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Attorneys for Cross-defendants,
5 LITTLE ROCK SAND AND GRAVEL, INC.,
a California Corporation;
6 THE GEORGE AND CHARLENE LANE FAMILY TRUST;
THE FRANK AND YVONNE LANE 1993 FAMILY
7 TRUST, DATED MARCH 5, 1993, AS RESTATED
JULY 20, 2000; MONTE VISTA BUILDING SITES, INC.,
8 a California Corporation; A.V. MATERIALS, INC.,
a California Corporation;
9 HOLLIDAY ROCK CO., INC.,
successor in interest to
10 LITTLEROCK AGGREGATE CO., INC. dba
ANTELOPE VALLEY AGGREGATE, INC.;
11 LITTLEROCK AGGREGATE CO., INC. dba
ANTELOPE VALLEY AGGREGATE, INC.
12

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

14 **FOR THE COUNTY OF LOS ANGELES**

15
16 **ANTELOPE VALLEY GROUNDWATER CASES**) **Judicial Council Coordination No.**
) **4408**
17 Included Actions:) **For filing purposes only:**
) **Santa Clara County Case No.**
18 Los Angeles County Waterworks) **1-05-CV-049053**
District No. 40 v. Diamond)
19 Farming Co. Superior Court of) **[Assigned to the Honorable Jack**
California County of Los Angeles,) **Komar]**
20 Case No. BC 325 201) **TRIAL BRIEF OF LITTLEROCK**
) **AGGREGATE CO., INC. AND HOLLIDAY**
21 Los Angeles County Waterworks 2) **ROCK CO., INC.**
District No. 40 v. Diamong)
22 Farming Co. Superior court of)
California, County of Kern, Case)
23 No. S-1500-CV-254-348)
)
24 Wm. Bolthouse Farms, Inc. V. City)

1 of Lancaster Diamong Farming Co.) **Date: May 28, 2013**
V. City of Lancaster Diamond) **Time: 1:00 p.m.**
2 Farming Co. V. Palmdale Water)
Dist. Superior Court of)
3 California, County of Riverside,)
consolidated actions, Case No.)
4 RIC 353 840, RIC 344 436, RIC 344)
668)

5
6 TO THE COURT, TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD
7 IN THIS MATTER:

8 Cross-defendants LITTLE ROCK AGGREGATE CO., INC. dba
9 ANTELOPE VALLEY AGGREGATE, INC. and HOLLIDAY ROCK CO., INC.,
10 successor in interest to LITTLE ROCK AGGREGATE CO., INC.
11 (collectively "LITTLE ROCK") hereby submit the following Trial
12 Brief for the Phase IV Trial in this matter.

13 **RELATIONSHIP BETWEEN LITTLE ROCK AGGREGATE CO., INC. AND HOLLIDAY**
14 **ROCK CO., INC.**

15 LITTLE ROCK AGGREGATE CO., INC. dba ANTELOPE VALLEY
16 AGGREGATE, INC. owns real properties that are located at
17 approximately 7311 E. Avenue T, Littlerock, California ("Real
18 Property"). The parcel numbers are 3051-008-001, 3051-008-003,
19 3051-008-012 and 3051-008-013. The parcels total approximately
20 234 acres of contiguous land. The parcels have been owned by
21 LITTLE ROCK AGGREGATE CO., INC. dba ANTELOPE VALLEY AGGREGATE,
22 INC. since approximately 1962. On or about October 1, 2008
23 HOLLIDAY ROCK CO., INC. entered into a twenty five (25) year
24 lease of the Real Property from LITTLE ROCK AGGREGATE CO., INC.

1 dba ANTELOPE VALLEY AGGREGATE, INC. The primary purpose of the
2 lease is to allow HOLLIDAY ROCK CO., INC. to mine and process
3 aggregate on the leased properties.

