

Attorneys for Cross-Defendant, ADAMS BENNETT INVESTMENTS, LLC; Cross-Defendants and Cross-Complainants, ANTELOPE VALLEY UNITED MUTUALS GROUP [comprised of Antelope Park Mutual Water Co., Aqua-J Mutual Water Co., Averydale Mutual Water Co., Baxter Mutual Water Co., Bleich Flat Mutual Water Co., Colorado Mutual Water Co., Eldorado Mutual Water Co., Evergreen Mutual Water Co., Land Projects Mutual Water Co., Landale Mutual Water Co., Shadow Acres Mutual Water Co., Sundale Mutual Water Co., Sunnyside Farms Mutual Water Co., Tierra Bonita Mutual Water Co., Westside Park Mutual Water Co. and White Fence Farms Mutual Water Co.]; and Cross-Defendants MIRACLE IMPROVEMENT CORPORATION DBA GOLDEN SANDS MOBILE HOME PARK, AKA GOLDEN SANDS TRAILER PARK, NAMED AS ROE 1121; SAINT ANDREW'S ABBEY, INC., NAMED AS ROE 623; SERVICE ROCK PRODUCTS, L.P.; and SHEEP CREEK WATER COMPANY

Coordination Proceeding
Special Title (Rule 1550(b))

Including Consolidated Actions:

Los Angeles County Waterworks District No.
40 v. Diamond Farming Co.
Superior Court of California, County of Los
Angeles, Case No. BC 325 201

CAPTION CONTINUED ON NEXT PAGE

Judicial Council Coordination
Proceeding No. 4408

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

**DECLARATION OF CROSS-
DEFENDANT, SERVICE ROCK
PRODUCTS, L.P. IN SUPPORT OF
PROVE-UP TRIAL**

1 **Los Angeles County Waterworks District No.**
2 **40 v. Diamond Farming Co.**
3 Superior Court of California, County of Kern,
Case No. S-1500-CV-254-348

4 **Wm. Bolthouse Farms, Inc. v. City of**
5 **Lancaster**
6 **Diamond Farming Co. v. City of Lancaster**
7 **Diamond Farming Co. v. Palmdale Water**
8 **Dist.**

Superior Court of California, County of
Riverside, consolidated actions, Case Nos.
RIC 353 840, RIC 344 436, RIC 344 668

PROVE-UP

Trial Date: **September 28, 2015**
Time: 10:00 A.M.
Dept.: Dept. 1, Los Angeles
Judge: Hon. Jack Komar

9 **AND RELATED ACTIONS.**

10
11 1. This declaration is made in support of the [Proposed] Judgment and Physical
12 Solution filed with the court on March 4, 2015 on behalf of Cross-Defendant **SERVICE ROCK**
13 **PRODUCTS, L.P.** ("Declarant").

14 2. The signatory to this Declaration has personal knowledge of each fact herein and
15 would testify competently thereto under oath. The signatory to this Declaration is Declarant's
16 Property Manager.

17 3. Declarant is an active California limited partnership, with an entity address of 200
18 South Main Street, Suite 200, Corona, CA 92882. It was formed on December 22, 2009, as
19 successor to Service Rock Products Corporation, Owl Properties, Inc. [From Declarant's
20 Responses to December 12, 2012 Discovery Order for Phase 4 Trial, Responses I.1.b. and
21 I.3.c.; and supporting documents at Attachment I.1.c.i. thereto].

22 4. Declarant is the record owner of those certain parcels of real property that overlie
23 the Antelope Valley Area of Adjudication, which real property is located in Los Angeles County
24 and is identified by Assessor's Parcel Numbers 3064-003-031, 3064-003-064, 3064-003-065,
25 3064-003-066, 3064-003-067, 3064-003-068 and 3064-003-069. Declarant is also the lessee of those
26 certain parcels of real property that overlie the Antelope Valley Area of Adjudication, which real
27 property is located in Los Angeles County and is identified by Assessor's Parcel Numbers 3024-
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1 015-055, 3051-008-004, 3051-008-006, 3024-016-001 and 3051-008-002. Declarant holds, pursuant
2 to that Lease Agreement dated June 10, 1988 (the term of which will not expire until at least
3 October 11, 2034), " ... the sole and exclusive right to ... use the ... wells, water storage and delivery
4 facilities ... [and] ... to develop and use such water from the [Leasehold] Premises as may be needed
5 in quarrying, washing down gravel, wetting loads, watering of access roads, and other activities
6 permitted hereunder." **[From Declarant's Responses to December 12, 2012 Discovery Order**
7 **for Phase 4 Trial, Responses I.1.a.i, I.1.a.ii, I.2.a., I.2.c., I.2.d. and I.3.b.; and supporting**
8 **documents at Attachment I.1.b.i. thereto; Declarant's First Supplemental Response to**
9 **December 12, 2012 Discovery Order for Phase 4 Trial, Response I.3.b.; and supporting**
10 **documents at Attachment I.3.b.i. thereto].**

11 5. Based on Los Angeles County Assessor's Map information, Declarant's service
12 area is comprised of approximately six hundred fifty (650) acres; specifically Assessor's Parcel
13 Numbers 3064-003-031 [20 acres] , 3064-003-064 [116.92 acres], 3064-003-065 [38.75 acres],
14 3064-003-066 [40 acres], 3064-003-067 [39.09 acres], 3064-003-068 [36.7 acres], 3064-003-069
15 [38.5 acres], 3024-015-055 [80 acres], 3051-008-004 and 3051-008-006 [80 acres], 3024-016-001
16 [80 acres] and 3051-008-002 [80 acres]. **[From Declarant's Responses to December 12, 2012**
17 **Discovery Order for Phase 4 Trial, Responses I.1.a., I.2. and I.3.b.; and supporting**
18 **documents at Attachment I.3.b.i. thereto; Declarant's First Supplemental Response to**
19 **December 12, 2012 Discovery Order for Phase 4 Trial, Response I.3.b.; and supporting**
20 **documents at Attachment I.3.b.i. thereto].**

