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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

Coordination Proceeding

Judicial Council Coordination
Proceeding No. 4408

ANTELOPE VALLEY GROUNDWATER
CASES,

LEAD CASE: LASC Case No. BC 325201

Los Angeles County Waterworks District No.
40 v. Diamond Farming Co.

**DECLARATION OF JENIFER N. RYAN
IN SUPPORT OF SETTling PARTIES'
CLOSING BRIEF RE THE ZAMRZLAS'
MOTIONS TO SET ASIDE OR MODIFY
THE JUDGMENT**

Los Angeles County Waterworks District No.
40 v. Diamond Farming Co.

Wm Bolthouse Farms, Inc. v. City of
Lancaster

The Hon. Jack Komar, Dept. 17
Santa Clara Case No. 105 CV 049053

Diamond Farming Co. v. City of Lancaster

Riverside County Superior Court
Case No. RIC 344436
Case No. RIC 344668
Case No. RIC 353840

Diamond Farming Co. v. Palmdale Water
District,

Kern County Superior Court Case
No. S-1500-CV-254348

AND RELATED ACTIONS

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STATE OF CALIFORNIA, COUNTY OF SACRAMENTO

On May 12, 2023, I served true copies of the following document(s) described as **DECLARATION OF JENIFER N. RYAN IN SUPPORT OF SETTling PARTIES' CLOSING BRIEF RE THE ZAMRZLAS' MOTIONS TO SET ASIDE OR MODIFY THE JUDGMENT** 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.

Executed on May 12, 2023, at Sacramento, California.

staring

Sherry Ramirez

EXHIBIT 1

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT
HONORABLE JACK KOMAR, JUDGE, RETIRED

--oOo--

Coordinated Proceeding,	)	Judicial Council
Special Title (Rule 1550(b)	)	Coordination Proceeding
	)	No. 4408
)	
ANTELOPE VALLEY	)	LASC Case No. BC325201
GROUNDWATER CASES)	
	)	Santa Clara Superior
Court)	
	)	Case No. 1-05-CV-04-053
	/	
	)	Volume 1
AND RELATED ACTIONS	)	Pages 1-202
	/	

REPORTER'S TRANSCRIPT OF PROCEEDINGS

MARCH 15, 2023

Santa Clara Superior Court
191 N. First Street
San Jose, California 95113

1 Q. And that's the parcel you bought in 1970?

2 A. Yes, sir.

3 Q. And is that -- that's the parcel that your
4 home is located on?

5 A. It's Parcel Number 26. We -- we have the home
6 there, and livestock is on that property.

7 Q. How do you get water for that parcel?

8 A. We have a well.

9 Q. And you've been -- you've had a well the whole
10 time since 1970?

11 A. There was always a well there. This was a
12 Japanese farming area going back before the war. All
13 that area would have been alfalfa farm for years and
14 years. It was --

15 MR. KUHS: Objection, your Honor. Lacks
16 foundation.

17 THE COURT: He can testify as to the history
18 of the area.

19 MR. KUHS: Your Honor, he hasn't laid a
20 foundation that he's reviewed that property prior to
21 1970.

22 THE COURT: Why don't you lay that foundation.
23 BY MR. SHEPARD:

24 Q. Mr. Zamrzla, are you personally aware of the
25 history of the property --

26 A. Yes, I am.

27 Q. -- prior to your purchase in 1970?

28 A. Learned about it before I purchased, yes, I

1 did.

2 Q. And so who owned it prior to you?

3 A. The Sundstroms.

4 Q. And is that property used for any purpose to
5 your knowledge?

6 A. It was alfalfa as far back -- before I bought
7 it and as far back as my checking accomplished, that it
8 had been alfalfa for a long time.

9 Q. And when you purchased that property, was
10 there something in particular about that property that
11 you liked or a reason why that's the property you chose?

12 A. Yeah, I had been looking around because the
13 property where I had the livestock on the east side of
14 Lancaster was -- was actually too small, had no growth
15 on it, and we wanted to get somewhere where we could
16 grow feed. And I got the word out that I was looking.
17 I had a realtor that contacted me and, after I had put
18 the word out, said I think I've got two or three places
19 that I'd like to show you.

20 My office then was in Bell. He flew down and
21 picked me up, showed me a number from there of parcels
22 that were available, and then said this was going to be
23 the last one and this is probably got the best water of
24 any place in the Antelope Valley. And I said, boy,
25 let's land and go look at it. We did. And I shook
26 hands, said put the paperwork together, and we made the
27 deal.

28 And then I went home and told my wife. She

1 said, You've already bought it? And I said, Yep, we're
2 moving.

3 Q. You mentioned a moment ago near the beginning
4 of that -- that response that it had some growth on
5 there. What -- what growth were you referring to?

6 A. The growth of the alfalfa.

7 Q. It had alfalfa growing on it already?

8 A. Oh, it did, absolutely.

9 Q. And was that -- was that relevant to your
10 decision to purchase the property?

11 A. It was a place that I could move immediately
12 and put my livestock in there, continue farming it. It
13 had a barn full of alfalfa at the time and a crop
14 growing. And all we had to do is purchase it, move our
15 cattle over, and we were back in the business with the
16 feed readily available and a family that was willing to
17 jump in and become part of a farm family.

18 Q. And so you moved there in 1970. And then did
19 you go ahead and do that, you started growing -- or
20 continued, I guess, growing alfalfa on that property and
21 use it for your livestock?

22 A. We continued raising alfalfa for a number of
23 years on that 40 acres.

24 Q. When you were raising alfalfa for those number
25 of years, were you using in excess of 25-acre-feet of
26 water in those years?

27 A. Yes, sir.

28 MR. KUHS: Objection. Lacks foundation, your

1 the 80 acres as the farm well? You will understand what
2 we're talking about?

3 A. We always called it that, the Farm, and the
4 front 40 were Domestic.

5 Q. When did you start growing on the additional
6 80 acres?

7 A. Actually, I believe it was in about 2000
8 roughly. We started leasing it for farming. We didn't
9 actually farm it ourselves.

10 Q. So let me ask you about that.

11 You said you leased it for farming. Who did
12 you lease it to?

13 A. Well, so far, I found two after a lot of
14 searching. One of them was Grimmway Farms. The other
15 one was Phil Giba Farms.

16 Q. What did Phil Giba grow when he was leasing
17 the property?

18 A. Phil Giba, to the best of my knowledge, came
19 by way of Gene Wheeler. And he was an onion grower and
20 so was Gene, and I believe that's how I met Giba. I
21 didn't know those guys myself. And I was fairly new in
22 the farming circle. So the reference was this guy would
23 like to have your property, and he grows onions.

24 Q. And when Phil Giba leased your land to grow
25 onions, how did he water the 80 acres?

26 MR. KUHS: Objection. Misstates testimony,
27 your Honor.

28 THE COURT: I'm sorry, I didn't hear your

1 the expert's work.

2 THE COURT: Respond to that.

3 MR. SHEPARD: Mr. Zamrzla as the property
4 owner certainly has an idea -- and he's already sort of
5 talked about -- of how much water was being used in any
6 given year. I'm just corroborating whether his
7 understanding is similar to the understanding of
8 Mr. Koch.

9 THE COURT: What you're asking him to do is
10 explain what these numbers are in this exhibit; is that
11 correct?

12 MR. SHEPARD: No, I'm just asking him if he
13 agrees that these appear to be accurate numbers based on
14 his own understanding about how much water was being
15 used in those years.

16 THE COURT: Well, you're asking him to comment
17 on an expert's product.

18 I'll sustain the objection.

19 BY MR. SHEPARD:

20 Q. Mr. Zamrzla, you can go ahead and close that
21 exhibit.

22 Is it your understanding in the years 2001 to
23 2010 -- what is your understanding about how much water
24 you were using out of the farm well, to be specific?

25 A. Usually the low three hundreds up per year. I
26 tell you at the end of that period you just named we
27 shut down because I was then switching over to alfalfa.

28 Q. And so when you say at the end of that period

1 you shut down, tell me more about that. What do you
2 mean about that?

3 A. 2009, 2010, so there was a period of about
4 nine years in there that we had -- were working with
5 leased farm purveyors that were coming in using the well
6 on the property, and then we decided we should get
7 moving on the alfalfa. It's a good time to do it. That
8 was about '09 or 210 -- 2010.

9 Q. When you say you shut down, why was it
10 necessary to shut down in that time period?

11 A. Well, you can't do both. You can't be doing
12 the hand lines onions and carrots and going to raise
13 alfalfa.

14 And, you know, the bottom line was -- I'm
15 talking about my own livestock, the rodeos we were doing
16 and everything. My horses and cattle don't eat onions,
17 don't eat carrots, so I wanted to raise what they eat.
18 That's alfalfa or grasses, whether it's Sudangrass or
19 the three-layer, whatever it may be. So we decided
20 now's the time to get on with growing the feed for our
21 own livestock.

22 Q. Did you have to do any repairs or upgrades to
23 the well around that time frame?

24 A. Unfortunately, several times. I did it -- I
25 can recall, because the numbers are fresh, I looked back
26 and felt the pain just recently of how much I did spend.
27 During the time I was letting those property go to other
28 farmers for carrots and onions, I spent quite a bit of

1 situation and saw we had to turn the water on November,
2 December because there was no rain because we were
3 starting alfalfa for the coming year.

4 Q. You mentioned a few responses back about
5 installing some additional lines when you were
6 converting over to the alfalfa, the grasses. And
7 forgive me. I often forget the terminology here. Were
8 they wheel lines? Is that what you said?

9 A. Well, first of all, we put the riser line in,
10 the permanent aluminum lines below the surface that have
11 pop-ups on them that you connect your hose that goes to
12 your wheel lines.

13 And my neighbor at that time, Delmar Van Dam,
14 one of his sons, Craig Van Dam, was my immediate
15 neighbor on the -- what would be the southeast corner of
16 the old three property which is part of the 80 acres.
17 And he had had sort of the edge -- the recommendation of
18 his father Delmar you should help Johnny; he's trying to
19 get his alfalfa going.

20 So he came in, knew how to do it, put the line
21 in with the risers on it, put me in touch with C&W
22 irrigation people, helped me get all the wheel lines.
23 And of course I paid for everything, paid for what he
24 did for me. But he helped me do it because he was a
25 farmer full time.

26 Q. And what year was this again?

27 A. '9 and '10.

28 Q. 2009 to 2010?

1 A. Yes, sir.

2 And at the same time I was doing some major
3 repairs on the old turbine.

4 THE COURT: Is it your testimony then that you
5 used more water for alfalfa than you did for carrots and
6 onions?

7 THE WITNESS: That's true; yes, sir.

8 THE COURT: And what did you base that on?
9 What did you base that opinion on?

10 THE WITNESS: Well, you don't have to read
11 very far to figure out that alfalfa takes more water
12 than carrots. I saw the records that Gene showed me.
13 He had records that went back I think for 50 years how
14 much water he documented on his alfalfa, and he also
15 showed me what he had done with the University of Davis
16 on carrots and other products. So I think it's pretty
17 well-known in the water industry that if you just took
18 those three products, Judge --

19 THE COURT: Yes.

20 THE WITNESS: -- alfalfa takes much more than
21 carrots or onions.

22 THE COURT: Okay. So what was the additional
23 cost to you to grow alfalfa based on the water usage as
24 opposed to carrots and onions?

25 THE WITNESS: What was the cost difference?
26 Pay for the power.

27 THE COURT: I'm sorry?

28 THE WITNESS: Pay for the power, Edison.

1 CROSS-EXAMINATION

2 BY MS. RYAN:

3 Q. Good afternoon, Mr. Zamrzla.

4 A. Good afternoon.

5 Q. You just spoke about your conversations with
6 Delmar Van Dam, correct?

7 A. I did.

8 Q. Delmar Van Dam was your personal best friend,
9 right?

10 A. He was a very good friend, yes.

11 Q. As you've described him in your deposition
12 before as your best friend?

13 A. Hunting, what have you, yes, events around the
14 town.

15 Q. You knew he was a party to the groundwater
16 litigation?

17 A. I did.

18 Q. You knew he was represented by Michael Fife of
19 the Brownstein Hyatt law firm, right?

20 A. I don't know that I knew what the attorney
21 was.

22 Q. You knew he had counsel, right?

23 A. Yeah, I'm pretty sure I knew he had counsel,
24 but I don't think I knew who that was.

25 Q. You had conversations with Delmar Van Dam
26 about the groundwater litigation?

27 A. Who?

28 Q. With Delmar Van Dam about the groundwater

1 litigation?

