1	James W. Lewis (SBN 207599) TAYLOR & RING						
2	10900 Wilshire Boulevard, Suite 920 Los Angeles, California 90024						
3	Telephone: (310) 209-4100 Facsimile: (310) 208-5052						
4							
5	Attorneys for Cross-defendants, LITTLE ROCK SAND AND GRAVEL, INC.,						
6	a California Corporation; THE GEORGE AND CHARLENE LANE FAMILY						
7	THE FRANK AND YVONNE LANE 1993 FAMILY TRUST, DATED MARCH 5, 1993, AS RESTATED JULY 20, 2000; MONTE VISTA BUILDING SITES, INC., a California Corporation; A.V. MATERIALS, INC., a California Corporation; A.C. WARNACK, as Trustee of the A.C. WARNACK TRUST; HOLLIDAY ROCK CO., INC., successor in interest to LITTLEROCK AGGREGATE CO., INC. dba ANTELOPE VALLEY AGGREGATE, INC.; LITTLEROCK AGGREGATE CO., INC. dba ANTELOPE VALLEY AGGREGATE, INC.						
8							
9							
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11							
12							
13							
14	SUPERIOR COURT OF THE STATE OF CALIFORNIA						
15	FOR THE COUNTY OF	F LOS ANGELES					
16	ANNUAL ODE VALLEY ODOINDWANED CACEC	Judicial Council Coordination No					
17	ANTELOPE VALLEY GROUNDWATER CASES	4408					
18	Included Actions:	For filing purposes only: Santa Clara County Case No.					
19	Los Angeles County Waterworks District No. 40 v. Diamond	1-05-CV-049053 					
20	Farming Co. Superior Court of California County of Los Angeles,	Komar]					
21	Case No. BC 325 201	DECLARATION OF DEAN BROWNING IN LIEU OF DEPOSITION TESTIMONY					
22	Los Angeles County Waterworks 2 District No. 40 v. Diamong	FOR PHASE 4 TRIAL					
23	Farming Co. Superior court of Califronia, County of Kern, Case						
24	No. S-1500-CV-254-348						

Wm. Bolthouse Farms, Inc. V. City 1 of Lancaster Diamong Farming Co. V. City of Lancaster Diamond 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 5 668 6 7 **DECLARATION** 8 I, Dean Browning, declare: 9 I am a manager at Holliday Rock Co., Inc., a party to this action. In lieu of deposition 10 testimony for the Phase 4 trial, I am providing this declaration. Since 1999 my job 11 responsibilities have included overseeing the High Desert area aggregate plants that are operated 12 by Holliday Rock Co., Inc. I currently oversee the operation of Holliday Rock Co., Inc.'s rock 13 plants that are operated on the properties Holiday Rock Co., Inc. leases from Littlerock Aggregate Co., Inc. dba Antelope Valley Aggregate, Inc. and Littlerock Sand and Gravel, Inc. in 14 the Littlerock area of the Antelope Valley. I am familiar with the operations of both of these 15 rock plants. This declaration applies only to the categories I have filled in. The items left blank 16 or crossed out do not apply to me. I have personal knowledge of each fact herein and would 17 testify competently thereto under oath. 18 **Property Ownership and Parcel Size** 19 ----- owns property that overlies the Antelope Valley Area of 20 Adjudication as decided by this Court. The land is in County and is 2.1 identified by the following APN/APNs: 22 23 [If additional room is needed, please identify the APN/APNs in Exhibit A.] A true and correct 2.4

