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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SANTA CLARA

-----)  
ANTELOPE VALLEY ) Santa Clara Case No.  
GROUNDWATER CASES, ) 1-05-CV-049053  
)  
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DEPOSITION OF RAND FRANK HERBERT  
Los Angeles, California  
March 12, 2013  
Volume I

Reporter by:  
JANICE SCHUTZMAN, CSR No. 9509  
Job No. 1618967  
  
PAGES 1 - 146

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Deposition of RAND FRANK HERBERT, Volume I,  
taken at 707 Wilshire Boulevard, 35th Floor,  
Los Angeles, California, commencing at 9:32 a.m. and  
ending at 2:08 p.m., Tuesday, March 12, 2013, before  
Janice Schutzman, CSR No. 9509.

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1 APPEARANCES OF COUNSEL:

2  
3 FOR THE ANTELOPE VALLEY GROUND WATER  
4 AGREEMENT ASSOCIATION:

5  
6 BROWNSTEIN HYATT FARBER SCHRECK, LLP  
7 BY: MICHAEL T. FIFE, ESQ.  
8 21 East Carrillo Street  
9 Santa Barbara, California 93101  
10 805.963.7000  
11 mfife@bhfs.com  
12

13  
14 FOR DIAMOND FARMING COMPANY, CRYSTAL  
15 ORGANIC FARMS, GRIMMWAY ENTERPRISES, INC.  
16 AND LAPIS LAND COMPANY, LLC:

17  
18 LEBEAU & THELEN, LLP  
19 BY: BOB JOYCE, ESQ.  
20 5001 East Commercenter Drive  
21 Suite 300  
22 Bakersfield, California 93389-2092  
23 661.325.8962  
24 bjoyce@lebeauthelen.com  
25

Page 3

1 Q. Yes.

2 A. It's something over 300,000 acres, as I  
3 recall.

4 Q. Do you happen to know how many aggregate  
5 gross acreage -- gross acres were involved in the 10:35AM  
6 first reservation?

7 A. Not off the top of my head. I'd have to  
8 review the order.

9 Q. In your effort to do the historical  
10 research as to the either reservation or acquisition 10:36AM  
11 or condemnation in order to create the conglomerate  
12 of real property which is now known as Edwards  
13 Air Force Base, did you do any historical evaluation  
14 or assessment of the water demands or needs of what  
15 you refer to as Edwards Air Force Base over time? 10:36AM

16 A. Yes.

17 Q. Were you able to locate any documents or  
18 any historical information that quantified the  
19 amount of water that was needed for what is referred  
20 to as the Edwards Air Force Base in connection with 10:36AM  
21 the very first reservation that you allude to in  
22 1934?

23 A. I'd have to review the materials that I  
24 have to know how far back they go. I know they go  
25 back to World War II. 10:37AM

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1 BY MR. JOYCE:

2 Q. Did you examine the public land orders to  
3 discern whether or not they had a stated purpose for  
4 the withdrawal?

5 A. I collected the public land orders that 11:28AM  
6 related to --

7 Q. The Edwards Air Force Base?

8 A. -- Edwards Air Force Base, Muroc, whatever.

9 Q. Did you make any effort to discern whether  
10 or not they had an objectively asserted purpose? 11:28AM

11 A. That's my recollection, that they were  
12 similar to the executive orders.

13 Q. In that regard?

14 A. In that regard.

15 Q. Were you able to isolate or locate any 11:28AM  
16 well -- groundwater well production records for any  
17 of the wells associated with any of the  
18 reservations?

19 A. Let's break that down. Only the  
20 reservation areas? I'm not sure what you're getting 11:28AM  
21 at.

22 Q. Let me restate it, then.

23 Do you know whether or not any of the  
24 groundwater wells relied upon, or that are operated  
25 by Edwards Air Force Base or the federal government, 11:29AM

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1 all the wells. It's only those noted on the map.

