

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  
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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**

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 TERRY MUNZ IN  
LIEU OF DEPOSITION TESTIMONY FOR  
PHASE 4 TRIAL**

**DECLARATION**

I, Terry Munz, declare:

1. I am an owner and the Representative for the current owners, 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. The current owners own property that overlies the Antelope Valley Area of Adjudication as decided by this Court. The land is in unincorporated territory of Los Angeles County, California and is identified by the following APN/APNs: 3266-013-028

[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. The Owners 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:  
3266-013-028 = 155.24 ac.

[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, the current owners owned the property during the following timer period: 2004-current

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

Terry and Kathy Munz, Barry Munz, The Decedents Trust of the "Arnold R. and Reva R. Munz Family Trust-1989", Louise Simmons, Carl Munz and Irene Blount, Trustee of the Irene R. Blount Trust, executed May 24, 1991.

7. For each individual/entity identified in paragraph 6 that individual/entity appeared on the

1 title during the following time : Terry and Kathy Munz, and Barry Munz: 2004 – present,  
2 The Decedents Trust of the “Arnold R. and Reva R. Munz Family Trust-1989”: 1992 – present,  
3 Louise Simmons, Carl Munz and Irene Blount, Trustee of the Irene R. Blount Trust, executed May 24,  
4 1991: 1992-2004.

5  
6 **Leases**

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

10 \_\_\_\_\_  
11 9. The total acreage by parcel is:  
12 \_\_\_\_\_

13 10. The property is currently leased to:  
14 \_\_\_\_\_

15 11. The property was leased on the following dates:  
16 \_\_\_\_\_

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

19  
20 [If additional room is needed, please list APN/APNs, acreage by APN, Lessee by APN and dates  
21 for each Lessee by APN for each parcel in Exhibit C.] A true and correct copy of Exhibit C is  
22 attached hereto and incorporated herein.

23  
24 13. \_\_\_\_\_ leases property from \_\_\_\_\_ which overlies the  
25 Antelope Valley Area of Adjudication as decided by this court and is identified by the following  
26 APNS:  
27 \_\_\_\_\_

28 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 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.

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

1 not include diesel fuel used on the properties referenced above for anything other than pumping  
2 groundwater.

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

6 30. Pump tests were performed on the following dates:  
7 \_\_\_\_\_.

8 31. \_\_\_\_\_ is not producing pump test records for the following  
9 dates \_\_\_\_\_ because:  
10 \_\_\_\_\_.

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

13 **Crop Duties and Irrigated Acres**

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

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

21 **Other Sources of Water**

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

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

27 36. Terry Munz used 5 acre feet of water on APN#3266-013-028 in 2000. The water was  
28 used for the following: Cattle and other livestock (145 ac) 2 ac-ft; vegetable gardens, wind break

1 trees and other landscaping (10 ac) 2 ac-ft; domestic demands (0.24 ac) 1 ac-ft.

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

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

5 37. Terry Munz used 5 acre feet of water on APN#3266-013-028 in 2001. The water was  
6 used for the following: Cattle and other livestock (145 ac) 2 ac-ft; vegetable gardens, wind break  
7 trees and other landscaping (10 ac) 2 ac-ft; domestic demands (0.24 ac) 1 ac-ft.

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

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

11 38. Terry Munz used 5 acre feet of water on APN#3266-013-028 in 2002. The water was  
12 used for the following: Cattle and other livestock (145 ac) 2 ac-ft; vegetable gardens, wind break  
13 trees and other landscaping (10 ac) 2 ac-ft; domestic demands (0.24 ac) 1 ac-ft. 39. Terry

14 Munz used 5 acre feet of water on APN#3266-013-028 in 2003. The water was used for the  
15 following: Cattle and other livestock (145 ac) 2 ac-ft; vegetable gardens, wind break trees and  
16 other landscaping (10 ac) 2 ac-ft; domestic demands (0.24 ac) 1 ac-ft.

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

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

20 40. Terry Munz used 5 acre feet of water on APN#3266-013-028 in 2004. The water was  
21 used for the following: Cattle and other livestock (145 ac) 2 ac-ft; vegetable gardens, wind break  
22 trees and other landscaping (10 ac) 2 ac-ft; domestic demands (0.24 ac) 1 ac-ft.

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

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

26 41. Terry Munz used 5 acre feet of water on APN#3266-013-028 in 2011. The water was  
27 used for the following: Cattle and other livestock (145 ac) 2 ac-ft; vegetable gardens, wind break  
28 trees and other landscaping (10 ac) 2 ac-ft; domestic demands (0.24 ac) 1 ac-ft.

[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.]

42. Terry Munz used 5 acre feet of water on APN#3266-013-028 in 2012. The water was  
used for the following: Cattle and other livestock (145 ac) 2 ac-ft; vegetable gardens, wind break  
trees and other landscaping (10 ac) 2 ac-ft; domestic demands (0.24 ac) 1 ac-ft.

[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.]

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

I declare under penalty of perjury under the laws of the State of California that the  
foregoing is true and correct. Executed this 28 day of January 2013, at Lancaster,  
California.

Terry Munz