

1 John P. Kinsey #215916
2 Giulio A. Sanchez #317329
3 **WANGER JONES HELSLEY PC**
4 265 East River Park Circle, Suite 310
5 Fresno, California 93720
6 Telephone: (559) 233-4800
7 Facsimile: (559) 233-9330
8 Email: jkinsey@wjhattorneys.com
9 gsanchez@wjhattorneys.com

10 Attorneys for: Petitioners/Plaintiffs MARIEKE FURNEE, GIDEON BEINSTOCK; JEANETTE
11 CAVALIERE; DONNA CORSON; ISRAEL PERLA; and CHARLES SHARP

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

13 **COUNTY OF YUBA**

14 MARIEKE FURNEE, GIDEON BEINSTOCK;
15 JEANETTE CAVALIERE; DONNA CORSON;
16 ISRAEL PERLA; and CHARLES SHARP

17 Petitioner/Plaintiff,

18 v.

19 THE NORTH YUBA WATER DISTRICT, and
20 DOES 1 through 100, inclusive,

21 Respondents/Defendants.

22 _____
23 YOUNG LIFE, INC. a/k/a YOUNG LIFE
24 CAMPAIGN, INC., a Texas Corporation,

25 Real Party in Interest.

Case No.

**DECLARATION OF GIDEON
BEINSTOCK**

Date: May 5, 2021

Time: 8:30 a.m.

Dept: 4

Judge: Honorable Stephen W. Berrier

1 I, Gideon Bienstock, hereby declare as follows:

2 1. I am over eighteen (18) years of age, and own and operate a vineyard and winery in
3 Oregon House, CA. I have personal knowledge of the facts set forth herein, and, if called as a
4 witness, I could and would competently testify thereto.

5 2. I farm a vineyard on property supplied by North Yuba Water District's ("NYWD")
6 agricultural water.

7 3. The vineyard consists of three (3) acres of grapes on my own property and three (3)
8 acres of grapes on Israel Perla's property, and it typically produces 700–1,000 cases of wine per year.

9 4. NYWD's unreliable water delivery has caused my business to sustain serious, long-
10 term losses. This was when NYWD merely delivered unreliable and inconsistent supply. Now, with
11 no supply, the damages are likely to be much more serious.

12 5. Jeff Maupin, of NYWD, has been aware of the unreliability of their supply for some
13 time. In approximately 2013 or 2014, Maupin visited our community and arranged for a watering
14 schedule to alleviate some of the supply issues. During the time that the schedule was implemented,
15 supply was much more reliable. Without warning, the schedule was abandoned, and I was given no
16 explanation.

17 6. NYWD's practice of shutting off water with little or no notice to users resulted in the
18 death of approximately 80% of a three (3) acre plot in my vineyard in 2012, due to the difficulty of
19 securing a sufficient alternative supply in a short timeframe.

20 7. After the death of most of the newly planted vines in 2012, I connected my irrigation
21 system to one of the wells on my property at a cost of approximately \$800–1,000.

22 8. I was unable to re-plant the entire three (3) acre plot in a single season, and, as such,
23 only completed the planting this year. A typical vine will take approximately five (5) years to produce
24 at its maximum rate, and NYWD's unreliable water supply and failure to provide adequate notice to
25 irrigators of supply issues has delayed that date for a considerable portion of my vineyard.

26 9. This delay in maximum production has led to being forced to buy grapes, costing from
27 \$7,000–16,000 per year.
28

10. My property is on a privately owned pipeline that conveys NYWD's water from the ditch to several properties. The failure to properly maintain the irrigation ditch and to provide a consistent supply of water will likely continue to age the supply pipe, and could result in premature failure.

11. Moreover, several area wells have failed in recent times. One of my own wells has showed signs of stress, and there has been a drop in the production of at least one of the wells, which will be further stressed due to the complete lack of irrigation water this season.

12. If my well fails, I will suffer incalculable losses, which I am currently not prepared to sustain, and from which I may be unable to recover.

13. Even if my well does not fail, its capacity is such that we will only be able to provide the bare minimum required to sustain our vineyard. Without ample water, the younger vines will be slower to grow and much more susceptible to diseases, and all of our vines will be much less capable of resisting the diseases.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed in Fresno, California on April 26, 2021.



Gideon Bienstock