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**Attorneys for:** B.J. Calandri, John Calandri, John Calandri as Trustee of the John and B.J. Calandri 2001 Trust, Forrest G. Godde, Forrest G. Godde as Trustee of the Forrest G. Godde Trust, Lawrence A. Godde, Lawrence A. Godde and Godde Trust, Kootenai Properties, Inc., Gailen Kyle, Gailen Kyle as Trustee of the Kyle Trust, James W. Kyle, James W. Kyle as Trustee of the Kyle Family Trust, Julia Kyle, Wanda E. Kyle, Eugene B. Nebeker, R and M Ranch, Inc., Edgar C. Ritter Paula E. Ritter, Paula E. Ritter as Trustee of the Ritter Family Trust, Trust, Hines Family Trust, Malloy Family Partners, Consolidated Rock Products, Calmat Land Company, Marygrace H. Santoro as Trustee for the Marygrace H. Santoro Rev Trust, Marygrace H. Santoro, Helen Stathatos, Savas Stathatos, Savas Stathatos as Trustee for the Stathatos Family Trust, Dennis L. & Marjorie E. Groven Trust, Scott S. & Kay B. Harter, Habod Javadi, Eugene V., Beverly A., & Paul S. Kindig, Paul S. & Sharon R. Kindig, Jose Maritorea Living Trust, Richard H. Miner, Jeffrey L. & Nancee J. Siebert, Barry S. Munz, Terry A. Munz and Kathleen M. Munz, Beverly Tobias, Leo L. Simi, White Fence Farms Mutual Water Co. No. 3., William R. Barnes & Eldora M. Barnes Family Trust of 1989, Healy Enterprises, Inc., John and Adrienne Reca, Sahara Nursery, Sal and Connie L. Cardile, Gene T. Bahlman, **collectively known as the Antelope Valley Ground Water Agreement Association ("AGWA")**

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**FOR THE COUNTY OF SANTA CLARA**

**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 325 201 Los Angeles County Waterworks District No. 40 v. Diamond Farming Co. Superior Court of California, County of Kern, Case No. S-1500-CV-254-348Wm. 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, consolidated actions, Case No. RIC 353,840, RIC 344 436, RIC 344 668

Judicial Council Coordination Proceeding  
No. 4408

**Santa Clara Case No. 1-05-CV-049053**  
Assigned to The Honorable Jack Komar

**DECLARATION OF EUGENE B. NEBEKER IN SUPPORT OF EX PARTE APPLICATION FOR RELIEF FROM EXPERT DISCLOSURE DEADLINE**

**DATE: June 18, 2008**  
**TIME: 8:15 am**  
**DEPT: 17**

BROWNSTEIN HYATT FARBER SCHRECK, LLP  
21 East Carrillo Street  
Santa Barbara, CA 93101

1 I, Eugene B. Nebeker, have personal knowledge of the following, and, if called as a witness,  
2 I would and could testify that:

3  
4 1. I have participated on the so called "Technical Committee" which was formed for the  
5 purpose of facilitating the settlement process for this case.

6  
7 2. I am a third generation alfalfa farmer in the Antelope Valley and have farmed at  
8 Nebeker Ranch for almost 50 years.

9 3. I am conversant in water issues and feel I was able to provide the committee with  
10 valuable information about local conditions and farming practices.

11 4. I served on the Lahontan Regional Water Quality Control Board for about 15 years  
12 and am a registered professional engineer in both chemical and agricultural engineering.

13 5. I am not a hydrology or hydrogeology expert and have never purported to be an  
14 expert in these areas.

15 6. I was not compensated for my participation on the technical committee.

16 7. I participated on the technical committee in order to promote settlement and so that  
17 AGWA could participate in good faith until other landowners were brought in to the case and more  
18 official participation through a hired expert was possible.  
19  
20

21  
22 I declare under penalty of perjury that the foregoing is true and correct to the best of my  
23 knowledge.

24 Dated: June 15, 2008

25  
26 By:   
EUGENE B. NEBEKER

**PROOF OF SERVICE**

**STATE OF CALIFORNIA,  
COUNTY OF SANTA BARBARA**

I am employed in the County of Santa Barbara, State of California. I am over the age of 18 and not a party to the within action; my business address is: 21 E. Carrillo Street, Santa Barbara, California 93101.

On June 16 2008, I served the foregoing document described as:

**DECLARATION OF EUGENE B. NEBEKER IN SUPPORT OF EX PARTE  
APPLICATION FOR RELIEF FROM EXPERT DISCLOSURE DEADLINE**

on the interested parties in this action.

By posting it on the website at 1:00 p.m./a.m. on June 16, 2008. This posting was reported as complete and without error.

(STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed in Santa Barbara, California, on June 16, 2008.

RACHEL ROBLEDO  
TYPE OR PRINT NAME

[Signature]  
SIGNATURE