

1 JEANNE M. ZOLEZZI, SBN: 121282
CARLOS M. AMBRIZ, SBN: 210130
2 HERUM \ CRABTREE \ SUNTAG
A California Professional Corporation
3 5757 Pacific Avenue, Suite 222
Stockton, CA 95207
4 Telephone: (209) 472-7700
Facsimile: (209) 472-7986

5 Attorneys for Cross-Defendant
6 ANTELOPE VALLEY WATER STORAGE, LLC

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8 **SUPERIOR COURT OF CALIFORNIA**
9 **COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

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11 Coordination Proceeding
Special Title (Rule 1550(b))

Judicial Council Coordination Proceeding No.
4408

12 **ANTELOPE VALLEY GROUNDWATER**
13 **CASES**

Santa Clara Case No. 1-05-CV-049053
The Honorable Jack Komar, Dept. 17

14 Included actions:

**PROVE-UP TRIAL BRIEF OF CROSS-
DEFENDANT ANTELOPE VALLEY
WATER STORAGE, LLC**

15 Los Angeles County Waterworks District No.
16 40 v. Diamond Farming Company, a
corporation, Superior Court of California,
17 County of Los Angeles, Case No. BC325201;

Trial Date: September 28, 2015

18 Los Angeles County Waterworks District No.
19 40 v. Diamond Farming Company, a
corporation, Superior Court of California,
20 County of Kern, Case No. S-1500-CV-254-
348;

Time: 9:00 A.M.

21 Wm. Bolthouse Farms, Inc. v. City of
Lancaster, Diamond Farming Company, a
22 corporation, v. City of Lancaster, Diamond
Farming Company, a corporation vs. Palmdale
23 Water District, Superior Court of California,
County of Riverside, Case Nos. RIC 353840,
24 RIC 344436, RIC 344668.

Dept: 1
Room: 222

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27 Cross-Defendant Antelope Valley Water Storage, LLC ("AVWS") hereby submits the
28 following trial brief for the Prove-Up Trial proceedings.

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I. INTRODUCTION

AVWS owns property that overlies the Antelope Valley Area of Adjudication as decided by this Court. The property is located in Kern County and Los Angeles County. AVWS owns 15 parcels in Kern County and 2 parcels in Los Angeles County. AVWS claims groundwater rights as to these properties, and also claims the right to extract water banked through its operation of the Antelope Valley Water Bank.¹ AVWS participated in Phase IV of the trial, and the settlement discussions that resulted in the execution of the Proposed Stipulation for Entry of Judgment and Physical Solution. AVWS joins with the other stipulating parties in requesting that the Court find that the Proposed Judgment and Physical Solution be entered as the final Judgment and Physical Solution in these coordinated matters.

II. PROVE-UP OF WATER USE

During Phase IV of the Trial, the Court found that AVWS pumped groundwater in the amount of 1198 AFY in 2011 and 2281 AFY in 2012. (See Amended Statement of Partial Decision for Phase IV Trial With Party Name Corrections.)

The Declaration of Mark Beuhler on Behalf of Antelope Valley Water Storage and exhibits (4-AVWATERSTORAGE-2), the Notice of Errata and Supplemental Declaration of Mark Beuhler on Behalf of Antelope Valley Water Storage and exhibits (4-AVWATERSTORAGE-3), and the related stipulation (4-AVWATERSTORAGE-1), all of which were received into evidence during the Phase 4 Trial, demonstrate the following:

A. Property Ownership

AVWS owns property that overlies the Antelope Valley Area of Adjudication, including 1,758 acres in Kern County and 80 acres in Los Angeles County. AVWS acquired the 17 parcels that together constitute 1,838 acres, along with all of the associated water rights, from the Van Dam family in August 2007 and June 2008 as set forth below:

APN	Size in Acres	Original Owners	Date Acquired by AVWS
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¹ AVWS understands that this right is not at issue in this Phase of the trial.

