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9 a California corporation dba Joshua Memorial Park
10 and Mortuary

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

13 Coordination Proceeding) Judicial Council Coordination
14 Special Title (Rule 1550(b))) Proceeding No. 4408
15)
16 **ANTELOPE VALLEY**) Santa Clara Case No. 1-05-CV-049053
17 **GROUNDWATER CASES**) Assigned to the Honorable Jack Komar
18) Department 17C
19 Including **Consolidated** Actions:)
20 **Los Angeles County Waterworks District**) **DECLARATION OF CHRISTOPHER**
21 **No. 40 v. Diamond Farming Co.**) **TWITCHELL IN LIEU OF LIVE**
22 Superior Court of California, County of Los) **TESTIMONY SUPPORT OF SCI**
23 Angeles, Case No. BC 325 201) **CALIFORNIA FUNERAL SERVICES, INC.,**
24) **A CALIFORNIA CORPORATION DBA**
25 **Los Angeles County Waterworks District**) **JOSHUA MEMORIAL PARK AND**
26 **No. 40 v. Diamond Farming Co.**) **MORTUARY'S GROUNDWATER**
27 Superior Court of California, County of) **PRODUCTION RIGHT EVIDENTIARY**
28 Kern, Case No. S-1500-CV-254-348) **PROVE-UP**
29) [Filed concurrently with Prove-Up Brief;
30 **Wm. Bolthouse Farms, Inc. v. City of**) Declaration of Jason Coleman, P.E.; and
31 **Lancaster**) Declaration of Derek R. Hoffman; Stipulation for
32 **Diamond Farming Co. v. City of**) Admission of Evidence in Support of Production
33 **Lancaster**) Right; and [Proposed] Order]
34 **Diamond Farming Co. v. Palmdale**)
35 **Water Dist.**) Date: February 5, 2021
36) Time: 9:00 a.m.
37 Superior Court of California, County of) Judge: Hon. Jack Komar, Judge
38 Riverside, consolidated actions, Case Nos.)
39 RIC 353 840, RIC 344 436, RIC 344 668)
40) **[Hearing to be conducted by Courtcall]**
41 **AND RELATED ACTIONS.**)
42)

1 I, Christopher Twitchell, declare as follows:

2 1. I am the General Manager of the cemetery and mortuary known as Joshua
3 Memorial Park and Mortuary, located at 808 East Lancaster Blvd., Lancaster, CA 93535. I give
4 this Declaration in Lieu of Live Testimony in Support of SCI California Funeral Services, Inc., a
5 California corporation dba Joshua Memorial Park and Mortuary's ("Joshua Memorial")
6 Groundwater Production Right Evidentiary Prove-Up, to establish Joshua Memorial's Production
7 Right Claim pursuant to Paragraph 5.1.10 of the Judgment. If called and sworn as a witness, I
8 could and would competently testify to the following facts, having personal knowledge thereof.

9 2. I have served as the General Manager for Joshua Memorial since May 2018. In
10 the course of my duties as General Manager, I am responsible for managing and overseeing day-
11 to-day operations of Joshua Memorial, including its business operations, staff, records and
12 property including its groundwater well and production system. I have reviewed and am familiar
13 with the business records maintained by Joshua Memorial and its prior General Managers,
14 including records pertaining to the groundwater well system.

15 3. Joshua Memorial owns and operates a cemetery and mortuary located at 808 East
16 Lancaster Blvd., Lancaster, CA 93535.

17 4. Joshua Memorial Park, Inc., a corporation, acquired the property in December 19, 1949
18 by grant deed. A true and correct copy of that grant deed is attached to this declaration as **Exhibit**
19 **"1"**. The grant deed conveyed the property to Joshua Memorial Park, Inc., a corporation, which
20 was recorded in the Official Records of Los Angeles County on December 19, 1949, and which
21 describes the property as the Northeast quarter of the Southeast quarter of Section 14, Township 7
22 North, Range 12 West, SBBM, in the County of Los Angeles, and State of California.

23 5. A true and correct copy of a property profile report identifying Joshua Memorial Park
24 as the owner of record of the subject property and identifying APN 3146-009-929 and APN 3146-
25 009-053, is attached to this declaration as **Exhibit "2"**.

26 6. True and correct copies of Joshua Memorial's filings with the California Secretary of
27 State, including Certificates of Ownership, Articles of Incorporation and related filings are

1 attached hereto as **Exhibit “3”**. These include true and correct copies of Certificates of Ownership
2 filed with the California Secretary of State on April 9, 1997, Document No. A491039 and
3 Document No. D543554; California Secretary of State Limited Liability Company Articles of
4 Organization – Conversion, filed with the Secretary of State on December 31, 2016, Document No.
5 201636610017, reflecting SCI California Funeral Services, Inc. was converted to SCI California
6 Funeral Services, LLC; and, Articles of Incorporation with Statement of Conversion filed with the
7 Secretary of State on January 14, 2017, Document No. 3974617, reflecting SCI California Funeral
8 Services, LLC was converted into SCI California Funeral Services, Inc.

9 7. On information and belief, the groundwater well on the property was developed in
10 approximately the late 1950s, at or near the time Joshua Memorial began operating; and, has since
11 produced groundwater for irrigation of the cemetery grounds.

