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DISTRICT NO. 40

**EXEMPT FROM FILING FEES
UNDER GOVERNMENT CODE
SECTION 6103**

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COUNTY WATERWORKS DISTRICT NO. 40

SUPERIOR COURT OF THE STATE OF CALIFORNIA
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 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

**DECLARATION OF JANE HEALY IN
LIEU OF DEPOSITION TESTIMONY FOR
PHASE 4 TRIAL**

DECLARATION

DECLARATION

I, Jane Healy, declare:

1. I am President for Healy Enterprises, Inc, a party to this action. In lieu of deposition testimony for the Phase 4 trial, I am providing this declaration. This declaration applies only to the categories I have filled in. The items left blank or crossed out do not apply to me. I have personal knowledge of each fact herein and would testify competently thereto under oath.

Property Ownership and Parcel Size

2. Healy Enterprises, Inc. owns property that overlies the Antelope Valley Area of Adjudication as decided by this Court. The land is in Los Angeles County and is identified by the following APN/APNs:

Healy Enterprises, Inc. is comprised of 46 parcels ranging from .27 gross acre to 320 gross acres per parcel. See Exhibit A for the list of parcels. [If additional room is needed, please identify the APN/APNs in Exhibit A.] A true and correct copy of Exhibit A is attached hereto and incorporated herein.

3. Healy Enterprises, Inc. 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 as follows:
Healy Enterprises, Inc. is comprised of 46 parcels ranging from .27 gross acre to 320 gross acres per parcel. See Exhibit B for the list of gross acreage per parcel.
[If additional room is needed, please identify the APN/APNs and parcel size in Exhibit B.] A true and correct copy of Exhibit B is attached hereto and incorporated herein.

5. For each APN/APNs identified above Healy Enterprises, Inc. owned the property during the following timer period: 1955 to the present.

6. The following are all individuals/entities appearing on the title for the above identified APN/APNS from Jan 1, 2000 to the present: Healy Enterprises, Inc.

7. For each individual/entity identified in paragraph 6 that individual/entity appeared on the title during the following time: 1955 to the present.

Leases

8. _____ (declarant or party affiliated with declarant) leases property that
_____ own and that overlies the Antelope Valley Area of Adjudication as
decided by this court and identified by the following APNS:

9. The total acreage by parcel is:

10. The property is currently leased to:

11. The property was leased on the following dates:

12. The lease provides that _____ may claim groundwater rights from the use of
water on the leased property. Attached to this declaration is a true and correct copy of the lease.

[If additional room is needed, please list APN/APNs, acreage by APN, Lessee by APN and dates
for each Lessee by APN for each parcel in Exhibit C.] A true and correct copy of Exhibit C is
attached hereto and incorporated herein.

13. _____ leases property from _____ which overlies the
Antelope Valley Area of Adjudication as decided by this court and is identified by the following
APNS:

14. The total acreage by parcel is:

15. The Lease provides that _____ may claim groundwater rights from use of
water on leased property. Attached to this declaration is a true and correct copy of the lease.

[If additional room is needed, please attach APN/APNs, Name of the Lessor and acreage by APN

1 for each parcel list in Exhibit D to this declaration.] A true and correct copy of Exhibit D is
2 attached hereto and incorporated herein.

3 16. _____ claims groundwater rights only as to the leasehold interests listed
4 in Paragraph 15 and Exhibit D.

5 17. _____ claims groundwater rights only as to the properties listed in
6 Paragraph 2 and Exhibit A and as to the leasehold interests listed in Paragraph 8 and Exhibit C.

7 18. To the best of my knowledge, only _____ claims groundwater rights as to the
8 leased parcel(s) identified in paragraph 15 and Exhibit D.

9 **Water Meter Records**

10 19. _____ measures the groundwater production on the above referenced
11 properties by water meters. Exhibit E contains the records for these water meters for the
12 following years:

13 _____.

