### LAW OFFICES OF BEST BEST & KRIEGER LLP 5 PARK PLAZA, SUITE 1500 IRVINE, CALIFORNIA 92614

#### DECLARATION OF STEFANIE HEDLUND

I, Stefanie D. Hedlund, declare:

- 1. I am an associate of the law firm of Best, Best & Krieger LLP, counsel for cross-defendant, Los Angeles County Waterworks District No. 40. I have personal knowledge of the facts stated herein and if called upon to do so, I could and would competently testify to these facts.
- 2. Attached to this declaration as Exhibit "A" is a true and correct copy of the Bibliography to Appendix B of the Public Water Suppliers Expert Report posted on the Court's website on July 15, 2010. The Appendix at page 9 shows a citation to the USGS Fact Sheet 2005-3112.
- 3. Attached to this declaration as Exhibit "B" is a true and correct copy of relevant portions of Joseph Scalmanini's Deposition, Volume 2.
- 4. Attached to this declaration as Exhibit "C" is a true and correct copy of relevant portions of Joseph Scalmanini's Deposition, Volume 3.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed this 4th day of March, 2011, at Sacramento, California.

Stefame D. Hedlund

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## EXHIBIT A

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### EXHIBIT B

| 1  | SUPERIOR COURT OF THE STATE OF CALIFORNIA      |
|----|--|
| 2  | FOR THE COUNTY OF SANTA CLARA                  |
| 3  |  |
| 4  |  |
| 5  | ANTELOPE VALLEY ) Santa Clara Case No.         |
| 6  | GROUNDWATER CASES, ) 1-05-CV-049053            |
| 7  | ) Volume II                                    |
| 8  |  |
| 9  |  |
| 10 |  |
| 11 | Continued Deposition of JOSEPH SCALMANINI,     |
| 12 | taken at 301 North Lake Avenue, 10th Floor,    |
| 13 | Pasadena, California, commencing at 9:29 a.m., |
| 14 | Tuesday, November 16, 2010, before Janice      |
| 15 | Schutzman, CSR No. 9509.                       |
| 16 |  |
| 17 |  |
| 18 |  |
| 19 |  |
| 20 |  |
| 21 |  |
| 22 |  |
| 23 |  |
| 24 |  |
| 25 | PAGES 190 - 415                                |
|    |  |
|    | Page 190                                       |

| 1  | those are typically described as a chronic lowering | ۲,       |
|----|---|----------|
| 2  | as I said yesterday, originally of the water plane, |          |
| 3  | but of the groundwater surface; a depletion of      |          |
| 4  | groundwater storage; advent of groundwater quality  |          |
| 5  | degradation, land subsidence; and as I described    | 11:45AM  |
| 6  | yesterday, the latter of which sort of triggered of | f        |
| 7  | of the declining water surface or declining water   |          |
| 8  | level.  |          |
| 9  | MR. DUNN: And, Mr. Zimmer, I would note             |          |
| 10 | that he did answer questions concerning this        | 11:45AM  |
| 11 | definition of "overdraft" yesterday.                |          |
| 12 | MR. ZIMMER: Yeah, if he did, he did. I              |          |
| 13 | can't recall.                                       |          |
| 14 | BY MR. ZIMMER:                                      |          |
| 15 | Q. Okay. Let's go to the definition of              | 11:45AM  |
| 16 | "overdraft."  |          |
| 17 | You said it's your opinion that the basin           |          |
| 18 | is currently in overdraft?                          |          |
| 19 | A. I did.   |          |
| 20 | Q. And what undesirable conditions are              | 11:45AM  |
| 21 | currently occurring that cause you to say the       |          |
| 22 | basin's currently in overdraft?                     |          |
| 23 | A. Groundwater levels are declining.                |          |
| 24 | Groundwater storage has been declining and continue | S        |
| 25 | to decline. And subsidence has been mapped and is   | 11:45AM  |
|    |   | Page 277 |
|    |   | _        |

