 assuming the same aquifer conditions that they assumed
5 in the letter.

6 **Q. And you don't know as you sit here today**
7 **whether Mr. Larson discussed these calculations with**
8 **Ms. White and updated her on some of the numbers?**

9 A. I do not know.

10 MS. HUMMER: Nothing further, Your Honor.

11 THE COURT: All right. Anything further,
12 Mr. Parton?

13 MR. PARTON: Nothing further, no.

14 THE COURT: Thank you. You may step down.

15 THE WITNESS: You're welcome, Your Honor.

16 THE COURT: All right. What next?

17 MS. HUMMER: Your Honor, would it be all
18 right if I confer with my client briefly?

19 THE COURT: Yes, of course.

20 MS. HUMMER: Thank you.

21 (Off the record)

22 MS. HUMMER: Your Honor, we're resting.
23 We're not calling any further witnesses.

24 THE COURT: Okay. You are resting your
25 motion?

1 MS. HUMMER: Yes, well, theoretically. We're
2 not going to call any other witnesses in this
3 evidentiary hearing, Your Honor.

4 THE COURT: Mr. Parton?

5 MR. PARTON: Nothing further, Your Honor.

6 Just to reiterate, all our Exhibits 1 to 80
7 are stipulated as admissible.

8 THE COURT: Yes.

9 MR. PARTON: Thank you.

10 MS. HUMMER: And Your Honor, I think there's
11 the matter of the Watermaster's RJN from October 13th
12 and the exhibits to the RJN. We don't have any
13 particular objection to them, I'm not sure how helpful
14 they are, but we don't object.

15 MR. PARTON: Yeah. Our Exhibit 68, 69 -- 67,
16 68, 69, and 71, I think they are all judicially
17 noticeable.

18 THE COURT: Okay. All right. How do you
19 want to proceed at this point?

20 Do you wish to make final statements on your
21 motion in the opposition? Do you want to do it in
22 writing? How do you want to proceed?

23 MS. HUMMER: Your Honor, I think it would be
24 more fruitful to file written closing statements once
25 we have the transcript, because there was a lot of

1 testimony today. And I think all of us could benefit
2 from having the transcript and making our closing
3 argument essentially via paper.

4 THE COURT: Mr. Parton, how do you feel about
5 that?

6 MR. PARTON: We'd be willing to submit now,
7 but if the Court's inclined to entertain further
8 briefing, we'll certainly comply.

9 THE COURT: I'd like to give counsel every
10 opportunity on both sides to fully present their case.
11 And if you think you want to do a written memorandum,
12 I'll permit you to do that.

13 When would you have that ready?

14 MS. HUMMER: It depends on when I can get the
15 transcript, Your Honor.

16 THE COURT: Sorry?

17 MS. HUMMER: It depends on when I can get the
18 transcript. So I can do it within seven days of
19 receiving the transcript. I just don't know when
20 that's going to be available to us.

21 THE COURT: Okay. So what do you think?

22 THE REPORTER: Up to you. I could get it to
23 you by tomorrow, if you needed it.

24 MS. HUMMER: Okay. So then --

25 THE COURT: Let me just look at the calendar

1 here.

2 I suspect you could have the transcript by
3 the 25th?

4 THE REPORTER: You let me know and I can get
5 it to you any time.

6 THE COURT: Okay. All right. Let's have the
7 transcripts by the 25th. And I would like a closing
8 memorandum from moving party by the 30th and an
9 opposition from Mr. Parton by November 3rd.

10 And the matter will be deemed submitted at
11 that point.

12 MS. HUMMER: Thank you, Your Honor.

13 Now we have a couple of housekeeping matters
14 regarding my motions to strike declarations and my
15 objections to evidence.

16 Do you want to reserve ruling on those after
17 we submit our closing -- the closing papers?

18 THE COURT: Yes.

19 MS. HUMMER: Okay.

20 MR. PARTON: Your Honor, can I ask for just a
21 couple of more days on the opposition instead of the
22 3rd of November to the 6th of November?

23 THE COURT: November 6th?

24 MR. PARTON: November 6th.

25 THE COURT: Okay.

1 MR. PARTON: I appreciate that.

2 THE COURT: What date did I ask for the
3 closing brief?

4 MS. HUMMER: The 30th, Your Honor.

5 THE COURT: Yeah. Okay.

6 MR. PARTON: Thank you.

7 THE COURT: All right. Should we have
8 anything else to talk about this afternoon? I don't
9 think so. Okay.

10 MS. HUMMER: I don't think so, Your Honor.
11 We do have a logistical issue with the exhibits.

12 Would you like us to take them back? How
13 would you like us to handle all these exhibits?

14 THE COURT: Well, it's going to be very
15 difficult given the volume of exhibits offered and
16 submitted.

17 I think we'll just hold onto them at this
18 point.

19 MS. HUMMER: Okay. Very good, Your Honor.

20 THE COURT: And it will become part of the
21 record.

22 MS. HUMMER: Okay.

23 MR. PARTON: Thank you.

24 THE COURT: Okay. So if there's nothing
25 else, let's recess for the evening.

1 MS. HUMMER: Thank you, Your Honor.

2 MR. PARTON: Thank you.

3 MR. PARRIS: Thank you, Your Honor.

4 THE COURT: Maybe I should say adjourned.

5

6 (Whereupon, the proceedings adjourned at 3:40 p.m.)

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CERTIFICATE OF REPORTER

I, ANGELA T. KOTT, a Certified Shorthand Reporter, hereby certify that the foregoing proceedings were taken in shorthand by me, at the time and place therein stated, and that the said proceedings were thereafter reduced to typewriting, by computer, under my direction and supervision;

I further certify that I am not of counsel or attorney for either or any of the parties nor in any way interested in the event of this cause, and that I am not related to any of the parties thereto.

DATED: October 19, 2023.



ANGELA T. KOTT, CSR #7811

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PROOF OF SERVICE

**Judicial Counsel Coordination Proceeding No. 4408
Antelope Valley Groundwater Cases
Santa Clara County Case No. 2005-1-CV-049053**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 777 S. Figueroa Street, Suite 4200, Los Angeles, CA 90017.

On January 16, 2024, I served true copies of the following document(s) described as **APPELLANT’S NOTICE OF DESIGNATING RECORD ON APPEAL** on the interested parties in this action as follows:

BY E-MAIL OR ELECTRONIC TRANSMISSION: By submitting an electronic version of the document listed above to the Antelope Valley Groundwater Cases through the user interface at the Antelope Valley Watermaster’s website to all parties on the service list maintained by the website at: www.avwatermaster.org.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on January 16, 2024, at Los Angeles, California.



Silvia Abrignani