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Attorneys for Craig Van Dam

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

Coordination Proceeding  
Special Title (Rule 1550(b))

**ANTELOPE VALLEY  
GROUNDWATER CASES**

**Included Actions:**

Los Angeles County Waterworks District  
No. 40 v. Diamond  
FARMING/IRRIGATION Co.  
Superior Court of California  
County of Los Angeles, Case No. BC  
325201

Los Angeles County Waterworks District  
No. 40 v. Diamond  
FARMING/IRRIGATION Co.  
Superior Court of California, County of  
Kern, Case No. S-1500-CV 254348

Wm. Bolthouse Farms, Inc. v. City of  
Lancaster Diamond  
FARMING/IRRIGATION Co. v. City of  
Lancaster Diamond  
FARMING/IRRIGATION Co. v. Palmdale  
Water Dist. Superior Court of California,  
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

**CRAIG VAN DAM'S EXCHANGE OF  
EXPERT INFORMATION;  
DECLARATION OF SCOTT K. KUNEY**

**CCP Section 2034.210**

**Date of Exchange: January 4, 2013  
Trial Date: February 11, 2013**

1 TO ALL PARTIES IN INTEREST:

2 NOTICE IS HEREBY GIVEN that CRAIG VAN DAM ("CRAIG VAN DAM")  
3 designates the following expert witness it may call at trial in the above-entitled action:

4  
5 **EXPERTS**

- 6  
7 1. Michael J. Day, PE  
8 Provost & Pritchard  
9 1800 30<sup>th</sup> Street, Suite 280  
10 Bakersfield, CA 93301

11 In addition, CRAIG VAN DAM may call the following witness to offer expert opinions  
12 based on his personal observations and experience related to CRAIG VAN DAM's current  
13 groundwater production for the calendar year 2011 and January 1 through November 30, 2012,  
14 and proof of claimed reasonable and beneficial use of water for each parcel to be adjudicated:

- 15 1. Craig Van Dam  
16 7316 West D-8  
17 Lancaster, CA 93536

18 CRAIG VAN DAM also designates any witness whose testimony may be regarded as  
19 expert whose name has been revealed by discovery or further discovery in this action, and those  
20 experts who may be designated by other parties to this action.

21 Pursuant to Code of Civil Procedure section 2034.280, CRAIG VAN DAM expressly  
22 reserves the right to submit a supplemental expert witness list on January 11, 2013 pursuant to the  
23 Court's Case Management Order For Phase 4 Trial dated, December 12, 2012.

24 CRAIG VAN DAM also reserves its rights, pursuant to Code of Civil Procedure section  
25 2034.310, as well as any and all other constitutional, statutory and/or common law rights it may  
26 have, to name other experts before trial or to call to testify at trial experts not named, whose  
27 testimony is needed to aid in the prosecution of this action and/or refute and rebut the contentions  
28 and testimony of any other expert.

Dated: January 4, 2013

THE LAW OFFICES OF YOUNG WOOLDRIDGE, LLP

By:



SCOTT K. KUNEY, Esq., Attorneys for Cross-  
Defendant CRAIG VAN DAM



## EXPERT WITNESS DECLARATION

I, SCOTT K. KUNEY, HEREBY DECLARE AS FOLLOWS:

1. I am a partner with The Law Offices of Young Woodridge, LLP, counsel CRAIG VAN DAM ("CRAIG VAN DAM").

2. The matters stated herein are true of my own knowledge, except as to those matters which are stated upon information and belief and, as to those matters, I believe them to be true.

3. The following information is provided pursuant to Code of Civil Procedure section 2034.260.

4. Michael J. Day, PE: With respect to Mr. Day, I am informed and believe the following to be true:

(a) Qualifications: Michael J. Day is a principal engineer and project manager in water and energy resources engineering with over 30 years of experience. See also, attached Curriculum Vitae marked as Exhibit "A," incorporated herein and made a part hereof by this reference.

(b) General substance of testimony the expert is expected to give:

1. Mr. Day will provide testimony regarding estimating groundwater pumping from well pump power and fuel records for the calendar year 2011 and January 1 through November 30, 2012.

(c) Mr. Day is available for deposition during January 14-31, 2013, as follows: January 21-25, 28.

(d) Mr. Day's fee for providing deposition testimony and consulting with the retaining attorney is \$320 per hour, plus expenses.