2 A. Very minimal discussion.

3 Q. Sorry, sir, please. I didn't mean to

4 interrupt.

5 You can finish.

6 A. We had minimal conversations about the ongoing
7 water litigation that he was involved in.

8 Q. These conversations occurred before 2016,
9 right?

10 A. Was that Delmar?

11 Q. Yes.

12 A. Well, he died in 2014, so, yes, it was.

13 MR. KUHS: I'm sorry. I didn't hear that last
14 answer. Delmar died when?

15 THE COURT: He said 2014.

16 BY MS. RYAN:

17 Q. Delmer Van Dam told you that the groundwater
18 litigation was costing him a lot of money; didn't he?

19 A. I don't know that he used those words. I
20 think he said it was expensive.

21 Q. He said it was a costly ordeal; didn't he?

22 A. Costly what?

23 Q. Costly ordeal; didn't he?

24 A. That could have been one of the words. I
25 don't recall specifically.

26 Q. He reiterated over several years that the
27 groundwater litigation was costing him a lot of money;
28 didn't he?

1 A. That it was going on over several years.

2 Q. No, Delmar -- I'll rephrase.

3 Delmar Van Dam reiterated over several years
4 to you that the groundwater litigation was costing him a
5 lot of money; didn't he?

6 A. I don't remember how many times it might have
7 come up. It was minimal, but he said he was involved
8 and that he believed that it didn't affect me; I
9 shouldn't be worried about it; I should do what I'm
10 doing.

11 MS. RYAN: Objection.

12 THE WITNESS: And it was for other people.

13 MS. RYAN: I'm going to move to strike his
14 answer where he starts to talk about his involvement and
15 what his advice was to Mr. Zamrzla. That wasn't the
16 question.

17 THE COURT: Well, I'm going to overrule the
18 objection. It is what it is.

19 BY MS. RYAN:

20 Q. Delmar Van Dam told you to keep doing what
21 you're doing; didn't he?

22 A. That was later, yeah, because that was
23 probably what I was doing in that conversation was
24 sometime in the mid 2000s, because I wasn't doing
25 anything before that other than leasing the property.

26 Q. He told you to keep track of your water use;
27 didn't he?

28 A. He may have -- well, he knew we used Edison

1 for -- for keeping track of the amounts we used. I
2 think he probably did say, you know, make sure you keep
3 a record.

4 Q. And he told you you would always be able to
5 get some sort of water rights; didn't he?

6 A. From what he knew, he said that everybody
7 always got fairly treated on the groundwater that --
8 with their overlying land rates. And yes, I would get
9 some water at the end of it.

10 Q. You did not seek to find out any more about
11 the groundwater litigation after you talked to
12 Delmar Van Dam; did you?

13 A. I didn't do what?

14 Q. Didn't seek to find out any more about the
15 groundwater litigation after you talked to Delmar; did
16 you?

17 A. Oh, I talked to people like Gene Nebeker.

18 Q. You didn't hire an attorney after you talked
19 to Delmar Van Dam; did you?

20 A. Well, it was afterwards but it was September
21 of 2018.

22 Q. Right.

23 But during your conversations with
24 Delmar Van Dam, which occurred before 2014 and when he
25 discussed the groundwater litigation with you, you
26 didn't hire an attorney after those conversations?

27 A. After the conversation with Delmar, I did not
28 hire an attorney, no.

1 Q. You've mentioned you talked to Eugene Nebeker?

2 A. Yes.

3 Q. You've known Eugene Nebeker since about the
4 1990s, right?

5 A. I believe that's what I said, somewhere in the
6 '90s I first met Gene.

7 Q. You had at least one conversation with Eugene
8 about the groundwater litigation before judgment?

9 A. I had one at least before.

10 Q. Before the end of 2015?

11 A. With Gene? Oh, yeah.

12 Q. In 2014, he told you -- he said he'd look into
13 having you join his group, the Antelope Valley
14 Groundwater Group, right?

15 A. Well, not exactly right. He did mention that
16 if we wanted him to, he was pretty sure his group was
17 too far down the road to want to take anybody in but he
18 would ask if we wanted him to. And we decided at that
19 late date, which was, as I recall, middle -- late 2014,
20 again, it didn't fit us. We hadn't been served. We
21 don't get into arguments unless we're served with some
22 sort of papers, that it didn't fit us.

23 Q. So in 2014, Eugene Nebeker invited you to join
24 his group while the groundwater litigation was pending,
25 correct?

26 A. Well --

27 Q. Just a yes or no, Mr. Zamrzla; correct?

28 A. I'd have to answer a little differently. He

1 didn't send me an invitation. He didn't call up and
2 say, Hey, I want you to get in this. It wasn't like
3 that.

4 Q. Well, he did call you, didn't he, Mr. Zamrzla?
5 In 2014, you and your wife had a phone conversation with
6 Eugene Nebeker, right?

7 A. I had a lot of them with Gene. There was one
8 particular one in the latter part of 2014 that I recall
9 both my wife and he talked.

10 Q. And you were on the call too, correct?

11 A. My wife and I and Gene Nebeker.

12 Q. And on that call he invited you and your wife
13 to join his group, correct?

14 A. No, I don't think he had the capability of
15 actually inviting us. He said he would look into it if
16 we felt we wanted him to, because we were asking about
17 where it was going, should we be considering anything.
18 And he said I think it's way too late. I don't think my
19 group would want you to try to come in, how you would
20 catch up. But if you want me to, I'll look into it.

21 I said give us a day or two to think -- I
22 think the way that's in my deposition -- and we left it
23 at that, called him back and said we think -- we've
24 never served with any papers; it doesn't fit us.

25 Q. Mr. Zamrzla, you testified in a deposition in
26 this matter, correct?

27 A. I did.

28 Q. And you testified in that deposition under

1 oath, right?

2 A. I did.

3 Q. And you swore to tell the whole truth?

4 A. I did.

5 Q. And in fact, you did tell the truth?

6 A. I did.

7 MS. RYAN: Your Honor, we've lodged the
8 certified sealed copies of the deposition transcripts.
9 I'm going to now turn to Johnny Zamrzla's.

10 THE COURT: I'm sorry, can you start again?

11 MS. RYAN: Yes.

12 We've lodged the sealed and certified
13 deposition transcripts for all of the Zamrzlas, and I'm
14 now going to turn to Johnny Zamrzla's deposition
15 transcript if the Court would like to read along.

16 THE COURT: Okay.

17 THE CLERK: That's the June 3rd?

18 MS. RYAN: Yes.

19 THE COURT: So what pages are you gonna read
20 from?

21 MS. RYAN: Your Honor, page 81.

22 BY MS. RYAN:

23 Q. So Mr. Zamrzla, I'm going to read from your
24 deposition transcript, page 81, starting at line --
25 reading lines 2 through 15.

26 THE COURT: Page again?

27 MS. RYAN: Page 81, your Honor.

28 THE COURT: 81, lines 2 through?

1 MS. RYAN: Through 15, your Honor.

2 THE COURT: Okay. You're referring to the
3 deposition of June 3rd, 2022?

4 MS. RYAN: Yes.

5 THE COURT: Okay.

6 BY MS. RYAN:

7 Q. "Question: Did -- before December 2015, did.
8 Gene Nebeker ever talk to you about joining the
9 adjudication?

10 "Answer: That -- there was some talk maybe
11 without. I don't even know that he talked to
12 anybody else, but there was a conversation in, I
13 believe -- only because I remember seeing
14 some -- something that flagged a memory, and my
15 wife and I both talked to him, and I believe
16 that was just before the adjudication, in 2014.
17 And he said, you know, if we were still
18 interested, he could look into it. But I said,
19 you know, we don't think it affects us. We
20 don't think we're big farmers. We think we're
21 gonna get some allocation, and we're going to
22 leave it at that. But I do know it was
23 sometime, I believe, in 2014."

24 That was your testimony, correct?

25 A. I'd have to read it myself but sounds --
26 sounds something like I probably said.

27 Q. After your conversation with Gene Nebeker
28 where he invited you to join his group, you didn't hire

1 an attorney?

2 A. I want to make sure we understand. I didn't
3 hire an attorney till 2018 after I got the Watermaster
4 attorney letter.

5 Q. Correct.

6 So after your 2014 call with Eugene Nebeker
7 where he invited you to join his group, you did not hire
8 an attorney?

9 MR. SHEPARD: I'd just object that that
10 misstates the deposition testimony.

11 BY MS. RYAN:

12 Q. Mr. Zamrzla, did you consult an attorney after
13 your call with Gene Nebeker?

14 A. I don't believe so. I didn't hire one.

15 Q. And after your 2014 call with Eugene Nebeker,
16 you didn't investigate any further about his group Aqua;
17 did you?

18 A. As I sit here today, I don't recall that, no.
19 Investigating his group? I don't believe I ever
20 investigated his group. As I sit here today, I don't
21 think I can even tell you who all was in it.

22 Q. You knew a man named Michael Antonovich,
23 former L.A. County supervisor for your area?

24 A. Yes, I know him.

25 Q. You knew Supervisor Antonovich back when he
26 was the supervisor, correct?

27 A. Yeah, I still know him, and then too.

28 Q. And he actually asked you to lead up what was

1 A. A few people went to his office downtown
2 Los Angeles. There was also several meetings in the
3 staff office in Palmdale. But the very first meeting
4 with the supervisor himself --

5 Q. My question wasn't -- my question wasn't the
6 very first meeting.

7 It was in the early meetings, and then it was
8 any meetings?

9 A. Hmm, okay. I thought you said the first
10 meeting.

11 Q. No.

12 A. Okay. Well, it was also not early meetings.
13 The first meeting was where I said. Then there were
14 meetings in a small office in Palmdale, where -- the
15 staff office. And then it was quite a lot later that we
16 actually went down to downtown Los Angeles to Mike's
17 office.

18 Q. So you did go to Supervisor Antonovich's
19 office?

20 A. I -- yes.

21 Q. You also know a man named Norm Hickling,
22 correct?

23 A. I do.

24 Q. Norm, he was -- he worked for Supervisor
25 Antonovich, correct?

26 A. He did.

27 Q. And you knew Norm Hickling while he worked for
28 Supervisor Antonovich, right?

1 A. I knew him before, during, and after, yes.

2 Q. And it was during one of the Blue Ribbon
3 committees you went to go talk to Norm Hickling about
4 the groundwater litigation, correct?

5 A. I don't believe so.

6 Q. So your testimony is you did not talk to Norm
7 Hickling about the groundwater litigation during a Blue
8 Ribbon Committee meeting?

9 A. Not during a Blue Ribbon Committee, no, sir --
10 ma'am.

11 Q. Okay. I'm going to refer back to your
12 deposition testimony.

13 Your Honor, I'm going to begin on page 203,
14 line 9., and it will continue from there.

15 "Question: Do you know who Norm Hickling is?"

16 "Answer: Norm, yeah, he used to work for the
17 supervisor.

18 "Question: How long have you known Norm?"

19 "Answer: He's been gone quite awhile, so I
20 knew him at least 10 years, maybe longer.

21 "Question: What conversations have you had
22 with Norm about the adjudication?"

23 "Answer: You know, I asked him a little bit
24 about what was going on. He wasn't real
25 helpful. That was towards the end of his career
26 with Antonovich. He did put me a whole stack of
27 papers together that was -- that he gave to me
28 and said he couldn't help me much. It was out

1 of his pay scale.

2 "Question: When did you have these
3 conversations with Norm?

4 "Way back.

5 "Question: Way back?

6 "Answer: Before he left. Kathryn Barger's
7 been there. I'm telling you it was during the
8 Blue Ribbon. That's when it was, 'cause we
9 were -- he was involved with the Blue Ribbon, of
10 course, because he was a staffer for Antonovich.

11 "Question: What were the papers he put
12 together for you?

13 Answer: I don't even know that I ever really
14 got through 'em. He just basically said, This
15 is over my head. I don't think I can help you,
16 okay?

17 "Question: What was the subject matter? What
18 was over his head?

19 "Answer: Filling me in on what was going on
20 and what I should maybe know.

21 "Question: About the adjudication?

22 "Answer: Yeah, sort of.

23 "Question: Okay.

