

1 Joseph D. Hughes, State Bar No. 169375
2 Kurt Van Sciver, State Bar No. 263957
3 KLEIN, DENATALE, GOLDNER,
4 COOPER, ROSENLIEB & KIMBALL, LLP
5 4550 California Avenue, Second Floor
6 Bakersfield, California 93309
7 P.O. Box 11172
8 Bakersfield, California 93389-1172
9 Telephone: (661) 395-1000
10 Facsimile: (661) 326-0418
11 Email: jhughes@kleinlaw.com

12 Attorneys for H&N DEVELOPMENT CO. WEST, INC.

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA

14 COUNTY OF LOS ANGELES – CENTRAL DISTRICT

15 **ANTELOPE VALLEY**
16 **GROUNDWATER CASES**

17 **Included Actions:**

18 Los Angeles County Waterworks District
19 No. 40 v. Diamond Farming Co., Superior
20 Court of California, County of Los
21 Angeles, Case No. BC 325201

22 Los Angeles County Waterworks District
23 No. 40 v. Diamond Farming Co., Superior
24 Court of California, County of Kern, Case
25 No. S-1500-CV-254348

26 Wm. Bolthouse Farms, Inc. v. City of
27 Lancaster, Diamond Farming Co. v. City of
28 Lancaster, Diamond Farming Co. v.
Palmdale Water Dist., Superior Court of
California, County of Riverside, Case Nos.
RIC 353 840, RIC 344 436, RIC 344 668

Judicial Council Coordination No. 4408

CLASS ACTION

Santa Clara Case No. 1-05-CV-049053

**REQUEST FOR JUDICIAL NOTICE
IN SUPPORT OF
MOTION TO SET ASIDE DEFAULT**

Hearing Date: October 5, 2012

Time: 9:00 a.m.

Location: Dept. 1, Room 534
111 North Hill Street
Los Angeles, CA 90012

TO THE COURT, ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE pursuant to Evidence Code section 452 that the cross-defendant H&N DEVELOPMENT CO. WEST, INC. (“H&N West”), requests the Court take judicial notice of the following:

1 1. Amended cross-complaint filed by the LOS ANGELES COUNTY
2 WATERWORKS DISTRICT NO. 40 (the "County") filed March 13, 2007.

3 2. Certified copy of the Change of Corporate Name filed by H&N West on
4 April 11, 2007.

5 3. Application to serve process by publication filed by the County.

6 4. Certified copies of statement of information filed by H&N
7 Development, Inc. on January 27, 2005 and September 24, 2010.

8 5. This Court's order on the application for service by publication filed by
9 the County.

10 6. Roe amendment filed by the County on July 13, 2007.

11 Pursuant to Evidence Code section 452 and California Rules of Court, Rule
12 3.1306(c), judicial notice should be taken of item 1 through 6, above, because H&N West has
13 made a proper request, notice has been given to all parties in this action and sufficient
14 information appears above to enable this court to take judicial notice.

15
16
17 Date: September 10, 2012

KLEIN, DENATALE, GOLDNER,
COOPER, ROSENLIEB & KIMBALL, LLP

18
19
20 By: 

Joseph D. Hughes,
Attorneys for
H&N DEVELOPMENT CO. WEST, INC.

Exhibit 1

1 BEST BEST & KRIEGER LLP
ERIC L. GARNER, Bar No. 130665
2 JEFFREY V. DUNN, Bar No. 131926
STEFANIE D. HEDLUND, Bar No. 239787
3 5 PARK PLAZA, SUITE 1500
4 IRVINE, CALIFORNIA 92614
TELEPHONE: (949) 263-2600
TELECOPIER: (949) 260-0972
5 Attorneys for Cross-Complainants
6 ROSAMOND COMMUNITY SERVICES
DISTRICT and LOS ANGELES COUNTY
7 WATERWORKS DISTRICT NO. 40

EXEMPT FROM FILING FEES
UNDER GOVERNMENT CODE
SECTION 6103

8 OFFICE OF COUNTY COUNSEL
COUNTY OF LOS ANGELES
9 RAYMOND G. FORTNER, JR., Bar No. 42230
COUNTY COUNSEL
10 FREDERICK W. PFAEFFLE, Bar No. 145742
PRINCIPAL DEPUTY COUNTY COUNSEL
500 WEST TEMPLE STREET
11 LOS ANGELES, CALIFORNIA 90012
TELEPHONE: (213) 974-1901
12 TELECOPIER: (213) 458-4020
Attorneys for Cross-Complainant LOS ANGELES
13 COUNTY WATERWORKS DISTRICT NO. 40

14 [See Next Page For Additional Counsel]

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA
16 COUNTY OF LOS ANGELES – CENTRAL DISTRICT
17

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Judicial Council Coordination No. 4408

CLASS ACTION

Santa Clara Case No. 1-05-CV-049053
Assigned to The Honorable Jack Komar

[Code Civ. Proc., § 382]

~~[PROPOSED]~~ FIRST-AMENDED CROSS-
COMPLAINT OF PUBLIC WATER
SUPPLIERS FOR DECLARATORY AND
INJUNCTIVE RELIEF AND
ADJUDICATION OF WATER RIGHTS

[PROPOSED] FIRST-AMENDED CROSS-COMPLAINT OF PUBLIC WATER SUPPLIERS FOR DECLARATORY AND
INJUNCTIVE RELIEF AND ADJUDICATION OF WATER RIGHTS

LAW OFFICES OF
BEST BEST & KRIEGER LLP
5 PARK PLAZA, SUITE 1500
IRVINE, CALIFORNIA 92614

1 STRADLING YOCCA CARLSON & RAUTH
2 Douglas J. Evertz, Bar No. 123066
3 660 Newport Center Drive, Ste. 1600
4 Newport Beach, CA 92660
5 (949) 737-4720 (916) 823-6720 fax
6 Attorneys for City of Lancaster

7 RICHARDS WATSON & GERSHON
8 James L. Markman, Bar No. 43536
9 Steven Orr, Bar No. 136615
10 355 S. Grand Avenue, 40th Floor
11 Los Angeles, CA 90071-3101
12 (213) 626-8484 (213) 626-0078 fax
13 Attorneys for City of Palmdale

14 LEMIEUX & O'NEILL
15 Wayne Lemieux, Bar No. 43501
16 2393 Townsgate Road, Ste. 201
17 Westlake Village, CA 91361
18 (805) 495-4770 (805) 495-2787 fax
19 Attorneys for Littlerock Creek Irrigation District and
20 Palm Ranch Irrigation District

21 LAGERLOF SENEAL BRADLEY GOSNEY &
22 KRUSE
23 Thomas Bunn III, Bar No. 89502
24 301 North Lake Avenue, 10th Floor
25 Pasadena, CA 91101-4108
26 (626) 793-9400 (626) 793-5900 fax
27 Attorneys for Palmdale Water District and Quartz
28 Hill Water District

17 CALIFORNIA WATER SERVICE COMPANY
18 John Tootle, Bar No. 181822
19 2632 West 237th Street
20 Torrance, CA 90505
21 (310) 257-1488; (310) 325-4605-fax

1 Cross-Complainants California Water Service Company, City of Lancaster, City of
2 Palmdale, Littlerock Creek Irrigation District, Los Angeles County Water Works District No. 40,
3 Palmdale Water District, Rosamond Community Services District, Palm Ranch Irrigation District
4 and Quartz Hill Water District (collectively, the "Public Water Suppliers") allege:

5
6 **INTRODUCTION**

7 1. This cross-complaint seeks a judicial determination of rights to all water within the
8 adjudication area of the Antelope Valley Groundwater Basin as determined by the Court's Orders
9 in this case (the "Basin"). An adjudication is necessary to protect and conserve the limited water
10 supply that is vital to the public health, safety and welfare of all persons and entities that depend
11 upon water from the Public Water Suppliers. For these reasons, the Public Water Suppliers file
12 this cross-complaint to promote the general public welfare in the Antelope Valley; protect the
13 Public Water Suppliers' rights to pump groundwater and provide water to the public; protect the
14 Antelope Valley from a loss of the public's water supply; prevent degradation of the quality of
15 the public groundwater supply; stop land subsidence; and avoid higher water costs to the public.

16
17 **CROSS-COMPLAINANTS**

18 2. California Water Service Company is a California corporation which extracts
19 groundwater from the Basin to serve customers within the Basin.

20
21 3. The City of Lancaster is a municipal corporation located in the County of Los
22 Angeles, and which produces and receives water for reasonable and beneficial uses, including
23 overlying uses. The City of Lancaster further provides ministerial services to mutual water
24 companies that produce groundwater from the Basin.

25
26 4. The City of Palmdale is a municipal corporation in the County of Los Angeles.
27 The City of Palmdale receives water from the Basin.

1 5. Littlerock Creek Irrigation District is a public agency which extracts groundwater
2 from the Basin to serve customers within the Basin.

3
4 6. Los Angeles County Waterworks District No. 40 is a public agency governed by
5 the Los Angeles County Board of Supervisors. District 40 has been lawfully organized to
6 perform numerous functions, including providing Basin groundwater to the public in a large
7 portion of the Antelope Valley. To this end, District 40 has constructed, maintained and operated
8 a public waterworks system to supply water to the public.

9
10 7. Palmdale Water District is an irrigation district organized and operating under
11 Division 11 of the California Water Code. Palmdale Water District extracts groundwater from
12 the Basin for delivery to customers.

13
14 8. Palm Ranch Irrigation District Palm Ranch Irrigation District is a public agency
15 which extracts groundwater from the Basin to serve customers within the Basin.

16
17 9. Rosamond Community Services District provides water to more than 3,500
18 residents of Kern County for domestic uses, fire protection, and irrigation. Rosamond has drilled
19 and equipped wells to pump groundwater from the Basin. Rosamond has constructed, maintained
20 and operated a public waterworks system to supply water to the public.

21
22 10. Quartz Hill Water District is a county water district organized and operating under
23 Division 12 of the California Water Code. Quartz Hill extracts groundwater from the Lancaster
24 Sub-basin of the Antelope Valley Groundwater Basin for delivery to customers.

25
26 **CROSS-DEFENDANTS**

27 11. The following persons and/or entities are the owners of, and/or are beneficial
28 interest holders in real property within the geographic boundaries of the Basin. These persons

1 and/or entitles claim overlying rights to extract water from the Basin, whether or not they have
2 heretofore exercised such overlying rights: ABC Williams Enterprises LP, ACEH Capital, LLC,
3 Jacqueline Ackermann, Cenon Advincula, Oliva M. Advincula, Mashallah Afshar, Antonio U.
4 Agustines, Airtrust Singapore Private Limited, Marwan M. Aldais, Allen Alevy, Allen Alevy and
5 Alevy Family Trust, Georgine J. Archer, Georgine J. Archer as Trustee for the Georgine J. Archer
6 Trust, A V Materials, Inc., Guss A. Barks, Jr., Peter G. Barks, Ildefonso S. Bayani, Nilda V.
7 Bayani, Big West Corp, Randall Y. Blayney, Melody S. Bloom, Bolthouse Properties, Inc., David
8 L. Bowers, Ronald E. Bowers, Leroy Daniel Bronston, Marilyn Burgess, Laverne C. Burroughs,
9 Laverne C. Burroughs, Trustee of the Burroughs Family Irrevocable Trust Dated August 1, 1995,
10 Bruce Burrows, John and B. Calandri 2001 Trust, California Portland Cement Company, Calmat
11 Land Co., Melinda E. Cameron, Castle Butte Dev Corp, Catellus Development Corporation,
12 Bong S. Chang, Jeanna Y. Chang, Moon S. Chang, Jacob Chetrit, Frank S. Chiodo, Lee S. Chiou,
13 M S Chung, City of Los Angeles, Carol K. Claypool, Clifford N. Claypool, W. F. Clunen, Jr., W.
14 F. Clunen, Jr. as Trustee for the P C Rev Inter Vivos Trust, Consolidated Rock Products Co.,
15 County Sanitation District No. 14 of Los Angeles County, County Sanitation District No. 20 of
16 Los Angeles County, Ruth A. Cumming, Ruth A. Cumming as Trustee of the Cumming Family
17 Trust, Catharine M. Davis, Milton S. Davis, Del Sur Ranch LLC, Diamond Farming Company,
18 Sarkis Djanibekyan, Hong Dong, Ying X Dong, Dorothy Dreier, George E. Dreier, Morteza M.
19 Foroughi, Morteza M. Foroughi as Trustee of the Foroughi Family Trust, Lewis Fredrichsen,
20 Lewis Fredrichsen as Trustee of the Friedrichsen Family Trust, Joan A. Funk, Eugene Gabrych,
21 Marian Gabrych, Aurora P. Gabuya, Rodrigo L. Gabuya, GGF LLC, Genus LP, Betty Gluckstein,
22 Joseph H. Gluckstein, Forrest G. Godde, Forrest G. Godde as Trustee of the Forrest G. Godde
23 Trust, Lawrence A. Godde, Lawrence A. Godde and Godde Trust, Maria B. Gorrindo, Maria B.
24 Gorrindo as Trustee for the M. Gorrindo Trust, Wendell G. Hanks, Andreas Hauke, Marilyn
25 Hauke, Healy Enterprises, Inc., Walter E. Helmick, Donna L. Higelmire, Michael N. Higelmire,
26 Davis L. and Diana D. Hines Family Trust, Hooshpack Dev Inc., Chi S. Huang, Suchu T. Huang,
27 John Hui, Hypericum Interests LLC, Daryush Iraninezhad, Minoos Iraninezhad, Esfandiar
28 Kadivar, Esfandiar Kadivar as Trustee of the Kadivar Family Trust, A. David Kagon, A. David

