

EXHIBIT C

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

11 ANTELOPE VALLEY)
 12 GROUNDWATER CASES)

) RELATED CASE TO JUDICIAL
) COUNCIL COORDINATION
) PROCEEDING NO. 4408

13 This Pleading Relates to Included Action:
 14 REBECCA LEE WILLIS, on behalf of herself
 and all others similarly situated,

) The Honorable Jack Komar
) Coordination Trial Judge

15 Plaintiff,

) DECLARATION OF THOMAS HARTER
) IN SUPPORT OF MOTION FOR EXPERT
) WITNESS FEES

16 vs.

) Date: TBD
) Time: TBD
) Dept: LASC-1

17 LOS ANGELES COUNTY WATERWORKS)
 18 DISTRICT NO. 40; CITY OF LANCASTER;)
 CITY OF LOS ANGELES; CITY OF)
 19 PALMDALE; PALMDALE WATER)
 DISTRICT; LITTLEROCK CREEK)
 20 IRRIGATION DISTRICT; PALM RANCH)
 IRRIGATION DISTRICT; QUARTZ HILL)
 21 WATER DISTRICT; ANTELOPE VALLEY)
 WATER CO.; ROSAMOND COMMUNITY)
 22 SERVICE DISTRICT; MOJAVE PUBLIC)
 UTILITY DISTRICT; and DOES 1 through)
 23 1,000;

24 Defendants.

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I, Thomas Harter, declare:

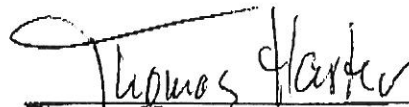
1. I am a hydrologist at UC Davis. Attached to my declaration is a true and correct copy of my curriculum vitae. I make this declaration in support of a motion to be appointed as an expert witness in this case. I have personal knowledge of the facts contained in this declaration and am willing to testify to the facts herein.

2. I have agreed to provide the law firm of Krause, Kalfayan, Benink & Slavens (KKBS) with expert hydrology/geology work in connection with the Antelope Valley groundwater adjudication. The work shall primarily include review, analysis, and opinion regarding the work of other experts retained by various parties in this litigation. Generally, I shall opine regarding the Safe Yield.

3. The gross budget for the work, fees, and costs, is estimated to be approximately \$85,000. I shall bill for professional services plus actual expenses only after the court approves the scope of work and the budget. The 2009 billing rates for staff are as follow:

| | |
|------------------------------|-------------------------|
| Thomas Harter Research..... | \$300/hour |
| Thomas Harter Testimony..... | \$600/hour |
| Research Associates..... | \$60/hour to \$150/hour |

I declare under penalty of perjury under the laws of California and the United States that the foregoing is true and correct. Executed on 28 day of February, 2009, in Davis, California.


Thomas Harter

Thomas Harter, Ph.D.

Robert M. Hagan Endowed Chair in Water Management and Policy

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Education and Other Qualifications

PhD, Hydrology, University of Arizona, 1994
MS(Diplom), Phys. Geography/Hydrology, Universität Freiburg & Universität Stuttgart, Germany, 1989
BS (Vordiplom), Physical Geography/Hydrology, Universität Freiburg, 1985

Honors, Fellowships, Awards

2007-current, Robert M. Hagan Endowed Chair, Water Management and Policy
2008, Western Extension Directors' Award of Excellence
2007, Kevin J. Neese Award, Groundwater Resources Association of California
1991/92, Harshbarger Fellow, University of Arizona
1985/86, Fulbright Scholar, University of Arizona
1983/89, Fellow of the Studienstiftung des Deutschen Volkes, Bonn, Germany

Society Memberships

American Geophysical Union
European Geosciences Union
National Ground Water Association
International Association of Hydrologic Sciences

Editorial and Professional Responsibilities

Associate Editor, Water Resources Research
Associate Editor, Vadose Zone Journal
Board of Directors, Groundwater Resources Association

Representative Project Experience

Deep Vadose Zone Characterization and Flow/Contaminant Transport Modeling, Principal investigator on several studies to investigate deep groundwater recharge and nitrate/pesticide transport in thick, heterogeneous, alluvial vadose zones; including field characterization, laboratory measurements, and advanced computer modeling.

