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SECTION 6103**

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15 ANGELES and  
16 LOS ANGELES WORLD AIRPORTS

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
13 COUNTY OF LOS ANGELES

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

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

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

26 Wm. Bolthouse Farms, Inc. v. City of  
27 Lancaster, Diamond Farming Co. v. City of  
28 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 ROBERT C.  
WAGNER IN LIEU OF DEPOSITION  
TESTIMONY FOR PHASE 4 TRIAL AND  
EXHIBITS TO DECLARATION**

1 **DECLARATION**

2 I, Robert C. Wagner, declare:

3 1. I have been retained as an expert witness for the City of Los Angeles to provide an  
4 opinion concerning the current and historical use of water on land owned by the Los Angeles  
5 World Airports (“LAWA”), a department of the City of Los Angeles. My resume and  
6 qualifications have been provided in Exhibit A to Los Angeles’ Declaration and Designation of  
7 Witnesses for Phase 4 Trial, filed January 4, 2013. In lieu of deposition testimony for the Phase 4  
8 trial, I am providing this declaration. This declaration applies only to paragraphs 2, 4, and 19  
9 through 43 of the form Declaration approved by the Court by its Amendment 1 to Case  
10 Management Order. My opinion, set forth below, is based on the documents identified in my  
11 responses and attached hereto, County Sanitation Districts of Los Angeles County Annual and  
12 Monthly Monitoring Reports, (attached as Exhibit I-1 through I-7 in Los Angeles’ Response to  
13 Discovery Order filed on December 21, 2012)(“LAWA’s Discovery Response”), on Lahontan  
14 Regional Water Quality Control Board Investigative Order No. R6V-2012-0056, dated November  
15 14, 2012, attached hereto as Exhibit O-2, and on personal interviews with the persons most  
16 familiar with water use and/or farming on the LAWA property consistent with such documents.

17 **Property Ownership and Parcel Size**

18 2. I am informed and believe that Los Angeles World Airports owns property that overlies  
19 the Antelope Valley Area of Adjudication as decided by this Court. The land is in Los Angeles  
20 County and is identified by the Assessor Identification Numbers (AINs) set forth in:  
21 Exhibits A and A-1 in LAWA’s Discovery Response.

22 3. I am informed and believe that Los Angeles World Airports claims groundwater rights  
23 only as to the properties listed in Paragraph 2 and Exhibits A and A-1 in LAWA’s Discovery  
24 Response.

25 4. For each AIN identified above, the total acreage by parcel is as set forth on Exhibit B,  
26 attached hereto.

27 5 [QUESTIONS 5 THROUGH 18 ARE OMITTED AS NOT APPLICABLE;  
28 ACCORDINGLY THIS DECLARATION CONTAINS NO EXHIBIT C OR D AS IDENTIFIED

1 IN QUESTIONS 5 THROUGH 8 ]

2 **Water Meter Records**

3 19. Carl Voss, Land Manager for Grimmway Enterprises, Inc. (which managed LAWA  
4 lessee's Gene Wheeler Farms from 2000-2002, and LAWA lessee's Giba Farms from 2003-2012)  
5 measured the groundwater production on the above referenced leaseholds by water meters.  
6 Exhibit E contains the records for these water meters for the following years: 2000-2004, and  
7 2011-2012. The data contained in Exhibit E was provided to me by Mr. Carl Voss on January 15,  
8 2013. A true and correct copy of Exhibit E is attached hereto and incorporated herein.

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

12 **Pump Tests/ Electric Records**

13 23. In order to calculate groundwater pumped and used on the properties referenced above,  
14 LAWA lessee A-G Sod Farms, Inc. relied on pump tests and electric records. Exhibit I contains  
15 true and correct copies of the pump electrical energy usage supplied to me by A-G Sod Farms for  
16 the wells on the A-G Sod Farms leasehold referenced above. These referenced documents are  
17 attached to this declaration as Exhibit I and do not include electric use for anything other than  
18 pumping groundwater to the best of my knowledge.

