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6 DISTRICT NO. 40

**EXEMPT FROM FILING FEES
UNDER GOVERNMENT CODE
SECTION 6103**

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COUNTY WATERWORKS DISTRICT NO. 40

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA
15 COUNTY OF LOS ANGELES

17 **ANTELOPE VALLEY
GROUNDWATER CASES**

18 Included Actions:
19 Los Angeles County Waterworks District
No. 40 v. Diamond Farming Co., Superior
20 Court of California, County of Los
Angeles, Case No. BC 325201;

21 Los Angeles County Waterworks District
22 No. 40 v. Diamond Farming Co., Superior
Court of California, County of Kern, Case
23 No. S-1500-CV-254-348;

24 Wm. Bolthouse Farms, Inc. v. City of
Lancaster, Diamond Farming Co. v. City of
25 Lancaster, Diamond Farming Co. v.
Palmdale Water Dist., Superior Court of
26 California, County of Riverside, Case Nos.
RIC 353 840, RIC 344 436, RIC 344 668

Judicial Council Coordination No. 4408

CLASS ACTION

Santa Clara Case No. 1-05-CV-049053
Assigned to The Honorable Jack Komar

**DECLARATION OF ANTHONY L.
LEGGIO IN LIEU OF DEPOSITION
TESTIMONY FOR PHASE 4 TRIAL**

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DECLARATION

I, ANTHONY L. LEGGIO, declare:

1. I am President of Bolthouse Properties, LLC, 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 or crossed out do not apply to me. I have personal knowledge and/or information and belief of each fact herein and would testify competently thereto under oath.

Property Ownership and Parcel Size

2. Bolthouse Properties, LLC 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:

REFER TO EXHIBIT "A"

[If additional room is needed, please identify the APN/APNs in Exhibit A.] A true and correct copy of Exhibit A is attached hereto and incorporated herein.

3. Bolthouse Properties, LLC claims groundwater rights only as to the properties listed in Paragraph 2 and Exhibit A.

4. For each APN/APNs identified above, the total acreage by parcel is as follows:

REFER TO EXHIBIT "A"

[If additional room is needed, please identify the APN/APNs and parcel size in Exhibit A.] A true and correct copy of Exhibit A is attached hereto and incorporated herein.

5. For each APN/APNs identified above Bolthouse Properties, LLC owned the property during the following time period:

REFER TO EXHIBIT "B"

6. The following are all individuals/entities appearing on the title for the above identified APN/APNS from Jan 1, 2000 to the present:

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1 REFER TO EXHIBIT "B"

2
3 7. For each individual/entity identified in paragraph 6 that individual/entity appeared on the
4 title during the following time:

5 REFER TO EXHIBIT "B"

6
7 **Leases**

8 8. Wm. Bolthouse Farms, Inc. (declarant or party affiliated with declarant) leases property
9 that Bolthouse Properties, LLC owns and that overlies the Antelope Valley Area of Adjudication
10 as decided by this court and identified by the following APNS:

11 REFER TO EXHIBIT "A"

12
13 9. The total acreage by parcel is:

14 REFER TO EXHIBIT "A"

15
16 10. The property is currently leased to:

17 Wm. BOLTHOUSE FARMS, INC.

18
19 11. The property was leased on the following dates:

20 APRIL 1, 2005 to PRESENT

21
22 12. The lease provides that Bolthouse Properties, LLC retains groundwater rights from the
23 use of water on the leased property. Attached to this declaration is a true and correct copy of the
24 lease.

25 REFER TO EXHIBIT "C" FOR LEASE EXTRACTS

26 [If additional room is needed, please list APN/APNs, acreage by APN, Lessee by APN and dates
27 for each Lessee by APN for each parcel in Exhibit C.] A true and correct copy of Exhibit C is
28 attached hereto and incorporated herein.

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1 13. N/A leases property from N/A which overlies the Antelope Valley Area of
2 Adjudication as decided by this court and is identified by the following APNS:

3 N/A

4 14. The total acreage by parcel is:

5 N/A

6 15. The Lease provides that N/A may claim groundwater rights from use of water on
7 leased property. Attached to this declaration is a true and correct copy of the lease.

8 [If additional room is needed, please attach APN/APNs, Name of the Lessor and acreage by APN
9 for each parcel list in Exhibit D to this declaration.] A true and correct copy of Exhibit D is
10 attached hereto and incorporated herein.

11 16. N/A claims groundwater rights only as to the leasehold interests listed in Paragraph
12 15 and Exhibit D.

13 17. N/A claims groundwater rights only as to the properties listed in Paragraph 2 and
14 Exhibit A and as to the leasehold interests listed in Paragraph 8 and Exhibit C.

