

1 BEST BEST & KRIEGER LLP

ERIC L. GARNER, Bar No. 130665

2 JEFFREY V. DUNN, Bar No. 131926

STEFANIE D. HEDLUND, Bar No. 239787

3 18101 VON KARMAN, SUITE 1000

IRVINE, CALIFORNIA 92612

4 TELEPHONE: (949) 263-2600

TELECOPIER: (949) 260-0972

5 Attorneys for Cross-Complainant

LOS ANGELES COUNTY WATERWORKS

6 DISTRICT NO. 40

7 OFFICE OF COUNTY COUNSEL

COUNTY OF LOS ANGELES

8 JOHN F. KRATTLI, Bar No. 82149

COUNTY COUNSEL

9 WARREN WELLEN, Bar No. 139152

PRINCIPAL DEPUTY COUNTY COUNSEL

10 500 WEST TEMPLE STREET

LOS ANGELES, CALIFORNIA 90012

11 TELEPHONE: (213) 974-8407

TELECOPIER: (213) 687-7337

12 Attorneys for Cross-Complainant LOS ANGELES

COUNTY WATERWORKS DISTRICT NO. 40

13 [See Next Page For Additional Counsel]

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA

15 COUNTY OF LOS ANGELES – CENTRAL DISTRICT

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
21 Angeles, Case No. BC 325201;

22 Los Angeles County Waterworks District
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
25 Lancaster, Diamond Farming Co. v. City of
Lancaster, Diamond Farming Co. v.
26 Palmdale Water Dist., Superior Court of
California, County of Riverside, Case Nos.
27 RIC 353 840, RIC 344 436, RIC 344 668

**EXEMPT FROM FILING FEES
UNDER GOVERNMENT CODE
SECTION 6103**

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 IV TRIAL
AND EXPERT DECLARATION; EXHIBIT
1**

RICHARDS WATSON & GERSHON

Steven Orr, Bar No. 136615
355 S. Grand Avenue, 40th Floor
Los Angeles, CA 90071-3101
(213) 626-8484 (213) 626-0078 fax
Attorneys for City of Palmdale

LEMIEUX & O'NEILL

Wayne Lemieux, Bar No. 43501
2393 Townsgate Road, Ste. 201
Westlake Village, CA 91361
(805) 495-4770 (805) 495-2787 fax
Attorneys for Littlerock Creek Irrigation District and
Palm Ranch Irrigation District

LAGERLOF SENECA GOSNEY & KRUSE

Thomas Bunn III, Bar No. 89502
301 North Lake Avenue, 10th Floor
Pasadena, CA 91101-4108
(626) 793-9400 (626) 793-5900 fax
Attorneys for Palmdale Water District

CHARLTON WEEKS LLP

Bradley T. Weeks, Bar No. 173745
1007 West Avenue M-14, Suite A
Palmdale, CA 93551
(661) 265-0969 (661) 265-1650 fax
Attorneys for Quartz Hill Water District

CALIFORNIA WATER SERVICE COMPANY

John Tootle, Bar No. 181822
2632 West 237th Street
Torrance, CA 90505
(310) 257-1488 (310) 325-4605 fax

MURPHY & EVERTZ

Doug Evertz, Bar No.
650 Town Center Drive, Suite 550
Costa Mesa, CA 92626
(714) 277-1702 (714) 277-1777 fax
Attorneys for City of Lancaster and Rosamond
Community Services District

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

Cross Complainants Littlerock Creek Irrigation District, Desert Lakes Community Services District, Palmdale Water District, City of Lancaster, Rosamond Community Services District, Quartz Hill Water District, Palm Ranch Irrigation District, North Edwards Water District, California Water Service Company, Los Angeles County Waterworks District No. 40, and the City of Palmdale, by and through their attorneys of record, hereby exchange, pursuant to Code of Civil Procedure Section 2034.260 the following: (1) a list containing the name and address of each person whose expert opinion testimony that the parties expect to offer at trial, whether orally or by deposition testimony; (2) an expert witness declaration for each such person pursuant to Code of Civil Procedure Sections 2034.2100, subdivision (b) and 2034.260, subdivision (c); and (3) the expert witness report previously posted to the Court's website on July 15, 2010. Additionally, the Public Water Suppliers reserve the right to use previously submitted expert testimony from trial phases I, II, and III.

