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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 LITTLE ROCK AGGREGATE CO., INC. dba  
20 ANTELOPE VALLEY AGGREGATE, INC.;  
21 LITTLE ROCK 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 ROBERT J. PLUSS
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 Diamong 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, ROBERT J. PLUSS, declare:

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

14 **Property Ownership and Parcel Size**

15 2. Littlerock Aggregate Co., Inc. dba Antelope Valley Aggregate, Inc. owns property that  
16 overlies the Antelope Valley Area of Adjudication as decided by this Court. The land is in Los  
17 Angeles County and is identified by the following APN/APNs: 3051-008-001, 3051-008-003,  
18 3051-008-012 and 3051-008-013. [If additional room is needed, please identify the APN/APNs  
in Exhibit A.] A true and correct copy of Exhibit A is attached hereto and incorporated herein.

19 3. Littlerock Aggregate Co., Inc. dba Antelope Valley Aggregate, Inc. claims groundwater  
20 rights only as to the properties listed in Paragraph 2 ~~and Exhibit A.~~

21 4. For ~~each~~ the APN/APNs identified above, the total acreage ~~by parcel~~ is as follows: The  
22 parcels total approximately 234 acres of contiguous land near Avenue S and 75<sup>th</sup> Street East in  
23 the Littlerock area of the Antelope Valley.

24 ~~[If additional room is needed, please identify the APN/APNs and parcel size in Exhibit B.] A~~

1 ~~true and correct copy of Exhibit B is attached hereto and incorporated herein.~~

2 5. For each APN/APNs identified above: Littlerock Aggregate Co., Inc. dba Antelope  
3 Valley Aggregate owned the property during the following time period: From approximately  
4 1962 to the present.

5 6. The following are all individuals/entities appearing on the title for the above identified  
6 APN/APNS from Jan 1, 2000 to the present: Littlerock Aggregate Co., Inc. dba Antelope Valley  
7 Aggregate, Inc.

8 7. For each individual/entity identified in paragraph 6 that individual/entity appeared on the  
9 title during the following time: Jan 1, 2000 to the present- Littlerock Aggregate Co., Inc. dba  
10 Antelope Valley Aggregate, Inc.

11 **Leases**

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

17 9. The total acreage of the parcels ~~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.~~

13. \_\_\_\_\_ leases property from \_\_\_\_\_ which overlies the

1 ~~Antelope Valley Area of Adjudication as decided by this court and is identified by the following~~  
2 ~~APNS:~~

3 \_\_\_\_\_  
4 14. ~~The total acreage by parcel is:~~  
5 \_\_\_\_\_

6 15. ~~The Lease provides that \_\_\_\_\_ may claim groundwater rights from use of~~  
7 ~~water on leased property. Attached to this declaration is a true and correct copy of the lease.~~

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

11 16. ~~\_\_\_\_\_ claims groundwater rights only as to the leasehold interests~~  
12 ~~listed in Paragraph 15 and Exhibit D.~~

13 17. ~~Littlerock Aggregate Co., Inc. dba Antelope Valley Aggregate claims groundwater rights~~  
14 ~~only as to the properties listed in Paragraph 2 and Exhibit A and as to the leasehold interests~~  
15 ~~listed in Paragraph 8 and Exhibit C. However, it does not dispute Holliday Rock Co., Inc.'s~~  
16 ~~claims to the groundwater rights.~~

17 18. ~~To the best of my knowledge, only \_\_\_\_\_ claims groundwater~~  
18 ~~rights as to the leased parcel(s) identified in paragraph 15 and Exhibit D.~~

19 **Water Meter Records**

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

24 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~~  
~~Exhibit F is attached hereto and incorporated herein.~~

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**State Water Project Purchases**

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

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

**Pump Tests/ Electric Records**

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

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

25. Pump tests were performed on the following dates:  
\_\_\_\_\_  
\_\_\_\_\_.

26. \_\_\_\_\_ is not producing pump test records for the following dates \_\_\_\_\_ because:  
\_\_\_\_\_  
\_\_\_\_\_.

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

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**Pump Tests/Diesel Records**

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

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

30. ~~Pump tests were performed on the following dates:  
\_\_\_\_\_.~~

31. ~~\_\_\_\_\_ is not producing pump test records for the following dates \_\_\_\_\_ because:  
\_\_\_\_\_.~~

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

**Crop Duties and Irrigated Acres**

33. ~~In order to calculate water use on the properties referenced above, \_\_\_\_\_ relies on the amount of acres in irrigation on the properties referenced above multiplied by the crop duty identified in the Summary Expert Report, Appendix D-3: Table 4, a true and correct copy of which is attached to this declaration as Exhibit 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 36. Littlerock Aggregate Co., Inc. dba Antelope Valley Aggregate used groundwater on APN  
8 Numbers 3051-008-001, 3051-008-003, 3051-008-012 and 3051-008-013 for Aggregate  
9 production, Ready Mix Plant usage to produce concrete, and site dust suppression for the years  
10 2000 to September of 2008. See the calculations supplied by Holliday Rock Co., Inc.

