

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

**OFFICE OF COUNTY COUNSEL**

COUNTY OF LOS ANGELES

JOHN F. KRATTL, 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**

**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 Julie Kyle IN  
LIEU OF DEPOSITION TESTIMONY FOR  
PHASE 4 TRIAL**

DECLARATION

DECLARATION

I, Julie Kyle, declare:

1. I am \_\_\_\_\_ for Gailen & Julie Kyle, 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. Gailen & Julie Kyle 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:

See Exhibit A

[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. Gailen & Julie Kyle 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:

See Exhibit B

[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 Gailen & Julie Kyle owned the property during the following timer period:

See Exhibit B-2

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

See Exhibit B-3

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

James, Wanda, & Gailen Kyle since 1977 and Julie Kyle since 1990

Leases

8. Gailen & Julie Kyle (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

9. The total acreage by parcel is:

480 +

10. The property is currently leased to:

Kyle & Kyle Ranches, Inc. (Gailen & Julie Kyle)

11. The property was leased on the following dates:

1979 to current

12. The lease provides that Kyle's may claim groundwater rights from the use of their 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.

Borman

13. Gailen & Julie Kyle leases property from Palmdale LTD which overlies the Antelope Valley Area of Adjudication as decided by this court and is identified by the following APNS:

3170-014-004

14. The total acreage by parcel is:

80 +

LAW OFFICES OF  
BEST BEST & KRIEGER LLP  
3750 UNIVERSITY AVENUE, SUITE 400  
P.O. BOX 1028  
RIVERSIDE, CALIFORNIA 92502

1 15. The Lease provides that Kyle's may claim groundwater rights from use of their  
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. Gailen & Julie Kyle 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 Kyle's claims groundwater rights as to the  
12 leased parcel(s) identified in paragraph 15 and Exhibit D. (Kyle's water from their wells)

13 Water Meter Records

Section N/A

14 19. \_\_\_\_\_ 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

Section N/A

23 21. \_\_\_\_\_ 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.

LAW OFFICES OF  
BEST BEST & KRIEGER LLP  
3750 UNIVERSITY AVENUE, SUITE 400  
P.O. BOX 1028  
RIVERSIDE, CALIFORNIA 92502

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, ~~Gailen & Julie Kyle~~ 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 Kyle's 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:

August of each year

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** Section N/A

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, Kyle's  
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 Duties  
~~Summary-Expert Report, Appendix D-5-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** Section N/A

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. Kyle used <sup>7440.03</sup> acre feet of water on APN# see in 2000.  
~~below~~

27 The water was used for the following: irrigation of alfalfa, grain hay & sudan.  
28 APN: 3170-014-009, 3170-014-011, 3170-014-012, 3366-029-001  
3366-029-002, 3366-029-003, 3368-001-009, 3368-005-033

DECLARATION

LAW OFFICES OF  
BEST BEST & KRIEGER LLP  
3750 UNIVERSITY AVENUE, SUITE 400  
P.O. BOX 1028  
RIVERSIDE, CALIFORNIA 92502

LAW OFFICES OF  
BEST & KRIEGER, LLP  
3750 UNIVERSITY AVENUE, SUITE 400  
P.O. BOX 1028  
RIVERSIDE, CALIFORNIA 92502

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

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

4 37. Kyle's 6793.39 used see acre feet of water on APN# below in 2001. The  
5 water was used for the following: irrigation of alfalfa, grain hay & sudan.  
6 3170-014-009, 3170-014-11, 3170-014-012, 3366-029-001,

7 3366-029-002, 3366-029-003, 3368-001-009, 3368-005-033  
[State the crop type and number of acres of that crop. If not used for irrigation, describe the use.

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

10 38. Kyle's 8805.00 used see acre feet of water on APN# below in 2002. The  
11 water was used for the following: irrigation of alfalfa, grain hay & sudan.  
12 APN: 3170-014-009, 3170-014-011, 3170-014-012, 3366-029-001,

13 3366-029-002, 3366-029-003, 3368-001-009, 3368-005-033.  
14 39. Kyle's 7989.44 used see acre feet of water on APN# below in 2003. The

15 water was used for the following: Irrigation of alfalfa, grain hay & sudan.  
16 3170-014-009, 3170-014-011, 3170-014-012, 3366-029-001,  
17 ~~3366-029-002, 3366-029-003, 3368-001-009, & 3368-005-033~~

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

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

21 40. Kyle's 6711.21 used see acre feet of water on APN# below in 2004. The

22 water was used for the following: irrigation of alfalfa, grain hay & sudan.  
23 3170-014-009, 3170-014-011, 3170-014-012, 3366-029-001,  
24 ~~3366-029-002, 3366-029-003, 3368-001-009, & 3368-005-033~~

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

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

28 41. Kyle's 7622.77 used see acre feet of water on APN# below in 2011. The

water was used for the following: irrigation of alfalfa, grain hay & sudan.  
3170-014-009, 3170-014-011, 3170-014-012, 3366-029-001,

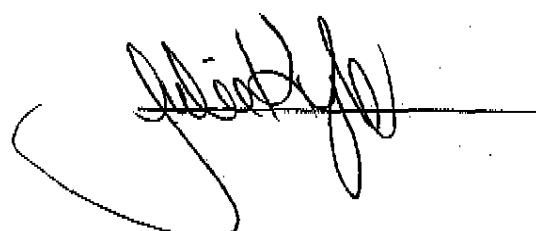
3366-029-002, 3366-029-003, 3368-001-009, 3368-005-033  
[State the crop type and number of acres of that crop. If not used for irrigation, describe the use.