1	copy of Exhibit A is attached hereto and incorporated herein.
2	3elaims groundwater rights only as to the properties listed in
3	Paragraph 2 and Exhibit A.
4	4. For each APN/APNs identified above, the total acreage by parcel is as follows:
5	
6	
7	[If additional room is needed, please identify the APN/APNs and parcel size in Exhibit B.] A
8	true and correct copy of Exhibit-B is attached hereto and incorporated herein.
9	5. For each APN/APNs identified above owned the property during
	the following timer period:
10	
11	6. The following are all-individuals/entities appearing on the title for the above identified
12	APN/APNS from Jan 1, 2000 to the present:
13	
14	7. For each individual/entity identified in paragraph 6 that individual/entity appeared on the
15	title during the following time:
16	
Τρ	8. (declarant or party affiliated with declarant) leases property that
17	own and that overlies the Antelope Valley Area of Adjudication as
18	decided by this court and identified by the following APNS:
19	
20	9. The total acreage by parcel is:
21	
22	T
23	10. The property is currently leased to:
	,
24	-
	3

1	11. The property was leased on the following dates:
2	
3	7
4	12. The lease provides that may claim groundwater rights from the use of
5	water on the leased property. Attached to this declaration is a true and correct copy of the lease.
6	[If additional room is needed, please list APN/APNs, acreage by APN, Lessee by APN and dates
7	for each Lessee by APN for each parcel in Exhibit C.] A true and correct copy of Exhibit C is
8	attached hereto and incorporated herein.
°	13 leases property from which overlies the
9	Antelope Valley Area of Adjudication as decided by this court and is identified by the following
10	APNS:
11	
12	14. The total acreage by parcel is:
13	
14	
15	15. The Lease provides that may claim groundwater rights from use of
16	water on leased property. Attached to this declaration is a true and correct copy of the lease.
17	[If additional room is needed, please attach APN/APNs, Name of the Lessor and acreage by
18	APN for each parcel list in Exhibit D to this declaration.] A true and correct copy of Exhibit D is
19	attached hereto and incorporated herein.
20	16claims groundwater rights only as to the leasehold interests
21	listed in Paragraph 15 and Exhibit D.
22	17 claims groundwater rights only as to the properties listed in
	Paragraph 2 and Exhibit A and as to the leasehold interests listed in Paragraph 8 and Exhibit C.
23	18. To the best of my knowledge, onlyclaims groundwater rights as to the
24	leased parcel(s) identified in paragraph 15 and Exhibit D.

Water Meter Records

19. On information and belief, measures the
groundwater production on the above referenced properties by water meters. Exhibit E contains
the records for these water meters for the following years: 2008 through 2012. A true and
correct copy of Exhibit E is attached hereto and incorporated herein.
20. Exhibit F sets forth the total yearly production amounts by metered water well on the
above referenced properties for the years 2000-2004, 2011, and 2012. A true and correct copy of
Exhibit F is attached hereto and incorporated herein.
State Water Project Purchases
21purchases State Water Project water from a State Water
Contractor for use by on the properties referenced above. Exhibit G
contains true and correct copies of the invoices for delivery of State Water Project-Water to the
properties referenced above.
22. Exhibit H sets forth the total yearly State Water Project water deliveries to the properties
referenced above for the years 2000-2004, 2011, and 2012. A true and correct copy of Exhibit H
is attached hereto and incorporated herein.
Pump Tests/ Electric Records
23. In order to calculate groundwater pumped and used on the properties referenced above,
relied on pump tests and electric records. Exhibit I contains true and correct
copies of the pump test records and electrical records for wells on the properties referenced
above. The electric records attached to this declaration as Exhibit I do not include electric use or
the properties referenced above for anything other than pumping groundwater.
24. Exhibit J sets forth the amount of total yearly groundwater that
estimates was pumped and used on the properties referenced above for the years 2000-2004,
2011, and 2012 based on the attached pump test records and electrical records for the wells on
the properties referenced above. A true and correct copy of Exhibit J is attached hereto and
incorporated herein.