24 "Answer: Just kind of a generality, I
25 believe.

26 "Question: How big of a stack of papers did
27 he give you?

28 "Answer: It had a paper clip on it. Maybe

1 like that.

2 "Question: Maybe half-inch thick?

3 "Answer: Or less.

4 "Question: Three-eighths?

5 "Answer: Maybe.

6 "Question: Do you still have those records?

7 "Answer: I don't know.

8 "Question: Did you read them at the time?

9 "Yeah, I kind of looked through 'em. I can't

10 even remember what it was. When he said there

11 wasn't much he could tell me, I think I kind of

12 went on to the next step. It was part of being

13 in our other meetings anyway where we were with

14 the blue ribbon, and I don't -- I don't recall

15 getting into much depth.

16 "Question: Is this a request you made of

17 Norm, 'Hey, what can you tell me about the

18 adjudication?'

19 "Answer: I think I kind of -- I'm not sure

20 how I asked it, but yeah, I must have asked him

21 something. I can't tell you that. I don't

22 know. I don't think he asked me. I think I

23 asked him.

24 "Question: Then he came back to a meeting, a

25 subsequent meeting, and handed you a stack of

26 records documents. He said he couldn't help

27 you, but you might want to read these documents,

28 essentially what you recall?

1 "Answer: I remember that he said, There's not
2 much we can do -- I can do. I really can't tell
3 you.
4 "Question: Were you asking him for a favor?
5 "Answer: A favor?
6 "Question: Yeah, what did you ask him to do?
7 "Answer: Just tell him what he knew and what
8 advice they might give us and -- and he said,
9 Well, I'll talk to the supervisor. I don't know
10 that he ever talked to the supervisor. I never
11 heard from Mike, so I don't know where it went.
12 But it was sort of, like, this is out of my pay
13 scale, and I can't help you.
14 "Question. And you think this was somewhere
15 in the 2011 to 2016 time frame?
16 "Answer: It was right around the blue ribbon
17 time I think.
18 "Question: Can you narrow it down any more
19 than that? Was it at the front end, or do you
20 think it was at the tail end?
21 "Answer: I think it was in the early -- the
22 early part of the blue ribbon meetings because
23 we started meeting at his office, which, of
24 course, was Mike's office off of 10th Street,
25 while we were getting organized. And then, of
26 course, once we got a few people on the
27 committee we had to find bigger quarters which
28 was a couple blocks away with the real estate

1 folks who had a conference room."

2 That was your testimony, Mr. Zamrzla?

3 A. Yeah, I made a mistake. I've since checked
4 with my secretary. It was after the adjudication was
5 done that I actually got something from Norm. And he
6 said it was above his pay scale, and if I wanted to do
7 more I'd have to follow-up, but it was nothing he could
8 help with.

9 Q. You had a chance to file an errata for your
10 deposition transcript, right?

11 A. A what?

12 Q. An errata. It's a notice of any errors in
13 your deposition transcript after you had a chance to
14 review it, correct?

15 A. I don't think I'm understanding that.

16 Q. Did you have a chance to review and correct
17 your deposition transcript?

18 A. I did.

19 Q. And did you sign an errata after you completed
20 your review?

21 A. I did.

22 Q. You did not include any change to your
23 testimony with regard to Norm Hickling, did you, in that
24 errata?

25 A. No, I just found this information.

26 Q. Yes or no, Mr. Zamrzla?

27 A. No, I did not.

28 Q. You subscribe to the Antelope Valley Press,

1 correct?

2 A. I do at my office, yes.

3 Q. For at least the last 20 years, you've
4 subscribed to the paper at your office?

5 A. I don't know how long it's been around, but
6 quite awhile.

7 THE COURT: May I make a suggestion. Move
8 back about 6 inches from that microphone. I think we
9 might have more clarity.

10 MS. RYAN: Thank you.

11 THE COURT: Unfortunately, we live in a
12 high-tech area, but we're really not up-to-speed.

13 BY MS. RYAN:

14 Q. So Mr. Zamrzla, for about the last -- at least
15 the last 20 years, you've been a subscriber to the
16 Antelope Valley Press at your office, correct?

17 A. We've taken the paper as long as I can
18 remember. And the predecessor and the predecessor.

19 Q. My question is, Mr. Zamrzla, for at least the
20 last 20 years, you subscribed to the Antelope Valley
21 Press at your business office?

22 A. I believe that's correct.

23 Q. Unless you're out of town, you go into the
24 office every day?

25 A. It's my place of employment. I go pretty
26 regular unless I've got something else going on. That's
27 right.

28 Q. And this was, before 2016, you'd go into the

1 office every day unless you were out of town?

2 A. The answer would be the same for quite a
3 number of years.

4 Q. Including before 2016?

5 A. Yes.

6 Q. Throughout the day while you're at the office,
7 you might see the newspaper, open it up, and read it,
8 correct?

9 A. Somebody brings it in, puts it in the kitchen.
10 I may stop and look at it. I may not look at it at all.

11 Q. When you look at the newspaper, you read the
12 obituaries, right?

13 A. That's what I told you, yes, ma'am.

14 Q. You like to see if any of your clients have
15 passed away, correct?

16 A. Well, I don't like to see it. I just review
17 it to see if somebody did.

18 Q. Understood.

19 You usually look at the sports section?

20 A. Do I read the sports section?

21 Q. I said you usually look at the sports section,
22 right?

23 A. I did.

24 Q. You also read some community news, right?

25 A. Yeah, I glance at it maybe.

26 Q. You have read stories in the Antelope Valley
27 Press about water issues, right?

28 A. I have more recollection of after the

1 adjudication, but yes.

2 Q. But before the adjudication, you read stories
3 in the Antelope Valley Press about water issues, right?

4 A. I don't think I remember any specific for my
5 deposition or today as I sit here.

6 Q. But you have read stories about water issues
7 in the Antelope Valley Press before the adjudication?

8 A. I don't recall any specific.

9 Q. I'm not asking about any specific stories.
10 I'm asking that you have read them -- read stories about
11 water issues in the Antelope Valley Press before 2016?

12 A. I'd be making up the answer, because I don't
13 recall any particular issues about water in the past
14 other than more recently I've seen some.

15 Q. Again, I'm not asking for a specific story.

16 A. No, I'm answering the question as honestly as
17 I can. Going back, I don't remember any specific
18 stories.

19 Q. And again, my question isn't any specific
20 stories. It's just that you've seen stories about the
21 water issues in the Antelope Valley Press before the
22 groundwater litigation, correct?

23 MR. SHEPARD: Objection. Asked and answered.

24 THE WITNESS: I don't remember any, Counsel --
25 BY MS. RYAN:

26 Q. Okay.

27 A. -- specifically.

28 Q. I can turn to your --

1 Turning to page 42 of Mr. Zamrzla's
2 deposition, starting with line 11.

3 "Question: At any time when you were reading
4 the Antelope Valley Press, did you see anything
5 about the Antelope Valley adjudication?

6 "Answer: Probably did, because normally water
7 stuff is on the front page. As I recall, that's
8 still where water issues come up. They're
9 usually on the front page."

10 that was your testimony, Mr. Zamrzla?

11 A. Yeah.

12 MS. RYAN: I'd like to provide the Court with
13 the Settling Parties and Watermaster's exhibit binders
14 and one for the witness if I may?

15 THE COURT: Okay.

16 MS. RYAN: May I approach to provide one to
17 the witness, your Honor?

18 THE COURT: Yes.

19 THE WITNESS: Thank you.

20 MS. RYAN: I'd like to have marked --

21 THE COURT: Go ahead, Counsel.

22 MS. RYAN: I'd like to have marked what's SPW,
23 Settling Party Watermaster, Exhibit 10.

24 BY MS. RYAN:

25 Q. Mr. Zamrzla, can you please open to Tab 10 on
26 the binder there in front of you, please.

27 THE COURT: I'm sorry, which exhibit are you
28 looking for?

1 Q. You were a subscriber to the Antelope Valley
2 Press in 2015?

3 A. We subscribed to it. It all --

4 MS. RYAN: Your Honor --

5 Mr. Zamrzla, you've answered my question.

6 THE WITNESS: Pardon me?

7 MS. RYAN: You've answered my question,
8 Mr. Zamrzla.

9 Your Honor, we'd like to move SPW-15 into
10 evidence. It's that -- was it admitted?

11 We'd like to move SPW-15 into evidence, your
12 Honor.

13 THE COURT: All right.

14 (Exhibit SPW-15 admitted into
15 evidence.)

16 BY MS. RYAN:

17 Q. Just a few questions to clarify your parcel
18 ownership and what's on there.

19 You testified that you owned Parcel 28 -- 26;
20 is that correct?

21 A. Parcel 26?

22 Q. Yes.

23 A. I'm an owner of, yes.

24 Q. Your home is on that parcel, correct?

25 A. That is correct.

26 Q. And you said you have barns and an arena on
27 that parcel too?

28 A. I do.

1 Q. Do you have a pool on that parcel?

2 A. By the house, yes.

3 Q. Do you have tennis courts there?

4 A. It's all the same stuff we talked about in
5 deposition. They're still there.

6 Q. And that's the same parcel, Parcel 26, where
7 your home is located with the address 48910 80th Street
8 West in Lancaster, California, correct?

9 A. Yes, ma'am.

10 Q. And that's been your home for, I think you
11 testified, the last 52 years or so, correct?

12 A. We moved onto that property in 1970.

13 Q. And since, at least 2000, when you get home,
14 you check the mail every night, right?

15 A. No, not necessarily.

16 Q. So you don't check the mail every night when
17 you get home?

18 A. Yes and no. My wife gets home --

19 Q. Just a yes or no, Mr. Zamrzla. Do you check
20 the mail every night when you get home?

21 A. No.

22 MS. RYAN: I'd like to turn, your Honor, to
23 page 21 of Johnny Zamrzla's deposition transcript
24 starting with line 14.

25 THE COURT: All right. Go ahead.

26 BY MS. RYAN:

27 Q. "Question: How regularly will you -- would.

28 You check -- do you check the mail?

1 "Answer: I stop every night when I come in and
2 check the mailbox."

3 That's your testimony, Mr. Zamrzla?

4 A. Okay.

5 Q. Yes?

6 A. That's what my testimony is, but I actually
7 don't check it every night.

8 Q. When you get the mail, you take it into the
9 house, right?

10 A. When I get it, I take it in the house, yes.

11 Q. You look through it, sort through it, and
12 decide what to keep and what to throw away, correct?

13 A. My wife or I do, yes.

14 Q. You've never forwarded your personal mail to
15 another address, correct?

16 A. No.

17 Q. If you've been away on a trip, someone else
18 has picked it up for you, and you get mail when you
19 return, right?

20 A. I believe that's what I told you, yes;
21 correct.

22 Q. Before 2016, you never reported an issue
23 receiving the mail with the U.S. Post Office, right?

24 A. I don't remember doing that, no.

25 Q. Mr. Zamrzla, could you please turn to Tab
26 SPW-11 before you, please, in the binder?

27 SPW-11.

28 THE COURT: I'm sorry?

1 MS. RYAN: SPW-11.

2 THE COURT: Okay.

3 BY MS. RYAN:

4 Q. Mr. Zamrzla, SPW-11 is the January 5th, 2014,
5 Declaration of Michael D. McLachlan regarding membership
6 after -- regarding class membership after partial
7 settlement.

8 Do you see that there before you?

9 A. Yes, ma'am.

10 Q. Please turn to page 8.

11 A. Okay.

12 Q. If you start at the top of the page and then
13 look a couple lines down, you see your name and your
14 wife's name, Johnny Zamrzla and Pamela Zamrzla,
15 correct?

16 A. Yeah, about 10 or 11 down.

17 Q. And across from your names, you see the
18 address -- your address, correct?

19 A. I do.

20 Q. If you could please turn to page 50 of that
21 exhibit?

22 A. Five oh?

23 Q. Yes.

24 A. Okay.

25 Q. And if you look toward the bottom
26 three-quarters of the page, do you see your name and
27 your wife's name there?

28 A. I do.

1 Q. And do you see your address next to your
2 names, correct?

3 A. I do.

4 MS. RYAN: Your Honor, we'd like to move
5 exhibit SPW-11 into evidence.

6 THE COURT: All right. It will be admitted.

7 (Exhibit SPW-11 admitted into
8 evidence.)

