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

12 Coordination Proceeding  
 13 Special Title (Rule 1550(b))

14 **ANTELOPE VALLEY**  
 15 **GROUNDWATER CASES**

16 Included Actions:

17 Los Angeles County Waterworks District  
 18 No. 40 v. Diamond Farming Co.  
 19 Superior Court of California  
 20 County of Los Angeles, Case No. BC  
 21 325201

22 Los Angeles County Waterworks District  
 23 No. 40 v. Diamond Farming Co.  
 24 Superior Court of California, County of  
 25 Kern, Case No. S-1500-CV 254348

26 Wm. Bolthouse Farms, Inc. v. City of  
 27 Lancaster Diamond Farming Co. v. City of  
 28 Lancaster Diamond Farming 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

BUSINESS RECORDS AFFIDAVIT OF  
 CARL F. VOSS, JR., GRIMMWAY  
 ENTERPRISES, INC., ON BEHALF OF  
 WDS CALIFORNIA II, LLC PURSUANT  
 TO EVIDENCE CODE SECTIONS 1560-  
 1562

1 I, CARL FREDERICK VOSS, JR., declare as follows:

2 1. I am the Land Manager at Grimmway Enterprises, Inc. and have been employed  
3 with Grimmway Enterprises, Inc. ("Grimmway") since June of 1995.

4 2. I graduated high school from Mount Pleasant High School in San Jose,  
5 California. I graduated from California Polytechnic State University, San Luis Obispo in 1982  
6 with bachelors' of science degrees in farm management and fruit science.

7 3. I am responsible for all matters related to the acquiring of land, leasing of land,  
8 the water matters that come with the land, the power matters regarding the utilities that serve  
9 the land or power equipment such as diesel engines, and the air permitting issues that are  
10 related to the land as it relates to our farming activities within the Antelope Valley  
11 Adjudication Area and elsewhere.

12 4. For any Grimmway properties that have wells, I oversee that the pumping  
13 equipment is maintained, that the water produced from that well is tracked, and that we are  
14 charged the proper amount of electricity for the motor it takes to pump the water.

15 5. All records were prepared in the ordinary course of business by personnel of  
16 Grimmway that I supervise and were prepared under my direction, order and control. The  
17 pumping meter records are updated monthly, shortly after our monthly meter readings are  
18 conducted and yearly, shortly after the end of our growing season. I review these records after  
19 they are completed and have personal knowledge of their contents, creation process, and  
20 substance. The meter readings list the reading at the beginning of the month and the end of the  
21 month. The readings were created in an excel spreadsheet and the amounts were calculated  
22 using the summation tool in Microsoft Excel.

23 6. More specifically, meter readings are taken and recorded once a month, as near  
24 to the first of the month as possible by our ranch managers. Our ranch managers fill out a form  
25 provided by Grimmway that includes the previous acre feet reading. Our ranch managers then  
26 record the new acre feet reading and return that form to my office, where it is recorded by my  
27 assistant into an excel spreadsheet. If a well is not run in a particular month, that information is  
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1 recorded too, but it is only shown to the extent that the meter reading will not have changed.

2 The same manner of tabulation is provided for every year.

3         7. Each Grimmway well is numbered by well and by pump number. "DW" is code  
4 for "deep well." Any number that is preceded by DW designates a well. For example, DW  
5 195 stands for "deep well" 195. The DW number does not change and will remain constant  
6 year to year.

7         8. Grimmway pumps are designated by the letters "PE" which stands for "pumping  
8 equipment." Any number that is preceded by "PE" designates a piece of pumping equipment.  
9 Pumping equipment is further designated by the amount of numbers that follow the "PE." If  
10 four numbers follow the "PE," the piece of pumping equipment is electric. For example, PE  
11 1047 would designate an electric water pump. If three numbers follow the "PE," the piece of  
12 pumping equipment is either diesel or natural gas. For example, PE 203 would be either a  
13 diesel or natural gas water pump.

14         9. Each well also has a recordation number assigned by the State Water Resources  
15 Control Board, which is accurately reflected on the documents that catalogue water usage for  
16 each particular well. This number, like the DW number, does not change.

