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Attorneys for SCI California Funeral Services, Inc., a
California corporation dba Joshua Memorial Park and
Mortuary

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 Department 17C
Including <u>Consolidated</u> Actions:)	
Los Angeles County Waterworks District No. 40 v. Diamond Farming Co.)	STIPULATION FOR ADMISSION OF EVIDENCE IN SUPPORT OF PRODUCTION RIGHT FOR SCI CALIFORNIA FUNERAL SERVICES, INC., A CALIFORNIA CORPORATION DBA JOSHUA MEMORIAL PARK AND MORTUARY PURSUANT TO PARAGRAPH 5.1.10 OF THE JUDGMENT AND PHYSICAL SOLUTION
Superior Court of California, County of Los Angeles, Case No. BC 325 201)	
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)	
Wm. Bolthouse Farms, Inc. v. City of Lancaster)	Date: February 5, 2021
Diamond Farming Co. v. City of Lancaster)	Time: 9:00 a.m.
Diamond Farming Co. v. Palmdale Water Dist.)	Judge: Hon. Jack Komar, Judge
Superior Court of California, County of Riverside, consolidated actions, Case Nos. RIC 353 840, RIC 344 436, RIC 344 668)	[Hearing to be conducted by Courtcall]
AND RELATED ACTIONS.)	

1 On March 4, 2015, the vast majority of the parties to this action filed a “Stipulation for
2 Entry of Judgment and Physical Solution” which included a stipulation and agreement to the
3 entry of the “[Proposed] Judgment and Physical Solution,” which was amended by the filing on
4 March 25, 2015 of the “Amended Stipulation for Entry of Judgment and Physical Solution.”
5 (The parties to the Amended Stipulation for Entry of Judgment and Physical Solution are
6 hereinafter referred to as the “Stipulating Parties”).

7 On December 23, 2015, the Court entered its Statement of Decision and Judgment,
8 including the Judgment and Physical Solution (“Judgment”). All capitalized terms not defined in
9 this Stipulation have the same meaning as defined in the Judgment.

10 SCI CALIFORNIA FUNERAL SERVICES, INC., a California Corporation dba
11 JOSHUA MEMORIAL PARK AND MORTUARY (“Joshua Memorial”) is not a party to the
12 “Amended Stipulation for Entry of Judgment and Physical Solution.” Joshua Memorial is a
13 Non-Stipulating Party to the Judgment, pursuant to the Court’s November 14, 2019 Order
14 granting Joshua Memorial’s Motion to Intervene. Joshua Memorial asserts a claim to Produce
15 Groundwater from within the Jurisdictional Boundary of the Antelope Valley Groundwater
16 Adjudication Area (“Basin”).

17 The undersigned parties (“Opposing Parties”) initially opposed Joshua Memorial’s
18 claim, but now enter into this Stipulation to resolve objections concerning: (a) the evidence that
19 Joshua Memorial will produce at the evidentiary prove-up hearing in support of its claimed
20 Production Right; (b) the amount of the Production Right to be decreed to Joshua Memorial;
21 and (c) the form of the decree. The parties hereto stipulate and agree as follows:

22 1. The Court may receive into evidence at the evidentiary prove-up hearing,
23 without further objection by the Opposing Parties, the exhibits listed in Attachment 1 hereto.
24 The prove-up exhibits shall be presented to the Court by Joshua Memorial in support of its
25 claimed Production Right under Paragraph 5.1.10 of the Judgment.

2. Joshua Memorial will abide by the Judgment and all duly adopted Watermaster Rules and Regulations, as may be amended from time to time.

3. The Opposing Parties' objections to the claim of Joshua Memorial to Produce Groundwater from the Basin are resolved as provided in this Stipulation.