21 6. Declarant claims the right to produce and use groundwater to conduct industrial
22 mining and aggregate and concrete production operations, and for supporting domestic purposes,
23 on the parcels of real property described in Paragraph 5, above. **[From Declarant's Responses**
24 **to December 12, 2012 Discovery Order for Phase 4 Trial, Responses I.1., I.1.c., I.1.d., I.1.f.,**
25 **I.1.g., I.1.h., I.2. and I.3.; and supporting documents at Attachments I.3.a.i. and I.3.b.i.**
26 **thereto; Declarant's First Supplemental Response to December 12, 2012 Discovery Order**
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1 for Phase 4 Trial, Responses I.3.a., I.3.b. and I.3.c.; and supporting documents at
2 Attachments I.3.a.i., I.3.b.i. and I.3.c.i. thereto].

3 7. The maximum amount of groundwater produced from the Property, measured in
4 acre feet, for the following calendar years is as follows:

- 5 a. 2000: 466
6 b. 2001: 359
7 c. 2002: 445
8 d. 2003: 436
9 e. 2004: 542
10 f. 2011: 561
11 g. 2012: 445

12 [From Declarant's Responses to December 12, 2012 Discovery Order for Phase 4 Trial,
13 Responses I.1.e. and I.3.a.; and supporting documents at Attachment I.3.a.i. thereto;
14 Declarant's First Supplemental Response to December 12, 2012 Discovery Order for Phase
15 4 Trial, Responses I.3.a. and I.3.c.; and supporting documents at Attachments I.3.a.i. and
16 I.3.c.i. thereto; Master Stipulation Regarding Pumping During Calendar Years 2011 and
17 2012 [for Phase 4 Trial]; and Exhibit 4 to [Proposed] Judgment and Physical Solution].

18 8. The use(s) to which the groundwater produced from the Property for the calendar
19 years listed in Paragraph 7 was for the conduct of industrial mining and aggregate and concrete
20 production operations, and for supporting domestic purposes. [From Declarant's Responses to
21 December 12, 2012 Discovery Order for Phase 4 Trial, Responses I.1.d., I.1.e., I.1.f., I.1.g.,
22 I.1.h., I.1.j., I.3.a., I.3.b. and I.3.c.; and supporting documents at Attachment I.3.a.i., I.3.b.i.
23 and I.3.c.i. thereto; Declarant's First Supplemental Response to December 12, 2012
24 Discovery Order for Phase 4 Trial, Responses I.3.a., I.3.b. and I.3.c.; and supporting
25 documents at Attachments I.3.a.i., I.3.b.i. and I.3.c.i. thereto].

26 9. The manner and method for determining the amount of groundwater produced
27 from the Property included: well logs and meter records, expert opinion. [From Declarant's
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1 Responses to December 12, 2012 Discovery Order for Phase 4 Trial, Response I.3.; and
2 supporting documents at Attachments I.3.a.i. and I.3.c.i. thereto; Declarant's First
3 Supplemental Response to December 12, 2012 Discovery Order for Phase 4 Trial,
4 Responses I.3.a. and I.3.c.; and supporting documents at Attachments I.3.a.i. and I.3.c.i.
5 thereto].

6 10. All the information contained in the evidence introduced at the Phase 4 Trial is
7 expressly incorporated herein and made a part of this Declaration for the benefit of the Declarant,
8 as if stated verbatim as follows:

9 a. Declarant's Responses to December 12, 2012 Discovery Order for Phase 4
10 Trial, dated December 21, 2012, which was marked for identification and admitted into evidence
11 as 4-SERVICE ROCK-1.

12 b. Declarant's First Supplemental Responses to December 12, 2012
13 Discovery Order for Phase 4 Trial, dated January 16, 2013, which was marked for identification
14 and admitted into evidence as 4-SERVICE ROCK-2.

15 The undersigned declare under penalty of perjury under the laws of the State of
16 California that the foregoing is true and correct.

17 Executed this 20 of April, 2015, at Corona, California.

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19 By:


CHRISTINE GOEYVAERTS

ITS: Property Manager

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PROOF OF SERVICE
STATE OF CALIFORNIA, COUNTY OF SAN BERNARDINO

Re: *ANTELOPE VALLEY GROUNDWATER CASES*
Los Angeles County Superior Court Judicial Council Coordinated
Proceedings No. 4408; Santa Clara County Superior Court Case No. 1-05-CV-049053

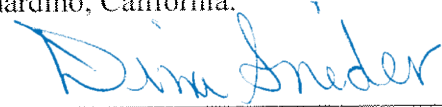
I am employed in the County of San Bernardino, State of California. I am over the age of 18 years and not a party to the within action; my business address is: 550 East Hospitality Lane, Suite 300, San Bernardino, CA 92408-4205.

On Sept. 16, 2015 I served the foregoing document(s) described as **DECLARATION OF CROSS-DEFENDANT, SERVICE ROCK PRODUCTS, L.P. IN SUPPORT OF PROVE-UP TRIAL** on the interested parties in this action in the following manner:

(X) **BY ELECTRONIC SERVICE** – I posted the document(s) listed above to the Santa Clara County Superior Court website, <http://www.sceffiling.org>, in the action of the Antelope Valley Groundwater Cases,

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

Executed on Sept. 16, 2015, at San Bernardino, California.



DINA M. SNIDER