

LAW OFFICES OF
BEST BEST & KRIEGER LLP
5 PARK PLAZA, SUITE 1500
IRVINE, CALIFORNIA 92614

1 BEST BEST & KRIEGER LLP
ERIC L. GARNER, Bar No. 130665
2 JEFFREY V. DUNN, Bar No. 131926
STEFANIE D. HEDLUND, Bar No. 239787
3 18101 VON KARMAN AVENUE, SUITE 1000
IRVINE, CALIFORNIA 92612
4 TELEPHONE: (949) 263-2600
FACSIMILE: (949) 260-0972
5 Attorneys for Cross-Complainant
LOS ANGELES COUNTY WATERWORKS
6 DISTRICT NO. 40

**EXEMPT FROM FILING FEES
UNDER GOVERNMENT CODE
SECTION 6103**

7 OFFICE OF COUNTY COUNSEL
COUNTY OF LOS ANGELES
8 JOHN F. KRATTLI, Bar No. 82149
COUNTY COUNSEL
9 WARREN WELLEN, Bar No. 139152
PRINCIPAL DEPUTY COUNTY COUNSEL
10 500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012
11 TELEPHONE: (213) 974-8407
TELECOPIER: (213) 687-7337
12 Attorneys for Cross-Complainant LOS ANGELES
COUNTY WATERWORKS DISTRICT NO. 40

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA
15 COUNTY OF LOS ANGELES

17 **ANTELOPE VALLEY
GROUNDWATER CASES**

18 Included Actions:
19 Los Angeles County Waterworks District
No. 40 v. Diamond Farming Co., Superior
20 Court of California, County of Los
Angeles, Case No. BC 325201;

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

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

Judicial Council Coordination No. 4408

CLASS ACTION

Santa Clara Case No. 1-05-CV-049053
Assigned to The Honorable Jack Komar

**DECLARATION OF ROBERT BOWCOCK
IN LIEU OF DEPOSITION TESTIMONY
FOR PHASE 4 TRIAL**

DECLARATION

I, Robert Bowcock, declare:

1. I am Robert Bowcock , Water Resource Consultant for Vulcan Materials Company, a party to this action. In lieu of deposition testimony for the Phase 4 trial, I am providing this declaration. This declaration applies only to the categories I have filled in. The items left blank or crossed out do not apply to me. I have personal knowledge of each fact herein and would testify competently thereto under oath.

Property Ownership and Parcel Size

2. Vulcan Materials Company owns property that overlies the Antelope Valley Area of Adjudication as decided by this Court. The land is in Los Angeles County and is identified by the following APN/APNs: See Exhibit A. A true and correct copy of Exhibit A is attached hereto and incorporated herein.

3. Vulcan Materials Company claims groundwater rights only as to the properties listed in Paragraph 2 and Exhibit A.

4. For each APN/APNs identified above, the total acreage by parcel is as follows: See Exhibit B. A true and correct copy of Exhibit B is attached hereto and incorporated herein.

5. For each APN/APNs identified above Vulcan Materials Company owned the property during the following timer period: Since at least 1988 except APN 3039-024-045 which was purchased in 2006.

6. The following are all individuals/entities appearing on the title for the above identified APN/APNS from Jan 1, 2000 to the present: Vulcan Materials Company or one of its subsidiaries: Consolidated Rock Products Co, Calmat Co, Allied Concrete &. Materials Co., Calmat Co. Of Arizona, Inc., Calmat Of Central California, Calmat Land Co., Calmat Properties Co., Kirst Construction Co., Inc., Reliance Transport Co., Rio Norte Este Co., River Bend Corp., Sanger rock and Sand, Sloan Canyon Sand Co. or Vulcan Lands Inc.

7. For each individual/entity identified in paragraph 6 that individual/entity appeared on the title during the following time: Since at least 1988.

1 **Water Meter Records**

2 8. Vulcan Materials Company measures the groundwater production on the above
3 referenced properties by water meters. Exhibit C contains the records for these water meters for
4 the following years: 2011-2012. A true and correct copy of Exhibit C is attached hereto and
5 incorporated herein.

6 9. Exhibit D sets forth the total yearly production amounts by metered water well on the
7 above referenced properties for the years 2011 and 2012. A true and correct copy of Exhibit D is
8 attached hereto and incorporated herein.

