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 10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 11 **COUNTY OF LOS ANGELES**

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

13 **ANTELOPE VALLEY
GROUNDWATER CASES**

14 Included Actions:

15 Los Angeles County Waterworks District
 16 No. 40 v. Diamond Farming Co.
 17 Superior Court of California
 18 County of Los Angeles, Case No. BC
 19 325201

20 Los Angeles County Waterworks District
 21 No. 40 v. Diamond Farming Co.
 22 Superior Court of California, County of
 23 Kern, Case No. S-1500-CV 254348

24 Wm. Bolthouse Farms, Inc. v. City of
 25 Lancaster Diamond Farming Co. v. City of
 26 Lancaster Diamond Farming Co. v. Palmdale
 27 Water Dist. Superior Court of California,
 28 County of Riverside, consolidated actions,
 Case Nos. RIC 353840, RIC 344436, RIC
 344668

Judicial Council Coordination Proceeding
No. 4408

SC Case No. 105CV 049053
Assigned to Hon. Jack Komar

**DECLARATION OF GARY VAN DAM
 IN LIEU OF DEPOSITION
 TESTIMONY FOR PHASE 4 TRIAL**

DECLARATION

I, Gary Van Dam, declare:

1. I am a party to this action. In lieu of deposition testimony for the Phase 4 trial, I am providing this declaration. This declaration applies only to the categories I have filled in. The items left blank, deleted or crossed out from the draft form declaration do not apply to me. I have personal knowledge of each fact herein and would testify competently thereto under oath.

Property Ownership and Parcel Size

2. Gary Van Dam and other record title owners, own property that overlies the Antelope Valley Area of Adjudication as decided by this Court. The land is in Los Angeles County and is identified and listed in Exhibit "A" attached hereto and incorporated herein.

3. Gary Van Dam claims groundwater rights in this declaration only as to the properties listed in Paragraph 2 and Exhibit "A".

4. For each APN/APNs identified above, the total acreage by parcel is identified and listed in Exhibit "B" attached hereto and incorporated herein.

5. For each APN/APNs identified above Gary Van Dam (and other affiliated record owners) owned the property during the following time period: See, Exhibit "C" to this Declaration which is attached hereto and incorporated herein.

6. The following are all individuals/entities appearing on the title for the above identified APN/APNS from Jan 1, 2000 to the present: (See, Response to Paragraph 5 and Exhibit "C" above.)

7. For each individual/entity identified in paragraph 6 that individual/entity appeared on the title during the following time: (See, Response to Paragraphs 5 and 6 above.)

Leases

8. N/A.

9. N/A.

10. N/A.

11. N/A.

12. N/A.

1 13. N/A.

2 14. N/A.

3 15. N/A.

4 16. N/A.

5 17. Gary Van Dam claims groundwater rights in this declaration only as to the properties listed
6 in Paragraph 2.

7 18. N/A.

8 **Water Meter Records**

9 19. N/A.

10 20. N/A.

11 **State Water Project Purchases**

12 21. N/A.

13 22. N/A.

14 **Pump Tests/ Electric Records**

15 23. In order to calculate groundwater pumped and used on certain of the properties referenced
16 in Paragraph 2 and Exhibit A above Gary Van Dam relied on pump tests and electric records
17 conducted and maintained by Southern California Edison. Exhibit "D" contains true and correct
18 copies of the pump test records and electrical records for wells on certain of the properties
19 referenced above. The electric records and pump test records attached to this declaration as
20 Exhibit "D" do not include electric use on the properties referenced above for anything other than
21 pumping groundwater.

22 24. Exhibit "D" sets forth the amount of total yearly groundwater estimated to be pumped and
23 used on certain of the properties listed in Paragraph 23 above for the years 2000-2012 based on the
24 attached pump test records and electrical records for the wells on the properties referenced above.

25 25. Pump tests were performed on the following dates: 2006 SCE Pump Test (SCE Meter #
26 3416M-006339), 2012 SCE Pump Test (SCE Meter # 3416M-006339), 2006 SCE Pump Test
27 (SCE Meter # 3412M-007385), 2012 SCE Pump Test (SCE Meter # 3412M-007385), 2006 SCE
28 Pump Test (SCE Meter # 3412M-007004), 2012 SCE Pump Test (SCE Meter # 3412M-007004),