1 Kagon as Trustee for the Kagon Trust, Jack D. Kahlo, Cheng Lin Kang, Herbert Katz, Herbert
2 Katz as Trustee for the Katz Family Trust, Marianne Katz, Lilian S. Kauffman, Lilian S.
3 Kaufman as Trustee for the Kaufman Family Trust, Kazuko Yoshimatsu, Barbara L. Keys,
4 Barbara L. Keys as Trustee of the Barbara L. Keys Family Trust, Billy H. Kim, Illy King, Illy
5 King as Trustee of the Illy King Family Trust, Kootenai Properties, Inc., Kutu Investment Co.,
6 Gailen Kyle, Gailen Kyle as Trustee of the Kyle Trust, James W. Kyle, James W. Kyle as Trustee
7 of the Kyle Family Trust, Julia Kyle, Wanda E. Kyle, Fares A. Lahoud, Eva Lai, Paul Lai, Ying
8 Wah Lam, Land Business Corporation, Richard E. Landfield, Richard E. Landfield as Trustee of
9 the Richard E. Landfield Trust, Lawrence Charles Trust, William Lewis, Mary Lewis, Pei Chi
10 Lin, Man C. Lo, Shiung Ru Lo, Lyman C. Miles, Lyman C. Miles as Trustee for the Miles Family
11 Trust, Malloy Family Partners LP, Mission Bell Ranch Development, Barry S. Munz, Kathleen
12 M. Munz, Terry A. Munz, M.R. Nasir, Souad R. Nasir, Eugene B. Nebeker, Simin C. Neman,
13 Henry Ngo, Frank T. Nguyen, Juanita R. Nichols, Oliver Nichols, Oliver Nichols as Trustee of
14 the Nichols Family Trust, Owl Properties, Inc., Palmdale Hills Property LLC, Norman L.
15 Poulsen, Marilyn J. Prewoznik, Marilyn J. Prewoznik as Trustee of the Marilyn J. Prewoznik
16 Trust, Elias Qarmout, Victoria Rahimi, R and M Ranch, Inc., Patricia A. Recht, Veronika Reinelt,
17 Reinelt Rosenloecher Corp. PSP, Patricia J. Riggins, Patricia J. Riggins as Trustee of the Riggins
18 Family Trust, Edgar C. Ritter, Paula E. Ritter, Paula E. Ritter as Trustee of the Ritter Family
19 Trust, Roman Catholic Archbishop of Los Angeles, Romo Lake Los Angeles Partnership,
20 Rosemount Equities LLC Series, Royal Investors Group, Royal Western Properties LLC, Oscar
21 Rudnick, Rebecca Rudnick, Santa Monica Mountains Conservancy, Marygrace H. Santoro,
22 Marygrace H. Santoro as Trustee for the Marygrace H. Santoro Rev Trust, San Yu Enterprises,
23 Inc., Daniel Saparzadeh, Helen Stathatos, Savas Stathatos, Savas Stathatos as Trustee for the
24 Stathatos Family Trust, Seven Star United LLC, Mark H. Shafron, Robert L. Shafron, Kamram S.
25 Shakib, Donna L. Simpson, Gareth L. Simpson, Gareth L. Simpson as Trustee of the Simpson
26 Family Trust, Soaring Vista Properties, Inc., State of California, George C. Stevens, Jr., George
27 C. Stevens, Jr. as Trustee of the George C. Stevens, Jr. Trust, George L. Stimson, Jr., George L.
28 Stimson, Jr. as Trustee of the George L. Stimson, Jr. Trust, Tejon Ranch, Mark E. Thompson A P

1 C Profit Sharing Plan, Tierra Bonita Ranch Company, Tiong D. Tiu, Beverly J. Tobias, Beverly J.
2 Tobias as Trustee of the Tobias Family Trust, Jung N. Tom, Wilma D. Trueblood, Wilma D.
3 Trueblood as Trustee of the Trueblood Family Trust, Unison Investment Co., LLC, Delmar D.
4 Van Dam, Gertrude J. Van Dam, Keith E. Wales, E C Wheeler LLC, William Bolthouse Farms,
5 Inc., Alex Wodchis, Elizabeth Wong, Mary Wong, Mike M. Wu, Mike M. Wu as Trustee of the
6 Wu Family Trust, State of California 50th District and Agricultural Association, and U.S. Borax,
7 Inc.

8
9 12. The Public Water Suppliers are informed and believe, and thereon allege, that
10 cross-defendant Roes 1 through 100,000 are the owners, lessees or other persons or entities
11 holding or claiming to hold ownership or possessory interests in real property within the
12 boundaries of the Basin; extract water from the Basin; claim some right, title or interest to water
13 located within the Basin; or that they have or assert claims adverse to the Public Water Suppliers'
14 rights and claims. The Public Water Suppliers are presently unaware of the true names and
15 capacities of the Roe cross-defendants, and therefore sue those cross-defendants by fictitious
16 names. The Public Water Suppliers will seek leave to amend this cross-complaint to add names
17 and capacities when they are ascertained.

18
19 **CLASS ACTION ALLEGATIONS**

20 13. The Public Water Suppliers bring this action against all persons similarly situated.
21 The class will be composed of all owners of land within the adjudication area that is not within
22 the service area of a public entity, public utility, or mutual water company. The persons in this
23 class are so numerous, consisting of approximately 65,000 parcels, that the joinder of all such
24 persons is impracticable and that the disposition of their claims in a class action rather than in
25 individual actions will benefit the parties and the court.

26
27 14. There is a well-defined community of interests in the questions of law and fact
28 affecting the defendant class members in that they each allege an identical overlying right to take

1 native groundwater from a common supply for their reasonable and beneficial use. As they each
2 seek a common right, they have predominantly common issues of fact and law. Additionally,
3 each class member will have common defenses against competing water rights including a claim
4 by the United States that it has a Federal Reserved right. These questions of law and fact
5 predominate over questions that affect only the individual class members. The claims and
6 defenses of the class members and the class representative are typical of those of the class and the
7 class representative will fairly and adequately represent the interests of the class.

8
9 **THE UNITED STATES IS A NECESSARY PARTY TO THIS ACTION**

10 15. This is an action to comprehensively adjudicate the rights of all claimants to the
11 use of a source of water located entirely within California, *i.e.*, the Basin, and for the ongoing
12 administration of all such claimants' rights.

13
14 16. The Public Water Suppliers are informed and believe, and on that basis allege, that
15 the United States claims rights to the Basin water subject to adjudication in this action by virtue
16 of owning real property overlying the Basin, including Edwards Air Force Base.

17
18 17. For the reasons expressed in this cross-complaint, the United States is a necessary
19 party to this action pursuant to the McCarran Amendment, 43 U.S.C. § 666.

20
21 18. Under the McCarran Amendment, the United States, as a necessary party to this
22 action, is deemed to have waived any right to plead that the laws of California are not applicable,
23 or that the United States is not subject to such laws by virtue of its sovereignty.

24
25 19. Under the McCarran Amendment, the United States, as a necessary party to this
26 action, is subject to the judgments, orders and decrees of this Court.

1 HISTORY OF THE ANTELOPE VALLEY GROUNDWATER BASIN

2 20. For over a century, California courts have used the concept of a groundwater basin
3 to resolve groundwater disputes. A groundwater basin is an alluvial aquifer with reasonably well-
4 defined lateral and vertical boundaries.

5
6 21. The Antelope Valley Groundwater Basin is located in an arid valley in the Mojave
7 Desert, about 50 miles northeast of the City of Los Angeles. The Basin encompasses about 1,000
8 square miles in both Los Angeles and Kern Counties, and is separated from the northern part of
9 the Antelope Valley by faults and low-lying hills. The Basin is bounded on the south by the San
10 Gabriel Mountains and on the northwest by the Tehachapi Mountains. The Basin generally
11 includes the communities of Lancaster, Palmdale and Rosamond as well as Edwards Air Force
12 Base.

13
14 22. Various investigators have studied the Antelope Valley and some have divided the
15 Basin into "sub-basins." According to the Public Water Suppliers' information and belief, to the
16 extent the Antelope Valley is composed of such "sub-basins," they are sufficiently hydrologically
17 connected to justify treating them as a single source of water for purposes of adjudicating the
18 parties' water rights.

19
20 23. Before public and private entities began pumping water from the Basin, its natural
21 water recharge balanced with water discharged from the Basin. Its water levels generally
22 remained in a state of long-term equilibrium. In approximately 1915, however, agricultural uses
23 began to pump groundwater and since then, greatly increased agricultural pumping has upset the
24 Basin's groundwater equilibrium causing a continuous decline in the Basin's groundwater
25 storage.

26
27 24. Although private agricultural entities temporarily curtailed their pumping activities
28 when groundwater levels were extremely low, agricultural pumping has increased overall during

1 the past decade. During the same time, urbanization of the Antelope Valley has resulted in
2 increased public demand for water.

3
4 25. Groundwater pumping in the Basin has never been subject to any limits. This lack
5 of groundwater management caused the Basin to lose an estimated eight million acre feet of water
6 over the past eighty years.

7
8 26. Uncontrolled pumping caused repeated instances of land subsidence. It is the
9 sinking of the Earth's surface due to subsurface movement of earth materials and is primarily
10 caused by groundwater pumping. The Public Water Suppliers are informed and believe, and
11 thereupon allege, that portions of the Basin have subsided as much as six feet because of
12 chronically low groundwater levels caused by unlimited pumping. The harmful effects of land
13 subsidence observed in the Basin include loss of groundwater storage space, cracks and fissures
14 on the ground's surface, and damage to real property. Land subsidence problems continue and
15 will continue because of unlimited pumping.

16
17 27. The declining groundwater levels, diminished groundwater storage, and land
18 subsidence damage the Basin, injure the public welfare, and threaten communities that depend
19 upon the Basin as a reliable source of water. These damaging effects will continue, and likely
20 worsen until the court establishes a safe yield for the Basin and limits pumping to the safe yield.

21
22 **PUBLIC WATER SUPPLIERS SUPPLEMENT AND COMMINGLE THEIR**
23 **SUPPLEMENTAL SUPPLY OF WATER WITH BASIN WATER**

24 28. Due to the shortage of water in the Basin, certain Public Water Suppliers purchase
25 State Water Project water from the Antelope Valley-East Kern Water Agency. State Project
26 water originates in northern California and would not reach the Basin absent the Public Water
27 Suppliers purchases.

1 29. Public Water Suppliers purchase State Project water each year. They deliver the
2 State Project water to their customers through waterworks systems. The Public Water Suppliers'
3 customers use the State Project water for irrigation, domestic, municipal and industrial uses.
4 After the Public Water Suppliers' customers use the water, some of the imported State Project
5 water commingles with other percolating groundwater in the Basin. In this way, State Project
6 water augments the natural supply of Basin water.

7
8 30. Public Water Suppliers depend on the Basin as their source of water. But for the
9 Public Water Suppliers' substantial investment in State Project water, they would need to pump
10 additional groundwater each year. By storing State Project water or other imported water in the
11 Basin, Public Water Suppliers can recover the stored water during times of drought, water supply
12 emergencies, or other water shortages to ensure a safe and reliable supply of water to the public.