Groundwater Modeling Research Projects, Principal investigator on projects involving the development of basin groundwater- and surface water models, e.g., for the development of a conjunctive use management strategy in a 1,500 sq. mile watershed, eastern Tulare Lake Basin, California, and for protecting base-flow conditions in the Scott River, Klamath Basin, California; development of a regional stochastic groundwater model for the assessment of deep groundwater contamination from shallow saline water in a 550 square mile watershed in the Western San Joaquin Valley, California. Modeling projects involve model conceptualization, data compilation, data processing, integration of geostatistical, GIS, database, and groundwater modeling software (GSLIB, ArcGIS, MS Access, MODFLOW, MT3D, RWIET), programming (Fortran, Matlab, Comsol), model calibration, application, and research.

Contaminant Emission and Subsurface Transport in (Animal) Agriculture; Principal Investigator and Co-Investigator on a suite of research and extension projects dealing with groundwater contamination from dairies and other confined animal facilities, and from other agricultural landuses; long-term pollution; field reconnaissance, monitoring, groundwater modeling (flow, transport, quality); development of monitoring networks and best management practices; environmental fate and transport of salts, nitrate, pathogens (*Cryptosporidium*, *E. Coli* H7 O157, *Salmonella*, *Campylobacter*), antibiotics and other pharmaceuticals, steroid hormones, groundwater forensics related to animal farming; mathematical/computational methods for fate and transport modeling, upscaling across bench-, plot-, field-, farm-, to regional scale.

Scientific and Technical Advising, Public Service, Extensive technical reviews of various groundwater development projects and participation on technical panels, review committees, and technical advisory committees (Kaweah River Rock Gravel Mine, Tulare County; Calaveras Mining project, Fresno County; Canada del Oro Recharge Study, Pima County; Calfed Water Use Efficiency - Water Measurement Panel; USDA-NRCS P-Index Technical Committee; USDA-NRCS Comprehensive Nutrient Management Planning Technical Committee; US EPA Bank Filtration Technical Advisory Committee; Monterey County Nitrate Technical Advisory Committee; Scott Valley Water Committee; Tulare County Water Commission; California Dairy Quality Assurance Program, and others)

Short Courses and Workshops Developed and Taught

- "Principles of Groundwater Flow and Transport Modeling." 3-day short course.
- "Introduction to Vadose Zone Modeling." 3-day short course.
- "Groundwater, Wells, and Pumps: A Workshop for Growers." 1-day workshop.
- "The Groundwater Workshop." 1-day workshop.
- "Applied Groundwater Hydrology: Principles, Measurements, and Interpretation." 2-day short course.
- "Drinking Water Source Assessment in Groundwater and Surface Water." 2-day short course.
- "Introduction to Groundwater and Watershed Hydrology: Monitoring, Assessment and Protection." 2-day short course.
- "Practice of Groundwater Flow & Transport Modeling." Upper level course, UC Davis

Publications (* indicates peer-reviewed):

- * Watanabe, N., T. Harter, and B. A. Bergamaschi, 2008. Environmental occurrence and shallow groundwater detection of the antibiotic Monensin from dairy farms. *J. Environ. Qual.* 37:S-78-S-85. doi:10.2134/jeq2007.0371.
- * Harter, T. and L. Rollins (eds.), 2008. *Watersheds, Groundwater, and Drinking Water - A Practical Guide.* University of California Agriculture and Natural Resources Publication 3497. 274pp.
- * Rains, M.C., R. A. Dahlgren, G. E. Fogg, T. Harter, and R. J. Williamson, 2008. Geological control of physical and chemical hydrology in California vernal pools. *Wetlands* 28(2):347-362. (pdf file for personal use only)
- * Chomycia, J.C., P.J. Hernes, T. Harter, and B.A. Bergamaschi, 2008. Land management impacts on dairy-derived dissolved organic carbon in ground water. *J. Env. Qual.* 37(2), 333-343. doi:10.2134/jeq2007.0183.

