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LOS ANGELES COUNTY WATERWORKS
DISTRICT NO. 40

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES – CENTRAL DISTRICT

**ANTELOPE VALLEY
GROUNDWATER CASES**

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

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

Wm. Bolthouse Farms, Inc. v. City of
Lancaster, Diamond Farming Co. v. City of
Lancaster, Diamond Farming Co. v.
Palmdale Water Dist., Superior Court of
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 ERIC L. GARNER IN
SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF THE
WOOD CLASS SETTLEMENT**

DECLARATION OF ERIC L. GARNER

I, Eric L. Garner, declare as follows:

1. I am a partner with the law firm of Best Best & Krieger LLP, counsel for defendant Los Angeles County Waterworks District No. 40 (“District 40”). I have personal knowledge of the facts stated herein and, if called upon to do so, I could testify to these facts.

2. As set forth below, prior water adjudications have designated certain water users as minimal users.

3. *In re the General Adjudication of All Rights to Use Water in the Gila River System and Source* (Ariz. 1993) 175 Ariz. 382, 394, the court found that a “properly crafted de minimis exclusion will not cause piecemeal adjudication of water rights.....” The court went on to state “[i]t is sensible to interpret the McCarran Amendment as permitting the trial court to adopt reasonable simplifying assumptions to allow us to finish these proceedings within the lifetime of some of those presently working on the case.” *Id.* In the *Gila River* case the court upheld the exclusion of minimal pumpers from the adjudication. A true and correct copy of this case is attached hereto as Exhibit “A.”

4. Similarly, California Water Code sections 2502 and 2503 permit the exclusion of parties that use 10 acre-feet or less annually in surface water adjudications. True and correct copies of Water Code sections 2502 and 2503 are attached hereto as Exhibit “B.”

5. In *Southern California Water Company v. City of La Verne, et al.*, also know as “Six Basins” the Judgment defines minimal producers as “any producer whose production is less than 25 acre feet each year.” The Six Basins Judgment further states that “Minimal Producers are not bound or affected by this Judgment. No person may produce twenty-five acre feet or more in any Year without becoming a Party.” A true and correct copy of the relevant portion of the Six Basins Judgment is attached hereto as Exhibit “C.”


6. In *City of Barstow v. Mojave Water Agency, et al.*, the Judgment After Trial allowed for the exclusion of minimal producers, or those who pumped less than 10 acre-feet a year. A true and correct copy of the relevant portions of Judgment After Trial is attached hereto as

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Exhibit "D."

7. In *Chino Basin Municipal Water District v. City of Chino*, the Judgment defines minimal producer as "any producer whose production does not exceed five acre-feet per year." A true and correct copy of the relevant portion of the Chino Basin Judgment is attached hereto as Exhibit "E."

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 2nd day of May, 2011, at Indian Wells, California.



Eric L. Garner

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