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Exempt from Filing Fees
Government Code § 6103

5 Attorneys for
6 Antelope Valley Watermaster

7
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT**
10

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

Judicial Council Coordination
Proceeding No. 4408

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

LASC Case No.: BC 325201

Assigned to the Hon. Jack Komar, Judge of the
Santa Clara Superior Court

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

15
16 **WATERMASTER'S REQUEST FOR**
17 **JUDICIAL NOTICE IN SUPPORT OF ITS**
18 **OPPOSITION TO LONG VALLEY**
ROAD, L.P.'S MOTION FOR LEAVE TO
INTERVENE IN JUDGMENT; EXHIBITS
19 **1-5**

20 Date: November 1, 2018
21 Time: 9:00 AM
22 Dept: Courtcall

23
24 In support of its Opposition to Long Valley Road, L.P.'s Motion for Leave to Intervene in
25 Judgment, and pursuant to California Rules of Court Rules 3.1306(c) and 3.1113(l), and Evidence
26 Code sections 452 and 453, the Antelope Valley Watermaster hereby requests that the Court take
27 judicial notice of the following court documents and official records:

28 ///
///

1 1. Declaration of Jennifer M. Keough Regarding Notice Dissemination, dated and
2 filed with the Court on December 3, 2013 as Document # 7678, a true and correct copy of which
3 is attached hereto as Exhibit 1.

4 2. Supplemental Declaration of Michael D. McLachlan in Support of Motion for
5 Final Approval of Partial Class Settlement, dated and filed with the Court on December 3, 2013
6 as Document # 7679, a true and correct copy of which is attached hereto as Exhibit 2.

7 3. Declaration of Jennifer M. Keough Regarding Dissemination of Small Pumper
8 Notice, dated June 3, 2015 and filed with the Court on June 4, 2015 as Document # 9968, a true
9 and correct copy of which is attached hereto as Exhibit 3.

10 4. Declaration of Michael D. McLachlan Re: Publication of Summary Class Notice
11 of Settlement, dated and filed with the Court on June 4, 2015 as Document # 9969, a true and
12 correct copy of which is attached hereto as Exhibit 4.

13 5. Long Valley Road, L.P.'s Certificate of Limited Partnership on file with the
14 California Secretary of State, a true and correct copy of which is attached hereto as Exhibit 5.

15 **A. This Court May Take Judicial Notice of Court Documents on File in the Antelope**
16 **Valley Groundwater Cases, Los Angeles Superior Court Case No. BC 325201**

17 Evidence Code section 452(d) provides for taking judicial notice of the records of any
18 court of this state. Exhibits 1 – 4 constitute records of the Los Angeles County Superior Court,
19 which is a court of the State of California, and are documents which are on file with said court.

20 **B. This Court May Take Judicial Notice of Organizational Documents on File with the**
21 **California Secretary of State Regarding Long Valley Road, L.P.**

22 Evidence Code section 452(c) provides for taking judicial notice of documents reflecting
23 official acts of the executive department of the State of California, which includes business
24 entities' organizational documents filed with the California Secretary of State. (*Friends of Shingle*
25 *Springs Interchange, Inc. v. Cty. of El Dorado* (2011) 200 Cal. App. 4th 1470, 1484; *Waltrip v.*
26 *Kimberlin* (2008) 164 Cal. App. 4th 517, 522.) Exhibit 5 was filed with the California Secretary
27 of State and can found at the California Secretary of State's webpage
28 (<https://businesssearch.sos.ca.gov>).

1 **C. A Request for Judicial Notice is Conditionally Mandatory Upon Proper Request**

2 Under Evidence Code section 453, this Request for Judicial Notice pursuant to any matter
3 specified in Section 452 is conditionally mandatory and must be granted if sufficient notice is
4 given to the other parties and if the Court is furnished with sufficient information to enable it to
5 take notice of this matter. (*People v. Maxwell* (1978) 78 Cal.App.3d 124, 130-131.) By this
6 request, Watermaster gives sufficient notice and gives this Court sufficient information to enable
7 it to take judicial notice of the documents attached hereto as Exhibits 1 – 5.

8 Respectfully submitted,

9 Dated: October 19, 2018

PRICE, POSTEL & PARMA LLP

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By: Craig A. Parton
CRAIG A. PARTON
Attorneys for
Antelope Valley Watermaster

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EXHIBIT 1

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6 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
7 **COUNTY OF LOS ANGELES**

8 Coordination Proceeding
9 Special Title (Rule 1550(b))

10 ANTELOPE VALLEY GROUNDWATER
11 CASES

12 RICHARD A. WOOD, an individual, on behalf
of himself and all others similarly situated,

13 Plaintiff,

14 v.

15 LOS ANGELES COUNTY WATERWORKS
16 DISTRICT NO. 40; et al.,

17 Defendants.

Judicial Council Coordination Proceeding
No. 4408

(Honorable Jack Komar)

Case No. BC 391869

**DECLARATION OF
JENNIFER M. KEOUGH
REGARDING NOTICE
DISSEMINATION**

18
19 I, JENNIFER M. KEOUGH, declare as follows:

20 1. I am Chief Operating Officer of The Garden City Group, Inc. ("GCG"). The
21 following statements are based on my personal knowledge and information provided by other
22 GCG employees working under my supervision, and if called on to do so, I could and would
23 testify competently thereto.

24 2. GCG was retained in the above-captioned litigation (the "Litigation"), and
25 appointed pursuant to Section VI.B of the Wood Class Stipulation of Settlement (the "Stipulation
26 of Settlement") to serve as the Administrator. I submit this Declaration in order to provide the
27 Court and the parties to the Litigation with information regarding: (i) the dissemination of the

1 Notice of Partial Class Action Settlement for the “Small Pumper” Class Action (the “Notice”), as
2 directed by paragraph 1 of the Court’s Order Granting Preliminary Approval of Class Action
3 Partial Settlement and Notice to the Class (the “Order”); and (ii) the list of persons who have
4 requested exclusion from the Class, pursuant to paragraph 7 of the Order.

