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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **COUNTY OF LOS ANGELES - CENTRAL DISTRICT**

11 ANTELOPE VALLEY GROUNDWATER
12 CASES

13 Included Actions:

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

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

20 Wm. Bolthouse Farms, Inc. v. City of Lancaster,
Diamond Farming Co. v. Lancaster, Diamond
21 Farming Co. v. Palmdale Water Dist., Superior
Court of California, County of Riverside, Case
22 No. RIC 353 840, RIC 344 436, RIC 344 668

Judicial Council Coordination No. 4408

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

**DECLARATION OF DENNIS
ATKINSON IN LIEU OF
TESTIMONY FOR PHASE 6 TRIAL**

TRIAL DATE: September 28, 2015
TIME: 10:00 a.m.
Dept.: 222
Judge: Hon. Jack Komar

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25 I, DENNIS ATKINSON, declare:

26 1. I am the Senior Vice President of Agriculture for Tejon Ranchcorp (Tejon) and
27 have been employed by Tejon for more than 39 years. I received a Bachelor of Arts Degree in
28 Agriculture from Cal Poly San Luis Obispo in 1974 and have been involved in agriculture

1 production, farming practices and water resource management for more than 39 years.

2 2. I am one of the managers in charge of managing Tejon's water resources. If called
3 upon to testify to the facts set forth herein, I could and would competently testify to them
4 because either they are personally known to me to be true or I have ascertained them from
5 records maintained by Tejon's employees in the performance of their job responsibilities in the
6 ordinary course of Tejon's business.

8 3. During the course of my employment with Tejon, I have become familiar with the
9 methods and procedures of compiling and maintaining data and documents concerning Tejon's
10 water resources. I am one of the custodians of the records of Tejon as those records pertain to
11 Tejon's water resources.

13 4. The records of Tejon as they pertain to Tejon's water resources are kept in the
14 ordinary course of Tejon's business. From my personal knowledge and experience, I believe the
15 records attached to this declaration to be accurate and trustworthy.

16 **A. GROUNDWATER USE**

17 5. Tejon has historically grown alfalfa, grain hay and forage on several parcels of
18 land within the Antelope Valley Area of Adjudication. Tejon irrigated approximately 640 to 775
19 acres of land using six center pivot irrigation systems to grow alfalfa, grain hay and forage. The
20 fields and pivots are numbered 1, 2, 3, 4, 5 and 6. A plat showing the six center pivot irrigation
21 systems and relative acreage was previously admitted as part of Phase 4 exhibit **Tejon-4**. The
22 fields have historically been irrigated with a combination of both groundwater pumped by Tejon
23 and surface water delivered by AVEK in lieu of pumping through Turnout 294. In 2007 Tejon
24 sold parcel 3275-007-013 on which Pivot #3 was located to 300 A 40 H LLC.

27 6. Tejon delivered groundwater to the center pivot irrigation systems produced from
28 two wells, namely Well 98 and Well 106. Well 98 is located in Los Angeles County, and Well

1 106 is located in Kern County. Tejon filed Annual Notices of Groundwater Extraction for Well
2 98, but was not required to do so for Well 106. True and correct copies of Tejon's Notice of
3 Groundwater Extraction for Well 98 are attached as **Exhibit Tejon-41**. Well No. 106 became
4 non-operational in 2010 and remained non-operational through 2011, resulting in a loss of about
5 1,150 acre-feet of groundwater production in 2011. In November 2011 Tejon replaced Well
6 No. 106 with Well 106R.

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8 7. The water produced by Tejon's wells is metered. Additionally, each of the center
9 pivot irrigation systems has a meter which measures the quantity of water applied to each field.
10 Field workers take handwritten meter readings which are communicated to Tejon's headquarters
11 and are entered into spreadsheets detailing Tejon's water production and use within the
12 Antelope Valley including, the quantity of water produced by each well, the quantity of water
13 delivered by AVEK, and the quantity of water applied to each pivot. Tejon then generates
14 monthly water reports and a summary detailing the annual aggregate amount of groundwater
15 produced by each well and applied to each field. True and correct copies of Tejon's water
16 reports are attached hereto as **Exhibit Tejon-26**.