4 **2011 AND 2012 GROUNDWATER PUMPING**

5 The claimed groundwater pumping for the years 2011 and 2012
6 for LITTLEROCK is:

7

CLAIMANT	2011 Pumping	2012 Pumping
Littlerock Aggregate Co., Inc. dba Antelope Valley Aggregate, Inc. and Holliday Rock Co., Inc.	145 a/f	166 a/f

8

9
10 In 2011 and 2012 the properties were used for washing and
11 processing aggregate, ready mix plant water usage, and site dust
12 suppression.

13 Holliday Rock Co., Inc. pumps groundwater from a
14 groundwater well into a pond at its Antelope Valley Aggregate
15 Site. Water is pumped into a pond given that the groundwater
16 well pump cannot pump sufficient quantities of water directly to
17 the processing plant to process aggregate. Holliday Rock Co.,
18 Inc. runs its turbine booster pump, which sits on a platform in
19 the pond, at all times that it is processing aggregate. Water
20 is pumped from the pond by the booster pump to the aggregate
21 processing plant at all times that the processing plant is
22 operated. Holliday Rock Co., Inc. calculated its water use on
23 these properties by using the annual hours of aggregate
24 production multiplied by the quantity of water pumped by the

1 turbine booster pump per hour while the plant is operating
2 (based upon a Southern California Edison Company Pump test), to
3 arrive at the annual number of gallons of water used at the
4 plant. Then it converted gallons to acre feet to arrive at the
5 quantity of acre feet used per year.

6 Holliday Rock Co., Inc. also calculated its Ready Mix Plant
7 Water Usage by using the annual production quantity of Ready Mix
8 Concrete in yards, multiplied by the water used to produce a
9 yard of concrete (40 gallons per yard), then converted gallons
10 to acre feet.

11 Holliday Rock Co., Inc. calculated its site dust
12 suppression usage by using the 3000 gallon capacity of its water
13 trucks, times the number of trips per day, times the number of
14 operating days (250), to arrive at its water usage in gallons,
15 and then converted it to acre feet.

16 These properties are located immediately adjacent to
17 properties that Holliday Rock Co., Inc. leases from Little Rock
18 Sand and Gravel, Inc. The water usage and aggregate processing
19 on the two properties is totally separate and distinct. The
20 groundwater pumped on the properties leased from Little Rock
21 Sand and Gravel, Inc. is not included within these pumping
22 numbers.

23 ///

24 ///

1 Attached hereto as Exhibit 1 is a document showing the
2 manner in which the groundwater pumping was calculated on the
3 properties leased to Holliday Rock for the years 2011 and 2012.

4 Dated: May 27, 2013

TAYLOR & RING

6
7 By: 

James W. Lewis
Attorneys for Cross-
Defendants HOLLIDAY ROCK
CO., INC., successor in
interest to LITTLE ROCK
AGGREGATE CO., INC. dba
ANTELOPE VALLEY
AGGREGATE, INC.; THE
FRANK AND YVONNE LANE
1993 FAMILY TRUST, DATED
MARCH 5, 1993, AS
RESTATED JULY 20, 2000,
successor in interest to
FRANK A. LANE, ROE 612;
THE GEORGE AND CHARLENE
LANE FAMILY TRUST,
Successor in interest to
George M. Lane, Roe 316;
MONTE VISTA BUILDING
SITES, INC., a
California Corporation;
A.V. MATERIALS, INC., a
California Corporation,
ROE 9; A.C. WARNACK,
as Trustee of the A.C.
WARNACK TRUST; LITTLE
ROCK SAND AND GRAVEL,
INC.

EXHIBIT 1

Antelope Valley Groundwater Cases

Case No. BC 325 301,

S-1500-CV-254-348

RIC 353 840

RIC 344 436

RIC 344 668

Antelope Valley Aggregate Site

Holliday Rock Co., Inc., successor in interest to Littlerock Aggregate Co., Inc. dba Antelope Valley Aggregate, Inc. provides the following information to substantiate its water rights' claims relating to Assessor's Parcel Numbers 3051-008-001, 3051-008-003, 3051-008-012 and 3051-008-013, in the County of Los Angeles, State of California.

