

1 of the foregoing water purveyors as to which there is a water system agreement
2 or water service agreement providing for the provision of water service by such
purveyors.”

3 NOW, THEREFORE, having considered and reviewed the Motion to Modify, the points and
4 authorities in support thereof, the responsive papers filed by other parties, and having considered the
5 file in this matter and the arguments presented at the hearing on the Motion and in connection with
6 prior Class Certification proceedings, and good cause appearing thereon;

7 THE COURT FINDS AS FOLLOWS:

8 1. In order to achieve a comprehensive, binding, and lasting adjudication of the water
9 rights at issue in this matter, it is essential that all landowners within the Antelope Valley Basin be
10 made parties to this proceeding, at least with respect to the preliminary issues of (a) the
11 characteristics of the Basin, including issues of safe yield, and (b) the validity of the public water
12 suppliers’ prescription claims.

13 2. The only practical means to join all landowners as parties is through the use of one
14 or more classes.

15 3. The Class of private landowners set forth below satisfies all of the requirements of
16 Section 382 of the California Code of Civil Procedure and due process.

17 4. The proposed Class is so numerous that joinder of all members would be
18 impracticable.

19 5. At least with respect to the preliminary issues set forth above, the claims asserted on
20 behalf of Plaintiff Willis are typical of those asserted on behalf of the absent Class members.

21 6. At least with respect to the preliminary issues set forth above, the claims asserted on
22 behalf of the Class raise common issues of fact and law, which predominate over any individual
23 issues.

24 7. At least with respect to the preliminary issues set forth above, Willis is an adequate
25 representative of the Class in that she is actively asserting her rights and those of the absent Class
26 members; and there is no adversity or conflict between Willis’ claims and those of the Class with
27 respect to those issues.

28 8. Willis’ counsel is adequate and capable to represent the Class, at least with respect

1 to the preliminary issues set forth above.

2 9. Given the presence of a large number of capable and experienced counsel
3 representing the interests of persons pumping groundwater, the interests of the Class members who
4 are pumping water will be adequately protected to the extent that there is any conflict between the
5 interests of such persons and the interests of non-pumpers.

6 10. Class certification is the superior means to adjudicate this matter, especially in light
7 of the need to obtain a comprehensive adjudication of water rights that is binding on all landowners
8 within the Basin.

9 WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

10 I. The Court hereby modifies its prior certification order and certifies the following
11 Class in the above action, limited to the preliminary issues of (a) the characteristics of the Basin,
12 including issues of safe yield, and (b) the validity of the public water suppliers' prescription claims.

13 "All private (i.e., non-governmental) persons and entities that own real property
14 within the Basin, as adjudicated ("the Class"). The Class includes the successors-in-
interest by way of purchase, gift, inheritance, or otherwise of such landowners.

15 The Class excludes (a) all persons who have appeared in this litigation through
16 counsel, (b) all persons who have pumped in excess of 100 acre feet per year during
17 any of the last five years, a list of whom are being filed under seal by movant, and
(c) all persons who own parcels of less than one acre who receive water service from a
public entity.

18 II. The Court designates Rebecca Lee Willis as the representative of the Class and the
19 law firm of Krause Kalfayan Benink & Slavens LLP as Counsel for the Class.

20 III. The Court hereby certifies the following subclass (the "Subclass"):

21 "All Class members who have not pumped ground water on their property at any time
22 since January 18, 2001."

23 IV. The Court designates Rebecca Lee Willis as the representative of the Subclass and
24 the law firm of Krause Kalfayan Benink & Slavens LLP as Counsel for the Subclass. In connection
25 with any settlement negotiations, Class Counsel shall only negotiate on behalf of the Subclass. The
26 Courts shall appoint counsel to represent the interests of the other Class members for settlement
27 purposes or other purposes, if necessary.

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IT IS SO ORDERED.

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Dated: _____

HON. JACK KOMAR
JUDGE OF THE SUPERIOR COURT