1	25. Pump tests were performed on the following dates:
2	
3	26 is not producing pump test records for the following
4	datesbecause:
5	
6	27. I am not aware of any other pump tests having been performed on the properties
7	referenced above.
8	23. On January 17, 2013 Rick Koch of Southern California Edison Company performed a
	pump test on the pump in the pond at the Holliday Rock facility leased from Littlerock Sand and
9	Gravel, Inc. On January 17, 2013 Rick Koch of Southern California Edison Company also
10	performed a pump test on the pump in the pond at the Holliday Rock facility leased from
11	Littlerock Aggregate Co., Inc. dba Antelope Valley Aggregate, Inc. Exhibit I contains true and
12	correct copies of the pump test records identified herein. The pond pump at the Littlerock Sand
13	and Gravel, Inc. location is referenced as the "Plmdle Sup PMP" on its pond pump test. The
14	pond pump at the Littlerock Aggregate Co., Inc. dba Antelope Valley Aggregate, Inc. facility is
15	referenced as the "AV Supply Pump" on its pond pump test.
	24. The two sites are operated independently and water pumped from the two sites is not
16	commingled. There is a freshwater pond at each facility. The pumps identified in paragraph 23
17	are turbine booster pumps that float in their respective ponds on pontoons ("pond pumps") at
18	each site. Groundwater is pumped from the groundwater wells at the respective sites into each
19	site's respective freshwater pond. The groundwater is pumped into the ponds from the
20	groundwater wells rather than directly to the rock processing plants given that the rock
21	processing plants require more water during operation than the capacity of the respective
22	groundwater well pumps. Each pond pump is operating at all times that its correlating rock plant
	is in operation. The water from each pond is pumped directly to its respective rock processing
23	plant by means of its pond pump. The pond pumps do not operate at variable speed. They are
24	either on or they are off.

1	40in 2004. The
2	water was used for the following:
3	
4	[State the crop type and number of acres of that crop. If not used for irrigation, describe the use.
5	In lieu of answering this question, a crop map may be attached that shows the date, crop type,
6	irrigated acreage and parcels.]
7	41usedacre feet of water on APN#in 2011. The
8	water was used for the following:
9	To the state of the same of th
10	State the erop type and number of acres of that crop. If not used for irrigation, describe the use.
	In lieu of answering this question, a crop map may be attached that shows the date, crop type,
11	irrigated acreage and parcels.] 42. used acre feet of water on APN# in 2012. The
12	water was used for the following:
13	
14	State the crop type and number of acres of that crop. If not used for irrigation, describe the use.
15	In lieu of answering this question, a crop map may be attached that shows the date, crop type,
16	irrigated acroage and parcels.]
17	43. Other than what is declared hereinabove,did not produce or use
18	water within the Antelope Valley Area of Adjudication for 2000-2004, 2011, and 2012.
19	I declare under penalty of perjury under the laws of the State of California that the
20	foregoing is true and correct. Executed this 31st day of January 2013, at,
21	California.
22	
23	DEAN BROWNING
24	DEALY BROWNING

EXHIBIT "A"

EXHIBIT "F"

2	<u>Year</u>	Well	Yearly Production
3			
4			
5			
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24			

EXHIBIT "G"

1 EXHIBIT "H"

1 EXHIBIT "I"

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Confidential/Proprietary Information

January 18, 2013

DEAN BROWNING HOLLIDAY ROCK COMPANY 1401 N. BENSON AVE. **UPLAND, CA 91786**

HYDRAULIC TEST RESULTS, Plant: AV SUPPLY PUMP

Location: 7311 E AVENUE T

HP: 100.0

Cust #: 0-000-0096

Serv. Acct. #:

032-2974-30

Meter: PO726-3357 Pump Ref.#;

25310

In accordance with your request, an energy efficiency test was performed on your turbine booster pump on January 17, 2013. If you have any questions regarding the results which follow, please contact RICK KOCH at (805)654-7312.