9 **Like Facility**

10 10. In order to calculate water use for the properties referenced above, Vulcan Materials
11 Company relies on the amount of water produced from the current properties (Sun Valley
12 Facility), located in Los Angeles County, which will be moving its operations to the above
13 reference parcels. Vulcan Materials Company's business plan for the above referenced properties
14 was to acquire the properties, which are located Los Angeles County, hold it for reserves and
15 ultimately move the operations from the Sun Valley Facility to the above referenced properties. In
16 doing this Vulcan Materials Company has been utilizing water at the above referenced properties
17 primarily for dust mitigation. Currently, the facility is producing aggregate and shipping it to Sun
18 Valley for processing. This will be ending soon as the Sun Valley Facility is in the process of
19 becoming depleted. The Sun Valley facility meters its groundwater productions. Exhibit E
20 contains the records for monthly production as reported to the Upper Los Angeles Area River
21 Watermaster for the following years: 2000-2004, 2011 and 2012. A true and correct copy of
22 Exhibit E is attached hereto and incorporated herein.

23 11. Exhibit F sets forth the total yearly production amounts by metered water well at the Sun
24 Valley properties for the years 2000-2004, 2011, and 2012. A true and correct copy of Exhibit F
25 is attached hereto and incorporated herein.

26 **Other Sources of Water**

27 12. The Sun Valley Facility is required to purchase a minimum of 10% of their municipal
28 water from Los Angeles Department of Public Works. Vulcan Materials Company's Sun Valley

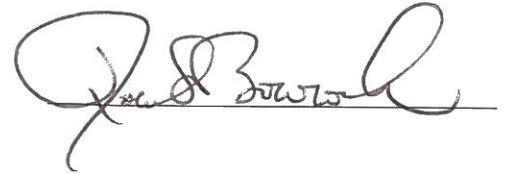
LAW OFFICES OF
BEST BEST & KRIEGER LLP
3750 UNIVERSITY AVENUE, SUITE 400
P.O. BOX 1028
RIVERSIDE, CALIFORNIA 92502

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Facility received water from sources other than groundwater pumped. Exhibit G sets forth the source of the water and the amounts received for the years 2000-2004, 2011, and 2012.

13. Other than what is declared hereinabove, Vulcan Materials Company did not produce or use water within the Antelope Valley Area of Adjudication for 2000-2004, 2011, and 2012.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 31 day of January 2013, at Claremont, California.



LAW OFFICES OF
BEST BEST & KRIEGER LLP
3750 UNIVERSITY AVENUE, SUITE 400
P.O. BOX 1028
RIVERSIDE, CALIFORNIA 92502

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT "A"

<u>APN</u>	
3080-021-001	
3080-021-003	
3080-021-004	
3080-021-008	
3080-021-009	
3080-021-010	
3080-022-011	
3080-022-014	
3080-022-015	
3080-024-026	
3036-008-028	
3036-008-029	
3036-008-036	
3036-008-037	
3036-009-026	
3036-010-023	
3036-010-032	
3036-010-033	
3036-010-034	
3036-010-035	
3037-001-023	
3037-001-030	
3037-014-031	
3037-015-005	
3037-015-006	

LAW OFFICES OF
BEST BEST & KRIEGER LLP
3750 UNIVERSITY AVENUE, SUITE 400
P.O. BOX 1028
RIVERSIDE, CALIFORNIA 92502

1	<u>APN</u>	
2	3037-015-013	
3	3039-022-029	
4	3039-022-062	
5	3039-022-063	
6	3039-022-064	
7	3039-022-065	
8	3039-022-066	
9	3039-024-027	
10	3039-024-047	
11	3039-024-048	
12	3039-025-013	
13	3039-025-014	
14	3039-025-035	
15	3039-025-039	
16	3039-025-041	
17	3039-025-042	
18	3039-025-043	
19	3080-019-002	
20	3080-019-003	
21	3080-019-011	
22	3080-022-002	
23	3080-022-006	
24	3080-022-007	
25	3080-022-008	
26	3080-023-011	
27	3080-024-008	
28		

LAW OFFICES OF
BEST BEST & KRIEGER LLP
3750 UNIVERSITY AVENUE, SUITE 400
P.O. BOX 1028
RIVERSIDE, CALIFORNIA 92502

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

<u>APN</u>	
3080-024-018	
3080-024-028	
3080-025-005	
3080-025-015	
3080-025-016	
3080-025-017	
3080-025-020	
3080-025-021	
3080-025-022	
3080-025-025	
3080-025-027	
3080-025-028	
3080-025-030	
3080-025-033	
3080-025-035	
3080-026-010	
3080-026-011	
3080-026-015	
3080-026-016	
3080-026-025	
3080-026-030	
3080-026-031	
3039-024-045	

LAW OFFICES OF
BEST BEST & KRIEGER LLP
3750 UNIVERSITY AVENUE, SUITE 400
P.O. BOX 1028
RIVERSIDE, CALIFORNIA 92502

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT "B"

