

LAW OFFICES OF
BEST BEST & KRIEGER LLP
5 PARK PLAZA, SUITE 1500
IRVINE, CALIFORNIA 92614

BEST BEST & KRIEGER LLP

ERIC L. GARNER, Bar No. 130665

JEFFREY V. DUNN, Bar No. 131926

STEFANIE D. HEDLUND, Bar No. 239787

18101 VON KARMAN AVENUE, SUITE 1000

IRVINE, CALIFORNIA 92612

TELEPHONE: (949) 263-2600

FACSIMILE: (949) 260-0972

Attorneys for Cross-Complainant

LOS ANGELES COUNTY WATERWORKS

DISTRICT NO. 40

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

**OFFICE OF COUNTY COUNSEL
COUNTY OF LOS ANGELES**

JOHN F. KRATTLI, Bar No. 82149

COUNTY COUNSEL

WARREN WELLEN, Bar No. 139152

PRINCIPAL DEPUTY COUNTY COUNSEL

500 WEST TEMPLE STREET

LOS ANGELES, CALIFORNIA 90012

TELEPHONE: (213) 974-8407

TELECOPIER: (213) 687-7337

Attorneys for Cross-Complainant LOS ANGELES

COUNTY WATERWORKS DISTRICT NO. 40

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

**ANTELOPE VALLEY
GROUNDWATER CASES**

Judicial Council Coordination No. 4408

CLASS ACTION

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;

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

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;

**DECLARATION OF Jim Nye IN
LIEU OF DEPOSITION TESTIMONY FOR
PHASE 4 TRIAL**

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

Griffin

DECLARATION

DECLARATION

I, Jim Nye, declare:

1. I am _____ for LAURA GRIFFIN, 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. LAURA GRIFFIN 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 the following APN/APNs:

315-001-18-00-8 ; 315-011-19-00-1 ;
315-050-20-00-8

[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. LAURA GRIFFIN 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:

315-011-18-00-8 (60 ACRES) 315-011-19-00-1 (80 ACRES)
315-050-20-00-8 (7 ACRES)

[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 LEONARD & LAURA GRIFFIN the property during the following timer period:

1953 - 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:

LEONARD & LAURA GRIFFIN (TRUST DATED
1 July 9, 1993)

DECLARATION

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

1953 - Present

Leases

8. N/A (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:

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

3
4 [If additional room is needed, please attach APN/APNs, Name of the Lessor and acreage by APN
5 for each parcel list in Exhibit D to this declaration.] A true and correct copy of Exhibit D is
6 attached hereto and incorporated herein.

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

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

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

13 **Water Meter Records**

14 19. N/A measures the groundwater production on the above referenced
15 properties by water meters. Exhibit E contains the records for these water meters for the
16 following years:

17 _____

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

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

22 **State Water Project Purchases**

23 21. N/A purchases State Water Project water from a State Water Contractor
24 for use by _____ on the properties referenced above. Exhibit G contains true
25 and correct copies of the invoices for delivery of State Water Project Water to the properties
26 referenced above.

27
28

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

Pump Tests/ Electric Records

23. In order to calculate groundwater pumped and used on the properties referenced above, _____ relied on pump tests and electric records. Exhibit I contains true and correct copies of the pump test records and electrical records for wells on the properties referenced above. The electric records attached to this declaration as Exhibit I do not include electric use on the properties referenced above for anything other than pumping groundwater.

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

25. Pump tests were performed on the following dates:

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

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

Pump Tests/Diesel Records

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

groundwater.

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

30. Pump tests were performed on the following dates:

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, LAURA GRIFFIN relies on the amount of acres in irrigation on the properties referenced above multiplied by the crop duty identified in the Summary Expert Report, Appendix D-3: Table 4, a true and correct copy of which is attached to this declaration as Exhibit M.

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. LAURA GRIFFIN used 1836 acre feet of water on APN# 35-011-18 in 2000.

The water was used for the following:

IRRIGATION 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. 315-011-18 used 1836 acre feet of water on APN# 315-011-19 in 2001. The
water was used for the following:

IRRIGATION 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.]

38. 315-011-18 used 1836 acre feet of water on APN# 315-011-19 in 2002. The
water was used for the following:

IRRIGATION ALFALFA

39. 315-011-18 used 1836 acre feet of water on APN# 315-011-19 in 2003. The
water was used for the following:

IRRIGATION 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.]

40. 315-011-18 used 1836 acre feet of water on APN# 315-011-19 in 2004. The
water was used for the following:

IRRIGATION 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.]