(e) In accordance with the Case Management Order For Phase 4 Trial, Paragraph 3, there has been no report prepared by Mr. Day concurrent with this designation.

(f) In accordance with the Case Management Order For Phase 4 Trial, Paragraph 7, Mr. Day's file on this matter, and any other materials for inspection, will be produced at least

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three business days before the date set for his deposition at Mr. Day's place of business or such location as the parties may agree. Such materials will be produced in electronic format.

Executed this 4<sup>th</sup> day of January, 2013, at Bakersfield, California.

  
SCOTT K. KUNEY

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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 4, 2013, I caused the below listed document(s) entitled as: **CRAIG VAN DAMS EXCHANGE OF EXPERT INFORMATION; DECLARATION OF SCOTT K. KUNEY** 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.scefilng.org](http://www.scefilng.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 4, 2013, at Bakersfield, California.

  
ERIN L. LINDSEY

# EXHIBIT “A”



# Michael J. Day, PE

## Principal Engineer

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Michael J. (Mike) Day is a principal engineer and project manager in water and energy resources engineering with over 30 years of experience. He has an extensive background in pump testing, investigations, planning, design, construction, and evaluation of irrigation and drainage facilities for farms and water agencies. Mr. Day's areas of expertise include pump testing, crop water use and groundwater pumping estimation, irrigation system design and evaluation, groundwater and surface water investigations, groundwater recharge and groundwater banking facility design, surface and subsurface drainage systems design, and design of large water conveyance and storage facilities. He also provides expert consultation for farms, water agencies, and energy utilities on a variety of energy related topics.

### *Education*

B.S. Civil Engineering, California State University, Fresno

### *Registration*

Civil Engineer, California #39494

### *Areas of Expertise*

Pump Testing, Water Resources; Irrigation System Design and Evaluation; Subsurface Drainage; Energy

### *Affiliations*

United States Committee on Irrigation and Drainage (USCID), Member  
Kern Chapter of American Council of Engineering Companies (ACEC), Past President

## **Relevant Experience**

### *Pump Testing and Supervision of all of Provost & Pritchard's Pump Tests -*

Mr. Day has performed pump performance tests on wells and other pumps for J.M. Lord, Inc. and Provost & Pritchard since 1982. Furthermore, he has supervised all of Provost & Pritchard's pump performance tests performed by other staff since 1989. This has included over one hundred deep well pumps with both electric and engine driven pumps.

### *Estimation of Well Pumping for Citrus Farming Operation, Visalia, California, -*

Mr. Day field reviewed, and led the estimation of groundwater pumping quantities for three years for a 10,000 acre citrus ranch supplied by over 20 deep wells supplied with power by Southern California Edison. The Ranch did not have flow meters, and wanted to estimate groundwater pumping for planning its future water resources.

*Dairy Water Resources Investigation, Riverdale, California -* Mr. Day served as project engineer and lead writer of a report that quantified the groundwater and surface water supplies of Maddox Dairy Farms' Riverdale area properties to support its debt re-financing efforts. Work included field reviews, data gathering on wells and canal companies serving the properties, and estimation of available supplies versus water demands.

*Marchini Property Groundwater Supply Investigation, Mendota, California -* Mr. Day served as project engineer and lead writer of report concerning existing and potential well supplies on forage and field crop land near the Mendota Pool. Work included pump tests and



pumping volume estimates for existing and proposed new wells on the property.

*Irrigation System Evaluations and Irrigation Management Services for Various Properties, Various Locations in California, Arizona, and Eastern Washington –*

While with J.M. Lord, Inc., Mr. Day performed over fifty irrigation system evaluations, and teamed with agronomists in providing irrigation management consultation services on the same properties. This work was for many different crops and irrigation types. Over twenty evaluations were performed on forage crops. Work included determining distribution uniformity, irrigation efficiency, deep percolation, and runoff volumes. Seasonal irrigation efficiency was also estimated for some of the fields.

*Technical Support for Pacific Gas & Electric Company Agricultural Energy Efficiency Programs in Central California –*

Mr. Day led Provost & Pritchard's three year contract to provide technical support for PG&E's customized and express rebate program for agricultural energy efficiency projects. This included calculations documenting water and energy savings associated with pump performance tests, pump repairs, and custom-designed energy efficiency projects for agricultural customers of PG&E.