9 BY MS. RYAN:

10 Q. Mr. Zamrzla, can you next turn to Tab SPW-16,
11 please.

12 A. All right.

13 Q. SPW-16 is the August 24th, 2022, Declaration
14 of Kevin Berg regarding Dissemination of Small Pumper
15 Class Action Notice.

16 Do you see that before you?

17 A. I do.

18 MR. SHEPARD: Your Honor -- your Honor, I'd
19 just like to object to this exhibit.

20 The exhibit lacks foundation. Mr. Berg lacks
21 personal knowledge about the contents of what he's
22 purporting to say in this exhibit.

23 THE WITNESS: We can't hear you up here,
24 Counsel.

25 MR. SHEPARD: Sorry.

26 We're objecting on the basis that this exhibit
27 lacks foundation. Mr. Berg lacks personal knowledge
28 about the information he's stating in this exhibit.

1 He -- he says -- appears to say someone else did all
2 these things, but he didn't. And so on that basis I
3 believe this exhibit is objectionable.

4 MS. RYAN: Your Honor, Counsel stipulated to
5 allow this exhibit to be admitted in our stipulation.

6 THE COURT: It's admitted.

7 (Exhibit SPW-16 admitted into
8 evidence.)

9 MR. SHEPARD: I did not stipulate to that.

10 MS. RYAN: We did. Section 4D of the
11 stipulation.

12 THE COURT: It's also a part of the court
13 record.

14 BY MS. RYAN:

15 Q. Mr. Zamrzla, if you could please turn to
16 page 54 of exhibit.

17 A. 16-54?

18 Q. Yes, SWP-16-54.

19 A. Okay.

20 Q. And you'll have to unfold the page there
21 fully, sir. It's not the -- just -- just page 54 only.

22 And do you see about close to the top of the
23 page your name and your wife's name?

24 I think it's about six lines down.

25 A. This is 16-54, right?

26 Q. Correct.

27 A. Okay.

28 Q. Do you see your name and your wife's name?

1 A. Yeah, about five or so down from the top.

2 Q. And one line under that, do you see also where
3 it says, "Zamrzla family"?

4 A. I do.

5 Q. And do you see across the page your -- your
6 home address next to your name, Zamrzla family?

7 A. I do.

8 MS. RYAN: Your Honor, we'd like to move
9 Exhibit SPW-16 into evidence.

10 THE COURT: All right.

11 MS. RYAN: I'm finished with my questions, but
12 I believe my cocounsel and the Watermaster have
13 questions.

14 THE COURT: All right.

15 MR. PARTON: Yes, your Honor, Craig Parton for
16 the Watermaster. A few questions.

17 THE COURT: Maybe we should take our break.
18 Can you finish in about three or four minutes?

19 MR. PARTON: That would be tough. No.

20 THE COURT: Okay. Then let's take our
21 midafternoon break here for about 10 minutes.

22 MR. PARTON: All right.

23 THE COURT: See if we can finish this witness
24 today anyway.

25 (Recess taken.)

26 THE COURT: All right. Let's resume.

27 MS. RYAN: Your Honor, before we resume, we
28 just wanted to see if we could move in a few other

1 THE COURT: All right, Mr. Parton.

2 MR. PARTON: Craig Parton for the Watermaster.

3 CROSS-EXAMINATION

4 BY MR. PARTON:

5 Q. Mr. Zamrzla, you testified that the
6 Watermaster sent you a letter dated June 9th, 2018.

7 Do you recall that?

8 A. June or July, yes.

9 Q. You received that letter around -- around
10 July 16th, 2018, correct?

11 A. Yeah, it was a month or so after the date on
12 the letter.

13 Q. And you immediately within a week sought to
14 retain legal counsel to represent you; is that correct?

15 A. That's correct.

16 Q. And you did retain legal counsel within a week
17 of receiving the letter dated June 9th, 2018, correct?

18 A. Approximately a week; that's correct.

19 Q. And did you seek legal counsel from anyone
20 other than Mr. Brumfield in July of 2018?

21 A. We talked to some folks but, no, I don't think
22 I talked to anybody that we were actually engaging with.
23 Brumfield was the one.

24 Q. And did you understand the group of parties
25 that Mr. Brumfield was representing at that time in July
26 of 2018?

27 A. No. I don't think I asked him anything about
28 his group.

1 overdraft --

2 THE WITNESS: That's what I was told.

3 THE COURT: -- you mean right now?

4 THE WITNESS: That's what I was told.

5 THE COURT: And you don't dispute that there
6 was an overdraft back in the year 2009; do you?

7 THE WITNESS: Your Honor, I don't know either
8 way. I've heard both ways. I don't know.

9 THE COURT: Okay. You never reviewed the
10 transcript from any of the proceedings in this case; did
11 you?

12 THE WITNESS: I did not.

13 THE COURT: Did you ever review any of the
14 orders that were made by the Court during the time
15 that -- before 2018?

16 THE WITNESS: I got to honestly tell you I
17 don't believe so.

18 THE COURT: I'm sorry?

19 THE WITNESS: I don't believe so.

20 THE COURT: Okay.

21 THE WITNESS: No.

22 THE COURT: All right.

23 THE WITNESS: I really didn't read much about
24 it until 2018. That's when.

25 THE COURT: And prior to 2018, though, you
26 were a regular subscriber to the Antelope Valley
27 newspaper; is that right?

28 THE WITNESS: Yeah. I take it in my office,

1 right.

2 THE COURT: How many years were you a
3 subscriber?

4 THE WITNESS: Well, we threw out '20 because I
5 couldn't -- I don't know when it -- you know, the old
6 Gazette and several others transpired to where right now
7 that's the one left in the Valley, and it's getting
8 smaller and smaller. But we -- we've taken it as far
9 back as I can remember.

10 THE COURT: What other newspapers do you
11 subscribe to?

12 THE WITNESS: Wall Street Journal, Epoch
13 Times.

14 THE COURT: L.A. Times?

15 THE WITNESS: Epoch.

16 THE COURT: Epoch Times. Okay.

17 Yeah, that's a fairly recent comer; isn't it?

18 THE WITNESS: It is.

19 THE COURT: So you don't read the L.A. Times?

20 THE WITNESS: No, sir.

21 THE COURT: Okay. And are there any other
22 newspapers that you subscribe to?

23 THE WITNESS: Well, I subscribe to some things
24 on the Internet, but not a printed paper and not what
25 you would call a newspaper, nothing like the Bakersfield
26 or the Times. Sometimes I read the US News, but
27 normally that's if I'm on the road going somewhere.

28 THE COURT: Okay. So when you're reading the

1 front page.

2 THE COURT: Okay. But what about back in the
3 time between 2000 and 2010?

4 THE WITNESS: I can't recall specifics on
5 that. And I know they asked me --

6 THE COURT: But you know that you read
7 articles about the adjudication?

8 THE WITNESS: I think there was some, but I
9 couldn't -- I couldn't draw a specific.

10 THE COURT: Okay. So you don't know what it
11 was that they were talking about at that time except
12 that you knew there was an adjudication going on?

13 THE WITNESS: I did know that.

14 THE COURT: Okay. And do you recall any of
15 the parties that were involved in that adjudication,
16 corporations or otherwise?

17 THE WITNESS: Well, I know some of the water
18 districts obviously, like 40, 14, and some of those. I
19 do know, you know, several of the farmers that were
20 involved. I think I've named those, the Kyles and
21 Van Dams.

22 There's several Van Dams, including High
23 Desert Dairy, which was Delmar. And then there was the
24 Calandris and so forth. There was the Lanes. Those
25 were the kind of people on top of my head.

26 THE COURT: Okay. Now, you were -- you were
27 growing alfalfa during that period of time, right?

28 THE WITNESS: Up till -- the last was in 2018.

1 THE COURT: Okay. And --

2 THE WITNESS: '17. '17.

3 THE COURT: And you knew that alfalfa had a
4 high water duty?

5 THE WITNESS: Yeah. There was some --
6 obviously some fruits that take a lot, but yes, I knew
7 that it takes more obviously than carrots or onions, and
8 it's on the higher level. I do know that.

9 THE COURT: All right. Carrots was a pretty
10 popular crop in that area at that time; was it not?

11 THE WITNESS: It used to be very popular.

12 THE COURT: Okay. And onions?

13 THE WITNESS: Less popular, but quite a bit.

14 THE COURT: Okay. All right. Okay. Thank
15 you.

16 THE WITNESS: Yes, sir.

17 THE COURT: I think you've answered my
18 questions.

19 Any further examination?

20 MR. PARTON: Your Honor, just a housekeeping
21 matter. I wanted to move some exhibits into evidence.

22 THE COURT: Okay. But I want to know do you
23 have any other questions that you wanted to ask?

24 MR. PARTON: Only two.

25 BY MR. PARTON:

26 Q. Whether Mr. Zamrzla has paid any replacement
27 water assessments to the Watermaster?

28 A. No.

1 married and raise a family.

2 Q. Did you ever talk to Ms. Greco about the
3 adjudication prior to --

4 A. Have I ever?

5 Q. Huh?

6 A. Have I ever?

7 Q. Yeah.

8 A. Of course.

9 Q. Did you talk to her at any time prior to 2016
10 about the adjudication?

11 A. I don't remember that.

12 Q. Never called up your daughter who was a lawyer
13 and said, hey, there's an adjudication going on; what do
14 you think the right move is? You never had that
15 conversation, sir?

16 A. I don't recall that, no.

17 Q. Are there -- I think you mentioned earlier
18 that you hire lawyers for a variety of reasons, estate
19 planning, litigation, bill collection?

20 A. No, I didn't say any of those.

21 Q. You don't hire lawyers?

22 A. I hire lawyers, but you named for specifics.
23 I didn't name any of those.

24 Q. Well, let me ask you a question. How many
25 different lawyers have you hired over the past 10 years?

26 A. Last 10 years it would be something less than
27 10, but over 5.

28 Q. And would you name those lawyers for us?

1 use from the domestic well was less than 25 acre-feet,
2 correct?

3 A. 2006 it looks like it's 18.3.

4 Q. And in 2005?

5 A. 17-point -- I believe that's a six. It's a
6 little smeared.

7 Q. It appears to be 17.5 --

8 A. Okay.

9 Q. -- to my eyes.

10 And in 2004?

11 A. 20.9.

12 Q. And in 2003?

13 A. 19.2.

14 Q. In 2002?

15 A. 16.6.

16 Q. In 2001?

17 A. 15.7.

18 Q. In 2001?

19 A. 14-6.

20 Q. Thank you.

21 And in year 2000?

22 A. 15.7.

23 Q. Was that 25.7 or 15.7?

24 A. You talking about 2000?

25 Q. Yes.

26 A. It looks to me like it's a 15.7.

27 Q. Thank you.

28 Mr. Zamrzla, you've testified that you've

1 lived on the ranch since the 1970s, been pumping
2 groundwater since then. Have you ever reported your
3 groundwater pumping to a governmental agency prior to
4 2018?

5 A. Did I do what?

6 Q. Have you ever reported your groundwater
7 pumping to a government agency prior to 2018?

8 A. I learned recently that, unbeknownst to me and
9 my wife, it looked like we had maybe in the very early
10 years would run a report, but we couldn't remember how
11 we got there. It was some sort of a federal report.
12 And it looked like it was right after we purchased the
13 property.

14 Q. Let me go at it this way, Mr. Zamrzla.
15 Have you ever reported your pumping to the
16 State Water Resources Control Board?

17 A. No.

18 Q. You're aware under the Water Code there's a
19 requirement in L.A. County to report any extractions
20 over 25 acre-feet a year, correct?

21 A. No, I never understood that to be true.

22 Q. You've never heard that?

23 A. I've heard people say it, but I've never heard
24 it to be fact.

25 Q. Have you investigated whether or not in fact
26 it's a legal requirement?

27 A. It depends on who you talk to, who you answer,
28 but I've never pursued it past what I'm just telling

1 you. Some people said you should and other people said
2 don't have to.

3 Q. And my question is, have you ever tried to
4 educate yourself on the law with respect to your
5 groundwater use?

6 A. I don't believe so.

7 Q. Now, do you have an estimate as to how much
8 water that was produced from the farm well was used on
9 Parcel 2 during any of the years that you identified
10 production? That is, can you say how many acre-feet was
11 used on Parcel 3, and how many acre-feet were used on
12 Parcel 2?