19 24. Exhibit J sets forth the amount of total yearly groundwater that A-G Sod Farms, Inc.  
20 estimates was pumped and used on the properties referenced above for the years 2000-2004,  
21 2011, and 2012 based on the attached pump test records and electrical records for the wells on the  
22 A-G Sod Farms leasehold referenced above. A true and correct copy of Exhibit J is attached  
23 hereto and incorporated herein. I prepared Exhibit M-2, attached hereto, to identify the fields for  
24 which pump tests and electric records were used to calculate water production.

25 25. Pump tests were performed on the following dates: 8/18/2010, 9/26/2011, 11/12/2012.

26 26. Pump test records of electrical wells for A-G Sod Farms, Inc. for other dates were not  
27 available.

28 27. I am not aware of any other pump tests having been performed on the A-G Sod Farms

1 leasehold properties referenced above.

2 **Pump Tests/Diesel Records**

3 28. In order to calculate groundwater pumped and used on the A-G Sod Farms leasehold  
4 referenced above, A-G Sod Farms, Inc. relied on pump tests and diesel fuel records. Exhibit K  
5 contains true and correct copies of the records pertaining to pump tests and diesel fuel purchases  
6 for the A-G Sod Farms leasehold properties referenced above. The diesel fuel records attached to  
7 this declaration as Exhibit K do not include diesel fuel used for anything other than pumping  
8 groundwater to the best of my knowledge.

9 29. Exhibit L sets forth the amounts of total yearly groundwater pumped and used on the A-G  
10 Sod Farms leasehold for the years 2000-2004, 2011, and 2012. A true and correct copy of  
11 Exhibit L is attached hereto and incorporated herein. I prepared Exhibit M-2, attached hereto, to  
12 identify the fields for which pump tests and diesel records were used to calculate water  
13 production.

14 30. Pump tests were performed on the following dates: 9/8/2000, 2/18/2002, 8/18/2010,  
15 9/26/2011, 11/12/2012

16 31. Pump test records of diesel wells for A-G Sod Farms, Inc. for other dates were not  
17 available.

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

20 **Crop Duties and Irrigated Acres**

21 33. In order to calculate water use on the LAWA properties referenced above, I also relied on  
22 the number of acres in irrigation multiplied by the crop duty identified in the Summary Expert  
23 Report, Appendix D-3: Table 4, a true and correct copy of which is attached to this declaration as  
24 Exhibit M (Exhibit M was not prepared by me). I prepared Exhibit M-2, attached hereto, to  
25 identify the fields for which Exhibit M was used to calculate water production, and Exhibit M-2  
26 also shows non-irrigation use of groundwater. Inspection of aerial photographs, dated May 31,  
27 1994, June 7, 2002, June 3, 2003, March 14, 2005, July 15, 2011, December 3, 2011, April 29,  
28 2012, and August 25, 2012, was made to estimate acreage under irrigation, and they are attached

1 hereto as Exhibit M-3.

2 34. The total area of irrigated acres and type of crops on the LAWA property referenced  
3 above by AIN for the years 2000-2004, 2011 and 2012 are described in Exhibit N-2000, Exhibit  
4 N-2001, Exhibit N-2002, Exhibit N-2003, Exhibit N-2004, Exhibit N-2011, and Exhibit N-2012.  
5 A true and correct copy of the aforementioned Exhibits N are attached hereto and incorporated  
6 herein.

7 **Other Sources of Water**

8 35. Los Angeles World Airports also received and used reclaimed wastewater from County of  
9 Los Angeles Sanitation District No. 20 for irrigation of crops on LAWA property. Exhibit O  
10 attached hereto sets forth the source of the water and the amounts received for the years 2000-  
11 2004, 2011, and 2012 and reflects the information contained in County Sanitation Districts of Los  
12 Angeles County Annual and Monthly Monitoring Reports (attached as Exhibit I-1 through I-7 in  
13 LAWA's Discovery Response).

14 Findings of Lahontan Regional Water Quality Control Board Investigative Order No.  
15 R6V-2012-0056, dated November 14, 2012, at Paragraph 3, page 2, states the following:

16 Over the course of the operation of the Reclamation Plant, which began in 1953,  
17 the effluent has been discharged to unlined ponds on the District's property and to  
18 an effluent disposal site, also known as the Effluent Management Site or  
19 Agricultural Site, which is owned by the City of Los Angeles. Effluent disposal at  
20 the Agricultural Site has included direct discharge to land without the presence of  
21 a crop, discharging to crops in amounts greater than crop uptake of water and  
22 nitrogen, and, since March 2010, discharging to crops at agronomic rates.

