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8 **Attorneys for:** Gene T. Bahlman, Thomas M. Bookman, B.J. Calandri, John Calandri, John
9 Calandri as Trustee of the John and B.J. Calandri 2001 Trust, Son Rise Farms, Calmat Land
10 Company, Sal and Connie L. Cardile, Efren and Luz Chavez, Consolidated Rock Products, Del Sur
11 Ranch LLC, Steven Godde as Trustee of the Forrest G. Godde Trust, Lawrence A. Godde, Lawrence
12 A. Godde and Godde Trust, Robert and Phillip Gorrindo, Gorrindo Family Trust, Laura Griffin,
13 Healy Farms, Healy Enterprises, Inc., John Javadi and Sahara Nursery, Juniper Hills Water Group,
14 Gailen Kyle, Gailen Kyle as Trustee of the Kyle Trust, James W. Kyle, James W. Kyle as Trustee of
15 the Kyle Family Trust, Julia Kyle, Wanda E. Kyle, Maritorena Living Trust, Jose and Marie
16 Maritorena, Richard H. Miner, Barry S. Munz, Terry A. Munz and Kathleen M. Munz, Eugene B.
17 Nebeker, R and M Ranch, Inc., Richard and Michael Nelson, Robert Jones, John and Adrienne Reza,
18 Mabel Selak, Jeffrey L. & Nancee J. Siebert, Dr. Samuel Kremen and Tierra Bonita Ranch
19 Company, Triple M Property FKA and 3M Property Investment Co., Vulcan Materials Co. and
20 Vulcan Lands Inc., Willow Springs Company, Donna Wilson, **collectively known as the Antelope
21 Valley Groundwater Agreement Association (“AGWA”)**

22 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
23 **FOR THE COUNTY OF LOS ANGELES**

24 **ANTELOPE VALLEY**)
25 **GROUNDWATER CASES**) Judicial Council Coordination Proceeding
26) No. 4408
27)
28 Included Actions:)
29) **Santa Clara Case No. 1-05-CV-049053**
30) Assigned to The Honorable Jack Komar
31 Los Angeles County Waterworks District No.)
32 40 v. Diamond Farming Co. Superior Court of)
33 California County of Los Angeles, Case No. BC)
34 325 201 Los Angeles County Waterworks)
35 District No. 40 v. Diamond Farming Co.)
36 Superior Court of California, County of Kern,)
37 Case No. S-1500-CV-254-348 Wm. Bolthouse)
38 Farms, Inc. v. City of Lancaster Diamond)
39 Farming Co. v. City of Lancaster Diamond)
40 Farming Co. v. Palmdale Water Dist. Superior)
41 Court of California, County of Riverside,)
42 consolidated actions, Case No. RIC 353 840,)
43 RIC 344 436, RIC 344 668)
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Pursuant to California Code of Civil Procedure Section 437c(b), the Antelope Valley Groundwater Agreement Association (“AGWA”) submits this separate statement of undisputed material facts, together with references to supporting evidence in support of AGWA’s Motion for Summary Judgment/Summary Adjudication of Issues against the United States.

FACT	UNDISPUTED MATERIAL FACTS	SUPPORTING EVIDENCE
1.	The United States claims, in this action, an aggregated federal reserved right of 11,683 acre-feet per year.	United States’ Revised Response to Court’s Discovery Order for Phase IV Trial (Feb. 22, 2013), at 9:7
2.	The United States’ claimed aggregated federal reserved right amount is over ten percent of the Basin’s total safe yield of 110,000 acre-feet per year, as determined by the Court after the Phase Three trial.	Statement of Decision Phase Three Trial (July 13, 2011), pp. 9-10
3.	The United States’ federal reserved right claim includes 10,717 acre-feet per year for Edwards Air Force Base and 966 acre-feet per year for Air Force Plant 42.	Revised U.S. Discovery Response, p. 9:10-20
4.	The United States’ first reservation, accomplished via Executive Order No. 6588, dated February 6, 1934, reserved approximately 132 sections of land – 84,480 acres – “as a bombing and gunnery range” and stated it was “subject to valid existing rights.”	USAF001653 ¹
5.	Executive Order No. 6910, dated November 26, 1934, reserved “all of the vacant, unreserved and unappropriated lands of the public domain” within 12 Western states, including California, temporarily “pending determination of the most useful purpose to which such land may be put” under a 1934 act], “and for conservation and development of natural resources.”	USAF001654-USAF001655
6.	Executive Order No. 6910, dated November 26, 1934, stated it “is subject to existing valid rights.” (USAF001655.)	USAF001655
7.	Executive Order No. 7707, dated September	USAF001656

