

~~February-March 1621~~, 2018

### REVISED DRAFT MEMORANDUM

**To:** Robert Parris, Chair  
Antelope Valley Watermaster Board of Directors

Dennis LaMoureaux, Chair  
Advisory Committee

**cc:** Craig Parton, Price, Postel & Parma LLP  
Watermaster Legal Counsel

**From:** Phyllis Stanin, Vice President/Principal Geologist  
Kate White, Senior Engineer  
Todd Groundwater, Watermaster Engineer

**Re:** **Pre-Rampdown Production Amounts**  
Non-Overlying (Exhibit 3) and Supporting Landowner (Non-Stipulating) Producers  
~~Antelope Valley Producers Except Exhibit 4 Overlying Producers~~

In a hearing on January 31, 2018, the Honorable Jack Komar (Ret.) considered three separate but related post-judgment motions requesting an interpretation of whether the provisions of Section 8.3 apply only to the pParties listed in Exhibit 4 to the Judgment or whether certain other pParties also are accorded with the benefit of limitations on imposition of the Replacement Water Assessments during the rRampdown pPeriod. On February 5, 2018, the Court issued an Order requiring the Watermaster to accord the benefits of Sections 8.1, 8.2, and 8.3 to the Public Water Producers (Exhibit 3) and to Clan Keith (a Non-Stipulating Party), as well as other supporting but non-stipulating Parties, and to determine the appropriate Pre-Rampdown Production amounts and reduced pumping requirements over time for these pParties.

In response to the Order, the Watermaster Engineer has developed a methodology consistent with the Judgment that provides a Pre-Rampdown Production amount based on production data provided in the Final Judgment and supporting court documents. The methodology, supporting data, references, and draft Pre-Rampdown Production amounts are described in this memorandum and summarized on Table 1.

Draft recommended Pre-Rampdown Production amounts ~~are being~~were provided to the Advisory Committee and Watermaster Board for meetings on February 21 and 28, 2018 respectively, for

review and comment. Comments received during both meetings were considered and the source data for one party were revised slightly based on these comments.

Specifically, comments by Quartz Hill Water District (QHWD) indicated that the methodology unfairly penalized the agency for purposefully reducing production in 2011 and 2012, as evidenced by the filing of Cessation or Reduction of Ground Water Extractions reports (“Cessation Reports”) with the State Water Resources Control Board (SWRCB). This memorandum incorporates the previously-used methodology but revises production data and Imported Water use based on Cessation Reports provided to the Watermaster Engineer. The Cessation Report used to adjust the source data for QHWD is provided with this memorandum as Attachment A<sup>1</sup>. The method for adjustments to the production data and Imported Water use based on the Cessation Report is described in more detail below.

Once the Pre-Rampdown Production amounts have been finalized and approved by the Watermaster, the amounts will be posted on the Watermaster website, along with the incremental reductions during each ~~period~~ Year of Rampdown. The posted table will inform the Parties of their respective rights to ~~Produce~~ Groundwater during the Rampdown Period and ensure proper water accounting by the Watermaster Engineer.

Tables documenting the Pre-Rampdown Production amount, the Production Right, and the incremental reductions required to achieve the Production Right by the end of the Rampdown Period will also be incorporated into the 2017 Annual Report. A final table with Pre-Rampdown Production amounts and reductions during each year of the Rampdown Period will also be incorporated into the Rules and Regulations for application and reference, but it is contemplated that the Pre-Rampdown Production values will be effective when approved by the Watermaster in response to the Court Order.

## **METHODOLOGY**

Pre-Rampdown Production is defined in the Judgment as “The reasonable and beneficial use of Groundwater, excluding Imported Water Return Flows, at a time prior to this Judgment, or the Production Right, whichever is greater.” (§3.5.28). The Order reiterates the need to adjust the production data to exclude Return Flows by stating “While pumping numbers for the public water producers are listed in the Phase 4 Statement of Decision, those numbers are *total pumping numbers, including return flows from imported water, and do not fairly represent the pre-rampdown native safe yield production right.*” (emphasis added). Further, the February Order notes that “clear records of pumping are reflected in the evidence produced for the court. To the extent that imported water is included in the pumping records, evidence of imported water quantities is also available.” The order makes it clear that these data are to be used to determine the Pre-Rampdown

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<sup>1</sup> First Statement Cessation or Reduction in Groundwater Extractions, State of California, State Water Resources Control Board, Division of Water Rights, filed by Quartz Hill Water District, February 21, 2013.