15 18. To the best of my knowledge, only N/A claims groundwater rights as to the leased
16 parcel(s) identified in paragraph 15 and Exhibit D.

17 **Water Pump Hour Meter Records**

18 19. Bolthouse Properties, LLC measures the groundwater production on the above
19 referenced properties by water pump hour meters. Exhibit E contains the records for these water
20 pump hour meters for the following years:

21 2001 – 2011 REFER TO EXHIBITS “E-1”, “E-2”, “E-3” and “E-4”
22 _____

23 A true and correct copy of Exhibits E-1, E-2, E-3 and E-4 are attached hereto and incorporated
24 herein.

25 20. Exhibit F sets forth the total yearly production amounts by metered water well on the
26 above referenced properties for the years 2000-2004, 2011, and 2012. A true and correct copy of
27 Exhibit F is attached hereto and incorporated herein.

28 **State Water Project Purchases**

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1 21. N/A purchases State Water Project water from a State Water Contractor for use by
2 N/A on the properties referenced above. Exhibit G contains true and correct copies of the
3 invoices for delivery of State Water Project Water to the properties referenced above.

4 22. Exhibit H sets forth the total yearly State Water Project water deliveries to the properties
5 referenced above for the years 2000-2004, 2011, and 2012. A true and correct copy of Exhibit H
6 is attached hereto and incorporated herein.

7 **Pump Tests/ Electric Records**

8 23. In order to calculate groundwater pumped and used on the properties referenced above,
9 N/A relied on pump tests and electric records. Exhibit I contains true and correct copies of
10 the pump test records and electrical records for wells on the properties referenced above. The
11 electric records attached to this declaration as Exhibit I do not include electric use on the
12 properties referenced above for anything other than pumping groundwater.

13 24. Exhibit J sets forth the amount of total yearly groundwater that N/A estimates was
14 pumped and used on the properties referenced above for the years 2000-2004, 2011, and 2012
15 based on the attached pump test records and electrical records for the wells on the properties
16 referenced above. A true and correct copy of Exhibit J is attached hereto and incorporated
17 herein.

18 25. Pump tests were performed on the following dates:
19 N/A_____.

20 26. N/A is not producing pump test records for the following dates N/A because:
21 N/A_____.

22 27. I am not aware of any other pump tests having been performed on the properties
23 referenced above.

24 **Pump Tests/Diesel Records**

25 28. In order to calculate groundwater pumped and used on the properties referenced above,
26 N/A relied on pump tests and diesel fuel records. Exhibit K contains true and correct copies
27 of the records pertaining to pump tests and diesel fuel purchases for the properties referenced
28 above. The diesel fuel records attached to this declaration as Exhibit K do not include diesel fuel

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1 used on the properties referenced above for anything other than pumping groundwater.

2 29. Exhibit L sets forth the amounts of total yearly groundwater pumped and used on the
3 properties referenced above for the years 2000-2004, 2011, and 2012. A true and correct copy of
4 Exhibit L is attached hereto and incorporated herein.

5 30. Pump tests were performed on the following dates:

6 N/A

7 31. N/A is not producing pump test records for the following dates N/A because:

8 N/A

9 32. I am not aware of any other pump tests having been performed on the properties
10 referenced above.

11 **Crop Duties and Irrigated Acres**

12 33. In order to calculate water use on the properties referenced above, N/A relies on the
13 amount of acres in irrigation on the properties referenced above multiplied by the crop duty
14 identified in the Summary Expert Report, Appendix D-3: Table 4, a true and correct copy of
15 which is attached to this declaration as Exhibit M.

16 34. The total amount of irrigated acres and type of crops on the properties referenced above
17 by APN for the years 2000-2004, 2011 and 2012 are described in Exhibit N. A true and correct
18 copy of Exhibit N is attached hereto and incorporated herein.

19 **Other Sources of Water**

20 35. On the properties referenced above, N/A received water from sources other than
21 groundwater pumped within the Basin or State Water Project Water. Exhibit O sets forth the
22 source of the water and the amounts received for the years 2000-2004, 2011, and 2012.

23 **Use of Water** *(Complete for each APN. If water for used for multiple purposes, identify*
24 *the amount of water for each use.)* **REFER TO EXHIBIT "P" FOR THE YEARS 2001-2011.**

25 36. _____ used _____ acre feet of water on APN# _____ in 2000.

26 The water was used for the following:

27 _____

28 [State the crop type and number of acres of that crop. If not used for irrigation, describe the use.

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1 In lieu of answering this question, a crop map may be attached that shows the date, crop type,
2 irrigated acreage and parcels.]

3 37. _____ used _____ acre feet of water on APN# _____ in 2001. The
4 water was used for the following:

5 _____.

6 [State the crop type and number of acres of that crop. If not used for irrigation, describe the use.