17         10. The meter read outs are checked for any spikes or sharp decreases that might  
18 indicate that a meter has failed. Meters are replaced when they are broken. If a water meter is  
19 broken, we can estimate the amount of water used by performing a pump test and comparing  
20 the amount of electricity, diesel, or natural gas used to the previous meter readings and amounts  
21 of electricity, diesel, or natural gas used. This is an alternative to reading the meter.

22         11. The water flow meters are installed in-line at every well and positioned after the  
23 pump head and initial discharge piping. The meters measure by the acre foot and by gallons  
24 per minute. Currently, there are two brands of meters used by Grimmway for its wells. One is  
25 called Micrometer and the other is called Water Specialties. We typically buy the meters so  
26 they can be installed either in a permanently fixed discharge or adapted so they could be  
27 adapted to a portable surface line of either aluminum or certa-lock pipe. The meters are  
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1 designed for the diameter pipe they are placed in and when we buy them they are designed to  
2 calculate use by the acre foot and also to indicate the current gallon per minute flow. The  
3 meters are guaranteed to be accurate within 5%.

4 12. The business records maintained by Grimmway for all land owned or leased are  
5 a true and accurate representation of the actual water pumped and delivered to crops for  
6 irrigation and they were prepared and maintained in the regular course of business. The same  
7 procedures that are used to check and record water meter data on land owned by Grimmway are  
8 used on land that is leased by Grimmway.

9 13. Grimmway regularly obtains pump tests for its wells which are recorded yearly  
10 whether or not our pumps are showing signs of failure. These pump test reports are maintained  
11 by Grimmway in the ordinary course of its business. For example, Grimmway has retained  
12 S.A. Camp Pump Company to conduct and provide Grimmway with annual pump test reports  
13 which detail the results of its annual pump tests as well as a cumulative report of all available  
14 prior year pump tests for a particular well and pump.

15 14. Grimmway regularly prepares and maintains crop maps depicting the location of  
16 the source well(s) and pump equipment, irrigated acreage, and specific crops grown in a given  
17 year on a particular property. The crop maps are prepared in the ordinary course of  
18 Grimmway's business. Grimmway routinely provides copies of its crop maps to its lessors.

19 15. I am the proper person to authenticate pump meter records, pump test records,  
20 and crop map records for lands that were either purchased from Grimmway or that were leased  
21 by Grimmway. As the supervisor to the custodian of records, I am qualified to certify that the  
22 records provided are authentic and to explain their substance.

23 16. The exhibits attached to this Affidavit are true and accurate copies of the  
24 original business records maintained by Grimmway and which were provided to WDS  
25 California II, LLC regarding the various ranches in Kern County, Antelope Valley.

26 17. None of the exhibits attached to this Affidavit were created for the purpose of  
27 litigation.  
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18. A copy of Grimmway's business records are attached as exhibits to this Affidavit:

- a. Meter Readings (Monthly/Annual), Years 1998-2012 – Exhibit "A":
- b. Crop Maps, Years 1998-2012 – Exhibit "B":
- c. Pump Tests, S.A. Camp Pump Company (Alesso, Vodermark, DW179, DW195, DW196.) – Exhibit "C":

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

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



Carl Frederick Voss, Jr.  
Land Manger, Grimmway Enterprises, Inc.

**ANTELOPE VALLEY GROUNDWATER CASES**

Judicial Council Coordination, Proceeding No. 4408

Santa Clara Case No. 1-05-CV 049053

Los Angeles County Superior Court, Central, Dept. 1

**PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF KERN

I, ERIN L. LINDSEY, declare: I am and was at all times of the service hereunder mentioned, over the age of eighteen (18) years. My business address is: 1800 30<sup>th</sup> Street, Fourth Floor, Bakersfield, CA 93301.

On April 5, 2013, I caused to be served the below listed document(s) entitled as:  
**BUSINESS RECORDS AFFIDAVIT OF CARL F. VOSS, JR., GRIMMWAY ENTERPRISES, INC., ON BEHALF OF WDS CALIFORNIA II, LLC PURSUANT TO EVIDENCE CODE SECTIONS 1560-1562**, on the interested parties in this action:

  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](http://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 April 5, 2013, at Bakersfield, California

  
 ERIN L. LINDSEY