5
6 **DISSEMINATION OF THE NOTICE**

7 3. In paragraph 1 of the Order, the Court found that the form and content of the
8 Notice would provide the best practicable notice to Class Members. Pursuant to the Order, GCG
9 was responsible for disseminating the Notice to the “Wood Class,” as defined in Section III.Y of
10 the Stipulation of Settlement:

11 All private (*i.e.*, non-governmental) persons and entities that own real property
12 within the Basin, as adjudicated, and that have been pumping less than 25 acre-
13 feet per year on their property during any year from 1946 to the present. The
14 Class excludes the defendants herein, any person, firm, trust, corporation, or
15 other entity in which any defendant has a controlling interest or which is
16 related to or affiliated with any of the defendants, and the representatives,
heirs, affiliates, successors-in interest or assigns of any such excluded party.
The Class also excludes all persons and entities that are shareholders in a
mutual water company.

17 4. On or about October 29, 2013, Plaintiff’s Counsel provided GCG with Excel
18 spreadsheets containing data records for 4,312 Class Members (“Class List”), which included
19 Class Members’ names and addresses. However, data records for nine (9) Class Members did
20 not contain a valid mailing address. Those nine (9) records were forwarded to Class Counsel for
21 further research.

22 5. GCG promptly loaded the information into the database created for this Litigation
23 and updated the addresses through the National Change of Address (NCOA) database. Of the
24 4,312 records sent out for search, 366 were returned with address updates, and GCG updated the
25 addresses accordingly. GCG gave unique identifiers to all records in order to maintain the ability
26 to track them throughout the administration process.
27

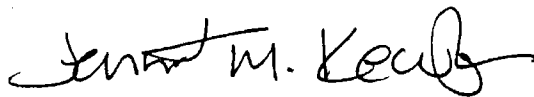
1 A list of the Class Members who have requested exclusion is attached to this Declaration as
2 Exhibit B.

3
4 **OBJECTIONS TO THE SETTLEMENT**

5 13. Pursuant to paragraph 10(d) of the Order, Class Members who wish to object to
6 the Settlement have to do so in writing by submitting their objections to the Court and the
7 parties' Counsel by December 4, 2013. As of December 2, 2013, the Administrator had not
8 received any objections.

9 I declare under the penalty of perjury under the laws of the State of California that the
10 foregoing is true and correct to the best of my knowledge and belief.
11

12 Executed on December 3, 2013, at Seattle, Washington.

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15 _____
16 JENNIFER M. KEOUGH
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Exhibit A

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

RICHARD A. WOOD, an individual, on behalf of
himself and all others similarly situated,

Plaintiff,

v.

LOS ANGELES COUNTY WATERWORKS
DISTRICT NO. 40; et al.,

Defendants.

JUDICIAL COUNCIL COORDINATION
PROCEEDING No. 4408

**NOTICE OF PARTIAL CLASS ACTION
SETTLEMENT FOR THE "SMALL
PUMPER" CLASS ACTION**

**TO CERTAIN ANTELOPE VALLEY LANDOWNERS WHO HAVE IN THE PAST, OR CURRENTLY PUMP
GROUNDWATER ON THEIR PROPERTY: CAREFULLY READ THIS NOTICE, AS IT MAY AFFECT YOUR
RIGHT TO PUMP GROUNDWATER ON YOUR PROPERTY IN THE FUTURE.**

GENERAL INFORMATION

1. Why was this notice issued?

You have been sent this Notice because as a property owner in the Antelope Valley, your rights to pump and use groundwater on your property may be affected by this case. The Court issued this notice because you have a right to know about a proposed partial settlement of a class action lawsuit that the Court has preliminarily approved. If the Court grants final approval and any appeals are resolved, this settlement will resolve certain of your rights with the Settling Defendants, and may impact the future determination of your water rights. This notice explains the lawsuit, the partial settlement, your legal rights, who is in the class, and your options.

2. What is this lawsuit about?

This Class Action lawsuit involves water rights in the Antelope Valley Groundwater Basin. Under California law, property owners have a right to pump and use groundwater (water underneath the surface) on their land. In this case, however, the Court has determined that the naturally available supply of water in the Basin may not be adequate to satisfy everyone who wants to use that water.

Plaintiff Richard Wood brought this action to protect his right and that of other Antelope Valley landowners to pump and use the water under their properties and to obtain compensation for any wrongful taking of their property rights. Mr. Wood claims that he and other landowners have water rights which are superior to the rights of certain public water suppliers to use that water. The public water suppliers claim that their historical pumping has given them superior water rights. If the public water suppliers win, your rights to use the groundwater under your property may be cut back. The Court has not yet ruled on these claims.

3. Who is involved in this lawsuit?

Plaintiff Richard Wood is the plaintiff and class representative. On his behalf and on behalf of the class he represents, he is suing ten public water suppliers in the Antelope Valley: City of Lancaster; City of Palmdale; Desert Lake Community Services District; Littlerock Creek Irrigation District; Los Angeles County Waterworks District No. 40; North Edwards Water District; Palmdale Water District; Palm Ranch Irrigation District; Phelan Piñon Hills Community Services District; Quartz Hill Water District; and Rosamond Community Services District. Mr. Wood also sued the cities of Lancaster and Palmdale.

This lawsuit is coordinated with several other lawsuits pending before a single judge, the Honorable Jack Komar. Those other lawsuits involve many other parties who also claim the right to pump groundwater in the Antelope Valley.

4. Why is there a partial settlement?

Some of the defendants wished to resolve their claims with the class at this time, while several others did not wish to settle. Richard Wood is settling with the City of Lancaster, Palmdale Water District, Phelan Piñon Hills Community Services District, and Rosamond Community Services District. Mr. Wood will continue to litigate all of the claims against the non-settling defendants.

CLASS MEMBERSHIP

5. How do I know if I am part of the class subject to this settlement?

You have been designated as a class member because records show that you own improved property in the Antelope Valley, and otherwise meet the class definition. The class includes all private (*i.e.*, non-governmental) landowners within the Antelope Valley Groundwater Basin that have pumped groundwater on their property at any time since 1946, with certain exceptions set out below. You were sent a Class Notice in 2009, and did not choose to opt out of the class at that time.

6. Are there exceptions to being included in the settlement?

You are not in the class if you fall within one of the categories set forth below:

- A. You have pumped 25 acre-feet or more of groundwater for use on that parcel in any calendar year since 1946; *or*
- B. You are a shareholder in a mutual water company in the Antelope Valley; *or*
- C. You are already a party to this litigation.

THE PARTIAL SETTLEMENT OF THIS LAWSUIT

7. Who is included in the settlement?

Richard Wood and the class are settling with six defendants in this lawsuit: City of Lancaster; Palmdale Water District; Phelan Piñon Hills Community Services District; and Rosamond Community Services District.

