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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

11 **ANTELOPE VALLEY**
12 **GROUNDWATER CASES**
13 **Included Consolidated Actions:**
14 Los Angeles County Waterworks District
15 No. 40 v. Diamond Farming Co., Superior
16 Court of California, County of Los Angeles
17 Case No. BC325201
18 Los Angeles County Waterworks District
19 No. 40 v. Diamond Farming Co., Superior
20 Court of California, County of Kern Case
21 No. S-1500-CV254348
22 Wm. Bolthouse Farms, Inc. v. City of
23 Lancaster; Diamond Farming Co. v. City of
24 Lancaster; Diamond Farming Co. v.
25 Palmdale Water Dist., Superior Court of
26 California, County of Riverside,
27 Consolidated Actions, Case Nos.
28 RIC353840, RIC344436, RIC344668.
Rebecca Lee Willis v. Los Angeles County
Waterworks District No. 40, Superior
Court of California, County of Los Angeles
Case No. BC364553
Richard A. Wood v. Los Angeles County
Waterworks, District No. 40, Superior
Court of California, County of Los
Angeles, Case No. BC391869

**Judicial Council Coordination Proceeding
No. 4408**

Santa Clara Case No. 1-05-CV-049053
Assigned to the Hon. Jack Komar

**SUPPLEMENTAL DECLARATION OF
EDWARD A. WOPSCHALL IN LIEU OF
DEPOSITION TESTIMONY FOR PHASE 4
TRIAL**

Counsel for the small pumper class has requested that Edward A. Wopschall (Declarant for Wagas Land Company) supplement his declaration so that the *"description of the water use be further clarified, such that it is indicated that the property and water are also used for*

1 *sporting purposes.*” He has also requested that further detail be supplied concerning
2 domestic water use at the property. Accordingly, Edward A. Wopschall hereby supplements
3 paragraph 36 of his previous declaration dated January 26, 2013, which was filed herein January
4 29, 2013, to read as follows:

5 “36. The amount of water used on the parcels on an annual basis is set out in Exhibit I hereto.
6 We keep track of the water used by well. We do not keep track of the water applied by APN
7 numbers. The water is used to create wildlife habitat and a very small amount is used for
8 domestic purposes. We provide wildlife habitat for two reasons. (a) First we provide wildlife
9 habitat because we believe it contributes to the reproductive well being of both migratory and
10 non-migratory wildlife. Both migratory and non-migratory wildlife need food, water and cover—
11 all of which are in short supply in the Antelope Valley today. We believe this is particularly true
12 of migratory waterfowl, the majority of which nest and breed on the Canadian prairie. They
13 require food and rest as they migrate, both coming south in the fall and returning north in the
14 spring. If they don’t have sufficient food and rest along the way, they arrive home on the
15 Canadian prairies in poor condition which results in a low rate of reproduction. The Antelope
16 Valley also has a resident population of waterfowl. Resident waterfowl also require food, water,
17 cover and safe nesting areas. (b) Second we provide wildlife habitat so that Wagas members and
18 their guests can make recreational use of the property. Those recreational uses include, but are
19 not necessarily limited to, hunting (about one day per week during the hunting season), hiking,
20 bird watching, dog training, clay pigeon shooting, teaching children and grandchildren about the
21 outdoors and enjoying social events such as barbecues. Our use of water for domestic purposes
22 consists of the domestic needs of the caretaker and his wife as well as the domestic needs of the
23 members of Wagas Land Company LLC and their guests. That means that there were nearly
24 always two people on the property using water for domestic purposes and from time to time there
25 will be as many as 20 to 25 people on the property using water for domestic purposes. In addition
26 our domestic use includes watering landscaping in the area surrounding our cabins. I have been
27 affiliated with Wagas Land Company for approximately the last 38 years. I know of my own
28

1 the property for that entire period of time. I also believe that it accurately reflects what has been
2 occurring at the property since Wagas Land Company was formed in 1925".

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

5 Executed this 18th day of February 2013, at IRVINGDALE, California.

6 
7 Edward A. Wopschall

1 **PROOF OF SERVICE**

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3 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

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5 I am over the age of eighteen and not a party to the within action. I am employed by
6 Hanna and Morton LLP in the County of Los Angeles, State of California. My business address is
444 South Flower Street, Suite 1500, Los Angeles, CA 90071-2916.

7 On February 19, 2013, I served the following document(s) in the *Antelope Valley Groundwater*
8 *Adjudication* cases, JCCP No. 4408, described as: **SUPPLEMENT TO DECLARATION OF**
EDWARD A. WOPSCHALL IN LIEU OF DEPOSITION TESTIMONY FOR PHASE 4
TRIAL

9 on the interested parties in this action, by posting the document(s) listed above to the Santa Clara
10 County Superior Court e-filing website (<http://www.sceffiling.org>) under the Antelope Valley
Groundwater matter pursuant to the Court's Order dated October 27, 2005.

11 Executed on February 19, 2013, at Los Angeles, California.

12 **(STATE)** I declare under penalty of perjury under the laws of the State of California
13 that the above is true and correct.

14
15 
16 Sylvia Cantos