

Attorneys for Defendant and Cross-Complainant,
Phelan Piñon Hills Community Services District

COUNTY OF LOS ANGELES - CENTRAL DISTRICT

AND RELATED CROSS-ACTIONS

Exchange Date: January 4, 2012
Phase Four Trial Date: February 11, 2013

1 I, Wesley A. Miliband, declare:

2 1. I am a partner with the law firm of Aleshire & Wynder, LLP and I am the attorney
3 of record for Cross-Complainant Phelan Piñon Hills Community Services District ("PPHCSD") in
4 this action. I have personal knowledge of each fact stated in this declaration.

5 2. Attached to this declaration as Exhibit A is a list of the expert witnesses whose
6 testimony PPHCSD intends to offer at trial, either orally or by deposition testimony. This list
7 includes Thomas E. Harder, to whom this declaration refers and who was previously qualified as an
8 expert during the Phase 3 Trial.

9 3. Mr. Harder has agreed to testify as an expert witness at trial, and this expert is
10 available for deposition during weekdays from Monday, January 21, 2013 through Wednesday,
11 January 30, 2013, except for Thursday, January 24, 2013.

12 4. Attached to this declaration as Exhibit B is a resume of the professional
13 qualifications of Thomas E. Harder.

14 5. I am informed and believe and thereon state, based in part upon Thomas E. Harder's
15 previous qualification as an expert in this consolidated proceeding, that Thomas E. Harder is an
16 expert in the field of Hydrogeology and that his qualifications in this field are as follows: Mr.
17 Harder is a California registered Professional Geologist and California Certified Hydrogeologist
18 with more than twenty-three (23) years of experience in groundwater hydrology and groundwater
19 resource management. He holds a bachelor's degree in geology from California State Polytechnic
20 University, Pomona and a master's degree in geology (hydrogeology emphasis) from California
21 State University, Los Angeles. His specific areas of expertise include groundwater basin analysis,
22 groundwater flow, stratigraphic analysis, perennial yield, artificial recharge, return flows,
23 groundwater development, contaminant hydrogeology, water well design, and evaluation of
24 groundwater produced and applied to various uses, including municipal and agricultural uses.

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1 6. Mr. Harder may testify regarding current and/or past quantities of groundwater
2 produced from the Antelope Valley Groundwater Basin, by PPHCSD and its Well 14 and/or by
3 other producers, as well as to whether the application of such groundwater produced is a reasonable
4 and beneficial use which may entail effects of a party's groundwater production thereon. In
5 addition, Mr. Harder may testify regarding the federal reserved rights, to the extent PPHCSD elects
6 to challenge the establishment or basis of such rights. Given the Case Management Order for
7 Phase 4 Trial (dated December 12, 2012) limiting claims to return flows to those resulting from
8 imported water only, Mr. Harder is not designated at this time to testify regarding claims to return
9 flows resulting from native water uses; however, PPHCSD reserves its rights to assert such during
10 later proceedings and as previously set forth by PPHCSD in various documents submitted to the
11 Court and to all parties, starting with PPHCSD's Cross-Complaint. A copy of Mr. Harder's report
12 involving these and other issues beyond the Phase 4 Trial is attached to this declaration as Exhibit
13 C. This report was previously disclosed and posted to the Court's website on July 15, 2010.

14 7. Mr. Harder is sufficiently familiar with the pending action to submit a meaningful
15 oral deposition concerning his testimony, including his expert opinion and the basis of his opinion,
16 for quantities of groundwater produced by PPHCSD and its Well 14, and some other parties,
17 current and past production, as well as to the reasonable and beneficial use of such production. In
18 light of the recent disclosures made on December 21, 2012 by various parties pursuant to the
19 Discovery Order for Phase 4 Trial (dated December 12, 2012), PPHCSD and Mr. Harder are
20 working diligently to become fully familiar with these disclosures to submit a meaningful oral
21 deposition concerning Mr. Harder's testimony regarding groundwater producers in the Antelope
22 Valley Groundwater Basin other than PPHCSD.

23 8. Mr. Harder's fee for providing deposition testimony and for consulting with the
24 retaining attorney are \$300.00 per hour, plus travel expenses and subsistence, with an eight (8) hour
25 minimum. Mr. Harder's fee schedule is attached as Exhibit D.

26 9. PPHCSD reserves its rights pursuant to statutory and/or any other legal basis for

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1 designating or otherwise naming other experts before trial or during trial whose testimony.

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

4 Dated: January 4, 2013

ALESHIRE & WYNDER, LLP

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By: 

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Wesley A. Miliband
Attorneys for Cross-Defendant and
Cross-Complainant,
Phelan Piñon Hills Community
Services District

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PROOF OF SERVICE

I, Linda Yarvis,

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 18881 Von Karman Avenue, Suite 1700, Irvine, CA 92612.

On January 4, 2013, I served the within document(s) described as **EXPERT WITNESS DECLARATION OF PHELAN PINON HILLS COMMUNITY SERVICES DISTRICT FOR PHASE 4 TRIAL** as follows:

☒ (ELECTRONIC SERVICE) By posting the document(s) listed above to the Santa Clara County Superior Court website in regard to Antelope Valley Groundwater matter pursuant to the Court's Clarification Order. Electronic service and electronic posting completed through www.scefiling.org.

☐ (BY MAIL) By placing a true copy of the foregoing document(s) in a sealed envelope addressed as set forth above. I placed each such envelope for collection and mailing following ordinary business practices. I am readily familiar with this Firm's practice for collection and processing of correspondence for mailing. Under that practice, the correspondence would be deposited with the United States Postal Service on that same day, with postage thereon fully prepaid at Irvine, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ (BY OVERNIGHT DELIVERY) I deposited in a box or other facility regularly maintained by Overnight Express, an express service carrier, or delivered to a courier or driver authorized by said express service carrier to receive documents, a true copy of the foregoing document(s) in a sealed envelope or package designated by the express service carrier, addressed as set forth above, with fees for overnight delivery paid or provided for.

Executed on January 4, 2013, at Irvine, California.

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

Linda Yarvis
(Type or print name)

(Signature)