

1 James W. Lewis (SBN 207599)
2 **TAYLOR & RING**
3 10900 Wilshire Boulevard, Suite 920
4 Los Angeles, California 90024
5 Telephone: (310) 209-4100
6 Facsimile: (310) 208-5052

7 **Attorneys for Cross-defendants,**
8 LITTLE ROCK SAND AND GRAVEL, INC.,
9 a California Corporation;
10 THE GEORGE AND CHARLENE LANE FAMILY TRUST;
11 THE FRANK AND YVONNE LANE 1993 FAMILY
12 TRUST, DATED MARCH 5, 1993, AS RESTATED
13 JULY 20, 2000; MONTE VISTA BUILDING SITES, INC.,
14 a California Corporation; A.V. MATERIALS, INC.,
15 a California Corporation; A.C. WARNACK,
16 as Trustee of the A.C. WARNACK TRUST;
17 HOLLIDAY ROCK CO., INC.,
18 successor in interest to
19 LITTLEROCK AGGREGATE CO., INC. dba
20 ANTELOPE VALLEY AGGREGATE, INC.;
21 LITTLEROCK AGGREGATE CO., INC. dba
22 ANTELOPE VALLEY AGGREGATE, INC.

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25 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

26 **FOR THE COUNTY OF LOS ANGELES**

27 ANTELOPE VALLEY GROUNDWATER CASES)	Judicial Council Coordination No.
28 Included Actions:)	4408
29 Los Angeles County Waterworks)	For filing purposes only:
30 District No. 40 v. Diamond)	Santa Clara County Case No.
31 Farming Co. Superior Court of)	1-05-CV-049053
32 California County of Los Angeles,)	[Assigned to the Honorable Jack
33 Case No. BC 325 201)	Komar]
34 Los Angeles County Waterworks 2)	DECLARATION OF JOHN HOLLIDAY
35 District No. 40 v. Diamong)	IN LIEU OF DEPOSITION TESTIMONY
36 Farming Co. Superior court of)	FOR PHASE 4 TRIAL
37 Califronia, County of Kern, Case)	
38 No. S-1500-CV-254-348)	
39 _____)	

1 Wm. Bolthouse Farms, Inc. V. City)
of Lancaster Diamond Farming Co.)
2 V. City of Lancaster Diamond)
Farming Co. V. Palmdale Water)
3 Dist. Superior Court of)
California, County of Riverside,)
4 consolidated actions, Case No.)
RIC 353 840, RIC 344 436, RIC 344)
5 668)

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8 **DECLARATION**

9 I, JOHN HOLLIDAY, declare:

10 1. I am an officer of Holliday Rock Co., Inc., a party to this action. In lieu of deposition
11 testimony for the Phase 4 trial, I am providing this declaration. This declaration applies only to
12 the categories I have filled in. The items left blank or crossed out do not apply to me. I have
13 personal knowledge of each fact herein and would testify competently thereto under oath.

14 **Property Ownership and Parcel Size**

15 2. _____ owns property that overlies the Antelope Valley Area of
16 Adjudication as decided by this Court. The land is in _____ County and is
17 identified by the following APN/APNs:
18 _____
19 _____

20 [If additional room is needed, please identify the APN/APNs in Exhibit A.] A true and correct
21 copy of Exhibit A is attached hereto and incorporated herein.

22 3. _____ claims groundwater rights only as to the properties listed in
23 Paragraph 2 and Exhibit A.

