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*Exempt from filing fee pursuant to  
Gov't. Code Section 6103*

11 Attorneys for Cross-Complainant,  
12 ANTELOPE VALLEY-EAST KERN WATER AGENCY

13  
14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
15 **FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**  
16

17 Coordination Proceeding  
18 Special Title (Rule 1550(b))

Judicial Council Coordination Proceeding  
No. 4408

19 **ANTELOPE VALLEY**  
20 **GROUNDWATER CASES**

**Santa Clara Case No.**  
**1-05-CV-049053**  
The Honorable Jack Komar, Dept.17

21 **Included Actions:**

22 Los Angeles County Waterworks District  
23 No. 40 vs. Diamond Farming Company, a  
24 corporation, Superior Court of California,  
25 County of Los Angeles, Case No.  
26 BC325201;

27 Los Angeles County Waterworks District  
28 No. 40 vs. Diamond Farming Company, a  
corporation., Superior Court of California,  
County of Kern, Case No. S-1500-CV-254-  
348;

Wm. Bolthouse Farms, Inc. vs. City of  
Lancaster, Diamond Farming Company, a  
corporation, vs. City of Lancaster, Diamond  
Farming Company, a corporation vs.  
Palmdale Water District, Superior Court of  
California, County of Riverside, Case Nos.  
RIC 353840, RIC 344436, RIC 344668.

**ANTELOPE VALLEY-EAST KERN**  
**WATER AGENCY'S SUPPLEMENTAL**  
**DESIGNATION OF EXPERT**  
**WITNESSES**  
**(Pursuant to C.C.P. § 2034)**

Trial Date: February 11, 2013  
Time: 9:00 a.m.  
Location: TBD

1           **TO: ALL PARTIES HEREIN AND TO THEIR RESPECTIVE ATTORNEYS OF**  
2 **RECORD:**

3           Defendant and cross-complainant, the Antelope Valley-East Kern Water Agency  
4 supplements its prior expert witness designation for the Phase 4 trial to include the following  
5 additional witnesses:

6 **Retained Experts:**

7       3.     Bradley E. Newton, Ph.D., P.G., Wagner & Bonsignore, 2151 River Plaza Drive, Suite  
8 100, Sacramento, California 95833; telephone (916) 441-6850.

9 **Non-retained Experts:**

10 **4.**     Dwayne Chisam, Assistant General Manager, Antelope Valley-East Kern Water Agency,  
11 6500 West Avenue "N," Palmdale, California 93551, (661) 943-3201.

12           AVEK reserves the right to augment or amend his initial designation pursuant to CCP  
13 §2034.610 et seq.

14 Dated: January 11, 2013

**BRUNICK, McELHANEY & KENNEDY PLC**

By: \_\_\_\_\_

William J. Brunick

Leland P. McElhaney

Attorneys for the ANTELOPE VALLEY-EAST  
KERN WATER AGENCY

1                   **DECLARATION OF LELAND McELHANEY RE: RETAINED EXPERT**

2                   Leland P. McElhaney declares and states:

3       1.       I am an attorney duly licensed to practice in all of the courts of the State of California,  
4       and a principal in the law firm of Brunick, McElhaney & Kennedy, counsel of record for  
5       defendant and cross-complainant, the Antelope Valley-East Kern Water Agency, in this action.  
6       I have personal knowledge of all of the matters set forth herein and, if called as a witness, I  
7       could and would testify competently thereto.

8       2.       As to Bradley E. Newton, Ph.D, P.G., I declare that he is a registered professional  
9       geologist with special expertise in watershed hydrology, who will provide testimony regarding  
10      beneficial uses made of AVEK imported water and its augmentation of the Basin as return flow.  
11      Dr. Newton also will render opinions concerning the work of other experts. Dr. Newton has  
12      agreed to testify at trial and will be sufficiently familiar with this action to submit to a  
13      meaningful oral deposition concerning his specific testimony, opinions and the bases thereof,  
14      after the work of other experts engaged by the public water purveyors is completed. A copy of  
15      his Curriculum Vitae setting forth his qualifications is attached hereto. At this time, this witness  
16      has not prepared any written, discoverable reports or writings covered by C.C.P. § 2034.270.  
17      Should this witness prepare any written report relating to the opinions to be given, this party will  
18      file a supplement to this designation and provide a copy of any relevant reports.

