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Attorneys for: Gene T. Bahlman, William R. Barnes & Eldora M. Barnes Family Trust of 1989, Thomas M. and Julie Bookman, B.J. Calandri, John Calandri, John Calandri as Trustee of the John and B.J. Calandri 2001 Trust, Calmat Land Company, Sal and Connie L. Cardile, Consolidated Rock Products, Del Sur Ranch LLC, Forrest G. Godde, Forrest G. Godde as Trustee of the Forrest G. Godde Trust, Lawrence A. Godde, Lawrence A. Godde and Godde Trust, Gorrindo Family Trust, Dennis L. & Marjorie E. Groven Trust, Healy Enterprises, Inc., Hines Family Trust, Habod Javadi, Juniper Hills Water Group, Eugene V., Beverly A., & Paul S. Kindig, Paul S. & Sharon R. Kindig, 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, Malloy Family Partners, Maritorena Living Trust, Jose Richard H. Miner, Barry S. Munz, Terry A. Munz and Kathleen M. Munz, Eugene B. Nebeker, R and M Ranch, Inc., John and Adrienne Reza, Edgar C. Ritter, Paula E. Ritter, Paula E. Ritter as Trustee of the Ritter Family Trust, Sahara Nursery, Marygrace H. Santoro as Trustee for the Marygrace H. Santoro Rev Trust, Marygrace H. Santoro, Mabel Selak, Jeffrey L. & Nancee J. Siebert, Leo L. Simi, Helen Stathatos, Savas Stathatos, Savas Stathatos as Trustee for the Stathatos Family Trust, Tierra Bonita Ranch Company, Beverly Tobias, collectively known as the Antelope Valley Ground Water Agreement Association ("AGWA")

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

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

AGWA's PRETRIAL CONFERENCE
STATEMENT

Date: December 15, 2010
Time: 9:00 am
Dept.: 1

1 The Antelope Valley Groundwater Agreement Association ("AGWA") submits this Pretrial
2 Conference Statement, as requested in the Court's November 18, 2010 *Order After Hearing*.

3 AGWA believes that the current data with regard to the Basin is insufficient to establish a
4 specific single "safe yield" number in Phase 3. Based on the limitations of data and the overall
5 circumstances of the Antelope Valley, AGWA believes that at this time the most precise "number"
6 for the safe yield of the Basin is a range—which likely is a very large range considering the
7 limitations of the available data.

8 Landowner experts have identified specific elements of the purveyors' experts' analysis that
9 are flawed, in that the analysis is tailored to identify the lowest possible estimate of the Basin's
10 yield. More importantly, the purveyors have yet to articulate the "harm" being caused to the Basin
11 by pumping at current rates. While the discussion has focused on subsidence and falling water
12 levels, depositions have shown there was little work actually performed analyzing subsidence and
13 that water levels in much, if not most, of the Basin are stable or even rising. Areas of falling water
14 levels (with attendant potential subsidence) are concentrated around isolated areas of overpumping
15 and are not indicative of Basin-wide overdraft.

16 During the Phase 3 trial, AGWA intends to call Dr. John Wilson, Dr. Jan Hendrickx, Dr. Joel
17 Kimmelshue, Dr. Eugene Nebeker, Mr. Steve Orloff, Ms. Julie Kyle, and Mr. John Calandri.

18 Dr. Wilson is a hydrologist with expertise regarding environmental fluid flow and transport,
19 with specific experience in the analysis of mountain block groundwater recharge in the western
20 United States. Dr. Wilson will testify to his modeling of mountain block recharge in the areas which
21 contribute recharge to Basin. Dr. Wilson will testify that the mountain block recharge to the Basin
22 falls within a range of values, all of which exceed the mountain block recharge estimates of the
23 purveyors' experts, and that the most likely range of values exceed the estimates of the purveyors
24 experts. He will further testify that the purveyors' expert analysis of mountain block recharge
25 utilized a flawed approach to analysis of mountain block recharge, that they did not verify their
26 assumptions against external data points, that the analysis is imprecise in regard to the data analyzed,
27 that it does not acknowledge the uncertainty associated with its findings, and that it applies
28 assumptions developed in other locations that may not be similarly applicable in the Antelope

1 Valley. AGWA anticipates Dr. Wilson's direct testimony will take approximately four hours.

2 Dr. Hendrickx is a hydrologist with expertise in the processes of water movement through
3 the Earth's Critical Zone, and has developed and applied complex numerical models in order to
4 simulate and estimate groundwater recharge. Dr. Hendrickx will testify that he worked with Dr.
5 Wilson to develop and calibrate a model for the estimation of the mountain block recharge to the
6 Antelope Valley Basin. Dr. Hendrickx will testify as to his analysis of LANDSAT images to
7 determine the evapotranspiration estimates that are entered into the model. Dr. Hendrickx will
8 further testify that the purveyors' experts' analysis of mountain block recharge is flawed, as it is
9 based on qualitative assumptions of evapotranspiration, instead of quantitative measurements, that
10 they did not verify their assumptions against external data points, that the analysis is imprecise in
11 regard to the data analyzed, and that it applies assumptions developed in other locations that may not
12 be similarly applicable in the Antelope Valley. AGWA anticipates the direct testimony of Dr.
13 Hendrickx will take approximately two hours.