- * Harter, T., E. R. Atwill, L. L. Hou, B. M. Karle, and K. W. Tate, 2008. Developing risk models of *Cryptosporidium* transport in soils from vegetated, tilted soilbox experiments. *J. Environ. Qual.* 37: 245-258.
- * Vereecken, H., T. Kamaï, T. Harter, R. Kasteel, J. Hopmans, and J. Vanderborght, 2007. Explaining soil moisture variability as a function of mean soil moisture: A stochastic unsaturated flow perspective, *Geophys. Res. Lett.*, 34, L22402, doi:10.1029/2007GL031813.
- * Singleton, M. J., B. K. Esser, J. E. Moran, G. B. Hudson, W. W. McNab, and T. Harter, 2007. Saturated zone denitrification: Potential for natural attenuation of nitrate contamination in shallow groundwater under dairy operations. *Env. Sci. & Technol.* 41 (3), 759-765.
- * Cortis, A., T. Harter, L. L. Hou, E. R. Atwill, A. I. Packman, P. G. Green, 2007. Transport of *Cryptosporidium parvum* in porous media: Long-term elution experiments and continuous time random walk filtration modeling. *Water Resour. Res.* 42(12), W12S13, doi:10.1029/2006WR004897.
- * Vereecken, H., R. Kasteel, J. Vanderborght, and T. Harter. 2007. Upscaling hydraulic properties and soil water flow processes in heterogeneous soils: a review. *Vadose Zone Journal* 6(1), 1-28.
- * Zhang, H., T. Harter, and B. Sivakumar, 2006. Nonpoint source solute transport normal to aquifer bedding in heterogeneous, Markov chain random fields, *Water Resour. Res.*, Vol. 42, No. 6, W06403, 10.1029/2004WR003808.
- * Marques, G. F., J. R. Lund, M. R. Leu, M. Jenkins, R. Howitt, T. Harter, S. Hatchett, N. Ruud, and S. Burke, 2006. Economically driven simulation of regional water systems: Friant-Kern, California. *J. of Water Resour. Mgmt. and Planning* 132 (6): 468-479.
- * Cable-Rains, M., G. E. Fogg, T. Harter, R. A. Dahlgren, and R. J. Williamson, 2006. The role of perched aquifers in hydrological connectivity and biogeochemical processes in vernal pool landscapes, Central Valley, California. *Hydrol. Process.* 20, 1157-1175.
- * Searcy, K.E., A. I. Packman, E. R. Atwill, and T. Harter, 2006. Deposition of *Cryptosporidium* oocysts in streambeds. *Applied and Environmental Microbiology*, 72(3):1810-1816.
- * Chang, A., T. Harter, J. Letey, D. Meyer, R. D. Meyer, M. Campbell-Mathews, F. Mitloehner, S. Pettygrove, P. Robinson, R. Zhang, 2006. Managing Dairy Manure in the Central Valley of California; University of California Committee of Experts on Dairy Manure Management. University of California Agriculture and Natural Resources Publication 9004, <http://anrcatalog.ucdavis.edu>; 178 pp.
- * Harter, T., 2005, Finite-size scaling analysis of percolation in three-dimensional correlated binary Markov chain random fields, *Physical Review E* 72(2), 26120 (8 pages), DOI: 10.1103/PhysRevE.72.026120.
- * Harter, T., Y. S. Onsoy, K. Heeren, M. Denton, G. Weissmann, J. W. Hopmans, W. R. Horwath, 2005. Deep vadose zone hydrology demonstrates fate of nitrate in eastern San Joaquin Valley, *California Agriculture* 59(2):124-132.
- * Searcy, K. E., A. Packman, E. R. Atwill, and T. Harter, 2005. Association of *Cryptosporidium parvum* with Suspended Particles: Impact on Oocyst Sedimentation, *Applied and Environmental Microbiology* 71(2):1072-1078.
- * Sivakumar, B., T. Harter, and H. Zhang, 2005. Solute transport in a heterogeneous aquifer: A search for nonlinear deterministic dynamics, *Nonlinear Processes in Geophysics* 12(2):211-218.
- * Sivakumar, B., T. Harter, H. Zhang, 2005. A fractal investigation of solute travel time in a

