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**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

**DELMAR D. VAN DAM, GERTRUDE J.
 VAN DAM, AND GARY 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 DELMAR D. VAN DAM, GERTRUDE J. VAN
3 DAM, and GARY VAN DAM (collectively "VAN DAMS") designate the following expert
4 witness it may call at trial in the above-entitled action:

5
6 **EXPERTS**

- 7
8 1. Michael J. Day, PE
9 Provost & Pritchard
10 1800 30th Street, Suite 280
11 Bakersfield, CA 93301
12
13 2. John Schaap, PE
14 Provost & Pritchard
15 1800 30th Street, Suite 280
16 Bakersfield, CA 93301

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

- 21 1. Gary Van Dam
22 High Desert Dairy
23 7304 East Avenue F
24 Lancaster, CA 93535

25 VAN DAMS also designate any witness whose testimony may be regarded as expert
26 whose name has been revealed by discovery or further discovery in this action, and those experts
27 who may be designated by other parties to this action.

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

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VAN DAMS also reserves its rights, pursuant to Code of Civil Procedure section 2034.310, as well as any and all other constitutional, statutory and/or common law rights it may have, to name other experts before trial or to call to testify at trial experts not named, whose testimony is needed to aid in the prosecution of this action and/or refute and rebut the contentions 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 DELMAR D. VAN DAM, GERTRUDE J. VAN DAM, and GARY 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 for DELMAR D. VAN DAM, GERTRUDE J. VAN DAM, AND GARY VAN DAM ("VAN DAMS").

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

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

3 5. John Schaap, PE: With respect to Mr. Schaap, I am informed and believe the
4 following to be true:

5 (a) Qualifications: John Schaap is a principal engineer with over 15 years of civil
6 and agricultural engineering experience. See also, attached Curriculum Vitae marked as Exhibit
7 "B," incorporated herein and made a part hereof by this reference.

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

9 1. Mr. Schaap will provide testimony regarding estimating crop and dairy
10 water requirements for the calendar year 2011 and January 1 through November 30, 2012.

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

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

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

17 (f) In accordance with the Case Management Order For Phase 4 Trial, Paragraph 7,
18 Mr. Schaap's file on this matter, and any other materials for inspection, will be produced at least
19 three business days before the date set for his deposition at Mr. Schaap's place of business or
20 such location as the parties may agree. Such materials will be produced in electronic format.

21 Executed this 4th day of January, 2013, at Bakersfield, California.

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24 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: **DELMAR D. VAN DAM, GERTRUDE J. VAN DAM, AND GARY 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.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 4, 2013, at Bakersfield, California.


ERIN L. LINDSEY

EXHIBIT “A”

Michael J. Day, PE

Principal Engineer



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.

EXHIBIT “B”

John Schaap, PE

Principal Engineer



John Schaap is a principal engineer at Provost & Pritchard Consulting Group. With over fifteen years of civil and agricultural engineering experience, he has been involved with a wide range of design and permitting projects. Mr. Schaap has extensive experience that includes serving Kings County for four years as a planning commissioner. With a broad knowledge of the Central Valley, Mr. Schaap has worked to assist the agricultural community on several levels.

Mr. Schaap consults on design projects and environmental/regulatory compliance projects for agricultural operations. His responsibilities have included designing numerous animal facilities (primarily bovine dairy, in addition to poultry, dairy heifer, beef feedlot, and calf ranches) and managing the associated projects involved with permitting and ultimately building practical facilities for his clients' businesses. In addition, Mr. Schaap has designed agricultural waste management systems and irrigation structures.

Mr. Schaap was honored in 2009 with the Engineer of the Year Award, presented by the American Society of Agricultural & Biological Engineers (ASABE) California/Nevada Section, and the Outstanding Civil Engineer in Private Practice Award by the American Society of Civil Engineers (ASCE) San Francisco Section, Fresno Branch.

Education

M.S. Biological & Agricultural Engineering, University of California, Davis

B.S. Agricultural Engineering, California Polytechnic State University, San Luis Obispo

Registration

Civil Engineer, California #61754

Civil Engineer, Colorado #40516

Agricultural Engineer, California #563

Areas of Expertise

Agricultural Engineering; Confined Animal Facilities; Irrigation; Flood Control; Process Engineering

Affiliations

California Agricultural Leadership Program, Class 39; American Society of Agricultural & Biological Engineers (ASABE); American Society of Civil Engineers (ASCE), Tau Beta Pi National Engineering Honor Society

Awards

ASABE Engineer of the Year (2009); Carl G. Beck Award, Outstanding Senior, College of Agriculture (1994); Cal Poly Ag Engineering Department, Senior of the Year (1994); National Finalist – FFA Agri-Science Recognition Program

Relevant Experience

Expert Witness Work for Dairy Client, Stoel Rives LLP, Sacramento, California, Expert Witness

– This project consisted of preparing expert witness reports for a dairy, to help defend the dairy against a lawsuit by an environmental group. Other expert witness reports were reviewed and responded to in a subsequent expert report. The expert reports dealt with air permitting issues and cow housing and cooling design issues. An extensive deposition was conducted.