| 1  | ongoing.   |         |
|----|--|---------|
| 2  | Q. And where is it ongoing, or where is              |         |
| 3  | subsidence currently occurring?                      |         |
| 4  | A. Well, there's a mapped depiction of it. I         |         |
| 5  | describe it generically as about the central third   |         |
| 6  |  | 11:46AM |
| 7  | of the overall basin. So one depiction, through      |         |
|    | '92, anyway, is reflected in figure 4.5-1.           |         |
| 8  | Q. All right. Let's find that. That's in the         |         |
| 9  | main text?   |         |
| 10 | A. Yes.  | 11:46AM |
| 11 | MR. ZIMMER: Mark this as Exhibit 6.                  |         |
| 12 | (Deposition Exhibit 6 was marked for                 |         |
| 13 | identification.)                                     |         |
| 14 | BY MR. ZIMMER:                                       |         |
| 15 | Q. This says total subsidence 1930 to 1992.          | 11:47AM |
| 16 | A. Uh-huh.   |         |
| 17 | Q. That doesn't tell us what subsidence there        |         |
| 18 | is now.  |         |
| 19 | A. I'm not sure how actively the ongoing             |         |
| 20 | monitoring is.                                       | 11:47AM |
| 21 | Q. Have you done any analysis, or are you            |         |
| 22 | aware of anybody in the summary expert committee     |         |
| 23 | that has done any analysis of whether there is any   |         |
| 24 |  |         |
|    | subsidence or has actually been any subsidence since |         |
| 25 | 1992?  | 11:47AM |
|    | Pa   | ge 278  |

|     | The state of the s |          |
|-----|--|----------|
| 1   | all and went into the database. So Joe Dokes   |          |
| 2   | brought data to the meeting, and it was shared. Jo   | e        |
| 3   | Dokes's opinions or how he worked on something or  |          |
| 4   | what he thought about it all and stuff was treated   |          |
| 5   | as privileged.   | 03:28PM  |
| 6   | So what I'm struggling with from memory is   |          |
| 7   | because Wildermuth did the change in storage from  |          |
| 8   | compaction, so that kind of took possession of the   |          |
| 9   | subsidence topic in terms of writing it up too.  |          |
| 10  | I can't from memory recall, you know, the  | 03:28PM  |
| 1.1 | fate of the active extensometers and piezometers   |          |
| 12  | that are associated with those, that were installed  |          |
| 13  | by the USGS as part of an investigation and whether  |          |
| 14  | that data comes forward in time. I just don't  |          |
| 15  | remember.  | 03:28PM  |
| 16  | So I intend to go back and look. But it's  |          |
| 17- | not part of my chapters, so to speak, you know. So   |          |
| 18  | I'm not walking around with it in my memory.   |          |
| 19  | Q. So the expert most knowledgeable about  |          |
| 20  | subsidence would be Wildermuth; is that correct?   | 03:29PM  |
| 21  | A. In terms of testifying experts, yes, but I  |          |
| 22  | think, you know, that Andy Malone did a lot of the   |          |
| 23  | subsidence-related work within his shop.   |          |
| 24  | Q. And so you mentioned the extensometer?  |          |
| 25  | A. Plural, more than one.  | 03:29PM  |
|     |  | Page 371 |
|     |  |          |

| 1  | STATE OF CALIFORNIA ) ss:                                |
|----|--|
| 2  | COUNTY OF LOS ANGELES )                                  |
| 3  |  |
| 4  | I, JANICE SCHUTZMAN, C.S.R. No. 9509, do hereby          |
| 5  | certify:   |
| 6  | That the foregoing deposition testimony was taken        |
| 7  | before me at the time and place therein set forth and at |
| 8  | which time the witness was administered the oath;        |
| 9  | That the testimony of the witness and all objections     |
| 10 | made by counsel at the time of the examination were      |
| 11 | recorded stenographically by me, and were thereafter     |
| 12 | transcribed under my direction and supervision, and that |
| 13 | the foregoing pages contain a full, true and accurate    |
| 14 | record of all proceedings and testimony to the best of   |
| 15 | my skill and ability.                                    |
| 16 | I further certify that I am neither counsel for any      |
| 17 | party to said action, nor am I related to any party to   |
| 18 | said action, nor am I in any way interested in the       |
| 19 | outcome thereof.   |
| 20 | IN WITNESS WHEREOF, I have subscribed my name this       |
| 21 | 2nd day of December, 2010.                               |
| 22 |  |
| 23 |  |
| 24 |  |
| 25 | JANICE SCHUTZMAN, C.S.R. No. 9509                        |
|    | Page 413   |
|    | <b>)</b>   |

