

1	Los Angeles County Waterworks District No. 40 v. Diamond Farming Co.)	PROVE-UP
2	Superior Court of California, County of Kern,)	Trial Date: September 28, 2015
3	Case No. S-1500-CV-254-348)	Time: 10:00 A.M.
4	Wm. Bolthouse Farms, Inc. v. City of Lancaster)	Dept.: Dept. 1, Los Angeles
5	Diamond Farming Co. v. City of Lancaster)	Judge: Hon. Jack Komar
6	Diamond Farming Co. v. Palmdale Water Dist.)	
7	Superior Court of California, County of)	
8	Riverside, consolidated actions, Case Nos.)	
9	RIC 353 840, RIC 344 436, RIC 344 668)	
10	AND RELATED ACTIONS.)	

11 1. This declaration is made in support of the [Proposed] Judgment and Physical
12 Solution filed with the court on March 4, 2015 on behalf of Cross-Defendant **ADAMS**
13 **BENNETT INVESTMENTS, LLC** (“Declarant”).

14 2. The signatory to this Declaration has personal knowledge of each fact herein and
15 would testify competently thereto under oath. The signatory to this Declaration is Declarant’s
16 Authorized Agent.

17 3. Declarant is an active California limited liability company, with an entity address
18 of 200 South Main Street, Suite 300, Corona, CA 92882. It was formed on October 22, 2010.
19 **[From Declarant’s Responses to December 12, 2012 Discovery Order for Phase 4 Trial,**
20 **Response I.1.b.]**

21 4. At the time of the Phase 4 Trial, Declarant was and still is the record owner of
22 certain parcels of real property that overlie the Antelope Valley Area of Adjudication. The real
23 property is located in Los Angeles County and is identified by the following Assessor’s Parcel
24 Numbers: 3024-015-044, 3024-015-009, 3027-013-009, 3027-013-011, 3027-013-017, 3027-
25 013-051, 3042-021-002, 3042-021-003, 3042-021-006, 3042-021-008, 3042-021-009, 3042-021-
26 020, 3042-021-023, 3042-021-024, 3042-021-026, 3042-021-027, 3042-023-001, 3042-023-008,
27 3042-023-009, 3042-023-011 and 3042-023-012. (“Phase 4 Property”). **[From Declarant’s**
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1 **Responses to December 12, 2012 Discovery Order for Phase 4 Trial, Responses I.1.a. and**
2 **I.1.b.; Declarant’s First Supplemental Response to December 12, 2012 Discovery Order for**
3 **Phase 4 Trial, Response I.1.a. and I.1.b.; and supporting documents at Attachment I.3.b.i.**
4 **thereto].** Following completion of the Phase 4 Trial, Declarant became the record owner of
5 additional parcels of certain real property that also overlie the Antelope Valley Area of
6 Adjudication. These additional parcels of real property are located in Los Angeles County and
7 are identified by the following Assessor’s Parcel Numbers: 3024-002-040, 3024-002-041, 3024-
8 002-044, 3024-015-037, 3024-015-042, 3024-015-046, 3024-015-053, 3024-015-054, 3027-013-
9 012, 3027-013-042, 3027-013-043, 3042-021-013, 3042-021-015, 3042-021-018, 3042-023-005,
10 3042-023-007 and 3042-023-010; and a partial record owner of two additional parcels of certain
11 real property that also overlie the Antelope Valley Area of Adjudication., which additional
12 parcels of real property are located in Los Angeles County and are identified by the following
13 Assessor’s Parcel Numbers: 3042-021-028 and 3042-021-029 (“Recently Acquired Property”)
14 (the Phase 4 Property and the Recently Acquired Property being collectively referred to herein as
15 “Declarant’s Property”).

16 5. Based on Los Angeles County Assessor’s Map information, Declarant’s Phase 4
17 Property is collectively comprised of approximately two hundred eighty-five (285) acres;
18 specifically as to Assessor’s Parcel Numbers: 3024-015-009 [1.25 acres], 3024-015-044 [5
19 acres], 3027-013-009 [9.55 acres], 3027-013-011 [10 acres], 3027-013-017 [82.03 acres], 3027-
20 013-051 [9.24 acres], 3042-021-002 [10 acres], 3042-021-003 [10 acres], 3042-021-006 [20
21 acres], 3042-021-008 [10.28 acres], 3042-021-009 [10.28 acres], 3042-021-019 [30.65 acres],
22 3042-021-020 [1.29 acres], 3042-021-023 [1.23 acres], 3042-021-024 [1.29 acres], 3042-021-
23 026 [1.29 acres], 3042-021-027 [1.29 acres], 3042-023-001 [40 acres], 3042-023-008 [10.065
24 acres], 3042-023-009 [10.065 acres], 3042-023-011 [5.05 acres] and 3042-023-012 [5.05 acres].
25 **[From Declarant’s Responses to December 12, 2012 Discovery Order for Phase 4 Trial,**
26 **Response I.1.a.; Declarant’s First Supplemental Response to December 12, 2012 Discovery**
27 **Order for Phase 4 Trial, Responses I.1.a. and I.3.b.; and supporting documents at**
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1 **Attachment I.3.b.i. thereto**. Based on Los Angeles County Assessor’s Map information,
2 Declarant’s Recently Acquired Property is collectively comprised of eighty-nine point nine eight
3 (89.98) acres; specifically as to Assessor’s Parcel Numbers: 3024-002-040 [1.29 acres], 3024-
4 002-041 [1.29 acres], 3024-002-044 [1.29 acres], 3024-015-037 [2.55 acres], 3024-015-042
5 [1.25 acres], 3024-015-046 [2.55 acres], 3024-015-053 [1.32 acres], 3024-015-054 [1.25 acres],
6 3027-013-012 [10.17 acres], 3027-013-042 [1.25 acres], 3027-013-043 [2.5 acres], 3042-015-
7 053 [1.32 acres], 3042-021-013 [5.0 acres], 3042-021-015 [5.0 acres], 3042-021-018 [10.06
8 acres], 3042-023-005 [20.0 acres], 3042-023-007 [9.26 acres], 3042-023-010 [10.13 acres],
9 3042-021-028 [1.25 acres] and 3042-021-029 [1.25 acres]. In the aggregate, Declarant’s
10 Property is comprised of a total of three hundred seventy-four point nine eight (374.98) acres.
11 **[From Declarant’s Responses to December 12, 2012 Discovery Order for Phase 4 Trial,**
12 **Response I.1.a.; Declarant’s First Supplemental Response to December 12, 2012 Discovery**
13 **Order for Phase 4 Trial, Responses I.1.a. and I.3.b.; Declarant’s Second Supplemental**
14 **Response to December 12, 2012 Discovery Order for Phase 4 Trial, Responses I.1.a. and**
15 **I.3.b.; and supporting documents at Attachment I.3.b.i. thereto].**

