1 2 3 4 5 6 7	Joseph D. Hughes, State Bar No. 169375 KLEIN, DENATALE, GOLDNER, COOPER, ROSENLIEB & KIMBALL, LLP 4550 California Avenue, Second Floor Bakersfield, California 93309 P.O. Box 11172 Bakersfield, California 93389-1172 Telephone: (661) 395-1000 Facsimile: (661) 326-0418 Email: jhughes@kleinlaw.com Attorneys for H&N DEVELOPMENT CO. WES	ST, INC.
8 9	SUPERIOR COURT OF THE	
10	COUNTY OF LO	OS ANGELES
11 12 13 14 15 16 17 18 19 20 21	ANTELOPE VALLEY GROUNDWATER CASES Included Actions: Los Angeles County Waterworks District No. 40 v. Diamond Farming Co., Superior Court of California, County of Los Angeles, Case No. BC 325201; Los Angeles County Waterworks District No. 40 v. Diamond Farming Co., Superior Court of California, County of Kern, Case No. S-1500- CV-254-348; Wm. Bolthouse Farms, Inc. v. City of Lancaster, Diamond Farming Co. v. City of Lancaster, Diamond Farming Co. v. Palmdale Water Dist., Superior Court of California, County of Riverside, Case Nos. RIC 353 840, RIC 344 436, RIC 344 668	Judicial Council Coordination No. 4408 CLASS ACTION Santa Clara Case No. 1-05-CV-049053 Assigned to The Honorable Jack Komar DECLARATIONS OF NORIK NARAGHI AND ROD STIEFVATER IN LIEU OF DEPOSITION TESTIMONY FOR PHASE 4 TRIAL
22		
23	I. DECLARATION OF	F NORIK NARAGHI
24	I, NORIK NARAGHI, declare as follows	:
25	1. I am the president of H&N DEV	ELOPMENT CO. WEST, INC., ("H&N
26	DEVELOPMENT"), a party to this action. In lie	eu of deposition testimony for the Phase 4 trial,
27	I am providing this declaration. I have person	al knowledge of each fact herein and would
28	testify competently thereto under oath.	

1 2 2. 3 4 5 3. 7 8 4. 9 10 11 5. 12 13 14 6. 15 16 17 18 19 7. 20

Property Ownership and Parcel Size

- 2. H&N DEVELOPMENT owns property that overlies the Antelope Valley Area of Adjudication as decided by this Court. The land is in Kern County and is identified by APNs identified on the attached **Exhibit** A. A true and correct copy of **Exhibit** A is attached hereto and incorporated herein.
- 3. H&N DEVELOPMENT claims groundwater rights only as to the properties listed in Paragraph 2 and Exhibit A.
- 4. For each APN/APNs identified above, the total acreage by parcel is identified on **Exhibit B.** A true and correct copy of **Exhibit B** is attached hereto and incorporated herein.
- 5. For each APN/APNs identified above, H&N DEVELOPMENT has owned the property since December of 1980. True and correct copies of the Individual Grant Deeds by which H&N DEVELOPMENT acquired the property are attached as **Exhibit O**.
- 6. The following are all individuals/entities appearing on the title for the above identified APN/APNS from Jan 1, 2000 to the present:
- H AND N DEVELOPMENT CO., INC., and H&N DEVELOPMENT CO. WEST, INC.

 These are the same entity, which underwent a corporate name change.
 - 7. For each individual/entity identified in paragraph 6 that individual/entity appeared on the title during the following time:
 - H AND N DEVELOPMENT CO., INC., appeared on title from December of 1980 through May of 2011 when a Grant Deed was recorded to reflect the change in the corporate name to H&N DEVELOPMENT CO. WEST, INC. A true and correct copy of that Grant Deed is attached as **Exhibit P**.

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1	I declare under penalty of perjury under the laws of the State of California that the
2	foregoing is true and correct.
3	Executed this 31 th day of January 2013, at Modesto, California.
4	Mais Mann.
5	Norik Naraghi
6	///
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II. DECLARATION OF ROD STIEFVATER

I, ROD STIEFVATER, declare as follows:

I am the lessee of H&N DEVELOPMENT CO. WEST, INC., ("H&N DEVELOPMENT"), a party to this action, and have been farming the property referenced above since 2011. In lieu of deposition testimony for the Phase 4 trial, I am providing this declaration. I have personal knowledge of each fact herein and would testify competently thereto under oath.

Crop Duties and Irrigated Acres

- 33. In order to calculate water use on the properties referenced above, H&N DEVELOPMENT relies on the amount of acres in irrigation on the properties referenced above multiplied by the crop duty.
- 34. The total amount of irrigated acres and type of crops on the properties referenced above by APN for the years 2011 and 2012 are described on the attached **Exhibit N**. A true and correct copy of **Exhibit N** is attached hereto and incorporated herein.