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18
19 8. Tejon leases land to National Cement Company. National Cement Company
20 operates a well on Tejon land within the AVAA and produces groundwater for operation of its
21 cement plant. The well used by National Cement Company is not metered, however, National
22 Cement Company periodically obtains pump efficiency tests using Southern California Edison
23 power consumption data to estimate the amount of groundwater produced by National Cement
24 Company on Tejon's land. A spreadsheet detailing National Cement Company's annual water
25 use for 2000 through 2012 was attached to my prior declaration and admitted in the Phase 4 trial
26 as part of **Exhibit Tejon-4**.

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28 9. A summary of Tejon's water use is as follows:

<u>Year</u>	<u>Total Groundwater</u>	<u>AVEK AG Water</u>	<u>Total Water</u>
2000	446	239	685
2001	371	142	513
2002	2057	0	2057
2003	2985	0	2985
2004	3209	0	3209
2005	2294	0	2294
2006	2412	0	2412
2007	2780	0	2780
2008	2430	0	2430
2009	2045	0	2045
2010	2229	0	2581
2011	1603	352	1955
2012	2770	991	3761

B. IMPORTED WATER SUPPLIES.

10. Centennial Project.

In 2002 Tejon submitted a development application to the Los Angeles County Department of Regional Planning for a Master Planned Community known as the Centennial Project, that includes residential housing units, commercial, business park, civic/institutional uses, open space, parks and wastewater reclamation facilities on 12,000 acres of land in the West Basin. The supplies for the Centennial Project include water purchased from AVEK and stored in the Tejon Water Bank, water acquired by Tejon and loaned to AVEK, SWP Table A supplies purchased by Tejon from Tulare Lake Basin Water Storage District (**Tulare Lake**) and Dudley Ridge Water District (**Dudley Ridge**), recycled water, and of course groundwater. Tejon claims the right to recapture and use return flows from these imported water supplies.

11. AVEK Table A Water.

In 2008 Tejon purchased from AVEK the right to receive 2,362 acre feet of water in the future (**Call Water**). Tejon purchased 352 acre feet of water from AVEK in 2011 and an additional 973 acre feet in 2012 in lieu of pumping for agricultural use. True and correct copies

1 of Tejon's 1975 and 1976 Water Service Agreements with AVEK are attached as **Exhibits**
2 **Tejon-28 and Tejon-29**, respectively.

3 11. **Tejon Water Bank.**

4 In 2006 Tejon established the Tejon Water Bank on 160 acres within the AVAA. In 2006
5 and 2007 Tejon purchased approximately 6,700 acre feet of water from AVEK and spread the
6 water for storage in the Tejon Water Bank.
7

8 12. **Nickel Water.**

9 In 2008 Tejon purchased 8,898 acre feet of water from Nickel Family LLC (Nickel) and
10 in 2009 purchased an additional 6,393 acre feet for a total of 14,786 acre feet of water for storage
11 in the Tejon Water Bank. To help alleviate the water shortage Tejon loaned the Nickel water to
12 AVEK for return in later years pursuant to Memorandums of Understanding between Tejon and
13 AVEK dated 9-23-2008 and 1-13-2009, respectively, copies of which are attached as **Exhibits**
14 **Tejon-30 and Tejon-31**.
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16 13. **Tulare Lake and Dudley Ridge Water.**

17 In 2008 Tejon acquired the rights to approximately 1,451 acre feet of SWP Table A
18 entitlement held by Tulare Lake. In 2010 Tejon acquired the rights to approximately 1,993 acre
19 feet of SWP Table A entitlement held by Dudley Ridge. Tejon then arranged for the transfer of
20 the Tulare Lake and Dudley Ridge Table A entitlement totaling 3,444 acre feet annually to
21 AVEK for conveyance through the State Water Project. True and correct copies of the
22 agreements relating to purchase, transfer and delivery of the Tulare Lake and Dudley Ridge SWP
23 Table A entitlement are attached as **Exhibits Tejon-32, 33, 34, 35, 36, 37 and 38**.
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26 14. **Imported Water Summary.**

27 Tejon's Imported Water Supplies are summarized as follows:

- 28 a. AVEK Table A Deliveries Varies

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- b. Tejon Banked AVEK Table A Varies
- c. 2008 Call Water from AVEK 2,362 AF
- d. Return of 2008 Nickel Water 8,393 AF
- e. Return of 2009 Nickel Water 6,393 AF
- f. Dudley Ridge Table A 1,993 AF per year
- g. Tulare Lake Table A 1,451 AF per year

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct

Executed this 28 day of September, 2015, at Bakersfield, California.


Dennis Atkinson