

1 HANSON BRIDGETT LLP
CLAIRE H. COLLINS, SBN 233890
2 ccollins@hansonbridgett.com
ROSSLYN HUMMER, SBN 190615
3 bhummer@hansonbridgett.com
DAVID C. CASARRUBIAS, SBN 321994
4 dcasarrubias@hansonbridgett.com
777 S. Figueroa Street, Suite 4200
5 Los Angeles, California 90017
Telephone: (213) 395-7620
6 Facsimile: (213) 395-7615

7 Attorneys for BARREL SPRINGS
PROPERTIES, LLC

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

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

Judicial Council Coordination Proceeding No.
4408

12 **ANTELOPE VALLEY GROUNDWATER**
13 **CASES**

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

14 Including Consolidated Actions:

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

Assigned to the Hon. Jack Komar
Santa Clara Superior Court

16 Plaintiff,

17 v.

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

DECLARATION OF DAVID W. LARSON
IN SUPPORT OF MOTION BY THE
PEOPLE CONCERN FOR APPROVAL
OF NEW PRODUCTION

19 Defendants

*Filed concurrently with Notice of Motion and
Motion by The People Concern for Approval of
New Production, Declarations of Claire
Collins, John Maceri, Nathan A. Metcalf, Toby
Waxman, and Compendium of Evidence*

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

22 Plaintiff,

23 v.

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

25 Defendants.

26 **AND RELATED ACTIONS**
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1 reviewed and recommended by the groundwater engineer and receive approval by the board who
2 could limit the amount of our request. I don't remember for certain whether he also told me they
3 had never turned down a New Production Application, or whether his secretary Angel was the
4 person who said this when I called and asked for him, before she put Mr. Knudson on the phone.

5 6. My secretary Christie Larson submitted the New Production Application to the
6 Antelope Valley Watermaster in September of 2022. I provided a copy of the New Production
7 Application submitted to the Watermaster to counsel for The People Concern, Beth Hummer, and
8 am informed and believe and on that basis state that Ms. Hummer has included a true and correct
9 copy of the New Production Application in a Compendium of Evidence submitted along with my
10 Declaration.

11 7. On November 17th, 2023 I received my 1st email from Kate White, PE from Todd
12 Groundwater's offices asking for clarification of the application and a time to set up a discussion
13 by phone.

14 8. During our subsequent phone conversation, Kate asked if we needed the total 120-
15 acre feet in the 1st year or if we could start with a lower amount and ramp up to 120-acre feet per
16 year. She indicated that The People Concern would have to reapply every year for any increases.

17 9. In an email dated November 21, 2022, Kate stated that she would need to push us
18 on to the January 25th board meeting. She requested information regarding Barrel Spring
19 Properties' adjudicated well and a proposal for a phased production approach. Barrel Springs'
20 previously adjudicated well was located on a parcel north of the Aqueduct that Barrel Springs had
21 sold. Thus, water from that well was not available to The People Concern's project. I provided a
22 true and correct copy of Kate's November 21, 2022 email to me, as well as my responses to her
23 with various attachment, to Attorney Hummer for the Compendium of Evidence.

24 10. On November 30, 2022, I formally submitted the "220014 Barrel Springs
25 Farmworker Water Response" addressing her concerns, outlining the water demands, and citing
26 previous water studies by Everett L. Clark and Tracy Bousman stating that production wells below
27 300-feet well depth could sustain 100-gpm which is far greater than the 27.82 gpm needed to
28 produce the 120-acre feet per year. The water studies also discussed the effects of the San Andreas

1 fault and determined that the fault could be a benefit to the site's water sustainability over time. I
2 provided a true and correct copy of my November 30, 2022 response to Kate to Attorney Hummer.

3 11. The People Concern's New Production Application included an engineering study
4 for the property prepared by Geosyntec. Geosyntec's study provided information which Todd
5 Groundwater used to make its finding that no "Material Losses" would be expected in neighboring
6 wells at the 120-acre foot per year demand level.

7 12. Subsequent communications with Todd Groundwater's Kate White, revealed that
8 Todd Groundwater had made a no "Material Losses" determination. Kate confirmed this to me by
9 email and I provided a true and correct copy of her January 12, 2023 email to Attorney Hummer.
10 Kate's email also said that Todd Groundwater's finding to approve the 120-acre foot new
11 production would be submitted to the Advisory Committee that day.

12 13. At this time Kate White mentioned that they do not usually attend the Advisory
13 Committee Meetings and that she was retiring and leaving the report with another colleague.

14 14. On January 18th, 2023, the Antelope Valley Groundwater Engineer, Phyllis S.
15 Stanin of Todd Groundwater, presented her firm's recommendation that the Board approve the
16 new production well. Specifically, the Watermaster Engineer found: (1) that the applicant agreed
17 to purchase replacement water; (2) that all conditions for new production were met under the
18 Judgment and the Antelope Valley Watermaster Rules and Regulations; and (3) that no material
19 injury would result from the proposed production. I provided a true and correct copy of Ms. Stanin
20 presentation to the Advisory Committee to Attorney Hummer.