<u>Use of Water</u> (Complete for each APN. If water for used for multiple purposes, identify the amount of water for each use.)

- 41. H&N DEVELOPMENT and Rod Stiefvater used 1,695.25 acre feet of water on all of the parcels in 2011. The water was used for irrigation of four- and five-year-old pistachio trees. The total net planted acreage was 418 acres. The four-year-old pistachio trees comprised 267 acres. The five-year-old pistachio trees comprised 151 acres.
- 42. Rod Stiefvater used 1,904.25 acre feet of water on all of the parcels in 2012. The water was used for irrigation of five- and six-year-old pistachio trees. The total net planted acreage was 418 acres. The five-year-old pistachio trees comprised 267 acres. The six-year-old pistachio trees comprised 151 acres. This water usage will increase after 2012 until the trees reach maturity. The total water usage at that point will be 2,046.46 acre feet of water each

year. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 31th day of January 2013, at Bakersfield, California. Rod Stiefvater

1	EXHIBIT A
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4	359-031-07
5	359-032-20
6	359-032-21
7	359-032-08
8	359-032-13
9	359-032-14
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2	EXH	IBIT B
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4	APN	Size in acres
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6	359-032-20	79.09
7	359-032-21	79.09
8	359-032-08	14.09
9	359-032-13	77.88
10	359-032-14	103.18
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EXHIBIT N The total net irrigated acres in 2011 and 2012 were 418 acres. All of these acres were planted with pistachio trees.

EXHIBIT 0

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	GUNNING FARM NO. 1, a genera		acanowied Bed.		}
		i partnership,			
	hereby GRANT(S) to				
	H AND N DEVELOPMENT CO., INC	., a California	corporation,		İ
	the following described real property in the ur County of Kern	incorporated are , State of California			:
	Portions of Section 25, Town Meridian. SEE EXHIBIT "A" P OF ONE PAGE, FOR COMPLETE LE	TTACHED HERETO A	AND MADE A PART HERE	rnardino OF, COMPRISZD	,
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	KTP 300K NO. PAGE 74	po. BLOCK NO. P	ARCEL NO. PORTION X		
	KIP 253 29	1 241	07		
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			our my Form	No. 1	
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	On before signed, a Notary Public in and for said State, personal control of the said State, pe	me, the under-	attorney in fo	d	
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	to be the person whose name subscribe				i
	to be the person				
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	instrument and acknowledged that exe				

MAIL TAX STATEMENTS AS DIRECTED ABOVE

STATE OF ARIZONA

County of Macicopa

ss.

On December 10, 1980, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Richard E. Mitchell, known to me to be the person whose name is subscribed to the within instrument, as the Attorney in Pact of Gunning Farm No. 1, a general partnership, one of the partners of the partnership that executed the within instrument and acknowledged to me that he subscribed the name of Gunning Farm No. 1, thereto as principal and his own name as Attorney in Fact, and further acknowledged to me that such partnership executed the same.

WITNESS MY HAND and official seal

Signature Phillis A Tombour

My Commission Expires Dec. 17, 1983

RECORDERS MEMO. POOR RECORDED REPRODUCTION DUE TO QUALITY OF PRINT OR TYPE ON ORIGINAL DOCUMENT



LEGAL DESCRIPITON

THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 9 NORTH, RANGE 14 WEST, SAN DERNARDING MERIDIAN, IN THE UNINCORPORATED AREA OF T'E COUNTY OF KFRN, STATE OF CALIFATAIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPT THE NORTHERLY 20 FEET OF THE SOUTHERLY 50 FEET.

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MAIL TAX STATEMENTS AS DIRECTED ABOVE

FTATE OF ARIZONA

County of Maricopa

) B¥.

On December 10, 1980, before may the undersigned, a Notary Public in and for said County and State, personally appeared Richard E. Mitchell, known to me to be the person whose name 18 subscribed to the within instrument, as the Attorney in Fact of Gunning Farm No. 2, a general partnership, one of the partners of the partnership that executed the within instrument and acknowledged to me that he subscribed the name of Gunning Farm No. 2, thereto as principal and his own name as Attorney in Fact, and further acknowledged to me that such partnership executed the same.

WITNESS MY HAND and official seal

Signature Physica A Lombour

My Commission Expires Dec. 17, 1983

RECORDERS MEMO: POOR RECORDED REPRODUCTION DUE TO QUALITY OF FRINT OR TYPE ON ORIGINAL DOCUMENT

EXHIBIT "A"

LEGAL DESCRIPTION

THE WEST HALF OF THE HORTHWEST QUARTER OF SECTION 36, TOWNSHIP 9 NORTH, RANGE 14 WEST, SAN BERNARDING MERIDIAN, IN THE UNINCORPORATED AREA OF THE COUNTY OF KERM. STATE OF CALIFORNIF, ACCORDING TO THE OFFICIAL PLAT THEREOF.