7 In lieu of answering this question, a crop map may be attached that shows the date, crop type,
8 irrigated acreage and parcels.]

9 38. _____ used _____ acre feet of water on APN# _____ in 2002. The
10 water was used for the following:

11 _____.

12 39. _____ used _____ acre feet of water on APN# _____ in 2003. The
13 water was used for the following:

14 _____.

15 [State the crop type and number of acres of that crop. If not used for irrigation, describe the use.

16 In lieu of answering this question, a crop map may be attached that shows the date, crop type,
17 irrigated acreage and parcels.]

18 40. _____ used _____ acre feet of water on APN# _____ in 2004. The
19 water was used for the following:

20 _____.

21 [State the crop type and number of acres of that crop. If not used for irrigation, describe the use.

22 In lieu of answering this question, a crop map may be attached that shows the date, crop type,
23 irrigated acreage and parcels.]

24 41. _____ used _____ acre feet of water on APN# _____ in 2011. The
25 water was used for the following:

26 _____.

27 [State the crop type and number of acres of that crop. If not used for irrigation, describe the use.

28 In lieu of answering this question, a crop map may be attached that shows the date, crop type,

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irrigated acreage and parcels.]
42. _____ used _____ acre feet of water on APN# _____ in 2012. The
water was used for the following:

[State the crop type and number of acres of that crop. If not used for irrigation, describe the use.
In lieu of answering this question, a crop map may be attached that shows the date, crop type,
irrigated acreage and parcels.]

43. Other than what is declared hereinabove, _____ did not produce or use water
within the Antelope Valley Area of Adjudication for 2000-2004, 2011, and 2012.

I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct. Executed this 30th day of January 2013, at Bakersfield, California.



ANTHONY L. LEGGIO

EXHIBIT "A"

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26 EXHIBIT "B"

<u>APN</u>	<u>Size in acres</u>

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EXHIBIT "F"

<u>Year</u>	<u>Well</u>	<u>Yearly Production</u>

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EXHIBIT "H"

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EXHIBIT "I"

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EXHIBIT "J"

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EXHIBIT "K"

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EXHIBIT "L"

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EXHIBIT "M"

Appendix D-3: Table 4
Applied Crop Water Duties and Irrigation Efficiency Values
(DU = 80%)

Antelope Valley Area of Adjudication

Crop	ET _c ¹ (in)	P _e ² (in)	ET _{AW} ³ (in)	DU ⁴ (%)	AW _c ⁵ (in)	AW _{er} ⁶ (in)	AW _{pr} ⁷ (in)	AW _T ⁸ (in)	AW _T ⁸ (ft)	E _{irr} ⁹ (%)
Alfalfa	62.10	1.77	60.33	80	75.42	0	2.0	77.42	6.5	81
Carrots	27.47	0.00	27.47	80	34.33	6	6.5	46.83	3.9	85
Grain	22.94	1.42	21.52	80	26.90	0	4.0	30.90	2.6	83
Melons/Squash	23.91	0.00	23.91	80	29.88	0	4.0	33.88	2.8	82
Onions	37.57	0.00	37.57	80	46.96	3	4.0	53.96	4.5	83
Orchard (Deciduous)	47.38	0.00	47.38	80	59.22	0	0.0	59.22	4.9	80
Pasture	66.19	1.77	64.42	80	80.53	0	0.0	80.53	6.7	80
Potatoes	24.02	0.00	24.02	80	30.03	0	4.0	34.03	2.8	82
Silage	27.31	0.00	27.31	80	34.14	0	4.0	38.14	3.2	82
Sugar Beets	40.55	0.00	40.55	80	50.68	0	4.0	54.68	4.6	81
Vineyard (Grapes)	35.33	0.00	35.33	80	44.16	0	0.0	44.16	3.7	80

¹ ET_c = K_c * ET_o where ET_o = average ET_o for specified periods, based on data from Victorville CIMIS Station, 1994-2003; K_c values from Univ. California Cooperative Extension

² P_e = effective precipitation offsetting ET_c, up to 1/2 of the average precipitation, in Dec. - Feb., inclusive

³ ET_{AW} = evapotranspiration of applied water = ET_c - P_e

⁴ DU = irrigation distribution uniformity

⁵ AW_c = applied water for crop requirement = ET_{AW} + DU

⁶ AW_{er} = applied water for erosion control

⁷ AW_{pr} = applied water for field preparation and pre-irrigation

⁸ AW_T = applied crop water duty = AW_c + AW_{er} + AW_{pr}

⁹ E_{irr} = overall irrigation efficiency for beneficial uses = (ET_{AW} + AW_{er} + AW_{pr}) / AW_T

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EXHIBIT "N"

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EXHIBIT "O"

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