12 8. Groundwater produced from the well is used for irrigation of the cemetery grounds,
13 which includes turf, various trees and shrubs and other vegetation. The approximately forty-acre
14 Joshua Memorial property includes an approximately twenty-one-acre cemetery, an approximately
15 two-acre mortuary building and parking lot, a residential home at the southeast corner of the
16 property, a mobile home and maintenance shop at the western side of the property, and
17 approximately sixteen acres of future cemetery grounds. The acreage under irrigation with well
18 water at Joshua Memorial’s property for each year from 2000 through 2014 is estimated to be an
19 average of approximately 19 acres. The maximum estimated irrigated acreage during that
20 timeframe is estimated to be approximately 21.4 acres in 2003, and the lowest estimated irrigated
21 acreage during that timeframe is estimated to be approximately 18.3 acres from 2004 to 2013. The
22 mortuary and a residential home on the property receive municipal water service and do not rely on
23 water supplied from the well.

24 9. In April 2018, the groundwater well serving the property ceased operating.
25 Starting in approximately July 2018, in order to maintain the lawns, trees, shrubs and other
26 landscaped areas, Joshua Memorial obtained a permit from Los Angeles County Department of
27 Public Works to fill water trucks using nearby fire hydrants, as a temporary source of water for

1 irrigation. A true and correct copy of that permit is attached hereto as **Exhibit “4”**. This
2 temporary source of water is not sufficient to meet the irrigation needs of the property. Joshua
3 Memorial is currently in the permitting process to construct a replacement groundwater well in
4 conformity with the Judgment and Watermaster Rules and Regulations. Joshua Memorial has not
5 produced groundwater since the well ceased operating.

6 10. Though Joshua Memorial Park has continuously owned and operated the
7 cemetery and produced groundwater for use on that property for decades, neither Joshua
8 Memorial nor SCI, was ever named or served or, to my knowledge, otherwise joined in the
9 Adjudication. Joshua Memorial successfully intervened in, and became a party to, the Judgment
10 by way of its Motion to Intervene.

11 11. Joshua Memorial produced verified responses and extensive supporting records in
12 its Verified Discovery Response Regarding Groundwater Production Right Claim, which was
13 filed and served on May 14, 2020 (“Verified Discovery Responses”). The Verified Discovery
14 Responses included Southern California Edison (“Edison”) billing history and usage data for the
15 well system from the year 2000-2014 and Edison well pump tests (obtained from Edison by
16 deposition subpoena), historical maps and satellite imagery of the Joshua Memorial property,
17 pictures and information regarding the well and electrical utility system, and related information
18 pertaining to Joshua Memorial’s use of groundwater, as well as the Updated LSCE Report dated
19 May 12, 2020, which also included true and correct copies of Joshua Memorial Edison records
20 for the period of 2015-2019 (partial year). A true and correct copy of Joshua Memorial’s
21 Verified Discovery Responses, is attached to this declaration as **Exhibit “5”** with the exception
22 of the Updated LSCE Report which, for the convenience of the Court, is attached directly to the
23 Coleman Declaration.

24 12. As stated in the Verified Discovery Responses, to the best of Joshua Memorial’s
25 knowledge and based upon a diligent search and review of Joshua Memorial’s business records
26 and information, the mobile home on the Joshua Memorial property was connected to the
27

1 electrical meter serving the groundwater well throughout the 2000 to 2015 timeframe, and was
2 occupied as follows:

3 2000 – 2002: unoccupied

4 2003 – 2006: occupied by one groundskeeper, who subsequently passed away

5 2007 – 2008: unoccupied

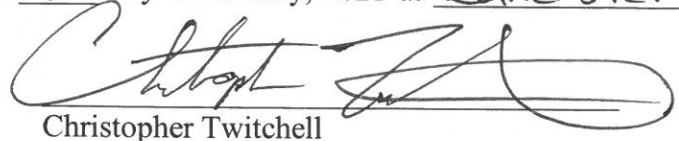
6 2009 – 2011: occupied by one groundskeeper

7 2011 – Current: unoccupied and used as extra storage space

8 During the course of gathering information for the Verified Discovery Response, Joshua
9 Memorial determined that the approximately 30' x 60' maintenance shop structure located south
10 of the well, is connected to the same electrical utility line as the well and the mobile home. The
11 maintenance shop is used for material and equipment storage and repairs and for parking
12 maintenance vehicles. The maintenance shop has a couple interior lights and few outlets inside,
13 and a couple exterior lights. The Joshua Memorial sprinkler system control panel is also located
14 within the maintenance shop. There is an old, rusty air conditioning condenser outside the
15 maintenance shop, which is disconnected inside the maintenance shop and has been for years
16 (the exact time it was disconnected is not currently known). Based upon Joshua Memorial's
17 current practices, and to the best of Joshua Memorial's knowledge, the maintenance shop
18 electrical features are rarely used and draw very limited electricity. See Verified Discovery
19 Responses, Response to Order ¶ 1.e.

20 13. Joshua Memorial respectfully requests that this Court enter an order establishing a
21 Production Right for Joshua Memorial in the amount of 38 AFY in accordance with Judgment
22 Paragraph 5.1.10.

23 I declare under penalty of perjury under the laws of the State of California that the
24 foregoing is true and correct. Dated this 12 day of January, 2021 at Lancaster,
25 California.

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Christopher Twitchell

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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 **DECLARATION OF CHRISTOPHER TWITCHELL IN LIEU OF LIVE TESTIMONY SUPPORT OF 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.scefilng.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