13 A. I have no way of splitting that. I wouldn't
14 know.

15 MR. KUHS: Does your~Honor have a preference
16 with respect to afternoon breaks or you want me to keep
17 plowing ahead?

18 THE COURT: Well, I was wondering how long we
19 were gonna go. If you feel like we need a break, we can
20 take a very brief one. I'm happy to do that. I'd like
21 to finish with this witness sometime this afternoon.

22 MR. KUHS: Yeah, I think we're down to short
23 questions so...

24 THE COURT: Let's take about a -- 10 minutes,
25 I guess.

26 MR. KUHS: Thank you, your~Honor.

27 THE COURT: Thank you.

28 (Recess taken.)

1 knew about it in 2010.

2 You agree with that?

3 A. I did know about it, not in detail, but knew
4 about it, yes.

5 Q. You may have even known about it in 2009,
6 correct?

7 A. To some extent.

8 Q. Do you recall a conversation with Gene Nebeker
9 in 2009 about the groundwater adjudication?

10 A. About the what?

11 Q. About the groundwater adjudication?

12 A. Nothing specific other than talking to him in
13 general for a number of years.

14 Q. Well, you knew that the adjudication was going
15 to result in cutbacks of water, correct?

16 A. No. No, I didn't.

17 MR. KUHS: Your Honor, I'd like to read from
18 page 238 of Mr. Zamrzla's testimony at June 3rd, 2022,
19 beginning at line 2.

20 THE COURT: Okay. Go ahead.

21 MR. KUHS: "Question: And you knew that
22 comma, as a result of the adjudication, comma,
23 that people were going to lose their water
24 rights through the adjudication, comma,
25 correct?"

26 "Objection."

27 "Answer: No. I'd say that's more -- more
28 than I would agree to. I knew there was

1 adjudication going on. There was gonna be some
2 resolution and probably a cutback depending on
3 how it worked out," comma, "but."

4 BY MR. KUHS:

5 Q. Mr. Nebeker told you that people were gonna
6 lose their water rights as a result of the adjudication;
7 did he not?

8 A. He did not.

9 MR. KUHS: Your Honor, I'd like to read from
10 the same page beginning at line 13.

11 THE COURT: Go ahead.

12 MR. KUHS: "Question: Mr. Nebeker told you
13 that people were gonna lose their water rights
14 as a result of the adjudication, correct?

15 "Answer: He said there's gonna be some
16 cutback definitely, yeah."

17 But the word you used --

18 "Question: But the word you used earlier was
19 people were going to lose --

20 "Answer: Some people are going to be --

21 "Question: -- their water rights?

22 "Answer: Yeah.

23 "Question: Correct?

24 "Answer: Some water rights, yeah.

25 "Question: I just want to be clear. That was
26 your testimony earlier?

27 "Answer: Yeah.

28 "Question: People are going to lose their

1 water rights as a result of the adjudication?

2 "Answer: Well, now you're saying 'water

3 rights.' They're going to lose some of their

4 water rights. Isn't what I said earlier?

5 Question: No. Your testimony was that Gene

6 had told you that people were going to lose

7 water rights as a result of this adjudication.

8 "Answer: I wouldn't doubt he said both,

9 yeah."

10 No further questions, your~Honor. Thank you.

11 THE COURT: Any further examination?

12 MR. SHEPARD: Yes, your~Honor.

13 THE COURT: Approximately how much more do you
14 have with this witness?

15 MR. SHEPARD: A few minutes.

16 THE COURT: Okay.

17 REDIRECT EXAMINATION

18 BY MR. SHEPARD:

19 Q. Mr. Zamrzla, the -- there was some discussion
20 earlier about Mr. Norm Hickling.

21 Do you recall that, those questions?

22 A. I do.

23 Q. And there were -- there were questions about
24 Norm Hickling providing you some sort of information,
25 stack of papers or something, right?

26 A. Correct.

27 Q. When did you receive that information from
28 Norm Hickling?

1 adjudication prior to the judgment.

2 And you can give me a ballpark figure here if
3 you want or just in general, but how much money has --
4 has it cost you since 2018 when you got that letter from
5 the Watermaster, how much money have you spent on
6 attorneys?

7 A. Well, first of all, the first part of your
8 question, money has nothing to do with my decision. And
9 it has none today. It didn't then, doesn't now. My
10 wife can probably tell you pretty close, but my gut
11 would tell you it's probably in excess of 500,000.

12 MR. SHEPARD: Thank you, your~Honor. I have
13 nothing further.

14 THE COURT: All right. Thank you.

15 Mr. Kuhs, go ahead.

16 RECROSS-EXAMINATION

17 BY MR. KUHS:

18 Q. Mr. Zamrzla, did you have the conversation
19 with Mr. Norm Hickling directly?

20 A. Well, I've had lots of them with Norm because
21 we were working together on a lot of things, including
22 the Blue Ribbon.

23 Q. You referred a few moments ago to inquiring
24 about these missing documents and when they were
25 provided. When did that conversation occur and between
26 whom?

27 A. As I found out after the deposition, my timing
28 in trying to come up with a date was quite a ways off.

1 It was after the adjudication was over. My secretary
2 actually found where she had a date on an email that she
3 sent to Norm on my behalf saying, I know Johnny
4 mentioned to you to look into what's taking place with
5 the water adjudication and what you might tell him your
6 thoughts might be about it.

7 And he responded apologetically, because it
8 took longer than he had hoped, said something about it
9 was above his pay scale and that he had got some
10 information from somebody else in the county or the
11 supervisor, I don't remember. It was not through my --
12 and had sent it saying that -- and I believe all it was
13 was the findings of the actual adjudication. But it was
14 after the December 2015 settlement.

15 Q. When did this communication occur?

16 A. After December 2015.

17 Q. Maybe I'm not understanding you, sir. I
18 thought your testimony was that you couldn't remember
19 the dates in your deposition?

20 A. I couldn't.

21 Q. And after your deposition, which was in
22 2022 --

23 A. Yeah.

24 Q. -- you had somebody make an inquiry directly
25 with Mr. Hickling's office; is that true or false?

26 A. No, it's false.

27 Q. Okay. So whatever information you had about
28 your communication with Mr. Hickling, you had at the

1 time of your deposition, correct?

2 A. I had a memory that I was being asked
3 questions about trying to give you a date of when that
4 took place. I signed it the best I could remember that
5 I had given testimony to in the depo, and then got to
6 thinking about it several weeks later when I was going
7 through files. I found a few pictures. I found a
8 Grimmway contract. I found also the Phil Giba contract.
9 I found things that I hadn't seen before.

10 And by the same time, I got to thinking about,
11 you know, that didn't take place back during the Blue
12 Ribbon. I think I gave bad information. So I went to
13 my secretary and said, Do you remember sending a message
14 or calling Norm Hickling when he worked for Mike to get
15 some information about where this was gonna go now that
16 the adjudication had come to a head.

17 She gave me the date and the date that he sent
18 it back and a little overcap of what he said.

19 Q. And to the best of your recollection, that
20 communication occurred in what year?

21 A. It was like early 2016.

22 Q. So in 2016, Mike Antonovich's office, the
23 supervisor, and Norm Hickling handed you the decision in
24 this groundwater case and you did nothing with that
25 decision until you were contacted by the Watermaster;
26 isn't that accurate, sir?

27 A. They did respond, and I believe it was the
28 finding in the adjudication.

1 Q. Right.

2 And between the time you received that in 2016
3 and when Mr. Parton's office contacted you in 2018, you
4 did absolutely nothing to protect your rights to
5 groundwater in the basin, correct?

6 A. Whatever all was in what Norm sent me, I did
7 nothing following that. That is absolutely correct.

8 MR. KUHS: Thank you.

9 No further questions, your~Honor.

10 THE COURT: All right.

11 Are you done?

12 MR. PARTON: None.

13 MR. SHEPARD: No further questions.

14 THE COURT: All right. You may step down,
15 sir.

16 THE WITNESS: Thank you, your~Honor.

17 THE COURT: Thank you very much.

18 THE WITNESS: Thank you, sir.

19 THE COURT: All right. We'll take our evening
20 recess right now, and we'll resume tomorrow morning at
21 9:00 a.m.

22 So I'm a little concerned about the time
23 estimates in this case. We've spent the better part of
24 today dealing with one witness. I got a list of
25 witnesses that the parties say they're going to want to
26 call that defies the ability to satisfy it.

27 So what do you plan on doing?

28 MR. KUHS: Yeah. I think Mr. Shepard would

REPORTER'S CERTIFICATE

STATE OF CALIFORNIA)

) ss.

LOS ANGELES COUNTY)

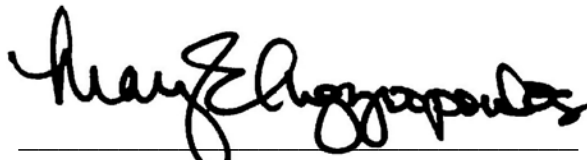
I, MARY E. ARGYROPOULOS, a Certified Shorthand Reporter in and for the State of California, hereby certify:

That on March 15, 2023, I fully, truly, and correctly took down in shorthand writing all of the testimony given in said court and cause;

That I thereafter fully, truly, and correctly caused the same to be transcribed into typewriting;

That the foregoing pages 1-202, inclusive, is a full, true, and correct transcript of my shorthand notes taken at said time and place therein named.

DATED: 28th day of March, 2023.



MARY E. ARGYROPOULOS
CSR NO. 9775, RMR, CRR

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT
HONORABLE JACK KOMAR, JUDGE, RETIRED

--oOo--

Coordinated Proceeding,	)	Judicial Council
Special Title (Rule 1550(b)	)	Coordination Proceeding
	)	No. 4408
)	
ANTELOPE VALLEY	)	LASC Case No. BC325201
GROUNDWATER CASES)	
	)	Santa Clara Superior
Court)	
	)	Case No. 1-05-CV-04-053
	/	
	)	Volume 2
AND RELATED ACTIONS	)	Pages 203-384
	/	

REPORTER'S TRANSCRIPT OF PROCEEDINGS

MARCH 16, 2023

Santa Clara Superior Court
191 N. First Street
San Jose, California 95113

1 stamp.

2 Q. And that -- has that been your pattern and
3 practice for many years?

4 A. Yes.

5 Q. Any time you get something that you deem to be
6 an important piece of mail, you follow that practice;
7 you date-stamp it, you staple it to the envelope?

8 A. Absolutely.

9 Q. And follow up and address it, correct?

10 A. Correct.

11 Q. In fact, you received a letter from the
12 Watermaster in 2018, correct?

13 A. Correct.

14 Q. Did you stamp that letter received with a
15 date?

16 A. Yes, we did.

17 Q. And why did you do that?

18 A. To document the date it was received, and we
19 stapled it to the envelope. And that, in particular, I
20 remember that when Johnny later, when we were reviewing
21 things, that the letter was dated in June and received
22 over a month later in July. And you could tell from the
23 mailing date that it was mailed a month later than the
24 letter was dated.

25 Q. And did you do that also because you saw that
26 letter and it appeared to be an important document?

27 A. Yes.

28 Q. So that would follow your pattern and practice

1 A. No, no.

2 Q. You don't remember anybody generally talking
3 about water litigation going on in the community?

4 A. Not -- it just wasn't -- no. The answer is
5 no. And I -- I do have to qualify that, but I do know
6 that in 2014, I believe, I joined Johnny in a phone
7 conversation with Gene Nebeker that the water
8 adjudication apparently was coming to an end. That
9 probably was the first real knowledge I had that there
10 had been ongoing long litigation and it was being
11 finalized. And --

12 Q. Did you have an understanding from that
13 conversation that you were subject to that adjudication
14 or that your rights were potentially affected by that
15 adjudication?

16 A. I did not.

17 Q. Did Gene Nebeker tell you, you need to do
18 something because your water rights are going to be
19 affected?

20 A. He did not.

21 MR. SHEPARD: Thank you, Mrs. Zamrzla. That's
22 all I have for you at this time.

23 THE COURT: All right. Cross-examination.

24 CROSS-EXAMINATION

25 BY MS. RYAN:

26 Q. Mrs. Zamrzla, you just testified that you had
27 a conversation with Eugene Nebeker in 2014 about the
28 groundwater litigation, correct?

1 A. Yes.

2 Q. And in that conversation, Eugene Nebeker
3 invited -- discussed with you and your husband whether
4 you could join his group, the Antelope Valley
5 Groundwater Group, correct?

