

1 BRADLEY J. HERREMA (State Bar No. 228976)
bherrema@bhfs.com
2 CHRISTOPHER R. GUILLEN (State Bar No. 299132)
cguillen@bhfs.com
3 **BROWNSTEIN HYATT FARBER SCHRECK, LLP**
2049 Century Park East, Suite 3550
4 Los Angeles, CA 90067
Telephone: 310.500.4600
5 Facsimile: 310.500.4602

6 Attorneys for
RABBITBRUSH SOLAR, LLC & US SOLAR
7 **ASSETS, LLC**

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

11
12 **ANTELOPE VALLEY**
13 **GROUNDWATER CASES**

14 Included Actions:

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

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

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

23 RICHARD WOOD, on behalf of himself
and all other similarly situated v. A.V.
24 Materials, Inc., et al., Superior Court of
California, County of Los Angeles, Case
25 No. BC509546
26
27
28

Judicial Council Coordination Proceeding
No. 4408

Santa Clara Case No. 1-05-CV-049053
Assigned to the Honorable Jack Komar
Department 17C

**DECLARATION OF BRADLEY J. HERREMA
IN SUPPORT OF RABBITBRUSH SOLAR,
LLC AND US SOLAR ASSETS, LLC'S EX
PARTE APPLICATION FOR LEAVE TO
INTERVENE IN JUDGMENT**

[Filed concurrently herewith: *Ex Parte* Application;
Declaration of Brett Martino; and [Proposed] Order
filed concurrently]

[Submitted on the Pleadings]

1 **DECLARATION OF BRADLEY J. HERREMA**

2 I, Bradley J. Herrema, declare:

3 1. I am an attorney duly admitted to practice before all of the courts of this State, and
4 am a shareholder in the law firm of Brownstein Hyatt Farber Schreck, LLP, counsel of record for
5 Rabbitbrush Solar, LLC (“Rabbitbrush”) and US Solar Assets, LLC (“US Solar Assets”). I have
6 personal knowledge of the facts stated in this declaration, except where stated on information and
7 belief, and, if called as a witness, I could and would competently testify to them under oath. I
8 make this declaration in support of the above-referenced request.

9 2. In accordance with Paragraph 16 of the December 23, 2015 Judgment and Physical
10 Solution (“Judgment”) and Section 13 of the Watermaster Rules and Regulations, on November
11 16, 2020, my office submitted transfer applications to the Antelope Valley Watermaster
12 (“Watermaster”) on behalf of FS Land Holding Company, LLC (“FS Land Holding Company”)
13 and Rabbitbrush and US Solar Assets. After reviewing the applications, Watermaster Engineer
14 found the transfers’ potential to cause Material Injury to the Basin “negligible” and recommended
15 approval of the transfers. Attached hereto as **Exhibit A** is a true and correct copy of the
16 Watermaster Board meeting staff report for the transfer applications, which includes Watermaster
17 Engineer’s finding, a copy of the transfer applications, and a copy of Resolution No. R-20-038.
18 Watermaster’s full agenda package for its December 2, 2020 meeting, including the staff report
19 for the Rabbitbrush and US Solar Assets’ transfers, can be found at the following link:
20 [https://avwatermaster.net/wp-content/uploads/2020/10/20.12.02-AV-Watermaster-Special-](https://avwatermaster.net/wp-content/uploads/2020/10/20.12.02-AV-Watermaster-Special-Meeting-Agenda-Packet.pdf)
21 [Meeting-Agenda-Packet.pdf](https://avwatermaster.net/wp-content/uploads/2020/10/20.12.02-AV-Watermaster-Special-Meeting-Agenda-Packet.pdf).

22 3. On December 2, 2020, the Watermaster Board adopted Resolution No. R-20-38,
23 approving the transfers on the condition that Rabbitbrush and US Solar Assets “file a motion to
24 intervene as parties to the Judgment no later than thirty (30) days after the date of this
25 Resolution.” To my knowledge, Watermaster did not receive any stated opposition to the transfer
26 applications prior to or during the public meeting.

27 4. On December 4, 2020, counsel for Watermaster informed me that Watermaster
28 does not oppose the *Ex Parte* Application and stipulates to an order by this Court permitting

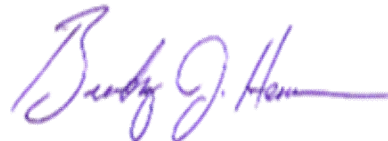
1 Rabbitbrush and US Solar leave to intervene in the action and Judgment. Attached hereto as
2 **Exhibit B** is a true and correct copy of counsel for Watermaster’s email stating such stipulation.

3 5. Good cause exists to grant this application on an *ex parte* basis as First Solar, Inc.,
4 FS Land Holding, Rabbitbrush and US Solar Assets seek to complete an internal reorganization
5 and transfer between First Solar entities of certain assets relating to current or future projects
6 under development by the end of the year, and I have been informed by the Court clerk that there
7 are no remaining available hearing dates before the end of the calendar year.

8 6. On December 4, 2020, I served a letter on all parties to this action via the case’s e-
9 filing service under Section 20.7 of the Judgment. The letter notified the parties of this *Ex Parte*
10 Application, and requested the parties inform me of their position on the matter. I did not receive
11 any responses to my letter. Attached hereto as **Exhibit C** is a true and correct copy of my
12 December 4, 2020 letter.

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

15 Executed this 7th day of December, 2020, at Redondo Beach, California.

16
17 

18

BRADLEY J. HERREMA

19
20
21
22
23
24
25
26
27
28

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

PROOF OF SERVICE
Antelope Valley Groundwater Cases
Santa Clara County Case No. 1-05-CV-049053
Judicial Council Coordination (“JCCP”) No. 4408

STATE OF CALIFORNIA)
)
COUNTY OF LOS ANGELES)

I, Ivy Capili, am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: Brownstein Hyatt Farber Schreck, LLP, 2049 Century Park East, Suite 3550, Los Angeles, California 90067.

On December 7, 2020, I electronically served the foregoing document described as: **DECLARATION OF BRADLEY J. HERREMA IN SUPPORT OF RABBITBRUSH SOLAR, LLC AND US SOLAR ASSETS, LLC’S EX PARTE APPLICATION FOR LEAVE TO INTERVENE IN JUDGMENT** on the interested parties in this action through the OneLegal website (www.onelegal.com) and pursuant to the Electronic Filing and Service Standing Order of Judge Komar.

The file transmission was reported as complete to all parties appearing on the www.scefiling.org electronic service list for the Antelope Valley Groundwater Cases, Case No. 2005-1-CV-049053; JCCP 4408.

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

Executed on December 7, 2020, at Los Angeles, California.