¹ Documents with the stamp "USAF" were produced by the United States with its discovery responses on February 22, 2013, and are available on the Court's Web site at www.scefilng.org/filingdocs/289/58180/usdoj/

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FACT	UNDISPUTED MATERIAL FACTS	SUPPORTING EVIDENCE
	11, 1937, amended Executive Order No. 6910 and reserved approximately 116 sections of land – 74,240 acres – which the order stated were “temporarily withdrawn from settlement, location, sale, or entry, and reserved for use of the War Department for military purposes.”	
8.	Executive Order No. 7707, dated September 11, 1937, states that it is “[s]ubject to . . . all valid existing rights”	USAF001656
9.	Executive Order No. 7740, dated November 15, 1937, amended Executive Order No. 6910, reserved 480 acres “for use of the War Department for military purposes” and stated it was “[s]ubject . . . to all valid existing rights”	USAF001657
10.	Executive Order No. 8450, dated June 26, 1940, superseded Executive Orders Nos. 6588, 7707 and 7740, reserved 245 sections of land – 156,800 acres – “for the use of the War Department as a bombing and gunnery range” and stated that the reservation was “subject to valid existing rights.”	USAF001658
11.	Public Land Order 613, dated October 19, 1940, reserved 564.46 acres “for use of the Department of the Air Force in connection with an air force base” and stated it was “[s]ubject to valid existing rights.”	USAF001661
12.	Public Land Order 646, dated May 10, 1950, reserved 20,901.82 acres “for use of the Department of the Air Force as an air force base” and stated that it was “[s]ubject to valid existing rights.”	USAF001663-1664
13.	The 1955 Public Land Order 1126 reserved 120 acres “for use of the Department of the Air Force for military purposes in connection with Edwards Air Force Base” and stated that it was “[s]ubject to valid existing rights.”	USAF001666
14.	Edwards Air Force Base covers more than 307,000 acres and Air Force Plant 42 includes approximately 5,800 acres.	Revised U.S. Discovery Response, pp. 13:4-5, 16:1
15.	The United States acquired, for Plant 42, at least 5,083.51 acres in 21 separate acquisitions, including 4,552.07 acres from the County of	Air Force Plant No. 42, Report of Excess Real Property to General Service Administration

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FACT	UNDISPUTED MATERIAL FACTS	SUPPORTING EVIDENCE
	Los Angeles in one acquisition.	(1960), USAF004884
16.	A 1971 audited summary of land within Edwards states that it includes 123,090.15 acres as acquired in "FEE."	USAF004852
17.	The page in the 1971 audited summary of land within Edwards depicting "SEGMENT '7'" of Edwards identifies 89 separate acquisitions totaling of 4,236.89 acres	USAF004858

Dated: November 13, 2013

BROWNSTEIN HYATT FARBER SCHRECK, LLP



By: _____
MICHAEL T. FIFE
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 November 13, 2013, I served the foregoing document described as:

AGWA Separate Statement of Undisputed Material Facts In Support Of Motion for Summary Judgment/Adjudication Of Issues

on the interested parties in this action.

By posting it on the website by 5:00 p.m. on November 13, 2013.

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 November 13, 2013.

**LINDA MINKY
TYPE OR PRINT NAME**



SIGNATURE