13
14 **THE BASIN HAS BEEN IN A STATE OF OVER-DRAFT FOR OVER FIVE YEARS**

15 31. The Public Water Suppliers are informed and believe, and upon that basis allege,
16 that the Basin is and has been in an overdraft condition for more than five (5) consecutive years
17 before the filing of this cross-complaint. During these time periods, the total annual demand on
18 the Basin has exceeded the supply of water from natural sources. Consequently, there is and has
19 been a progressive and chronic decline in Basin water levels and the available natural supply is
20 being and has been chronically depleted. Based on the present trends, demand on the Basin will
21 continue to exceed supply. Until limited by order and judgment of the court, potable Basin water
22 will be exhausted and land subsidence will continue.

23
24 32. Upon information and belief, the cross-defendants have, and continue to pump,
25 appropriate and divert water from the natural supply of the Basin, and/or claim some interest in
26 the Basin water. The Public Water Suppliers are informed and believe, and upon that basis
27 allege, that cross-defendants' combined extraction of water exceeds the Basin's safe yield.

1 33. Upon information and belief, each cross-defendant claims a right to take water and
2 threatens to increase its taking of water without regard to the Public Water Suppliers' rights.
3 Cross-defendants' pumping reduces Basin water tables and contributes to the deficiency of the
4 Basin water supply as a whole. The deficiency creates a public water shortage.

5
6 34. Cross-defendants' continued and increasing extraction of Basin water has resulted
7 in, and will result in a diminution, reduction and impairment of the Basin's water supply, and land
8 subsidence.

9
10 35. Cross-defendants' continued and increasing extraction of Basin water has and will
11 deprive the Public Water Suppliers of their rights to provide water for the public health, welfare
12 and benefit.

13
14 **THERE IS A DISPUTE AMONG THE PARTIES REGARDING THE EXTENT AND**
15 **PRIORITY OF THEIR RESPECTIVE WATER RIGHTS**

16 36. The Public Water Suppliers are informed and believe, and thereon allege, there are
17 conflicting claims of rights to the Basin and/or its water.

18
19 37. The Public Water Suppliers are informed and believe, and thereon allege, that
20 cross-defendants who own real property in the Basin claim an overlying right to pump Basin
21 water. The overlying right is limited to the native safe yield of the Basin. The Public Water
22 Suppliers allege that, because subsidence is occurring in the Basin, cross-defendants have been
23 pumping, and continue to pump water in amounts greater than the Basin's safe yield.

24
25 38. The Public Water Suppliers are informed and believe, and thereon allege, they
26 have appropriative and prescriptive rights to groundwater in the Antelope Valley Basin. The
27 Public Water Suppliers are informed and believe, and thereon allege, they and/or their
28 predecessors-in-interest, have pumped water from the Antelope Valley Basin for more than five

1 years prior to the filing of this cross-complaint.
2

3 39. The Public Water Suppliers have pumped water from, and/or stored water in the
4 Antelope Valley Basin, by reasonable extraction means. They have used the Basin and/or its
5 water for reasonable and beneficial purposes; and they have done so under a claim of right in an
6 actual, open, notorious, exclusive, continuous, uninterrupted, hostile, adverse use and/or manner
7 for a period of time of at least five years and before filing this cross-complaint.
8

9 40. To provide water to the public, the Public Water Suppliers have and claim the
10 following rights:
11

12 (A) The right to pump groundwater from the Antelope Valley Groundwater
13 Basin in an annual amount equal to the highest volume of groundwater extracted by each of the
14 Public Water Suppliers in any year preceding entry of judgment in this action;

15 (B) The right to pump or authorize others to extract from the Antelope Valley
16 Groundwater Basin an amount of water equal in quantity to that amount of water previously
17 purchased by each of the Public Water Suppliers from the Antelope Valley-East Kern Water
18 Agency; and which has augmented the supply of water in the Basin in any year preceding entry of
19 judgment in this action.

20 (C) The right to pump or authorize others to extract from the Antelope Valley
21 Groundwater Basin an amount of water equal in quantity to that amount of water purchased in the
22 future by each of the Public Water Suppliers from the Antelope Valley-East Kern Water Agency
23 which augments the supply of water in the Basin; and

24 (D) The right to pump or authorize others to extract from the Antelope Valley
25 Basin an amount of water equal in quantity to that volume of water injected into the Basin or
26 placed within the Basin by each of the Public Water Suppliers or on behalf of any of them.
27
28

FIRST CAUSE OF ACTION

(Declaratory Relief – Prescriptive Rights – Against All Cross-Defendants Except the United States And Other Public Entity Cross-Defendants)

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28

41. The Public Water Suppliers re-allege and incorporate by reference each and all of the preceding paragraphs as though fully set forth herein.

42. For over fifty years, the California Supreme Court has recognized prescriptive water rights. The Public Water Suppliers allege that, for more than five years and before the date of this cross-complaint, they have pumped water from the Basin for reasonable and beneficial purposes, and done so under a claim of right in an actual, open, notorious, exclusive, continuous, hostile and adverse manner. The Public Water Suppliers further allege that each cross-defendant had actual and/or constructive notice of these activities, either of which is sufficient to establish the Public Water Suppliers' prescriptive rights.

43. Public Water Suppliers contend that each cross-defendant's rights to pump water from the Basin are subordinate to the Public Water Suppliers' prescriptive rights and to the general welfare of the citizens, inhabitants and customers within the Public Water Suppliers' respective service areas and/or jurisdictions.

44. An actual controversy has arisen between the Public Water Suppliers and cross-defendants, and each of them. Public Water Suppliers allege, on information and belief, that each cross-defendant disputes the Public Water Suppliers' contentions, as described in the immediately preceding paragraph.

45. Public Water Suppliers seek a judicial determination as to the correctness of their contentions and a finding as to the priority and amount of water they and each cross-defendant are entitled to pump from the Basin.

SECOND CAUSE OF ACTION

(Declaratory Relief – Appropriative Rights – Against All Cross-Defendants)

1
2
3
4 46. The Public Water Suppliers re-allege and incorporate by reference each and all of
5 the preceding paragraphs as though fully set forth herein.

6
7 47. Public Water Suppliers allege that, in addition or alternatively to their prescriptive
8 rights, they have appropriative rights to pump water from the Basin.

9
10 48. Appropriative rights attach to surplus water from the Basin.

11
12 49. Surplus water exists when the pumping from the Basin is less than the safe yield.
13 It is the maximum quantity of water which can be withdrawn annually from a groundwater Basin
14 under a given set of conditions without causing an undesirable result. “Undesirable results”
15 generally refer to gradual lowering of the groundwater levels in the Basin, but also includes
16 subsidence.

17
18 50. Persons and/or entities with overlying rights to water in the Basin are only entitled
19 to make reasonable and beneficial use of the Basin’s native safe yield.

20
21 51. An actual controversy has arisen between the Public Water Suppliers and cross-
22 defendants, and each of them. The Public Water Suppliers allege, on information and belief, that
23 all cross-defendants, and each of them, seek to prevent the Public Water Suppliers from pumping
24 surplus water.

25
26 52. The Public Water Suppliers seek a judicial determination as to the Basin’s safe
27 yield, the quantity of surplus water available, if any, the correlative overlying rights of each cross-
28 defendant to the safe yield and a determination of the rights of persons an/or entities with

1 overlying, appropriative and prescriptive rights to pump water from the Basin.
2

3 **THIRD CAUSE OF ACTION**

4 **(Declaratory Relief – Physical Solution – Against All Cross-defendants)**

5 53. The Public Water Suppliers re-allege and incorporate by reference each and all of
6 the preceding paragraphs as though fully set forth herein.
7

8 54. Upon information and belief, the Public Water Suppliers allege that cross-
9 defendants, and each of them, claim an interest or right to Basin water; and further claim they can
10 increase their pumping without regard to the rights of the Public Water Suppliers. Unless
11 restrained by order of the court, cross-defendants will continue to take increasing amounts of
12 water from the Basin, causing great and irreparable damage and injury to the Public Water
13 Suppliers and to the Basin. Money damages cannot compensate for the damage and injury to the
14 Basin.
15

16 55. The amount of Basin water available to the Public Water Suppliers has been
17 reduced because cross-defendants have extracted, and continue to extract increasingly large
18 amounts of water from the Basin. Unless the court enjoins and restrains cross-defendants, and
19 each of them, the aforementioned conditions will worsen. Consequently, the Basin's groundwater
20 supply will be further depleted, thus reducing the amount of Basin water available to the public.
21

22 56. California law makes it the duty of the trial court to consider a "physical solution"
23 to water rights disputes. A physical solution is a common-sense approach to resolving water
24 rights litigation that seeks to satisfy the reasonable and beneficial needs of all parties through
25 augmenting the water supply or other practical measures. The physical solution is a practical way
26 of fulfilling the mandate of the California Constitution (Article X, section 2) that the water
27 resources of the State be put to use to the fullest extent of which they are capable.
28

1 57. This court must determine, impose and retain continuing jurisdiction in order to
2 enforce a physical solution upon the parties who pump water from the Basin, and thereby prevent
3 irreparable injury to the Basin. Available solutions to the Basin problems may include, but are
4 not limited to, the court appointment of a watermaster, and monetary and metering and
5 assessments upon water extraction from the Basin. Such assessments would pay for the purchase,
6 delivery of supplemental supply of water to the Basin.

7
8 **FOURTH CAUSE OF ACTION**

9 **(For Declaratory Relief – Municipal Priority – Against All Cross-Defendants)**

10 58. The Public Water Suppliers re-allege and incorporate by reference each and all of
11 the preceding paragraphs as though fully set forth herein.

12
13 59. The Public Water Suppliers have rights to pump water from the Basin to meet
14 existing public water needs, and also to take increased amounts of Basin water as necessary to
15 meet future public needs. The Public Water Suppliers’ rights to Basin water exist both as a result
16 of the priority and extent of their appropriative and prescriptive rights, and as a matter of law and
17 public policy of the State of California: “It is hereby declared to be the established policy of this
18 State that the use of water for domestic purposes is the highest use of water and that the next
19 highest use is for irrigation.” (*Water Code* §106.)

20
21 60. *Water Code* Section 106.5 provides: “It is hereby declared to be the established
22 policy of this State that the right of a municipality to acquire and hold rights to the use of water
23 should be protected to the fullest extent necessary for existing and future uses. . . .”

24
25 61. Under *Water Code* sections 106 and 106.5, the Public Water Suppliers have a prior
26 and paramount right to Basin water as against all non-municipal uses.
27
28

1 62. An actual controversy has arisen between the Public Water Suppliers and cross-
2 defendants. The Public Water Suppliers allege, on information and belief, that cross-defendants
3 dispute the contentions in Paragraphs 1 through 43, inclusive, of this cross-complaint. The Public
4 Water Suppliers are informed and believe, and on that basis allege, that the majority of the cross-
5 defendants pump groundwater from the Basin for agricultural purposes.

6
7 63. The Public Water Suppliers seek a judicial determination as to the correctness of
8 their contentions and to the amount of water the parties may pump from the Basin. The Public
9 Water Suppliers also seek a declaration of their right to pump water from the Basin to meet their
10 reasonable present and future needs, and that such rights are prior and paramount to the rights, if
11 any, of cross-defendants to use Basin water for irrigation purposes.

12
13 **FIFTH CAUSE OF ACTION**

14 **(Declaratory Relief – Storage Of Imported Water – Against All Cross-defendants)**

15 64. The Public Water Suppliers re-allege and incorporate by reference each and all of
16 the preceding paragraphs as though fully set forth herein.

17
18 65. The Public Water Suppliers purchase and use water from the State Water Project.
19 State Project water is not native to the Basin. Importing State Project water decreases the Public
20 Water Suppliers’ need to pump water from the Basin. The Public Water Suppliers’ purchase and
21 delivery of State Project water is the reason it has been brought to the Basin. The Public Water
22 Suppliers pay a substantial annual cost to import State Project water; this amount is subject to
23 periodic increases.

24
25 66. The Public Water Suppliers allege there is underground space available in the
26 Basin for storing imported State Project water.

1 67. As importers of State Project water, the Public Water Suppliers have the right to
 2 store imported State Project water underground in the Basin, and also have the sole right to pump
 3 or otherwise use such stored State Project water. The rights of cross-defendants, if any, are
 4 limited to the native supply of the Basin and to their own imported water. Cross-defendants'
 5 rights, if any, do not extend to water imported into the Basin by the Public Water Suppliers.

