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6 DISTRICT and LOS ANGELES COUNTY

WATERWORKS DISTRICT NO. 40

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13 COUNTY WATERWORKS DISTRICT NO. 40

14 [See Next Page For Additional Counsel]

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

16 **COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

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

Included Actions:

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

24 Los Angeles County Waterworks District
25 No. 40 v. Diamond Farming Co., Superior
26 Court of California, County of Kern, Case
27 No. S-1500-CV-254-348;

28 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

**PUBLIC WATER SUPPLIERS' EXPERT
DESIGNATION FOR PHASE III TRIAL
AND EXPERT DECLARATION**

- 1 RICHARDS WATSON & GERSHON
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- 5 LEMIEUX & O'NEILL
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6 2393 Townsgate Road, Ste. 201
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Attorneys for Littlerock Creek Irrigation District and
8 Palm Ranch Irrigation District
- 9 LAGERLOF SENECALE GOSNEY & KRUSE
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Attorneys for Palmdale Water District
- 12 CHARLTON WEEKS LLP
13 Bradley T. Weeks, Bar No. 173745
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15 Attorneys for Quartz Hill Water District
- 16 CALIFORNIA WATER SERVICE COMPANY
John Tootle, Bar No. 181822
17 2632 West 237th Street
Torrance, CA 90505
18 (310) 257-1488; (310) 325-4605-fax
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1 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

2 Cross Complainants Littlerock Creek Irrigation District, Desert Lakes Community
3 Services District, Palmdale Water District, Quartz Hill Water District, Palm Ranch Irrigation
4 District, North Edwards Water District, California Water Service Company, Los Angeles County
5 Waterworks District No. 40, Rosamond Community Services District, and the City of Palmdale,
6 by and through their attorneys of record, hereby exchange, pursuant to Code of Civil Procedure
7 Section 2034.260: (1) a list containing the name and address of each person whose expert opinion
8 testimony that the parties expect to offer at trial, whether orally or by deposition testimony; (2) an
9 expert witness declaration for each such person pursuant to Code of Civil Procedure Sections
10 2034.210 (b) and 2034.260 (c); and (3) an expert witness report attached hereto as Exhibit "1."

11 I. List of Experts expected to testify at trial on behalf of cross-complainants:

- 12
13
14 A. Joseph Scalmanini
Luhdorff and Scalmanini
500 First Street
15 Woodland, California 95695
Telephone: (530) 661-0109
16
17 B. Mark Wildermuth
Wildermuth Environmental, Inc.
23692 Birtcher Drive
18 Lake Forest, California 92630
Telephone: (949) 420-3030
19
20 C. Robert Beeby
Beeby Engineering, Inc.
200 Longhorn Lane
21 Ojai, California 93023-4203
Telephone: (805) 646-8652

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D. Peter Leffler
Fugro West Associates
1000 Broadway, Suite 200
Oakland, California 94607
Telephone: (510) 267-4415

Dated: July 15, 2010

BEST BEST & KRIEGER LLP

By



ERIC L. GARNER
JEFFREY V. DUNN
STEFANIE D. HEDLUND
Attorneys for Cross-Complainants
ROSAMOND COMMUNITY SERVICES
DISTRICT and LOS ANGELES
COUNTY WATERWORKS DISTRICT
NO. 40

1 I, Jeffrey V. Dunn, declare as follows:

2 1. I am a California licensed attorney and a partner with Best Best & Krieger LLP,
3 attorneys of record for Rosamond Community Services District and Los Angeles County
4 Waterworks District No. 40. I have personal knowledge of each of fact stated in this declaration.

5 2. Cross-complainants Littlerock Creek Irrigation District, Desert Lakes Community
6 Services District, Palmdale Water District, Quartz Hill Water District, Palm Ranch Irrigation
7 District, North Edwards Water District, California Water Service Company, Los Angeles County
8 Waterworks District No. 40, Rosamond Community Services District, and the City of Palmdale,
9 (collectively, "Public Water Suppliers") intend to offer at trial, either orally or by deposition
10 testimony from the following experts: Mr. Joseph Scalmanini; Mr. Mark Wildermuth; Mr. Robert
11 Beeby; and Mr. Peter Leffler.

12 3. All experts named have agreed to testify as expert witnesses at the Phase 3 trial.

13 4. Attached to this declaration as Exhibit "2" are the resumes of Mr. Joseph
14 Scalmanini, Mr. Mark Wildermuth, Mr. Robert Beeby, and Mr. Peter Leffler.

15 5. Mr. Scalmanini is a registered civil engineer in California and president of
16 Luhdorff and Scalmanini, Consulting Engineers, Inc., which specializes in geologic, hydrologic
17 and engineering work associated with the investigation, assessment, development and
18 management of groundwater resources throughout California, and which also specializes in water
19 resources engineering work for municipal, agricultural, and industrial water supply throughout
20 California. Mr. Scalmanini has conducted and directed groundwater assessments and
21 investigations, developed and implemented groundwater monitoring and management programs,
22 designed groundwater development projects, and conducted and directed water resources
23 engineering projects throughout California over the last 40 years. Prior to the founding of
24 Luhdorff and Scalmanini, Consulting Engineers in 1980, Mr. Scalmanini was a Development
25 Engineer at the University of California, Davis, where he directed applied research in
26 groundwater and taught classes in Hydraulics and Principles of Groundwater Management; his
27 association with the University continues as an instructor in a University Extension class on
28 groundwater hydrology and law.