21 15. I attended the January 18th, 2023 Advisory Committee meeting via Zoom. During
22 their deliberations, discussions came up among the Committee members regarding who the project
23 would house, but was squelched by another committee member stating that such considerations
24 were not part of their review. A different committee member brought up the fact that the
25 Watermaster could not guarantee water and said that Los Angeles County was requiring new well
26 applicants to provide evidence that production can be sustained for 20-years.

27 16. The Advisory Committee voted to delay their consideration of our application for
28 120-acre feet and another application requesting 300-acre-feet until the next Committee meeting

1 on the grounds that they “needed more time and information” to develop changes to the New
2 Production Application form.

3 17. On January 31st, 2023 I received a call from a Red Brick Solution Team member
4 Ryan Duke of Duke Engineering located in Lancaster, California, who had been contacted by
5 Brandon Calandri of the Advisory Committee. Mr. Calandri wanted to speak with me to clarify the
6 Committee's decision to delay.

7 18. Mr. Calandri reached me by phone and expressed his concern that the information
8 presented at the Advisory Committee meeting had not been explained well by the committee. He
9 offered the following information:

10 a. Based on the Adjudication, the Watermaster does not have the ability to
11 give permanent water guarantees. Those guarantees must be secured through water rights
12 that individuals own throughout the valley. The list can be found on the Watermaster
13 website which also details the ability to transfer those rights from property to property.
14 Certain restrictions were also outlined, referring to areas that are experiencing drawdown
15 and significant subsidence. Those areas cannot have credits transferred from other
16 properties. Barrel Springs' property is not in such an area.

17 b. With that in mind, he explained that we would need to purchase 2,400
18 shares of water rights to facilitate the 20-year guarantee that the county requires for
19 building. Since each share is equal to 1-acre foot per year and our demand is 120-acre feet
20 per year, our project would require $(120 \times 20 =)$ 2,400 shares to guarantee 20 years of
21 service. The current price for such shares ranges between \$1,500-\$2,500, depending on
22 whom the credit is purchased from. An average of \$1,800 per share would result in a cost
23 of \$4.3M. I was not sure whether the potential \$4.3M cost includes the \$523 per acre foot
24 per year cost previously considered in our application.

25 19. After I delivered this information to The People Concern, The People Concern
26 decided to postpone attending the next Advisory Committee meeting while the team verified what
27 Mr. Calandri had said about the County's requirement to have 20-years of guaranteed service.

28 20. On February 9th, 2023, I spoke with Mr. Joshua Montoya at the Watermaster's

1 office to postpone the Advisory Committee hearing on our client's application. Mr. Montoya
2 requested that we send an email to him to postpone our application to the March meetings.

3 21. Mr. Montoya explained to me on the phone that there would be changes made to
4 the Watermaster Rules and Regulations regarding the 20-year water rights requirements and that
5 these changes would be retroactive. He recommended that we contact the Watermaster's legal
6 counsel to ask any clarification questions regarding this requirement.

7 22. Although our application was moved to a later date, I attended the February
8 Advisory Committee meeting and witnessed the 300-acre foot application approved without any
9 discussion or concerns. There was no mention of any 20-year guaranteed service requirement.

10 23. Red Brick Solution staff called Los Angeles County to confirm whether Mr.
11 Calandri and Mr. Montoya's statements about a requirement for a 20-year guarantee of water
12 rights existed. We asked if the County was considering such a requirement. Every County
13 department we spoke with had never heard of this "requirement" or a proposal for such a
14 "requirement."

15 24. On April 19th, 2023 the project was revisited by the Watermaster's Advisory
16 Committee, which raised some concerns related to production capacity and impacts on other wells,
17 but ultimately found no grounds to prevent the application from going to the Watermaster Board
18 for action.

19 25. On April 26th, 2023, the New Production Application was before the Watermaster
20 Board as I attended via Zoom. Todd Groundwater presented their findings and answered questions
21 about the San Andreas Fault and the aqueduct's unknown effects on the aquifer. Before the
22 Watermaster Board voted, the Board's Attorney told the Board that these issues are not relevant
23 and that there was no reason to deny the application. Despite the Attorney's statement, Board
24 Member Kathy MacLaren reiterated the issue of the unknown effects on the aquifer, and then the
25 Board voted. The Board voted 4-1 to approve; Ms. MacLaren voted no. With Ms. MacLaren sole
26 "no" vote, the application was denied.

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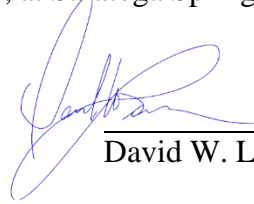
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1 26. After Ms. MacLaren cast her "no" vote, a representative of The People Concern,
2 Robert Strock, asked Ms. MacLaren why she was voting "no", but she refused to give any reason.
3 The Board's Attorney stated that she did not need to give a reason.

4 I declare under penalty of perjury under the laws of the State of California that the
5 foregoing is true and correct.

6 Executed on this 25th day of July, 2023, at Saratoga Springs, Utah.

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David W. Larson, PE

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STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

On July 25, 2023, I served true copies of the following document(s) described as **DECLARATION OF DAVID W. LARSON IN SUPPORT OF MOTION BY THE PEOPLE CONCERN FOR APPROVAL OF NEW PRODUCTION** on the interested parties in this action as follows:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

J. De Rosa

Linda M. DeRosa