16 6. Declarant claims the unexercised right to produce and use groundwater with
17 regard to the parcels of real property described in Paragraph 5, above. **[From Declarant’s**
18 **Responses to December 12, 2012 Discovery Order for Phase 4 Trial, Responses I.1., I.2. and**
19 **I.3.; Declarant’s First Supplemental Response to December 12, 2012 Discovery Order for**
20 **Phase 4 Trial, Responses I.1.a. and I.3.b.; and supporting documents at Attachment I.3.b.i.**
21 **thereto].**

22 7. Declarant produced no groundwater from, nor used any produced groundwater on
23 the parcels of real property described in Paragraph 5, above, during the years 2000 through 2004
24 or 2011 through 2012. **[From Declarant’s Responses to December 12, 2012 Discovery Order**
25 **for Phase 4 Trial, Responses I.1.c., I.1.d. and I.1.e.; Master Stipulation Regarding Pumping**
26 **During Calendar Years 2011 and 2012 [for Phase 4 Trial]; Exhibit 4 to [Proposed]**
27 **Judgment and Physical Solution].**

1 8. Declarant put no groundwater to use on the parcels of real property described in
2 Paragraph 5, above, for any purpose during the years 2000 through 2004 or 2011 through 2012.
3 **[From Declarant's Responses to December 12, 2012 Discovery Order for Phase 4 Trial,**
4 **Responses I.1.e., I.1.f. and I.1.g.; Phase 4 Stipulation; Exhibit 4 to [Proposed] Judgment**
5 **and Physical Solution].**

6 9. All the information contained in the evidence introduced at the Phase 4 Trial is
7 expressly incorporated herein and made a part of this Declaration for the benefit of the Declarant,
8 as if stated verbatim as follows:

9 a. Declarant's Responses to December 12, 2012 Discovery Order for Phase 4
10 Trial, dated December 21, 2012, which was marked for identification and admitted into evidence
11 as 4-ADAMS-1; and is also marked for identification as PU-ADAMS-1.

12 b. Declarant's First Supplemental Responses to December 12, 2012
13 Discovery Order for Phase 4 Trial, dated January 15, 2013, which was marked for identification
14 and admitted into evidence as 4-ADAMS-2; and is also marked for identification as PU-
15 ADAMS-2.

16 c. Declarant's Second Supplemental Responses to December 12, 2012
17 Discovery Order for Phase 4 Trial, dated July 30, 2015, which will be marked for identification
18 as PU-ADAMS-3.

19 The undersigned declare under penalty of perjury under the laws of the State of
20 California that the foregoing is true and correct.

21 Executed this 17 of September, 2015, at Corona, California.

22
23 By: 

24 TODD DRAGNA
25 ITS: Authorized Agent

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**PROOF OF SERVICE
STATE OF CALIFORNIA, COUNTY OF SAN BERNARDINO**

Re: *ANTELOPE VALLEY GROUNDWATER CASES*
Los Angeles County Superior Court Judicial Council Coordinated
Proceedings No. 4408; Santa Clara County Superior Court Case No. 1-05-CV-049053

I am employed in the County of San Bernardino, State of California. I am over the age of 18 years and not a party to the within action; my business address is: 550 East Hospitality Lane, Suite 300, San Bernardino, CA 92408-4205.

On September 17, 2015, I served the foregoing document(s) described as **DECLARATION OF CROSS-DEFENDANT, ADAMS BENNETT INVESTMENTS, LLC IN SUPPORT OF PROVE-UP TRIAL** on the interested parties in this action in the following manner:

(X) **BY ELECTRONIC SERVICE** – I posted the document(s) listed above to the Santa Clara County Superior Court website, <http://www.scefiling.org>, in the action of the Antelope Valley Groundwater Cases,

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

Executed on September 17, 2015, at San Bernardino, California.



DINA M. SNIDER