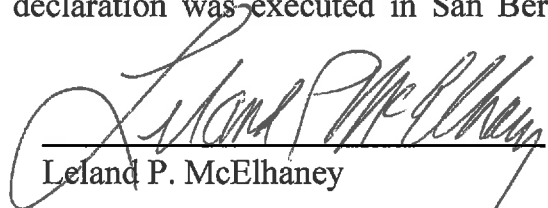
19      3.       Dr. Newton's fee for providing deposition or trial testimony is \$285.00 per hour, eight  
20      hour minimum; he is available for deposition on January 28-31, 2013.

21      4.       As to Dwayne Chisam, I declare that he is the assistant general manager of AVEK, who  
22      will provide information and opinions as to AVEK's intent to recapture spread water. also will  
23      render opinions concerning the work of other experts. Mr. Chisam has agreed to testify at trial  
24      and will be sufficiently familiar with this action to submit to a meaningful oral deposition  
25      concerning his specific testimony, opinions and the bases thereof, after the work of other experts  
26      engaged by the public water purveyors is completed. Mr. Chisam will be available for deposition  
27      on January 28 or 29, 2013. At this time, this witness has not prepared any written, discoverable  
28      reports or writings covered by C.C.P. § 2034.270. Should this witness prepare any written report

1 relating to the opinions to be given, this party will file a supplement to this designation and  
2 provide a copy of any relevant reports.

3 5. Dr. Newton and Mr. Chisam may also be called to offer testimony to rebut the testimony  
4 of other experts and witnesses.

5 I declare under penalty of perjury under the laws of the State of California that the  
6 foregoing is true and correct, and that this declaration was executed in San Bernardino,  
7 California, on January 11, 2013

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9 Leland P. McElhaney  
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**PROFESSIONAL RESUME OF  
BRADLEY E. NEWTON, Ph.D., P.G.**

# Wagner & Bonsignore

Consulting Civil Engineers, A Corporation

Nicholas F. Bonsignore, P.E.  
Robert C. Wagner, P.E.  
Paula J. Whealen  
Henry S. Matsunaga

James C. Hanson  
Consulting Civil Engineer  
A Corporation

Brad E. Newton, Ph.D., P.G.  
David Houston, P.E.  
David P. Lounsbury, P.E.  
Vincent Maples, P.E.  
Emily MacDonald  
Ryan E. Stolfus

## **BRADLEY E. NEWTON, Ph.D., P.G. PROFESSIONAL RESUME**

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### **REGISTRATION:**

Professional Geologist (California) # 8181

### **BIOGRAPHY:**

Dr. Newton obtained his Ph.D. in Surface Water Hydrology, is the Principal Scientist with Wagner & Bonsignore, and a licensed Professional Geologist (8181) with 22 years experience in environmental consulting. Dr. Newton has demonstrated expertise in vadose zone hydrology, watershed hydrology, and hydrologic monitoring design and implementation. His expertise includes in-depth understanding of runoff generating processes, seepage through the subsurface, groundwater recharge, surface water routing, design and application of numerical models, geomorphologic and geologic mapping, vadose zone and aquifer monitoring design and implementation. Dr. Newton has testified to his opinion under oath during hearing and trial proceedings.

Dr. Newton assists clients in administration of Judgments and currently serves as Secretary and technical expert for the Nipomo Mesa Management Area connected with the Santa Maria Groundwater Basin Judgment. He has assisted the Mojave Water Agency (appointed as Watermaster) in developing technical methodologies to improve the hydrologic understanding in the Mojave River Basin. And, he assists East Valley Water District and Riverside Highland Water Company in Western-San Bernardino Watermaster Collaborative Advisory Process.