24 4. For each APN/APNs identified above, the total acreage by parcel is as follows:

1 ~~[If additional room is needed, please identify the APN/APNs and parcel size in Exhibit B.] A~~
2 ~~true and correct copy of Exhibit B is attached hereto and incorporated herein.~~

3 5. ~~For each APN/APNs identified above _____ owned the property during~~
4 ~~the following timer period:~~

5 _____
6 6. ~~The following are all individuals/entities appearing on the title for the above identified~~
7 ~~APN/APNS from Jan 1, 2000 to the present:~~

8 _____
9 7. ~~For each individual/entity identified in paragraph 6 that individual/entity appeared on the~~
10 ~~title during the following time:~~

11 _____

11 **Leases**

12 **A. Re Littlerock Aggregate Co., Inc. dba Antelope Valley Aggregate, Inc.**

13 8. Holliday Rock Co., Inc. (declarant or party affiliated with declarant) leases property that
14 Littlerock Aggregate Co., Inc. dba Antelope Valley Aggregate, Inc. owns and that overlies the
15 Antelope Valley Area of Adjudication as decided by this court and identified by the following
16 APNS: 3051-008-001, 3051-008-003, 3051-008-012 and 3051-008-013.

17 9. The total acreage ~~by parcel~~ is: Approximately 216 contiguous acres.

18 10. The property is currently leased to: Holliday Rock Co., Inc.

19 11. The property was leased on the following dates: From October 1, 2008 to the present.

20 12. The Asset Purchase Agreement lease provides that Holliday Rock Co., Inc. may claim
21 groundwater rights from the use of water on the leased property. Attached to this declaration is a
22 true and correct copy of the Asset Purchase Agreement and lease.

23 ~~[If additional room is needed, please list APN/APNs, acreage by APN, Lessee by APN and dates~~
24 ~~for each Lessee by APN for each parcel in Exhibit C.] A true and correct copy of Exhibit C is~~
~~attached hereto and incorporated herein.~~

1 13. Holliday Rock Co., Inc. leases property from Littlerock Aggregate Co., Inc. dba Antelope
2 Valley Aggregate, Inc. which overlies the Antelope Valley Area of Adjudication as decided by
3 this court and is identified by the following APNS: 3051-008-001, 3051-008-003, 3051-008-012
4 and 3051-008-013.

5 14. The total acreage ~~by parcel~~ is: Approximately 216 contiguous acres.

6 15. The Asset Purchase Agreement Lease provides Holliday Rock Co., Inc. may claim
7 groundwater rights from use of water on leased property. Attached to this declaration is a true
8 and correct copy of the Asset Purchase Agreement and lease.

9 ~~[If additional room is needed, please attach APN/APNs, Name of the Lessor and acreage by
10 APN for each parcel list in Exhibit D to this declaration.] A true and correct copy of Exhibit D is
11 attached hereto and incorporated herein.~~

12 16. Holliday Rock Co., Inc. claims groundwater rights only as to the Asset Purchase
13 Agreement and leasehold interests listed in Paragraph 15 ~~and Exhibit D.~~

14 **B. Re Littlerock Sand and Gravel, Inc.**

15 8. Holliday Rock Co., Inc. (declarant or party affiliated with declarant) leases property that
16 Littlerock Sand and Gravel, Inc. owns and that overlies the Antelope Valley Area of
17 Adjudication as decided by this court and identified by the following APNS: 3051-008-007,
18 3051-008-005, 3051-008-010, 3051-008-011, 3051-007-008, 3051-007-015, 3051-005-029,
19 3051-006-015, 3042-023-002, and 3051-004-006. These APNS are contiguous.

20 9. The total acreage of the parcels ~~by parcel~~ is: Approximately 320 contiguous acres.

21 10. The property is currently leased to: Holliday Rock Co., Inc.

22 11. The property was leased on the following dates: Holliday Rock, Inc. has leased the
23 properties from June 20, 1996 to the present.

24 12. ~~The lease provides that _____ may claim groundwater rights from the use of
water on the leased property. Attached to this declaration is a true and correct copy of the lease.~~

~~[If additional room is needed, please list APN/APNs, acreage by APN, Lessee by APN and dates
for each Lessee by APN for each parcel in Exhibit C.] A true and correct copy of Exhibit C is~~

1 attached hereto and incorporated herein.