Holliday owns and operates an aggregate processing plant on the above-referenced parcels. The parcels are owned by lessor Littlerock Aggregate Co., Inc. dba Antelope Valley Aggregate, Inc. There is also a ready mixed concrete production plant on site. The process involved in the manufacture of aggregates and concrete require substantial amounts of water. Following is a description of the aggregate manufacturing process. Raw rock, sand and gravel are extracted from the site below grade and brought to the plant via conveyors. The aggregate processing plant uses water to wash the fines and deleterious materials out of the raw minerals to achieve cleanliness measures per the specifications for construction materials. The plant is subject to a number of governmental authorities and permits. The Antelope Valley Air Quality Management District requires the use of water for dust suppression both in the plant as well as in and around the site. Holliday owns 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 has a pond pump which then conveys the water to the rock plant and to the ready mixed concrete plant (water storage tank).

The on-site ready mixed concrete plant uses the aggregate supplied by Holliday and mixes it with cement and water to produce concrete. Each yard of concrete produced requires at least 30 gallons. Each truck also has a 100 gallon water tank which is filled with each 10 yard load. Thus total water involved with each yard of concrete produced is 40 gallons.

Below, Holliday has itemized its annual water usage for the years 2011 and 2012, and for the years 2000 through 2004. The assumptions to the calculations were based on actual production numbers (tons of rock and sand produced and sold) for the aggregate plant and yards of concrete sold and shipped for the ready mix portion. Additionally, water used for dust suppression in and around the 200+ acre site has been shown separately. The rock plant water consumption is 1060 gallons per minute as determined by a hydraulic test performed on January 17, 2013 by Southern California Edison Company. The throughput productive capacity of the aggregate plant (tons per hour) for Water Years 2011 and 2012 is based on belt scale readings and production reports. The tons per hour rating for Water Years 2000 - 2004 are based on averages derived from belt scale readings from Water Years 2008 - 2010, as detailed below.

YEAR

2011

Aggregate Plant Water Usage

a) Annual Aggregate Production (tons)	165,044
b) Plant Production (tons/hour)	261
c) Hours of Production (a/b)	634
d) Water Usage per hour (1060gpm x 60)	63,600
e) Annual water used – gallons	40,322,400
f) Acre Feet (e/325,800)	123.76

Ready Mix Plant Usage

a) Annual Aggregate Purchased (tons)	42,685
b) Convert to cubic yards (a/1.6)	26,678
c) Water Usage (40 gal./yd x b)	1,067,120
d) Acre Feet (c/325,800)	3.28

Site Dust Suppression

a) 3000 gallon water truck – 8 trips/day	
b) Operating Days: 250	
c) Water Usage (3000 x 8 x 250)	6,000,000
d) Acre Feet (c/325,800)	18.42

TOTAL: 145.46

YEAR

2012

Aggregate Plant Water Usage

a) Annual Aggregate Production (tons)	226,775
b) Plant Production (tons/hour)	300
c) Hours of Production (a/b)	755
d) Water Usage per hour (1060gpm x 60)	63,600
e) Annual water used – gallons	48,018,000
f) Acre Feet (e/325,800)	147.38

Ready Mix Plant Usage

a) Annual Aggregate Purchased (tons)	800
b) Convert to cubic yards (a/1.6)	500
c) Water Usage (40 gal./yd x b)	20,000
d) Acre Feet (c/325,800)	0.06

Site Dust Suppression

a) 3000 gallon water truck – 8 trips/day	
b) Operating Days: 250	
c) Water Usage (3000 x 8 x 250)	6,000,000
d) Acre Feet (c/325,800)	18.42

TOTAL: 165.86