1 6. Mr. Scalmanini will testify as to characteristics and hydrologic conditions of the
2 groundwater in the Antelope Valley Groundwater Adjudication Area ("Basin"). Mr. Scalmanini
3 will testify concerning the Basin's sustainable yield and geology and the occurrence of
4 groundwater in the Basin. Mr. Scalmanini's testimony will include historic groundwater
5 conditions, effects of groundwater development and the current status and past changes in
6 groundwater conditions. Mr. Scalmanini will also be prepared to offer rebuttal testimony
7 concerning the groundwater conditions analyses prepared by other experts.

8 7. Mr. Wildermuth is the founder and president of Wildermuth Environmental and
9 has over 33 years of experience in water resources engineering and planning, including surface
10 and groundwater hydrology and hydraulics, water resources planning, surface water and
11 groundwater hydrology and hydraulics, water resources planning, surface water and groundwater
12 computer simulation modeling, water rights and surface water and groundwater quality. Mr.
13 Wildermuth had extensive expertise in the development of water resource management plans for
14 groundwater basins and watersheds in Southern California, including the Chino Basin. Mr.
15 Wildermuth is a California registered professional civil engineer.

16 8. Mr. Wildermuth will testify as to the Basin's water resources. Mr. Wildermuth
17 will offer opinions regarding historic and current groundwater levels, land subsidence, water
18 supplies, groundwater storage and natural recharge and changes in groundwater storage. Mr.
19 Wildermuth will also provide rebuttal testimony regarding other experts' analyses related to
20 historic and current groundwater levels, land subsidence, water supplies, groundwater storage and
21 natural recharge and changes in groundwater storage.

22 9. Mr. Beeby is currently the principal of Beeby Engineering, Inc., and has over 40
23 years of engineering experience in project planning and management of water resources for a
24 wide range of clients, including agricultural and urban water purveyors, power providers, federal,
25 state and local governmental agencies. He has served as principal-in-charge and directed
26 technical studies related to the adjudication of pumping rights of several groundwater basins,
27 served on Technical Expert Committees appointed to develop the factual aspects of groundwater
28 basins under adjudication, directed the studies leading to water management programs/exchanges

1 between agricultural and urban interest, developed regional plans for management of surface and
2 groundwater resources, directed studies relating to technical and economic feasibility of
3 agricultural water projects and has managed the preliminary design and construction phases of
4 major water resource facilities. Mr. Beeby has provided expert witness testimony since 1980 in
5 numerous proceedings relating to land, water use, groundwater adjudications and water rights.
6 He has testified before a Special Master appointed by the Supreme Court in Arizona v. California,
7 the California State Water Resources Control Board, and groundwater adjudications, such as the
8 Santa Maria Valley Groundwater Cases. Mr. Beeby is a registered civil engineer in California,
9 Arizona, New Mexico, South Dakota and Washington. Mr. Beeby is also a California registered
10 agricultural engineer.

11 10. Mr. Beeby will testify as to agricultural crop requirements, applied water for
12 irrigation and return flows from agricultural irrigation in the Antelope Valley. Mr. Beeby will
13 also be prepared to offer rebuttal testimony regarding other experts' analyses of agricultural crop
14 requirements, applied water for irrigation and return flows from agricultural irrigation.

15 11. Mr. Leffler has more than 20 years of experience performing hydrogeologic
16 studies in California. His experience includes groundwater basin analysis and management;
17 groundwater modeling, design and construction of water wells, test wells, and monitoring wells;
18 pumping tests and data analysis; evaluation of artificial recharge options, evaluation of bedrock
19 groundwater flow and yields from bedrock wells, water resource planning, water quality,
20 contaminant hydrogeology, and surface water and groundwater interaction. Mr. Leffler is a
21 California registered geologist and certified hydrogeologist.

22 12. Mr. Leffler will offer testimony regarding characteristics of bedrock surrounding
23 the Antelope Valley and potential flows of groundwater through those materials into the Basin.
24 Mr. Leffler will also offer rebuttal testimony regarding other experts' analyses regarding
25 characteristics of bedrock surrounding the Antelope Valley and potential flows of groundwater
26 through those materials into the Basin.

27 13. Mr. Scalmanini, Mr. Wildermuth, Mr. Leever, Mr. Beeby, and Mr. Leffler are
28 sufficiently familiar with the pending action to submit a meaningful oral deposition concerning

1 their respective testimony, including their expert opinions and the basis for their opinions.

2 14. Mr. Scalmanini's hourly fee for depositions and trial testimony is \$470.00 plus
3 travel time. Mr. Wildermuth's hourly fee for depositions and trial testimony is \$450.00 plus
4 travel time. Mr. Beeby's hourly fee for depositions and trial testimony is \$340.00 plus travel
5 time. Mr. Leffler's hourly fee for depositions and trial testimony is \$400.00 plus travel time.

6 I declare under penalty of perjury under the laws of the State of California that the
7 foregoing is true and correct.

8 Date: July 15, 2010

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Jeffrey V. Dunn

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PROOF OF SERVICE

I, Kerry V. Keefe, declare:

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is Best Best & Krieger LLP, 5 Park Plaza, Suite 1500, Irvine, California 92614. On July 15, 2010, I served the within document(s):

**PUBLIC WATER SUPPLIERS' EXPERT DESIGNATION FOR PHASE III TRIAL
AND EXPERT DECLARATION**

- ☒ by posting the document(s) listed above to the Santa Clara County Superior Court website in regard to the Antelope Valley Groundwater matter.
- ☐ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Irvine, California addressed as set forth below.
- ☐ by causing personal delivery by ASAP Corporate Services of the document(s) listed above to the person(s) at the address(es) set forth below.
- ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- ☐ I caused such envelope to be delivered via overnight delivery addressed as indicated on the attached service list. Such envelope was deposited for delivery by Federal Express following the firm's ordinary business practices.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on July 15, 2010, at Irvine, California.


Kerry V. Keefe