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. Kyle's 8012.84 used see below acre feet of water on APN# see below in 2012. The  
4 water was used for the following: irrigation of alfalfa, grain hay & sudan.  
5 APN: 3170-014-009, 3170-014-011, 3170-014-012, 3366-029-001  
6 3366-029-002, 3366-029-003, 3368-001-009, 3368-005-033  
7 [State the crop type and number of acres of that crop. If not used for irrigation, describe the use.

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

10 43. Other than what is declared hereinabove, Kyle's did not produce or use water  
11 within the Antelope Valley Area of Adjudication for 2000-2004, 2011, and 2012. Pumped their  
12 domestic wells.

13 I declare under penalty of perjury under the laws of the State of California that the  
14 foregoing is true and correct. Executed this 22 day of January 2013, at Lancaster,  
15 California.





LAW OFFICES OF  
BEST BEST & KRIEGER LLP  
3750 UNIVERSITY AVENUE, SUITE 400  
P.O. BOX 1028  
RIVERSIDE, CALIFORNIA 92502

## EXHIBIT "A"

3170-014-009

3170-014-011

3170-014-012

3366-029-001

3366-029-002

3366-029-003

3368-001-009

3368-005-033

LAW OFFICES OF  
BEST BEST & KRIEGER LLP  
3750 UNIVERSITY AVENUE, SUITE 400  
P.O. BOX 5028  
RAVERSIDE, CALIFORNIA 92502

1	EXHIBIT "B"	
2	APN	Size in acres
3	3170-014-009	160 +
4	3170-014-011	113 +
5	3170-014-012	160 +
6	3366-029-001	160 +
7	3366-029-002	160 +
8	3366-029-003	160 +
9	3368-001-009	80 +
10	3368-005-033	5 +
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		

- 9 -

DECLARATION

## EXHIBIT B-2

APN: 3170-014-009

James, Wanda, & Gailen Kyle 1977 to 1990  
Gailen & Julie Kyle 1990 to current

APN: 3170-014-011

James, Wanda, & Gailen Kyle 1977 to 1990  
Gailen & Julie Kyle 1991 to current

APN: 3170-014-012

James, Wanda, & Gailen Kyle 1977 to 1996  
Gailen & Julie Kyle 1996 to current

APN: 3366-029-001

James, Wanda Kyle 1977 to 2006 (Gailen had an option to buy)  
Gailen & Julie Kyle 2006 to current

APN: 3366-029-002

James, Wanda Kyle 1977 to 2012 (Gailen had an option to buy)  
Gailen & Julie Kyle 2012 to current

APN: 3366-029-003

R & M Ranch, Inc. prior to 2002  
Gailen & Julie Kyle 2002 to current

APN: 3368-001-009

Gailen & Julie Kyle 1990 to current

NOTE: ALL ABOVE MENTIONED PARCELS HAVE BEEN FARMED BY GAILEN KYLE SINCE 1977.

## EXHIBIT B-3

APN: 3170-014-009  
3170-014-011 Gailen & Julie Kyle, The Kyle Trust 06-24-93  
3170-014-012

APN: 3366-029-001 Kyle, James W. and Wanda E TRS James & Wanda Kyle Trust  
3366-029-002 and  
3366-029-003 Gailen & Julie Kyle TRS of The Kyle Trust 06-24-93

APN: 3366-029-003 R & M Ranch, Inc. (prior to 2002)  
Gailen & Julie Kyle, The Kyle Trust 06-24-93  
(2002 to current)

APN: 3368-001-009 Gailen & Julie Kyle, TRS The Kyle Trust 06-24-93

APN: 3368-005-003 Kyle, James & Wanda E. TRS James & Wanda Kyle Trust  
Gailen & Julie Kyle, TRS The Kyle Trust 06-24-93



1<sup>st</sup> EXHIBIT "D"

2	APN:	Leased from:	Acreage:	Dates of Lease:
3	3368-001-010	R & M Ranch, Inc	480 +	1979 to current
4	3170-014-004	Borman's	80 +	1994 to current
5	3170-014-005	Wong Trust et al	20 +	1994 to current
6	3170-014-003	Arrache Trust	40 +	1993 to current
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				
28				

- 11 -

DECLARATION

LAW OFFICES OF  
BEST BEST & KRECHER, LLP  
3750 UNIVERSITY AVENUE, SUITE 400  
P.O. BOX 3028  
RIVERSIDE, CALIFORNIA 92502