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7

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES**
10

11 ANTELOPE VALLEY
GROUNDWATER CASES

12 INCLUDED ACTIONS:

13 LOS ANGELES COUNTY
14 WATERWORKS DISTRICT NO. 40 v.
DIAMOND FARMING COMPANY, et
15 al., Los Angeles Superior Court Case No.
BC325201;

16 LOS ANGELES COUNTY
17 WATERWORKS DISTRICT NO. 40 v.
DIAMOND FARMING COMPANY, et
18 al., Kern County Superior Court Case
No. S-1500-CV-254-348;

19 DIAMOND FARMING COMPANY,
20 and W.M. BOLTHOUSE FARMS, INC.,
v. CITY OF LANCASTER, et al.,
21 Riverside Superior Court Case No. RIC
344436 [c/w case no. RIC 344668 and
22 355840]
23

Judicial Council Coordination No. 4408

**DECLARATION OF TROY GABBARD IN LIEU
OF DEPOSITION TESTIMONY FOR PHASE 4
TRIAL**

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

Trial Date: May 28, 2013

1 **DECLARATION¹**

2 I, Troy Gabbard, declare:

3 1. I am the Palmdale Facilities Site Manager for Northrop Grumman Corporation
4 (“Northrop”), a party to this action. In lieu of deposition testimony for the Phase 4 trial, I am
5 providing this declaration. This declaration applies only to the categories I have filled in. The
6 items left blank or crossed out do not apply to me. I have personal knowledge of each fact herein
7 and would testify competently thereto under oath.

8 **Property Ownership and Parcel Size**

9 2. Northrop owns property that overlies the Antelope Valley Area of Adjudication as
10 decided by this Court. The land is in Kern County and is identified by the following APN/APNs:
11 APN 241-430-05. (Copies of the relevant documents evidencing Northrop’s ownership of said
12 land can be provided upon request by any party.)

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

15 3. Northrop claims groundwater rights only as to the properties listed in Paragraph 2
16 and Exhibit A.

17 4. For each APN/APNs identified above, the total acreage by parcel is as follows:
18 1415.75.

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

21 5. For each APN/APNs identified above, Northrop owned the property during the
22 following timer period:
23 December 1998 to present.

24 6. The following are all individuals/entities appearing on the title for the above
25 identified APN/APNS from Jan 1, 2000 to the present:
26

27 ¹ For ease of completing this Declaration, it was converted to a Word document, although all the
28 requested categories of information were kept. A redlined version of this Declaration comparing
it against the Stipulated version can be provided upon request.

1 Northrop.

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

4 December 1998 to present.

5 **Leases [NOT APPLICABLE]**

6 8. _____ (declarant or party affiliated with declarant) leases
7 property that _____ own and that overlies the Antelope Valley Area of
8 Adjudication as decided by this court and identified by the following APNS:

9
10 9. The total acreage by parcel is:

11
12 10. The property is currently leased to:

13
14 11. The property was leased on the following dates:

15
16 12. The lease provides that _____ may claim groundwater
17 rights from the use of water on the leased property. Attached to this declaration is a true and
18 correct copy of the lease.

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

22 13. _____ leases property from _____ which
23 overlies the Antelope Valley Area of Adjudication as decided by this court and is identified by
24 the following APNS:

25
26 14. The total acreage by parcel is:

1 15. The Lease provides that _____ may claim groundwater rights from
2 use of water on leased property. Attached to this declaration is a true and correct copy of the
3 lease.

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

7 16. _____ claims groundwater rights only as to the leasehold interests
8 listed in Paragraph 15 and Exhibit D.

9 17. _____ claims groundwater rights only as to the properties listed in
10 Paragraph 2 and Exhibit A and as to the leasehold interests listed in Paragraph 8 and Exhibit C.

11 18. To the best of my knowledge, only _____ claims groundwater rights as
12 to the leased parcel(s) identified in paragraph 15 and Exhibit D.

13 **Water Meter Records [NOT APPLICABLE]**

14 19. _____ measures the groundwater production on the above
15 referenced properties by water meters. Exhibit E contains the records for these water meters for
16 the following years:

17 _____
18 A true and correct copy of Exhibit E is attached hereto and incorporated herein.

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

22 **State Water Project Purchases [NOT APPLICABLE]**

23 21. _____ purchases State Water Project water from a State Water
24 Contractor for use by _____ on the properties referenced above. Exhibit G contains true
25 and correct copies of the invoices for delivery of State Water Project Water to the properties
26 referenced above.

27 22. Exhibit H sets forth the total yearly State Water Project water deliveries to the
28 properties referenced above for the years 2000-2004, 2011, and 2012. A true and correct copy of

1 Exhibit H is attached hereto and incorporated herein.

2 **Pump Tests/ Electric Records** **[NOT APPLICABLE]**

3 23. In order to calculate groundwater pumped and used on the properties referenced
4 above, _____ relied on pump tests and electric records. Exhibit I contains true
5 and correct copies of the pump test records and electrical records for wells on the properties
6 referenced above. The electric records attached to this declaration as Exhibit I do not include
7 electric use on the properties referenced above for anything other than pumping groundwater.

8 24. Exhibit J sets forth the amount of total yearly groundwater that _____
9 estimates was pumped and used on the properties referenced above for the years 2000-2004,
10 2011, and 2012 based on the attached pump test records and electrical records for the wells on
11 the properties referenced above. A true and correct copy of Exhibit J is attached hereto and
12 incorporated herein.

13 25. Pump tests were performed on the following dates:

14
15 26. _____ is not producing pump test records for the following dates _
16 because:

17
18 27. I am not aware of any other pump tests having been performed on the properties
19 referenced above.