6
 7 68. An actual controversy has arisen between the Public Water Suppliers and cross-
 8 defendants. The Public Water Suppliers allege, on information and belief, that cross-defendants
 9 dispute their contentions in Paragraphs 1 through 39, of this cross-complaint.
 10

11 69. The Public Water Suppliers seek a judicial determination as to the correctness of
 12 their contentions that they may store imported State Project water in the Basin, recapture such
 13 imported State Project water, and that they have the sole right to pump or otherwise use such
 14 imported State Project water.
 15

16 **SIXTH CAUSE OF ACTION**

17 **(Declaratory Relief – Recapture Of Return Flows**

18 **From Imported Water Stored in The Basin – Against All Cross-defendants)**

19 70. The Public Water Suppliers re-allege and incorporate by reference each and all of
 20 the preceding paragraphs as though fully set forth herein.
 21

22 71. Some of the State Project water typically returns and/or enters the Basin, and will
 23 continue to do so. This water is commonly known as "return flows." These return flows further
 24 augment the Basin's water supply.
 25

26 72. The Public Water Suppliers allege there is underground space available in the
 27 Basin to store return flows from imported State Project water.
 28

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1 73. The Public Water Suppliers have the sole right to recapture return flows
2 attributable to their State Project water, or such water imported on their behalf. The rights of
3 cross-defendants, if any, are limited to the Basin's native supply and/or to their imported water,
4 and do not extend to groundwater attributable to the Public Water Suppliers' return flows.
5

6 74. An actual controversy has arisen between the Public Water Suppliers and cross-
7 defendants. The Public Water Suppliers allege, on information and belief, that cross-defendants
8 dispute their contentions in Paragraphs 1 through 43 of this cross-complaint.
9

10 75. The Public Water Suppliers seek a judicial determination as to the correctness of
11 their contentions, and that they have the sole right to recapture return flows in the Basin, both at
12 present and in the future.
13

14 **SEVENTH CAUSE OF ACTION**

15 **(Unreasonable Use Of Water - Against All Cross-Defendants Except Public Entity Cross-
16 Defendants)**

17 76. The Public Water Suppliers re-allege and incorporate by reference each and all of
18 the preceding paragraphs as though fully set forth herein.
19

20 77. The California Constitution (Article X, Section 2) provides the cardinal principle
21 of California water law, superior to any water rights priorities and requires that water use not be
22 unreasonable or wasteful. The reasonable use of water depends on the facts and circumstances of
23 each case; what may be reasonable in areas of abundant water may be unreasonable in an area of
24 scarcity; and, what is a beneficial use at one time may become a waste of water at a later time.
25

26 78. The Public Water Suppliers are informed and believe, and on that basis allege, that
27 some cross-defendants' use of water is unreasonable in the arid Antelope Valley and therefore
28

1 constitutes waste, unreasonable use or an unreasonable method of diversion or use within the
2 meaning of the California Constitution (Article X, section 2). Such uses are thereby unlawful.

3
4 79. An actual controversy has arisen between the Public Water Suppliers and cross-
5 defendants. The Public Water Suppliers allege, on information and belief, that the cross-
6 defendants dispute their contentions in Paragraphs 1 through 43 of this Cross-Complaint.

7
8 80. The Public Water Suppliers seek a judicial declaration that cross-defendants have
9 no right to any unreasonable use, unreasonable methods of use, or waste of water. Cross-
10 defendants' rights, if any, must be determined based on the reasonable use of water in the
11 Antelope Valley rather than upon the amount of water actually used.

12
13 **EIGHTH CAUSE OF ACTION**

14 **(Declaratory Relief Re Boundaries Of Basin)**

15 91. The Public Water Suppliers re-allege and incorporate by reference each and all of
16 the preceding paragraphs as though fully set forth herein.

17 92. An actual controversy has arisen between the Public Water Suppliers and cross-
18 defendants, and each of them, regarding the actual physical dimensions and description of the
19 Basin for purposes of determining the parties rights to water located therein. The Public Water
20 Suppliers allege, on information and belief, that cross-defendants dispute the Public Water
21 Suppliers' contentions, as set forth in Paragraphs 1 through 38, inclusive, of this cross-complaint.

22 93. The Public Water Suppliers seek a judicial determination as to the correctness of
23 their contentions and a finding as to the actual physical dimensions and description of the Basin.

24 **PRAYER FOR RELIEF**

25 WHEREFORE, the Public Water Suppliers pray for judgment as follows:

26
27 1. Judicial declarations consistent with the Public Water Suppliers' contentions in the
28

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IRVINE, CALIFORNIA 92614

1 First, Second, Third, Fourth, Fifth, Sixth, Seventh and Eighth Causes of Action in this cross-
2 complaint;

3
4 2. For preliminary and permanent injunctions which prohibit cross-defendants, and
5 each of them, from taking, wasting or failing to conserve water from the Basin in any manner
6 which interferes with the rights of the Public Water Suppliers to take water from or store water in
7 the Basin to meet their reasonable present and future needs;

8
9 3. For prejudgment interest as permitted by law;

10
11 4. For attorney, appraisal and expert witness fees and costs incurred in this action;
12 and

13
14 5. Such other relief as the court deems just and proper.

15 Dated: January 10, 2007

BEST BEST & KRIEGER LLP

16
17 By 

18 ERIC L. GARNER
19 JEFFREY V. DUNN
20 STEFANIE D. HEDLUND
21 Attorneys for Cross-Complainants
22 ROSAMOND COMMUNITY SERVICES
23 DISTRICT and LOS ANGELES
24 COUNTY WATERWORKS DISTRICT
25 NO. 40

26
27 ORANGE32819 1

1 **PROOF OF SERVICE**

2 I, Kerry V. Keefe, declare:

3 I am a resident of the State of California and over the age of eighteen years, and
4 not a party to the within action; my business address is Best Best & Krieger LLP, 5 Park Plaza,
Suite 1500, Irvine, California 92614. On March 13, 2007, I served the within document(s):

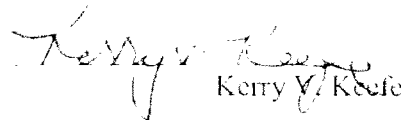
5 **FIRST-AMENDED CROSS COMPLAINT OF PUBLIC WATER SUPPLIERS FOR**
6 **DECLARATORY AND INJUNCTIVED RELIEF AND ADJUDICATION OF WATER**
7 **RIGHTS**

- 8 by posting the document(s) listed above to the Santa Clara County Superior Court
website in regard to the Antelope Valley Groundwater matter.
- 9 by placing the document(s) listed above in a sealed envelope with postage thereon
10 fully prepaid, in the United States mail at Irvine, California addressed as set forth
below.
- 11 by causing personal delivery by ASAP Corporate Services of the document(s)
12 listed above to the person(s) at the address(es) set forth below.
- 13 by personally delivering the document(s) listed above to the person(s) at the
14 address(es) set forth below.
- 15 I caused such envelope to be delivered via overnight delivery addressed as
16 indicated on the attached service list. Such envelope was deposited for delivery
by Federal Express following the firm's ordinary business practices.

17
18 I am readily familiar with the firm's practice of collection and processing
19 correspondence for mailing. Under that practice it would be deposited with the U.S. Postal
20 Service on that same day with postage thereon fully prepaid in the ordinary course of business. I
am aware that on motion of the party served, service is presumed invalid if postal cancellation
date or postage meter date is more than one day after date of deposit for mailing in affidavit.

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

22 Executed on March 13, 2007, at Irvine, California.

23
24 
Kerry V. Keefe

LAW OFFICES OF
BEST BEST & KRIEGER LLP
5 PARK PLAZA, SUITE 1500
IRVINE, CALIFORNIA 92614

Exhibit 2

NCTO

A0659747

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FILED
In the office of the Secretary of State
of the State of California

APR 11 2007

**CERTIFICATE OF AMENDMENT OF
ARTICLES OF INCORPORATION
OF
H AND N DEVELOPMENT CO., INC.**

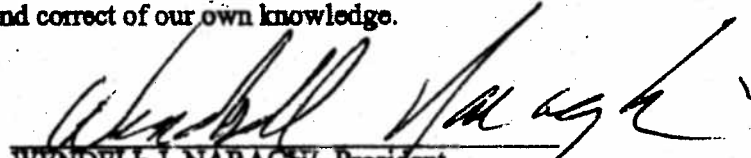
WENDELL J. NARAGHI and SHARON NARAGHI hereby certify that:

1. We are the President and Secretary, respectively, of H AND N DEVELOPMENT CO., INC., a California corporation.
2. Article ONE of the *Articles of Incorporation* is amended to read as follows:

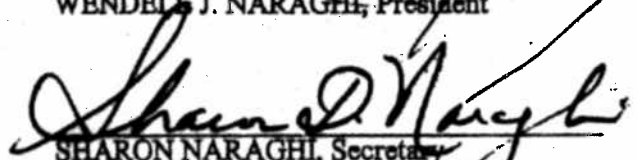
"ONE: The name of this corporation is: H&N DEVELOPMENT CO. WEST, INC."
3. The foregoing amendment of *Articles of Incorporation* has been duly approved by the Board of Directors of the corporation.
4. The foregoing amendment of *Articles of Incorporation* has been duly approved by the required vote of shareholders of the corporation in accordance with Section 902 of the California Corporations Code. The total number of outstanding shares of the corporation is 3,600. The number of shares voting in favor of the amendment equaled or exceeded the vote required. The percentage vote required was more than 50%.

We further declare under penalty of perjury under the laws of the State of California that the matters set forth in this *Certificate* are true and correct of our own knowledge.

DATED: April 4, 2007


WENDELL J. NARAGHI, President

DATED: April 4, 2007


SHARON NARAGHI, Secretary



I hereby certify that the foregoing transcript of 1 page(s) is a full, true and correct copy of the original record in the custody of the California Secretary of State's office.

AUG 07 2012

Date: ^{RG}

Debra Bowen
DEBRA BOWEN, Secretary of State

Exhibit 3

1 BEST BEST & KRIEGER LLP
ERIC L. GARNER, Bar No. 130665
2 JEFFREY V. DUNN, Bar No. 131926
DANIEL S. ROBERTS, Bar No. 205535
3 STEFANIE D. HEDLUND, Bar No. 239787
5 PARK PLAZA, SUITE 1500
4 IRVINE, CALIFORNIA 92614
TELEPHONE: (949) 263-2600
5 TELECOPIER: (949) 260-0972

**EXEMPT FROM FILING FEES
UNDER GOVERNMENT CODE
SECTION 6103**

6 OFFICE OF COUNTY COUNSEL
COUNTY OF LOS ANGELES
7 RAYMOND G. FORTNER, JR., Bar No. 42230
COUNTY COUNSEL
8 MICHAEL MOORE, Bar No. 175599
DEPUTY COUNTY COUNSEL
9 500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012
10 TELEPHONE: (213) 974-1901
TELECOPIER: (213) 458-4020

11 Attorneys for Defendants
12 ROSAMOND COMMUNITY SERVICES
DISTRICT and LOS ANGELES COUNTY
13 WATERWORKS DISTRICT NO. 40

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA

15 COUNTY OF LOS ANGELES – CENTRAL DISTRICT

16
17 **ANTELOPE VALLEY GROUNDWATER
CASES**

18 **Included Actions:**

19 Los Angeles County Waterworks District No.
40 v. Diamond Farming Co., Superior Court of
20 California, County of Los Angeles, Case No.
BC 325201;

21 Los Angeles County Waterworks District No.
22 40 v. Diamond Farming Co., Superior Court of
California, County of Kern, Case No. S-1500-
23 CV-254-348;

24 Wm. Bolthouse Farms, Inc. v. City of
Lancaster, Diamond Farming Co. v. City of
25 Lancaster, Diamond Farming Co. v. Palmdale
Water Dist., Superior Court of California,
26 County of Riverside, Case Nos. RIC 353 840,
RIC 344 436, RIC 344 668

RELATED CASE TO JUDICIAL
COUNCIL COORDINATION
PROCEEDING NO. 4408

**EX PARTE APPLICATION FOR
ORDER FOR PUBLICATION OF
SUMMONS AND DECLARATION OF
DANIEL S. ROBERTS IN SUPPORT OF
SAME; EXHIBITS**

1 **EX PARTE APPLICATION FOR ORDER FOR PUBLICATION OF SUMMONS**

2 The Public Water Suppliers hereby make this ex parte application for an order directing
3 service of the Summons and First Amended Cross-complaint by the Public Water Suppliers on
4 the remaining unserved Cross-Defendants as listed in Exhibit "A" hereto by publication. The
5 bulk of the Cross-Defendants the Court ordered to be served personally have been so served
6 (approximately 547), but the Public Water Suppliers have not been able to serve the remaining
7 approximately 120 Cross-Defendants. Service on the remaining unserved Defendants is
8 requested to be by publication pursuant to Code of Civil Procedure section 415.50 in both the Los
9 Angeles Times and the Bakersfield Californian, which are newspapers of general circulation in
10 California. These newspapers are most likely to give notice to the Cross-defendants because they
11 are the major newspapers covering the area wherein the property at issue in this case lies, and
12 therefore where the Cross-defendants to be served are believed to be found.