1 2006 SCE Pump Test (SCE Meter # 256000-182132), 2012 SCE Pump Test (SCE Meter #
 2 256000-182132), 2006 SCE Pump Test (SCE Meter # V349N-018967), 2012 SCE Pump Test
 3 (SCE Meter # V349N-018967), 2006 SCE Pump Test (SCE Meter # 345M-006166), 2012 SCE
 4 Pump Test (SCE Meter # 345M-006166), 2012 SCE Pump Test (SCE Meter # V349N-018354),
 5 2006 SCE Pump Test (SCE Meter # 3412M-007385), 2006 SCE Pump Test (SCE Meter # 345M-
 6 006048), 2012 SCE Pump Test (SCE Meter # V349N-001668), 2006 SCE Pump Test (SCE Meter
 7 # V349N-018219), 2012 SCE Pump Test (SCE Meter # V349N-018219), 2006 SCE Pump Test
 8 (SCE Meter #V349N-000648), 2012 SCE Pump Test (SCE Meter #V349N-000648), 2000 SCE
 9 Pump Test (SCE Meter # 3412M-001260), 2001 SCE Pump Test (SCE Meter # 3412M-001260),
 10 2002 SCE Pump Test (SCE Meter # 3412M-001260), 2003 SCE Pump Test (SCE Meter # 3412M-
 11 001260), 2004 SCE Pump Test (SCE Meter # 3412M-001260), 2005 SCE Pump Test (SCE Meter
 12 # 3412M-001260), 2006 SCE Pump Test (SCE Meter # 3412M-001260), 2007 SCE Pump Test
 13 (SCE Meter # 3412M-001260), 2008 SCE Pump Test (SCE Meter # 3412M-001260), 2009 SCE
 14 Pump Test (SCE Meter # 3412M-001260), 2010 SCE Pump Test (SCE Meter # 3412M-001260),
 15 2011 SCE Pump Test (SCE Meter # 3412M-001260), 2012 SCE Pump Test (SCE Meter # 3412M-
 16 001260).

17 26. N/A.

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

20 **Pump Tests/Diesel Records**

21 28. In order to calculate groundwater pumped and used on certain of the properties referenced
 22 above, Gary Van Dam relied on pump tests and diesel fuel records with regard to one well.
 23 Exhibit "E" contains true and correct copies of the records pertaining to diesel fuel purchases for
 24 certain of the properties referenced above. The diesel fuel records attached to this Declaration as
 25 Exhibit E do not include diesel fuel used on the properties referenced above for anything other than
 26 pumping groundwater.

27 29. Exhibit "D", "E" and "F" sets forth the amount of total yearly groundwater estimated to be
 28 pumped and used on certain of the properties listed in Paragraph 23 above for the years 2000-2012

1 based on the attached pump test records, electrical records and diesel fuel records for the wells on
2 the properties referenced above.

3 30. (See, Response to Paragraph 25 above.)

4 31. (See, Response to Paragraph 26 above.)

5 32. (See, Response to Paragraph 27 above.)

6 **Other Sources of Water**

7 33. N/A.

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

10 34. Gary Van Dam and other record title owners used the stated acre-foot amounts of water on
11 the respective parcels (identified by Los Angeles County APN) for the calendar years 2011 and
12 January 1 through November 30, 2012, for the irrigation of specific crops and/or the production of
13 an operating dairy as shown in Exhibits "D", "E", "F" and "6" attached hereto. Additionally, all
14 currently available crop information is attached hereto in Exhibit "H". (See also, The Original and
15 First Supplemental Response of Gary Van Dam to Court Ordered Discovery for Phase 4 Trial and
16 all attachments.) The amount of water rights claimed for reasonable and beneficial use is stated in
17 the First Supplemental Response 1.(K)a.

18 35. Other than what is declared hereinabove, Gary Van Dam did not produce or use water
19 within the Antelope Valley Area of Adjudication for the years 2000-2004 and 2011 and 2012.

20 I declare under penalty of perjury under the laws of the State of California that the
21 foregoing is true and correct. Executed this 31st day of January 2013, at Lancaster,
22 California.

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25 GARY VAN DAM
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF KERN


I, ERIN L. LINDSEY, declare: I am and was at the times of the service hereunder mentioned, over the age of eighteen (18) years, and not a party to the within cause. My business address is 1800 30th Street, Fourth Floor, Bakersfield, CA 93301.

On January 31, 2013, I caused the below listed document(s) entitled as: **DECLARATION OF GARY VAN DAM IN LIEU OF DEPOSITION TESTIMONY FOR PHASE 4 TRIAL** to be served on the parties via the following service:

X (BY POSTING) I posted the document listed above to the Santa Clara Superior Court website regarding the Antelope Valley Groundwater matter pursuant to the Court's Clarification Order. Electronic service posting completed through www.scefilings.org.

X (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on January 31, 2013, at Bakersfield, California.


ERIN L. LINDSEY