2 13. _____ leases property from _____ which overlies the
3 Antelope Valley Area of Adjudication as decided by this court and is identified by the following
4 APNS:

5 _____
6 14. The total acreage by parcel is:
7 _____
8 _____

9 15. The Lease provides that _____ may claim groundwater rights from use of
10 water on leased property. Attached to this declaration is a true and correct copy of the lease.

11 [~~If additional room is needed, please attach APN/APNs, Name of the Lessor and acreage by
12 APN for each parcel list in Exhibit D to this declaration.] A true and correct copy of Exhibit D is
13 attached hereto and incorporated herein.~~

14 16. _____ claims groundwater rights only as to the leasehold interests
15 listed in Paragraph 15 and Exhibit D.

16 17. _____ claims groundwater rights only as to the properties listed in
17 Paragraph 2 and Exhibit A and as to the leasehold interests listed in Paragraph 8 and Exhibit C.

18 18. To the best of my knowledge, only Littlerock Sand and Gravel, Inc. claims groundwater
19 rights as to the leased parcel(s) identified in paragraph 8 15 and Exhibit D.

20 **Water Meter Records**

21 19. On information and belief, _____ measures the
22 groundwater production on the above referenced properties by water meters. Exhibit E contains
23 the records for these water meters for the following years: 2008 through 2012. A true and
24 correct copy of Exhibit E is attached hereto and incorporated herein.

20. Exhibit F sets forth the total yearly production amounts by metered water well on the
above referenced properties for the years 2000-2004, 2011, and 2012. A true and correct copy of

1 Exhibit F is attached hereto and incorporated herein.

2 **State Water Project Purchases**

3 21. _____ purchases State Water Project water from a State Water
4 Contractor for use by _____ on the properties referenced above. Exhibit G
5 contains true and correct copies of the invoices for delivery of State Water Project Water to the
6 properties referenced above.

7 22. _____ Exhibit H sets forth the total yearly State Water Project water deliveries to the properties
8 referenced above for the years 2000-2004, 2011, and 2012. A true and correct copy of Exhibit H
is attached hereto and incorporated herein.

9 **Pump Tests/ Electric Records**

10 23. _____ In order to calculate groundwater pumped and used on the properties referenced above,
11 _____ relied on pump tests and electric records. Exhibit I contains true and correct
12 copies of the pump test records and electrical records for wells on the properties referenced
13 above. The electric records attached to this declaration as Exhibit I do not include electric use on
14 the properties referenced above for anything other than pumping groundwater.

15 24. _____ Exhibit J sets forth the amount of total yearly groundwater that _____
16 estimates was pumped and used on the properties referenced above for the years 2000-2004,
17 2011, and 2012 based on the attached pump test records and electrical records for the wells on
18 the properties referenced above. A true and correct copy of Exhibit J is attached hereto and
incorporated herein.

19 25. _____ Pump tests were performed on the following dates:
20 _____

21 26. _____ is not producing pump test records for the following
22 dates _____ because:
23 _____

24 27. _____ I am not aware of any other pump tests having been performed on the properties
referenced above.

1 **Pump Tests/Diesel Records**

2 28. In order to calculate groundwater pumped and used on the properties referenced above,
3 _____ relied on pump tests and diesel fuel records. Exhibit K contains
4 true and correct copies of the records pertaining to pump tests and diesel fuel purchases for the
5 properties referenced above. The diesel fuel records attached to this declaration as Exhibit K do
6 not include diesel fuel used on the properties referenced above for anything other than pumping
7 groundwater.

8 29. Exhibit L sets forth the amounts of total yearly groundwater pumped and used on the
9 properties referenced above for the years 2000-2004, 2011, and 2012. A true and correct copy of
10 Exhibit L is attached hereto and incorporated herein.

11 30. Pump tests were performed on the following dates:
12 _____
13 _____

14 31. _____ is not producing pump test records for the following
15 dates _____ because:
16 _____

17 32. I am not aware of any other pump tests having been performed on the properties
18 referenced above.