		Equi	pment
1 5	2.	D	

Pump: No: D20763 Motor: **FAIRB** No: B-9009

Results	Test 1	Test 2	Test 3
Discharge Pressure, PSI	64.5	38.0	44.7
Discharge Head, Feet	149.0	87.8	103.3
Suction Head or Lift, Feet	1.4	1,4	1.4
Total Head, Feet	150.4	89.2	104.7
Capacity, GPM	155	1,063	835
Acre Feet Pumped in 24 Hours	.685	4.698	3.691
kW Input to Motor	32.6	41.4	36.5
HP Input to Motor	43.7	55.5	48.9
Motor Load (%)	40.3	51.2	45.1
Measured Speed of Pump, RPM	1,793		
kWh per Acre Foot	1,142	212	237
Overall Plant Efficiency (%)	13.5	43.1	45,1

The above test results indicate various operating conditions of this pump. Test #1 was performed with the plant off and the water truck filling. Test #2 is the normal operating point with the plant on and the water truck drawing water. Test #3 was performed with only the plant on.

RUSS JOHNSON Manager Hydraulic Services

SOUTHERN CALIFORNIA

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January 18, 2013

DEAN BROWNING HOLLIDAY ROCK COMPANY 1401 N. BENSON AVE. **UPLAND, CA 91786**

PUMPING COST ANALYSIS, Plant: AV SUPPLY PUMP

Location: 7311 E AVENUE T

HP: 100.0

Cust #: 0-000-0096

Serv. Acct. #;

032-2974-30

Meter: PO726-3357 Pump Ref.#:

25310

The following energy efficiency analysis is presented as an aid to your cost accounting. This is an estimate based on the conditions present during Edison pump test number 2 performed on January 17, 2013, billing history for the past 12 months, and your current rate of GS-2.

Assuming that water requirements will be the same as for the past year, and all operating conditions (annual hours of operation, head above, and water pumping level) will remain the same as they were at the time of the pump test, it is estimated that:

- 1. Overall plant efficiency can be improved from 43.1% to 69.0%.
- 2. This can save you up to 36,952 kWh and \$6,360,21 annually.
- 3. These kWh savings translate to a 16-ton decrease in CO₂ emissions.

	Existing	Plant Efficiency <u>Improved</u>	Savings
Total kWh	98,556	61,604	36,952
kW Input	41.4	25.9	15,5
kWh per Acre Foot	212	132	79
Acre Feet per Year	466.0		
Average Cost per kWh	\$0.17		
Average Cost per Acre Foot	\$36.41	\$22.76	\$13.65
Overall Plant Efficiency (%)	43.1	69.0	• '
Total Annual Cost	\$16,963.46	\$10,603.25	\$6,360.21

It is sincerely hoped that this information will prove helpful to you, and that your concerns over maintaining optimum pumping efficiency will be continued. If you have any questions regarding this report, please contact RICK KOCH at (805)654-7312.

RUSS JOHNSON Manager Hydraulic Services



Save Energy, Save Money... Your test results show that you can!

January 18, 2013

DEAN BROWNING HOLLIDAY ROCK COMPANY 1401 N. BENSON AVE. UPLAND, CA 91786

PUMPING COST ANALYSIS, Plant: AV SUPPLY PUMP

Location: 7311 E AVENUE T

HP: 100.0

Cust #: 0-000-0096 Meter: PO726-3357

Serv. Acct. #; 7 Pump Ref.#; 032-2974-30 25310

Dear SCE Customer:

Helping California businesses save energy and money is a major goal at SCE. As you know, our Technical Specialist performed a free energy efficiency test on one or more pumps at your facility on January 17, 2013. We thank you for the opportunity to provide this service, and appreciate your interest in the performance of your pumps.

The results of test number 2, shown in the table below, indicate that the pump listed above has the potential for improved Overall Plant Efficiency (OPE), lower energy costs, and a cash incentive.