8. What does the settlement provide?

Of primary benefit to you is the agreement by the Settling Defendants to drop their prescription claims against you. The prescription claims asserted that these defendants had potentially obtained by way of their adverse historical pumping, a portion of your right to pump water in the Antelope Valley. The Settling Defendants are agreeing not to challenge the class' assertion of the right of class members to pump up to 3 acre-feet of water per year for domestic purposes without having to pay a fee to for doing so. Other parties remain free to challenge that water right, which will be determined in the future. Under the settlement, you are agreeing not to challenge the Settling Defendants' right to pump up to a set amount of groundwater each year. The Settlement Agreement also contains agreements among the parties as to your rights if you pump more than 3 acre-feet per year. The Court has not yet ruled on any of these Settling Parties' water rights, and is not limited in the future by the terms of the settlement. You may read the Settlement Agreement at: <http://www.avgroundwater.com/smallpumper/wood.cfm>.

9. What happens with class claims against the defendants who are not part of the settlement?

Richard Wood and the Class Counsel will continue to pursue all of the claims in the lawsuit against the non-settling defendants until those claims are resolved in a future settlement or by order of the court after trial.

10. Does this settlement give me a water right?

No. This settlement does not provide you with a Court-determined water right. The Court has not yet determined the water rights of any party, but those determinations are expected to be made in future phases of the proceeding. As set forth above, this settlement may impact the determination of your water right at a future date.

11. What claims against the Settling Defendants am I releasing?

As part of the settlement, you will be releasing (giving up) certain of your legal rights against the Settling Defendants only. The release in the Settlement Agreement is as follows:

In addition to the effect of any Judgment entered in accordance with this Stipulation, upon this Stipulation becoming final as set out in Section Paragraph VIII.H of this Stipulation, and in consideration for the settlement consideration set forth above, and for other valuable consideration, the Settling Plaintiffs, except as otherwise expressly provided for herein, shall completely release, acquit and forever discharge the Settling Defendants and their representatives, successors, agents, affiliates, attorneys, employees, supervisors, officers, directors, or shareholders, from any and all claims, demands, actions, suits, causes of action, whether class, individual, or otherwise in nature that Settling Plaintiffs, or each of them, ever had, now has, or hereafter can, shall, or may have on account of or in any way arising out of, any and all known or unknown, foreseen or unforeseen, suspected or unsuspected injuries, damages, and the consequences thereof in any way arising out of or relating in any way to the matters at issue in the Wood Action ("Released Claims"). Each Settling Plaintiff may hereafter discover facts other than or different from those which he, she, or it knows or believes to be true with respect to the claims which are the subject matter of

this Stipulation, but each Settling Plaintiff hereby expressly waives and fully, finally, and forever, settles and releases, upon this Stipulation becoming final, any known or unknown, suspected or unsuspected, contingent or non-contingent claim with respect to the subject matter of the provisions of Paragraph VII.A of this section of the Stipulation, whether or not concealed or hidden, without regard to the subsequent discovery or existence of such different or additional facts.

1. As provided in the Release set forth above, the Settling Plaintiffs, including any of Settling Plaintiffs' representatives, successors, agents, affiliates, employees, supervisors, officers, directors, or shareholders, agree to waive and release all rights and benefits which they might otherwise have pursuant to Section 1542 of the California Civil Code with regard to the release of such unknown, unanticipated or misunderstood claims, causes of action, liabilities, indebtedness and obligations. California Civil Code section 1542, provides that:

A General Release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the Release, which if known by him or her must have materially affected his or her settlement with the debtor.

2. The Release set forth above does not include claims by any of the Settling Plaintiffs other than the claims set forth therein. In particular, the Settling Parties recognize that many persons own more than one parcel of land within the Basin. The foregoing Release only binds Wood Class Members and only with respect to those properties within the Basin on which they have pumped or are pumping within the terms of the class definition.

12. Who are the lawyers for the class?

The lawyers for Richard Wood and the class are:

Michael D. McLachlan
LAW OFFICES OF MICHAEL D. McLACHLAN, APC
10490 Santa Monica Boulevard
Los Angeles, California 90025
mike@mclachlanlaw.com

Daniel M. O'Leary
LAW OFFICE OF DANIEL M. O'LEARY
10490 Santa Monica Boulevard
Los Angeles, California 90025
dan@danolearylaw.com

13. How will the lawyers be paid?

The lawyers' fees and case costs will be paid by the Settling Defendants. You will not be asked to pay legal fees or case costs. Per the terms of the settlement, the parties have agreed to the amounts of the legal fees and case costs, which are set forth in the Settlement Agreement. The Court will be asked to approve these payments at the time of the final approval hearing.

YOUR OPTIONS

14. What happens if I do nothing at all?

If you do nothing, you will remain in the class and be bound by the terms of the settlement. You will not be able to sue the Settling Defendants for any of the claims being released by this settlement. You will also be bound by the future decisions in the case, whether favorable or unfavorable. Plaintiff Richard Wood and the class attorneys will continue to act as your representatives in this case, and you will not personally be obligated to pay any legal fees or costs of suit.

15. What if I do not want to participate in the settlement?

If you wish to be excluded from the settlement, you must complete and mail a valid request for exclusion postmarked by no later than December 2, 2013 to the Class Administrator identified below. This exclusion request must contain your name, address, signature, and a statement that you wish to be excluded from the class. If you timely do so, the Court will exclude you from the class. If you do nothing, you will remain in the class.

Your exclusion request must be sent to:

Small Pumper Class Action Administrator
c/o GCG
P.O. Box 35100
Seattle, WA 98124-1100

16. What happens if I exclude myself from the settlement?

If you opt out of the settlement, it is very likely that you will be sued directly by the public waters supplier defendants because the Court may still need to determine your water right in the future. If you are sued, you will either need to hire your own attorney at your expense or represent yourself in Court.

