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 11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 12 **COUNTY OF LOS ANGELES**

13 Coordination Proceeding
 14 Special Title (Rule 1550(b))

15 **ANTELOPE VALLEY**
 16 **GROUNDWATER CASES**

17 Included Actions:

18 Los Angeles County Waterworks District
 19 No. 40 v. Diamond Farming Co.
 20 Superior Court of California
 21 County of Los Angeles, Case No. BC
 22 325201

23 Los Angeles County Waterworks District
 24 No. 40 v. Diamond Farming Co.
 25 Superior Court of California, County of
 26 Kern, Case No. S-1500-CV 254348

27 Wm. Bolthouse Farms, Inc. v. City of
 28 Lancaster Diamond Farming Co. v. City of
 Lancaster Diamond Farming Co. v. Palmdale
 Water Dist. Superior Court of California,
 County of Riverside, consolidated actions,
 Case Nos. RIC 353840, RIC 344436, RIC
 344668

Judicial Council Coordination Proceeding
 No. 4408

SC Case No. 105CV 049053
 Assigned to Hon. Jack Komar

**DECLARATION OF CRAIG VAN DAM
 IN LIEU OF DEPOSITION
 TESTIMONY FOR PHASE 4 TRIAL**

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DECLARATION

I, Craig Van Dam, declare:

1. I am a party to this action. In lieu of deposition testimony for the Phase 4 trial, I am providing this declaration. This declaration applies only to the categories I have filled in. The items left blank, deleted or crossed out from the draft form declaration do not apply to me. I have personal knowledge of each fact herein and would testify competently thereto under oath.

Property Ownership and Parcel Size

2. Craig Van Dam, and other record title owners, owns property that overlies the Antelope Valley Area of Adjudication as decided by this Court. The land is in Los Angeles County and is identified by the following APN/APNs: 3220-06-97, 3220-06-98, 3220-06-99, and 3220-06-100 (all formerly 3220-006-15), 3220-06-006, 3384-001-001, 3384-001-002, and 3384-001-003.

3. Craig Van Dam claims groundwater rights in this declaration only as to the properties listed in Paragraph 2.

4. For each APN/APNs identified above, the total acreage by parcel is as follows: Based on Los Angeles County Assessor Map information the total gross acreage by parcel is as follows: 3220-06-97 (total acreage 10.07), 3220-06-98 (total acreage 10.07), 3220-06-99 (total acreage 10.07), and 3220-06-100 (total acreage 10.07) (all formerly 3220-006-15), 3220-06-006 (total acreage 40), 3384-001-001 (total acreage 80), 3384-001-002 (total acreage 80), and 3384-001-003 (total acreage 120).

5. For each APN/APNs identified above Craig Van Dam (and other affiliated record owner) owned the property during the following time period: See, Exhibit "A" to this Declaration which is attached hereto and incorporated herein.

6. The following are all individuals/entities appearing on the title for the above identified APN/APNS from Jan 1, 2000 to the present: (See, Response to Paragraph 5 above and as provided

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in the deeds attached as Exhibit "B".)

7. For each individual/entity identified in paragraph 6 that individual/entity appeared on the title during the following time: (See, Response to Paragraphs 5 and 6 above.)

Leases

8. Craig Van Dam (declarant or party affiliated with declarant and/or its predecessor in title) either has in the past or does presently lease property that Craig Van Dam (and other record title owner) owns and that overlies the Antelope Valley Area of Adjudication as decided by this court and identified by the following APNS: See, Exhibit "C" to this Declaration which is attached hereto and incorporated herein.

9. The total acreage by parcel is: (See, Response to Paragraph 4 above.)

10. The property is currently leased to: See, Exhibit "D" to this Declaration which is attached hereto and incorporated herein.

11. The property was leased on the following dates: (See, Response to Paragraph 10 above.)

12. The leases provide that the owner may claim groundwater rights from the use of water on the leased property. Attached to this Declaration as Exhibit "E" is a true and correct copy of the leases.

13. N/A.

14. N/A.

15. N/A.

16. N/A.

17. Craig Van Dam claims groundwater rights in this declaration only as to the properties listed in Paragraph 2 and as to the leasehold interests listed in Paragraph 8 and Exhibit "E".

18. N/A.

Water Meter Records

1 19. Grimmway Enterprises, Inc. has measured the groundwater production on certain of the
2 above referenced properties (3384-001-001, 3384-001-002, and 3384-001-003) by water meters.
3 Exhibit "F" contains the records for these water meters for the following years: 2000-2006. A true
4 and correct copy of Exhibit "F" is attached hereto and incorporated herein.

