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5 Attorneys for DIAMOND FARMING COMPANY,  
a California corporation, CRYSTAL ORGANIC  
6 FARMS, a limited liability company, GRIMMWAY  
ENTERPRISES, INC., and LAPIS LAND COMPANY, LLC  
7

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **IN AND FOR THE COUNTY OF LOS ANGELES**

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

Judicial Council Coordination No. 4408

13 ANTELOPE VALLEY GROUNDWATER  
14 CASES

Case No.: 1-05-CV-049053

**DECLARATION OF CARL F. VOSS JR.**

14 Included actions:

15 Los Angeles County Waterworks District No.  
16 40 vs. Diamond Farming Company  
Los Angeles Superior Court  
17 Case No. BC 325201

18 Los Angeles County Waterworks District No.  
19 40 vs. Diamond Farming Company  
Kern County Superior Court  
Case No. S-1500-CV 254348 NFT

20 Diamond Farming Company vs. City of  
21 Lancaster  
Riverside County Superior Court  
22 Lead Case No. RIC 344436 [Consolidated  
w/Case Nos. 344668 & 353840]

23 \_\_\_\_\_  
24 **AND RELATED CROSS-ACTIONS.**

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1 I, CARL F. VOSS, JR., declare as follows:

2 1. I make this declaration of my own personal knowledge and if called upon to testify, I  
3 could and would testify as follows:

4 2. I am an employee of Grimmway Enterprises, Inc. (“Grimmway”). I have worked for  
5 Grimmway since 1995. From 1995 to the present, I have been Grimmway’s land manager. As the land  
6 manager, in addition to other responsibilities, I am responsible for all water issues that pertain to the  
7 land held and/or utilized by Grimmway or its affiliates and subsidiaries.

8 3. Diamond Farming Company, Crystal Organic Farms, and Lapis Land Co., LLC, are each  
9 affiliates or subsidiaries of Grimmway Enterprises, Inc. As part of my duties as Grimmway’s land  
10 manager, I am responsible for all water issues that pertain to the lands held and/or used by each of these  
11 affiliates or subsidiaries (together with the Grimmway Enterprises’ property, the property held by these  
12 affiliates/subsidiaries is collectively referred to as the “Grimmway Properties”). The properties owned  
13 by Grimmway Enterprises, Inc. and Lapis Land Co., LLC do not pump groundwater.

14 4. The water issues that I handle for the Grimmway Properties covers all issues relating to  
15 making sure that the properties have a water source. This entails working with water districts and  
16 groundwater sources or both. In the case of ground water, I am responsible for making sure that all  
17 pumping equipment down and inside the hole is maintained. I also track the water that is produced from  
18 the wells, as well as monitoring the expenses associated with the well usage. All wells are metered.

19 5. Of the four named cross-defendants, only two own land within the Area of Adjudication  
20 which is actively farmed, and from which groundwater is produced and used for irrigation, specifically,  
21 Diamond Farming Company and Crystal Organic Farms, LLC.

22 6. Diamond Farming Company owns 530.09 acres within the area of adjudication which  
23 is actively farmed and from which groundwater is pumped and put to use for irrigation.

24 7. Crystal Organic Farms, LLC owns 627.37 acres within the area of adjudication which is  
25 actively farmed and from which groundwater is pumped and put to use for irrigation.

26 8. The exhibit identified as 4-GRIMM-1, attached hereto, is a true and correct copy of a map  
27 of what is internally referred to as the Kotchian Ranch, and which depicts that property owned by  
28 Diamond Farming Company.

1           9.       The exhibit identified as 4-GRIMM-2, 3, & 4, attached hereto, is a true and correct copy  
2 of the deed granting the parcel identified as APN 3378-001-003 from Kotchian Properties to Diamond  
3 Farming Company. This document was recorded in Los Angeles County on November 24, 1999 as  
4 document number 99-2183556.

5           10.       The exhibit identified as 4-GRIMM-5 & 6, attached hereto, is a true and correct copy of  
6 the County of Los Angeles Assessors map 3378 showing the Diamond Farming Company's properties.

7           11.       The exhibit identified as 4-GRIMM-7, 8, 9 & 10, attached hereto, is a true and correct  
8 copy of the deed granting the parcel identified as APN 3376-032-001 from the Calandri Trust to  
9 Diamond Farming Company. This document was recorded in Los Angeles County on December 20,  
10 2004 as document number 04-3371087.

11           12.       The exhibit identified as 4-GRIMM-11, attached hereto, is a true and correct copy of the  
12 County of Los Angeles Assessors map 3376 showing the Diamond Farming Company property  
13 identified at APN 3376-032-001.

14           13.       In 2012, there were only three active wells from which Diamond Farming Company was  
15 pumping water. These wells are identified on Exhibit 4-GRIMM-1 as wells DW-133, DW224 and DW-  
16 134.

17           14.       The exhibit identified as 4-GRIMM-14 & 16, attached hereto, is a true and correct copy  
18 of a spreadsheet prepared and maintained by Diamond Farming Company, in the ordinary course of  
19 business, and by content reflect on a monthly basis groundwater production for the crop year 2011 (Ex.  
20 4-GRIMM-14) and crop year 2012 (Ex. 4-GRIMM-16). This contains the information for the water  
21 usage on Kotchian Properties from wells DW-133, DW224 and DW-134 as identified on Exhibit 4-  
22 GRIMM-1. The total production for the crop year 2011 was 1,751.852 acre feet. The total production  
23 for the crop year 2012 was 1,645.379 acre feet.