Production Amounts for applicable pParties to the Judgment that have not already been defined in Exhibit 4.

A methodology was developed by the Watermaster Engineer for determining Pre-Rampdown Production amounts that is consistent with the Order and definitions in the Judgment. That methodology averages 2011 and 2012 production and subtracts the average Imported Water Return Flows for that same period.

Although this same methodology was applied to all Parties pertinent to the Order, adjustments were made to 2011 and 2012 production and Imported Water use data for QHWD based on Cessation Reports provided to the Watermaster Engineer (relevant portions of these reports are provided in Attachment A). The Cessation or Reduction in Groundwater Extractions is a state program that provides a means for owners of rights to pump groundwater to protect these rights when substituting water from an alternate nontributary source (SWRCB, 1991<sup>2</sup>). Cessation Reports are filed with the California State Water Resources Control Board, Division of Water Rights to document the purposeful reduction of groundwater extractions and substitution of an alternate source water.

The Pre-Rampdown Production amounts developed by the Watermaster Engineer for applicable pParties in the Judgment other than Exhibit 4 pParties are provided on Table 1 (revised March 9, 2018). The table is divided into four-two parts: Exhibit 3 Non-Overlying Producers; State of California, and Supporting Landowner Parties (Non-Stipulating Parties) and Other Parties with Rights to Produce Groundwater. The supporting data are listed for each pParty, if available from the Judgment or supporting Court documents.

The average of the 2011 and 2012 production data is used as the reasonable and beneficial use of Groundwater in the Pre-Rampdown Production determination. Annual production data for 2011 and 2012 were documented for most pParties in the Amended Statement of Partial Decision for Phase IV Trial with Party Name Corrections (June 29, 2013) as indicated in the footnotes to Table 1. Although data were unavailable in this document for all Producers, additional data were available for eight-seven of the eight missing producers<sup>3</sup> in 2015 declarations provided to the Court, which were downloaded from the Glotrans website, reviewed, and used in the calculation (see footnotes on Table 1).

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<sup>2</sup> State of California, Water Resources Control Board, Water Code Sections and Information Relating to Cessation or Reduction in Ground Water Extractions, 91-5 WR, June 1991.

<sup>3</sup> West Valley County Water District (WVCWD), Desert Breeze MHP, Reesdale MWC, Clan Keith, LV Ritter Ranch, Eyherabide Sheep Company, and Milana/Rosamond MHP, and AVJHSD. Production data were not available for White Fence Farms Mutual Water Company No. 3.

~~In order to determine the amount of pumping for beneficial use from the Native Safe Yield, Imported Water Return Flows available to each Party were also considered. AVEK provided Imported Water use for 2011 and 2012 for most of the Parties on Table 1. For the remaining Parties, the California Public Water Supply Systems website was checked to confirm that those Parties did not use imported water (<https://sdwis.waterboards.ca.gov/PDWW/index.jsp>) (see footnotes on Table 1). AVEK is in the process of checking records to confirm that Parties without Imported Water amounts on Table 1 did not use Imported Water during that time period.~~

~~As mentioned previously, adjustments were made to the 2011 and 2012 production data and imported water use for QHWD based on provision of Cessation Reports documenting extraction reductions for 2011 and 2012 (Attachment A). As shown on the second table in item 7 of the report, QHWD reduced groundwater extractions in 2011 and 2012 by 2,645.94 AF and 1,135.38 AF, respectively. To credit QHWD for this documented reduction, these reduction amounts were added to the 2011 and 2012 production data and subtracted from the 2011 and 2012 Imported Water use, respectively. Data shown on Table 1 are the adjusted amounts for 2011 and 2012 production and Imported Water use.~~

For those Parties that used Imported Water, the average of 2011 and 2012 Imported Water use was multiplied by 39 percent<sup>4</sup> to estimate Imported Water Return Flows (see Table 1). The estimated Imported Water Return Flows were then subtracted from the average 2011/2012 production to generate an initial Pre-Rampdown Production amount, consistent with the definition in the Judgment that the Pre-Rampdown Production amounts exclude Imported Water Return Flows.