<u>APN</u>	<u>Size in acres</u>
3080-021-001	78.480
3080-021-003	40.000
3080-021-004	40.000
3080-021-008	38.480
3080-021-009	38.480
3080-021-010	68.130
3080-022-011	0.300
3080-022-014	122.350
3080-022-015	134.110
3080-024-026	21.920
3036-008-028	5.000
3036-008-029	5.000
3036-008-036	8.720
3036-008-037	17.370
3036-009-026	5.000
3036-010-023	10.000
3036-010-032	10.000
3036-010-033	10.000
3036-010-034	10.000
3036-010-035	7.120
3037-001-023	5.000
3037-001-030	2.500
3037-014-031	2.500
3037-015-005	10.000
3037-015-006	10.000

LAW OFFICES OF
BEST BEST & KRIEGER LLP
3750 UNIVERSITY AVENUE, SUITE 400
P.O. BOX 1028
RIVERSIDE, CALIFORNIA 92502

	<u>APN</u>	<u>Size in acres</u>
1		
2	3037-015-013	10.000
3	3039-022-029	38.480
4	3039-022-062	38.480
5	3039-022-063	10.000
6	3039-022-064	10.000
7	3039-022-065	10.000
8	3039-022-066	9.960
9	3039-024-027	10.000
10	3039-024-047	10.000
11	3039-024-048	76.970
12	3039-025-013	9.110
13	3039-025-014	8.960
14	3039-025-035	40.000
15	3039-025-039	2.500
16	3039-025-041	5.000
17	3039-025-042	2.500
18	3039-025-043	5.000
19	3080-019-002	34.320
20	3080-019-003	51.610
21	3080-019-011	9.690
22	3080-022-002	21.220
23	3080-022-006	12.810
24	3080-022-007	4.910
25	3080-022-008	17.220
26	3080-023-011	8.330
27	3080-024-008	4.360
28		

LAW OFFICES OF
BEST BEST & KRIEGER LLP
3750 UNIVERSITY AVENUE, SUITE 400
P.O. BOX 1028
RIVERSIDE, CALIFORNIA 92502

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

<u>APN</u>	<u>Size in acres</u>
3080-024-018	9.770
3080-024-028	16.500
3080-025-005	5.000
3080-025-015	5.000
3080-025-016	5.000
3080-025-017	5.000
3080-025-020	5.000
3080-025-021	5.000
3080-025-022	10.000
3080-025-025	5.000
3080-025-027	10.000
3080-025-028	5.000
3080-025-030	5.000
3080-025-033	4.600
3080-025-035	4.050
3080-026-010	5.000
3080-026-011	5.000
3080-026-015	5.000
3080-026-016	5.000
3080-026-025	5.000
3080-026-030	5.000
3080-026-031	5.000
3039-024-045	10.000

LAW OFFICES OF
 BEST BEST & KRIEGER LLP
 3750 UNIVERSITY AVENUE, SUITE 400
 P.O. BOX 1028
 RIVERSIDE, CALIFORNIA 92502

EXHIBIT "C"

2011			2012		
Deep Well 1			Deep Well 1		
Month	Read	AF	Month	Read	AF
Jan	104226	1.88	Jan	203727	1.64
Feb	113040	2.70	Feb	207448	1.14
Mar	120405	2.26	Mar	212485	1.55
Apr	129270	2.72	Apr	218901	1.97
May	139328	3.09	May	226641	2.38
Jun	151089	3.61	Jun	233507	2.11
Jul	157848	2.07	Jul	240933	2.28
Aug	176367	5.68	Aug	--	--
Sept	182935	2.02	Sept	254749	4.24
Oct	189787	2.10	Oct	261027	1.93
Nov	196490	2.06	Nov	265661	1.42
Dec	198386	0.58	Dec	269490	1.18

EXHIBIT "E"