	Projected Incentive, Energy, and Cost Savings			8
	<u>Existing</u>	<u>Improved</u>	<u>Savings</u>	Cash Incentive
Total kWh kW Input	98,556 41.4	61,604 25.9	36,952 15.5	\$2,956.17
kW on-peak activity factor * Acre Feet per Year	466.0		10.1	\$1,008.95
kWh per Acre Foot	212	132	79	
Average Cost per Acre Foot Overall Plant Efficiency (%)	\$36.41 43.1	\$22.76 69.0	\$13.65	
Annual Total	\$16,963.46	\$10,603.25	\$6,360.21	\$3,965.12

(*The kW on-peak activity factor represents how the kW Impacts the SCE system during on-peak periods as determined by SCE's agricultural and water pumping customers' average load profiles. By improving efficiency, your expected kW savings is 15.5 kW, and the savings used for incentive calculations is 65% of 15.5, or 10.1 kW.)

Case studies have shown that repairing, retrofitting, or replacing inefficient pumps can save energy and money, and may even help you avoid serious operational problems. For your business, this could mean the following:

- Improved Plant Effliciency: Your OPE can be improved from 43.1% to 69.0%.
- Lower Energy Costs: Based on the test data, your past energy usage, and your current rate of GS-2, we estimate that you
 may save up to 36,952 kWh annually (which translates to a 16-ton decrease in CO₂ emissions). This may result in energy
 cost savings of \$6,360.21.
- Cash Incentive: Through the retrofit and installation of more energy-efficient equipment, you have the potential to receive
 an incentive of \$0.08 per kWh and \$100 per on-peak activity factored kW reduced, courtesy of SCE's Customized Efficiency
 Program. Based on your estimated kWh and kW, you would be eligible for a <u>Potential Cash Incentive of \$3.965.12</u>,
 capped at 50% of your project cost. (See contract for details.)

If you are interested in an incentive for this pump, please contact EDWARD AREVALO at (626)633-7157 to complete a project application. All applicants must receive a written approval authorization before implementing any project; failure to comply will result in forfeiture of incentive funding.

We encourage you to review your results and take advantage of SCE's energy efficiency expertise and incentives. Visit www.sce.com/rebatesandsavings, or give us a call and let us know how we can be of further service to you.

Sincerely,

Southern California Edison

SOUTHERN CALIFORNIA EDISON® An BDISON INTERNATIONAL® Company

Confidential/Proprietary Information

January 18, 2013

DEAN BROWNING HOLLIDAY ROCK COMPANY 1401 N. BENSON AVE. UPLAND, CA 91786

HYDRAULIC TEST RESULTS, Plant; PLMDLE SUP PMP

Location: 7747 E AVENUE T

HP: 100.0

Cust #: 0-000-0096

Serv. Acct. #: 01

011-4080-74

Meter: V349R-147

Pump Ref.#:

25311

In accordance with your request, an energy efficiency test was performed on your turbine booster pump on January 17, 2013. If you have any questions regarding the results which follow, please contact RICK KOCH at (805)654-7312.

Equipment

Pump:

L&B

No: D23049

Motor:

GΕ

No: HNJ803118

Results

Discharge Pressure, PSI	
Discharge Head, Feet	
Suction Head or Lift, Feet	4.5
Total Head, Feet	
Capacity, GPM	1,235
Acre Feet Pumped in 24 Hours	5.459
kW Input to Motor	92.0
HP Input to Motor	123.4
Motor Load (%)	113.7
Measured Speed of Pump, RPM	1,782
kWh per Acre Foot	405
Overall Plant Efficiency (%)	

The pump could not be shutdown at the time of the test. Therefore, An overall pump efficiency was not determined because the total head was undetermined.

RUSS JOHNSON Manager Hydraulic Services

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January 18, 2013

DEAN BROWNING HOLLIDAY ROCK COMPANY 1401 N. BENSON AVE. **UPLAND, CA 91786**

PUMPING COST ANALYSIS, Plant: PLMDLE SUP PMP

Location: 7747 E AVENUE T

HP: 100.0

Cust #: 0-000-0096

Serv. Acct. #:

011-4080-74

Meter: V349R-147 Pump Ref.#:

25311

The following energy efficiency analysis is presented as an aid to your cost accounting. This is an estimate based on the conditions present during the Edison pump test performed on January 17, 2013, billing history for the past 12 months, and your current rate of TGS3-CPP.