19 **Crop Duties and Irrigated Acres**

20 33. In order to calculate water use on the properties referenced above, The George and
21 Charlene Lane Family Trust relies on the amount of acres in irrigation on the properties
22 referenced above multiplied by the crop duty identified in the Summary Expert Report,
23 Appendix D-3: Table 4, a true and correct copy of which is attached to this declaration as Exhibit
24 M.

34. The total amount of irrigated acres and type of crops on the properties referenced above
by APN for the years 2000-2004, 2011 and 2012 are described in Exhibit N. A true and correct
copy of Exhibit N is attached hereto and incorporated herein.

1 **Other Sources of Water**

2 35. On the properties referenced above, _____ received water from sources
3 other than groundwater pumped within the Basin or State Water Project Water. Exhibit O sets
4 forth the source of the water and the amounts received for the years 2000-2004, 2011, and 2012.

5 **Use of Water** (Complete for each APN. If water for used for multiple purposes, identify
6 the amount of water for each use.)

7 **Re: Properties Leased from Littlerock Aggregate Co., Inc. dba Antelope Valley Aggregate**
8 **Co., Inc.**

9 36. Holliday Rock Co., Inc. has used groundwater on APN Numbers 3051-008-001, 3051-008-
10 003, 3051-008-012 and 3051-008-013 for Aggregate production, Ready Mix Plant usage to
11 produce concrete, and site dust suppression from approximately September of 2008 to the
12 present. These properties are owned by Littlerock Aggregate Co., Inc. dba Antelope Valley
13 Aggregate and leased by Holliday Rock Co., Inc. as discussed in this declaration.

14 37. Holliday Rock Co., Inc. has operated the aggregate processing plant on the parcels
15 referenced in paragraph 36 between approximately September of 2008 and the present. There
16 has also been a ready mixed concrete production plant on site in operation at all relevant times.
17 The process involved in the manufacture of aggregates and concrete requires substantial amounts
18 of water. Following is a general description of the aggregate manufacturing process that was
19 used between the years 2000 and September of 2008 at the properties referenced in paragraph 36.
20 Raw rock, sand and gravel are extracted from the site below grade and brought to the plant via
21 conveyors. The aggregate processing plant uses water to wash the fines and deleterious
22 materials out of the raw minerals to achieve cleanliness measures per the specifications for
23 construction materials. The Antelope Valley Air Quality Management District required the use
24 of water for dust suppression both in the plant as well as in and around the site. Holliday
operates two industrial wells on site and uses them in tandem to fill a fresh water pond capable of
supplying all the water needs for its industrial processes. The fresh water pond had a pond pump
which then conveys the water to the rock plant and to the ready mixed concrete plant (water

1 storage tank). Groundwater is also used for dust suppression on the parcels referenced herein.

2 **Re: Properties Leased from Littlerock Sand and Gravel, Inc.**

3 38. Holliday Rock Co., Inc. has leased the following properties from Littlerock Sand and
4 Gravel, Inc. since 1996: 3051-008-007, 3051-008-005, 3051-008-010, 3051-008-011, 3051-007-
5 008, 3051-007-015, 3051-005-029, 3051-006-015, 3042-023-002, and 3051-004-006. Holliday
6 leases these properties from Little Rock Sand and Gravel, Inc. under a long term lease which is
7 subject to Conditional Use Permit CUP 96-4.

8 39. The process involved in the manufacture of aggregates and concrete require substantial
9 amounts of water. The following is a description of the aggregate manufacturing process that
10 has been used at the parcels referenced in paragraph 38 between 2000 and the present. Raw
11 rock, sand and gravel are extracted from the site below grade and brought to the processing plant
12 via land conveyors. The aggregate processing plant uses water to wash the fines and deleterious
13 materials out of the raw minerals to achieve cleanliness measures per the specifications for
14 construction materials. The plant is subject to a number of governmental authorities and permits.
15 The Antelope Valley Air Quality Management District requires the use of water for dust
16 suppression both in the plant as well as in and around the entire site (over 300 acres). Holliday
17 controls two industrial wells on site and uses them in tandem to fill a fresh water pond capable of
18 supplying all the water needs for its industrial processes. The fresh water pond has a pond pump
19 which pumps the water to the rock plant.