THAT THE HOTARY SEAL OF PHILLIS A. LOMBARD;

AFFIXED TO THE WITHIN DOCUMENT, WHILE NOT BEING PHOTOGRAPHICALLY

REPRODUCIBLE, CAN BE READ. I FURTHER CERTIFY THAT THE SAID

NOTARY PUBLIC'S COMMISSION EXPIRES ON 12-17-83 AND THAT THE

SAID NOTARY PUBLIC'S BOND AND COMMISSION IS FILED IN MARICOPA

COUNTY, ARIZONA

EXECUTED THIS 18 DAY OF DECEMBER. 1980, AT BAKERSFIELD,

CALIFORNIA.

BY: STEVE TAYLOR
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MAIL TAX STATEMENTS AS DIRECTED ABOVE

STATE OF ARIZONA)
County of Maricopa)

On December 10, 1980, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Richard E. Mitchell, known to me to be the person whose name is subscribed to the within instrument, as the Attorney in Fact of Gunning Farm No. 3, a general partnership, one of the partners of the partnership that executed the within instrument and acknowledged to me that he subscribed the name of Gunning Farm No. 3, thereto as principal and his own name as Attorney in Fact, and further acknowledged to me that such partnership executed the same.

WITNESS MY HAND and official seal

Signature Anders Adonborde

My Commission Expires Dec. 17, 1983

RECORDERS MEMO. POOR RECORDED 'REPRODUCTION DUE TO QUALITY OF PRINT OR TYPE ON ORIGINAL DOCUMENT

LEGAL DESCRIPTION

THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 9 HORT., RANGE 14 WEST, SAN BERNARDING MERIDIAN, IN THE UNINCORPORATED AREA OF THE COUNTY OF KERN, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

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MAIL TAX STATEMENTS AS DIRECTED ABOVE

STATE OF ARIZONA

County of Maricopa

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On December 10, 1980, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Richard E. Mitchell, known to me to be the person whose name is subscribed to the within instrument, as the Attorney in Fact of Mitchell Farm No. 1, a general partnership, one of the partners of the partnership that executed the within instrument and acknowledged to me that he subscribed the name of Mitchell Farm No. 1, thereto as principal and his own name as Attorney in Fact, and further acknowledged to me that such partnership executed the acknowledged to me that such partnership executed the WITNESS MY HAND and official seal

My Commission Expires Dec. 17, 1983

RECORDERS MEMO. POOR RECORDED REPRODUCTION DUE TO QUALITY OF PRINT OR TYPE ON ORIGINAL DOCUMENT

EXHIBIT "A"

LEGAL DESCRIPTION

THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 9 NORTH, RANGE 14 WEST, SAN BERNARDING MERIDIAN, IN THE UNINCORPORATED AREA OF THE COUNTY OF KERN, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPT THE NORTHEAST QUARTER OF SAID SOUTHEAST QUARTER.

PRECORDING REQUESTED BY	100x 5339 PACE 272
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H AND N DEVELOPMENT CO, INC.	RAY A. MAGAMMEN KERI COMH Y ROCORC
P. O. Box 4037 MODESTO, CALIFORNIA 95352	Will Control neone
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Same as above	•
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,	SPACE ABOVE THIS LINE FOR RECORD
	Grant Deed
TO 1923 CA (12/74)	LO BY TIGOR TITLE WARREN
The undersigned grantor(s) declare(s):	
Documentary transfer tax is \$ 114.52 / 3.83 () computed on full .alue of property conveyed, or	
(xx) computed on full value less value of liens and encun	nbrances remaining at time of sale.
(xx) Unincorporated area: () City of	and
FOR A VALUABLE CONSIDERATION, receipt of which	ch is hereby acknowledged,
GUNNING FARM NO. 4, a general part	nership,
hereby GRANT(S) to	,
H AND N DEVELOPMENT CO., INC., a C	Tilifornia appropriation
the following described real property in the unincorpo County of Kern State	orated area :: of California:
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TitleWorks Description: 20130130092756 / Kern / Book.Page: 5339-0272 / Page 1 of 3 / Order:

STATE OF ARIZONA

County of Maricopa

) } ss.

On December 10, 1980, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Richard E. Mitchell, known to me to be the person whose name is subscribed to the within instrument, as the Attorney in Fact of Gunning Farm No. 4, a general partnership, one of the partners of the partnership that executed the within instrument and acknowledged to me that he subscribed the name of Gunning Farm No. 4, thereto as principal and his own name as Attorney in Fact, and further acknowledged to me that such partnership executed the same.

