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12 CLAN KEITH REAL ESTATE INVESTMENTS
13 LLC, dba LEISURE LAKE MOBILE ESTATES

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

12 ANTELOPE VALLEY GROUNDWATER
13 CASES

14 Included Actions:
15 Los Angeles County Waterworks District No.
16 40 v. Diamond Farming Co., Superior Court
of California, County of Los Angeles, Case
No. BC 325201;

17 Los Angeles County Waterworks District No.
18 40 v. Diamond Farming Co., Superior Court
of California, County of Kern, Case No. S-
1500-CV-254-348;

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

23 RICHARD WOOD, on behalf of himself and
24 all other similarly situated v. A.V. Materials,
25 Inc., et al., Superior Court of California,
26 County of Los Angeles, Case No. BC509546

Judicial Council Coordination Proceeding
No. 4408

CLASS ACTION

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

**DECLARATION OF JERRY DELUCIA IN
LIEU OF TESTIMONY FOR PHASE VI
TRIAL**

Date: September 28, 2015
Time: 10:00 a.m.
Dept.: Stanley Mosk Court House, Room 222

*[Filed concurrently with:
(1) Declaration of Charles M. Keith In Lieu Of
Testimony For Phase VI Trial; and
(2) Prove-Up Trial Brief of Cross-Defendant
Clan Keith Real Estate Investments LLC, dba
Leisure Lake Mobile Estates.]*

1 **DECLARATION OF JERRY DELUCIA**

2 I, Jerry DeLucia, declare as follows:

3 1. I am the former Maintenance Supervisor and Chief Operator of the Water System
4 at Leisure Lake Mobile Estates, located at 48303 N. 20th Street West, Lancaster, California,
5 consisting of Los Angeles County Assessor’s Identification Numbers (“AIN”): 3116-015-002,
6 3116-015-003, 3117-007-001 (the “Property”). This declaration is made in support of the
7 [Proposed] Judgment and Physical Solution filed with the Court on March 4, 2015 on behalf of
8 Cross-Defendant Clan Keith Real Estate. I am over eighteen years of age and I have personal
9 knowledge of each fact herein and would competently testify thereto under oath.

10 2. I make this declaration for the purpose of establishing facts that can be stipulated
11 to by the parties and in lieu of trial testimony if such stipulation(s) can be reached. Alternatively,
12 I am available to appear in Court for direct testimony and any cross-examination that may be
13 pursued.

14 3. I have obtained and currently maintain a Treatment 1 license with the California
15 State Water Resources Control Board (“State Board”), which qualifies me to operate drinking
16 water treatment and distribution systems within the state.

17 4. On or about May 1, 2007, I began my employment with Leisure Lake Mobile
18 Estates as its Maintenance Supervisor and Chief Operator of its water system. My job
19 responsibilities included groundwater well operations and maintenance as well as general
20 maintenance of the Property. On or about August 31, 2015, I retired from my position with
21 Leisure Lake Mobile Estates.

22 5. The Property is currently built out with approximately 211 mobile home units, an
23 approximately 36,000-gallon swimming pool, an approximately 600-gallon spa, a community
24 laundry room, a clubhouse area, and landscaping. The Property also incorporates a man-made
25 lake, which sits at the center of the Property and is surrounded by the Property’s mobile home
26 units and other facilities. The lake at Leisure Lakes Mobile Estates functions as the residential
27 and commercial heart of the Property.

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1 6. True and correct copies of site photographs of the Property are attached to this
2 declaration. Attached as Exhibit "A" is a front- and back-side copy of a photograph of the
3 Property taken in or around year 1977, which depicts the Property prior to full build out and
4 distinctly shows the lake in largely the same location, orientation, and volume as it exists today.
5 Attached as Exhibit "B" is a front- and back-side copy of a photograph of the Property taken in
6 or around year 1993, which depicts the fully built out Property complete with the swimming
7 pool, clubhouse, and landscaping surrounding the lake. Attached as Exhibit "C" is a front- and
8 back-side copy of a photograph of the Property taken in or about year 1999, which depicts the
9 fully built out and fully landscaped Property in substantially the same condition as exists today.
10 These photographs were obtained from the Property's onsite records retained in the regular
11 course of business by Leisure Lake. I have studied each photograph contained Exhibit "A,"
12 Exhibit "B," and Exhibit "C," and based on my personal knowledge of the Property gained from
13 over eight years of onsite work at the Property, each of these photographs is an authentic
14 representation of the land uses, lake orientation, and historical lake volume at the Property.

