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10 Mortuary

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12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **IN AND FOR THE COUNTY OF LOS ANGELES**

14 Coordination Proceeding) Judicial Council Coordination
15 Special Title (Rule 1550(b))) Proceeding No. 4408
16)
17 **ANTELOPE VALLEY**) Santa Clara Case No. 1-05-CV-049053
18 **GROUNDWATER CASES**) Assigned to the Honorable Jack Komar
19) Department 17C
20 Including **Consolidated** Actions:)
21) **[PROPOSED] ORDER RE: SCI**
22 **Los Angeles County Waterworks District**) **CALIFORNIA FUNERAL SERVICES, INC.,**
23 **No. 40 v. Diamond Farming Co.**) **A CALIFORNIA CORPORATION DBA**
24 Superior Court of California, County of Los) **JOSHUA MEMORIAL PARK AND**
25 Angeles, Case No. BC 325 201) **MORTUARY'S GROUNDWATER**
26) **PRODUCTION RIGHT EVIDENTIARY**
27 **Los Angeles County Waterworks District**) **PROVE-UP**
28 **No. 40 v. Diamond Farming Co.**)
29 Superior Court of California, County of)
30 Kern, Case No. S-1500-CV-254-348)
31) [Filed concurrently with Prove-Up Brief;
32) Declaration of Christopher Twitchell;
33 **Wm. Bolthouse Farms, Inc. v. City of**) Declaration of Jason Coleman, P.E.; Declaration
34 **Lancaster**) of Derek. R. Hoffman; and Stipulation for
35 **Diamond Farming Co. v. City of**) Admission of Evidence in Support of Production
36 **Lancaster**) Right]
37 **Diamond Farming Co. v. Palmdale**)
38 **Water Dist.**) Date: February 5, 2021
39 Superior Court of California, County of) Time: 9:00 a.m.
40 Riverside, consolidated actions, Case Nos.) Judge: Hon. Jack Komar, Judge
41 RIC 353 840, RIC 344 436, RIC 344 668)

42 **AND RELATED ACTIONS.**) **[Hearing to be conducted by Courtcall]**
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1 **FINDINGS AND ORDER**

2 The above-entitled matter came on regularly for hearing on February 5, 2021 at 9:00
3 a.m., telephonically via CourtCall, the Honorable Jack Komar (Ret.) presiding. The appearances
4 are as stated in the record. The purpose of the hearing was to consider evidence and to make
5 findings regarding the claim of SCI California Funeral Services, Inc., a California corporation
6 dba Joshua Memorial Park and Mortuary (“Joshua Memorial”) for a groundwater Production
7 Right under Paragraph 5.1.10 of the Judgment and Physical Solution (“Judgment”). Capitalized
8 terms not defined in this Order shall have the same meaning as defined in the Judgment.

9 The Court, having reviewed and considered the supporting declarations and evidence, as
10 well as the briefing and stipulation, and finding good cause appearing, hereby makes the
11 following findings:

- 12 1. Joshua Memorial intervened in and became a Non-Stipulating Party to the
13 Judgment through its motion to intervene as reflected in the Order of the Court of
14 November 14, 2019. The Judgment is a determination of all rights to Produce and
15 store Groundwater in the Basin.
- 16 2. Joshua Memorial filed and served declarations in lieu of live testimony, including
17 a declaration by its expert engineer, together with verified discovery responses
18 and further supporting evidence.
- 19 3. All Parties were given notice of the hearing and an opportunity to object to Joshua
20 Memorial’s claim. No Party objected.
- 21 4. The Court has considered and admits into evidence all declarations and
22 documents attached thereto filed by Joshua Memorial in support of its
23 Groundwater Production Right claim.
- 24 5. Joshua Memorial and a substantial number of Stipulating Parties executed a
25 “*Stipulation for Admission of Evidence In Support of Production Right for SCI*
26 *California Funeral Services, Inc., a California corporation dba Joshua Memorial*
27 *Park and Mortuary Pursuant to Paragraph 5.1.10 of the Judgment and Physical*
28 *Solution*” (“Stipulation”), whereby the parties agreed that awarding Joshua

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Memorial a Production Right under Paragraph 5.1.10 of the Judgment of 38 acre-feet per year was fair and equitable based on the evidence. The Court approves the Stipulation.

- 6. There is substantial and credible evidence that Joshua Memorial has reasonably and beneficially used Groundwater dating back many years prior to the entry of the Judgment. Joshua Memorial has proven its land ownership in the Basin and its reasonable and beneficial use of groundwater, and established its overlying right to Produce Groundwater from the Basin. Joshua Memorial will be required to make severe reductions in its historical Groundwater Production under the Judgment.

Now, therefore, it is ADJUDGED, DECREED and ORDERED that:

Joshua Memorial has the right to Produce Groundwater from the Basin in the amount of **38 acre-feet per year** in accordance with Paragraph 5.1.10. of the Judgment. For purposes of implementing the Judgment and determining applicable assessments, Joshua Memorial’s Pre-Rampdown Production amount is 101.5 acre-feet. Joshua Memorial is authorized to Produce Groundwater from the Basin, provided that Joshua Memorial complies with the Judgment and all duly adopted Watermaster Rules and Regulations, as may be amended from time to time.

Dated: _____

HONORABLE JACK KOMAR
JUDGE OF THE SUPERIOR COURT

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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 January 14, 2021, I served the foregoing document(s) described **[PROPOSED] ORDER RE: SCI CALIFORNIA FUNERAL SERVICES, INC., A CALIFORNIA CORPORATION DBA JOSHUA MEMORIAL PARK AND MORTUARY'S GROUNDWATER PRODUCTION RIGHT EVIDENTIARY PROVE-UP** on the interested parties in this action in the following manner:

(X) **BY ELECTRONIC SERVICE** – I caused such document(s) listed above to be electronically served, via One Legal, to all parties appearing on the Santa Clara County Superior Court website, <http://www.scefiling.org>, in the action of the Antelope Valley Groundwater Cases; proof of electronic-filing through One Legal is then printed and maintained with the original documents in our office. Electronic service is complete at the time of transmission. My electronic notification email address is dina.snider@greshamsavage.com,

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

Executed on January 14, 2021 at San Bernardino, California.


DINA M. SNIDER