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7 Robar Enterprises, Inc.; and CJR, a general partnership

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

10 **ANTELOPE VALLEY GROUNDWATER**
11 **CASES**

12 Included Actions:

13 Los Angeles County Waterworks District No. 40 v.
14 Diamond Farming Co.,
Superior Court of California, County of Los
15 Angeles, Case No. BC 325201

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

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

Judicial Council Coordination
No. 4408

For filing purposes only:
Santa Clara Case No.
1-05-CV-049053

FIRST AMENDED DECLARATION
OF STEVE CORTNER AS AN
EXPERT WITNESS IN SUPPORT OF
THE ROBAR PARTIES'
GROUNDWATER PUMPING
PROVE-UP

Assigned to the
Honorable Jack Komar

23 **FIRST AMENDED DECLARATION OF STEVE CORTNER**

24 1. I have 43 years of experience in the mining, asphalt and ready mix concrete
25 industry, including extensive operational experience in aggregate plant planning and
26 construction oversight. Attached to this first amended declaration are copies of my statement of
27 qualifications (Exhibit 1) and my biography (Exhibit 2). I have personal knowledge of the facts
28 in this first amended declaration and, if called upon as a witness, could competently testify
thereto.

FIRST AMENDED FIRST AMENDED DECLARATION IN SUPPORT OF STEVE CORTNER AS AN
EXPERT WITNESS IN SUPPORT OF THE ROBAR PARTIES' GROUNDWATER PUMPING PROVE-UP

1 2. I have reviewed the Robar financial records that are exhibits 2 and 3 to the First
2 amended declaration of Lori Clifton in Lieu of Phase VI Trial Testimony. I have reviewed the
3 Robar laboratory test results that are exhibit 4 to the First amended declaration of Lori Clifton
4 in Lieu of Phase VI Trial Testimony. And I have spoken by telephone with Robar
5 representatives regarding their business operations.

6 3. My professional estimate is that 40 gallons of water is used to manufacture each
7 cubic yard of ready mix concrete. Based on my estimate and the applicable financial records,
8 the Robar parties used 12.55 acre feet of water during the 2011-2012 fiscal year and 13.68 acre
9 feet of water during the 2012-2013 fiscal year in the manufacture of ready mix concrete.

10 4. My professional estimate is that 22 gallons of water is used in the wash down
11 and clean up of each cubic yard of ready mix concrete that is manufactured. Based on my
12 estimate and the applicable financial records, the Robar parties used 6.9 acre feet of water
13 during the 2011-2012 fiscal year and 7.52 acre feet during the 2012-2013 fiscal year in the
14 wash down and clean up of ready mix concrete.

15 5. My professional estimate is that 52 acre feet of water, per year, is used for dust
16 control in the manufacture of ready mix concrete.

17 6. Based on the preceding three paragraphs of this first amended declaration, I
18 estimate that the Robar parties used a grand total of 71.45 acre feet during the 2011-2012 fiscal
19 year and 73.2 acre feet during the 2012-2013 fiscal year in the manufacture ready-mix
20 concrete.

21 7. The totals above exclude the water used in the second portion of the Robar
22 parties' business, the manufacture and sale of aggregates (rock and sand). Based on the
23 financial records, my professional estimate is that during both fiscal years in issue, the Robar
24 parties manufactured aggregates at a rate of roughly **900 to 1,000 tons per hour**. The quantity
25 of water used in the manufacture of **900 to 1,000 tons per hour ranges** from 400 to 800
26 gallons per minute, and depends upon: (a) the amount of fines in the aggregates (or in other
27 words the cleanliness of the aggregates); and (b) the quantity of water recycled during the
28 manufacturing process.

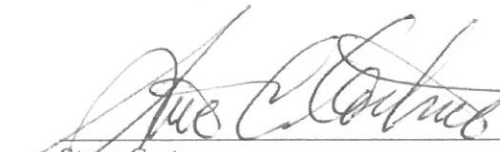
 8. Attached to this first amended declaration as Exhibit 3 is my analysis/estimate
of the range of water quantities used by the Robar parties in their production of aggregate
materials during the fiscal years in question, taking into account the cleanliness of the washed

1 aggregate material as documented in the laboratory tests (Exhibit 4 to the Lori Clifton in Lieu
2 of Phase VI Trial Testimony), and making reductions in ten percent intervals between 40% and
3 80%, representing the quantity of recycled water used in the production process, an unknown
4 variable. On the low side, assuming that 40% of the water used in the manufacturing process
5 was recycled, the Robar parties used 651 acre feet of water during the fiscal years in issue. On
6 the high side, assuming that 80% of the water used in the manufacturing process was recycled,
7 the Robar parties used 217 acre feet of water during the fiscal years in issue.

8 9. When you combine the Robar parties' water usage for the production of ready
9 mix concrete (71.45 AFY in 2011-2012; 73.2 AFY in 2012-2013) with its water usage for the
10 production of aggregates (**between 217 and 651 AFY**), the grand total water usage for the
11 years in issue lies somewhere **between 288 and 724 acre feet per year**.

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

14 Executed this 14 day of April, 2016 at Yucaipa, California.

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17 Steve Cortner
18 Declarant
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