20 40. The on-site ready mixed concrete plant uses the aggregate supplied by the rock plant and
21 mixes them with cement and water to produce concrete.

22 36. _____ used _____ acre feet of water on APN# _____ in 2000.

23 The water was used for the following:

24 _____

[State the crop type and number of acres of that crop. If not used for irrigation, describe the use.
In lieu of answering this question, a crop map may be attached that shows the date, crop type,
irrigated acreage and parcels.]

1 37. _____ used _____ acre feet of water on APN# _____ in 2001.

2 The water was used for the following:

3 _____.

4 [~~State the crop type and number of acres of that crop. If not used for irrigation, describe the use.~~

5 ~~In lieu of answering this question, a crop map may be attached that shows the date, crop type,~~
6 ~~irrigated acreage and parcels.]~~

7 38. _____ used _____ acre feet of water on APN# _____ in 2002. The
8 water was used for the following:

9 _____.

10 39. _____ used _____ acre feet of water on APN# _____ in 2003. The
11 water was used for the following:

12 _____.

13 [~~State the crop type and number of acres of that crop. If not used for irrigation, describe the use.~~

14 ~~In lieu of answering this question, a crop map may be attached that shows the date, crop type,~~
15 ~~irrigated acreage and parcels.]~~

16 40. _____ used _____ acre feet of water on APN# _____ in 2004. The
17 water was used for the following:

18 _____.

19 [~~State the crop type and number of acres of that crop. If not used for irrigation, describe the use.~~

20 ~~In lieu of answering this question, a crop map may be attached that shows the date, crop type,~~
21 ~~irrigated acreage and parcels.]~~

22 41. _____ used _____ acre feet of water on APN# _____ in 2011. The
23 water was used for the following:

24 _____.

[~~State the crop type and number of acres of that crop. If not used for irrigation, describe the use.~~

~~In lieu of answering this question, a crop map may be attached that shows the date, crop type,~~
~~irrigated acreage and parcels.]~~

1 42. _____ used _____ acre feet of water on APN# _____ in 2012. The
2 water was used for the following:

3 _____
4 [State the crop type and number of acres of that crop. If not used for irrigation, describe the use.
5 In lieu of answering this question, a crop map may be attached that shows the date, crop type,
6 irrigated acreage and parcels.]

7 43. Other than what is declared hereinabove, _____ did not produce or use
8 water within the Antelope Valley Area of Adjudication for 2000-2004, 2011, and 2012.

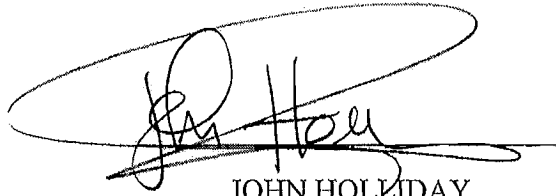
9 44. Attached hereto are true and correct copies of Productivity – Rock Plant Summary
10 records for the years 2008 through 2012. The designation “Antelope Valley RP” on the
11 Productivity – Rock Plant Summary records relates to data collected and maintained for the
12 aggregate facility that is operated by Holliday Rock, Inc. on the properties owned by Littlerock
Aggregate Co., Inc. dba Antelope Valley Aggregate, Inc. that are discussed herein.

13 45. The designation “Palmdale RP” on the Productivity – Rock Plant Summary records
14 relates to data collected and maintained for the aggregate facility that is operated by Holliday
15 Rock, Inc. on the properties owned by Littlerock Sand and Gravel, Inc. that are discussed herein.