17. How do I tell the Court that I don't like the settlement?

If you're a class member, you can object to the settlement if you do not like it. To object, you must send a letter saying that you object to the settlement in *Richard Wood v. Los Angeles County Waterworks District No. 40, et al.* Be sure to include the case number (J.C.C.P. No. 4408), your name, address, telephone number, your signature, and the reasons why you object to the settlement. You must send the objection to these three different places so that they receive it by December 4, 2013:

COURT:

Clerk of the Court
600 South Commonwealth Avenue
Los Angeles, CA 90005

CLASS COUNSEL:

Michael D. McLachlan
LAW OFFICES OF MICHAEL D. McLACHLAN, APC
10490 Santa Monica Boulevard
Los Angeles, California 90025
mike@mclachlanlaw.com

DEFENSE COUNSEL:

Thomas S. Bunn III
LAGERLOF, SENECAL, GOSNEY & KRUSE, LLP
301 North Lake Avenue, 10th floor
Pasadena, California 91101
Attorneys for Palmdale Water District

18. When and where will the Court decide whether to grant final approval?

The Court has scheduled a hearing at 9:00 A.M. on December 11, 2013, at Santa Clara Superior Court, Department 1, 191 North First Street, San Jose, California. At this hearing, the Court will consider whether the settlement is fair, reasonable and adequate. If there are objections, the Court will consider them. The Court will also rule on the request for attorneys' fees and costs. After the hearing, the Court will decide whether to grant final approval of the settlement.

19. May I speak at the hearing?

You are welcome to come to the hearing at your own expense. If you send a written objection, you don't have to come to Court to talk about it. As long as you send your written objection so that it arrives on time, the Court will consider it. You may also pay your own lawyer to attend, but it's not necessary.

You may ask the Court for permission to speak at the hearing. To do so, you must send a letter saying that it is your "Notice of Intention to Appear in *Antelope Valley Groundwater Litigation.*" Be sure to include the case number (J.C.C.P. No. 4408), your name, address, telephone number, and signature. This letter must be received no later than December 4, 2013, and be sent to the Clerk of the Court, Class Counsel, and Defense Counsel at the three addresses listed in the answer to Question 17.

GETTING MORE INFORMATION

20. How do I get more information about the settlement?

The Class Action Complaint, certain other documents from the litigation, and some other general information are available at: <http://www.avgroundwater.com/smallpumper/wood.cfm>. You may complete and submit the response form on that website. In addition, that website has a list of answers to certain other questions you may have. That website has an e-mail address for you to obtain information if you have further questions. That website will be updated from time to time to advise you of the status of this litigation. Also, all of the documents filed in the case are available on the court's website at: <http://www.scefilings.org/cases/casehome.jsp?caseId=19>.

PLEASE DO NOT CALL OR WRITE THE COURT OR CLERK'S OFFICE. IF YOU HAVE ANY QUESTIONS, PLEASE CONSULT YOUR OWN COUNSEL, VISIT THE WEB SITES LISTED ABOVE, OR WRITE TO CLASS COUNSEL AT THE ADDRESS ABOVE.

Exhibit B

Antelope Valley Groundwater Litigation

**List of Class Members Requesting Exclusion from the
Small Pumper Class Action**

Frank Small

Bennie and Annette Moore

Edward Shelton

William Basner

The George and Charlene Lane Family Trust and George M. Lane

Raymond Eyherabide

EXHIBIT 2

1 Michael D. McLachlan, Bar No. 181705
LAW OFFICES OF MICHAEL D. McLACHLAN, APC
2 10490 Santa Monica Boulevard
Los Angeles, California 90025
3 Phone: (310) 954-8270
Fax: (310) 954-8271
4

5 Daniel M. O'Leary, Bar No. 175128
LAW OFFICE OF DANIEL M. O'LEARY
10490 Santa Monica Boulevard
6 Los Angeles, California 90025
Phone: (310) 481-2020
7 Fax: (310) 481-0049

8 Attorneys for Plaintiff and the Class
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11
12

13 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
14 **COUNTY OF LOS ANGELES**

15 Coordination Proceeding
Special Title (Rule 1550(b))
16 ANTELOPE VALLEY GROUNDWATER
17 CASES

Judicial Council Coordination
Proceeding No. 4408

(Honorable Jack Komar)

18 RICHARD A. WOOD, an individual, on
19 behalf of himself and all others similarly
situated,

Case No.: BC 391869

**SUPPLEMENTAL DECLARATION
OF MICHAEL D. MCLACHLAN IN
SUPPORT OF MOTION FOR FINAL
APPROVAL OF PARTIAL CLASS
SETTLEMENT**

20
21 Plaintiff,

22 v.

23 LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40; et al.

Date: December 11, 2013

Time: 9:00 a.m.

Dept: Santa Clara Superior Court, Dept 1

24 Defendants.
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SUPPLEMENTAL DECLARATION OF MICHAEL D. MCLACHLAN

I, Michael D. McLachlan, declare:

1. I make this declaration of my own personal knowledge, except where stated on information and belief, and if called to testify in Court on these matters, I could do so competently.

2. I am co-counsel of record of record for Plaintiff Richard Wood and the Class, and am duly licensed to practice law in California. I make this supplemental declaration in support of the joint motion for preliminary approval of the settlement agreement.

3. I, along with defense counsel for the Settling Defendants, caused the approved form of the summary class notice to be published in consecutive weeks in the Bakersfield Californian, the Antelope Valley Press and the Los Angeles Times. I attach collectively as Exhibit 3 the proofs of publication for each of these newspapers.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 3rd day of December, 2013, at Los Angeles, California.

**Michael
McLachlan**

Digitally signed by Michael McLachlan
DN: cn=Michael McLachlan, o=Law
Offices of Michael D. McLachlan, ou,
email=mike@mclachlanlaw.com, c=US
Date: 2013.12.03 18:17:19 -08'00'

Michael D. McLachlan

Exhibit 3

RECORDING/FILING REQUESTED BY AND MAIL TO:
Lagerlof Senecal Gosney & Kruse LL
301 N. Lake Ave Ste 1000
Pasadena, CA 91101

PROOF OF PUBLICATION
(California Code of Civil Procedure 2010, 2015.5)

STATE OF CALIFORNIA
County of Los Angeles

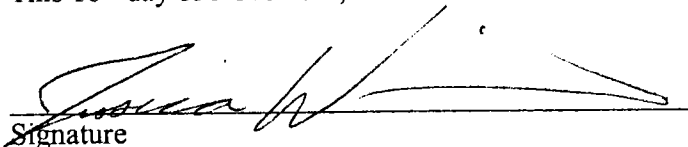
I am a citizen of the United States and a resident of the aforesaid County. I am over the age of eighteen years (18) years, and not a party to or interested in the above-entitled matter. I am the Principal Clerk of the printer of the **LOS ANGELES TIMES**, a newspaper of general circulation, printed and published DAILY in the City of Los Angeles, County of Los Angeles and which newspaper was adjudged a newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California, under the date of April 28, 1952, Case Number 598599. The notice, a true and correct copy of which is annexed, has been published in each regular and entire issue of said newspaper on the following dates, to wit:

