

1 ALESHIRE & WYNDR, LLP  
DAVID J. ALESHIRE, Bar No. 65022  
2 WILLIAM W. WYNDR, Bar No. 84753  
WESLEY A. MILIBAND, Bar No. 241283  
3 18881 Von Karman Avenue, Suite 1700  
Irvine, CA 92612  
4 Telephone: (949) 223-1170  
Facsimile: (949) 223-1180  
5 daleshire@awattorneys.com  
wwynder@awattorneys.com  
6 wmiliband@awattorneys.com

7 Attorneys for Defendant and Cross-Complainant,  
Phelan Piñon Hills Community Services District  
8

9 **SUPERIOR COURT OF CALIFORNIA**

10 **COUNTY OF LOS ANGELES - CENTRAL DISTRICT**

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

) Judicial Council Coordination Proceeding  
) No. 4408

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

) (For Filing Purposes Only: Santa Clara  
) County Case No.: 1-05-CV-049053)

15 Included Actions:

) Assigned for All Purposes To:  
) Judge: Hon. Jack Komar

16 *Los Angeles County Waterworks District*  
*No. 40 v.*

) (Filing Fees Exempt, Per Gov't Code § 6103)

17 *Diamond Farming Co., et al.*

18 Los Angeles County Superior Court, Case  
No. BC 325 201

) **AMENDED EXPERT WITNESS**  
) **DECLARATION OF PHELAN PINON**  
) **HILLS COMMUNITY SERVICES**  
) **DISTRICT FOR PHASE 4 TRIAL**

19 *Los Angeles County Waterworks District*  
*No. 40 v.*

20 *Diamond Farming Co., et al.*

21 Kern County Superior Court, Case No.  
S-1500-CV-254-348

22  
23 *Wm. Bolthouse Farms, Inc. v. City of*  
*Lancaster*

) Exchange Date: January 4, 2012  
) Phase Four Trial Date: February 11, 2013

24 *Diamond Farming Co. v. City of Lancaster*  
*Diamond Farming Co. v. Palmdale Water*  
25 *Dist.*

26 Riverside County Superior Court,  
Consolidated Action, Case Nos. RIC 353  
840, RIC 344 436, RIC 344 668

27 **AND RELATED CROSS-ACTIONS**  
28

1 I, Wesley A. Miliband, declare:

2 1. That Paragraph 6 of my declaration submitted today in this action on behalf of  
3 Cross-Complainant Phelan Piñon Hills Community Services District ("PPHCSD") inadvertently  
4 omitted that PPHCSD's expert, Thomas E. Harder, may testify regarding other parties' claimed  
5 rights to return flows resulting from use of imported water, to the extent PPHCSD elects to  
6 challenge the establishment or basis of such rights.

7 2. In light of this inadvertent omission, and given the immediate correction by way of  
8 this declaration on the same day as my original declaration, PPHCSD amends and hereby  
9 incorporates into its expert witness declaration for Phase 4 Trial, and the concurrent designation of  
10 Mr. Harder, the following language:

11 Mr. Harder may testify regarding other parties' claimed rights to return flows resulting from  
12 use of imported water, to the extent PPHCSD elects to challenge the establishment or basis of such  
13 rights.

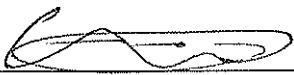
14 3. PPHCSD's declaration and designation submitted earlier today remain unchanged in  
15 all other respects.

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

18 Dated: January 4, 2013

ALESHIRE & WYNDER, LLP

19  
20  
21  
22  
23  
24  
25  
26  
27  
28

By:   
Wesley A. Miliband  
Attorneys for Cross-Defendant and  
Cross-Complainant,  
Phelan Piñon Hills Community  
Services District

2  
3 **PROOF OF SERVICE**

4 I, Marie W. Young,

5 I am employed in the County of Orange, State of California. I am over the age of 18 and  
6 not a party to the within action. My business address is 18881 Von Karman Avenue, Suite 1700,  
Irvine, CA 92612.

7 On January 4, 2013, I served the within document(s) described as **AMENDED EXPERT  
8 WITNESS DECLARATION OF PHELAN PINON HILLS COMMUNITY SERVICES  
DISTRICT FOR PHASE 4 TRIAL** as follows:

9  (ELECTRONIC SERVICE) By posting the document(s) listed above to the Santa Clara  
County Superior Court website in regard to Antelope Valley Groundwater matter pursuant to the  
10 Court's Clarification Order. Electronic service and electronic posting completed through  
www.scefiling.org.

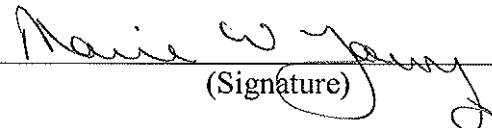
11  (BY MAIL) By placing a true copy of the foregoing document(s) in a sealed envelope  
12 addressed as set forth above. I placed each such envelope for collection and mailing following  
ordinary business practices. I am readily familiar with this Firm's practice for collection and  
13 processing of correspondence for mailing. Under that practice, the correspondence would be  
deposited with the United States Postal Service on that same day, with postage thereon fully  
14 prepaid at Irvine, California, in the ordinary course of business. I am aware that on motion of the  
party served, service is presumed invalid if postal cancellation date or postage meter date is more  
15 than one day after date of deposit for mailing in affidavit.

16  (BY OVERNIGHT DELIVERY) I deposited in a box or other facility regularly maintained  
by Overnight Express, an express service carrier, or delivered to a courier or driver authorized by  
17 said express service carrier to receive documents, a true copy of the foregoing document(s) in a  
sealed envelope or package designated by the express service carrier, addressed as set forth above,  
18 with fees for overnight delivery paid or provided for.

19 Executed on January 4, 2013, at Irvine, California.

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

21  
22 Marie W. Young  
(Type or print name)

23   
(Signature)