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7 Service Rock Products Corporation, as successor-
8 in-interest to Owl Properties, Inc., and Sheep
9 Creek Water Company, Inc.

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **IN AND FOR THE COUNTY OF LOS ANGELES**

11 Coordination Proceeding
12 Special Title (Rule 1550(b))

) Judicial Council Coordination
) Proceeding No. 4408

13 **ANTELOPE VALLEY GROUNDWATER**
14 **CASES**

) Santa Clara Case No. 1-05-CV-049053
) Assigned to the Honorable Jack Komar
) Department 17

14 Including Actions:

15 Los Angeles County Waterworks District No.
16 40 v. Diamond Farming Co.
17 Superior Court of California, County of Los
18 Angeles, Case No. BC 325 201

) **DECLARATION OF MICHAEL D.**
) **DAVIS IN SUPPORT OF EX PARTE**
) **APPLICATION BY SERVICE ROCK**
) **PRODUCTS CORPORATION AND**
) **SHEEP CREEK WATER COMPANY,**
) **INC. FOR AN EXTENSION OF TIME**
) **TO DESIGNATE AND TO SUBMIT**
) **EXPERT DESIGNATIONS**

18 Los Angeles County Waterworks District No.
19 40 v. Diamond Farming Co.
20 Superior Court of California, County of Kern,
21 Case No. S-1500-CV-254-348

) [TELEPHONIC APPEARANCE]

20 Wm. Bolthouse Farms, Inc. v. City of
21 Lancaster
22 Diamond Farming Co. v. City of Lancaster
23 Diamond Farming Co. v. Palmdale Water Dist.
24 Superior Court of California, County of
25 Riverside, consolidated actions, Case Nos. RIC
26 353 840, RIC 344 436, RIC 344 668

) DATE: June 25, 2008
) TIME: 8:15 a.m.
) DEPT.: 17

24 AND RELATED ACTIONS.

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I, Michael D. Davis, declare:

1. I am an attorney licensed to practice law before the courts of the State of California and am a shareholder with the firm of Gresham, Savage, Nolan & Tilden, APC, counsel of record for Cross-Defendants Service Rock Products Corporation, as successor-in-interest to Owl Properties, Inc., ("Service Rock") and Sheep Creek Water Company, Inc. ("Sheep Creek") in the above-entitled action. As such, I have personal knowledge of the following and, if called as a witness, could and would testify competently to the following.

2. Service Rock and Sheep Creek are landowners within the jurisdictional boundaries of the basin as determined by this Court in Phase One. Thus far, despite diligent efforts, I have been unsuccessful in identifying and engaging an expert(s) to testify on the geological and hydrological conditions, and in particular surface water flows and groundwater migration, at the locations of their respective properties. Additional time is needed to continue the search inside and outside of California or, if necessary and agreed to by the parties involved, to designate the same expert witness or witnesses ultimately retained by other landowners in the case.

3. Service Rock and Sheep Creek are situated differently in this litigation from most of the other non-public agency parties. Sheep Creek's properties are located on the southeastern jurisdictional boundary on the Adjudication area, bounding the Los Angeles / San Bernardino County line, where no other known interested party defendants are located. Service Rock also has properties in the far southeastern corner of the Adjudication area, and in the Littlerock Creek area.

4. Unlike any other party, to some extent, production from Sheep Creek's properties bounding the Los Angeles / San Bernardino County line for service to its mutual customers in the community of Phelan in San Bernardino County emanates from an earlier decision of the Division of Water Rights and the judgment in an earlier action between the County of Los Angeles and Sheep Creek. Likewise, well levels in the Service Rock wells serving the Littlerock Creek properties fluctuate seasonally, rather than indicating a declining groundwater table.

1 5. The fact that Service Rock and Sheep Creek have issues which are unique means
2 that to protect their interests, they must retain an expert or experts to address very specifically the
3 hydrologic and geologic conditions in the areas where their properties are located. If Service
4 Rock and Sheep Creek do not raise these issues via their own expert reports, there is no
5 expectation that any other landowners' experts will raise or address the necessary issues.

6 6. As counsel for Service Rock and Sheep Creek, I have been trying for
7 approximately two (2) months to locate experts to retain for their own analysis and reports.
8 Numerous experts have been contacted directly and through other landowners' counsel.
9 Unfortunately, many of the experts contacted have conflicts because they have already consulted
10 with or have been retained by other parties, most notably the public water purveyors; and others
11 did not appear to have the requisite qualifications to testify on the specific issues required by
12 Service Rock and Sheep Creek.

13 7. Because of the unique characteristics of the Antelope Valley Basin, I initially
14 sought experts with existing experience dealing with Southern California hydrogeology issues.
15 As it became apparent that those experts had already consulted with or been retained by other
16 parties, raising conflicts that prevent those experts from working for Service Rock or Sheep
17 Creek (or other landowners) on this matter, I have been forced to look elsewhere for experts.

18 8. The search for an expert for Service Rock and Sheep Creek, in conjunction with
19 other landowners' counsel also searching for experts, was conducted throughout all of California,
20 yet counsel was still was unable to locate a qualified expert who did not have a conflict. The
21 search for an expert has now been expanded to other states, but thus far a qualified expert willing
22 to take the case has still not been located.

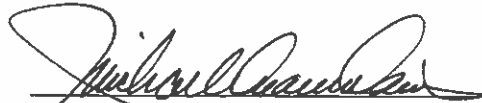
23 9. I currently believe that Service Rock and Sheep Creek should be able to complete
24 their search for an expert or experts within the next sixty (60) days.

25 10. On June 24, 2008, prior to 10:00 a.m., the NOTICE OF EX PARTE
26 APPLICATION AND APPLICATION BY SERVICE ROCK PRODUCTS CORPORATION
27 AND SHEEP CREEK WATER COMPANY, INC. FOR AN EXTENSION OF TIME TO
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1 DESIGNATE AND TO SUBMIT EXPERT DESIGNATIONS was posted to the Court's website
2 for this matter, thereby informing all parties to this matter and their counsel that the Application
3 had been scheduled for hearing before this Court on June 25, 2008 at 8:15 a.m. in Department
4 17. The Notice informed all parties that Service Rock and Sheep Creek are seeking an extension
5 of time to file their expert witness designations for sixty (60) days.

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

8 Executed on June 24, 2008, at Riverside, California.

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11 MICHAEL DUANE DAVIS
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