13 The First Amended Cross-complaint, which is for declaratory and injunctive relief and
14 adjudication of groundwater rights, was filed herein on March 13, 2007. A copy of the Summons
15 and First Amended Cross-complaint could not be served on those Cross-Defendants listed in
16 Exhibit "A" by any of the following methods:

- 17 1. Handing a copy to the person to be served. (Personal service
18 – Code Civ. Proc., § 415.10).
- 19 2. Leaving a copy, during usual office hours and in the office
20 of the person to be served, with the person who apparently was in
21 charge and by thereafter mailing copies (by first class mail, postage
22 prepaid) to the person to be served at the place where the copies
23 were left. (Service on a corporation, partnership, association, or
24 public entity - Code Civ. Proc., § 415.20(a)).
- 25 3. Leaving a copy at the dwelling house, usual place of abode,
26 or usual place of business of the person to be served in the presence
27 of a competent member of the household or person apparently in
28 charge of his office or place of business, at least 18 years of age,

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BEST BEST & KRIEGER LLP
5 PARK PLAZA, SUITE 1500
IRVINE, CALIFORNIA 92614

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who shall be informed of the general nature of the papers and by thereafter mailing copies (by first class mail, postage prepaid) to the person to be served at the place where the copies were left. (Service on natural person, minor, incompetent, or candidate - Code Civ. Proc., § 415.20(b)).

4. Sending (by first class mail or airmail) a copy to the person to be served, together with two copies of required form of notice and acknowledgement and a return envelope, postage prepaid, addressed to the sender. (Service by mail - Code Civ. Proc., § 415.30).

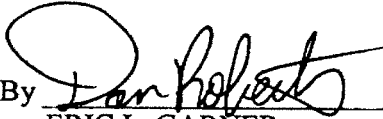
5. Sending (by registered or certified airmail with return receipt requested) copies to the person to be served. (Service by mail outside the State of California - Code Civ. Proc., § 415.40).

6. Any other method (Code Civ. Proc., §§ 413.10, 413.30).

The reasonable attempts to serve the Cross-Defendants listed in Exhibit "A" hereto are set forth in the Declarations of the process servers employed to effect service on these Cross-defendants. Copies of those Declarations are attached hereto collectively as Exhibit "B."

Dated: November 21, 2008

BEST BEST & KRIEGER LLP

By 
ERIC L. GARNER
JEFFREY V. DUNN
DANIEL S. ROBERTS
STEFANIE D. HEDLUND
Attorneys for Cross-Complainants
ROSAMOND COMMUNITY SERVICES
DISTRICT and LOS ANGELES
COUNTY WATERWORKS DISTRICT
NO. 40

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BEST BEST & KRIEGER LLP
5 PARK PLAZA, SUITE 1500
IRVINE, CALIFORNIA 92614

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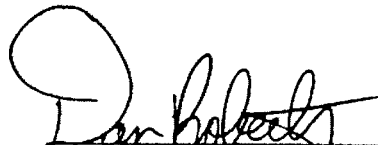
DECLARATION OF MERITS

I, Daniel S. Roberts, declare as follows:

I am an associate of Best Best & Krieger LLP, counsel for Rosamond Community Services District and Los Angeles County Waterworks District No. 40 in the above referenced case. In that capacity, Best Best & Krieger LLP has taken the lead in serving the Public Water Suppliers' First Amended Cross-Complaint on those Cross-defendants the Court has order to be served individually. The Public Water Suppliers' First Amended Cross-complaint is for declaratory and injunctive relief and adjudication of groundwater rights within the Antelope Valley groundwater basin. The Cross-defendants named therein, including those sought by this application to be served by publication, are those whom public records show to be the owners of and/or beneficial interest holders in, real property within the basin to be adjudicated, and whom therefore do or may claim an interest in the rights to be adjudicated in this case. In addition, the Court ordered these individuals to be served with process in this case.

Therefore, the Public Water Suppliers respectfully request the Court order that those remaining unserved Cross-defendants listed in Exhibit "A" hereto be served by publication in the Los Angeles Times and Bakersfield Californian pursuant to Code of Civil Procedure 415.50.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 21st day of November, 2008, at Irvine, California.



DANIEL S. ROBERTS

ORANGE\DRROBERTS\52338.1

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PROOF OF SERVICE

I, Kerry V. Keefe, declare:

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is Best Best & Krieger LLP, 5 Park Plaza, Suite 1500, Irvine, California 92614. On November 21, 2008, I served the within document(s):

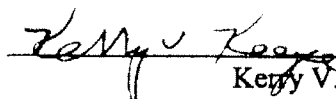
EX PARTE APPLICATION FOR ORDER FOR PUBLICATION OF SUMMONS AND DECLARATION OF DANIEL S. ROBERTS IN SUPPORT OF SAME; EXHIBITS

- by posting the document(s) listed above to the Santa Clara County Superior Court website in regard to the Antelope Valley Groundwater matter.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Irvine, California addressed as set forth below.
- by causing personal delivery by ASAP Corporate Services of the document(s) listed above to the person(s) at the address(es) set forth below.
- by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- I caused such envelope to be delivered via overnight delivery addressed as indicated on the attached service list. Such envelope was deposited for delivery by Federal Express following the firm's ordinary business practices.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

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

Executed on November 21, 2008, at Irvine, California.


Kerry V. Keefe

LAW OFFICES OF
BEST BEST & KRIEGER LLP
5 PARK PLAZA, SUITE 1500
IRVINE, CALIFORNIA 92614

[Exhibit B-3]

**[Other exhibits and statements regarding
service omitted as not relevant.]**

COPY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): ERIC L. GARNER 130885 Best Best & Krieger (PFI) 5 PARK PLAZA, SUITE 1500 IRVINE CA TELEPHONE NO. _____ FAX NO. (Optional): _____ EMAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): ANTELOPE VALLEY GROUNDWATER CASES		CONFORMED COPY OF ORIGINAL FILED Los Angeles Superior Court SEP 25 2008 John A. Clarke, Executive Officer/Clerk <i>Raul Sanchez</i> RAUL SANCHEZ , De.
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES. STREET ADDRESS: 111 N. HILL ST MAILING ADDRESS: ROOM 108 CITY AND ZIP CODE: LOS ANGELES 90012 BRANCH NAME: STANLEY MOSK UNLIMITED CIVIL		
PLAINTIFF/PETITIONER: ANTELOPE VALLEY GROUNDWATER CASES		CASE NUMBER: 4408
DEFENDANT/RESPONDENT:		Ref. No. or File No.: 359032141
DECLARATION OF NON SERVICE		BY FAX

I declare that I am and was on the dates herein mentioned, a citizen of the United States, over the age of 18 years, not a party to nor interested in the above entitled action, and competent to be a witness therein.

I received the following documents for service:

Summons on First Amended Cross-complaint; Notice of Trial; First-amended Cross-complaint of Public Water Suppliers for Declaratory and Injunctive Relief and Adjudication of Water Rights; Model Answer to Complaint and All Cross-complaints; Letter Dated 8/20/08

I attempted to serve **H & N DEVELOPMENT CO., INC.** at the address of **26014 E JONES RD , ESCALON, San Joaquin County, CA 95320.**

and was unable to effect service for the following reasons:

- 9/2/2008 8:45:00 PM: No answer at residence, lights on inside, dogs barking in the backyard.
- 9/3/2008 7:20:00 PM: No answer at residence.
- 9/4/2008 6:50:00 AM: No answer at residence, dogs barking in the backyard.
- 9/5/2008 12:30:00 PM: No Answer at the door
- 9/6/2008 2:15:00 PM: No Answer at the door, Noticed gardening supplies in the walk way
- 9/7/2008 4:05:00 PM: No Answer at the door, Noticed the gardening supplies has been moved.
- 9/8/2008 8:50:00 PM: No Answer at the door, 3 vehicles present
- 9/10/2008 2:15:00 PM: No Answer at the door.
- 9/13/2008 9:40:00 AM: No Answer at the door.
- 9/16/2008 9:00:00 AM: No Answer at the door.

Fee for service: \$ 185.00

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

Date: 9/18/2008

Jim Danfel
(PRINTED NAME OF DECLARANT)

(SIGNATURE OF DECLARANT)



Exhibit 4



Ima

2678860

State of California

Kevin Shelley

Secretary of State

STATEMENT OF INFORMATION (Domestic Stock Corporation)

35

S

05-052323

FEES (Filing and Disclosure): \$25.00. If amendment, see instructions.

IMPORTANT — READ INSTRUCTIONS BEFORE COMPLETING THIS FORM

1. **CORPORATE NAME** (Please do not alter if name is preprinted.)

H & N DEVELOPMENT INC.

FILED
In the office of the Secretary of State
of the State of California

JAN 27 2005

Kevin Shelley
KEVIN SHELLEY, SECRETARY OF STATE

This Space For Filing Use Only

DUE DATE: DECEMBER 17, 2004

CALIFORNIA CORPORATE DISCLOSURE ACT (Corporations Code section 1502.1)

A publicly traded corporation must file with the Secretary of State a Corporate Disclosure Statement (Form SI-PT) annually, within 150 days after the end of its fiscal year. Please see reverse for additional information regarding publicly traded corporations.

COMPLETE ADDRESSES FOR THE FOLLOWING (Do not abbreviate the name of the city. Items 2 and 3 cannot be P.O. Boxes.)

2 STREET ADDRESS OF PRINCIPAL EXECUTIVE OFFICE CITY AND STATE ZIP CODE
34326 CAMINO EL MOLINO CAPISTRANO BEACH, CALIFORNIA 92624

3 STREET ADDRESS OF PRINCIPAL BUSINESS OFFICE IN CALIFORNIA, IF ANY CITY STATE ZIP CODE
34326 CAMINO EL MOLINO CAPISTRANO BEACH CA 92624

NAMES AND COMPLETE ADDRESSES OF THE FOLLOWING OFFICERS (The corporation must have these three officers. A comparable title for the specific officer may be added; however, the preprinted titles on this form must not be altered.)

4 CHIEF EXECUTIVE OFFICER/ ADDRESS CITY AND STATE ZIP CODE
NICOLAS HADDAD 34326 CAMINO ELMOLINO DANA POINT, CA 92624

5 SECRETARY/ ADDRESS CITY AND STATE ZIP CODE
NICOLAS HADDAD 34326 CAMINO ELMOLINO DANA POINT, CA 92624

6 CHIEF FINANCIAL OFFICER/ ADDRESS CITY AND STATE ZIP CODE
JAMAL SALMAN 15 CALIAS IRVINE, CA 92602

NAMES AND COMPLETE ADDRESSES OF ALL DIRECTORS, INCLUDING DIRECTORS WHO ARE ALSO OFFICERS (The corporation must have at least one director. Attach additional pages, if necessary.)

7 NAME ADDRESS CITY AND STATE ZIP CODE
JAMAL SALMAN 15 CALIAS IRVINE, CA 92602

8 NAME ADDRESS CITY AND STATE ZIP CODE
NICOLAS HADDAD 34326 CAMINO ELMOLINO DANA POINT, CA 92624

9. NAME ADDRESS CITY AND STATE ZIP CODE

10. NUMBER OF VACANCIES ON THE BOARD OF DIRECTORS, IF ANY:

AGENT FOR SERVICE OF PROCESS (If the agent is an individual, the agent must reside in California and Item 12 must be completed with a California address. If the agent is another corporation, the agent must have on file with the California Secretary of State a certificate pursuant to Corporations Code section 1505 and Item 12 must be left blank.)

11. NAME OF AGENT FOR SERVICE OF PROCESS
NICOLAS HADDAD

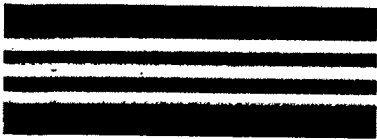
12 ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL CITY STATE ZIP CODE
34326 CAMINO EL MOLINO CAPISTRANO BEACH CA 92624

TYPE OF BUSINESS

13. DESCRIBE THE TYPE OF BUSINESS OF THE CORPORATION
LAND ACQUISITION AND DEVELOPMENT AND REAL ESTATE INVESTMENTS

14 BY SUBMITTING THIS STATEMENT OF INFORMATION TO THE SECRETARY OF STATE, THE CORPORATION CERTIFIES THE INFORMATION CONTAINED HEREIN, INCLUDING ANY ATTACHMENTS, IS TRUE AND CORRECT

NICOLAS HADDAD *Nicolas Haddad* CEO 12-1-04
TYPE OR PRINT NAME OF PERSON COMPLETING THE FORM SIGNATURE TITLE DATE



State of California
Secretary of State



10-186015

FILED
In the office of the Secretary of State
of the State of California

SEP 24 2010

This Space For Filing Use Only

STATEMENT OF INFORMATION
(Domestic Stock and Agricultural Cooperative Corporations) **107**
FEES (Filing and Disclosure): \$25.00. If amendment, see instructions.
IMPORTANT — READ INSTRUCTIONS BEFORE COMPLETING THIS FORM

S

1. **CORPORATE NAME** (Please do not alter if name is preprinted.)