16 46. The Productivity - Rock Plant Summary reports are kept in the regular course and scope
17 of Holliday Rock, Inc.’s business. These reports are prepared in the regular course and scope of
18 Holliday Rock Co., Inc.’s business. These reports are prepared for the purpose of tracking the
19 hours the plant was scheduled to run, the hours the plant actually ran, the hours the plant was
20 down, the percent the plant was up, the tons of aggregate produced, and tons per hour processed
21 by the plant. The tons per hour is obtained from a daily reading on a conveyor belt scale at each
22 site. All information on the Productivity – Rock Plant Summary is tracked and recorded by
23 employees at each site on a daily basis. The information is then transmitted from each site to the
24 corporate headquarters and inputted onto Holliday’s computer system. The Productivity-Rock
Plant Summary reports are updated on a continuing basis as the data is received from each site
within a few days after the data is collected at the site. The Productivity – Rock Plant Summary

1 reports are prepared under my direction and supervision in the regular course and scope of
2 Holliday's business. The attached Productivity – Rock Plant Summary reports show the annual
3 hours scheduled, hours ran, hours down, percent up, tons produced and tons per hour for the
4 years 2008 to 2012.

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

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9 JOHN HOLLIDAY
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EXHIBIT "A"

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EXHIBIT "E"

EXHIBIT "G"

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EXHIBIT "J"

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EXHIBIT "L"

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EXHIBIT "M"

Appendix D-3: Table 4
Applied Crop Water Duties and Irrigation Efficiency Values
 (DU = 80%)
Antelope Valley Area of Adjudication

Crop	ET _c ¹ (in)	P _a ² (in)	ET _{AW} ³ (in)	DU ⁴ (%)	AW _c ⁵ (in)	AW _{er} ⁶ (in)	AW _{pr} ⁷ (in)	AW _T ⁸ (in)	AW _T ⁸ (ft)	E _{ir} ⁹ (%)
Alfalfa	62.10	1.77	60.33	80	75.42	0	2.0	77.42	6.5	81
Carrots	27.47	0.00	27.47	80	34.33	6	6.5	46.83	3.9	85
Grain	22.94	1.42	21.52	80	26.90	0	4.0	30.90	2.6	83
Melons/Squash	23.91	0.00	23.91	80	29.88	0	4.0	33.88	2.8	82
Onions	37.57	0.00	37.57	80	46.96	3	4.0	53.96	4.5	83
Orchard (Deciduous)	47.38	0.00	47.38	80	59.22	0	0.0	59.22	4.9	80
Pasture	66.19	1.77	64.42	80	80.53	0	0.0	80.53	6.7	80
Potatoes	24.02	0.00	24.02	80	30.03	0	4.0	34.03	2.8	82
Silage	27.31	0.00	27.31	80	34.14	0	4.0	38.14	3.2	82
Sugar Beets	40.55	0.00	40.55	80	50.68	0	4.0	54.68	4.6	81
Vineyard (Grapes)	35.33	0.00	35.33	80	44.16	0	0.0	44.16	3.7	80

¹ ET_c = K_c * ET_o, where ET_o = average ET_o for specified periods, based on data from Victorville CIMIS Station, 1994-2003; K_c values from Univ. California Cooperative Extension
² P_a = effective precipitation offsetting ET_c, up to 1/2 of the average precipitation, in Dec. - Feb., inclusive.
³ ET_{AW} = evapotranspiration of applied water = ET_c - P_a
⁴ DU = irrigation distribution uniformity
⁵ AW_c = applied water for crop requirement = ET_{AW} * DU
⁶ AW_{er} = applied water for erosion control
⁷ AW_{pr} = applied water for field preparation and pre-irrigation
⁸ AW_T = applied crop water duty = AW_c + AW_{er} + AW_{pr}
⁹ E_{ir} = overall irrigation efficiency for beneficial uses = (ET_{AW} / (AW_c + AW_{er} + AW_{pr})) * AW_T

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