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LOS ANGELES COUNTY WATERWORKS

DISTRICT NO. 40

**EXEMPT FROM FILING FEES
UNDER GOVERNMENT CODE
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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 KomarLos Angeles County Waterworks District
No. 40 v. Diamond Farming Co., Superior
Court of California, County of Kern, Case
No. S-1500-CV-254-348;**STIPULATION 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

STIPULATION

Los Angeles Waterworks District No. 40, City of Palmdale, City of Lancaster, Littlerock Creek Irrigation District, Palm Ranch Irrigation District, Palmdale Water District, Quartz Hill Water District, Rosamond Community Services District, and California Water Service Company (collectively, the "Public Water Suppliers"), and _____ hereby

enter into the following stipulation with R & M Ranch Inc. Robert Jones

Whereas, for purposes of the Phase 4 trial the above parties wish to enter into the following stipulation in lieu of taking depositions;

Whereas, R + M Ranch Robert Jones has signed the attached Declaration of _____ under penalty of perjury;

NOW, THEREFORE, in consideration and on the basis of the foregoing recitals, the Public Water Suppliers and R + M Ranch Inc. Robert Jones, enter into the following stipulation:

1. Based on the attached Declaration of deposition, the Public Water Suppliers will forego taking the deposition of R + M Ranch during discovery for the Phase 4 trial set for February 11, 2013;

2. The attached Declaration may be used in the same manner at trial as a deposition transcript executed under penalty of perjury by Robert Jones

3. The Public Water Suppliers reserve the right to depose Robert Jones during discovery for subsequent trial phases or in the event the Court continues the Phase 4 trial to a date other than February 11, 2013; and

4. The Public Water Suppliers reserve their right to challenge the testimony of Robert Jones at trial.

DECLARATION

I, ROBERT JONES, declare:

1. I am PRESIDENT for R & M RANCH 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. R & M Ranch 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:

3368 001 010

3366 029 003

[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. R & M RANCH 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:

3368 001 010 480 acres

3366 029 003 160 "

[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 _____ owned the property during the following timer period:

3368 001 010 1966 to present 3366 029 003

1966 - 2006

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

ROBERT JONES, ESTHER JONES, STEPHEN JONES, CATHY JONES, KAREN JONES, JULIE BARNES, JANELLE McEACHERN

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

1971 - 2013

Leases

8. Kyle & Kyle Ranches (declarant or party affiliated with declarant) leases property that R+M Ranch Inc own and that overlies the Antelope Valley Area of Adjudication as decided by this court and identified by the following APNS:

3368-001-010

3366 029 003

9. The total acreage by parcel is:

3368-001 010 480 Acres 3366 029 003 160A

10. The property is currently leased to:

Kyle & Kyle Ranches

11. The property was leased on the following dates:

2002-2013 480 acres

1997-2002 BOTH PARCELS 640 acres

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. Kyle & Kyle Ranches leases property from R+M Ranch which overlies the Antelope Valley Area of Adjudication as decided by this court and is identified by the following APNS:

3368-001-010

3366 029 003

14. The total acreage by parcel is:

3368-001-010 480 acres 3366 029 003 160 acres

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

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

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

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

Water Meter Records

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

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

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

State Water Project Purchases

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

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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

*Pump test & electrical usage
provided by Kyle & Kyle*

23. In order to calculate groundwater pumped and used on the properties referenced above, R+M Ranch 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

1 groundwater.

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

5 30. Pump tests were performed on the following dates:
6 _____

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

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

12 **Crop Duties and Irrigated Acres**

13 33. In order to calculate water use on the properties referenced above, _____
14 relies on the amount of acres in irrigation on the properties referenced above multiplied by the
15 crop duty identified in the *State Water Board Crop* Summary Expert Report, Appendix D-3: Table 4, a true and correct
16 copy of which is attached to this declaration as Exhibit M.

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

20 **Other Sources of Water**

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

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

26 36. *R+M Rand* used *2695*¹⁴¹ acre feet of water on APN# *3368-001-010*
3366-029-003 in 2000.

27 The water was used for the following:
28 _____

[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. R+M Ranch used 1381¹⁷³ acre feet of water on APN# 3366 029 003 in 2001. The water was used for the following:

[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. R+M Ranch used 1381.46 acre feet of water on APN# 3368 001 010 in 2002. The water was used for the following:

39. R+M Ranch used 1425⁰⁵ acre feet of water on APN# 3368 001 010 in 2003. The water was used for the following:

[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. R+M used 1222⁷⁵ acre feet of water on APN# 3368 001 010 in 2004. The water was used for the following:

[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. R+M used 1486.53 acre feet of water on APN# 3368 001 010 in 2011. The water was used for the following:

[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. R+M Ranch used 1430'⁸¹ acre feet of water on APN# 3368⁻⁰⁰¹⁻⁰¹⁰ in 2012. The
4 water was used for the following:

5 alfalfa Grain hay

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, R+M Ranch 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 23 day of January 2013, at Lancaster,
14 California.

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16 Robert Jones
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1 EXHIBIT "A"

2 3368 001 010
3 3366 029 003
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EXHIBIT "B"

APNSize in acres

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EXHIBIT "E"

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EXHIBIT "F"

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28YearWellYearly Production*Provide by Kyle + Kyle*

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EXHIBIT "G"

EXHIBIT "H"

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EXHIBIT "I"

Provided by Kyle + Kyle

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DECLARATION

EXHIBIT "J"

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EXHIBIT "K"

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EXHIBIT "L"

2000

2001

2002

2003

2004

2010

2011

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EXHIBIT "M"

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 _{er} ⁶ (in)	AW _{pr} ⁷ (in)	AW _r ⁸ (in)	E _{ir} ⁹ (%)
Alfalfa	62.40	1.77	60.33	80	75.42	0	2.0	77.42	81
Carrots	27.47	0.00	27.47	80	34.33	6	6.5	46.83	85
Grain	22.94	1.42	21.92	80	26.90	0	4.0	30.90	83
Melons/Squash	23.91	0.00	23.91	80	29.88	0	4.0	33.88	82
Onions	37.57	0.00	37.57	80	46.96	3	4.0	53.96	83
Orchard (Deciduous)	47.38	0.00	47.38	80	59.22	0	0.0	59.22	80
Pasture	66.19	1.77	64.42	80	80.53	0	0.0	80.53	80
Potatoes	24.02	0.00	24.02	80	30.03	0	4.0	34.03	82
Silage	27.31	0.00	27.31	80	34.14	0	4.0	38.14	82
Sugar Beets	40.55	0.00	40.55	80	50.68	0	4.0	54.68	81
Vineyard (Grapes)	35.33	0.00	35.33	80	44.16	0	0.0	44.16	80

¹ ET_c = K_c * ET_e where ET_e = average ET_e for specified periods, based on data from Victorville CIMIS Station, 1994-2003; 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_r = applied crop water duty = AW_c + AW_{er} + AW_{pr}

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

State ...

EXHIBIT "N"

3368 001 010

year	alfalfa	Grain Hay	Total
2000	336	1	470
2001			470
2002			470
2003			470
2004			470
2010			470
2011			470

3366 029 003

2000		160
2001		160
2002	July	160
2003		0
2004		0
2010		0
2011		0

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EXHIBIT "O"

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