14 A true and correct copy of Exhibit E is attached hereto and incorporated herein.

15 20. Exhibit F sets forth the total yearly production amounts by metered water well on the
16 above referenced properties for the years 2000-2004, 2011, and 2012. A true and correct copy of
17 Exhibit F is attached hereto and incorporated herein.

18 **State Water Project Purchases**

19 21. _____ purchases State Water Project water from a State Water Contractor
20 for use by _____ on the properties referenced above. Exhibit G contains true
21 and correct copies of the invoices for delivery of State Water Project Water to the properties
22 referenced above.

23 22. Exhibit H sets forth the total yearly State Water Project water deliveries to the properties
24 referenced above for the years 2000-2004, 2011, and 2012. A true and correct copy of Exhibit H
25 is attached hereto and incorporated herein.

26 **Pump Tests/ Electric Records**

27 23. In order to calculate groundwater pumped and used on the properties referenced above,
28 _____ relied on pump tests and electric records. Exhibit I contains true and correct

1 copies of the pump test records and electrical records for wells on the properties referenced
2 above. The electric records attached to this declaration as Exhibit I do not include electric use on
3 the properties referenced above for anything other than pumping groundwater.

4 24. Exhibit J sets forth the amount of total yearly groundwater that _____
5 estimates was pumped and used on the properties referenced above for the years 2000-2004,
6 2011, and 2012 based on the attached pump test records and electrical records for the wells on the
7 properties referenced above. A true and correct copy of Exhibit J is attached hereto and
8 incorporated herein.

9 25. Pump tests were performed on the following dates:

10 _____.

11 26. _____ is not producing pump test records for the following
12 dates _____ because:

13 _____.

14 27. I am not aware of any other pump tests having been performed on the properties
15 referenced above.

16
17 **Pump Tests/Diesel Records**

18 28. In order to calculate groundwater pumped and used on the properties referenced above,
19 _____ relied on pump tests and diesel fuel records. Exhibit K contains
20 true and correct copies of the records pertaining to pump tests and diesel fuel purchases for the
21 properties referenced above. The diesel fuel records attached to this declaration as Exhibit K do
22 not include diesel fuel used on the properties referenced above for anything other than pumping
23 groundwater.

24 29. Exhibit L sets forth the amounts of total yearly groundwater pumped and used on the
25 properties referenced above for the years 2000-2004, 2011, and 2012. A true and correct copy of
26 Exhibit L is attached hereto and incorporated herein.

27 30. Pump tests were performed on the following dates:

28 _____.

31. _____ is not producing pump test records for the following
dates _____ because:

32. I am not aware of any other pump tests having been performed on the properties
referenced above.

Crop Duties and Irrigated Acres

33. In order to calculate water use on the properties referenced above, Triple M relies on the
amount of acres in irrigation on the properties referenced above multiplied by the crop duty
identified in the [State Water Resources Control Board Notice of Extraction in Antelope Valley](#), a
true and correct copy of which is attached to this declaration as Exhibit M.

Deleted: Summary Expert Report,
Appendix D-3: Table 4

34. The total amount of irrigated acres and type of crops on the properties referenced above
by APN for the years 2000-2004, 2011 and 2012 are described in Exhibit N. A true and correct
copy of Exhibit N is attached hereto and incorporated herein.

Other Sources of Water

35. On the properties referenced above, _____ received water from sources
other than groundwater pumped within the Basin or State Water Project Water. Exhibit O sets
forth the source of the water and the amounts received for the years 2000-2004, 2011, and 2012.

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

36. Healy Enterprises, Inc. used 3825 acre feet of water on APN# (see Para. 2, above) in
2000. The water was used for the following: irrigation of 500 acres of alfalfa.
[State the crop type and number of acres of that crop. If not used for irrigation, describe the use.
In lieu of answering this question, a crop map may be attached that shows the date, crop type,
irrigated acreage and parcels.]

37. Healy Enterprises, Inc. used 3825 acre feet of water on APN# (see Para. 2, above) in
2001. The water was used for the following: irrigation of 500 acres of alfalfa.
[State the crop type and number of acres of that crop. If not used for irrigation, describe the use.
In lieu of answering this question, a crop map may be attached that shows the date, crop type,

1 irrigated acreage and parcels.]