15 7. Three on-site groundwater wells serve the Property, as shown in the map attached
16 as Exhibit "D" to this declaration, which accurately depicts the location of each well based on
17 my personal knowledge of the Property. Each well is equipped with a meter registering the
18 amount of water produced at each wellhead in increments of thousands of gallons. Based on my
19 experience as Maintenance Supervisor and Chief Operator at the Property, and to my knowledge
20 of events and conditions prior to my employment at the Property, during the period of my
21 employment at Leisure Lake Mobile Estates, and prior thereto, the meters at each well
22 functioned properly and have always been maintained in working order.

23 8. Based on my knowledge of the Property, Well 1 was drilled during a period from
24 approximately 1936 to 1937. Well 1 is the primary production well at the Property and is
25 equipped with an approximately 108,000-gallon tank. Well 1 supplies potable water for drinking
26 water for residents and landscaping and, until approximately 2004, supplied water for the lake.
27 Leisure Lake has well logs for Well 1 from 2003 through 2015. Well 1 records for 2006 have
28 been misplaced and are not available at this time. However, based on my experience and

1 knowledge of the Property's consumptive use, I am confident that groundwater was produced
2 from Well 1 during 2006.

3 9. Based on my knowledge of the Property, Well 2 was drilled during a period from
4 approximately 1936 to 1937. There is no separate storage tank attached at Well 2; rather, Well 2
5 is plumbed and connected to feed water to the storage tank at Well 1. Well 2 does not supply
6 potable water to the Property, and instead serves primarily as a backup supply source. From
7 2003 through 2015, Well 2 was only used during the following periods: January 1, 2005 to June
8 30, 2005; July 4, 2006 to December 13, 2006; July 1, 2009 to December 31, 2009; and January 2,
9 2010 to December 5, 2010.

10 10. Based on my knowledge of the Property, Well 3 was drilled in approximately
11 1999. Well 3 is equipped with an approximately 108,000-gallon tank, and is plumbed with
12 connections that would allow Well 3 to serve residential and community uses at the Property.
13 However, Well 3 does not supply potable water to the Property, but since at least 2007 has been
14 used to maintain the water level of the lake. Leisure Lake has well meter readings recorded for
15 Well 3 from 2004 through 2015. However, based on my experience and knowledge of the
16 Property's consumptive use, I am confident that groundwater was produced from Well 3 during
17 2003.

18 11. Based on my knowledge and experience gained from over eight years of onsite
19 work at the Property as its water systems operator, all water pumped at the Property from Wells
20 1, 2, and 3 is used solely for use at the Property itself.

21 12. For the full duration of my employment as the Maintenance Supervisor and Chief
22 Operator of the water system at Leisure Lake Mobile Estates, I recorded groundwater production
23 meter readings into handwritten groundwater logs for the meters at Wells 1, 2, and 3. In
24 connection therewith, I also became familiar with all historical groundwater production records
25 kept for the Property for periods prior to and during my employment, including all handwritten
26 meter logs and annual reports.

27 13. True and correct copies of meter readings recorded from on or about April 1,
28 2003 to on or about June 30, 2015 (the "Logs"), as well as Annual Reports of groundwater

1 production for years 2007 to 2014 (“Annual Reports”) are attached to this declaration as Exhibit
2 “E.” Through the course of my employment, I have become familiar with the Logs and Annual
3 Reports and have personally prepared the Logs since 2010.