# EXHIBIT C

| 1  | SUPERIOR COURT OF THE STATE OF CALIFORNIA                |
|--|--|
| 2  | FOR THE COUNTY OF SANTA CLARA                            |
| 3  |  |
| 4  |  |
| 5  |  |
| 6  | ) Santa Clara  |
| 7  | ) Case No.   |
| 8  | ANTELOPE VALLEY GROUNDWATER CASES, ) 1-05-CV-049053      |
| 9  | )  |
| 10   | ) Volume III   |
| 11   |  |
| 12   |  |
| 13   |  |
| 14   |  |
| 15   |  |
| 16   | Continued Deposition of JOSEPH SCALMANINI, taken at      |
| 17   | 301 North Lake Avenue, 10th Floor, Pasadena, California, |
| 18   | beginning at 10:37 a.m. and ending at 5:27 p.m. on       |
| 19   | Monday, December 13, 2010, before RUBEN GARCIA,          |
| 20   | Certified Shorthand Reporter No. 11305.                  |
| 21   |  |
| 22   |  |
| 23   |  |
| 24   |  |
| 25   | PAGES 416 - 619  |
| nu de constitutado de constitu |  |
|  | Page 416   |

1 from the mid '80s to the mid to late '90s. And then 1 the record. 2 turned around and went down. And that correlates with 2 (Discussion off the record.) 3 the change in land use and the change in the pumping 3 MR. ZIMMER: We're back on. 4 stresses that are out there. 4 BY MR. ZIMMER: Q But you said something about that's where it's Q You said that the subsidence had continued at 6 using about what the yield is, the amount of the yield 6 the same level since the 1990s? 7 is being pumped? A Well, for all practical purposes, a linear A Close. 8 rate, meaning the rate of subsidence, is pretty much a Q Let's talk about Grismer and -- were there any straight line. 10 other opinions on Sheehan? 10 Q I'm not familiar with extensometer. How does A I told you if I thought there was anything 11 that read out? Does that show subsidence or does it 12 else from memory over lunch I'd tell you, so I guess I 12 give you some other data? 13 better tell you. The thing I didn't mention was 13 A It's a device that physically measures, if you 14 subsidence. He makes some pretty matter of fact 14 will, the movement of the ground surface or the entire 15 statements of how subsidence had leveled off in the 15 column from the ground surface down to the depth of 16 early '90s and then there wasn't any ongoing subsidence 16 installation of the extensometer. 17 17 in the basin. And I would disagree with that. Q How sensitive is that? 18 18 Q And why? Extremely. 19 Well, when was I here last? Two weeks ago? 19 O Does it measure in hundredths of inches? 20 20 Thousandths? Right. Close enough. A So you asked me some questions about that 21 A Wow. I think I could say confidently at least 22 topic. 22 within hundredths of a foot. I probably shouldn't Q I asked you whether subsidence was continuing 23 speculate beyond that. I think it has to do with the 24 or not. And you said you hadn't looked at it. 24 sensitivity of the instrumentation that's installed at A Yeah, I did. And I don't often admit this out 25 the ground surface to measure it. But you can see Page 485 1 loud, but I will. I was frustrated because I knew I 1 extremely small fluctuations. Whether they're less, 2 had, but I couldn't call it to mind when I was sitting 2 meaning smaller than a hundredth of a foot, I can't tell 3 here. But I was thinking to myself -- so I was 3 you from instant memory. 4 answering your question and I was thinking to myself, But, you know, if you looked at data plotted, 5 I'm going to go home and double check. So I did. 5 which are recorded with some kind of a data logger on And remember we talked about extensometers. 6 various small time steps, you could see a little bit of 7 It might have been more when Michael was asking me 7 what I call noisiness to the line when you plot it out, 8 which shows real small -- almost like vibrations, it's 8 questions. Q It was. 9 the wrong word on the ground surface, so it's not like a A And I said I couldn't remember about the 10 nice clean line. It's got a little bit of small 11 jaggedness to it, which is partly result of how 11 ongoing data collection because I thought there was a 12 possibility the funding had dried up and they might just 12 frequently the measurements are made. 13 be sitting out there. But I was wrong on that 13 But the instrumentation on the extensometer 14 speculation. 14 can record to very high sensitivity or very small So there have been extensometers out there 15 fluctuations in the ground surface. 16 since 1990. They have been read. And there's a clear 16 Q How long have the extensometers been there? 17 and complete dataset that tracks water levels and 17 A Since 1990. Investigation of subsidence went 18 monitoring wells around the extensometers and subsidence 18 on for decades before that, but that's when the 19 itself from the extensometers since they went in. And 19 extensometers went in. 20 subsidence continues, for all practical purposes, Q And was there a range on what the 21 extensometers showed in terms of subsidence throughout 21 linearly from 1990 to the present.