SUNDAY; NOVEMBER 3, 2013
SUNDAY; NOVEMBER 10, 2013

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

Dated at Los Angeles, California,

This 18th day of November, 2013


Signature

Jessica Winn

SUMMARY NOTICE OF PROPOSED PARTIAL CLASS ACTION SETTLEMENT IN WOODY, LOS ANGELES COUNTY WATER WORKS DIST. NO. 48 ET AL., JUDICIAL COUNCIL COORDINATION NO. 1308

The Summary Notice is to advise you that there is a proposed partial settlement of the above-entitled class action, which is pending in behalf of certain landowners within the Antelope Valley Groundwater Basin who are pumping or have pumped less than 25 acre-feet of groundwater in their properties during any year from 1940 to the present (with certain specific exceptions). The proposed settlement does not provide any monetary compensation to the class members, but does provide potentially adverse coverage filed by the settling defendant public water suppliers, including prescriptions.

On October 23, 2013, the Los Angeles County Superior Court granted preliminary approval of the proposed settlement, subject to further consideration at a fairness hearing scheduled for November 01, 2013. The terms of the proposed settlement, as well as class members' options, are more fully detailed in a Notice of Proposed Partial Class Settlement, mailed to the class members' last known addresses, January 13, 2013, a copy of that Notice, as well as the Settlement Agreement and other relevant documents at <http://www.woodwater.com>. Alternatively, you may call 310-561-1770 to request a copy of the Notice.

THE COURT HAS MADE NO DECISION AS TO LIABILITY AND THIS NOTICE IS NOT AN EXPRESSION OF ANY OPINION ON THE MERITS OF THE CLAIMS ASSERTED IN THE ACTION.

PROOF OF PUBLICATION

The BAKERSFIELD CALIFORNIAN
P. O. BOX 440
BAKERSFIELD, CA 93302

Murphy and Evertz
650 Town Center Dr Suite550
COSTA MESA, CA 92626

Ad Number: 13344354 PO #:
Edition: TBC Run Times 2
Class Code Legal Notices
Start Date 11/10/2013 Stop Date 11/17/2013
Billing Lines 25 Inches 2.10
Total Cost \$ 273.50 Account 18763665
Billing Murphy and Evertz
Address 650 Town Center Dr Suite550
COSTA MESA,CA 92626

STATE OF CALIFORNIA
COUNTY OF KERN

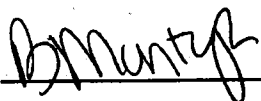
I AM A CITIZEN OF THE UNITED STATES AND A RESIDENT OF THE COUNTY AFORESAID: I AM OVER THE AGE OF EIGHTEEN YEARS, AND NOT A PARTY TO OR INTERESTED IN THE ABOVE ENTITLED MATTER. I AM THE ASSISTANT PRINCIPAL CLERK OF THE PRINTER OF THE BAKERSFIELD CALIFORNIAN, A NEWSPAPER OF GENERAL CIRCULATION. PRINTED AND PUBLISHED DAILY IN THE CITY OF BAKERSFIELD COUNTY OF KERN,

AND WHICH NEWSPAPER HAS BEEN ADJUDGED A NEWSPAPER OF GENERAL CIRCULATION BY THE SUPERIOR COURT OF THE COUNTY OF KERN, STATE OF CALIFORNIA, UNDER DATE OF FEBRUARY 5, 1952, CASE NUMBER 57610; THAT THE NOTICE, OF WHICH THE ANNEXED IS A PRINTED COPY, HAS BEEN PUBLISHED IN EACH REGULAR AND ENTIRE ISSUE OF SAID NEWSPAPER AND NOT IN ANY SUPPLEMENT THEREOF ON THE FOLLOWING DATES, TO WIT:

11/10/13
11/17/13

ALL IN YEAR 2013

I CERTIFY (OR DECLARE) UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.



DATED AT BAKERSFIELD CALIFORNIA

11/19/13

Printed on 11/18/2013 at 8:53:05AM

Solicitor I.D.: 0

First Text

SUMMARY NOTICE OF PROPOSED PARTIAL CLASS ACTION SETTLEMENT IN

Ad Number 13344354

SUMMARY NOTICE OF PROPOSED PARTIAL CLASS ACTION SETTLEMENT IN WOOD V. LOS ANGELES COUNTY WATERWORKS DIST. NO. 40, ET AL., JUDICIAL COUNCIL COORDINATION NO. 4408

This Summary Notice is to advise you that there is a proposed partial settlement of the above referenced class action, which is pending on behalf of certain landowners within the Antelope Valley Groundwater Basin who are pumping or have pumped less than 25 acre-feet of groundwater on their properties during any year from 1946 to the present (with certain specific exceptions). The proposed settlement does not provide any monetary compensation to the class members, but resolves certain potentially adverse claims filed by the settling defendant public water suppliers, including prescription.

On October 25, 2013, the Los Angeles County Superior Court granted preliminary approval of the proposed settlement, subject to further consideration at a fairness hearing scheduled for December 11, 2013. The terms of the proposed settlement, as well as class members' options, are more fully detailed in a Notice of Proposed Partial Class Settlement mailed to the class members' last known addresses. You may find a copy of that Notice, as well as the Settlement Agreement and other relevant documents at <http://www.avgroundwater.com>. Alternatively, you may call 310-954-8270 to request a copy of the Notice.

THE COURT HAS MADE NO DECISION AS TO LIABILITY AND THIS NOTICE IS NOT AN EXPRESSION OF ANY OPINION ON THE MERITS OF THE CLAIMS ASSERTED IN THE ACTION.

November 10, 17, 2013 (13344354)



ESTABLISHED 1915

Mailing Address: P.O. Box 4050, Palmdale, California 93590-4050

November 18, 2013

LAW OFFICES OF MICHAEL D. McLACHLAN, APC
Mr. Mike McLachlan
10490 SANTA MONICA BLVD
LOS ANGELES CA 90025

RE: Affidavit of Publication -NOTICE OF PROPOSED PARTIAL CLASS ACTION
SETTLEMENT WOOD v. LOS ANGELES COUNTY WATERWORKS DIST. NO.
40

Dear Mr. Mike McLachlan;

Enclosed please find the Affidavit of Publication for the NOTICE OF PROPOSED
PARTIAL CLASS ACTION SETTLEMENT WOOD v. LOS ANGELES COUNTY
WATERWORKS DIST. NO. 40 notice published on November 10, 17, 2013.