11 37. Between the years 2000 to September 2008 Littlerock Aggregate Co., Inc. dba Antelope  
12 Valley Aggregate operated the aggregate processing plant on the parcels referenced herein.  
13 There was also a ready mixed concrete production plant on site. The process involved in the  
14 manufacture of aggregates and concrete requires substantial amounts of water. Following is a  
15 description of the aggregate manufacturing process that was used between the years 2000 and  
16 September of 2008. Raw rock, sand and gravel were extracted from the site below grade and  
17 brought to the plant via conveyors. The aggregate processing plant used water to wash the fines  
18 and deleterious materials out of the raw minerals to achieve cleanliness measures per the  
19 specifications for construction materials. The Antelope Valley Air Quality Management District  
20 required the use of water for dust suppression both in the plant as well as in and around the site.  
21 Littlerock Aggregate Co., Inc. dba Antelope Valley Aggregate owned two industrial wells on site  
22 and used them in tandem to fill a fresh water pond capable of supplying all the water needs for  
23 its industrial processes. The fresh water pond had a pond pump which then conveyed the water  
24 to the rock plant and to the ready mixed concrete plant (water storage tank). Groundwater was  
also used for dust suppression on the parcels referenced herein.

36. \_\_\_\_\_ used \_\_\_\_\_ acre feet of water on APN# \_\_\_\_\_ in 2000.

1 The water was used for the following:

2 \_\_\_\_\_

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

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

6 37. \_\_\_\_\_ used \_\_\_\_\_ acre feet of water on APN# \_\_\_\_\_ in 2001.

7 The water was used for the following:

8 \_\_\_\_\_

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

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

12 38. \_\_\_\_\_ used \_\_\_\_\_ acre feet of water on APN# \_\_\_\_\_ in 2002. The  
13 water was used for the following:

14 \_\_\_\_\_

15 39. \_\_\_\_\_ used \_\_\_\_\_ acre feet of water on APN# \_\_\_\_\_ in 2003. The  
16 water was used for the following:

17 \_\_\_\_\_

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

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

21 40. \_\_\_\_\_ used \_\_\_\_\_ acre feet of water on APN# \_\_\_\_\_ in 2004. The  
22 water was used for the following:

23 \_\_\_\_\_

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

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

27 41. \_\_\_\_\_ used \_\_\_\_\_ acre feet of water on APN# \_\_\_\_\_ in 2011. The



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~~water was used for the following:~~

\_\_\_\_\_

~~[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.]~~

~~42. \_\_\_\_\_ used \_\_\_\_\_ acre feet of water on APN# \_\_\_\_\_ in 2012. The water was used for the following:~~

\_\_\_\_\_

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

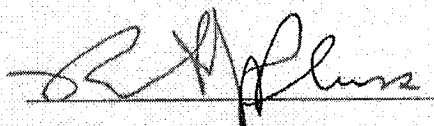
~~In lieu of answering this question, a crop map may be attached that shows the date, crop type, irrigated acreage and parcels.]~~

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

44. Attached hereto are true and correct copies of Aggregate Production Reports which I kept in the regular course of my job duties with Littlerock Aggregate Co., Inc. dba Antelope Valley Aggregate, Inc. These reports were prepared in the regular course and scope of Littlerock Aggregate Co., Inc. dba Antelope Valley Aggregate, Inc.'s business, and were prepared on a yearly basis for the purpose of reporting to the County of Los Angeles, in part, the tons of material sold per year. The Aggregate Production Reports were prepared by me and/or under my supervision by compiling data from Littlerock Aggregate Co., Inc. that was recorded on a monthly basis and maintained in the regular course and scope of its business at all relevant times.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 31<sup>st</sup> day of January 2013, at Lancaster, California.

  
ROBERT J. PLUSS

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EXHIBIT "A"







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EXHIBIT "E"





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EXHIBIT "G"

EXHIBIT "H"

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EXHIBIT "L"

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EXHIBIT "M"

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

Antelope Valley Area of Adjudication

Crop	ET <sub>c</sub> <sup>1</sup> (in)	P <sub>e</sub> <sup>2</sup> (in)	ET <sub>AW</sub> <sup>3</sup> (in)	DU <sup>4</sup> (%)	AW <sub>c</sub> <sup>5</sup> (in)	AW <sub>er</sub> <sup>6</sup> (in)	AW <sub>pr</sub> <sup>7</sup> (in)	AW <sub>T</sub> <sup>8</sup>		E <sub>ir</sub> <sup>9</sup> (%)
								(in)	(ft)	
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	0	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	0	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	50.88	0	4.0	54.88	4.6	81
Vineyard (Grapes)	35.33	0.00	35.33	80	44.16	0	0.0	44.16	3.7	80

<sup>1</sup> ET<sub>c</sub> = K<sub>c</sub> \* ET<sub>o</sub>, where ET<sub>o</sub> = average ET<sub>o</sub> for specified periods, based on data from Victorville CIMIS Station, 1994-2003; K<sub>c</sub> values from Univ. California Cooperative Extension

<sup>2</sup> P<sub>e</sub> = effective precipitation offsetting ET<sub>c</sub>, up to 1/2 of the average precipitation, in Dec. - Feb., inclusive.

<sup>3</sup> ET<sub>AW</sub> = evapotranspiration of applied water = ET<sub>c</sub> - P<sub>e</sub>

<sup>4</sup> DU = irrigation distribution uniformity

<sup>5</sup> AW<sub>c</sub> = applied water for crop requirement = ET<sub>AW</sub> / DU

<sup>6</sup> AW<sub>er</sub> = applied water for erosion control

<sup>7</sup> AW<sub>pr</sub> = applied water for field preparation and pre-irrigation

<sup>8</sup> AW<sub>T</sub> = applied crop water duty = AW<sub>c</sub> + AW<sub>er</sub> + AW<sub>pr</sub>

<sup>9</sup> E<sub>ir</sub> = overall irrigation efficiency for beneficial uses = (ET<sub>AW</sub> / (AW<sub>c</sub> + AW<sub>er</sub> + AW<sub>pr</sub>)) \* DU

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