6 A. His group was discussed, yes.

7 Q. And he -- they were discussing whether you and
8 your husband could join that group, right?

9 A. It wasn't like an invitation. He was
10 discussing his group and what they were doing. And if
11 we were interested in joining his group, that he would
12 see if his group would allow us to join.

13 Q. And --

14 A. But we -- go ahead.

15 Q. And you declined to do that? You declined to
16 join his group?

17 A. We decided that it did not affect us, that we
18 did not need to do that. And based on everything I
19 heard, it was too late anyway. You all had us on a
20 list.

21 Q. Well, Mrs. Zamrzla, you didn't investigate
22 further whether it was too late; did you?

23 A. We did not. It was --

24 Q. You did not hire an attorney after you talked
25 to Mr. Nebeker; did you?

26 A. We did not.

27 Q. I'd like to read you a statement from the
28 Zamrzlas' March 15th through 16th evidentiary hearing

1 brief that was filed on your behalf in this court on
2 March 13th, 2023.

3 A. Okay.

4 Q. On page 4, line 9, quote, Pamela Zamrzla also
5 had no knowledge of the litigation prior to 2018, end
6 quote.

7 That's a false statement, isn't it,
8 Mrs. Zamrzla?

9 A. It is a misstatement, correct. And I saw that
10 when I saw Nick's filing, but it was already filed. But
11 I -- he --

12 Q. But did you do anything to have him correct
13 that filing?

14 A. No, it was --

15 Q. You didn't ask him to fix it?

16 A. I didn't.

17 Q. So you received your mail regularly at your
18 home address on 48910 80th Street, Lancaster, for the
19 past 50 or so years, correct?

20 A. Correct.

21 Q. And you checked the mail every day, correct?

22 A. One of us does.

23 Q. And by "one of us," you mean you or your
24 husband?

25 A. Correct.

26 Q. You've never forwarded your mail to a
27 different address?

28 A. No.

1 Q. And when you go on vacation, you have someone
2 pick it up, and then you review the mail when you come
3 home?

4 A. Correct.

5 Q. Before 2016, you've never reported any issues
6 with receiving your mail to the U.S. Postal Service?

7 A. I'm sorry, I didn't hear you.

8 Q. Before 2016, you've never reported any
9 problems receiving your mail with U.S. Postal Service?

10 A. No.

11 Q. And you received class action notices in the
12 mail before, correct?

13 A. Correct.

14 Q. And your practice is to usually read them,
15 correct?

16 A. My practice is to what?

17 Q. Usually read them, correct?

18 A. Class action notices? I read them.

19 Q. You usually read them. You don't read all of
20 them, correct?

21 A. No, that's not correct. I read our mail.

22 Q. I'd like to read from your deposition
23 transcript.

24 MS. RYAN: Your Honor, if you'd like to pull
25 it, it's the August 17th, 2022, deposition transcript.

26 THE COURT: Excuse me.

27 THE WITNESS: Gesundheit.

28 THE COURT: Well, do I have a copy of that

1 transcript?

2 Here we are. Thank you.

3 Which volume is it?

4 MS. RYAN: Volume 1 from August 17th.

5 THE WITNESS: Could I go and get some more
6 water?

7 THE COURT: Of course.

8 THE WITNESS: Thank you.

9 MS. RYAN: So page 16, line 14.

10 "Question: What's your practice when you
11 receive a class action notice in the mail?

12 "Answer: I usually read it."

13 BY MS. RYAN:

14 Q. Mrs. Zamrzla, today you testified that when
15 you received mail you date-stamp it with a stamp and
16 file it?

17 A. If it's important, yes.

18 Q. You were asked in your deposition about your
19 process or how you organize mail when you receive it,
20 correct?

21 A. Yes.

22 Q. You did not testify that you date-stamp your
23 mail and file it accordingly, correct?

24 A. I did not.

25 Q. So Mrs. Zamrzla, you should have a binder up
26 there, it says SPW. It's probably the largest one
27 there.

28 We're going to start with Exhibit 16.

1 A. Okay. Exhibit what?

2 Q. 16, please.

3 A. Okay.

4 Q. Exhibit 16 has previously been put into
5 evidence. It is the August 24th, 2022, Declaration of
6 Kevin Berg regarding Dissemination of Small Pumper Class
7 Action Notice.

8 Do you see that there before you?

9 A. I do.

10 Q. And if you could please turn to page 54 of
11 that exhibit.

12 A. Okay.

13 Q. Do you see about six lines down your name and
14 your husband's name?

15 A. Yes, I do.

16 Q. And do you see where it says "Zamrzla family"?

17 A. Yes, I do.

18 Q. And do you see where your home address is next
19 to those names?

20 A. I don't see our home address. Where is that?
21 Oh, over there. Yes.

22 Q. You see your home address there?

23 A. I do.

24 Q. If you could please turn to SPW-11.

25 A. Okay.

26 Q. SPW-11 has already been admitted into
27 evidence. It is the January 5th, 2014 Declaration of
28 Michael D. McLachlan regarding Class Membership after

1 Partial Settlement.

2 Do you see that there?

3 A. I do.

4 Q. Please turn to page 8.

5 A. Okay.

6 Q. Do you see about the top quarter of the page,
7 do you see your name and your husband's name?

8 A. Yes.

9 Q. And that's your address next to your names?

10 A. Yes.

11 Q. And please turn to page 50 of the same
12 exhibit.

13 A. Okay.

14 Q. Do you see about the bottom three-quarters of
15 the page your name and your husband's name?

16 A. Yes.

17 Q. And your address is next to your names?

18 A. Correct.

19 Q. Mrs. Zamrzla, you just testified with respect
20 to the 2009 small pumper class action notice, correct?

21 A. I'm sorry?

22 Q. You just testified with your attorney as to
23 the 2009 Small Pumper Class Action Notice, correct?

24 A. Correct.

25 Q. It was -- your counsel has marked it as
26 Zamrzlas' Exhibit 23.

27 A. Okay.

28 Q. And you were expounding upon the requirements

1 Okay. Page what?

2 Q. Page 3.

3 A. Of this same --

4 Q. Yes.

5 A. Yes.

6 Q. Do you see where it says, "If you exclude your
7 parcels from the class"?

8 A. I do.

9 Q. And it says, But you -- in the second bullet
10 point: "But you or your parcel may be added to the
11 lawsuit as an individual defendant and you may have to
12 represent yourself or hire a lawyer to represent you."

13 A. That's what it says.

14 Q. So you claim that you've pumped more than
15 25 acre-feet a year on your parcels, correct?

16 A. I claim what?

17 Q. That you've pumped more than 25 acre-feet a
18 year on your parcels, correct?

19 A. On various years, yes.

20 Q. And your parcels are located in
21 Los Angeles County, correct?

22 A. Correct.

23 Q. And despite your reported pumping figures,
24 you've never filed notices of extraction with the State
25 Water Resources Control Board?

26 A. That's correct.

27 Q. And you still haven't filed those notices as
28 of today?

1 A. That is correct.

2 Q. You've testified that you worked for your
3 company Western Pacific Roofing, correct?

4 A. Correct.

5 Q. And let's say from 2006 to 2016, you've gone
6 in the office about half the work week, correct?

7 A. Correct.

8 Q. And the business receives the Antelope Valley
9 Press, correct?

10 A. We do.

11 MS. RYAN: Your Honor, I'll turn it over now
12 to Mr. Parton.

13 THE COURT: I'm sorry?

14 MS. RYAN: I'll turn it over now to
15 Mr. Parton.

16 THE COURT: All right.

17 MR. PARTON: Do you want to take a midmorning
18 break, your Honor?

19 THE COURT: I'm sorry?

20 MR. PARTON: Do you want to take a break now?

21 THE COURT: It's just about that time; isn't
22 it?

23 MR. PARTON: Fine with me. Either way.

24 THE COURT: All right. Let's take a
25 10- minute break. We'll be in recess for 10 minutes.

26 (Recess taken.)

27 THE COURT: Mrs. Zamrzla, return to the stand.
28 All right.

1 A. In the --

2 Q. -- dated -- Excuse me. Let me finish my
3 sentence.

4 A. Sure.

5 Q. When did you first read my letter dated
6 June 9, 2018?

7 A. I would say maybe it was later in the year
8 when Mr. Brumfield asked me to compile our water
9 production usage for you as you had requested. Then I
10 was reading some of the correspondence between you and
11 Brumfield, and I read the letter then. So it was before
12 the end of 2018, yes.

13 Q. And did that letter inform you that you were
14 being considered a member of the small pumper class?

15 A. It did not.

16 Q. When did you first learn that the Watermaster
17 was taking a position that you and your husband's
18 properties were part of the small pumper class?

19 A. Early 2019, when you advised Mr. Brumfield
20 that we were on the small pumper list.

21 Q. All right. So by early 2019, you were aware
22 that the Watermaster's position, at least, was that you
23 were named as a small pumper and on the list as a small
24 pumper class member, correct?

25 A. Correct.

26 Q. And your understanding now is that your
27 husband responded to the letter from me dated June 9,
28 2018, by immediately retaining Mr. Brumfield as your

1 legal counsel, correct?

2 A. I do understand that.

3 Q. You do understand that your husband did that,
4 correct?

5 A. I do.

6 Q. Did he consult with you about retaining
7 Mr. Brumfield?

8 A. He did not.

9 Q. And have you become or did you spend any time
10 finding out who Mr. Brumfield represented --

11 A. I did not -- I'm sorry.

12 Q. Did you spend any time determining who
13 Mr. Brumfield represented at the time you retained him?

14 A. I did not.

15 Q. Did you subsequently learn that Mr. Brumfield
16 represented small pumper class members?

17 A. I did not.

18 Q. Do you know that today?

19 A. I don't know anything about Mr. Brumfield's
20 other clients.

21 Q. He didn't inform you who those clients were?

22 A. He did not.

23 Q. You talked about your practice of handling the
24 mail, that you look at written information that is not
25 relevant, you toss it, I take it, and legal documents
26 that are important to you, impact you, you keep I
27 assume, right?

28 A. Correct.

1 Q. What about -- what do you do -- what is your
2 practice with dealing with legal documents that do not
3 apply to you? Is it to destroy them?

4 A. That do not apply to me?

5 Q. Sorry? Say that again. I didn't hear you.

6 A. What you're asking -- I don't understand your
7 question. What do I do -- you mean if I get something
8 in the mail and it's got the wrong person's name on it?

9 Q. It doesn't apply to you. You make the
10 determination it's a legal document that does not apply
11 to you, what do you -- what is your pattern and
12 practice?

13 A. I don't think I --

14 Q. Let me finish.

15 A. Oh, sure.

16 Q. Sorry.

17 What is your pattern and practice of dealing
18 with a document that you do not believe applies to you
19 and your family?

20 A. I don't think I've ever had that situation, so
21 I can't say.

22 Q. You've never had a situation where a legal
23 document has come to your residence and you determined
24 it did not apply to you and you disposed of it?

25 A. I cannot recall that, no.

26 Q. Okay. Now, you were aware prior to
27 December 23rd, 2015, of the existence of the Groundwater
28 adjudication for the Antelope Valley Groundwater Basin,

1 right?

2 A. I was aware.

3 Q. And you never retained counsel in that
4 situation at the time the judgment was entered in
5 December of 2015, correct?

6 A. That is correct.

7 Q. I want to talk about the discussion you had
8 with Gene Nebeker in 2014.

9 Mr. Nebeker indicate to you -- did he indicate
10 to you in that conversation that he represented other
11 overlying water or property owners?

12 A. There -- he was in a group that -- yes. I
13 don't know that he said he represented them, but he was
14 in a group with others.

15 Q. Did you understand who, if anyone, was in his
16 group at that time?

17 A. They were large farmers, that I understood. I
18 believe that there were only five or six members in his
19 group in the beginning when I was aware of his group.

20 Q. But by 2014, you testified it was near the end
21 of the litigation, right?

22 A. Well, I know now. This is in 2015 when the
23 judgment was entered.

24 Q. But your understanding when you talked to
25 Mr. Nebeker was that he represented six or so of the
26 largest water producers in the Valley; isn't that right?

27 A. I think I did know that, yes, that he was in a
28 group. When you say "represented," he wasn't their

1 four leases, every lease you could find in your files,
2 and not one of those documents is stamped?

3 A. That's true.

4 Q. The only stamped document we have in this case
5 is after you retained counsel and were getting letters
6 from the Watermaster, correct?