4. The Court may enter an order in the form attached as Attachment 2 approving Joshua Memorial's claim under Paragraph 5.1.10 of the Judgment in the amount of 38 acre-feet per year and a Pre-Rampdown Production in the amount of 101.5 acre-feet, which shall be held in the name of "SCI California Funeral Services Inc., a California corporation dba Joshua Memorial Park and Mortuary".

5. This Stipulation resolves each and every claim that Joshua Memorial has or may have to Produce Groundwater in the Basin, of every kind and character, regardless of whether such claim is based on overlying, appropriative, prescriptive or other rights or rights to return flows.

6. In the event that the trial court rejects this Stipulation, and/or an appellate court overturns the Judgment, this Stipulation and all other terms of settlement between the Opposing Parties and Joshua Memorial are *void ab initio*.

7. This Stipulation may be signed by the parties in counterparts which shall be filed with the Court.

Signatures on Next Page


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STIPULATION FOR ADMISSION OF EVIDENCE IN SUPPORT OF PRODUCTION RIGHT FOR SCI CALIFORNIA FUNERAL SERVICES, INC., A CALIFORNIA CORPORATION DBA JOSHUA MEMORIAL PARK AND MORTUARY PURSUANT TO PARAGRAPH 5.1.10 OF THE JUDGMENT AND PHYSICAL SOLUTION

JOSHUA MEMORIAL

January 14, 2021

GRESHAM SAVAGE NOLAN & TILDEN, PC

By: 
Derek R. Hoffman,
Attorneys for SCI CALIFORNIA FUNERAL
SERVICES, INC., a California Corporation dba
JOSHUA MEMORIAL PARK AND MORTUARY

STIPULATING PARTIES

January 13, 2021

KUHS & PARKER

By: 
Robert G. Kuhs,
Attorneys for TEJON RANCHCORP

January __, 2021

RICHARDS, WATSON & GERSON

By: Signature on next page
James L. Markman,
Attorneys for ANTELOPE VALLEY-EAST KERN
WATER AGENCY

January __, 2021

ELLISON, SCHNEIDER, HARRIS & DONLAN

By: Signature on next pages
Christopher Sanders,
Attorneys for COUNTY SANITATION DISTRICTS 14
AND 20 OF LOS ANGELES COUNTY

January __, 2021

STATE OF CALIFORNIA OFFICE OF
ATTORNEY GENERAL

By: Signature on next page
Noah Golden-Krasner,
Attorneys for STATE OF CALIFORNIA; SANTA
MONICA MOUNTAINS CONSERVANCY; 50th
DISTRICT AGRICULTURAL ASSOCIATION

JOSHUA MEMORIAL

January __, 2021

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RICHARDS, WATSON & GERSON

By: /s/ James L. Markman
James L. Markman,
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WATER AGENCY

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January __, 2021

STATE OF CALIFORNIA OFFICE OF
ATTORNEY GENERAL

By: /s/ Noah Golden-Krasner
Noah Golden-Krasner,
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MONICA MOUNTAINS CONSERVANCY; 50th
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January 12, 2021

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By:


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January __, 2021

STATE OF CALIFORNIA OFFICE OF
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Noah Golden-Krasner,
Attorneys for STATE OF CALIFORNIA; SANTA
MONICA MOUNTAINS CONSERVANCY; 50th
DISTRICT AGRICULTURAL ASSOCIATION

January 13, 2021

ZIMMER & MELTON

By: 

Richard Zimmer,
Attorneys for Wm. BOLTHOUSE FARMS AND
BOLTHOUSE PROPERTIES, LLC

January __, 2021

KRONICK MOSKOVITZ TIEDEMANN & GIRARD

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Stanley C. Powell,
Attorneys for CITY OF LOS ANGELES AND LOS
ANGELES WORLD AIRPORTS

January __, 2021

MORRISON & FOERSTER LLP

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William M. Sloan,
Attorneys for U.S. BORAX INC.

