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LOS ANGELES COUNTY WATERWORKS  
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 RICHARD NELSON  
IN LIEU OF DEPOSITION TESTIMONY  
FOR PHASE 4 TRIAL**

DECLARATION

**DECLARATION**

I, Richard Nelson, declare:

1. I am an officer for Willow Springs Company, 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. Willow Springs Company 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: 252-341-06, 315-012-01. We are not sorting water usage by APN# as our usage is across a small town and not specifically separable.

[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. Willow Springs Co. 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: \_\_Current combined acreage is 142 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 Willow Springs Co. owned the property during the following time period: 1936 to 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: Willow Springs Company.

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

1 title during the following time : Willow Springs Company.

2 **Leases**

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

7 9. The total acreage by parcel is:  
8 \_\_\_\_\_.

9 10. The property is currently leased to:  
10 \_\_\_\_\_.

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

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

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

20 13. \_\_\_\_\_ leases property from \_\_\_\_\_ which overlies the  
21 Antelope Valley Area of Adjudication as decided by this court and is identified by the following  
22 APNS:  
23 \_\_\_\_\_.

24 14. The total acreage by parcel is:  
25 \_\_\_\_\_.

26 15. The Lease provides that \_\_\_\_\_ may claim groundwater rights from use of  
27 water on leased property. Attached to this declaration is a true and correct copy of the lease.  
28

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

4 16. \_\_\_\_\_ claims groundwater rights only as to the leasehold interests listed in  
5 Paragraph 15 and Exhibit D.

6 17. Willow Springs Company claims groundwater rights only as to the properties listed in  
7 Paragraph 2 and Exhibit A.

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

10 **Water Meter Records**

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

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

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

19 **State Water Project Purchases**

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

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

27 **Pump Tests/ Electric Records**

28 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, Willow Springs  
Company 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 specified below under "Use of Water."

**Other Sources of Water**

35. On the properties referenced above, Willow Springs Co. 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. Willow Springs Co. used approximately 180 acre feet of water on APN# as in paragraph  
2, in 2000. The water was used for the following: see Exhibit N.

37. Willow Springs Co. used approximately 180 acre feet of water on APN# as in paragraph  
2, in 2001. The water was used for the following: see Exhibit N

38. Willow Springs Co. used approximately 180 acre feet of water on APN# as in paragraph  
2, in 2002. see Exhibit N.

39. Willow Springs Co. used approximately 180 acre feet of water on APN# as in paragraph  
2, in 2003. see Exhibit N

40. Willow Springs Co used approximately 180 acre feet of water on APN# as in paragraph

2, in 2004. see Exhibit N

41. Willow Springs Co. used approximately 180 acre feet of water on APN#s in paragraph 2, in 2011. See Exhibit N.

42. Willow Springs Co. used approximately 205 acre feet of water on APN# as in paragraph 2, in 2012. See Exhibit N.

43. Other than what is declared hereinabove, Willow Springs Co. 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 to the best of my knowledge. Executed this 25th day of January 2013, at Willow Springs, California.

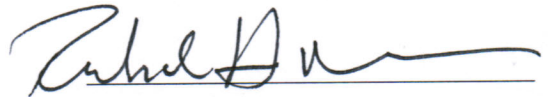


EXHIBIT "A"



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UNIVERSITY AVENUE, SUITE

P.O. BOX 1028

RIVERSIDE, CALIFORNIA 92502

EXHIBIT "B"

APN

Size in acres

- 8 -

## DECLARATION

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3750 UNIVERSITY AVENUE, SUITE 400

P.O. BOX 1028

P.O. BOX 1020  
RIVERSIDE, CALIFORNIA 92502

APN:

Acreage:

Dates of Lease:

## DECLARATION

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P.O. BOX 1020  
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APN:

Acreage:

Dates of Lease:

EXHIBIT "E"

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[illegible]

## DECLARATION

## DECLARATION

EXHIBIT "G"

EXHIBIT "H"

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EXHIBIT "T"

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EXHIBIT "J"

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EXHIBIT “K”

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EXHIBIT "L"

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EXHIBIT "M"

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

LOCALITY <sup>2</sup>	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

<sup>1</sup> 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

<sup>2</sup> Unit use values for crops grown in each region.

1 EXHIBIT "N"

2 USE OF WATER

3 We have not separated usage by APN as the usage is across a small community of houses.  
4 Vineyards and orchards are situated between house blocks.

5 The community of Willow Springs was the first town in the Antelope Valley and has used  
6 water continuously and beneficially since 1862 when the land was first deeded by Abraham  
7 Lincoln. (State Historic Landmark #130) The original title lines out the federal claim for mineral  
8 rights. All the water originally was from natural tributary springs of the Oak Creek flow. Willow  
9 Springs took the bulk of the drainage of the Willow Springs sub aquifer as surface water and as  
10 subsurface flow through the property. Estimates from foliage alone prove surface water  
11 production in excess of 600 ac. ft. Proof of this is recorded in multiple history books.