Finally, the initial estimates above were compared with each Party's Production Right ~~(or right to Produce Groundwater if no Production Right is designated)~~ and the greater amount was determined to be each Party's ~~recommended~~ Pre-Rampdown Production amount, consistent with the definition in the Judgment. The ~~recommended~~ Pre-Rampdown Production amounts are provided in the final column on Table 1. When approved, these amounts will be used to determine the incremental reductions allowed during the Rampdown ~~p~~Period.

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<sup>4</sup> Consistent with the factor (39 percent) used to calculate Imported Water Return Flows for municipal and industrial water use in the Judgment.

**Table 1. Pre-Rampdown Production Determinations for Exhibit 3 and Supporting Landowner Producers**

March 9, 2018

**REVISED DRAFT**

Type ID	Exhibit 3 Non-Overlying Producers	Past Production (AFY)			Imported Water Use (AFY)			Imported Water Return Flows (AFY) [avg. x 0.39]	Average Production - Imported Water Return Flows (AFY)*	Production Right (AFY)	Estimated Pre-Rampdown Production (AFY)
		2011	2012	Average	2011	2012	Average				
1000	Boron Community Services District	228.00	233.00	230.50	195.75	201.59	198.67	77.48	153.02	50.00	153.02
1000	California Water Services Company	623.00	640.00	631.50	105.07	108.96	107.02	41.74	589.76	343.14	589.76
1000	Desert Lake Community Services District	58.00	27.49	42.75	112.63	116.14	114.39	44.61	-1.87	73.53	73.53
1000	Littlerock Creek Irrigation District	1,367.00	1,473.37	1,420.19	0.00	0.00	0.00	0.00	1,420.19	796.58	1,420.19
1000	Los Angeles County Waterworks District	16,583.24	20,618.99	18,601.12	30,085.27	31,358.96	30,722.12	11,981.62	6,619.49	6,789.26	6,789.26
1000	North Edwards Water District	104.52	101.32	102.92	0.00	0.00	0.00	0.00	102.92	49.02	102.92
1000	Palm Ranch Irrigation District	916.00	1,545.00	1,230.50	594.53	97.91	346.22	135.03	1,095.47	465.69	1,095.47
1000	Palmdale Water District	7,024.67	7,542.85	7,283.76	10,032.29	16,365.15	13,198.72	5,147.50	2,136.26	2,769.63	2,769.63
1000	Quartz Hill Water District (revised 3/9/18)	4,079.74	2,660.28	3,370.01	1,237.06	3,093.62	2,165.34	844.48	2,525.53	563.73	2,525.53
1000	Rosamond Community Services District	2,994.00	2,987.56	2,990.78	333.75	40.09	186.92	72.90	2,917.88	404.42	2,917.88
1000	West Valley County Water District	180.00	190.00	185.00	0.00	0.00	0.00	0.00	185.00	40.00	185.00
<b>Total</b>		<b>34,158.17</b>	<b>38,019.89</b>	<b>36,089.02</b>	<b>42,696.35</b>	<b>51,382.42</b>	<b>47,039.39</b>	<b>18,345.36</b>	<b>17,743.65</b>	<b>12,345.00</b>	<b>18,622.19</b>