January __, 2021

LAGERLOF, LLP

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Thomas S. Bunn III,
Attorneys for PALMDALE WATER DISTRICT

January __, 2021

PRICE, POSTEL & PARMA LLP

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Craig A. Parton,
Attorneys for ANTELOPE VALLEY WATERMASTER

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ZIMMER & MELTON

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BOLTHOUSE PROPERTIES, LLC

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6 January __, 2021

KRONICK MOSKOVITZ TIEDEMANN & GIRARD

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By: Stanley C. Powell

Stanley C. Powell,
Attorneys for CITY OF LOS ANGELES AND LOS
ANGELES WORLD AIRPORTS

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11 January __, 2021

MORRISON & FOERSTER LLP

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William M. Sloan,
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11 January 12, 2021

VENABLE LLP

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By: 
William M. Sloan,
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15 January __, 2021

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19 January __, 2021

PRICE, POSTEL & PARMA LLP

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By: Signature on next pages
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January __, 2021

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January 11, 2021

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By: Thomas S. Bunn III
Thomas S. Bunn III,
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3 By: Signature on previous pages

4 Richard Zimmer,
5 Attorneys for Wm. BOLTHOUSE FARMS AND
6 BOLTHOUSE PROPERTIES, LLC

7
8 January __, 2021

KRONICK MOSKOVITZ TIEDEMANN & GIRARD

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10 By: Signature on previous pages

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13 ANGELES WORLD AIRPORTS

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MORRISON & FOERSTER LLP

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19 Attorneys for U.S. BORAX INC.

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21 January __, 2021

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23 By: Signature on previous page

24 Thomas S. Bunn III,
25 Attorneys for PALMDALE WATER DISTRICT

26
27 January 12, 2021

PRICE, POSTEL & PARMA LLP

28 By: 

Craig A. Parton,
Attorneys for ANTELOPE VALLEY WATERMASTER

ATTACHMENT “1”

PROVE-UP EXHIBIT LIST

1. **Declaration of Christopher Twitchell in Lieu of Live Testimony in Support of SCI California Funeral Services Inc., a California corporation dba Joshua Memorial Park and Mortuary’s Groundwater Production Right Evidentiary Prove-Up, and its corresponding exhibits, including:**
 - a. **Exhibit 1** to Twitchell Declaration – December 19, 1949 grant deed conveying the approximately 40-acre property to Joshua Memorial Park, Inc.
 - b. **Exhibit 2** to Twitchell Declaration – Property profile report identifying Joshua Memorial Park as the owner of record of the subject property and identifying APN 3146-009-929 and APN 3146-009-053.
 - c. **Exhibit 3** to Twitchell Declaration – Joshua Memorial’s filings with the California Secretary of State, including Certificates of Ownership, Articles of Incorporation and related filings.
 - d. **Exhibit 4** to Twitchell Declaration – July 2018 permit from Los Angeles County Department of Public Works to access temporary emergency water supply for irrigation.
 - e. **Exhibit 5** to Twitchell Declaration – Joshua Memorial’s Verified Discovery Responses to Court’s Discovery Order, dated May 14, 2020, including the May 12, 2020 Updated LSCE Report and the extensive supporting electrical utility usage data, property information, photographs and records evidencing Joshua Memorial’s historical groundwater production and use.¹
2. **Declaration of Jason Coleman, P.E. in Lieu of Live Testimony in Support of SCI California Funeral Services Inc., a California corporation dba Joshua Memorial Park**

¹ For the convenience of the Court, the Updated LSCE Report is instead directly attached to the Coleman Declaration.

1 **and Mortuary's Groundwater Production Right Evidentiary Prove-Up**, and its
2 corresponding exhibits, including:

- 3 a. **Exhibit 1** to Coleman Declaration – Jason Coleman CV
4 b. **Exhibit 2** to Coleman Declaration – Updated LSCE Report, dated May 12, 2020.