4 14. Also provided with Exhibit “E” is a Summary Table that accurately aggregates
5 historical groundwater production for the Property, for all three wells, from years 2003 to 2015.
6 Values displayed in the Summary Table at Exhibit “E” represent annual groundwater production
7 for each well. For each well and year, unless otherwise noted in this declaration, annual values
8 were calculated by subtracting the first available meter reading from the last available meter
9 reading, as recorded in the Logs, and multiplying the difference by 1,000 to account for the unit
10 of measurement of the well meters, which measure production in thousands of gallons. The
11 annual total for each well was added together to produce the annual total of water pumped at the
12 Property. The annual total pumped at the Property was converted to acre-feet based on a
13 conversion formula of 1 ACF = 325851.429 gallons.

14 15. Based on the available groundwater production records for the Property attached
15 hereto as Exhibit “E,” following the methods and calculations described in this declaration, at
16 minimum, the total groundwater production for the Property from years 2003 to 2015 is as
17 follows:

Leisure Lake Mobile Estates Groundwater Production						
2003 – 2015 (AFY)						
<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>
151.8	156.7	143.9	79.8	250.2	155.2 - 253.4	177.1
<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	
144.2 – 152.3	146.6	149.6	150.2 - 150.7	136.3 – 140.9	49.8	

26 16. The annual pumping totals provided above and contained in Exhibit “E” reflect a
27 conservative estimate of groundwater produced on the Property because small portions of the
28 Logs have been misplaced or damaged. For instance, my calculation of Well 1 totals in 2003,

1 2005 and 2008 were based on available meter logs from April 1, 2003 through December 31,
2 2003; January 1, 2005 through March 31, 2005; and February 4, 2008 through December 31,
3 2008. My calculation of Well 3 totals were also based on limited meter logs in the following
4 years: April 1, 2004 through November 30, 2004; June 15, 2006 through December 31, 2005;
5 January 1, 2006 through March 3, 2006; May 22, 2007 through December 20, 2007; and January
6 1, 2008 through December 30, 2008.

7 17. Although the Logs do not display well meter readings for Well 3 during the
8 period from July 1, 2010, to December 31, 2010, groundwater was pumped from Well 3 during
9 this period. As handwritten and recorded on the January 2010 through March 2010 meter
10 readings log, and as reflected in the summary table prepared for this declaration as part of
11 Exhibit "E," Leisure Lake produced an annual total of 27,409,000 gallons of groundwater from
12 Well 3 during 2010.

13 18. Since 2007, Leisure Lake prepared Annual Reports of its use of water from Well
14 1 for submission to the State Board. Excerpts of Well 1 Annual Reports, from 2009 through
15 2014, are included in Exhibit "E" in support of the Logs for Well 1. Annual Reports were not
16 available for 2007 or 2008; however, a State Board Water Production Data sheet for Well 1 is
17 included in Exhibit "E". The State Board Water Production Data sheet included Well 1 annual
18 usage from 2007 through 2014, as submitted by Leisure Lake in its Annual Reports. No well
19 logs were available for Well 1 for 2007; however, the State Board Water Production Data sheet
20 indicates that Well 1 produced 66,000,000 gallons in 2007 and 68,000,000 gallons in 2008.
21 Annual Report data is included in the Summary Table attached with Exhibit "E" for comparison
22 to the Logs. Due to human tabulation errors, the Annual Reports are not necessarily consistent
23 with the well logs for Well 1.

24 19. True and correct copies of the Logs recorded from on or about April 1, 2003 to on
25 or about June 30, 2015, Annual Reports for years 2007 to 2014 for Well 1, and a summary table
26 that accurately aggregates groundwater production figures for the Property, for all three wells, is
27 attached to this declaration as Exhibit "E."
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 25 day of September, 2015, at Lancaster, California.