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1. APN 261-196-02 (portion)	80	C&M Van Dam	8/24/2007
2. APN 261-196-02 (portion)	40	C&M Van Dam	8/24/2007
3. APN 261-196-02 (portion)	80	C&M Van Dam	8/24/2007
4. APN 261-196-03	120	C&M Van Dam	8/24/2007
5. APN 359-041-18	158	C&M Van Dam	8/24/2007
6. APN 261-196-04	160	C&M Van Dam	8/24/2007
7. APN 359-041-11	160	C&M Van Dam	8/24/2007
8. APN 359-041-12	160	C&M Van Dam	8/24/2007
9. APN 359-041-17	160	C&M Van Dam	8/24/2007
10. APN 261-196-11	160	C&M Van Dam	8/24/2007
11. APN 261-196-09	320	C&M Van Dam	8/24/2007
12. APN 359-041-13	80	D&G Van Dam	6/23/2008
13. APN 359-041-20	10	D&G Van Dam	6/23/2008
14. APN 359-041-21	10	D&G Van Dam	6/23/2008
15. APN 359-041-22	10	D&G Van Dam	6/23/2008
16. APN 359-041-23	10	D&G Van Dam	6/23/2008
17. AIN 3258-01-28 (LA Co.)	40	C&M Van Dam	8/24/2007
18. AIN 3258-01-29 (LA Co.)	40	C&M Van Dam	8/24/2007
19. APN 359-041-01	40	C&M Van Dam	8/24/2007
TOTAL	1,838	-	-

The real property was purchased in anticipation of construction of a groundwater bank on the property. During the time period since purchase, the bank has begun operation and AVWS has resumed agricultural leasing of the properties.

B. Land Use and Water Use

The Declarations and attached exhibits (4-AVWATERSTORAGE-2 and 4-AVWATERSTORAGE-3) further demonstrates that the total amount of water used for irrigation on each of the parcels owned by AVWS during 2000-2004 was as follows:

Year:	Total Water Used (AF):	Water Used for Irrigation (AF):
2000	7,616	7,616
2001	8,279	8,279
2002	7,987	7,987
2003	6,523	6,523
2004	5,590	5,590

III. OFFER OF PROOF

Because these Declarations and exhibits have already been received into evidence, and to avoid duplication, AVWS will rely on the supporting Declarations and exhibits for this phase of

1 the trial. AVWS will offer the Declaration of Mark Beuhler on Behalf of Antelope Valley Water
2 Storage, the Notice of Errata and Supplemental Declaration of Mark Beuhler on Behalf of
3 Antelope Valley Water Storage and related stipulation, to establish the facts declared therein and
4 ask the Court, subject to proper objections and cross-examinations, to admit the facts therein
5 declared into evidence to establish AVWS claims and rights under the Proposed Judgment and
6 Physical Solution.

7 Should the Court require AVWS to call its designated witnesses, it requests that the Court
8 give it time to arrange for the designated witnesses to appear in Court and submit their
9 testimony, to the extent required.

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Respectfully Submitted,

Dated: September 25, 2015

HERUM \ CRABTREE
A California Professional Corporation

By: /s/ Jeanne M. Zolezzi
JEANNE M. ZOLEZZI
Attorneys for Cross-Defendant
ANTELOPE VALLEY WATER STORAGE, LLC

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PROOF OF SERVICE

I, Audrey Dutra, certify and declare:

I am over the age of 18 years and not a party to this action. My business address is: HERUM \ CRABTREE, 5757 Pacific Avenue, Suite 222, Stockton, California 95207. On the date set forth below, I served the following document(s):

PROVE-UP TRIAL BRIEF OF CROSS-DEFENDANT ANTELOPE VALLEY WATER STORAGE, LLC

BY ELECTRONIC SERVICE. By posting the document(s) listed above to the Santa Clara Superior Court website regarding the Antelope Valley Groundwater matter (Judicial Council Coordination Proceeding No. 4408, Santa Clara Case No. 1-05-CV-049053) pursuant to the Court's Clarification Order.

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

Dated: September 25, 2015

 /s\ Audrey Dutra
AUDREY DUTRA