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8 **Attorneys for:** B.J. Calandri, John Calandri, John Calandri as Trustee of the John and B.J. Calandri
9 2001 Trust, Forrest G. Godde, Forrest G. Godde as Trustee of the Forrest G. Godde Trust, Lawrence
10 A. Godde, Lawrence A. Godde and Godde Trust, Kootenai Properties, Inc., Gailen Kyle, Gailen
11 Kyle as Trustee of the Kyle Trust, James W. Kyle, James W. Kyle as Trustee of the Kyle Family
12 Trust, Julia Kyle, Wanda E. Kyle, Eugene B. Nebeker, R and M Ranch, Inc., Edgar C. Ritter Paula
13 E. Ritter, Paula E. Ritter as Trustee of the Ritter Family Trust, Trust, Hines Family Trust , Malloy
14 Family Partners, Consolidated Rock Products, Calmat Land Company, Marygrace H. Santoro as
15 Trustee for the Marygrace H. Santoro Rev Trust, Marygrace H. Santoro, Helen Stathatos, Savas
16 Stathatos, Savas Stathatos as Trustee for the Stathatos Family Trust, Dennis L. & Marjorie E.
17 Groven Trust, Scott S. & Kay B. Harter, Habod Javadi, Eugene V., Beverly A., & Paul S. Kindig,
18 Paul S. & Sharon R. Kindig, Jose Maritorena Living Trust, Richard H. Miner, Jeffrey L. & Nancee J.
19 Siebert, Barry S. Munz, Terry A. Munz and Kathleen M. Munz, Beverly Tobias, Leo L. Simi, White
20 Fence Farms Mutual Water Co. No. 3., William R. Barnes & Eldora M. Barnes Family Trust of
21 1989, Del Sur Ranch, LLC, Healy Enterprises, Inc., John and Adrienne Reca, Sahara Nursery, Sal
22 and Connie L. Cardile, Gene T. Bahlman, **collectively known as the Antelope Valley Ground**
23 **Water Agreement Association ("AGWA")**

24 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
25 **FOR THE COUNTY OF SANTA CLARA**

26 **ANTELOPE VALLEY**
27 **GROUNDWATER CASES**

28 Included Actions:

Los Angeles County Waterworks District No.
40 v. Diamond Farming Co. Superior Court of
California County of Los Angeles, Case No. BC
325 201 Los Angeles County Waterworks
District No. 40 v. Diamond Farming Co.
Superior Court of California, County of Kern,
Case No. S-1500-CV-254-348Wm. Bolthouse
Farms, Inc. v. City of Lancaster Diamond
Farming Co. v. City of Lancaster Diamond
Farming Co. v. Palmdale Water Dist. Superior
Court of California, County of Riverside,
consolidated actions, Case No. RIC 353 840,
RIC 344 436, RIC 344 668

) Judicial Council Coordination Proceeding
) No. 4408

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

) **AGWA's CASE MANAGEMENT**
) **STATEMENT**

) **Date: February 27, 2009**

) **Time: 10:30 AM**

) **Department: Santa Clara County Superior**
) **Court, Dept. 17C**

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The Antelope Valley Groundwater Agreement Association (“AGWA”) hereby submits this Case Management Statement, in preparation for the February 27, 2009 Case Management Conference.

AGWA seeks clarification from the Court regarding the two classes that the Court has certified in this case. Since the dissemination of the Notice of Class Action pertaining to the Willis Class (dormant overlyers), AGWA has received many inquiries as to the operation of the classes:

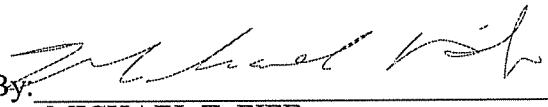
- How is a member of the Wood Class (small pumpers) defined? That is, is the annual pumping – for purposes of the 25 acre-feet per year limitations – evaluated on a per person, per parcel or per extraction point basis? For example, if one person owns 10 parcels and the water use on each parcel is 10 acre-feet per year, how is that person categorized? Most property owners in the Antelope Valley own multiple parcels.
- If a property owner has pumped groundwater from one of his parcels, but has never pumped groundwater from another parcel, is he a member of only the Wood Class, because he has pumped, or is he a member of both classes? Similarly, if a larger property owner, a member of AGWA, for example, also owns dormant parcels, may he be a member of the Willis Class as well as AGWA?
- Do the answers to the previous questions depend on whether the properties are contiguous?
- If a property owner pumped groundwater from his property many years ago, even decades ago, but has not pumped since then so that the land is now essentially dormant, of which class would he be a member?

These inquiries have been put to legal counsel for AGWA both by the members of AGWA as well as other parties who are seeking guidance. We have been unable to provide responses to these

1 inquiries. In order to apprise landowners within the Basin whether they fall within a class and
2 whether their rights will be represented by Class Counsel, AGWA requests the Court's clarification
3 as to the questions above.
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6 Dated: February 23, 2009

**BROWNSTEIN HYATT FARBER
SCHRECK, LLP**

8
9 By: 

10 MICHAEL T. FIFE
11 BRADLEY J. HERREMA
ATTORNEYS FOR AGWA

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PROOF OF SERVICE

**STATE OF CALIFORNIA,
COUNTY OF SANTA BARBARA**

I am employed in the County of Santa Barbara, State of California. I am over the age of 18 and not a party to the within action; my business address is: 21 E. Carrillo Street, Santa Barbara, California 93101.

On February 23, 2009, I served the foregoing document described as:

CASE MANAGEMENT STATEMENT

on the interested parties in this action.

By posting it on the website at 3:00 p.m./a.m. on February 23, 2009.
This posting was reported as complete and without error.

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

Executed in Santa Barbara, California, on February 23, 2009.

Maria Klachko

TYPE OR PRINT NAME



SIGNATURE