20 **Pump Tests/Diesel Records** **[NOT APPLICABLE]**

21 28. In order to calculate groundwater pumped and used on the properties referenced
22 above, _____ relied on pump tests and diesel fuel records. Exhibit K contains
23 true and correct copies of the records pertaining to pump tests and diesel fuel purchases for the
24 properties referenced above. The diesel fuel records attached to this declaration as Exhibit K do
25 not include diesel fuel used on the properties referenced above for anything other than pumping
26 groundwater.

27 29. Exhibit L sets forth the amounts of total yearly groundwater pumped and used on
28 the properties referenced above for the years 2000-2004, 2011, and 2012. A true and correct

1 copy of Exhibit L is attached hereto and incorporated herein.

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

3 _____
4 31. _____ is not producing pump test records for the following dates _
5 _____ because: _____.

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

8 **Crop Duties and Irrigated Acres [NOT APPLICABLE]**

9 33. In order to calculate water use on the properties referenced above, _____
10 _____ relies on the amount of acres in irrigation on the properties referenced above
11 multiplied by the crop duty identified in the Summary Expert Report, Appendix D-3: Table 4.

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

15 **Other Sources of Water [NOT APPLICABLE]**

16 35. On the properties referenced above, _____ received water from sources
17 other than groundwater pumped within the Basin or State Water Project Water. Exhibit O sets
18 forth the source of the water and the amounts received for the years 2000-2004, 2011, and 2012.

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

21 36. Northrop used three acre feet of water on APN# 241-430-05 in 2000. The water
22 was used for the following:

23 (1) cooling units in manufacturing operations and (2) domestic uses for on-site employees.

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

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

27 37. Northrop used three acre feet of water on APN# 241-430-05 in 2001. The water
28 was used for the following:

1 (1) cooling units in manufacturing operations and (2) domestic uses for on-site employees.

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

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

5 38. Northrop used three acre feet of water on APN# 241-430-05 in 2002. The water
6 was used for the following:

7 (1) cooling units in manufacturing operations and (2) domestic uses for on-site employees.

8 39. Northrop used three acre feet of water on APN# 241-430-05 in 2003. The water
9 was used for the following:

10 (1) cooling units in manufacturing operations and (2) domestic uses for on-site employees.

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 40. Northrop used three acre feet of water on APN# 241-430-05 in 2004. The water
15 was used for the following:

16 (1) cooling units in manufacturing operations and (2) domestic uses for on-site employees.

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

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

20 41. Northrop used one or two acre feet of water on APN# 241-430-05 in 2011. The
21 water was used for the following:

22 Manufacturing operations.

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

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

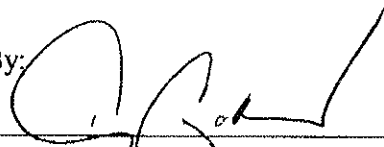
26 42. Northrop used one acre foot of water on APN# 241-430-05 in 2012. The water
27 was used for the following:

28 Decommissioning activities.

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

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

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

8
9 By: 
10 _____
11 Troy Gabbard, CFM, PMP
12 Palmdale Facilities Site Manager
13 Northrop Grumman Corporation
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1 **PROOF OF SERVICE**

2 I, Yolanda S. Ramos, declare:

3 I am employed in the County of Los Angeles, State of California. My business
4 address is Alston & Bird LLP, 333 South Hope Street, Sixteenth Floor, Los Angeles, CA
5 90071. I am over the age of eighteen years and not a party to the action in which this
6 service is made.

7 On January 31, 2013, I served the document(s) described as **DECLARATION
8 OF TROY GABBARD IN LIEU OF DEPOSITION TESTIMONY FOR PHASE 4
9 TRIAL** on the interested parties in this action as follows:

10 BY MAIL: I am "readily familiar" with this firm's practice for the collection and
11 the processing of correspondence for mailing with the United States Postal
12 Service. In the ordinary course of business, the correspondence would be
13 deposited with the United States Postal Service at 333 South Hope Street, Los
14 Angeles, California 90071 with postage thereon fully prepaid the same day on
15 which the correspondence was placed for collection and mailing at the firm.
16 Following ordinary business practices, I placed for collection and mailing with
17 the United States Postal Service such envelope at Alston & Bird LLP, 333 South
18 Hope Street, Los Angeles, California 90071.

19 BY ELECTRONIC MAIL: By posting the document listed above to the Santa
20 Clara Superior Court website: www.scefiling.org regarding the ANTELOPE
21 VALLEY GROUNDWATER matter.


22 BY FEDERAL EXPRESS UPS NEXT DAY AIR OVERNIGHT
23 DELIVERY: I deposited such envelope in a facility regularly maintained by
24 FEDERAL EXPRESS UPS Overnight Delivery [specify name of
25 service:] with delivery fees fully provided for or delivered the envelope to a
26 courier or driver of FEDERAL EXPRESS UPS OVERNIGHT
27 DELIVERY [specify name of service:] authorized to receive documents at Alston
28 & Bird LLP, 333 South Hope Street, Los Angeles, California 90071 with delivery
fees fully provided for.

BY FACSIMILE: I telecopied a copy of said document(s) to the following
addressee(s) at the following number(s) in accordance with the written
confirmation of counsel in this action.

[State] I declare under penalty of perjury under the laws of the State of California
that the above is true and correct.

[Federal] I declare under penalty of perjury under the laws of the United
States of America that the foregoing is true and correct.

Executed on January 31, 2013, at Los Angeles, California.


YOLANDA S. RAMOS