Dr. Newton assists clients in programmatic development, and has successfully managed many projects including; the conceptual development and implementation of a groundwater recharge facility and nature park, the development and implementation of hydrologic and water quality monitoring program, conducting corrective action for National Pollutant Discharge Elimination System (NPDES) surface discharge permit, preparing and implementing soil characterization work plan for 13-acre confidential aggregate mining site, supporting regulatory compliance and geotechnical instability risk management efforts, and providing advice on regulatory and operational issues, preparing and submitting annual reports to state and local regulatory agencies, as well as local community groups.

Dr. Newton is an experienced technical advisor for efforts related to water resource management and planning, hydrogeological assessments and investigations, resolution of

water quality problems, and compliance with water quality and environmental standards. Dr. Newton is a skilled facilitator, able to foster communication among diverse groups and stakeholders. He has strong organizational and analytical skills and a recognized ability to decipher and resolve problematic situations, including developing efficient, cost-effective solutions for projects competing with limited resources.

## **RECENT EXPERIENCE INCLUDES THE FOLLOWING:**

### **Adjudicated Groundwater Basin**

- ◆ ***Santa Maria Groundwater Basin – Nipomo Mesa Management Area:*** Participates as a voting member in a technical expert group and secretary to the Nipomo Mesa Management Area Technical Group pursuant to the Santa Maria Groundwater Basin Adjudication. Participated and authored Monitoring Program approved by the Court. Participated and authored all the Annual Reports to the Court beginning with the 1<sup>st</sup> Annual Report – Calendar Year 2008 to present.
- ◆ ***Santa Maria Groundwater Basin Adjudication, Santa Maria County, California:*** Technical support to expert witness evaluating long-term sustainable yield of groundwater basin, interactions of surface water and groundwater, and estimating unimpaired flow of regional-scale rivers.
- ◆ ***Western-San Bernardino Watermaster Collaborative Advisory Process:*** Technical advisor to East Valley Water District and Riverside Highlands Water Company evaluating technical merits of, and water right implications from, quantifications of water from Seven Oak Dam re-operations and changes in safe yield.
- ◆ ***Mojave Basin Area Watermaster:*** Technical advisor to Mojave Basin Area Watermaster developing methodologies supporting quantification of minimal producers pumping, evapotranspirative losses, and groundwater recharge in mountain front / mountain block hydrologic regimes, and has provided his opinion to the Watermaster Board of Directors in reports and oral presentations. Project designer and manager of team of consultants to identify and classify land use categories by inspection of aerial photography, compute the actual evapotranspiration from each land use category, estimate the annual production for each parcel determined to be subject to water use, and design custom ARC Tools to augment databases.

### **Water Rights**

- ◆ ***Water Rights Support, Santa Barbara County:*** Technical advisor regarding hydrologic conditions and steelhead recovery efforts in the Santa Maria River.
- ◆ ***Water Rights Support, Mendocino County:*** Technical advisor regarding hydrologic conditions and steelhead recovery efforts in the Russian River.
- ◆ ***Water Rights Support, Mendocino County:*** Technical advisor regarding sources of water for the privately held ranch.
- ◆ ***Water Rights Support, Monterey County:*** Technical advisor regarding sources of water for the sale of large privately held ranch.

- ◆ ***Water Rights Support, Los Angeles County:*** Technical advisor and Program Manager for the City of Palmdale, Ca, supporting the City in their application to the State Water Resources Control Board to appropriate water from surface water source.

#### **Litigation Support**

- ◆ ***Richards Watson & Gershon, City of Upland, California:*** Designated expert witness regarding hydrology, storm water volume and timing.
- ◆ ***Jackson, DeMarco, Tidus, and Peckenpaugh, Private Party in San Luis Obispo County, California:*** Technical advisor supporting litigation relating to water supply.
- ◆ ***Richards Watson & Gershon, City of Corona, California:*** Project manager and technical lead to team of consultants to prepare hydrologic inventory supporting ground water right litigation.
- ◆ ***Jackson, DeMarco, Tidus, and Peckenpaugh, Private Party in Ventura County, California:*** Presented testimony as expert witness and technical advisor supporting litigation relating to levee failure and damage to real property.
- ◆ ***Richards Watson & Gershon, City of Rancho Cucamonga, California:*** Technical advisor supporting litigation relating to subterranean storm drain failure and damage to real property.
- ◆ ***Benton, Orr, Duval and Buckingham, Ventura County, California:*** Provided detailed spatial-temporal groundwater and contaminant characterization for litigation support. Effort resulted in favorable outcome for client.
- ◆ ***Jones Day Reavis Pogue, Private Party in Los Angeles County, California:*** Performed data analysis and organization for litigation to address groundwater and soil contamination by multiple constituents (PCBs, DNAPL, LNAPL, mercury, battery production byproducts, etc.). Source of contamination was multiple manufacturing processes operated by multiple entities.

