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 SHEEP CREEK WATER COMPANY, INC.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES

Coordination Proceeding Special Title (Rule 1550(b))) Judicial Council Coordination Proceeding No. 4408
ANTELOPE VALLEY GROUNDWATER CASES) Santa Clara Case No. 1-05-CV-049053 Assigned to the Honorable Jack Komar
Including Actions:) DECLARATION OF MICHAEL DUANE DAVIS IN SUPPORT OF SHEEP CREEK WATER COMPANY'S MOTION TO BE EXCLUDED FROM THE ANTELOPE VALLEY GROUNDWATER ADJUDICATION, OR, IN THE ALTERNATIVE, FOR RECOGNITION OF ITS PRIOR RIGHTS TO THE WATERS OF SHEEP CREEK
Los Angeles County Waterworks District No. 40 v. Diamond Farming Co. Superior Court of California, County of Los Angeles, Case No. BC 325 201) DATE: October 3, 2008 TIME: 9:00 a.m. DEPT: 17
Los Angeles County Waterworks District No. 40 v. Diamond Farming Co. Superior Court of California, County of Kern, Case No. S-1500-CV-254-348) [Filed Concurrently with Notice of Motion, Memorandum of Points and Authorities, Request for Judicial Notice, Declarations of Chris Cummings and Dr. Ram Arora, Hydrogeologist, and Proposed Order]
Wm. Bolthouse Farms, Inc. v. City of Lancaster)
Diamond Farming Co. v. City of Lancaster)
Diamond Farming Co. v. Palmdale Water Dist.)
Superior Court of California, County of Riverside, consolidated actions, Case Nos. RIC 353 840, RIC 344 436, RIC 344 668)
<u>AND RELATED CROSS-ACTIONS.</u>)

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1 I, MICHAEL DUANE DAVIS, declare as follows:

2 1. I am an attorney at law, duly admitted to practice before all of the Courts of the
3 State of California, am a principal with the firm of Gresham Savage Nolan & Tilden, APC
4 ("GreshamSavage"), and am the attorney of record for Cross-Defendant, Sheep Creek Water
5 Company, in the instant action. I submit this declaration in support of the Motion for
6 Recognition of Prior Judicial Rights to the Waters of Sheep Creek. I declare the following of my
7 own personal knowledge, except as to those matters declared on information and belief, which
8 matters I believe to be true. If called as a witness, I could, and would, competently testify to the
9 following matters.

10 2. GreshamSavage employed Tina Brister ("Ms. Brister") as an attorney from
11 September 4, 2007 to June 12, 2008, during which time she assisted me on this action. Prior to
12 becoming an attorney, Ms. Brister had five (5) years of experience as a Geographic Information
13 Systems (GIS) Analyst. Under my direction, Ms. Brister obtained U.S. Geological Survey
14 groundwater contour data for 1992, 1996, 1998, and 2000 in a GIS-compatible digital format
15 from the USGS website <http://water.usgs.gov/lookup/getgislist>.

16	1992 Water-Table Contours of the Mojave River Ground-Water Basin, San Bernardino County, California
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18	1994 Water-Table Contours of the Morongo Ground-Water Basin, San Bernardino County, California
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20	1996 Water-Table Contours of the Mojave River, the Morongo, and the Fort Irwin Ground-Water Basins, San Bernardino County, California
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22	1998 Water-Table Contours of the Mojave River and the Morongo Ground-Water Basins, San Bernardino County, California
	2000 Water-Table Contours of the Mojave River and the Morongo Ground-Water Basins, San Bernardino County, California

23 3. I compiled six (6) USGS / National Geographic 1:30,750 scale maps of the area
24 from south of Swarthout Creek (Wrightwood) / Sheep Creek Canyon on the south to
25 approximately 34°31'N, and from approximately 117°45'W on the west to approximately
26 117°29'W on the east. The Los Angeles / San Bernardino County line is printed on the map and
27 highlighted in "red" at approximately 1/3 of the way from the left side. I plotted Sheep Creek
28

1 Water Company's service area from its Bylaws and highlighted it in orange (at the middle right
2 center of the map). I also plotted Sheep Creek Water Company's Sheep Creek Canyon (San
3 Bernardino County) well field from information provided by Sheep Creek Water Company's
4 General Manager, Chris Cummings, and highlighted it in orange (in the lower center of the map).
5 I then highlighted (in yellow) the "shaft" that is described in the 1931 Judgment, which is printed
6 on the map and located about one inch (1") below the well field. I then plotted Sheep Creek
7 Water Company's Los Angeles County well site (the "Property") from the information on the
8 well driller's report, and highlighted it in orange (in the upper-center left of the map, just below
9 the highlighting of the County line). Finally, I overlaid the Bloyd, 1967 (solid red), Carlson, et
10 al, 1998 (dashed black) and Carlson & Phillips, 1998 (solid blue) Antelope Valley Groundwater
11 Basin boundaries, and the Buttes / Pearland Sub-Basin boundary from Bloyd, 1967 (solid green)
12 and Carlson & Phillips, 1998 (solid blue), from the information on Plate 1 from Luhdorff &
13 Scalmanini's Technical Memorandum "Ground-Water Basin and Subbasin Boundaries, Antelope
14 Valley Ground-Water Basin" January 2002. A true and correct copy of the compilation map is
15 attached to the Motion as ***Exhibit H***.

16 4. Under my direction, Ms. Brister also obtained U.S. Geological Survey
17 topographic maps from Digital Data Services, Inc. The edges of these maps were aligned to
18 create a map that encompassed a larger geographical area. The township-range description of
19 the Service Area from Sheep Creek Water Company's by-laws was used to plot the Service Area
20 on the topographic maps. The map from the Water Company depicting the location of the well
21 field from the Water Company was re-projected onto the topographic maps. A true and correct
22 copy of the map of the Water Company's production facilities and Service Area is attached to the
23 Motion as ***Exhibit A***.

