1 2 3 4 5 6 7 8 SUPERIOR COURT OF CALIFORNIA 9 **COUNTY OF LOS ANGELES** 10 11 Judicial Council Coordination Coordinated Proceeding Proceeding No. 4408 Special Title (Rule 1550(b)) 12 ANTELOPE VALLEY GROUNDWATER 13 **CASES** 14 Included Actions: 15 Los Angeles County Waterworks District No. 16 ORDER AFTER PHASE TWO 40 v. Diamond Farming Co. TRIAL ON HYDROLOGIC 17 NATURE OF ANTELOPE VALLEY Los Angeles County Superior Court Case No. BC 325 201 18 Department: Los Angeles County Waterworks District No. 19 Hon, Jack Komar Judge: 40 v. Diamond Farming Co. 20 Kern County Superior Court Case No. S-1500-CV-254-348 21 22 Wm. Bolthouse Farms, Inc. v. City of Lancaster Diamond Farming Co. v. City of Lancaster 23 Diamond Farming Co. v. Palmdale Water District 24 **Riverside County Superior Court** Consolidated Action, Case Nos. 25 RIC 353 840, RIC 344 436, RIC 344 668 26 27 AND RELATED CROSS-ACTIONS. 28

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This matter came on for the second phase of the trial on October 6, 2008. Further trial in Phase Two continued on October 7, 8, 9, and 10 and November 3, 4, and 5, 2008. The court heard the testimony of expert witnesses called by the various parties, admitted exhibits into evidence, and heard oral argument. The matter was submitted on November 5, 2008.

The relief sought in this coordinated case is the adjudication of the claims of all parties who assert a right to the ground water within the Antelope Valley basin based upon the various causes of action and defenses stated by the parties in the various complaints, cross-complaints and answers on file herein.

The purpose of this second phase of the trial was to establish the hydrologic nature of the aquifer within the previously established geographical boundaries for the ground water adjudication of the Antelope Valley. Specifically, the issue was whether there were any distinct groundwater sub basins within the valley that did not have hydrologic connection to other parts of the aquifer underlying the valley.

Three parties have asserted that there are separate basins or sub basins within the jurisdictional boundaries established by the court within the Antelope Valley, and that therefore those areas should be treated as separate unconnected basins for purposes of the adjudication. The three parties are Tejon Ranchcorp, Anaverde LLC, and Crystal Organic Farms LLC. All other participating parties (with the exception of Sheep Creek, which is not participating in this phase) assert there is a single aquifer for purposes of the adjudication and that there are no sub basins within the aquifer.

Crystal Organic LLC has taken the position that there is no hydrologic connection between the area north of the Willow Springs fault and that area should be excluded from the area of adjudication of the Antelope Valley. Tejon Ranchcorp contends that there is a bedrock ridge separating the Antelope Valley into an east basin and a west basin and that the court should adjudicate each of those areas separately. Anaverde LLC contends that there is no hydrologic connection between the Anaverde Valley and the Antelope Valley.

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Anaverde LLC moved for judgment under CCP § 631.8 after the Public Water Producers had completed calling witnesses with regard to the issues on Phase Two of the trial. That motion is denied.

The court considers hydrologic connection within a groundwater aquifer for purposes of this adjudication to be that condition where ground water actually or potentially moves from one part of the basin to the other with the potential to affect the water status or condition of the other portion of the basin aquifer. If such connectivity is shown, then the area in question must be included within the adjudication of the valley. If there is no hydrologic connection, and there is no other basis for jurisdiction, then such an area should be excluded from the adjudication.

Based on the evidence presented, the court concludes that there is sufficient hydraulic connection between the disputed areas and the rest of the Antelope Valley such that the court must include the disputed areas within the adjudication area.

While the exact location of the bedrock ridge and its nature and extent have not been established with any precision, whatever its nature, specific location and extent may ultimately be proved to be, the court concludes that the evidence establishes that there is hydrologic connection between the so-called east and west portions of the Antelope Valley over the bedrock ridge. The court also concludes that there is hydrologic connection between the Anaverde Valley and the Antelope Valley as well as between the area north and south of the Willow Springs Fault.

The affect of the hydrologic connection on the rights of parties to the litigation cannot be determined at this stage of the proceedings. There are multiple claims to be adjudicated in this case, including declaratory relief, claims of prescription, claims of overlying owners to quiet title to water rights, claims that portions of the basin should be treated as a separate area for management purposes in the event a physical solution to water use is established, among other issues and claims. The resolution of many of these claims may well be affected by the nature and extent of the hydrologic connectivity of water within various portions of the aquifer. However, it would be premature to make any such determination at this stage of the proceedings,

At the next Case Management Conference scheduled for November 25, 2008, at 10:30 a.m. in Department 17 at the Santa Clara County Superior Court, counsel should address the status of the service of notices in the two class action proceedings, and the setting for trial of the remaining phases of the trial. The parties must provide narrative case management statements addressing these issues to the court no later than November 21, 2008.

SO ORDERED.

Dated: November 6, 2008

Judge of the Superior Court

JACK KOMAR

Antelope Valley Groundwater Cases (JCCP 4408) Los Angeles County Superior Court, Case No. BC 325 201 Order After Phase Two Trial on Hydrologic Nature of Antelope Valley