5 3. **Declaration of Derek R. Hoffman in Lieu of Live Testimony in Support SCI**
6 **California Funeral Services Inc., a California corporation dba Joshua Memorial Park**
7 **and Mortuary's Groundwater Production Right Evidentiary Prove-Up**, and its
8 corresponding exhibits, including:

- 9 a. **Exhibit 1** to Hoffman Declaration – Joshua Memorial 345-page Production
10 Application to Watermaster, including Initial LSCE Report, dated June 12, 2019.
11 b. **Exhibit 2** to Hoffman Declaration – Joshua Memorial Supplement to Production
12 Application to Watermaster Advisory Committee, dated July 11, 2019.
13 c. **Exhibit 3** to Hoffman Declaration – Watermaster Resolution No. R-19-21,
14 *“Approving Request for Stipulation to Allow Intervention Into the Judgment to*
15 *Obtain a Production Right and for Approval of Replacement Well Application*
16 *Pursuant to the Terms of the Judgment”* dated July 24, 2019, and Watermaster
17 General Counsel's Memorandum of June 13, 2019.
18 d. **Exhibit 4** to Hoffman Declaration – Court's Order After Hearing on November 14,
19 2019, granting Joshua Memorial's Motion to Intervene.
20 e. **Exhibit 5** to Hoffman Declaration – Stipulation and Order for Discovery Regarding
21 SCI California Funeral Services Inc., a California corporation dba Joshua Memorial
22 Park's Groundwater Production Right Claim, following a hearing of December 12,
23 2019.
24 f. **Exhibit 6** to Hoffman Declaration – Joint Case Management Conference Statement
25 and Request for Prove-Up Hearing Regarding Joshua Memorial's Groundwater
26 Production Right Claim, filed and served on November 30, 2020.

g. **Exhibit 7** to Hoffman Declaration – Order After Hearing on December 8, 2020,
ordering this prove-up hearing.

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ATTACHMENT “2”
FORM OF ORDER

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STIPULATION FOR ADMISSION OF EVIDENCE IN SUPPORT OF PRODUCTION RIGHT FOR SCI CALIFORNIA
FUNERAL SERVICES, INC., A CALIFORNIA CORPORATION DBA JOSHUA MEMORIAL PARK AND MORTUARY
PURSUANT TO PARAGRAPH 5.1.10 OF THE JUDGMENT AND PHYSICAL SOLUTION

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Attorneys for SCI California Funeral Services, Inc., a
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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
) Department 17C

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

) **[PROPOSED] ORDER RE: SCI**
) **CALIFORNIA FUNERAL SERVICES, INC.,**
) **A CALIFORNIA CORPORATION DBA**
) **JOSHUA MEMORIAL PARK AND**
) **MORTUARY'S GROUNDWATER**
) **PRODUCTION RIGHT EVIDENTIARY**
) **PROVE-UP**

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

Wm. Bolthouse Farms, Inc. v. City of
Lancaster
Diamond Farming Co. v. City of
Lancaster
Diamond Farming Co. v. Palmdale
Water Dist.

) [Filed concurrently with Prove-Up Brief;
) Declaration of Christopher Twitchell;
) Declaration of Jason Coleman, P.E.; Declaration
) of Derek. R. Hoffman; and Stipulation for
) Admission of Evidence in Support of Production
) Right]

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

) Date: February 5, 2021
) Time: 9:00 a.m.
) Judge: Hon. Jack Komar, Judge

AND RELATED ACTIONS.

) **[Hearing to be conducted by Courtcall]**

1 **FINDINGS AND ORDER**

2 The above-entitled matter came on regularly for hearing on February 5, 2021 at 9:00
3 a.m., telephonically via CourtCall, the Honorable Jack Komar (Ret.) presiding. The appearances
4 are as stated in the record. The purpose of the hearing was to consider evidence and to make
5 findings regarding the claim of SCI California Funeral Services, Inc., a California corporation
6 dba Joshua Memorial Park and Mortuary (“Joshua Memorial”) for a groundwater Production
7 Right under Paragraph 5.1.10 of the Judgment and Physical Solution (“Judgment”). Capitalized
8 terms not defined in this Order shall have the same meaning as defined in the Judgment.

