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14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
15 **COUNTY OF LOS ANGELES**  
16

17 **ANTELOPE VALLEY**  
18 **GROUNDWATER CASES**

19 **Included Actions:**

20 Los Angeles County Waterworks District  
No. 40 v. Diamond Farming Co., Superior  
Court of California, County of Los  
Angeles, Case No. BC 325201;

21 Los Angeles County Waterworks District  
22 No. 40 v. Diamond Farming Co., Superior  
Court of California, County of Kern, Case  
23 No. S-1500-CV-254-348;

24 Wm. Bolthouse Farms, Inc. v. City of  
Lancaster, Diamond Farming Co. v. City of  
25 Lancaster, Diamond Farming Co. v.  
Palmdale Water Dist., Superior Court of  
26 California, County of Riverside, Case Nos.  
RIC 353 840, RIC 344 436, RIC 344 668  
27

Judicial Council Coordination No. 4408

18 **CLASS ACTION**

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

Lee and

**DECLARATION OF Donna Wilson IN**  
**LIEU OF DEPOSITION TESTIMONY FOR**  
**PHASE 4 TRIAL**

**DECLARATION**

I, Lee Wilson Jr. & Donna L. Wilson, declare:

1. I am Wilson, 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. Lee Wilson Jr. & Donna L. Wilson 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:

3240 006 044 12 000

[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. \_\_\_\_\_ 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:

Five 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 Lee Wilson Jr. & Donna L. Wilson owned the property during the following timer period:

June 10<sup>th</sup> 94 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:

Lee Wilson Jr. Donna L. Wilson

1  
2 7. For each individual/entity identified in paragraph 6 that individual/entity appeared on the  
3 title during the following time :

4 June 10, 94 to present  
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

1 14. The total acreage by parcel is:  
2 \_\_\_\_\_

3 15. The Lease provides that \_\_\_\_\_ may claim groundwater rights from use of  
4 water on leased property. Attached to this declaration is a true and correct copy of the lease.  
5

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

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

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

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

15 **Water Meter Records**

16 19. \_\_\_\_\_ measures the groundwater production on the above referenced  
17 properties by water meters. Exhibit E contains the records for these water meters for the  
18 following years:  
19 \_\_\_\_\_

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

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

24 **State Water Project Purchases**

25 21. \_\_\_\_\_ purchases State Water Project water from a State Water Contractor  
26 for use by \_\_\_\_\_ on the properties referenced above. Exhibit G contains true  
27 and correct copies of the invoices for delivery of State Water Project Water to the properties  
28

1 referenced above.

2  
3  
4 22. Exhibit H sets forth the total yearly State Water Project water deliveries to the properties  
5 referenced above for the years 2000-2004, 2011, and 2012. A true and correct copy of Exhibit H  
6 is attached hereto and incorporated herein.

7 **Pump Tests/ Electric Records**

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

13 24. Exhibit J sets forth the amount of total yearly groundwater that \_\_\_\_\_  
14 estimates was pumped and used on the properties referenced above for the years 2000-2004,  
15 2011, and 2012 based on the attached pump test records and electrical records for the wells on the  
16 properties referenced above. A true and correct copy of Exhibit J is attached hereto and  
17 incorporated herein.

18 25. Pump tests were performed on the following dates:  
19 \_\_\_\_\_

20 26. \_\_\_\_\_ is not producing pump test records for the following  
21 dates \_\_\_\_\_ because:  
22 \_\_\_\_\_

23 27. I am not aware of any other pump tests having been performed on the properties  
24 referenced above.  
25

26 **Pump Tests/Diesel Records**

27 28. In order to calculate groundwater pumped and used on the properties referenced above,  
28

1 \_\_\_\_\_ relied on pump tests and diesel fuel records. Exhibit K contains  
2 true and correct copies of the records pertaining to pump tests and diesel fuel purchases for the  
3 properties referenced above. The diesel fuel records attached to this declaration as Exhibit K do  
4 not include diesel fuel used on the properties referenced above for anything other than pumping  
5 groundwater.

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

9 30. Pump tests were performed on the following dates:  
10 \_\_\_\_\_

11 31. \_\_\_\_\_ is not producing pump test records for the following  
12 dates \_\_\_\_\_ because:  
13 \_\_\_\_\_

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

16 **Crop Duties and Irrigated Acres**

17 33. In order to calculate water use on the properties referenced above, <sup>crop water</sup>  
<sup>requirement prepared</sup>  
<sup>by Univ. Co. Coop. Ext.</sup>  
18 \_\_\_\_\_  
19 relies on the amount of acres in irrigation on the properties referenced above multiplied by the  
20 crop duty identified in the Summary Expert Report, Appendix D-3: Table 4, a true and correct  
21 copy of which is attached to this declaration as Exhibit M.

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

25 **Other Sources of Water**

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



Donna Wilson &lt;donna678wilson@gmail.com&gt;

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**FW: Prove-Up of Donna Wilson's Pumping**


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Gene Nebeker &lt;enebeker@roadrunner.com&gt;

Fri, Jan 18, 2013 at 6:40 PM

To: Wilson Donna &lt;donna678wilson@gmail.com&gt;

Cc: Ryan Drake &lt;rdrake@bhfs.com&gt;, Michael Fife &lt;MFife@bhfs.com&gt;

I believe her water usage can be closer to 30 AF/yr now.

-----Original Message-----

From: Gene Nebeker [mailto:enebeker@roadrunner.com]

Sent: Sunday, December 11, 2011 4:59 PM

To: Ryan Drake (rdrake@bhfs.com)

Cc: Wilson Donna (donna678wilson@gmail.com); Michael Fife (MFife@bhfs.com)

Subject: Prove-Up of Donna Wilson's Pumping

Ryan:

Donna Wilson tells me she currently owns 5 acres total, approximately 2 acres in garden, 2 acres in pasture, 1/4 acre in trees and 1/4 acre in grass.

From this I estimate:

Residential house usage:	
1 AF/yr	
2 acres in garden 2(5 AF/yr):	10
AF/yr	
2 acres pasture 2(7.45 AF/yr):	14.9
AF/yr	
1/4 acre trees 1/4(5.0):	
1.2 AF/yr	
1/4 acre grass 1/4(7.45):	
1.8 AF/yr	
Total	
28.9 AF/yr	

Donna believes that the water used during the 2000 through 2004 period was about 1/2 of what is shown above, based on planted acreage. Even at this reduced value, assume  $28.9/2 = 14.5$  AF/yr, her pumping was considerably greater than the 5 AF/yr she is claiming as her target transferable rights.

To supply this water, she uses a 3 HP submersible groundwater pump as shown in the bill I am faxing to you.

Gene

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

36. We used 14.5 acre feet of water on APN# See para 2 in 2000.

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.]

37. We used 14.5 acre feet of water on APN# See para 2 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. We used 14.5 acre feet of water on APN# See para 2 in 2002. The water was used for the following:

\_\_\_\_\_ See para 2

39. We used 14.5 acre feet of water on APN# 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. We used 14.5 acre feet of water on APN# See para 2 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.



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 41. We used 14.5 acre feet of water on APN# See para 2 in 2011. 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 42. Se used 14.5 acre feet of water on APN# See para 2 in 2012. The  
10 water was used for the following:  
11

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

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

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

17  
18 I declare under penalty of perjury under the laws of the State of California that the  
19 foregoing is true and correct. Executed this 19 day of January 2013, at Lancaster,  
20 California.  
21

22 \_\_\_\_\_  
23  
24  
25  
26  
27  
28