7 A. No, we had not retained counsel when we
8 received the Watermaster's letter in 2018, but we
9 stamped it and stapled it to its envelope and then we
10 retained counsel.

11 Q. And if you followed your practice of stamping
12 and retaining documents, we would have a lot more copies
13 of your leases in this case than just the four that are
14 in it, correct?

15 A. Mr. Kuhs --

16 Q. Just answer the question, ma'am.

17 Yes or no; if you had followed the practice
18 you testified to of stamping and receiving every
19 important document, we would have more than four leases
20 in this case?

21 A. Not necessarily. We wouldn't have retained
22 something like this readily for -- back in 2002 and
23 2003.

24 Q. Are you saying --

25 A. So it's an explanation because it wasn't
26 something -- it wasn't something that we retained. We
27 had to search for these.

28 Q. Isn't it possible, ma'am, that you received

1 the class notice, didn't recognize it for what it was,
2 and threw it out? Isn't that possible?

3 A. Anything is possible. But you all -- all of
4 you, including Mr. Parton, focus on that. Was that the
5 intent to mail a class notice that looked like junk and
6 hope people threw it away and then try to say it looked
7 like junk and you probably got it and threw it away?

8 Q. We have credible declarations, ma'am, from
9 several people who say that they put those notices in
10 the U.S. Mail. Do you have any reason to believe that
11 the U.S. Mail did not do its job and deliver those
12 notices?

13 A. I -- I'm not gonna project that. What I'm
14 gonna say is they never came to our home. We never
15 received them.

16 Q. That's not my question.

17 A. Okay.

18 Q. My question is: Do you have any reason to
19 believe that the U.S. postman that delivers mail to your
20 house didn't do the job he was hired to do?

21 A. I don't have any reason to believe -- I do get
22 mail addressed to other people. I put it back out in my
23 mailbox, and I say delivered to wrong address. And I
24 stick it in the box, and they take it away. So I
25 don't -- but as far as, like, filing a complaint that
26 I'm not getting our mail, no.

27 Q. Ma'am, I'd like you to turn to Exhibit 24 in
28 the Zamrzlas' binder, please.

1 was after the Watermaster's complaint was filed and we
2 were seeking a water expert attorney. And we were
3 told -- I mean, Brumfield, he was not. So I believe he
4 was hired when we first were going into settlement
5 discussions with the Watermaster.

6 Following our December 21 hearing, our first
7 hearing before the judge, we were able to retain Brad
8 Herrema, I think.

9 Q. Brad Herrema?

10 A. There you go, yes.

11 And so he -- I think he was counsel until the
12 end of March of 2022.

13 Q. When Mr. Parton was questioning you, you made
14 a statement that it would have been easy to find the
15 Zamrzlas and serve the Zamrzlas.

16 Do you recall that testimony?

17 A. I do.

18 Q. Do you agree that it would have been easy for
19 the Zamrzlas to file their notices of extraction with
20 the State Water Resources Control Board timely?

21 MR. SHEPARD: Objection. Argumentative.

22 THE COURT: It is a form of argument.

23 Why don't you rephrase that, please.

24 BY MR. KUHS:

25 Q. Mrs. Zamrzla, would it have been difficult for
26 you in any way to file the notices of extraction with
27 the State Water Resources Control Board if you were
28 pumping more than 25 acre-feet?

1 MR. SHEPARD: Lacks foundation.

2 THE COURT: Overruled.

3 THE WITNESS: I wasn't aware of the
4 requirement.

5 BY MR. KUHS:

6 Q. But since the Watermaster proceeding and
7 particularly this proceeding, you've been made aware of
8 those requirements, correct?

9 A. Yes.

10 Q. And you still haven't filed it, correct?

11 A. That's correct.

12 Q. And why is it that the Zamrzlas are unwilling
13 to comply with that provision of the law?

14 A. I have no explanation for that now.

15 Q. If you had received the notices from the
16 class, it would have been easy to respond and opt out of
17 those notices, correct?

18 A. If we had received the notices, it would have
19 been easy to opt out. I suppose, yes, it wouldn't have
20 been difficult.

21 Q. I guess the point is, ma'am, when you know
22 that there's an adjudication, by your husband's
23 testimony he knew about it since 2009, and I'm assuming
24 you knew about it since 2009, there are a lot of things
25 that the Zamrzlas could have done that would have been
26 easy in order to appear in the adjudication and have
27 their rights determined, correct?

28 A. There was -- because the people who were

1 THE COURT: All right. Thank you.

2 THE WITNESS: Could I -- could I insert
3 something here?

4 THE COURT: Sure.

5 THE WITNESS: Is that Mr. Van Dam had said --
6 when he's the one who said, Keep doing what you're
7 doing, there may be some cutbacks, but you'll be --
8 you'll get a fair and equitable amount of water. And I
9 think he said that in light of his experience with other
10 adjudications that there were people that weren't
11 actively involved in the litigation, because there were
12 a lot of people in the Valley that weren't involved and
13 that -- or if there were people that were missed, there
14 would be an equitable allocation for those people, not
15 that they would lose all of their water rights. That
16 was never --

17 THE COURT: I'm not talking about all their
18 water rights. I'm asking your definition of what water
19 rights are and what you understood at that time.

20 THE WITNESS: That -- I understood that it was
21 water production cutbacks.

22 THE COURT: Okay. And that was a reduction of
23 rights, correct?

24 THE WITNESS: If water production amounts are
25 the same as water rights, then yes.

26 THE COURT: Okay. All right. Thank you.

27 Anything else?

28 MR. PARTON: Nothing further, your Honor.

1 THE COURT: Okay. Did you understand that
2 during the time that this adjudication was going on or
3 at any time that there was a shortage of water?

4 THE WITNESS: I don't believe I did, that I --
5 I thought it was a battle of who was going to get how
6 much water between the big farmers and the big public
7 water supplies, that maybe there was a -- you know, one
8 was claiming more need than the other, and it was a big
9 fight between the big -- big people.

10 THE COURT: Now, you read the papers
11 regularly?

12 THE WITNESS: I read the paper, yeah.

13 THE COURT: Would you say every day?

14 THE WITNESS: Oh, no. No.

15 THE COURT: Is there any particular part of
16 the paper that you like to look at every day or when you
17 look?

18 THE WITNESS: Usually I like to read the
19 opinions and the editorials.

20 THE COURT: Do you read the stuff that deals
21 with governmental activities?

22 THE WITNESS: Sometimes.

23 THE COURT: Political?

24 THE WITNESS: Sometimes.

25 THE COURT: Okay. And during the time that
26 you were reading the newspaper, you recall anything in
27 the newspaper at all that described any part of this
28 water adjudication that was going on?

1 THE WITNESS: In Antelope Valley?

2 THE COURT: Yeah.

3 THE WITNESS: No. I -- I read things about
4 the water issues and problems with California in
5 general, and, yes, the water adjudication in Antelope
6 Valley.

7 I don't believe I ever heard the term
8 "overdraft" until we're involved. But as far as who got
9 how much water and when, I think that was my general
10 understanding of what this adjudication was about.

11 THE COURT: Did you read anything at all about
12 what was happening --

13 THE WITNESS: I didn't.

14 THE COURT: -- for example, in the San Joaquin
15 Valley area?

16 THE WITNESS: No -- well, I've read some
17 things since, but, no, not that I -- I never -- I can't
18 tell you about anything in particular, a water
19 adjudication that I read, but I had a general
20 understanding of water issues.

21 And when we take the drive from Southern
22 California to Sacramento, you see all the farmers' signs
23 and build more dams and water -- food equals water,
24 water equals food. So we've all been aware of water
25 issues in California.

26 THE COURT: Were you also aware of -- let's
27 call it the level of land sinking for absence of
28 groundwater?

1 DIRECT EXAMINATION

2 BY MR. SHEPARD:

3 Q. Good afternoon, Mr. Zamrzla.

4 A. Good afternoon.

5 Q. You just stated your address. How long have
6 you lived at that address?

7 A. I believe we moved in 2009.

8 Q. And how long have you actually owned that
9 property?

10 A. I believe we acquired it 2005, somewhere in
11 that neighborhood.

12 Q. Who lives there with you on that property?

13 A. My wife Jeanette.

14 Q. And she's here today?

15 A. Correct.

16 Q. And have you lived continuously at that
17 address since you moved into the house?

18 A. We have.

19 Q. And how many acres -- when you obtained that
20 property in the mid, you know, 2000s, how many acres was
21 the property?

22 A. The original was approximately 10 acres.

23 Q. And did you later obtain additional land?

24 A. Correct.

25 Q. And how much -- how many acres was that?

26 A. An additional 10 acres.

27 Q. Adjacent to the first 10 acres?

28 A. Correct.

1 A. I believe after 2019, somewhere right in
2 there.

3 Q. Were you aware that there was -- just
4 generally, were you aware that there was a water
5 litigation going on at any point prior to December 2015?

6 A. Prior to December -- I'm sure -- I'm sure I
7 knew something.

8 Q. What -- what had you heard about the water
9 litigation going on?

10 A. That there was litigation going on and that
11 there -- there was ongoing discussions with the big
12 farmers and the water survey -- suppliers trying to work
13 out their water issues.

14 Q. Did you ever have any conversations with
15 anyone you knew -- again, prior to December of 2015,
16 about the water litigation?

17 A. Yes, I'm sure I have.

18 Q. Do you recall in any of those conversations
19 being told that it would affect you?

20 A. I do not.

21 Q. Do you recall in any of those conversations at
22 any point prior to December 2015 anyone telling you that
23 it was in your best interest to get involved in that
24 litigation?

25 A. I do not.

26 Q. Did you have any understanding prior to
27 December of 2015 that that water litigation could affect
28 your right to pump water in any way?

1 you were subject to the Antelope Valley groundwater
2 litigation?

3 A. I did not.

4 Q. So we discussed a few minutes back that in
5 2018 you received a letter from the Watermaster,
6 correct?

7 A. Correct.

8 Q. So when you received that letter, what did you
9 do at that point?

10 A. Contacted my parents.

11 Q. And what did -- what did they tell you?

12 A. We discussed trying to get an attorney and
13 trying to see what we could do to move forward and get
14 the issue resolved.

15 Q. So you and your dad went out and found an
16 attorney?

17 A. We discussed it. We were both making phone
18 calls trying to get -- get some advice on who we might
19 reach out to. My dad did more of that than I did.

20 Q. And actually, I don't know that we established
21 this, so I'll do that real quick.

22 When you say your "dad," we're talking about
23 Johnny Zamrzla, correct?

24 A. Correct.

25 Q. And your mom is Pamella Zamrzla?

26 A. That's correct.

27 Q. So once you -- how quickly did you retain an
28 attorney after receiving that letter?

1 A. Very quickly. I believe a week or two.

2 Q. And then from there, what actions were taken
3 either by you or your attorney to address that letter?

4 A. I believe Mr. Brumfield contacted the
5 Watermaster, Mr. Parton, and tried to begin the process
6 of working our way through it.

7 Q. And you've been actively litigating --
8 attempting to litigate the issue of your water rights
9 ever since?

10 A. Correct.

11 MR. SHEPARD: Thank you, Mr. Zamrzla.

12 THE COURT: Okay. Cross.

13 CROSS-EXAMINATION

14 BY MS. RYAN:

15 Q. Mr. Zamrzla, you testified that you're sure
16 you had discussions with people about the adjudication
17 before 2015, correct?

18 A. Yes.

19 Q. One of those conversations was with
20 Delmar Van Dam, correct?

21 A. Yes.

22 Q. And in those conversations while the
23 groundwater litigation was pending, Delmar Van Dam told
24 you to continue doing what you were doing and you would
25 get a water right in the end, right?

26 A. Yes.

27 Q. Your understanding from your conversation with
28 Delmar Van Dam was that whatever amount of water people

1 agreed to, whether it was 40 percent, 50 percent, that
2 would automatically fall into the 40 to 50 percent range
3 of water that you had been using, correct?

4 A. Something along those lines, yes.

5 Q. That you would get a percentage, some
6 percentage of your water rights, correct?

7 A. Correct.

8 Q. Your dad was also present during that
9 conversation, right?

10 A. Yes.

11 Q. You also talked to Gary Van Dam on different
12 occasions to check in on where the litigation was going,
13 correct?

