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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 **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

) **DECLARATION OF DEREK R. HOFFMAN
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**

**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.; Stipulation
) for Admission of Evidence in Support of
) Production Right; and [Proposed] Order]

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]**

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1 I, Derek R. Hoffman, declare as follows:

2 1. I am an attorney at law duly admitted to practice before all the courts of the State
3 of California, and am a Shareholder of the law firm Gresham Savage Nolan & Tilden, a
4 Professional Corporation (“Gresham|Savage”). I give this Declaration in Lieu of Live Testimony
5 in Support of SCI California Funeral Services, Inc., a California corporation dba Joshua
6 Memorial Park and Mortuary’s (“Joshua Memorial”) Groundwater Production Right Evidentiary
7 Prove-Up, to establish Joshua Memorial’s Production Right Claim pursuant to Paragraph 5.1.10
8 of the Judgment. If called and sworn as a witness, I could and would competently testify to the
9 following facts, having personal knowledge thereof.

10 2. Gresham|Savage is counsel for Joshua Memorial for which the Prove-Up package
11 is filed. Joshua Memorial, having already intervened in, and becoming party to, the December
12 23, 2015 Judgment and Physical Solution entered by this Court (“Judgment”) in the above-
13 captioned Antelope Valley Groundwater Adjudication (“Adjudication”), now seeks to establish a
14 quantified Production Right pursuant to Judgment Paragraph 5.1.10, in the amount of thirty-eight
15 acre-feet per year (38 AFY).

16 3. The Judgment reflects that neither Joshua Memorial nor SCI California Funeral
17 Services, Inc. was named or served or otherwise joined in the Adjudication. Neither Joshua
18 Memorial nor SCI is listed as a Defaulting Party in Exhibit 1 to the Judgment, nor is either listed as
19 a Small Pumper Class Member in Judgment Exhibit C, nor is either listed as a Willis Class
20 Member in Judgment Appendix A, nor is either listed among the Non-Appearing Parties in
21 Judgment Exhibits B and D. Watermaster staff also confirmed that it has no record of Joshua
22 Memorial being named, served or appearing among the listed members of the afore-stated groups
23 of Parties.

24 4. On June 12, 2019, Joshua Memorial submitted to the Watermaster, Watermaster
25 Engineer and Watermaster General Counsel, a 345-page “Production Application” comprising a
26 detailed letter with supporting evidence and analysis. A true and correct copy of the Production
27 Application and its accompanying exhibits was attached to the Declaration of Derek R. Hoffman in

1 Support of Joshua Memorial's Motion to Intervene, which was filed and served on October 11,
2 2019, [Court Doc. No. 11852]. The Production Application package included a Production
3 Application letter to the Watermaster from Gresham|Savage and signed by representatives of
4 Joshua Memorial, a Technical Memorandum comprising a groundwater system and groundwater
5 production analysis prepared by Luhdorff & Scalmanini Consulting Engineers ("LSCE") entitled,
6 "SCI California Funeral Services, Inc. dba Joshua Memorial Park Irrigation Water Use Estimate"
7 ("Initial LSCE Report"), which estimated Joshua Memorial's average groundwater production to
8 be up to 122 acre-feet-year ("AFY"), and additional supporting documents. For ease of reference
9 and for the Court's consideration, a true and correct copy of the Production Application is attached
10 to this declaration as **Exhibit "1"**.

11 5. The Production Application was also presented to the Watermaster Advisory
12 Committee, in accordance with Judgment Paragraph 19.3. On July 11, 2019, Joshua Memorial
13 submitted a further, 30-page detailed letter responsive to questions posed by the Advisory
14 Committee, together with further supporting evidence and analysis ("Supplement to Production
15 Application"). A true and correct copy of the Supplement to Production Application and its
16 accompanying attachments was attached to the Declaration of Derek R. Hoffman in Support of
17 Joshua Memorial's Motion to Intervene, which was filed and served on October 11, 2019, [Court
18 Doc. No. 11852] The Supplement to Production Application included evidence of Joshua
19 Memorial's ownership of the property, its corporate history and good standing with the California
20 Secretary of State. For ease of reference and for the Court's consideration, a true and correct copy
21 of the Supplement to Production Application is attached to this declaration as **Exhibit "2"**.

22 6. At its regular meeting of July 24, 2019, the Watermaster Board unanimously
23 adopted Resolution No. R-19-21, "*Approving Request for Stipulation to Allow Intervention Into the*
24 *Judgment to Obtain a Production Right and for Approval of Replacement Well Application*
25 *Pursuant to the Terms of the Judgment.*" The Resolution found, in accordance with the
26 Watermaster General Counsel's Memorandum of June 13, 2019, that a Non-Party may seek to
27 intervene and become a Non-Stipulating Party under Paragraph 5.1.10. A true and correct copy of

1 the Watermaster's signed Resolution No. R-19-21, and the Watermaster General Counsel's
2 Memorandum, was attached to the Declaration of Derek R. Hoffman in Support of Joshua
3 Memorial's Motion to Intervene, which was filed and served on October 11, 2019, [Court Doc.
4 No. 11852]. For ease of reference and for the Court's consideration, a true and correct copy of the
5 Resolution and Memorandum is attached to this declaration as **Exhibit "3"**.

6 7. Joshua Memorial filed its Motion to Intervene, which was heard on November 14,
7 2019. A true and correct copy of the Court's Order After Hearing on November 14, 2019, is
8 attached to this declaration as **Exhibit "4"**.

9 8. The Court executed a Stipulation and Order for Discovery Regarding SCI
10 California Funeral Services Inc., a California corporation dba Joshua Memorial Park's
11 Groundwater Production Right Claim, following a hearing of December 12, 2019. A true and
12 correct copy of that Order is attached to this declaration as **Exhibit "5"**.

13 9. On November 30, 2020, prior to the December 8, 2020 continued Case
14 Management Conference, Joshua Memorial and the Opposing Parties filed a Joint Case
15 Management Conference Statement and Request for Prove-Up Hearing Regarding Joshua
16 Memorial's Groundwater Production Right Claim. The parties reported that, having conducted
17 substantive settlement discussions, a proposed resolution was reached regarding Joshua
18 Memorial's Paragraph 5.1.10 Production Right claim, including providing for a substantial
19 reduction from its historical groundwater production and for payment of applicable assessments
20 under the Judgment. A true and correct copy of the Joint CMC Statement is attached to this
21 declaration as **Exhibit "6"**.

22 10. The court executed an Order After Hearing on December 8, 2020, ordering this
23 prove-up hearing. A true and correct copy of the Court's Order is attached to this declaration as
24 **Exhibit "7"**.

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1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct. Dated this 14th day of January, 2021 at San Bernardino, CA.

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Derek R. Hoffman