Thank you again for considering the Antelope Valley Press for your publication
needs. If you need further assistance, please do not hesitate to contact me at
(661) 267-4112.

Sincerely,

A handwritten signature in black ink, appearing to read "Alison Adams".

Alison Adams
Legal Advertising Coordinator

A smaller version of the Antelope Valley Press logo, featuring the words "Antelope Valley Press" in a stylized, cursive font.

Enclosure

AFFIDAVIT OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA

County of Los Angeles

} s s

The space above for filing stamp only

**NOTICE OF PROPOSED PARTIAL CLASS ACTION SETTLEMENT
WOOD v. LOS ANGELES COUNTY WATERWORKS DIST. NO. 40**

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the Antelope Valley Press, a newspaper of general circulation, printed and published daily in the City of Palmdale, County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California, under date of October 24, 1931, Case Number 328601; Modified Case Number 657770 April 11, 1956; also operating as the Ledger-Gazette, adjudicated a legal newspaper June 15, 1927, by Superior Court decree No. 224545; also operating as the Desert Mailer News, formerly known as the South Antelope Valley Foothill News, adjudicated a newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California on May 29, 1967, Case Number NOC564 and adjudicated a newspaper of general circulation for the City of Lancaster, State of California on January 26, 1990, Case Number NOC10714, Modified October 22, 1990; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

November 10, 17, 2013

I certify (or declare) under penalty of perjury that the fore-going is true and correct.

Signature

Dated: November 18, 2013

Executed at Palmdale, California

37404 SIERRA HWY., PALMDALE CA 93550
Telephone (661)267-4112/Fax (661)947-4870

SUMMARY NOTICE OF PROPOSED PARTIAL CLASS ACTION SETTLEMENT IN WOOD v. LOS ANGELES COUNTY WATERWORKS DIST. NO. 40, ET AL., JUDICIAL COUNCIL COORDINATION NO. 4408

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Publish: 11/10, 11/17, 2013

AFFIDAVIT OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA

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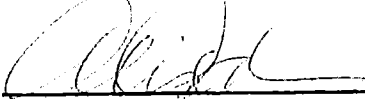
County of Los Angeles

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WOOD v. LOS ANGELES COUNTY WATERWORKS DIST. NO. 40**

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November 10, 17, 2013

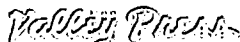
I certify (or declare) under penalty of perjury that the fore-going is true and correct.



Signature

Dated: November 18, 2013

Executed at Palmdale, California



37404 SIERRA HWY., PALMDALE CA 93550
Telephone (661)267-4112/Fax (661)947-4870

SUMMARY NOTICE OF PROPOSED PARTIAL CLASS ACTION SETTLEMENT IN WOOD v. LOS ANGELES COUNTY WATERWORKS DIST. NO. 40, ET AL., JUDICIAL COUNCIL COORDINATION NO. 4408

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Publish: 11/10, 11/17, 2013

EXHIBIT 3

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

Coordination Proceeding
Special Title (Rule 1550(b))

ANTELOPE VALLEY GROUNDWATER
CASES

RICHARD A. WOOD, an individual, on
behalf of himself and all others similarly
situated,

Plaintiff,

v.

LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40; et al.,

Defendants.

Judicial Council Coordination
Proceeding No. 4408

(Honorable Jack Komar)

Case No. BC 391869

**DECLARATION OF
JENNIFER M. KEOUGH
REGARDING DISSEMINATION OF
SMALL PUMPER NOTICE**

I, JENNIFER M. KEOUGH, declare as follows:

1. As stated in my Declaration filed December 3, 2013, I am Chief Operating Officer of The Garden City Group, LLC¹ (“GCG”). The following statements are based on my personal knowledge and information provided by other GCG employees working under my supervision, and if called on to do so, I could and would testify competently thereto.

¹ The Garden City Group, Inc. is now Garden City Group, LLC.

1 2. GCG was originally retained as Administrator in the above-captioned
2 litigation (the "Litigation") pursuant to Section VI.B of the Wood Class Stipulation of
3 Settlement (the "Stipulation of Settlement") filed on October 7, 2013. Pursuant to the
4 Order Granting Preliminary Approval of Small Pumper Class Action Settlement and
5 Notice to the Class (the "Order"), dated April 6, 2015, GCG was further engaged to
6 distribute the Notice of Proposed Settlement for the "Small Pumper" Class Action and
7 Settlement Hearing (the "Class Notice").

8
9 **DISSEMINATION OF THE CLASS NOTICE**

10
11 3. In paragraph 1 of the Order, the Court found that the form and content of
12 the Class Notice would provide the best practicable notice to Class Members. Pursuant
13 to the Order, GCG was responsible for disseminating the Class Notice to the "Small
14 Pumper Class," as defined in Section 3.5.44 of the Proposed Judgment and Physical
15 Solution:

16 All private (i.e., non-governmental) Persons and entities that own real
17 property within the Basin, as adjudicated, and that have been pumping
18 less than 25 acre-feet per Year on their property during any Year from
19 1946 to the present. The Class excludes the defendants in *Wood v. Los*
20 *Angeles Co. Waterworks Dist. 40, et al.*, any Person, firm, trust,
21 corporation, or other entity in which any such defendants has a
22 controlling interest or which is related to or affiliated with any such
23 defendants, and the representatives, heirs, affiliates, successors-in-
24 interest or assigns of any such excluded party. The Class also excludes
25 all Persons and entities that are shareholders in a mutual water company.
26 The Class does not include those who opted out of the Class.

27 4. On or about March 31, 2015, GCG provided an Excel spreadsheet to
Plaintiff's Counsel containing mailing information for (a) Class Members who received a
copy of the Notice that was mailed pursuant to the Order of the Court dated October 25,

1 2013, and (b) other persons or entities who had notified GCG that they believed they
2 were also Class Members. The mailing list did not include those persons or entities who
3 had requested exclusion from the Class. Plaintiff's Counsel reviewed the records and
4 provided GCG with a revised mailing list and confirmed that thirteen (13) individuals,
5 including those the Court added to the list of known class members, should also receive
6 the Notice. Five (5) recipients from the earlier mailing were removed from the mailing
7 list, either because the available information did not include the identity of the person or
8 entity, or because the person or entity was no longer a Class Member.