9 The Court, having reviewed and considered the supporting declarations and evidence, as
10 well as the briefing and stipulation, and finding good cause appearing, hereby makes the
11 following findings:

- 12 1. Joshua Memorial intervened in and became a Non-Stipulating Party to the
13 Judgment through its motion to intervene as reflected in the Order of the Court of
14 November 14, 2019. The Judgment is a determination of all rights to Produce and
15 store Groundwater in the Basin.
- 16 2. Joshua Memorial filed and served declarations in lieu of live testimony, including
17 a declaration by its expert engineer, together with verified discovery responses
18 and further supporting evidence.
- 19 3. All Parties were given notice of the hearing and an opportunity to object to Joshua
20 Memorial’s claim. No Party objected.
- 21 4. The Court has considered and admits into evidence all declarations and
22 documents attached thereto filed by Joshua Memorial in support of its
23 Groundwater Production Right claim.
- 24 5. Joshua Memorial and a substantial number of Stipulating Parties executed a
25 “*Stipulation for Admission of Evidence In Support of Production Right for SCI*
26 *California Funeral Services, Inc., a California corporation dba Joshua Memorial*
27 *Park and Mortuary Pursuant to Paragraph 5.1.10 of the Judgment and Physical*
28 *Solution*” (“Stipulation”), whereby the parties agreed that awarding Joshua

Memorial a Production Right under Paragraph 5.1.10 of the Judgment of 38 acre-feet per year was fair and equitable based on the evidence. The Court approves the Stipulation.

6. There is substantial and credible evidence that Joshua Memorial has reasonably and beneficially used Groundwater dating back many years prior to the entry of the Judgment. Joshua Memorial has proven its land ownership in the Basin and its reasonable and beneficial use of groundwater, and established its overlying right to Produce Groundwater from the Basin. Joshua Memorial will be required to make severe reductions in its historical Groundwater Production under the Judgment.

Now, therefore, it is ADJUDGED, DECREED and ORDERED that:

Joshua Memorial has the right to Produce Groundwater from the Basin in the amount of **38 acre-feet per year** in accordance with Paragraph 5.1.10. of the Judgment. For purposes of implementing the Judgment and determining applicable assessments, Joshua Memorial's Pre-Rampdown Production amount is 101.5 acre-feet. Joshua Memorial is authorized to Produce Groundwater from the Basin, provided that Joshua Memorial complies with the Judgment and all duly adopted Watermaster Rules and Regulations, as may be amended from time to time.

Dated: _____

HONORABLE JACK KOMAR
JUDGE OF THE SUPERIOR COURT

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 January 14, 2021, I served the foregoing document(s) described **STIPULATION FOR ADMISSION OF EVIDENCE IN SUPPORT OF PRODUCTION RIGHT FOR SCI CALIFORNIA FUNERAL SERVICES, INC., A CALIFORNIA CORPORATION DBA JOSHUA MEMORIAL PARK AND MORTUARY PURSUANT TO PARAGRAPH 5.1.10 OF THE JUDGMENT AND PHYSICAL SOLUTION** on the interested parties in this action in the following manner:

(X) **BY ELECTRONIC SERVICE** – I caused such document(s) listed above to be electronically served, via One Legal, to all parties appearing on the Santa Clara County Superior Court website, <http://www.scefilng.org>, in the action of the Antelope Valley Groundwater Cases; proof of electronic-filing through One Legal is then printed and maintained with the original documents in our office. Electronic service is complete at the time of transmission. My electronic notification email address is dina.snider@greshamsavage.com,

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

Executed on January 14, 2021 at San Bernardino, California.


DINA M. SNIDER