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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 MICHAEL T. FIFE**
) **REGARDING APRIL 7, 2009 MEETING**

) **Date: April 24, 2009**
) **Time: 9:00 AM**
) **Court: Los Angeles Superior Court**
) **Dept.: 17**

1 1. My name is Michael Fife and I am an attorney licensed to practice law in the State of
2 California. I am an attorney with the law firm of Brownstein Hyatt Farber Schreck, LLP, counsel
3 of record for a number of overlying landowners who are defendants and cross-complainants in the
4 above-entitled action. I have personal knowledge of the following and, if called as a witness, could
5 and would testify competently to the following.

6 2. The group whom I represent is composed of small and medium-sized family farms,
7 overlying landowners who use water for non-agricultural purposes such as mining, small to
8 medium-sized developers, and a mutual water company. This group is known collectively as the
9 Antelope Valley Groundwater Agreement Association (“AGWA”).

10 3. This Declaration is provided to the Court because at the conclusion of the April 2,
11 2009 ex parte hearing, the Court asked for a Declaration reporting on the Town Hall Meeting
12 jointly sponsored by the Los Angeles County Farm Bureau and AGWA on April 7, 2009. In my
13 opinion, this meeting is no different from the many similar public meetings concerning the
14 adjudication that have and continue to take place throughout the Valley, including but not limited
15 to the “Water Summits” sponsored by Los Angeles County Supervisor Michael Antonovich and
16 held on August 25, 2005, October 4, 2005, and November 9, 2005, and more recently the public
17 meeting sponsored by the Sun Village Town Council on March 23, 2009. I believe that the Farm
18 Bureau/AGWA meeting is being singled-out because its sole focus is to encourage and organize an
19 effective landowner response to the litigation.

20 4. I attended the April 7, 2009 meeting and the following is based on my personal
21 knowledge.

22 5. A copy of the Power Point as presented is attached to this Declaration as Exhibit “A.”
23 In response to concerns raised by class counsel, there is no mention whatsoever of the classes.
24 While the Farm Bureau and the members of AGWA felt that the other portions of the Power Point
25 fairly represented the views and concerns of many of the landowner defendants in this case, all of
26 the views highlighted by the Court at the April 2, 2009 hearing were also modified.

1 6. Dr. Nebeker was the sole presenter at the meeting. There was no mention of the
2 classes whatsoever in Dr. Nebeker's presentation. During the question and answer session one
3 question was asked about opting out of the classes, and Dr. Nebeker's only response was to tell the
4 individual to talk to the attorneys for the classes. The sole themes of the presentation were to: (1)
5 become aware of the adjudication process, (2) contact elected officials, (3) sign a petition to form a
6 groundwater storage district pursuant to Water Code section 39000, et seq.

7 7. I was the only attorney in attendance at the meeting. I attended the meeting solely to
8 listen. I instructed Dr. Nebeker not to direct any questions to me. He complied with this request
9 and did not even introduce me. I said nothing except near the end of the comment period when Mr.
10 John Ukkestaad (Mr. Dougherty's client) directed a clarifying question specifically to me regarding
11 the nature of overlying water rights as applied to people who own property in tract homes, and I
12 was forced to comment briefly.

13 8. Rebecca Willis (the Willis Class representative) was in attendance. During the
14 comment period she spoke several times at length. Cumulatively her comments totaled 15-20
15 minutes (the full meeting lasted 90 minutes). She commented that she was there on behalf of the
16 class and described the class. She spoke about protection of water rights, the history of her family,
17 recycled water and the need to instill a water ethic in our children. In her comments she described
18 the meeting as a "wonderful" effort to make the public aware of the adjudication and to pressure
19 the purveyors into settlement. During her comments, she expressed great frustration that she had
20 not been notified of or invited to the meeting, and suggested that the meeting sponsors were trying
21 to exclude the class from the meeting. In response, the Willis Class has been invited to be a co-
22 sponsor of the next meeting.

23 9. On April 11, 2009, I spoke to Mr. James Nye, to discuss the comments attributed to
24 him regarding the prior Town Hall Meeting as reported in paragraph five of Mr. McLachlan's
25 March 31, 2009 declaration. Mr. Nye indicated that he did not wish to be involved in this issue,
26 that he did not know that his conversation with Mr. McLachlan was to be reported to the Court,
27 and that prior to the April 2, 2009 hearing, he had contacted Mr. McLachlan and raised objections
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1 about the content of what was reported in the declaration. If paragraph 5 of Mr. McLachlan's
2 declaration plays any part whatsoever in any decision to be made by the Court, then the Court
3 should first conduct further investigation into the content of the paragraph in order to verify the
4 accuracy of the statements made therein.

5 10. I declare under penalty of perjury under the laws of the State of California that the
6 foregoing is true and correct. Executed on April 13, 2009, at Santa Barbara, California

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11 MICHAEL T. FIFE
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