9
10 5. GCG promptly updated the information in the database created for this
11 Litigation and assigned a unique identifier to those records that did not already have an
12 identifier in order to maintain the ability to track them. GCG then submitted the
13 addresses for all Class Members to the National Change of Address (NCOA) database.
14 Of the 4,310 records sent out for search, 152 were returned with address updates, and
15 GCG updated the addresses accordingly.

16
17 6. GCG thereafter formatted the Class Notice and caused it to be printed,
18 posted via first-class mail, postage prepaid, and delivered to a U.S. Post Office on April
19 3, 2015, for mailing to each of the 4,310 Class Members. A copy of the Class Notice, as
20 mailed, is attached hereto as **Exhibit A**.

21
22 7. Class Notices that were returned by the U.S. Postal Service with forwarding
23 address information were promptly re-mailed using the updated address information
24 received from the U.S. Postal Service. As of May 31, 2015, GCG had re-mailed six (6)
25 Class Notices to updated addresses received from the U.S. Postal Service.

26
27 8. As of May 31, 2015, a total of 770 Class Notices had been returned

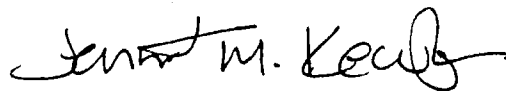
1 undeliverable without forwarding address information, including two (2) Class Notices
2 that had previously been re-mailed.

3
4 **OBJECTIONS TO THE SETTLEMENT**

5
6 9. Pursuant to paragraph 5 of the Order, Class Members who wished to object
7 to the Settlement had to do so in writing by submitting their objections to the Court and
8 the parties' counsel by May 15, 2015. As of May 19, 2015, GCG had not received any
9 objections. However, GCG did receive two written responses to the Class Notice in
10 which the recipient provided notification that they no longer owned the property in
11 question.

12
13 I declare under the penalty of perjury under the laws of the State of California that
14 the foregoing is true and correct to the best of my knowledge and belief.

15
16 Executed on June 3, 2015, at Seattle, Washington.

17
18 

19 _____
20 JENNIFER M. KEOUGH

Exhibit A

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

RICHARD A. WOOD, an individual, on behalf of
himself and all others similarly situated,

Plaintiff,

v.

LOS ANGELES COUNTY WATERWORKS
DISTRICT NO. 40; et al.

Defendants.

JUDICIAL COUNCIL COORDINATION
PROCEEDING No. 4408

**NOTICE OF PROPOSED SETTLEMENT
FOR THE "SMALL PUMPER" CLASS
ACTION AND SETTLEMENT HEARING**

TO CERTAIN ANTELOPE VALLEY LANDOWNERS: CAREFULLY READ AND RESPOND TO THIS NOTICE, AS IT MAY AFFECT YOUR RIGHT TO PUMP GROUNDWATER ON YOUR PROPERTY IN THE FUTURE.

1. Why should I read this Notice?	2
2. What is this lawsuit about?	2
3. Who is covered by the proposed settlement?.....	2
4. What are the terms of the proposed settlement?.....	2
5. What do I need to do?.....	3
6. Can I exclude myself from the Class?.....	4
7. Why, when and where will the Settlement Hearing take place?	4
8. Who represents Plaintiff and the Class?	4
9. Why does Plaintiff's Counsel favor the Settlement?.....	4
10. How will Plaintiff's Counsel's fees be paid?	4
11. Will I have to pay anything?.....	5
12. Will I receive any monetary compensation?.....	5
13. What happens if the Settlement is approved by the Court?.....	5
14. What happens if the Settlement is not approved by the Court?.....	5
15. Where can I get additional information?.....	5
16. What are the relevant dates?	5
17. May I pump water on my property?.....	5
18. What if I pump more than 3 acre-feet of groundwater per year?	6
19. Will I have to install a water meter on my property?	6
20. Will my groundwater use be monitored?	6
21. What if I sell my property?.....	6

QUESTIONS? VISIT WWW.AVGROUNDWATER.COM.

1. WHY SHOULD I READ THIS NOTICE?

Available records indicate that you own property in the Antelope Valley Groundwater Basin (the "Basin"). Your property rights may be affected by the proposed settlement of this lawsuit. Your right to object to, or comment on that settlement is described below. In addition, this Notice contains important information about your disclosure obligations in the event you sell your property. ***PLEASE TAKE THE TIME TO READ THIS IMPORTANT LEGAL NOTICE, WHICH IS DIFFERENT FROM THE PRIOR NOTICES SENT TO YOU ABOUT THIS CASE.***

2. WHAT IS THIS LAWSUIT ABOUT?

This Class Action lawsuit involves water rights in the Antelope Valley Groundwater Basin. Plaintiff Richard Wood brought this case to protect his right and those of other landowners (the Wood Class comprises persons who are pumping or have pumped less than 25 acre-feet of groundwater during any year from 1946 to the present) in the Basin to pump water on their properties in the future. The case has been combined with other cases to determine all the groundwater rights in the Basin. The Court has not yet decided the case.

Property owners have a right to pump groundwater (water underneath the surface) and use it for reasonable and beneficial purposes on their overlying land. The right to use groundwater, however, may be limited during times of groundwater shortage conditions. In this case, the naturally available supply of groundwater is not adequate to meet the groundwater pumping demands of everyone who wants to use that water. For that reason, the Court decides how much water can be pumped by each party under a claim of priority to use the groundwater. Richard Wood claims that he and other such landowners have water rights that are superior to the water rights of certain public water suppliers and entities, listed in the Settlement Agreement ("Settling Defendants") who have used and continue to use groundwater. The public water suppliers claim that their historical pumping has given them superior water rights for a public water supply as to some or all of the Richard Wood and Wood Class members' rights to use groundwater.

3. WHO IS COVERED BY THE PROPOSED SETTLEMENT?

You have been designated as a Class member because records indicate that you own property in the Antelope Valley. **The Wood Class includes all private (i.e., nongovernmental) landowners within the Antelope Valley Groundwater Basin who are pumping or have pumped less than 25 acre-feet of groundwater during any year from 1946 to the present on their properties,** with certain exceptions set out below.