Jerry DeLucia

EXHIBIT "A" TO DECLARATION OF JERRY DELUCIA



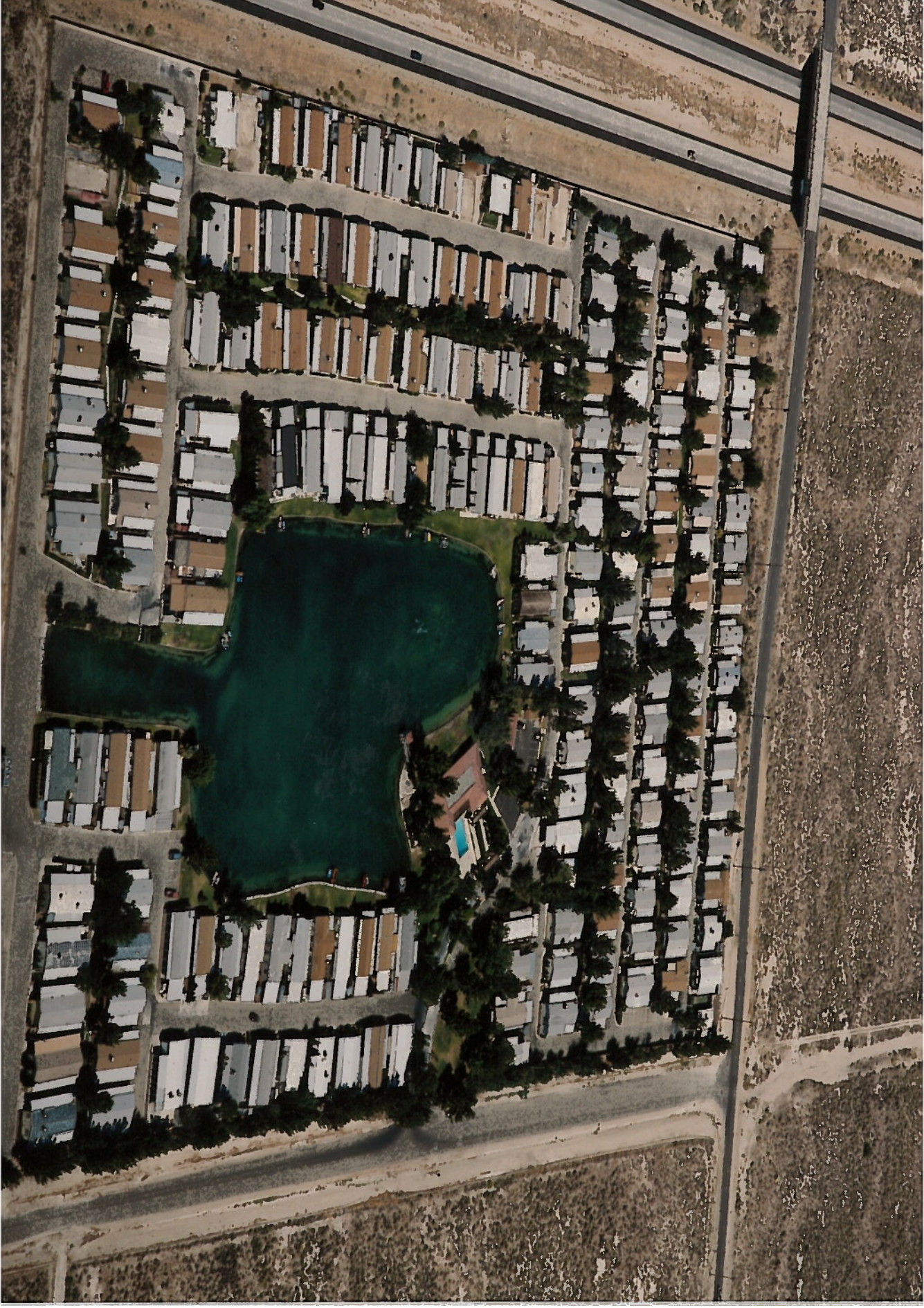
1977

EXHIBIT "B" TO DECLARATION OF JERRY DELUCIA



5-5-93
C-12

EXHIBIT "C" TO DECLARATION OF JERRY DELUCIA



8-4-99

EXHIBIT "D" TO DECLARATION OF JERRY DELUCIA