H & N DEVELOPMENT INC.

2678860

DUE DATE:

NO CHANGE STATEMENT (Not applicable if agent address of record is a P.O. Box address. See instructions.)

2. If there has been no change in any of the information contained in the last Statement of Information filed with the California Secretary of State, check the box and proceed to Item 16.
If there have been any changes to the information contained in the last Statement of Information filed with the California Secretary of State, or no statement has been previously filed, this form must be completed in its entirety.

COMPLETE ADDRESSES FOR THE FOLLOWING (Do not abbreviate the name of the city. Items 3 and 4 cannot be P.O. Boxes.)

3. STREET ADDRESS OF PRINCIPAL EXECUTIVE OFFICE	CITY	STATE	ZIP CODE
4. STREET ADDRESS OF PRINCIPAL BUSINESS OFFICE IN CALIFORNIA, IF ANY	CITY	STATE	ZIP CODE
5. MAILING ADDRESS OF CORPORATION, IF DIFFERENT THAN ITEM 3	CITY	STATE	ZIP CODE

NAMES AND COMPLETE ADDRESSES OF THE FOLLOWING OFFICERS (The corporation must have these three officers. A comparable title for the specific officer may be added; however, the preprinted titles on this form must not be altered.)

6. CHIEF EXECUTIVE OFFICER/	ADDRESS	CITY	STATE	ZIP CODE
7. SECRETARY/	ADDRESS	CITY	STATE	ZIP CODE
8. CHIEF FINANCIAL OFFICER/	ADDRESS	CITY	STATE	ZIP CODE

NAMES AND COMPLETE ADDRESSES OF ALL DIRECTORS, INCLUDING DIRECTORS WHO ARE ALSO OFFICERS (The corporation must have at least one director. Attach additional pages, if necessary.)

9. NAME	ADDRESS	CITY	STATE	ZIP CODE
10. NAME	ADDRESS	CITY	STATE	ZIP CODE
11. NAME	ADDRESS	CITY	STATE	ZIP CODE

12. NUMBER OF VACANCIES ON THE BOARD OF DIRECTORS, IF ANY:

AGENT FOR SERVICE OF PROCESS (If the agent is an individual, the agent must reside in California and Item 14 must be completed with a California street address (a P.O. Box address is not acceptable). If the agent is another corporation, the agent must have on file with the California Secretary of State a certificate pursuant to Corporations Code section 1505 and Item 14 must be left blank.)

13. NAME OF AGENT FOR SERVICE OF PROCESS

14. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL

CITY	STATE	ZIP CODE
	CA	

TYPE OF BUSINESS

15. DESCRIBE THE TYPE OF BUSINESS OF THE CORPORATION

16. BY SUBMITTING THIS STATEMENT OF INFORMATION TO THE CALIFORNIA SECRETARY OF STATE, THE CORPORATION CERTIFIES THE INFORMATION CONTAINED HEREIN, INCLUDING ANY ATTACHMENTS, IS TRUE AND CORRECT.

DATE: 2-20-10 TYPE/PRINT NAME OF PERSON COMPLETING FORM: NICOLAS HADDAD TITLE: Secretary SIGNATURE: [Signature]



I hereby certify that the foregoing
transcript of 1 page(s)
is a full, true and correct copy of the
original record in the custody of the
California Secretary of State's office.

AUG 03 2012

Date:

Debra Bowen
DEBRA BOWEN, Secretary of State

Exhibit 5

1 **BEST BEST & KRIEGER LLP**
ERIC L. GARNER, Bar No. 130665
2 JEFFREY V. DUNN, Bar No. 131926
STEFANIE D. HEDLUND, Bar No. 239787
3 DANIEL S. ROBERTS, Bar No. 205535
5 PARK PLAZA, SUITE 1500
4 IRVINE, CALIFORNIA 92614
TELEPHONE: (949) 263-2600
5 TELECOPIER: (949) 260-0972

**EXEMPT FROM FILING FEES
UNDER GOVERNMENT CODE
SECTION 6103**

6 **OFFICE OF COUNTY COUNSEL**
COUNTY OF LOS ANGELES
7 RAYMOND G. FORTNER, JR., Bar No. 42230
COUNTY COUNSEL
8 MICHAEL MOORE, Bar No. 175599
DEPUTY COUNTY COUNSEL
9 500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012
10 TELEPHONE: (213) 974-1901
TELECOPIER: (213) 458-4020

11 Attorneys for Defendants
12 ROSAMOND COMMUNITY SERVICES
DISTRICT and LOS ANGELES COUNTY
13 WATERWORKS DISTRICT NO. 40

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA

15 COUNTY OF LOS ANGELES – CENTRAL DISTRICT

17 **ANTELOPE VALLEY GROUNDWATER
CASES**

18 **Included Actions:**

19 Los Angeles County Waterworks District No.
40 v. Diamond Farming Co., Superior Court of
20 California, County of Los Angeles, Case No.
BC 325201;

21 Los Angeles County Waterworks District No.
22 40 v. Diamond Farming Co., Superior Court of
California, County of Kern, Case No. S-1500-
23 CV-254-348;

24 Wm. Bolthouse Farms, Inc. v. City of
Lancaster, Diamond Farming Co. v. City of
25 Lancaster, Diamond Farming Co. v. Palmdale
Water Dist., Superior Court of California,
26 County of Riverside, Case Nos. RIC 353 840,
RIC 344 436, RIC 344 668

RELATED CASE TO JUDICIAL
COUNCIL COORDINATION
PROCEEDING NO. 4408

[Proposed]

ORDER FOR PUBLICATION


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ORDER FOR PUBLICATION

IT IS ORDERED that the Summons on the Public Water Suppliers' First Amended Cross-Complaint in this action be made upon those Cross-Defendants listed in Exhibit "A" hereto by publication thereof in both the Los Angeles Times and the Bakersfield Californian, newspapers of general circulation published at Los Angeles and Bakersfield, California respectively, and that said publication be made at least once a week for four successive weeks.

IT IS FURTHER ORDERED that a copy of said Summons and of said First Amended Cross-complaint in this action be forthwith deposited in the United States Post Office, postage prepaid, directed to each said Cross-Defendant if his, her, or its address is ascertained before expiration of the time prescribed for the publication of this Summons. A Declaration of this mailing, or the fact that the address was not ascertained, must be filed at the expiration of the time prescribed for the publication.

Dated: NOV 25 2008



HON. JACK KOMAR

ORANGEDROBERTS\52370.1

EXHIBIT A

ALDAIS, MARWAN M.
BURROWS, BRUCE
KUTU INVESTMENT CO
LAI, EVA
CHANG, JEANNA Y.
LAI, PAUL
CHETRIT, JACOB
IRANINEZHAD, DARYUSH
IRANINEZHAD, MINOO
YOSHIMATSU, KAZUKO
LAWRENCE, CHARLES TRUST
POULSEN, NORMAN L
SCHWARTZ, MARTIN
SEVEN STAR UNITED LLC
GREEN GROVE MUTUAL WATER
COMPANY, INC.
FUNK, JOAN A
RIGGINS, PATRICIA J.
ROSAMOND MUTUAL WATER
COMPANY
HAUKE, ANDREAS
HAUKE, MARILYN
BRONSTON, LEROY DANIEL
CHEN, THEODORE HIS-EN AND WEN-
HUI C., AS CO-TRUSTEES OF THE
CHEN FAMILY TRUST Established
October 27, 1989

CPH TEHACHAPI 280 LLC
DENG, LONG
ELHAYEK, MOHAMMED NAJI
ALND, FARHAD
ALND, HERSELL
GISBRECHT, JAMES H AND MARY L
TRS
HESTER, DAVID J TR
HOPKINS, DAVID W
HSU, JA BIN CO TR
HUNTER, JAMES A
JONES, THOMAS TR
LI, DAVID H
LIN, MICHAEL
LUCKY 360 INVESTMENTS LLC
MADAN, S K
PRITCHARD, FRANK W.
PRITCHARD, MARGARET F.
PETERSEN PROPERTIES
RUST, MELVIN K TR
SAN HO HUANG
HUANG, CHI SHIOU
SCS FAMILY LIMITED PARTNERSHIP
SHERRILL, THOMAS P
SHERRILL, RACHEL M

SIMI, PATRICIA C TR
USA GOLDEN LAND INVESTMENT
LLC
WHICHER, LAURIE S
WHITESIDE, JOYCE P TR
ABC DIAMONDS INC
BLENKHORN, LESLIE C
BLENKHORN, CHERILYN M
BRAMLETT MARK F
CHO YONG SEE
DORA LAND
DURST CAROL A TR
GILL FAMILY TRUST 1999
GLEASON TRUST
H & N DEVELOPMENT CO INC
JOHNSON EMMA LOU
KAM ANNETTE F
LEROY DANIEL BRONSTON
LEWIS MARY ANN
MC AVOY DOUGLAS R & AMY M TR
MERRY ROBERTA FMLY TR
MEYER, HANS PETER
MEYER, IPBI KIM
MORALES ELAINE L
PERKOLUP JOAN D
PERKOLUP, FLORENCE A

PIWENITZKY FRED
PIWENITZKY, SACHIKO
PLEDGE INVESTMENT LLC
POLLOCK LULU EDNA
POPINJAY CORP N V
PURVIANCE DONALD L
REINOSO EDGAR
SCOURBY LORI MARCH
STERN JOHN & ELEANOR TR
STOOKEY HELEN H
SUPERMED HEALTH INC
SYLVAN VISTA DEVELOPMENT CO
TAPIA CHARLES & NELLIE FAMILY
TRUST
UNITED CUSTOMHOUSE BROKERS
INC
WHITE RICHARD A & VALERIE K
TRUST
WOOD FAMILY TR
YUNG LINCOLN CHU KUEN
EPIC
LA FIREMAN'S RELIEF
RETLAW ENTERPRISES LLC
EPIC/SMITH DEVELOPMENT CO.

LAKE, TWYLA
LESHIN, SOL
RÉTLAW ENTERPRISES LLC
RECHT, NORTON P JR
COLE, C.C. THELMA
COLE, J.
RUDNICK, REBECCA
DREIER,GEORGE E
GLUCKSTEIN,MORRIS
GLUCKSTEIN, ROSE
GORRINDO, L.

KADIVAR,ESFANDIAR
KADIVAR FAMILY TRUST
STIMSON, GEORGE L. JR.
GEORGE L STIMSON JR TRUST
TOM, SHENG
GODSHALL,HARRY C TR
HIRSCH, CLEMENT L JR TR
WAKEHAM BARBARA P TR
CATES, LOUISE S TR
HILTON, RITA
STRAWMYER, ANITA F.