14 A. At some point, yes.

15 Q. And you testified to these conversations in
16 your deposition, correct?

17 A. I'm sorry?

18 Q. You testified to these conversations in your
19 deposition, correct?

20 A. I believe so.

21 Q. You took a deposition on August 17th, 2022?

22 A. That sounds correct.

23 Q. And in that deposition you swore under oath to
24 tell the truth, correct?

25 A. Correct.

26 Q. I'd like to read you a statement from the
27 March -- Zamrzlas' brief, the March 15th through 16th
28 evidentiary hearing brief that was filed with this Court

1 on March 13th, 2023.

2 On page 4, lines 6 through 7: Quote, Johnny
3 Lee Zamrzla was unaware of the litigation or its effects
4 on his water pumping rights until 2018, end quote.

5 That is a false statement; isn't it?

6 A. I don't know that it's a false statement.

7 Q. I'll read it again.

8 "Johnny Lee Zamrzla was unaware of the
9 litigation or its effects on his water pumping rights
10 until 2018."

11 That's a false statement?

12 A. I wasn't aware that it directly affected me.
13 I don't -- I don't believe that was a false statement.

14 Q. That's not what the statement says,
15 Mr. Zamrzla. It says you were unaware of the litigation
16 or its effects on, it says, pumping rights until 2018.

17 A. Okay.

18 Q. So it was a false statement?

19 A. I guess if that's the way you look at it, yes.

20 Q. I'd like to also read to you from the
21 October 26, 2022, reply brief filed in support of the
22 Zamrzlas on page 4, lines 11 through 12: Quote, in
23 fact, Johnny Lee and Jeanette did not know about the
24 litigation at all as they testified during their
25 depositions, end quote.

26 That is a false statement as to you; isn't it?

27 A. Sounds like it.

28 Q. After your conversation with Delmar Van Dam,

1 Exhibit 51 into evidence, SPW-51.

2 MR. SHEPARD: No objection.

3 THE COURT: You're looking at Exhibit 51, five
4 one?

5 MS. RYAN: Yes.

6 THE COURT: Whose exhibit binder?

7 MS. RYAN: Ours, the Settling Parties
8 Watermaster binder.

9 THE COURT: Okay. Go ahead, please.

10 (Exhibit SPW-51 admitted into
11 evidence.)

12 BY MS. RYAN:

13 Q. Mr. Zamrzla, you purchased Parcel 28 from your
14 parents Johnny and Pamella, correct?

15 A. Correct.

16 Q. And since you graduated from high school in
17 1979, you only worked for your parents' roofing company
18 Western Pacific, correct?

19 A. I believe that's correct.

20 THE COURT: Why don't you just pause for just
21 a moment. I think we may have lost some contact with
22 our remote participants.

23 So apparently there are three remote
24 participants now.

25 Okay. Go ahead.

26 BY MS. RYAN:

27 Q. So in 2007, you owned Parcel 28, correct?

28 A. In 2007?

1 Q. Yes.

2 A. I believe that's correct.

3 Q. And Parcel 28 is located in
4 Los Angeles County, correct?

5 A. Correct.

6 Q. And you claim that you pumped more than
7 25 acre-feet a year from -- 25 acre-feet a year in
8 various years from the well on Parcel 28, correct?

9 A. I didn't understand the beginning.

10 Q. You claim that you pumped in various years
11 over 25 acre-feet a year from the well on Parcel 28,
12 correct?

13 A. Over various years, is that what you --

14 Q. Yes.

15 A. Yes, I believe so.

16 Q. For the well on Parcel 28, you have never
17 filed a Notice of Extraction with the State Water
18 Resources Control Board, correct?

19 A. No.

20 Q. No, that's correct or no, you haven't?

21 A. No, I have not filed.

22 MS. RYAN: Those are my questions, your Honor.

23 MR. PARTON: Thank you, your Honor.

24 THE COURT: Go ahead, Mr. Parton.

25 CROSS-EXAMINATION

26 BY MR. PARTON:

27 Q. Mr. Zamrzla, you mentioned you called some
28 lawyers in July of 2018 after receipt of the

1 Q. Did your father ever tell you that Mr. Nebeker
2 had talked about the loss of -- the possible loss of
3 water rights in the adjudication in 2014?

4 A. No.

5 Q. At any time did your father talk to you about
6 Mr. Nebeker expressing concern that there would be the
7 loss of water rights as a result of the adjudication at
8 any time from 2015 to before that time?

9 A. 2015 to before?

10 Q. 2015 and before?

11 A. No, sir.

12 Q. Your dad told you that Delmar Van Dam told him
13 to keep pumping groundwater and you'll get an
14 allocation?

15 A. I was there during one conversation where --
16 where Delmar said to continue doing what we're doing.

17 Q. And do you remember when it was?

18 A. Not as we sit here today.

19 Q. Do you recall if it was 2013?

20 A. No, I think previously I said it was 2014 or
21 '15.

22 Q. Delmar Van Dam died in May of 2014?

23 A. That's correct.

24 Q. Does that help you remember when the
25 conversation with Delmar Van Dam took place that you
26 were present at?

27 A. Well, obviously it was before he passed, sir,
28 so...

1 THE COURT: Sorry?

2 MR. KUHS: The Zamrzla exhibit book.

3 THE WITNESS: 1 through 10.

4 MR. KUHS: Number 5, Exhibit 5.

5 THE COURT: All right. And you're asking
6 about which page?

7 BY MR. KUHS:

8 Q. If you take a look at Exhibit 5 for the water
9 use in 2012, that's below 25 acre-feet, correct?

10 A. 15.2, yes.

11 Q. And for 2014, water use is below 25 acre-feet,
12 correct?

13 A. 21.4, yes.

14 Q. Now, after the adjudication was resolved in
15 2015, your water use increased substantially; didn't it?

16 A. Yes.

17 Q. Mr. Zamrzla, do you have a full-time job?

18 A. I do.

19 Q. And what is it?

20 A. Roofing.

21 Q. Are you the president of Western Roofing?

22 A. I am now.

23 Q. How long have you held that position?

24 A. A couple years, I believe, two, three, years.

25 Q. And the livestock that you raise on your
26 property, is that more of a hobby or a livelihood?

27 A. Hobby.

28 Q. Now, with respect to the 10 acres that you

1 purchased in 2014, Parcel 27, you have never pumped
2 water from that parcel, correct?

3 A. No.

4 Q. No, you haven't or --

5 A. There's no -- I'm sorry.

6 Q. You've never pumped water from that 10-acre
7 Parcel 27, correct, the pasture?

8 A. That's correct.

9 Q. Now, at some point after the judgment was
10 entered, you had a conversation with Craig Van Dam about
11 his dairy operations ramping down water production. Do
12 you recall that?

13 A. Craig?

14 Q. Craig Van Dam, yes, sir.

15 A. I do not.

16 Q. Do you recall having a conversation with one
17 of the Van Dams about reducing their groundwater
18 production?

19 A. Yes, I believe I did.

20 Q. What do you recall about that conversation?

21 A. I believe that they were starting to ramp down
22 with Gary and Nick and that they were also starting the
23 process of ramping down the dairy and closing it
24 ultimately.

25 Q. Your friends were closing their dairy because
26 of the outcome of the adjudication and reduction in
27 groundwater rights, correct?

28 A. I don't know that that's correct and that's

1 the specific reason that they're closing the dairy.

2 Q. Was the conversation about closing the dairy
3 with Nick Van Dam?

4 A. I don't think so. I think Gary and possibly
5 Craig.

6 Q. Let me read your testimony from page 36 of
7 your deposition.

8 And refresh our recollection. Which Van Dam
9 was it that told you that Delmar had given your dad bad
10 advice?

11 A. Nick.

12 Q. Okay.

13 So let me read starting at line 7 from your
14 deposition on page 36.

15 "My understanding from Delmar's conversation
16 that whatever amount of water people agreed, if
17 it was 40 percent, 50 percent, that we would
18 automatically fall into a 40 or 50 percent range
19 of the water that we had been using."

20 Let me stop right there and ask you. What
21 time period did you have this understanding that
22 whatever cutbacks were made in the basin it would also
23 be applicable to the Zamrzlas?

24 A. I believe that's going to be in 2014.

25 Q. And how did you think that those percentages
26 would automatically be applicable to the Zamrzlas? What
27 mechanism?

28 A. Well, I didn't think that -- I believe that

1 the way that it was explained was that whatever the
2 agreeable cutbacks are, that will be applicable to us.
3 I don't -- I think the percentages was just my simple
4 way explaining what my understanding of what Delmar was
5 telling us.

6 Q. Then moving down to line 14, it says:

7 "Question: And so did Nick elaborate further
8 on why that was bad advice?

9 "Answer: He did not. He just said that he
10 never believed that we would be part of any
11 agreement and that his father thought -- he
12 thought his father had given us bad advice.

13 "Question: What -- what does your
14 conversation with Craig, what was said during
15 that time?

16 "Answer: Most of the conversation I had with
17 Craig was regarding the ramp-downs and what
18 their plans were to relocate most of their
19 farming operations along with closing down the
20 dairy is what I recall."

21 So what I'm focused on is the last part of
22 that statement. Did you have a conversation with Craig
23 about the Van Dam's closing down their dairy during the
24 ramp-down period?

25 A. It's the same conversation but two different
26 issues. I don't believe that closing down the dairy was
27 directly related to the ramp-down in water.

28 Q. Why do you believe that?

1 MS. RYAN: No.

2 THE COURT: Before we hear from your lawyer,
3 let me ask you just a couple things.

4 You firmly believe that you could not be bound
5 to a Court decision unless you were personally served;
6 is that right?

7 THE WITNESS: That was my understanding, yes.

8 THE COURT: Is that still your understanding?

9 THE WITNESS: It -- it's -- it's kind of
10 taking a ricochet now. Apparently, my understanding was
11 not accurate.

12 THE COURT: Okay. At the time that this was
13 all going on, though, you felt that unless you were part
14 of a lawsuit and personally served, you couldn't be
15 affected by the lawsuit; is that right?

16 THE WITNESS: I -- I think that's accurate.

17 THE COURT: Okay. How was it that if they
18 settled the case that you were gonna be limited or bound
19 by the allocation of 40 to 50 percent of whatever your
20 production had been?

21 THE WITNESS: How is it that I understood that
22 to be?

23 THE COURT: Yeah. How would that happen if
24 you had not been served?

25 THE WITNESS: Well, it appears I was somewhat
26 naive, but listening -- and your Honor, at the time, if
27 my parents aren't farming across the street, I'm 10,
28 15 acres. And when Delmar says the agreement will be

1 passed down, I -- I took that as he was a big farmer and
2 knowledgeable individual, I took it for that was
3 accurate information.

4 THE COURT: All right. But you also knew that
5 your father had not been personally served; is that
6 right?

7 THE WITNESS: I believe I did, yes, sir.

8 THE COURT: And how did you conclude that he
9 would be impacted by whatever this adjudication provided
10 if he was not personally being sued -- or served.

11 THE WITNESS: Well, I believed from -- from
12 Delmar, again, that if they hadn't been served, that
13 they were not using enough water to.

14 THE COURT: Okay. So your information was
15 taken from somebody who was not a lawyer, right?

16 THE WITNESS: Correct.

17 THE COURT: Who may have been involved in the
18 litigation itself, right?

19 THE WITNESS: Correct.

20 THE COURT: You did nothing to determine
21 whether or not his advice to you was accurate or not?

22 THE WITNESS: That's correct.

23 THE COURT: And you did not consult a lawyer
24 to find out what impact this was gonna have on you?

25 THE WITNESS: We did not.

26 THE COURT: Were you surprised when you got
27 the letter from the Watermaster in 2018?

28 THE WITNESS: To say the least, sir.

REPORTER'S CERTIFICATE

STATE OF CALIFORNIA)

) ss.

LOS ANGELES COUNTY)


I, MARY E. ARGYROPOULOS, a Certified Shorthand Reporter in and for the State of California, hereby certify:

That on March 16, 2023, I fully, truly, and correctly took down in shorthand writing all of the testimony given in said court and cause;

That I thereafter fully, truly, and correctly caused the same to be transcribed into typewriting;

That the foregoing pages 203-384, inclusive, is a full, true, and correct transcript of my shorthand notes taken at said time and place therein named.

DATED: 28th day of March, 2023.



MARY E. ARGYROPOULOS
CSR NO. 9775, RMR, CRR