24           15.       The exhibit identified as 4-GRIMM-17, attached hereto, is a true and correct copy of a  
25 map of what is internally referred to as the Willow Springs Ranch, and which depicts that property  
26 owned by Diamond Farming Company.

27           16.       For the year 2011, groundwater was pumped by wells situated on that real property owned  
28 by DIAMOND FARMING COMPANY and used to irrigate mustard, carrots and potatoes.

1           17.     During the crop year 2011, 1,649.273 acre feet of groundwater was pumped by and from  
2 groundwater wells situated upon that real property owned by Diamond Farming Company.

3           18.     For the year 2012, groundwater was pumped by wells situated on that real property owned  
4 by DIAMOND FARMING COMPANY and used to irrigate wheat and potatoes.

5           19.     For the crop year 2012, 2,221.522 acre feet of groundwater was pumped by and from  
6 groundwater wells situated upon that real property owned by Diamond Farming Company.

7           20.     Exhibits 4-GRIMM-104 and 105 are true and correct copies of the spread sheets prepared  
8 and retained in the ordinary course of business and reflect on a monthly basis pumping for crop years  
9 2011 and 2012.

10          21.     The exhibit identified as 4-GRIMM-18-19, attached hereto, is a true and correct copy of  
11 the deed granting the parcels identified as APNs 346-031-02, 346-031-03, 346-031-04 from the Duncan  
12 Trusts to Grimmway Enterprises, Inc. This document was recorded in Kern County on October 31, 2007  
13 as document number 0207218386. The properties are identified in blue on Exhibit 4-GRIMM-17.

14          22.     The exhibit identified as 4-GRIMM-28 & 29, attached hereto, is a true and correct copy  
15 of the deed granting the parcel identified as APN 358-052-01 from the D.C. Duncan Family Trust to  
16 Lapis Land Company, LLC. This document was recorded in Kern County on October 31, 2007 as  
17 document number 0207218380. The property is identified in yellow on Exhibit 4-GRIMM-17.

18          23.     The exhibit identified as 4-GRIMM-42, 43 & 44, attached hereto, is a true and correct  
19 copy of the deed granting the parcels identified as APNs 346-031-08, 346-031-10 and 346-031-11 from  
20 the Duncan Family Trusts to Crystal Organic Farms, LLC. This document was recorded in Kern County  
21 on January 19, 2006 as document number 0206013742. The property is identified in green on Exhibit  
22 4-GRIMM-17.

23          24.     For the crop year 2011, groundwater was pumped by wells situated on that real property  
24 owned by CRYSTAL ORGANIC FARMS, LLC and used to irrigate barley, carrots, and onions.

25          25.     During the crop year 2011, 1,649.273 acre feet of groundwater was pumped by and from  
26 groundwater wells situated upon that real property owned by Crystal Organic Farms, LLC.

27          26.     For the crop year 2012, groundwater was pumped by wells situated on that real property  
28 owned by Crystal Organic Farms, LLC and used to irrigate barley, carrots, and onions.



**PROOF OF SERVICE**

1 ANTELOPE VALLEY GROUNDWATER CASES  
2 JUDICIAL COUNCIL PROCEEDING NO. 4408  
3 CASE NO.: 1-05-CV-049053

4 I am a citizen of the United States and a resident of the county aforesaid; I am over the age  
5 of eighteen years and not a party to the within action; my business address is: 5001 E. Commercenter  
6 Drive, Suite 300, Bakersfield, California 93309. On May 30, 2013, I served the within  
7 **DECLARATION OF CARL F. VOSS, JR.**

8  **(BY POSTING)** I am "readily familiar" with the Court's Clarification Order.  
9 Electronic service and electronic posting completed through [www.sceffiling.org](http://www.sceffiling.org) ; All papers filed  
10 in Los Angeles County Superior Court and copy sent to trial judge and Chair of Judicial Council.

11 Los Angeles County Superior Court  
12 111 North Hill Street  
13 Los Angeles, CA 90012  
14 Attn: **Department 1**  
15 (213) 893-1014

16 Chair, Judicial Council of California  
17 Administrative Office of the Courts  
18 Attn: Appellate & Trial Court Judicial Services  
19 (Civil Case Coordinator)  
20 Carlotta Tillman  
21 455 Golden Gate Avenue  
22 San Francisco, CA 94102-3688  
23 Fax (415) 865-4315

24  **(BY MAIL)** I am "readily familiar" with the firm's practice of collection and  
25 processing correspondence for mailing. Under that practice it would be deposited with the U.S.  
26 Postal Service on that same day with postage thereon fully prepaid at Bakersfield, California, in  
27 the ordinary course of business.

28  **(OVERNIGHT/EXPRESS MAIL)** By enclosing a true copy thereof in a sealed  
envelope designated by United States Postal Service (Overnight Mail)/Federal Express/United  
Parcel Service ("UPS") addressed as shown on the above by placing said envelope(s) for ordinary  
business practices from Kern County. I am readily familiar with this business' practice of  
collecting and processing correspondence for overnight/express/UPS mailing. On the same day  
that the correspondence is placed for collection and mailing, it is deposited in the ordinary course  
of business with the United States Postal Service/Federal Express/UPS in a sealed envelope with  
delivery fees paid/provided for at the facility regularly maintained by United States Postal Service  
(Overnight Mail/Federal Express/United Postal Service [or by delivering the documents to an  
authorized courier or driver authorized by United States Postal Service (Overnight Mail)/Federal  
Express/United Postal Service to receive documents].

**(STATE)** I declare under penalty of perjury under the laws of the State of  
California that the above is true and correct, and that the foregoing was executed on May 30,  
2013, in Bakersfield, California.

  
LEQUETTA HANSEN