	<u>Existing</u>
Total kWh	263,124
kW Input	92.0
kWh per Acre Foot	405
Acre Feet per Year	650.4
Average Cost per kWh	\$0,18
Average Cost per Acre Foot	\$71,38
Total Annual Cost	\$46 422 97

It is sincerely hoped that this information will prove helpful to you, and that your concerns over maintaining optimum pumping efficiency will be continued. If you have any questions regarding this report, please contact RICK KOCH at (805)654-7312.

RUSS JOHNSON Manager Hydraulic Services EXHIBIT "J"

EXHIBIT "K"

EXHIBIT "L"

7 8

Appendix D-3: Table 4 Applied Crop Water Duties and Irrigation Efficiency Values (DU = 80%)

Antelope Valley Area of Adjudication

Gráp.	ET.; 1 ((n))	P _e ² (In)	ET _{AW} 3	DÜ ^ğ (%)	AXV _e 6 (In)	AVV _{er} ⁶ (ln)	AW _{pr} 7 (ln)	AW† ⁶ ((b)	(ft)	E _{ir} ⁹ (%)
Alfalfa	62,10	1.77	60.33	80	75.42	Ò	2.0	77,42	6.5	81
Carrots	27,47	0:00	27.47	80	34,33	6	6.5	46,83	3.9	85
Grain	22.94	1,42	21,52	80	26,90	.0	4:0	30,90	2.6	83
Melons/Squash	23,91	0.00	23,91	80	29,88	ā	4.0	33,88	2,8	82
Onlons	37,57	0:00	37.57	8.0	46.96	3	4.0	53,96	4.6	83
Orchard (Deciduous)	47.38	0.00	47.38	80	59.22	Ö	0:0	59.22	4,9	80
Pasture	66.19	1.77	64,42	80	80.53	Ó	ò ío	80.53	6.7	80
Potatoes	24.02	0,00	24.02	80	30.03	ď	4.0	34.03	2.8	82
Silage	27,31	0.00	27.31	80	34:14	õ	4.0	38,14	3.2	82
Sugar Beets	40,55	0.00	40,55	80	50,68	,a	4.ŏ	54.68	4.6	81
Vineyard (Grapes)	35:33	0,00	35,33	Ø8 ¹	44.16	ď	0.0	44,16	3.7	80

ET e. #.K. * ET a, where ET = average ET o for specified periods, based on data from Victorville CIMIS: Station, 1894-2003); K. values from Univ. California Cooperative Extension

20

21

22

23

Pe = effective precipitation offsetting ET, up to 1/2 of the average precipitation, in Dec. - Feb., inclusive

For an equivaries placed with the state of t

⁶ AW_{er} = applied water for erosion control

AWp, = applied water for field preparation and pre-irrigation

 AW_T = applied error water duty.= $AW_0 + AW_{uv} + AW_0$. E_{hr} = overall impation efficiency for denerticial uses = $(ET_{AW} + AW_0) + AW_0) + AW_1$.

EXHIBIT "O"

<u>PROOF OF SERVICE</u> (C.C.P. 1013A, 2015.5)

STATE OF CALIFORNIA

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 10900 Wilshire Boulevard, Suite 920, Los Angeles, California 90024.

On <u>January 31, 2013</u>, I served the foregoing document, described as:

DECLARATION OF DEAN BROWNING IN LIEU OF DEPOSITION TESTIMONY FOR PHASE 4 TRIAL

on the interested parties in this action in the following manner:

X BY ELECTRONIC SERVICE AS FOLLOWS by posting the document(s) listed above to the Santa Clara website in the action of the Antelope Valley Groundwater Litigation, Judicial Council Coordination Proceeding No. 4408, Santa Clara Case No. 1-05-CV-049053.

Executed on January 31, 2013 at Los Angeles, California.

XX (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

James W. Lewis