23 A true and correct copy of the Lahontan Regional Water Quality Control Board Investigative  
24 Order No. R6V-2012-0056, dated November 14, 2012 is attached hereto as Exhibit O-2.

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

27 See Exhibit M-2 and Exhibit N-2000, Exhibit N-2001, Exhibit N-2002, Exhibit N-2003, Exhibit  
28 N-2004, Exhibit N-2011, and Exhibit N-2012 as set forth for 2000-2004, 2011 and 2012 which

1 show the crop types, number of acres for each crop, and the non-irrigation purposes for which  
2 groundwater was used.

3 36. \_\_\_\_\_ used \_\_\_\_\_ acre feet of water on APN# \_\_\_\_\_ in 2000.

4 The water was used for the following:

5 \_\_\_\_\_.

6 See Exhibit M-2 and Exhibit N-2000.

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

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

10 37. \_\_\_\_\_ used \_\_\_\_\_ acre feet of water on APN# \_\_\_\_\_ in 2001. The  
11 water was used for the following:

12 \_\_\_\_\_.

13 See Exhibit M-2 and Exhibit N-2001.

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

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

17 38. \_\_\_\_\_ used \_\_\_\_\_ acre feet of water on APN# \_\_\_\_\_ in 2002. The  
18 water was used for the following:

19 \_\_\_\_\_.

20 See Exhibit M-2 and Exhibit N-2002.

21 39. \_\_\_\_\_ used \_\_\_\_\_ acre feet of water on APN# \_\_\_\_\_ in 2003. The  
22 water was used for the following:

23 \_\_\_\_\_.

24 See Exhibit M-2 and Exhibit N-2003.

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

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

28 40. \_\_\_\_\_ used \_\_\_\_\_ acre feet of water on APN# \_\_\_\_\_ in 2004. The

1 water was used for the following:

2 \_\_\_\_\_.

3 See Exhibit M-2 and Exhibit N-2004.

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

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

7 41. \_\_\_\_\_ used \_\_\_\_\_ acre feet of water on APN# \_\_\_\_\_ in 2011. The  
8 water was used for the following:

9 \_\_\_\_\_.

10 See Exhibit M-2 and Exhibit N-2011.

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

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

14 42. \_\_\_\_\_ used \_\_\_\_\_ acre feet of water on APN# \_\_\_\_\_ in 2012. The  
15 water was used for the following:

16 \_\_\_\_\_.

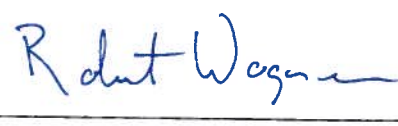
17 See Exhibit M-2 and Exhibit N-2012.

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

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

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

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

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26 \_\_\_\_\_

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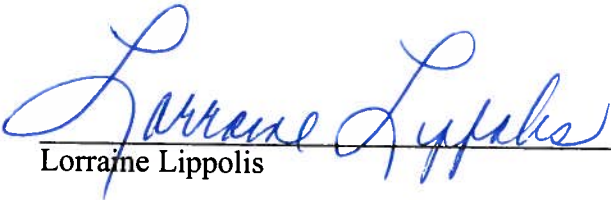
PROOF OF SERVICE

I DECLARE THAT:

I am employed in the County of Sacramento, State of California. I am over the age of eighteen years and not a party to the within action. My business address is 400 Capitol Mall, 27<sup>th</sup> Floor, Sacramento, California 95814.

On January 31, 2013, I served the attached DECLARATION OF ROBERT C. WAGNER IN LIEU OF DEPOSITION TESTIMONY FOR PHASE 4 TRIAL FILED IN SUPPORT OF THE CITY OF LOS ANGELES'S APPLICATION FOR WATER RIGHTS AND EXHIBITS TO DECLARATION by posting the document to the Santa Clara Superior Court website [www.scefiling.org](http://www.scefiling.org). in regard to the Antelope Valley Groundwater matter.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that this document was executed on January 31, 2013.

  
Lorraine Lippolis