24 5. Under my direction, Ms. Brister obtained the document, "Bulletin 118: Update
25 2003, California's Groundwater" by the Department of Water Resources from the Department of
26 Water Resources website. A true and correct copy of this document is attached to the Motion as
27 ***Exhibit C***.

1 6. Under my direction, Ms. Brister obtained figure "Plate 1B, Surface Water
2 Hydrologic Units" of the "Water Quality Control Plan for the Lahontan Region" by the
3 California Regional Water Quality Control Board, Lahontan Region from the Lahontan Regional
4 Water Quality Control Board website. A true and correct copy of this document is attached to
5 the Motion as **Exhibit D**.

6 7. Under my direction, Ms. Brister obtained the document describing the El Mirage
7 Valley Groundwater Basin from "Bulletin 118: Update 2003, California's Groundwater" by the
8 Department of Water Resources from the Department of Water Resources website. The
9 individual basin descriptions are not available in the .pdf version of Bulletin 118, but are
10 available from individually titled links on the website. The link for El Mirage Valley Basin is:
11 http://www.dpla2.water.ca.gov/publications/groundwater/bulletin118/basins/pdfs_desc/6-43.pdf.
12 A true and correct copy of the document is attached to the Motion as **Exhibit E**.

13 8. Under my direction, Ms. Brister obtained the following documents from the U.S.
14 Geological Survey's online Publications Warehouse. A true a correct copy of each of these
15 documents are attached to the Motion as the exhibits indicated.

16 W. B. Langbein & Kathleen T. Iseri, U.S. Geological Survey, General 17 <i>Introduction and Hydrologic Definitions</i> , Water-Supply Paper 1541-A (1983)	Exhibit F
18 John A. Izbicki & Robert L. Michel, U.S. Geological Survey, <i>Movement and</i> 19 <i>Age of Ground Water in the Western Part of the Mojave Desert, Southern</i> <i>California, USA</i> , Water-Resources Investigations Report 2003-4314 (2004)	Exhibit G
20 John A. Izbicki et al., U.S. Geological Survey, <i>Data From a Thick Unsaturated</i> 21 <i>Zone Underlying Oro Grande and Sheep Creek Washes in the Western Part of</i> 22 <i>the Mojave Desert, near Victorville, San Bernardino County, California</i> , Open- File Report 2000-262 (2000)	Exhibit I
23 John A. Izbicki, U.S. Geological Survey, <i>Source and Movement of Ground</i> 24 <i>Water in the Western Part of the Mojave Desert, Southern California, USA</i> , Water-Resources Investigations Report 2003-4313 (2004)	Exhibit J
25 Carl S. Carlson & Steven P. Phillips, U.S. Geological Survey, <i>Water-level</i> 26 <i>Changes (1975-1998) in the Antelope Valley Ground-Water Basin, California</i> , Open-File Report 98-561 (1998)	Exhibit K

9. Under my direction, Ms. Brister obtained the Revised Order After Hearing on Jurisdictional Boundaries, signed by Judge Komar from the Court as a party to this action. A true and correct copy of this order is attached to the Motion as ***Exhibit M***.

10. Under my direction, Ms. Brister obtained a map of the jurisdictional boundaries for Antelope Valley Basin from the Court's docket. An associate in my office plotted the location of the Sheep Creek Property on it. A true and correct copy of this map is attached to the Motion as ***Exhibit N***.

11. Under my direction, Ms. Brister obtained the Joseph C. Scalmanini "Technical Memorandum Ground-Water Basin and Subbasin Boundaries, Antelope Valley Ground-Water Basin" from the online Court docket for this case. The figure being used from this report has topographic information, including township range data, and also the basin boundaries as determined by U.S. Geological Survey reports. The location of the Sheep Creek property was mapped on that figure by an associate in my office. A true and correct copy of this map is attached to the Motion as ***Exhibit O***.

12. Under my direction, Ms. Brister obtained the Los Angeles County assessor's map book page containing the Parcels Sheep Creek Water Company owns from www.gotitle.com. An associate in my office marked the parcels currently owned by Sheep Creek Water Company. A true and correct copy of that map is attached to the Motion as ***Exhibit P***.

13. The Mojave Basin was adjudicated to Judgment in 1996.

14. As an attorney representing parties in the Mojave Basin Area Adjudication, I obtained the Mojave Basin Adjudication Annual Report and from it copied Appendix A, a figure showing the Mojave Basin adjudication boundary. Under my direction, Ms. Brister mapped Sheep Creek Water Company's Service Area and Production Facilities on the figure. A true and correct copy of this figure is attached to the Motion as ***Exhibit Q***.

15. Under my direction, Ms. Brister obtained a copy of the County of San Bernardino, Phelan/Pinon Hills Community Plan from the County of San Bernardino website. A true and correct copy of this document is attached to the Motion as ***Exhibit R***.


16. Under my direction, Ms. Brister obtained a copy of the U.S. Geological Map Database of the El Mirage Lake Area, San Bernardino and Los Angeles Counties, California. A true and correct copy of the document is attached to the Motion as *Exhibit T*.

17. I obtained the Cross Complaint in the current action because GreshamSavage represents parties to the lawsuit. A true and correct copy of the Cross Complaint is attached to the Motion as *Exhibit U*.

18. A separate request for judicial notice of the documents concerning the 1931 Judgment is being filed separately and concurrently with the Motion.

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

Executed on September 9, 2008, at Riverside, California.


Michael Duane Davis