WITNESSOMY HAND and official seal

Eignature Buller A Lombourd

My Commission Expires Dec. 17, 1983

RECORDERS MEMO. POOR RECORDED REPRODUCTION DUE TO QUALITY OF PRINT OR TYPE ON ORIGINAL DOCUMENT

EXHIBIT "A"

LEGAL DESCRIPTION

THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 9 HORTH, RANGE 14 WEST, SAN BERNARDING MERIDIAN, IN THE UNINCORPORATED AREA OF THE COURTY OF KERN, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPT THE WESTERLY 20 FEET OF SAID LAND.

EXHIBIT P

1	•	James W. Fitch, Ass Kern County Official Records	essor – Recorder	SOFIR
	RECORDING REQUESTED BY:	Recorded at the request of	•	
	Old Republic Title Company	Public		8:00 A
	1614010499-MK			
	WHEN RECORDED MAIL TO:	DOC#: 0211069988	Stat Types: 1	Pages:
Name Address	H&N Development Co. West, Inc. c/o Wendell Naraghi		Fees Taxes	12.00 0.00
City	1800 Oakdale Road, Suite G		Others	0.00
	Modesto, CA 95355	日本 日	PAID	\$12.00
359 THE UNDI DOC X X X X FOR A VA California	computed on the full value of the prop computed on full value less value of li Realty not sold Unincorporated area City of LUABLE CONSIDERATION, receipt of which	iens or encumbrances remaining at time of s. is hereby acknowledged, H&N Development (evelopment Co., Inc., a California corporation	ale,, and Co. West. Inc., a	1 e mysol
he followin		incorporated area	, State of California	
the followin	Kern	incorporated area	, State of California	a:
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and common Dated:	Kern Dit A attached hereto Dit A attached hereto Dit A attached hereto Dit A attached hereto	https://www.ncorporated area Sample H&N Development Co. West. Sample Samp	, State of California Inc. a California I and N Development	= - - /
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Grant Deed

FID-13

LEGAL DESCRIPTION

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA, COUNTY OF KERN, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1: APN 359-031-07

the East half of the Southwest quarter of Section 25, Township 9 North, Range 14 West, San Bernardino Meridian, in the unincorporated area of the County of Kern, State of California, according to the Official Plat thereof.

EXCEPTING THEREFROM the Northerly 20 feet of the Southerly 50 feet of said land.

PARCEL 2: APN 359-032-20

The West half of the Northwest quarter of Section 36, Township 9 North, Range 14 West, San Bernardino Meridian, in the unincorporated area of the County of Kern, State of California, according to the Official Plat thereof.

PARCEL 3: APN 359-032-21

The East half of the Northwest quarter of Section 36, Township 9 North, Range 14 West, San Bernardino Meridian, in the unincorporated area of the County of Kern, State of California, according to the Official Plat thereof.

PARCEL 4: APN 359-032-13

The East half of the Southwest quarter of Section 36, Township 9 North, Range 14 West, San Bernardino Meridian, in the unincorporated area of the County of Kern, State of California, according to the Official Plat thereof.

EXCEPTING THEREFROM the Westerly 20 feet of said land.

PARCEL 5: APN 359-032-08 and 14

The Southeast quarter of Section 36, Township 9 North, Range 14 West, San Bernardino Meridian, in the unincorporated area of the County of Kern, State of California, according to the Official Plat thereof.

EXCEPTING THEREFROM the Northeast quarter of said Southeast quarter of said land.

ALSO EXCEPTING THEREFROM all oil, gas and other hydrocarbon substances in and under the Southwest quarter of the Southwest quarter of the Southeast quarter of the Southeast quarter of the Southeast quarter of the Southeast quarter of said Section 36.

ALSO EXCEPTING THEREFROM the remainder 1/2 of all oil, gas and other hydrocarbon substances as conveyed to Roy L. Larsen and wife by deed recorded April 8, 1948 in Book 1510, page 349 of Official Records.

APN: 359-031-07, 359-032-20, 21, 13, 08 and 14

1	PROOF OF SERVICE
2	STATE OF CALIFORNIA, COUNTY OF KERN
3	I am employed in the county of Kern, State of California. I am over the age of 18 and not a party to the within action; my business address is 4550 California Avenue, Bakersfield,
4	California 93309. My e-mail address is shildebrand@kleinlaw.com.
5	On January 31, 2013, I served the foregoing document described as follows:
6	DECLARATIONS OF NORIK NARAGHI AND ROD STIEFVATER
7	IN LIEU OF DEPOSITION TESTIMONY FOR PHASE 4 TRIAL.
8	X by placing the true copies thereof
9	by placing the original
10	as stated below.
11	BY POSTING the document listed above to the Santa Clara County Superior Court website in regard to the Antelope Valley Ground Water Matter.
12	
13	Executed on January 31, 2013, at Bakersfield, California.
14	I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
15	Shirlly All Ord Mario
16	SHONTICE HILDEBRAND Type or Print Name Signature
17	
18	
19	
20	
21	