	2000	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Total
4916A Well 3	35.69	0.59	0	72.59	120.24	45.62	2.46	11.52	0	1.45	0	0	0	290.16
4916 Well 2	0	0	18.26	37.05	63.84	81.17	76.08	81.51	72.71	70.62	62.52	58.22	58.22	621.98
4916(x) Well 1	103.96	77.64	97.03	88.59	105.46	109.68	97.03	132.17	133.59	131.7	122.33	123.85	123.85	1323.03
Sheldon Pond	0.16	34.95	49.21	26.14	0	120.08	151.46	142.77	139.85	135.7	128.94	133.72	133.72	1062.98
											Total			3298.15
4916A Well 3	35.54	61.67	81.06	96.88	124.64	125.63	109.29	121.56	95.12	53.89	34.97	12.44	12.44	952.69
4916 Well 2	30.77	0	0	0	0	0	0	0	37.62	126.89	102.54	86.04	86.04	383.86
4916(x) Well 1	110.73	100.15	115.07	109.28	120.59	7.36	103.87	87.51	14.28	122.1	96.73	68	68	1055.67
Sheldon Pond	1.96	5.42	50.45	126.3	139.01	96.96	105.36	0	0	0	0	0	0	525.46
											Total			2917.68
4916A Well 3	23.49	0	0.4	0	2.75	31.3	27.81	18.7	17.79	21.24	19.78	20.83	20.83	184.09
4916 Well 2	86.16	71.54	75.67	75.46	70.02	51.97	55.94	55.66	47.64	56.4	45.9	47.63	47.63	739.99
4916(x) Well 1	76.44	69.97	81.72	76.18	69.69	85.88	93	91.3	82.69	104.22	69.82	76.22	76.22	977.13
Sheldon Pond	0	0	0	0	0	68.33	98.71	104.69	101.37	116.18	90.3	106.5	106.5	686.08
											Total			2587.29
4916A Well 3	21.3	16.34	10.69	17.46	26.49	36.18	38.88	48.74	41.9	42.94	29.25	19.29	19.29	349.46
4916 Well 2	53.74	44.99	30.06	41.01	52.57	33.76	19.73	0	77.9	92.41	58.72	45.39	45.39	550.28
4916(x) Well 1	77.12	64.4	43.83	61.26	83.74	91.07	82.15	110.34	97.96	104.22	74.94	43.62	43.62	934.65
Sheldon Pond	111.05	95.8	63.27	84.3	124.15	129.04	126.68	124.42	126.15	144.5	104.83	13.02	13.02	1247.21
											Total			3081.6
4916A Well 3	3.91	0	17.07	28.36	32.34	31	27.7	39.9	32.05	28.04	2.31	19.65	19.65	262.33
4916 Well 2	40.15	45.47	54.79	16.27	0.12	0	22.81	59.06	49.25	49.7	50.32	41.92	41.92	429.86
4916(x) Well 1	19.71	0	42.77	43.83	49.08	32.22	82.15	34.38	28.62	20.64	84.39	83.1	83.1	520.89
Sheldon Pond	76.88	88.66	25.3	21.93	0	21.7	82.29	103.87	126.1	134.94	133.98	107.93	107.93	923.58
											Total			2136.66
4916A Well 3	15.55	13.67	10.72	13.51	9.85	27.16	18.78	24.68	18.25	19.8	19.82	14.52	14.52	206.31
4916 Well 2	26.08	21.26	17.8	18.56	22.51	35.49	26.81	35.86	27.14	31	31.61	22.87	22.87	316.99
4916(x) Well 1	0	0	1.85	23.17	32.52	37.68	28.14	39.34	29.79	29.85	35.34	25.12	25.12	282.8
Sheldon Pond	25.99	22.51	40.7	48.71	3.48	53.18	48.27	25.01	8.18	10.17	11.31	3.11	3.11	300.62
											Total			1106.72
4916A Well 3	17.09	19.03	22.88	20.17	22.3	18.81	18.36	20.26	16.8	20.64	14.92	12.62	12.62	223.88
4916 Well 2	27.56	29.74	35.59	31.63	34.51	27.94	27.67	29.41	23.85	32.56	25.7	20.55	20.55	346.71
4916(x) Well 1	29.99	31.28	38.09	34.22	36.53	33.21	27.34	29.22	23.86	29.54	22.62	1.03	1.03	336.93
Sheldon Pond	0.64	0.65	5.84	9.1	32.01	62.43	62.42	28.12	53.24	68.4	6.2	27.25	27.25	356.3
											Total			1263.82

EXHIBIT "F"

<u>Year</u>	<u>Well</u>	<u>Yearly Production</u>
2000	4916A Well 3	290.16
2000	4916 Well 2	621.98
2000	4916(x) Well 1	1323.03
2000	Sheldon Pond	1062.98
2001	4916A Well 3	952.69
2001	4916 Well 2	383.86
2001	4916(x) Well 1	1055.67
2001	Sheldon Pond	525.46
2002	4916A Well 3	184.09
2002	4916 Well 2	739.99
2002	4916(x) Well 1	977.13
2002	Sheldon Pond	686.08
2003	4916A Well 3	349.46
2003	4916 Well 2	550.28
2003	4916(x) Well 1	934.65
2013	Sheldon Pond	1247.21
2004	4916A Well 3	262.33
2004	4916 Well 2	429.86
2004	4916(x) Well 1	520.89
2004	Sheldon Pond	923.58
2011	4916A Well 3	206.31
2011	4916 Well 2	316.99
2011	4916(x) Well 1	282.8
2011	Sheldon Pond	300.62
2012	4916A Well 3	223.88

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT "G"

Los Angeles Department of Public Works

<u>Year</u>	<u>Yearly Use (AF)</u>
2000	107.54
2001	965.22
2002	754.81
2003	605.03
2004	1179.10
2011	664.84
2012	571.87

LAW OFFICES OF
BEST BEST & KRIEGER LLP
3750 UNIVERSITY AVENUE, SUITE 400
P.O. BOX 1028
RIVERSIDE, CALIFORNIA 92502