Bidart Stockdale Digester Project, California Bioenergy LLC, Bakersfield, California, Principal-in-Charge – This project consisted of a 600 kW peak electrical generating facility powered by biogas collected from a dairy manure anaerobic digester. Project tasks included field investigations, design, construction document preparation, permitting, and funding assistance. Provost & Pritchard was responsible for design of the effluent pump station, manure solid separator infrastructure, sand and grit separator, effluent piping, biogas piping, generator building and gas treatment area, biogas relief vent stack, digester lining system, and Regional Water Quality Control Board permitting and construction quality assurance.

Altmann Feed Lanes & Lagoons, Ian Lean, Australia, Principal-in-Charge – This project consisted of design and engineering services for feed lanes and lagoons for an existing, pasture-based Australian dairy. Preparation of the construction documents included grading design, flush and drain design, and coordination with a local steel building supplier.

Chris Drew Dairy Design, Ian Lean, Camden, New South Wales, Australia, Project Manager – This project consisted of designing a facility layout and grading design for a new open-corral based dairy in Australia.

New Calf Nursery, Grimmus Cattle Company, Kings County, California, Project Manager – This project involved the design and permitting of a large calf nursery. It was one of the first site plan review (SPR) applications for a confined animal facility processed under the Kings County Dairy Element. Mr. Schaap was involved in all aspects of the permitting and design effort, working with Kings County and the Regional Water Quality Control Board, and producing all of the design documents for construction.

Dairy Consulting, ANKA Hoof Care Cow Comfort, Spain, Project Manager – This project involved consulting services for two dairy expansions in Spain. Mr. Schaap reviewed topographical maps, local regulatory constraints, soils, weather conditions, and maps of all land associated with the facilities for nutrient utilization. After meeting with the clients and discussing the desired location of the expansion sites, as well as desired manure management practices, herd size, and housing configuration, he made recommendations and developed site plan drawings.

Kings County Planning Commissioner – District 2, County of Kings, California – This volunteer work involved serving as planning commissioner for four years, participating in monthly meetings, reviewing staff reports, hearing Conditional Use Permits and other land use entitlement applications and voting on resolutions to grant or deny, adopting advisory resolutions to the Board of Supervisors for certain actions, and attending annual planning commissioner training sessions. Mr. Schaap was also involved in the adoption process for the Dairy Element of the General Plan.

Feedlot Expansion, Hansen Farms, Kings County, California, Principal-in-Charge/Project Manager – Mr. Schaap was responsible for the design of the feedlot expansion and preparation of construction documents. He prepared the final design and submitted for building permits, and worked with the San Joaquin Valley Air Pollution Control District to obtain the Authority to Construct (ATC) permit. In addition, Mr. Schaap's team secured geotechnical services for the existing lagoon, and provided quality assurance by working with the Regional Water Quality Control Board (RWQCB) and prepared a CQA Report which was submitted to the RWQCB.

Dairy Expansion, River Ranch Dairy, Kings County, California, Project Manager – This project involved complete design and permitting services for the expansion of an existing dairy in Kings County. Responsibilities included designing the facility, securing a site plan review permit from Kings County, preparing and submitting a Report of Waste Discharge to the Regional Water Quality Control Board (RWQCB), coordinating post-construction documentation for the RWQCB, securing an Authority to Construct (ATC) from the San Joaquin Valley Air Pollution Control District (SJVAPCD), and securing building permits from Kings County for all structures. Unusual project challenges included managing the 2004 implementation of SB700, which instituted air permitting for confined animal facilities. The effort included significant work with the SJVAPCD, establishing the technical and legal basis for the permitting process. A great deal of research was reviewed in working with the SJVAPCD to establish appropriate emission factors, mitigation measures, and control efficiencies, before a permit could be issued.

J.G. Boswell Company, Corcoran, California, Engineer-in-Training – Mr. Schaap began his career as a process engineer responsible for environmental issues, capital projects, and certain process operations in a vegetable oil extraction plant for one year. Subsequently, he was involved in flood control operations for the Corcoran Ranch during the 1997 and 1998 flood years. Mr. Schaap was involved in planning, engineering, and supervising construction of numerous pumping plants, gate structures, and other flood control, irrigation, and drainage facilities, as well as coordinating and supervising various repair and maintenance projects on the ranch.

California Agricultural Leadership Program, Class 39 – As part of the two year leadership fellowship program, Mr. Schaap explored many agricultural, social, and environmental issues and had a chance to develop diverse leadership skills.

Irrigation Designer, Rain for Rent, Bakersfield, California, Project Engineer – While working for Rain for Rent, Mr. Schaap performed numerous drip, sprinkler, and microsprinkler designs for irrigation and frost protection applications on a variety of crops throughout California.