I. List of Experts:

- A. Kenneth Utley
Luhdorff and Scalmanini
500 First Street
Woodland, California 95695
Telephone: (530) 661-0109
- B. Mark Wildermuth
Wildermuth Environmental, Inc.
23692 Birtcher Drive
Lake Forest, California 92630
Telephone: (949) 420-3030
- C. Robert Beeby
Beeby Engineering, Inc.
200 Longhorn Lane
Ojai, California 93023-4203
Telephone: (805) 646-8652

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D. Steve C. Cortner
Land Use Consulting
12890 Fremont Street
Yucaipa, California 92399
Telephone: (909) 790-2337

Dated: January 4, 2013

BEST BEST & KRIEGER LLP

By Eric L. Garner
ERIC L. GARNER
JEFFREY V. DUNN
STEFANIE D. HEDLUND
Attorneys for Cross-Complainant
LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40

1 I, Jeffrey V. Dunn, declare:

2 1. I am a State of California licensed attorney and a partner with Best Best & Krieger
3 LLP, attorneys of record for Los Angeles County Waterworks District No. 40. I have personal
4 knowledge of each fact herein.

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

12 3. All experts named have agreed to testify as expert witnesses at the Phase 4 trial.

13 4. Attached to this declaration as Exhibit "1" are the resumes of Mr. Kenneth Utley,
14 Mr. Mark Wildermuth, Mr. Robert Beeby and Mr. Cortner.

15 5. Mr. Utley is a Senior Geologist with Luhdorff and Scalmanini, Consulting
16 Engineers. Mr. Utley has thirty-seven years of experience in engineering geology including
17 definition of geologic and lithologic features in groundwater basins; and investigating and
18 defining the areal and vertical extent of an aquifer. Mr. Utley has also developed geologic and
19 lithologic descriptions from formation samples and geophysical logs for groundwater
20 development and groundwater contamination studies. Mr. Utley is a State of California
21 Registered Geologist and a Certified Engineering Geologist.

22 6. Mr. Utley will testify regarding the geology and the occurrence of groundwater in
23 the Antelope Valley Groundwater Basin, including his opinions regarding the nature of geologic
24 formations and aquifer materials, and the effects of geologic features on the occurrence and
25 movement of groundwater. He may be called to offer testimony to rebut testimony of other
26 experts.

27 7. Mr. Wildermuth is the founder and president of Wildermuth Environmental and
28 has over 33 years of experience in water resources engineering and planning, including surface

1 and groundwater hydrology and hydraulics, water resources planning, surface water and
2 groundwater hydrology and hydraulics, water resources planning, surface water and groundwater
3 computer simulation modeling, water rights and surface water and groundwater quality. Mr.
4 Wildermuth has extensive expertise in the development of water resource management plans for
5 groundwater basins and watersheds in Southern California, including the Chino Basin. Mr.
6 Wildermuth is a State of California registered professional civil engineer.

7 8. Mr. Wildermuth will testify as to the Basin's lag times and return flow hydrology.
8 He may be called to offer testimony to rebut testimony of other experts. Mr. Wildermuth will
9 also potentially provide rebuttal testimony concerning any water quality issues with return flows.

10 9. Mr. Beeby is currently the principal of Beeby Engineering, Inc., and has over 40
11 years of engineering experience in project planning and management of water resources for a
12 wide range of clients, including agricultural and urban water purveyors, power providers, federal,
13 state and local governmental agencies. He has served as principal-in-charge and directed
14 technical studies related to the adjudication of groundwater pumping rights of several
15 groundwater basins; served on Technical Expert Committees appointed to develop the factual
16 aspects of groundwater basins under court adjudication; directed studies leading to water
17 management programs/exchanges between agricultural and urban interests; developed regional
18 plans for management of surface and groundwater resources; directed studies relating to technical
19 and economic feasibility of agricultural water projects; and has managed the preliminary design
20 and construction phases of major water resource facilities.

21 10. Since 1980, Mr. Beeby has provided expert witness testimony in numerous
22 proceedings relating to land, water use, groundwater adjudications and water rights. He has
23 testified before a Special Master appointed by the Supreme Court, the California State Water
24 Resources Control Board, and court groundwater adjudications, such as the Santa Maria Valley
25 Groundwater Cases. Mr. Beeby is a registered civil engineer in California, Arizona, New
26 Mexico, South Dakota and Washington. Mr. Beeby is also a State of California registered
27 agricultural engineer.

28 11. Mr. Beeby will testify as to agricultural water user, agricultural crop water

1 requirements, applied water for irrigation and return flows from agricultural irrigation in the
2 Antelope Valley. Mr. Beeby will testify as to substantiation provided by other parties regarding
3 their agricultural water use, agricultural applied water, and reasonable and beneficial use of water.
4 Mr. Beeby may be called to offer testimony to rebut the testimony of other experts and percipient
5 witnesses. Mr. Beeby also may be called to offer testimony regarding the issue of current
6 groundwater production of all parties for the calendar years 2011 and 2012; and proof of claimed
7 reasonable and beneficial use of water for each parcel to be adjudicated. Mr. Beeby may be
8 called to offer testimony to rebut testimony of other experts.