2 Q. On Plant 42 or are you talking in general?

3 A. Plant 42.

4 Q. With respect to that particular site, do  
5 you happen to know what the highest, lowest, and/or 11:47AM  
6 the average water production has been?

7 A. No.

8 Q. Do you have any intention of providing  
9 testimony at trial concerning any of the historical  
10 water consumption, either at Edwards Air Force Base 11:47AM  
11 or Plant 42?

12 A. If I'm asked to do so, yes.

13 Q. Have you been asked to do so prior to  
14 today?

15 A. I've been told that may be an issue that I 11:47AM  
16 will have to address.

17 Q. As you sit here today, you don't have and  
18 you cannot currently testify as to any of the  
19 historical water production associated with the  
20 wells on Edwards Air Force Base or the wells 11:48AM  
21 situated on the property known as Plant 42; correct?

22 A. No, that's not true.

23 Q. All right.

24 A. For Plant 42 --

25 Q. All right. 11:48AM

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1 A. -- I have very little information.

2 Q. All right. Edwards Air Force Base?

3 A. For Edwards Air Force Base -- and you'll

4 see it in the collection here -- it would be

5 under -- primarily under disc 3, and you'll see a 11:48AM

6 number of notations that say EAFB.

7 Q. Yes.

8 A. So if you look at "EAFB History Center"

9 and -- I believe it's an EAFB History Center. Oh,

10 and also "Base Histories Bound" and "Base Histories 11:48AM

11 Unbound," all on disc 3.

12 Q. All right.

13 A. Those contain annual reports or semi-annual

14 reports or quarterly reports, depending on the

15 period, by the facility that relate to the numbers 11:49AM

16 of personnel on the facility and the amount of water

17 being used at the facility.

18 Q. All right. And apart from those reports,

19 did you access or see any other document to either

20 cross-check, double-check, or verify the accuracy of 11:49AM

21 the information contained in the reports?

22 A. I took those as official reports of the

23 United States Air Force, and that's really

24 unnecessary.

25 Q. Does that mean that the answer to my 11:49AM

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1 question is no?

2 A. There's not information, to my knowledge,  
3 available to cross-check a water consumption report  
4 from 1945 at Edwards, and I haven't seen it anywhere  
5 else. 11:49AM

6 Q. Do you know how the consumption number was  
7 measured, metered or whatever?

8 A. I don't think the reports say.

9 Q. So --

10 A. It's well production. 11:50AM

11 Q. Is it well production or consumption?

12 A. Well, I take that back. It is kind of -- I  
13 think it's gross consumption. It depends on the --  
14 they're not exactly the same every year. So I think  
15 you need to look -- from time to time, the format 11:50AM  
16 varies.

17 Q. Okay. Some variation in the reports?

18 A. Yes.

19 Q. Fair?

20 A. Yes. 11:50AM

21 Q. They'll obviously speak for themselves. I  
22 assume they're on the disc.

23 A. Yes, they are.

24 Q. All right. But I assume you don't have on  
25 the disc any actual well meter reading records? 11:50AM

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1 facility, the information contained within the disc  
2 is even more scarce or more sparse when it comes to  
3 water consumption or water use and/or production?

4 A. Well, I don't think of the Edwards  
5 information as sparse.

11:52AM

6 Q. I didn't say Edwards. I said Plant 42.

7 A. No, you compared it to Edwards.

8 That being said --

9 Q. I withdraw the commentary part of the  
10 question.

11:52AM

11 A. Fair enough.

12 Q. The absence of water meter records really  
13 renders some sparsity to it, but that's neither here  
14 nor there?

15 A. Yeah.

16 Q. The bottom line is, on the diskettes that  
17 you produced here today, you don't have any  
18 significant documentary evidence pertaining to the  
19 water production and/or consumption on Plant 42?

20 A. No.

11:53AM

21 Q. And other than a generalized understanding  
22 of the purpose of Plant 42 and the interrelationship  
23 between private contractors and the government in  
24 relationship to the occupancy and the activities  
25 which are undertaken at Plant 42, you don't have any

11:53AM

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