#### **Water Resources Engineering and Development**

- ◆ ***Programmatic Development of Groundwater Recharge and Nature Park, Los Angeles County:*** Program Manager for the City of Palmdale, Ca, envisioned the conceptual model for a groundwater recharge and nature park project on the Amargosa Creek, creator of conceptual design, manager of the EIR for project, manages all technical analyses relating to water for the project to utilize undelivered State Water Project water and improve the long-term water supply of the region.
- ◆ ***Integrated Regional Groundwater Management Plan, San Bernardino County, California:*** Manages team of consultants supporting regional water-use management efforts and prepare final Integrate Regional Groundwater Management Plan (IRGMP), by initiating and preparing for a number of working sessions to bring about a common understanding of the regional issues, objectives, and water management strategies, and to formulate a framework for the IRGMP, which include: the development of future water demands based on project growth in populations, changes in landuse, changes in water consumption patterns resulting from economic development, and demand management activities such as the implementation of



Urban Water Management Plans; develop integrated water management strategies for the region; develop IRGMP implementation component; determine impacts and benefits of IRGMP; and prepare and review draft IRGMP for final IRGMP.

- ◆ ***Regional Water Quality Control Board Compliance Document, San Bernardino County, California:*** Project Manager and author of compliance document to the RWQCB to demonstrate no negative impact of recharge water to the Prado Basin Management Zone.
- ◆ ***Hydrologic Monitoring and Water Quality Compliance, Private Coastal Residence, California:*** Managed project to remedy National Pollutant Discharge Elimination System (NPDES) surface discharge permit in violation of conducting water quality sampling and reporting. Prepared hydrogeologic history of site and successfully argued that condition of groundwater issuing to surface water was de minimis, and prepared and submitted annual and quarter-annual reports to state agency.
- ◆ ***Permitting, Compliance, and Hydrologic Monitoring, Pepperdine University, Malibu, California:*** Manages team of consultants supporting regulatory compliance and geotechnical instability risk management efforts, including development and implementation of hydraulic monitoring plan, evaluation of geotechnical, water quality and other information, and advice on regulatory and operational issues, prepares and submits annual reports to state and local regulatory agencies, as well as local community groups. Conducts monthly monitoring of perched and regional groundwater to track temporal and spatial changes to groundwater regimes and to assess how water use impacts historic flow regimes or exacerbates existing geotechnical instability. Developed water balance model to track irrigation, evapotranspiration, surface runoff, soil storage, and deep percolation. Provides cost-saving and compliance-advancing strategies and implementation projections to client, and develops long-term strategic planning as it pertains to changes in the legislative environment.
- ◆ ***Groundwater Characterization, Effluent Disposal Site, Basic Management Incorporated, Henderson Nevada:*** Participated on team that prepared and implemented hydrogeologic characterization work plan for 2,332-acre confidential chemical disposal site in Clark County, Nevada. Site consists primarily of former wastewater effluent ponds (now dry) and system of conveyance ditches used to transport industrial discharge into ponds. Primary constituent discharged was perchlorate. Scope of work included extensive intrusive field investigation, using multiple drilling techniques, to collect chemical and physical data, laboratory analysis of chemical and physical samples, entry and management of data in project geographic information system (GIS)/relational database, evaluation of data to support description of conceptual site model, and reporting of findings and recommendations.
- ◆ ***Burn Dump Site Characterization, Ventura, California:*** Project manager on a focused site investigation of multi-use burn dump targeted for clean closure. Purpose of project is to document historic site usage, characterize material deposited, and estimate current volume of disposed material.
- ◆ ***Petroleum Hydrocarbon Site Investigation, Santa Ynez, California:*** Lead team to complete due diligence project for private landowner transactional support. Designed, executed, and reported investigation of previously buried fuel storage tank (UFT) that was suspected to have leaked petroleum fuel product into native soils.