- heterogeneous aquifer: Transition probability/Markov chain representation, *Ecological Modelling* 182:355-370.
- * Onsoy, Y. S., T. Harter, T. R. Ginn, W. R. Horwath, 2005. Spatial variability and transport of nitrate in a deep alluvial vadose zone. *Vadose Zone J.* 4:41-55.
- Harter, T. and J. Menke, 2005. Cow numbers and water quality - is there a magic number? A groundwater perspective. (revised from: Harter T., 2004, *Proceedings, National Alfalfa Symposium*, San Diego, December 13-15, 2004. 13 pages).
- * Harter, T. and S. Talozzi, 2004. A simple, inexpensive dialysis sampler for small diameter monitoring wells, *Ground Water Monitoring & Remediation*, Fall 2004, 97-105.
- * Harter, T., C. Knudby, 2004. Effective conductivity of periodic media with cuboid inclusions. *Advances in Water Resources* 27(10):1017-1032.
- * Harter, T. and J. W. Hopmans, 2004. Role of Vadose Zone Flow Processes in Regional Scale Hydrology: Review, Opportunities and Challenges. In: Feddes, R.A., G.H. de Rooij and J.C. van Dam, *Unsaturated Zone Modeling: Progress, Applications, and Challenges*, (Kluwer, 2004), p. 179-208.
- * Kolodziej, E. P., T. Harter, D. L. Sedlak, 2004. Dairy wastewater, aquaculture, and spawning fish as sources of steroid hormones in the aquatic environment, *Env. Science and Technol.* 38, p.6377-6384.
- * Ruud, N. C., T. Harter, and A. W. Naugle, 2004. Estimation of groundwater pumping as closure to the water balance of a semi-arid irrigated agricultural basin. *J. of Hydrology* 297:51-73.
- * Nakamura, K., T. Harter, Y. Hirono, H. Horino, and T. Mitsuno, 2004. Assessment of root zone nitrogen leaching as affected by irrigation and nutrient management practices. *Vadose Zone J.* 3:1353-1366.
- * Vrugt, J. A., G. H. Schoups, J. W. Hopmans, C. Young, W. W. Wallender, T. Harter, W. Bouten. 2004. Inverse modeling of large-scale spatially-distributed vadose zone properties using global optimization, *Water Resour. Res.* 40(6), W06503 10.1029/2003WR002706.
- * Minasny, B., J. W. Hopmans, T. Harter, S. O. Eching, A. Tuli, M. A. Denton, 2004. Neural networks prediction of soil hydraulic functions for alluvial soils using multistep outflow data, *Soil Science Soc. Of Am. Journal* 68:417-429.
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- * Harter T., Water rights and water quality protection in California, in: Harter, T. (ed.), *Watersheds and Groundwater: A Practical Guide*; University of California, DANR Publications, 14 p., *accepted*
- * Harter T., Principles of hydrogeology, University of California, in: Harter, T. (ed.), *Watersheds and Groundwater: A Practical Guide*; DANR Publications, 18 p., *accepted*
- * Harter T., Introduction to groundwater sampling and monitoring, in: Harter, T. (ed.), *Watersheds and Groundwater: A Practical Guide*; University of California, DANR Publications, 17 p., *accepted*
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- *Jones, Alison, Mary Bianchi, John Harper, and Thomas Harter, Water Pollution Control Legislation, Farm Water Quality Program Fact Sheet, *University of California, DANR Publication 8088*, 5 p., 2003.
- *Harter, T., Basic Concepts of Groundwater Hydrology, Farm Water Quality Program Fact Sheet, *University of California, DANR Publication 8083*, 5 p., 2003.
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- *Harter, T., Groundwater Sampling and Monitoring, Farm Water Quality Program Fact Sheet, *University of California, DANR Publication 8085*, 7 p., 2003.
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- *Prather, T., T. Harter, M. Bianchi, and J. Fallon, Developing Nonpoint Source Pollution Evaluation Programs, Farm Water Quality Program Fact Sheet, *University of California, DANR Publication 8087*, 4 p., 2003.
- *Bianchi, M. and T. Harter, Nonpoint Sources of Pollution in Irrigated Agriculture, Farm Water Quality Program Fact Sheet *University of California, DANR Publication 8055*, 8 p., 2003.
- *Wang, Z., L. Wu, T. Harter, J. Lu, W. A. Jury, A field study of preferential flow during soil water redistribution, *Water Resour. Res.* Vol. 39 No. 4, 10.1029/2001WR000903, 01 April 2003.
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- Ruud, N. C., T. Harter, A. W. Naugle, 2002. A conjunctive use model for the Tule groundwater sub-basin area in the Southern-Eastern San Joaquin Valley, California, Final Report to the U.S. Bureau of Reclamation, November 2002, 196 pages.
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- *Wang, Z., J. Lu, L. Wu, T. Harter, W. A. Jury, Visualizing preferential flow paths using ammonium carbonate and a pH-Indicator, *Soil Sci. Soc. Of America J.* Vol. 66:347-351, 2002.
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- Harter, T., H. Davis, M. C. Mathews, R. D. Meyer. Monitoring shallow groundwater nitrogen loading from dairy facilities with irrigated forage crops. ASAE Meeting Presentation, Paper Number 01-2103, 2001 ASAE Annual International Meeting, Sacramento, CA, July 30-August 1, 2001; 2001.
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- *Harter T., A.L. Gutjahr, T.-C.J. Yeh, 1996, Linearized co-simulation of hydraulic conductivity, pressure head, and flux in saturated and unsaturated, heterogeneous porous media, *J. of Hydrology*, 183, 169-190
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