41. 315-011-18 used 1219.2 acre feet of water on APN# 315-011-19 in 2011. The
water was used for the following:

IRRIGATION ALFALFA

[State the crop type and number of acres of that crop. If not used for irrigation, describe the use.

1 In lieu of answering this question, a crop map may be attached that shows the date, crop type,
2 irrigated acreage and parcels.]

3 42. _____ used 315-411-18 1219.2 acre feet of water on APN# 315-611-19 in 2012. The
4 water was used for the following:
5 _____

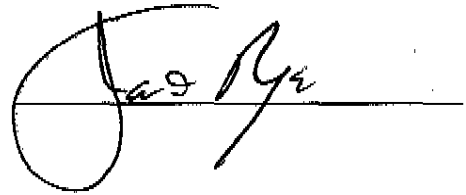
6 [State the crop type and number of acres of that crop. If not used for irrigation, describe the use.

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 43. Other than what is declared hereinabove, LAURA GASTON did not produce or use water
10 within the Antelope Valley Area of Adjudication for 2000-2004, 2011, and 2012.

11
12 I declare under penalty of perjury under the laws of the State of California that the
13 foregoing is true and correct. Executed this 24 day of January 2013, at _____,
14 California.

15
16
17
18
19
20
21
22
23
24
25
26
27
28



1

EXHIBIT "M"

2

Appendix D-3: Table 4
Applied Crop Water Duties and Irrigation Efficiency Values
 (DU = 80%)

Antelope Valley Area of Adjudication

Crop	ET _c ¹ (in)	P _e ² (in)	ET _{AW} ³ (in)	DU ⁴ (%)	AW _c ⁵ (in)	AW _{pr} ⁶ (in)	AW _{pr} ⁷ (in)	AW _T ⁸ (in)	E _{irr} ⁹ (%)
Alfalfa	62.10	1.77	60.33	80	75.42	0	2.0	77.42	6.5
Carrots	27.47	0.00	27.47	80	34.33	6	6.5	46.83	2.8
Grain	22.94	1.42	21.52	80	26.90	0	4.0	30.90	2.8
Melons/Squash	23.91	0.00	23.91	80	28.88	0	4.0	33.88	2.8
Onions	37.57	0.00	37.57	80	46.98	3	4.0	53.96	4.5
Orchard (Deciduous)	47.38	0.00	47.38	80	59.22	0	0.0	59.22	4.9
Pasture	66.19	1.77	64.42	80	80.53	0	0.0	80.53	6.7
Potatoes	24.02	0.00	24.02	80	30.03	0	4.0	34.03	2.8
Silage	27.31	0.00	27.31	80	34.14	0	4.0	38.14	3.2
Sugar Beets	40.55	0.00	40.55	80	50.68	0	4.0	54.68	4.6
Vineyard (Grapes)	35.33	0.00	35.33	80	44.16	0	0.0	44.16	3.7

¹ ET_c = K_c * ET_o, where ET_o = average ET_o for specified periods, based on data from Victorville CIMIS Station, 1984-2003; K_c values from Univ. California Cooperative Extension

² P_e = effective precipitation offsetting ET_c, up to 1/2 of the average precipitation, in Dec. - Feb., inclusive

³ ET_{AW} = evapotranspiration of applied water = ET_c - P_e

⁴ DU = Irrigation distribution uniformity

⁵ AW_c = applied water for crop requirement = ET_{AW} + DU

⁶ AW_{er} = applied water for erosion control

⁷ AW_{pr} = applied water for field preparation and pre-irrigation

⁸ AW_T = applied crop water duty = AW_c + AW_{er} + AW_{pr}

⁹ E_{irr} = overall irrigation efficiency for beneficial uses = (ET_{AW} + AW_{er} + AW_{pr}) / AW_T

22

23

24

25

26

27

28

EXHIBIT "N"

315-011-18-00-8 - 160 ACRES

2000 - 160 ACRES Alfalfa
2001 - 160 ACRES Alfalfa
2002 - 160 ACRES Alfalfa
2003 - 160 ACRES Alfalfa
2004 - 160 ACRES Alfalfa
2011 - 160 ACRES Alfalfa
2012 - 160 ACRES Alfalfa

315-011-19-00-1 - 80 ACRES

2000 - 80 ACRES Alfalfa
2001 - 80 ACRES Alfalfa
2002 - 80 ACRES Alfalfa
2003 - 80 ACRES Alfalfa
2004 - 80 ACRES Alfalfa
2011 - 80 ACRES Alfalfa
2012 - 80 ACRES Alfalfa

315-050-20-00-8 7 ACRES

NOT FARMED