14 Dr. Kimmelshue is an agricultural specialist and soil and water scientist with experience in
15 agricultural and environmental science. He will testify as to the agricultural practices in the Basin,
16 the distribution of crops and the amount of water applied to agricultural use in the Basin, irrigation
17 methods in the Basin and associated irrigation efficiencies in the Basin, and return flows from
18 agricultural and urban areas in the Basin. Dr. Kimmelshue will testify that using his model of return
19 flows from irrigated agriculture, he has determined that the return flows to the Basin from irrigated
20 agriculture are fewer than those identified by the purveyors' experts. Dr. Kimmelshue will further
21 testify that the purveyors' experts' analysis of return flows to the Basin from agricultural irrigation is
22 flawed due to the imprecision of the analysis and that the purveyors' experts have failed to account
23 for the experiences of actual irrigators in the Basin. AGWA anticipates the direct testimony of Dr.
24 Kimmelshue will take approximately three hours.

25 Dr. Nebeker is the owner and operator of Nebeker Ranch, a third generation farming
26 operation located in the Basin. Dr. Nebeker is a past chairman of the Lahontan Regional Water
27 Quality Control Board and is the current President of the Los Angeles County Farm Bureau. Dr.
28 Nebeker will testify as to his conduct and observation of agricultural practices in the Basin, the

1 distribution of crops and their water use in the Basin, irrigation methods in the Basin, and return
2 flows from agricultural practices in the Basin. Dr. Nebeker will testify concerning the use of
3 recycled water for agricultural production under a program with the Los Angeles County Sanitation
4 Districts. Dr. Nebeker will testify in detail as to his development of a summary of crop water
5 requirements for the crops grown in the Antelope Valley and the acceptance of the values he
6 developed by the California State Water Resources Control Board for its use in estimating crop
7 water use within the Antelope Valley. Dr. Nebeker will testify that the water use in his operation
8 exceeds that which would be assumed using the purveyors' experts' analysis and that the return
9 flows realized through his operations are fewer than those that would be assumed using the same
10 analysis. Finally, Dr. Nebeker will testify as to his observations of the effects of current pumping
11 levels on the Basin and impacts on irrigated agriculture within the Basin of a sudden decrease in
12 water available for irrigation. AGWA anticipates the direct testimony of Dr. Nebeker will take
13 approximately two hours.

14 Ms. Kyle, along with her husband, is the owner and operator of Kyle & Kyle Ranch, a third
15 generation farming operation located within the Antelope Valley, and has personal experience with
16 irrigated agriculture in the Basin. Ms. Kyle will testify as to her conduct and observation of
17 agricultural practices in the Basin, the distribution of crops and their water use in the Basin,
18 irrigation methods in the Basin, and return flows from agricultural practices in the Basin. Ms. Kyle
19 will testify specifically as to farming practices associated with alfalfa and grain production. Ms.
20 Kyle will additionally testify as to her observations of the effects of current pumping levels on the
21 Basin and impacts on irrigated agriculture within the Basin of a sudden decrease in water available
22 for irrigation. AGWA anticipates the direct testimony of Ms. Kyle will take approximately two
23 hours.

24 Mr. Calandri is the owner and operator of Calandri Sunrise Farms, a third generation farming
25 operation in the Basin, and has personal experience with irrigated agriculture in the Basin. Mr.
26 Calandri will testify as to his conduct and observation of agricultural practices in the Basin, the
27 distribution of crops and their water use in the Basin, irrigation methods in the Basin, and return
28 flows from agricultural practices in the Basin. Mr. Calandri will testify specifically as to farming

1 practices associated with onion and carrot production, and farming practices in the Antelope Valley
2 as compared to other valleys such as Cuyama and Coachella Valleys. Mr. Calandri will additionally
3 testify as to his observations of the effects of current pumping levels on the Basin and impacts on
4 irrigated agriculture within the Basin of a sudden decrease in water available for irrigation. AGWA
5 anticipates the direct testimony of Mr. Calandri will take approximately two hours.

6 Mr. Orloff is presently the University of California Cooperative Extension County Director
7 and Farm Advisor for Siskiyou County and was previously the University of California Cooperative
8 Extension Farm Advisor for Los Angeles County. Mr. Orloff will testify as to his observations and
9 study of various crop water requirement estimates in the Antelope Valley, evapotranspiration rates,
10 agricultural application rates, and return flows to the Basin. AGWA anticipates the direct testimony
11 of Mr. Orloff will take approximately one hour.

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14 Dated: December 14, 2010

BROWNSTEIN HYATT FARBER SCHRECK, LLP

15
16 By: 

MICHAEL T. FIFE
BRADLEY J. HERREMA
ATTORNEYS FOR AGWA

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 December 14, 2010, I served the foregoing document described as:

AGWA'S PRETRIAL CONFERENCE STATEMENT

on the interested parties in this action.

By posting it on the website at 2:00 p.m. on December 14, 2010.
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 December 14, 2010.

MARIA KLACHKO-BLAIR
TYPE OR PRINT NAME



SIGNATURE