12 The property supported off the springs:

13 Domestic usage for a population of 70. 50 acres of alfalfa, flood irrigated

14 Grain replaced the alfalfa in the 1960's.

15 A 10 acre stone fruit orchard

16 Over 5 acres of wine vineyard

17 More than 50 acres of native willow and cottonwood.

18 Public park and swimming facilities.

19 A first round of overdraft starting in the late 1940's and ending in the early 1960's, and  
20 caused the springs to cease surface flow in 1961. This caused the number of native trees to  
21 diminish.

22 From 1962 to the present Willow Springs Company has tried attempted to support some  
23 of the old tree growth by pumping. Originally water was filled into the masonry swimming  
24 reservoirs and ditched to the orchards, vineyard and trees. The alfalfa was abandoned and grain  
25 replaced it, for use by livestock.

26 From 1970 until the present we were/are in process of removing native trees, which have  
27 shallow root systems and are not adapted to drier conditions. We planted (often unsuccessfully  
28 because of the older watering methods) and continue to plant replacement trees to the present.

- 20 -

DECLARATION

Starting in 1995 we were removing a piece at a time the orchard and the vineyards, which by 2002 were mostly gone. We recite this because old trees still remain, as well as replacement trees planted before 2005. We are still removing and replacing trees.

#### USAGE 2012

Usage based on vegetation: 205 ac/ft

10 ac. decorative trees, dating from 1900 or older and/or replacements. Some trees were removed from 2011) (53.6 ac/ft)

7 full time residences (7 ac/ft)

3 commercial buildings (winery) (1 ac/ft)

3 industrial buildings-manufacturing (3 ac/ft)

#### WATER USED BY BUILDINGS IS RECYCLED TO GROUND VIA LEACH SYSTEMS)

8 acres wine grapes (our grapes are on soil with a ph over 9 and use more water than calculated because of the salt level) (29.6 ac/ft)

8 ac. orchard - increased from 2011 (our orchard is in soil having a ph over 9 and use more water than calculated because of the salt level) (42.88 ac/ft)

.25 ac. vegetable garden (1 ac/ft)

1 ac asparagus garden (8 ac/ft)

1 ac. sod (7.45 ac/ft)

40 ac grain/mixed forage/ grazing for rescue horses (52 ac/ft) estimated 26 ac/ft month for 2 months.

Water moved from grain over to grapes and orchard as a priority. Grain still headed.

#### USAGE 2011

180 ac. ft

11 ca. decorative trees (58.96 ac/ft)

8 full time residences (8 ac/ft) One new house

- 21 -

DECLARATION

2011 USAGE CONTINUED

3 commercial buildings (winery) (1 ac/ft)  
3 industrial buildings (3 ac/ft)  
8 acres wine grapes (29.6 ac/ft)  
6 acres orchard (32.16)  
1.5 ac. vegetable garden (includes asparagus) (10 ac/ft)  
1 ac sod (7.45 ac/ft)  
40 ac grain rain assisted this year (32.5 ac/ft) 26 ac/ft month for 5 weeks

USAGE 2000 THROUGH 2005

Usage ea. year estimated around 180 ac ft. Willow Springs was not in the lawsuit between these years, and we were not attempting nor committing adverse usage against our neighbors. We have photo's which show the progression of water loss.

10 residences occupied (10 ac/ft)  
14 ac. decorative trees- old and replacements (75.04 ac/ft)  
Commercial and industrial buildings (6 ac/ft) water in mfg. used for washing out of tanks  
1 ac. orchard (5.36 ac/ft)  
1 ac. sod (7.45 ac/ft)  
The orchard and vineyard was being removed and watering had ceased.  
25 ac. grain (75 ac/ft)

For the year 2013, knowing that there are planned reductions in usage, we intend to stop watering the grain, and concentrate our usage only to the decorative trees and fruit.

EXHIBIT "O"

Water for Willow Springs is now also sourced from outside the adjudicated alluvial area described in DWR's Bulletin 118 and shown in adjudication maps. In 2006 we were forced to seek new water sources, and drilled 3 wells over 600 ft. into rock of the Willow Springs Butte (which is outside the adjudicated alluvial aquifer) and found water. A large portion of Willow Springs overlies the butte

During the present adjudication, largely since the year 2000, the Willow Springs sub aquifer was over drafted for a second time. Our alluvial wells are now pumped to bedrock through no fault of ours. A USGS well on our property confirms this.

We currently cannot utilize the Willow Springs aquifer and have only one domestic size alluvial well capable of about 10 gpm. on non continuous operation on the southern end of our property, probably sourcing the Neenach aquifer. We use it for back up drinking water. Our water now comes from confined basin wells deep in rock, having substantial artesian properties and which are not subject to pumping efficiency tests as the pressure in the well and pump efficiencies change from beginning to end of the watering season.

The rock water is an unproven source, and is high in arsenic and fluoride. We believe that we should have legitimate access to water from the Willow Springs alluvial aquifer considering the length of time it was our only source. While we pay into the AVEK bond, no aqueduct water sources is available in our area and none is planned. Unlike the large farmers, who need transferrable rights so that they can move their fields, we are only interested in water for our property, and because of the adjudication we are legally at the mercy of adverse water users. We are in the process of restoring the old town with the intention that it might see another century and believe we have entitlement rights at least equivalent to any others if not better.



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