23 remained the same or --

A At the same rate.

24

25

Q When you say linearly, do you mean it's

MR. DUNN: Can I interrupt just for a second? Off

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23

22 that period from 1990 to --

A Well, the one I recall is that based on 24 measurements of the ground surface itself prior to 1992

25 there was - the location where the extensometer is on

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| 1 1            | STATE OF CALIFORNIA )  | Τ. |                                  |            |
|----------------|--|----|----------------------------------|------------|
| 1              | •  | 1  |                                  |            |
| ١,             | ) SS.  | 2  | JOSEPH SCALMANINI                |            |
| 3              | COUNTY OF LOS ANGELES)   | 3  |                                  |            |
| 3              |  | 4  | NUMBER DESCRIPTION               | IDENTIFIED |
| ١.             | I, RUBEN GARCIA, CSR No. 11305, do hereby  | 5  | Exhibit 7 Jump drive produced by | 583        |
| i i            | certify:   |    | Mr. Scalmanini                   |            |
| 5              | The same series deposition testimony of  | 6  |                                  |            |
|                | JOSEPH SCALMANINI was taken before me at the time and  | 7  |                                  |            |
|                | place therein set forth, at which time the witness was   | 8  |                                  |            |
| 8              | placed under oath and was sworn by me to tell the truth,   | 9  |                                  |            |
| 9              | the whole truth, and nothing but the truth.  | 1  |                                  |            |
| 10             |  | 10 |                                  |            |
| 11             | objections by counsel at the time of the examination   | 11 |                                  |            |
| 12             | were recorded stenographically by me, and were   | 12 |                                  |            |
| 13             | thereafter transcribed under my direction and  | 13 |                                  |            |
|                | supervision, and that the foregoing pages contain a  | 14 |                                  |            |
|                | full, true and accurate record of all proceedings and  | 15 |                                  |            |
| 16             | testimony to the best of my skill and ability.   | 16 |                                  |            |
| 17             | I further certify that I am neither counsel  | 17 |                                  |            |
|                | for any party in said action, nor am I related to any  | 18 |                                  |            |
|                |  | 19 |                                  |            |
|                | party in said action, nor am I in any way interested in  | 1  |                                  |            |
| }              | the outcome thereof.   | 20 |                                  |            |
| 21             | IN WITNESS WHEREOF, I have subscribed my name  | 21 |                                  |            |
|                | this 27th day of December, 2010.   | 22 |                                  |            |
| 23             |  | 23 |                                  |            |
| 24             |  | 24 |                                  |            |
| 25             | RUBEN GARCIA, CSR No. 11305  | 25 |                                  |            |
|                | Page 617   |    |                                  | Page 619   |
| 1              | INDEX  |    |                                  |            |
| 2              |  |    |                                  |            |
| 3              |  |    |                                  |            |
| 4              | MONDAY, DECEMBER 13, 2010  |    |                                  |            |
| 5              |  |    |                                  |            |
| 6              | WITNESS EXAMINATION  |    |                                  |            |
| 7              | EXAMINATION  |    |                                  |            |
|                | TOUTHIE COATA CARMON   |    |                                  |            |
| 8              | JOSEPH SCALMANINI  |    |                                  |            |
| 9              | By Mr. Zimmer 419, 606   |    |                                  |            |
| 10             | By Mr. Fife 496  |    |                                  |            |
| 11             |  |    |                                  |            |
| 12             |  |    |                                  |            |
| 13             |  |    |                                  |            |
| 14             |  |    |                                  |            |
|                | Th I day of the same of the sa |    |                                  |            |
| 15             | INSTRUCTION NOT TO ANSWER  |    |                                  |            |
| 16             | (None)   |    |                                  |            |
| 17             | <u> </u>   |    |                                  |            |
| 18             |  |    |                                  |            |
| 19             | INFORMATION REQUESTED  |    |                                  |            |
|                | (None)   |    |                                  |            |
| 20             | (210410)   |    |                                  |            |
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