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6 20. Exhibit "F" sets forth the total yearly production amounts by metered water well on certain
7 of the above referenced properties for the years 2000-2006.

8 **State Water Project Purchases**

9 21. N/A.

10 22. N/A.

11 **Pump Tests/ Electric Records**

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13 23. In order to calculate groundwater pumped and used on certain of the properties referenced
14 above, (3220-006-097, 3220-006-098, 3220-006-099, 3220-06-100 [formerly 3220-006-015])
15 Craig Van Dam relied on pump tests and electric records conducted and maintained by Southern
16 California Edison. Exhibit "G" contains true and correct copies of the pump test records and
17 electrical records for wells on certain of the properties referenced above. The electric records and
18 pump test records attached to this declaration as Exhibit "G" do not include electric use on the
19 properties referenced above for anything other than pumping groundwater.

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21 24. Exhibit "G" sets forth the amount of total yearly groundwater that estimates was pumped
22 and used on certain of the properties listed in Paragraph 23 above for the years 2001-2004 and
23 2009-2012 based on the attached pump test records and electrical records for the wells on the
24 properties referenced above.

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26 25. Pump tests were performed on the following dates: September 16, 2002 (DW509),
27 September 19, 2003 (DW509), October 7, 2004 (DW509), September 17, 2005 (DW509),
28 September 5, 2006 (DW509), October 4, 2000 (DW511), October 18, 2001 (DW511), September

1 16, 2002 (DW511), September 19, 2003 (DW511), October 7, 2004 (DW511), September 17,
2 2005 (DW511), September 5, 2006 (DW511), and September 19, 2012 (SCE Electric Meter
3 25400-013353).

4 26. Craig Van Dam is not producing copies of the original pump test records for the following
5 dates: September 16, 2002 (DW509), September 19, 2003 (DW509), October 7, 2004 (DW509),
6 September 17, 2005 (DW509), October 4, 2000 (DW511), October 18, 2001 (DW511), September
7 16, 2002 (DW511), September 19, 2003 (DW511), October 7, 2004 (DW511), and September 17,
8 2005 (DW511) because: All those pump test records and results completed by S.A. Camp Pump
9 Company are included in the cumulative Pump Test Reports dated September 5, 2006 (DW509),
10 and September 5, 2006 (DW511) respectively. (See, Exhibit "G" hereto.)
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13 27. I am not aware of any other pump tests having been performed on the properties referenced
14 above.

15 **Pump Tests/Diesel Records**

- 16 28. N/A.
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- 18 29. N/A.
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- 20 30. N/A.
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- 22 31. N/A.
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- 24 32. N/A.

23 **Other Sources of Water**

- 24 33. N/A.

25 **Use of Water** *(Complete for each APN. If water for used for multiple purposes, identify*
26 *the amount of water for each use.)*

27 34. Craig Van Dam used the stated acre-foot amounts of water on the respective parcels
28 (identified by Los Angeles County APN) for the years 2000-2006 and 2009-2012 for the irrigation

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of specific crops and/or the production of livestock as shown in Exhibits "F", "G" and "H" attached hereto. Additionally, all currently available crop information and maps are attached hereto as in Exhibit "T" and "J". (See also, Response of Craig Van Dam to Court Ordered Discovery for Phase 4 Trial and all attachments.)

35. Other than what is declared hereinabove, Craig Van Dam did not produce or use water within the Antelope Valley Area of Adjudication for the years 2000-2006 and 2009-2012.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 31st day of January 2013, at Lancaster California.


CRAIG VAN DAM

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF KERN

I, ERIN L. LINDSEY, declare: I am and was at the times of the service hereunder mentioned, over the age of eighteen (18) years, and not a party to the within cause. My business address is 1800 30th Street, Fourth Floor, Bakersfield, CA 93301.

On January 31, 2013, I caused the below listed document(s) entitled as: **DECLARATION OF CRAIG VAN DAM IN LIEU OF DEPOSITION TESTIMONY FOR PHASE 4 TRIAL** to be served on the parties via the following service:

(BY POSTING) I posted the document listed above to the Santa Clara Superior Court website regarding the Antelope Valley Groundwater matter pursuant to the Court's Clarification Order. Electronic service posting completed through www.sceffiling.org.

(STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on January 31, 2013, at Bakersfield, California.


ERIN L. LINDSEY