CORDOVA, WILLIAM

EASTLEY GEORGE M
HOLZMAN, FELA
HOLZMAN, JEROME I
HOLZMAN, H J
ALESSO, JOHN S. JR.
NICHOLS LOUISE
WILSON, HARRY Z AND MARIE J TRS
FOGLER RONALD D & IRENE P TR
BANDUCCI ENTERPRISES
ALESSO LAWRENCE V & MARDEAN
TR

Exhibit 6

1 BEST BEST & KRIEGER LLP
ERIC L. GARNER, Bar No. 130665
2 JEFFREY V. DUNN, Bar No. 131926
STEFANIE D. HEDLUND, Bar No. 239787
3 5 PARK PLAZA, SUITE 1500
4 IRVINE, CALIFORNIA 92614
TELEPHONE: (949) 263-2600
5 TELECOPIER: (949) 260-0972
Attorneys for Cross-Complainants
6 ROSAMOND COMMUNITY SERVICES
DISTRICT and LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40

**EXEMPT FROM FILING FEES
UNDER GOVERNMENT CODE
SECTION 6103**

7 OFFICE OF COUNTY COUNSEL
8 COUNTY OF LOS ANGELES
RAYMOND G. FORTNER, JR., Bar No. 42230
9 COUNTY COUNSEL
FREDERICK W. PFAEFFLE, Bar No. 145742
10 PRINCIPAL DEPUTY COUNTY COUNSEL
500 WEST TEMPLE STREET
11 LOS ANGELES, CALIFORNIA 90012
TELEPHONE: (213) 974-1901
12 TELECOPIER: (213) 458-4020
Attorneys for Cross-Complainant LOS ANGELES
13 COUNTY WATERWORKS DISTRICT NO. 40

14 [See Next Page For Additional Counsel]

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA

16 COUNTY OF LOS ANGELES – CENTRAL DISTRICT

17
18 **ANTELOPE VALLEY
GROUNDWATER CASES**

19 Included Actions:
20 Los Angeles County Waterworks District
No. 40 v. Diamond Farming Co., Superior
21 Court of California, County of Los
Angeles, Case No. BC 325201;

22 Los Angeles County Waterworks District
23 No. 40 v. Diamond Farming Co., Superior
Court of California, County of Kern, Case
24 No. S-1500-CV-254-348;

25 Wm. Bolthouse Farms, Inc. v. City of
Lancaster, Diamond Farming Co. v. City of
26 Lancaster, Diamond Farming Co. v.
Palmdale Water Dist., Superior Court of
27 California, County of Riverside, Case Nos.
RIC 353 840, RIC 344 436, RIC 344 668
28

Judicial Council Coordination No. 4408

CLASS ACTION

Santa Clara Case No. 1-05-CV-049053
Assigned to The Honorable Jack Komar

**AMENDMENT TO FIRST AMENDED
CROSS-COMPLAINT**

[Naming Roes 231 through 582]

ORANGEJDUNN37804.1

AMENDMENT TO FIRST AMENDED CROSS-COMPLAINT

- 1 STRADLING YOCCA CARLSON & RAUTH
Douglas J. Evertz, Bar No. 123066
- 2 660 Newport Center Drive, Ste. 1600
Newport Beach, CA 92660
- 3 (949) 737-4720 (916) 823-6720 fax
Attorneys for City of Lancaster
- 4
- 5 RICHARDS WATSON & GERSHON
James L. Markman, Bar No. 43536
- 6 Steven Orr, Bar No. 136615
355 S. Grand Avenue, 40th Floor
Los Angeles, CA 90071-3101
- 7 (213) 626-8484 (213) 626-0078 fax
Attorneys for City of Palmdale
- 8
- 9 LEMIEUX & O'NEILL
Wayne Lemieux, Bar No. 43501
- 10 2393 Townsgate Road, Ste. 201
Westlake Village, CA 91361
- 11 (805) 495-4770 (805) 495-2787 fax
Attorneys for Littlerock Creek Irrigation District and
Palm Ranch Irrigation District
- 12
- 13 LAGERLOF SENECALE BRADLEY GOSNEY &
KRUSE
Thomas Bunn III, Bar No. 89502
- 14 301 North Lake Avenue, 10th Floor
Pasadena, CA 91101-4108
- 15 (626) 793-9400 (626) 793-5900 fax
Attorneys for Palmdale Water District and Quartz
Hill Water District
- 16
- 17 CALIFORNIA WATER SERVICE COMPANY
John Tootle, Bar No. 181822
- 18 2632 West 237th Street
Torrance, CA 90505
- 19 (310) 257-1488; (310) 325-4605-fax
- 20
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1 Upon the filing of the First Amended Cross-Complaint (“Cross-Complaint”), the County
2 of Los Angeles Waterworks District No. 40, the City of Lancaster, the City of Palmdale, the
3 Palmdale Water District, the Quartz Hill Water District, the California Water Service Company,
4 and the Rosamond Community Services District (“Cross-Complainants”), being unaware of the
5 true names of several Cross-Defendants, designated those Cross-Defendants in the Cross-
6 Complaint by the fictitious names of Roes 1 through 25,000. Now, Cross-Complainants have
7 discovered the true names of certain Cross-Defendants and assigned Roe numbers to them as
8 follows:
9

Roe No.	True and Correct Name of Roe Cross-Defendant
Roe 231	300 A 40 H LLC
Roe 232	Gregorio B. Abreu
Roe 233	Cornelia M. Abreu
Roe 234	Aceh Capital LLC
Roe 235	Ehsan Afaghi
Roe 236	Agricultural and Animal Waste
Roe 237	Bruce Allen
Roe 238	Ana Verde Canyon Limited

LAW OFFICES OF
BEST BEST & KRIEGER LLP
5 PARK PLAZA, SUITE 1500
IRVINE, CALIFORNIA 92614

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Roe No.	True and Correct Name of Roe Cross-Defendant
Roe 239	Donald and Janet Anderson, Trustees
Roe 240	Clinton Edwards Andrews
Roe 241	Melvin Thomas Andrews and Margaret E. Andrews, Trustees of the Andrews Living Trust
Roe 242	Arklin Brothers Enterprises
Roe 243	Philip H. Arklin, Co-Tr.
Roe 244	AV Foothills LLC
Roe 245	Bushnell Enterprises LLC
Roe 246	C and P Lancaster Properties LLC
Roe 247	Cal Golf Inc.
Roe 248	California Springs Land
Roe 249	Cameron Properties Inc.
Roe 250	Capital Pacific Homes

LAW OFFICES OF
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IRVINE, CALIFORNIA 92614

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Roe No.	True and Correct Name of Roe Cross-Defendant
Roe 251	Rudolf Cataldi
Roe 252	Louise S. Cates, Trustee
Roe 253	Moon S. Chang and Bong S. Chang, Trustees
Roe 254	Theodore His-En and Wen-Hui C. Chen, as Co-Trustees of the Chen Family Trust (Established October 27, 1989)
Roe 255	Andrew J. Chithea
Roe 256	Joan K Chithea
Roe 257	Myron Z. Chlavin, Trustee
Roe 258	City National Bank, Trustee
Roe 259	Richard L. Clark and Elaine M. Clark, Trs.
Roe 260	Menandro M. Marcelo and Ofelia Marcelo, or their Successors, as Trustees of the Menandro and Ofelia Marcelo Family Trust Dated June 2, 2006
Roe 261	CPH Tehachapi 280 LLC

LAW OFFICES OF
BEST BEST & KRIEGER LLP
5 PARK PLAZA, SUITE 1500
IRVINE, CALIFORNIA 92614

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Roe No.	True and Correct Name of Roe Cross-Defendant
Roe 262	Charles Crail
Roe 263	Jean B. Crail
Roe 264	Cyrstalaire Country Club
Roe 265	Jeremiah Cua
Roe 266	Kristeen Cua
Roe 267	Lita Davies
Roe 268	Richard Daniel De La Matyr
Roe 269	Long Deng
Roe 270	Dr. Horton Los Angeles Holding
Roe 271	David Estrada and Rita Estrada, Trustees
Roe 272	Discountland Inc.
Roe 273	Dowhen Family

LAW OFFICES OF
BEST BEST & KRIEGER LLP
5 PARK PLAZA, SUITE 1500
IRVINE, CALIFORNIA 92614

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Roe No.	True and Correct Name of Roe Cross-Defendant
Roe 274	Mohammed Naji Elhayek
Roe 275	Sergio J. Fajardo
Roe 276	Farhad Alnd
Roe 277	Vera V. Farwell
Roe 278	Gary W. Fischer
Roe 279	Hersell Alnd
Roe 280	Genz Development Inc.
Roe 281	James H. Gisbrecht and Mary L. Gisbrecht, Trustees
Roe 282	Harry C. Godshall, Trustee
Roe 283	Wendell G. Hanks
Roe 284	Sam Haskins
Roe 285	Yoram Hassid and Yael Hassid, Trustees

LAW OFFICES OF
BEST BEST & KRIEGER LLP
5 PARK PLAZA, SUITE 1500
IRVINE, CALIFORNIA 92614

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Roe No.	True and Correct Name of Roe Cross-Defendant
Roe 286	David J. Hester, Trustee
Roe 287	Jack D. Hilton
Roe 288	Rita Hilton
Roe 289	Clement L. Hirsch, Jr., Turstee
Roe 290	Carol A. Hooper
Roe 291	Thomas J. Hooper
Roe 292	David W. Hopkins
Roe 293	Gerald P. Hopkins
Roe 294	Sumei P. Hsi, Trustee
Roe 295	Ja Bin Hsu, Co-Trustee
Roe 296	Kangle Huang
Roe 297	Yiling Lin

LAW OFFICES OF
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Roe No.	True and Correct Name of Roe Cross-Defendant
Roe 298	Yin Hung, Co-Trustee
Roe 299	James A. Hunter
Roe 300	Cyrus Serry
Roe 301	J and J General Partnership
Roe 302	J P Eliopoulos Enterprises Inc.
Roe 303	Jensen Trust
Roe 304	Thomas Jones, Trustee
Roe 305	Joshua Ranch Development Inc
Roe 306	Paul Y. Jung
Roe 307	Irene J. Jung
Roe 308	Theodore Karlakis
Roe 309	Kathryn T. Karlakis

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Roe No.	True and Correct Name of Roe Cross-Defendant
Roe 310	James Kim
Roe 311	Glenn K. Kim Family LLC
Roe 312	Rose M. Kolstad
Roe 313	Korda
Roe 314	Sarah Korda
Roe 315	Lancaster and 120 111 LLC
Roe 316	George M. Lane
Roe 317	George R. Lazenby
Roe 318	Samuel Lee
Roe 319	Youngsin Lee
Roe 320	Leona Valley Hunting Club
Roe 321	Sue Levine

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Roe No.	True and Correct Name of Roe Cross-Defendant
Roe 322	Phillip W. Lewis, Co-Trustee
Roe 323	David H. Li
Roe 324	Seng Mov Lim
Roe 325	Michael Lin
Roe 326	Linda L. Yang
Roe 327	Little Rock Sand and Gravel Inc.
Roe 328	Little Rock Aggregate Co. Inc.
Roe 329	LST Investment
Roe 330	Lucky 360 Investments LLC
Roe 331	Janet L. Lyman
Roe 332	S. K. Madan
Roe 333	Laurie F. Magbanua

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Roe No.	True and Correct Name of Roe Cross-Defendant
Roe 334	Beatrice G. Maltz, Trustee
Roe 335	David S. Mason, Co-Trustee
Roe 336	Lorraine R. McAndrew, Trustee
Roe 337	Medina Food Industries Inc.
Roe 338	Mountain Brook Ranch LLC
Roe 339	Lim S. Mov
Roe 340	MRN Family Limited Partnership
Roe 341	Gay E. Naiditch
Roe 342	Chester and Ines Nigra, Trustees
Roe 343	Chester Nigra, Co-Trustee
Roe 344	Richard J. Nigra, Sr., Custodian
Roe 345	Neil Nissing

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Roe No.	True and Correct Name of Roe Cross-Defendant
Roe 346	Masaaki Okamoto
Roe 347	Keiko Okamoto
Roe 348	Noriyuki Okamoto
Roe 349	Shoji Okamoto
Roe 350	Pacific American Inv Ltd. Inc.
Roe 351	Pacific Antelope Valley Venture
Roe 352	Palmdale 1000 Associates LLC
Roe 353	Palmdale Hills Property
Roe 354	Marvin R. Perriseau
Roe 355	Karen L. Perriseau
Roe 356	Frank W. Pritchard
Roe 357	Margaret F Pritchard

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Roe No.	True and Correct Name of Roe Cross-Defendant
Roe 358	Petersen Properties
Roe 359	Thang D. Pham
Roe 360	Dieu Huyen P. Tran
Roe 361	John W. Phelps
Roe 362	James S. Phelps
Roe 363	Thomas E. Pittman, Jr.
Roe 364	Agnes Pittman
Roe 365	Efren Reyes
Roe 366	RMB Property Holding Two LLC
Roe 367	Steffany J. Rohn
Roe 368	Forence M Rosen
Roe 369	Melvin K. Rust, Trustee

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Roe No.	True and Correct Name of Roe Cross-Defendant
Roe 370	San Ho Huang
Roe 371	Chi Shiou Huang
Roe 372	Frances M. Scattaglia, Trustee
Roe 373	SCS Family Limited Partnership
Roe 374	Thomas P. Sherrill
Roe 375	Rachel M. Sherrill
Roe 376	Patricia C. Simi, Trustee
Roe 377	Sorrento West Properties Inc.
Roe 378	Orville W. Stanfield, Co-Trustee
Roe 379	Columbia M. Stenberg, Trustee
Roe 380	Cleo P. Strawmyer
Roe 381	Anita F Strawmyer