9 12. Mr. Cortner has 39 years experience in the mining, asphalt and ready mix concrete
10 industry. Mr. Cortner has extensive experience in planning, design, development, and
11 construction oversight of aggregate and ready mix production facilities. Mr. Cortner has owned
12 and operated Steve Cortner, Land Use Consulting from 2005 to the present. He has provided
13 expert witness testimony regarding mining, mine and safety standards and other mining related
14 issues.


15 13. Mr. Cortner will offer testimony regarding the claimed amount of water used for
16 mining and similar operations in the Antelope Valley. He may also be called to offer testimony
17 to rebut the testimony of other experts and percipient witnesses.

18 14. Mr. Utley, Mr. Wildermuth, Mr. Beeby, and Mr. Cortner are or will be sufficiently
19 familiar with the pending court adjudication to submit a meaningful oral deposition concerning
20 their respective testimony, including their expert opinions and the basis for their opinions. Mr.
21 Utley is available for deposition between January 23 through the 31. Mr. Wildermuth is available
22 for deposition January 21, 22, 28 and 29. Mr. Beeby is available for deposition between January
23 23 through the 31. Mr. Cortner is available for deposition between January 23 and 31.

24 15. Mr. Utley's hourly fee for depositions and trial testimony is \$330.00 plus travel
25 time. Mr. Wildermuth's hourly fee for depositions and trial testimony is \$450.00 plus travel time.
26 Mr. Beeby's hourly fee for depositions and trial testimony is \$340.00 plus travel time. Mr.
27 Cortner's hourly fee for depositions and trial testimony is \$350.00 plus travel time.
28

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

3 Date: January 4, 2013.

4 
Jeffrey V. Dunn

PROOF OF SERVICE

I, Stefanie D. Hedlund, 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, 500 Capitol Mall, Suite 1700, Sacramento, California 95814. On January 4, 2013, I served the within document(s):

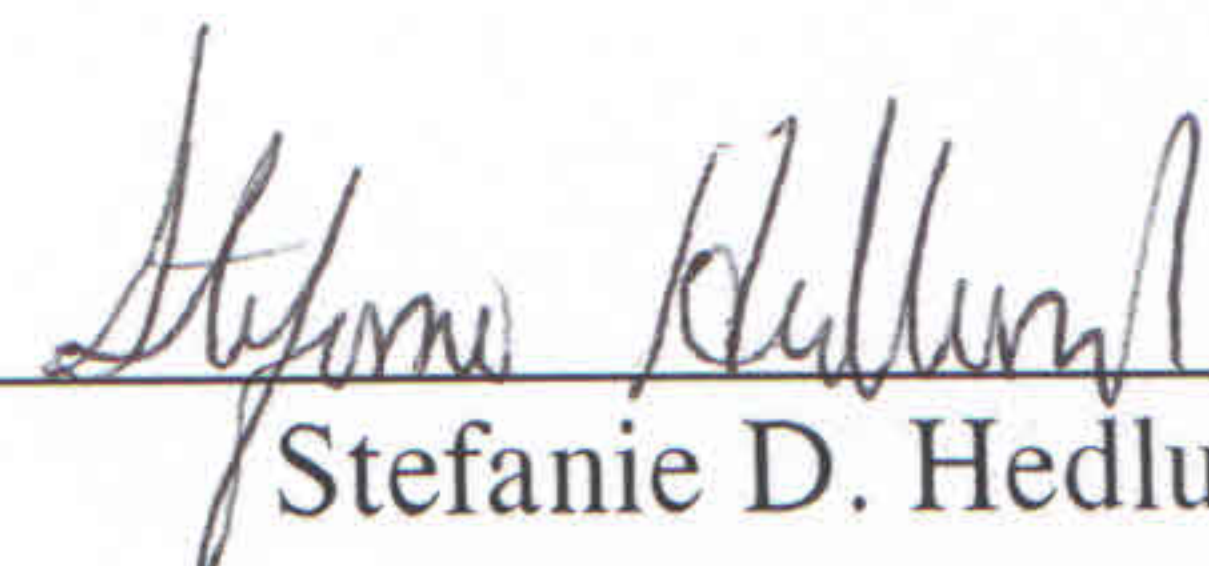
**PUBLIC WATER SUPPLIERS' EXPERT DESIGNATION FOR PHASE IV TRIAL
AND EXPERT DECLARATION; EXHIBIT 1**

- ☒ 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 Sacramento, 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 January 4, 2013, Truckee, California.


Stefanie D. Hedlund