Type ID	Supporting Landowner Parties (Non-Stipulating Parties)	Past Production (AFY)			Imported Water Use (AFY)			Imported Water Return Flows (AFY) [avg. x 0.39]	Average Production - Imported Water Return Flows (AFY)	Production Right (AFY)	Estimated Pre-Rampdown Production (AFY)*
		2011	2012	Average	2011	2012	Average				
1675	Desert Breeze MHP, LLC	18.10	22.60	20.35	0.00	0.00	0.00	0.00	20.35	18.10	20.35
1675	Milana VII, LLC dba Rosamond Mobile Home Park	Provided estimate	28.00	28.00	0.00	0.00	0.00	0.00	28.00	21.70	28.00
1675	Reesdale Mutual Water Company	16.97	17.01	16.99	0.00	0.00	0.00	0.00	16.99	23.00	23.00
1675	Juanita Epherabide, Epherabide Land Co., LLC and Epherabide Sheep Company	Provided gallons per day estimate	14.56	14.56	0.00	0.00	0.00	0.00	14.56	12.00	14.56
1675	Clan Keith Real Estate Investments, LLC dba Leisure Lake Mobile Estates	146.60	149.60	148.10	0.00	0.00	0.00	0.00	148.10	64.00	148.10
1675	White Fence Farms Mutual Water Company No. 3	Not Available	950.87	950.87	383.11	402.03	392.57	153.10	Not available	4.00	4.00
1675	LV Ritter Ranch, LLC	814.09	1,087.64	950.87	0.00	0.00	0.00	0.00	950.87	0.00	950.87
1675	Robar Enterprises, Inc., Hi-Grade Materials, Co., and C/R, a General Partnership	Not metered, provided estimate	675.00	675.00	0.00	0.00	0.00	0.00	675.00	200.00	675.00
<b>Total</b>		<b>995.76</b>	<b>1,276.85</b>	<b>1,853.87</b>	<b>383.11</b>	<b>402.03</b>	<b>392.57</b>	<b>153.10</b>	<b>1,853.87</b>	<b>342.80</b>	<b>1,863.88</b>

\* NOTE: Values in red font indicate that the calculated Pre-Rampdown Production amount is less than the Production Right.

**Data Sources:**

2011 & 2012 Production from AMENDED STATEMENT OF PARTIAL DECISION FOR PHASE IV TRIAL WITH PARTY NAME CORRECTIONS (6/29/13) with the exceptions of WVCWD, Desert Breeze MHP, Reesdale MWC, Clan Keith, LV Ritter Ranch, Epherabide Sheep Company, and Milana/Rosamond MHP.  
WVCWD 9/23/15: DECLARATION OF MARK CROSSBY, GENERAL MANAGER OF PUBLIC WATER SUPPLIER / CROSS DEFENDANT WEST VALLEY COUNTY WATER DISTRICT REGARDING WEST VALLEYS WATER PUMPING AND USAGE.  
Desert Breeze MHP 9/24/15: CROSS DEFENDANT DESERT BREEZE MHP, LLC'S DECLARATION OF DANIEL EPSTEIN IN SUPPORT OF THE PHASE VI TRIAL. PROVE UP.  
Reesdale MWC 9/28/15: FURTHER DECLARATION OF PATRICIA PARKER IN SUPPORT OF RESEDALE MUTUAL WATER COMPANY'S REQUEST TO BE INCLUDED IN STIPULATED SETTLEMENT AGREEMENT.  
Robar/Higgrade: 10/7/15: CROSS-DEFENDANTS HI-GRADE MATERIALS CO., ROBAR ENTERPRISES, INC.; AND C/R'S DECLARATION IN SUPPORT OF PROVE-UP FOR PHASE VI TRIAL; DECLARATION OF CHRIS GIAMBIETRO.  
LV Ritter Ranch 11/9/15: DECLARATION OF MARK RITTER, INDIVIDUALLY AND AS SUCCESSOR TRUSTEE OF THE RITTER FAMILY TRUST IN SUPPORT OF WATER USAGE.  
Epherabide Sheep Company 8/17/15: DECLARATION OF JUANITA EVERABID ON BEHALF OF HERSELF, THE EYHERABIDE SHEEP COMPANY, AND EYHERABIDE LAND CO., LLC, IN SUPPORT OF EYHERABIDES CLAIM TO OVERLYING GROUNDWATER.  
Milana VII, LLC dba Rosamond Mobile Home Park 7/21/15: DECLARATION OF SCOTT MONROE IN SUPPORT OF CROSS-DEFENDANT MILANA VII, LLC, dba ROSAMOND I MOBILE HOME PARK'S CLAIMED. I PRODUCTION RIGHT OF 21.7 ACRE FEET PER YEAR  
Quartz Hill WD 2011 and 2012 production and imported water use was determined using information in its First Statement Cessation or Reduction in Groundwater Extractions, SWRCB Division of Water Rights, dated 2/21/13.  
Imported water use for 2011 and 2012 from AVEK.