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Roe No.	True and Correct Name of Roe Cross-Defendant
Roe 382	Christopher S. Sun, Trustee
Roe 383	John S. Sun, Trustee
Roe 384	Three Arklin LLC
Roe 385	Alyce A. Togonotti
Roe 386	Tomblin and Associates
Roe 387	Nga D. Tran, Co-Trustee
Roe 388	Tyreman International Inc.
Roe 389	USA Golden Land Investment LLC
Roe 390	James A. Veeder
Roe 391	Alan P. Wang
Roe 392	Roy C. Wang
Roe 393	Lucy B. Wang

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Roe No.	True and Correct Name of Roe Cross-Defendant
Roe 394	Warm Springs Investments Ltd.
Roe 395	A. C. Warnack, Trustee
Roe 396	Lillian Warner
Roe 397	Webb Trust
Roe 398	West Coast Land Corporation
Roe 399	Laurie S. Whicher
Roe 400	Joyce P. Whiteside, Trustee
Roe 401	Harry Z. Wilson and Marie J. Wilson, Trustees
Roe 402	3M Property Investment Co.
Roe 403	ABC Diamonds Inc.
Roe 404	Lawrence V. Alesso and Mardean Alesso, Trustees
Roe 405	Charles A. Amento

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Roe No.	True and Correct Name of Roe Cross-Defendant
Roe 406	Sheila D. Amento
Roe 407	Sigitas F. Babusis
Roe 408	Banducci Enterprises
Roe 409	Banducci Land LLC
Roe 410	Janet Starr Berkey, Trustee
Roe 411	Leslie C. Blenkhorn
Roe 412	Cherilyn M. Blenkhorn
Roe 413	John Boruchin and Doran Boruchin Living Trust
Roe 414	Mark F. Bramlett
Roe 415	Bujulian Brothers Inc.
Roe 416	Burton Bros Inc.
Roe 417	Clifford and Alice Burton, Trustees

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Roe No.	True and Correct Name of Roe Cross-Defendant
Roe 418	Clifford G. Burton
Roe 419	John Calandri and Shannon Calandri, Trustees
Roe 420	Carlisi et al, a California General Partnership
Roe 421	Rudolf Cataldi, Trustee
Roe 422	Sallie Lynne Chatterton
Roe 423	Michael C. Cheiky
Roe 424	Charity S. Cheiky
Roe 425	Chithea Family Trust
Roe 426	Joel Chithea
Roe 427	Vivian A. Chithea
Roe 428	Yong See Cho
Roe 429	CJH Real Properties LLC

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Roe No.	True and Correct Name of Roe Cross-Defendant
Roe 430	Sirpuhe Conte and John Conte Family Trust
Roe 431	William Cordova
Roe 432	Virginia C. Cordova
Roe 433	Eric M. Coyle
Roe 434	CPH Rosamond LP
Roe 435	Susan Elise Simonelli Crockett
Roe 436	Crystal Organic Farms LLC
Roe 437	Dair Family Trust
Roe 438	Jeannette Damron
Roe 439	De Pietro Limited
Roe 440	Domenic International
Roe 441	Dora Land

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Roe No.	True and Correct Name of Roe Cross-Defendant
Roe 442	M. B. Duncan, Separate Property Trust (?Trustee?)
Roe 443	Carol A. Durst, Trustee
Roe 444	Eagle Meadows of No. Edwards 435 LLC
Roe 445	East Kern Prop LLC
Roe 446	East West Land Invs. Inc.
Roe 447	George M. Eastley
Roe 448	Philip G. Eastley
Roe 449	Sammy L. Edwards
Roe 450	Linda D. Edwards
Roe 451	Peggy M. Elliott Marital Trust
Roe 452	Enxco Dev. Corp.
Roe 453	Epsilon Investment Co.

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Roe No.	True and Correct Name of Roe Cross-Defendant
Roe 454	Nancy H. Evans
Roe 455	Juanita Eyherabide, Trustee
Roe 456	Raymond Eyherabide, Jr.
Roe 457	Eyherabide Sheep Co.
Roe 458	Siraj A. Fahoum
Roe 459	Farm Estates of the World
Roe 460	Fernandez Family Living Trust
Roe 461	Gary W. Fischer Living Trust
Roe 462	Fischer Grandchildrens Trust
Roe 463	Ronald D. Fogler and Irene P. Fogler Trust
Roe 464	Gary Frappier
Roe 465	Vicki Frappier

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Roe No.	True and Correct Name of Roe Cross-Defendant
Roe 466	Ronald C. Fry
Roe 467	Gateway Triangle Properties
Roe 468	Mansoor Ghanceeian and Fariba Ghanceeian Trust
Roe 469	Gill Family Trust 1999
Roe 470	Gleason Trust
Roe 471	Gold Sky Prop. LLC
Roe 472	Leonard W. Griffin and Laura Griffin Trust
Roe 473	Guerrant Family Trust
Roe 474	Jose Guzman
Roe 475	Norma Guzman
Roe 476	H & N Development Co., Inc.
Roe 477	Barry A. Harbaugh

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Roe No.	True and Correct Name of Roe Cross-Defendant
Roe 478	Mary Lou Byerly Harrell
Roe 479	Steven Harris
Roe 480	Harvey Family Trust
Roe 481	Sam Haskins Trust
Roe 482	Bob D. Helton Living Trust
Roe 483	Herrmann Family Trust
Roe 484	HET 2440 LLC
Roe 485	Susanne B. Hills Family Trust
Roe 486	Giang Ho
Roe 487	Mylinh Phan

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Roe No.	True and Correct Name of Roe Cross-Defendant
Roe 488	Jennifer Chang Ho Family Trust
Roe 489	Fela Holzman
Roe 490	Jerome I. Holzman
Roe 491	H..J. Holzman
Roe 492	Horizon Sumitt LLC
Roe 493	James T. Hsu
Roe 494	H. Huffnagle
Roe 495	Maynard R. Huffnagle
Roe 496	Clinton C. Huth
Roe 497	Elizabeth Iannaccone

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Roe No.	True and Correct Name of Roe Cross-Defendant
Roe 498	Iglesia De Dio Pentecostla Mi (????)
Roe 499	Invescorp. Ltd.
Roe 500	William G. Isaa and Clorinda Isaac, Trustees
Roe 501	Vachik Javadian
Roe 502	Arax Abramian
Roe 503	Javid Investments LLC
Roe 504	Emma Lou Johnson
Roe 505	Annette F. Kam
Roe 506	Kernross Estates
Roe 507	Landinv Inc.

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Roe No.	True and Correct Name of Roe Cross-Defendant
Roe 508	George M. Lane
Roe 509	Richard M. Land and Sandra A. Lang Family Trust
Roe 510	Larry V. Le Duc
Roe 511	Sonia S. Le Duc
Roe 512	Daniel Bronston Leroy
Roe 513	Mary Ann Lewis
Roe 514	Lien Family Survivors Trust
Roe 515	Christine Lin
Roe 516	Los Angeles Land Investment
Roe 517	Loyola Marymount University

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Roe No.	True and Correct Name of Roe Cross-Defendant
Roe 518	Clark C. Lu
Roe 519	Danny C. Lu
Roe 520	Douglas R. McAvoy and Amy M. McAvoy Trust
Roe 521	Roberta Merry Family Trust
Roe 522	Hans Peter Meyer
Roe 523	Ipbi Kim Meyer
Roe 524	Middle Butte Mine Inc.
Roe 525	S. Huth-Tanner
Roe 526	Jamie Miller
Roe 527	Mojave & Tropico LLC

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Roe No.	True and Correct Name of Roe Cross-Defendant
Roe 528	Farshad Monasebian Revocable Trust
Roe 529	Robert A. Moore and Shirley M. Moore Living Trust
Roe 530	Elaine L. Morales
Roe 531	Mary B. Mower
Roe 532	National Cement Co. of California
Roe 533	Louise Nichols
Roe 534	Northrop Grumman Corp.
Roe 535	Joan D. Perkolup
Roe 536	Florence A. Perkolup
Roe 537	Fred Piwenzky

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Roe No.	True and Correct Name of Roe Cross-Defendant
Roe 538	Sachiko Piwenitzky
Roe 539	Pledge Investment LLC
Roe 540	Lulu Edna Pollock
Roe 541	Popinjay Corp. N V
Roe 542	Donald L. Purviance
Roe 543	Gary J. Rafferty and Nona M. Rafferty Trust
Roe 544	Ronald A. Ralphs
Roe 545	Ramos Trust
Roe 546	Peggy Reichenthal Living Trust
Roe 547	Edgar Reinoso

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Roe No.	True and Correct Name of Roe Cross-Defendant
Roe 548	Rosamond Land Trust
Roe 549	Florence M. Rosen Revocable Trust
Roe 550	Frankie H. Salomon Trust
Roe 551	Lori March Scourby
Roe 552	Sellsite & United LLC
Roe 553	Glen Settle and Dorene Settle Trust
Roe 554	SF Pacific Properties Inc.
Roe 555	Ellias Shokrian
Roe 556	Shirley Shokrian
Roe 557	Theodore H. Sims, Jr.

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Roe No.	True and Correct Name of Roe Cross-Defendant
Roe 558	Taffie J. Sims
Roe 559	Mi R. Song
Roe 560	John Stern and Eleanor Stern Trust
Roe 561	Helen H. Stookey
Roe 562	Cleo P. Strawmyer and Anita F. Strawmyer Trust
Roe 563	John Su
Roe 564	Chen Su
Roe 565	Supermed Health Inc.
Roe 566	Sylvan Vista Development Co.
Roe 567	Tamkin Family Trust

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Roe No.	True and Correct Name of Roe Cross-Defendant
Roe 568	Charles Tapia and Nellie Tapia Family Trust
Roe 569	Tazman, A Limited Liability Company
Roe 570	Patrick J. Treacy
Roe 571	United Customhouse Brokers Inc.
Roe 572	Barbara P. Wakeham, Trustee
Roe 573	J. Watson
Roe 574	Francom G. Watson, Jr.
Roe 575	A. Watson
Roe 576	Wells Fargo Bank N.A.
Roe 577	Richard A. White and Valerie K. White Trust

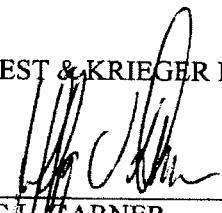
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Roe No.	True and Correct Name of Roe Cross-Defendant
Roe 578	Wood Family Trust
Roe 579	Wu Family Trust
Roe 580	Vivian Hwa Yeh
Roe 581	Lincoln Chu Kuen Yung
Roe 582	Rudolf Cataldi Trust

Accordingly, Cross-Complainants hereby amend the Cross-Complaint by substituting the true names of the above Cross-Defendants wherever these fictitious names appear in the Cross-Complaint.

Dated: July 13, 2007

BEST BEST & KRIEGER LLP
By: 
ERIC L. GARNER
JEFFREY V. DUNN
STEPHANIE D. HEDLUND
Attorneys for Plaintiff
LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40

1 **PROOF OF SERVICE**

2 I, Karin Nielsen Bonwit, declare:

3 I am a resident of the State of California and over the age of eighteen years, and
4 not a party to the within action; my business address is Best Best & Krieger LLP, 5 Park Plaza,
Suite 1500, Irvine, California 92614. On July 13, 2007, I served the within document(s):

5 **AMENDMENT TO FIRST AMENDED CROSS-COMPLAINT**
6 **(NAMING ROE DEFENDANTS 231 THROUGH 582)**

- 7 by posting the document(s) listed above to the Santa Clara County Superior Court
8 website in regard to the Antelope Valley Groundwater matter.
- 9 by placing the document(s) listed above in a sealed envelope with postage thereon
10 fully prepaid, in the United States mail at Irvine, California addressed as set forth
below.
- 11 by causing personal delivery by ASAP Corporate Services of the document(s)
12 listed above to the person(s) at the address(es) set forth below.
- 13 by personally delivering the document(s) listed above to the person(s) at the
14 address(es) set forth below.
- 15 I caused such envelope to be delivered via overnight delivery addressed as
16 indicated on the attached service list. Such envelope was deposited for delivery
by Federal Express following the firm's ordinary business practices.

17 I am readily familiar with the firm's practice of collection and processing
18 correspondence for mailing. Under that practice it would be deposited with the U.S. Postal
19 Service on that same day with postage thereon fully prepaid in the ordinary course of business. I
20 am aware that on motion of the party served, service is presumed invalid if postal cancellation
date or postage meter date is more than one day after date of deposit for mailing in affidavit.

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

22 Executed on July 13, 2007, at Irvine, California.

23 
24 _____
25 Karin Nielsen Bonwit

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