2 38. Healy Enterprises, Inc. used 3825 acre feet of water on APN#(see Para. 2, above) in
3 2002. The water was used for the following: irrigation of 500 acres of alfalfa.

4 39. Healy Enterprises, Inc. used 3825 acre feet of water on APN# (see Para. 2, above) in
5 2003. The water was used for the following: irrigation of 500 acres of alfalfa.

6 [State the crop type and number of acres of that crop. If not used for irrigation, describe the use.
7 In lieu of answering this question, a crop map may be attached that shows the date, crop type,
8 irrigated acreage and parcels.]

9 40. Healy Enterprises, Inc. used 3825 acre feet of water on APN# (see Para. 2, above) in
10 2004. The water was used for the following: irrigation of 500 acres of alfalfa.

11 [State the crop type and number of acres of that crop. If not used for irrigation, describe the use.
12 In lieu of answering this question, a crop map may be attached that shows the date, crop type,
13 irrigated acreage and parcels.]

14 41. Healy Enterprises, Inc. used 0 acre feet of water on APN# (see Para. 2, above) in 2011.
15 The water was used for the following: the crops were fallowed.

16 [State the crop type and number of acres of that crop. If not used for irrigation, describe the use.
17 In lieu of answering this question, a crop map may be attached that shows the date, crop type,
18 irrigated acreage and parcels.]

19 42. Healy Enterprises, Inc. used 0 acre feet of water on APN# (see Para. 2, above) in 2012.
20 The water was used for the following: the crops were fallowed.

21 [State the crop type and number of acres of that crop. If not used for irrigation, describe the use.
22 In lieu of answering this question, a crop map may be attached that shows the date, crop type,
23 irrigated acreage and parcels.]

24 43. Other than what is declared hereinabove, Healy Enterprises, Inc. did not produce or use
25 water within the Antelope Valley Area of Adjudication for 2000-2004, 2011, and 2012.
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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. Executed this 24th day of January 2013, at Somis, California.

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EXHIBIT "A"

L.A. County Assessors Parcel #

L.A. County Assessors Parcel #

1	3236	001	018	36	3236	019	013
2	3236	006	007	37	3236	019	014
3	3236	008	002	38	3236	019	015
4	3236	009	001	39	3236	020	001
5	3236	009	002	40	3236	020	002
6	3236	009	003	41	3236	020	008
7	3236	010	002	42	3236	020	013
8	3236	010	003	43	3236	020	018
9	3236	010	005	44	3236	021	006
10	3236	010	006	45	3236	024	001
11	3236	010	007	46	3240	007	003
12	3236	010	009				
13	3236	010	010				
14	3236	010	011				
15	3236	011	001				
16	3236	011	002				
17	3236	011	003				
18	3236	011	004				
19	3236	012	002				
20	3236	012	003				
21	3236	012	006				
22	3236	012	007				
23	3236	012	008				
24	3236	012	009				
25	3236	012	010				
26	3236	012	011				
27	3236	015	017				
28	3236	016	001				
	3236	017	007				
	3236	018	024				
	3236	018	025				
	3236	019	002				
	3236	019	007				
	3236	019	008				
	3236	019	010				

EXHIBIT "B"