- ◆ ***Watershed Management Plan, Southwest New Mexico Water Planning Region, Deming, New Mexico:*** Participated in preparing draft watershed management plan for Gila River, New Mexico.
- ◆ ***Large Scale Biosphere-Atmosphere Experiment in Amazonia (LBA):*** Designed and created mechanistic hydrologic hillslope model to address interaction of land use change and topography on hydrological functioning of Amazonia. Collected field observations and laboratory measurements. Analyzed empirical data.
- ◆ ***Hydrology of Amazon Basin, South America, University of California at Santa Barbara:*** Performed research activities focusing on water balances and routing hydrology of Amazon basin at three spatial scales: hillslopes, mesoscale (~10,000 km<sup>2</sup>), and continental (~6,000,000 km<sup>2</sup>).
- ◆ ***Bedrock Groundwater Recharge, Cold Spring Canyon, Santa Barbra County, California, University of California at Santa Barbara:*** Designed, managed, and implemented study of safe yield from coastal bedrock aquifer. Authored paper entitled *Safe Yield of a Bedrock Aquifer in the Santa Ynez Mountains*.
- ◆ ***Reclaimed Water Irrigation, Facilities Management Department, University of California, Santa Barbara:*** Designed, proposed, and implemented research resulting in guidance document for daily practice of irrigation with reclaimed water from sewage treatment plant. Reported findings and recommendations.
- ◆ ***Geothermal Exploration, Western United States:*** Field geologist for exploration of geothermal systems capable of producing commercial electricity, which included monitoring drilling operations, analyzing cuttings, describing lithology and producing lithologic well logs, monitoring temperature and gas (particularly H<sub>2</sub>S and CO<sub>2</sub>), and performed reservoir tests.

#### **EDUCATION:**

Ph.D., Hydrology, University of California at Santa Barbara, 2004

M.A., Geography, University of California at Santa Barbara, 1997

B.A., Geologic Sciences, University of California at Santa Barbara, 1991

#### **CONTINUING EDUCATION:**

Groundwater Management in California, 2005

OSHA 40-hour Health and Safety Training, 2005

RiverWare training course (CADSWES), 2004

Confined Space Entry Training and Lockout/Tagout, OSHA CFR 29, 1910.146 and 147, 2002

Radiation Safety and Nuclear Gauges, CPN Company, 1994

NLP Certified Practitioner, 1991

1 PROOF OF SERVICE

2 **STATE OF CALIFORNIA** }  
3 **COUNTY OF SAN BERNARDINO** }

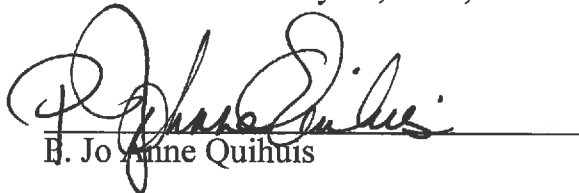
4 I am employed in the County of the San Bernardino, State of California. I am over  
5 the age of 18 and not a party to the within action; my business address is 1839 Commercenter  
West, San Bernardino, California 92408-3303.

6 On January 11, 2013, I served the foregoing document(s) described as: **ANTELOPE**  
7 **VALLEY-EAST KERN WATER AGENCY'S SUPPLEMENTAL DESIGNATION OF**  
8 **EXPERT WITNESSES** on the interested parties in this action served in the following  
manner:

9 ■ **BY ELECTRONIC SERVICE AS FOLLOWS** by posting the document(s)  
10 listed above to the Santa Clara website in the action of the *Antelope Valley Groundwater*  
*Litigation*, Judicial Council Coordination Proceeding No. 4408, Santa Clara Case No.  
1-05-CV-049053.

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

13 Executed on January 11, 2013, at San Bernardino, California.

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16 E. Jo Anne Quihuis  
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