L.A. County Assessors Parcel #	Gross acres	L.A. County Assessors Parcel #	Gross acres
1 3236 001 018	320.00	36 3236 019 013	149.83
2 3236 006 007	159.93	37 3236 019 014	10.51
3 3236 008 002	320.00	38 3236 019 015	49.40
4 3236 009 001	86.31	39 3236 020 001	3.45
5 3236 009 002	144.92	40 3236 020 002	6.29
6 3236 009 003	56.73	41 3236 020 008	15.35
7 3236 010 002	72.32	42 3236 020 013	60.15
8 3236 010 003	51.70	43 3236 020 018	111.98
9 3236 010 005	30.69	44 3236 021 006	83.25
10 3236 010 006	26.72	45 3236 024 001	160.00
11 3236 010 007	25.56	46 3240 007 003	147.93
12 3236 010 009	10.14		
13 3236 010 010	15.90		
14 3236 010 011	9.66		
15 3236 011 001	1.50		
16 3236 011 002	4.13		
17 3236 011 003	1.50		
18 3236 011 004	4.13		
19 3236 012 002	1.50		
20 3236 012 003	4.13		
21 3236 012 006	2.28		
22 3236 012 007	1.85		
23 3236 012 008	0.88		
24 3236 012 009	0.62		
25 3236 012 010	0.86		
26 3236 012 011	1.56		
27 3236 015 017	77.28		
28 3236 016 001	200.00		
29 3236 017 007	158.79		
30 3236 018 024	136.08		
31 3236 018 025	10.81		
32 3236 019 002	79.85		
33 3236 019 007	14.46		
34 3236 019 008	0.27		
35 3236 019 010	0.48		

LAW OFFICES OF

BEST BEST & KRIEGER LLP

3750 UNIVERSITY AVENUE, SUITE 400

P.O. BOX 1028

P.O. BOX 1020
RIVERSIDE, CALIFORNIA 92502

APN:

Acreage:

Dates of Lease:

DECLARATION

LAW OFFICES OF

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3750 UNIVERSITY AVENUE, SUITE 400

P.O. BOX 1028

RIVERSIDE, CALIFORNIA 92502

[illegible]

EXHIBIT "E"

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EXHIBIT “F”

Year

Well

Yearly Production

- 13 -

DECLARATION

EXHIBIT "G"

EXHIBIT "H"

EXHIBIT "T"

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EXHIBIT "J"

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EXHIBIT “K”

EXHIBIT "L"

EXHIBIT "M"

TABLE II: AVERAGE DEPTH OF WATER APPLIED TO IRRIGATE EACH CROP (acre-feet per acre)¹

LOCALITY ²	ALFALFA	AVOCADOS	BEANS	DATES	LEMONS	LETTUCE	PERMANENT PASTURE	TOMATOES
1. Los Angeles County								
a. Coastal Basin		2.0 - 2.5			2.0 - 2.5	2.0 - 2.5		
b. Antelope Valley	7.6						7.4	
2. Eastern Riverside County								
a. Coachella & Blythe Area	9.0 - 10.0			7.9 - 9.0	5.5 - 6.0	3.6 - 4.2	9.0 - 10.0	4.3 - 6.4
3. Western Riverside County	4.0 - 4.5	2.5 - 3.0			2.5 - 3.0	2.0 - 2.5	4.5 - 5.0	
4. San Bernardino County								
a. Chino Area	4.0 - 4.5	2.5 - 3.0			2.5 - 3.0	2.0 - 2.5	4.5 - 5.0	2.3 - 2.5
b. San Bernardino Area	4.0 - 4.5	2.5 - 3.0			2.5 - 3.0	2.0 - 2.5	4.0 - 5.0	2.3 - 2.5
c. Barstow-Apple Valley	6.0 - 6.5						6.0 - 6.5	
d. Ontario	4.0 - 4.5	2.5 - 3.0			2.5 - 3.0		4.0 - 5.0	2.3 - 2.5
e. Highlands-Redlands	4.0 - 4.5	2.5 - 3.0			2.5 - 3.0		4.0 - 5.0	2.3 - 2.5
5. Ventura County	4.0 - 4.5	2.3 - 2.5	1.3 - 1.5		2.3 - 2.5	2.0 - 2.5	4.0 - 4.5	2.0 - 2.5

¹ Based on information provided by Agricultural Extension Service of the University of California.

Updated: Department of Water Resources, Southern District // Backup data for the California Water Plan, Bulletin 160-98. Date August 21, 2000

² Unit use values for crops grown in each region.

EXHIBIT “N”

EXHIBIT "O"