You are not in the Class if you do not own real property within the Basin. In addition, you are **NOT** in the Class if any of the following are true as to you:

1. Your property is connected to and receives water from a public water system, public utility or mutual water company; or
2. You are already a party to this litigation; or
3. You have already timely excluded yourself from the Wood Class and have not rejoined the Class.

4. WHAT ARE THE TERMS OF THE PROPOSED SETTLEMENT?

The Small Pumper Class has previously settled its claims with the City of Lancaster, Palmdale Water District, Phelan Piñon Hills Community Services District, and the Rosamond Community Services District. By way of the current settlement, the Small Pumper Class is now attempting to resolve all claims with California Water Service Company, City of Palmdale, Desert Lake Community Services District, Littlerock Creek Irrigation District, Los Angeles County Waterworks District No. 40, North Edwards Water

QUESTIONS? VISIT WWW.AVGROUNDWATER.COM.

District, Palm Ranch Irrigation District, and Quartz Hill Water District. Through the Stipulation for Entry of Judgment and Physical Solution, which is incorporated into the Small Pumper Class Stipulation of Settlement, the Small Pumper Class is also resolving its claims with many other parties claiming beneficial interest in the groundwater in the Antelope Valley basin. These additional parties are listed on the signature pages to the Judgment and Physical Solution.

The following is a summary of the basic terms and conditions of the proposed settlement. You may view the complete settlement agreement at www.avgroundwater.com. If you do not have Internet access, you may request a copy of the settlement agreement by writing to the following: Small Pumper Class Settlement, 44 Hermosa Avenue, Hermosa Beach, CA 90254.

In summary, the proposed settlement includes the following terms (capitalized terms are defined in the Settlement Agreement), in addition to other terms discussed in other sections of this Notice:

- A. Members of the Small Pumper Class will have the right to pump up to 3 acre-feet of groundwater per year for reasonable and beneficial use without having to pay any replacement water assessment. Small Pumper Class members pumping between 3 and 25 acre-feet per year will pay a replacement water assessment.
- B. To the extent the Settling Defendants have obtained water rights by prescription, those rights shall not be exercised to diminish the Small Pumper Class' water rights.
- C. The Parties agree that the United States has a Federal Reserved Right to some portion of the Basin's Native Safe Yield.
- D. The Class agrees not to challenge certain Parties' right to recapture return flows from water that they import. The Class agrees not to contest Settling Defendants' best estimates that agricultural use of imported water results in 34% return flows and municipal and industrial use of imported water results in 39% return flows.
- E. The Settling Parties agree that the Basin has limited water resources and that there is a need for a groundwater management plan for the Basin. The Parties have agreed to be bound by such a plan, which is subject to approval and modification by the Court. This management plan will be supervised and administered by a watermaster engineer and watermaster board, which will report to the Court.
- F. The Settlement contains mutual releases of the claims the Settling Parties have asserted against each other in the litigation.

5. WHAT DO I NEED TO DO?

You are not required to do anything, unless you wish to object to the settlement. However, if you wish to object to the settlement or to Plaintiffs' Counsel's Application for Fees and Expenses, you must file a Notice of Intent to Appear and Be Heard with the Clerk, Los Angeles County Superior Court, 111 N. Hill Street, Los Angeles, CA 90012. **That Notice must be received by May 15, 2015** for it to be considered and must briefly state the position(s) you wish to take with respect to the settlement and/or any related matters, such as Counsel's fee application. In addition, you must send a copy of that Notice to the following attorneys by that date:

Michael D. McLachlan
mike@mclachlan-law.com
Law Offices of Michael D. McLachlan
44 Hermosa Avenue
Hermosa Beach, CA 90254
Class Counsel

Jeffrey V. Dunn
jeffrey.dunn@bbklaw.com
Best Best & Krieger LLP
18101 Von Karman Avenue, Suite 1000
Irvine, CA 92614
Liaison Counsel for Defendants

QUESTIONS? VISIT WWW.AVGROUNDWATER.COM.

6. CAN I EXCLUDE MYSELF FROM THE CLASS?

No. All Class members have been given two prior opportunities to opt out of the Class, therefore the Court will not permit further opt outs.

7. WHY, WHEN, AND WHERE WILL THE SETTLEMENT HEARING TAKE PLACE?

The Court must approve the proposed settlement after a fairness hearing in order for the settlement to become effective. That fairness hearing will take place on August 3, 2015, at 10:00 a.m. in Room 222 of the Stanley Mosk Courthouse, 111 North Hill Street, Los Angeles, CA 90010. **You are welcome to attend that hearing but you are not required to attend.**

Any Class member may appear in person or through counsel and state his or her comments on or objections to the proposed settlement and/or on counsel's fee application, *but only if he or she files a Notice of Intent to Appear and Be Heard pursuant to the procedures set forth in paragraph 5, above, on or before May 15, 2015.*

8. WHO REPRESENTS PLAINTIFF AND THE CLASS?

Plaintiff and the Class are represented by the following attorneys in this matter:

Michael D. McLachlan
mike@mclachlan-law.com
Law Offices of Michael D. McLachlan
44 Hermosa Avenue
Hermosa Beach, CA 90254
310.954-8270
310.954.8271 (fax)

Daniel M. O'Leary
dan@danolearylaw.com
Law Offices of Daniel M. O'Leary
2300 Westwood Boulevard, Suite 105
Los Angeles, CA 90064
310.481.2020
310.481.0049 (fax)

9. WHY DOES CLASS COUNSEL SUPPORT THE SETTLEMENT?

Class Counsel believes that the settlement reflects a reasonable and fair resolution of the claims asserted in this matter. The Settling Defendants assert that they have prescriptive rights to substantially more than 15% of the Basin's Native Safe Yield; the Class asserts that the Settling Defendants have no such prescriptive rights. Counsel believe that the Settlement fairly compromises the parties' positions, and resolves the risk that the class members will lose water rights to the Settling Defendants. Further, the settlement protects the rights of all Class members to use water for domestic use in amounts sufficient to sustain such use without the requirement to pay any replacement water assessment.

10. HOW WILL PLAINTIFF'S COUNSEL'S FEES BE PAID?

Plaintiff's Counsel will petition for an award of fees and expenses to be paid by the Settling Defendants. *You will not be responsible to pay any portion of their fees.* Plaintiff's Counsel have already been paid for some work on this matter.

Plaintiff's Counsel have worked on this matter for over seven years without being paid and they have advanced considerable amounts to pay for out-of-pocket expenses, including travel, hearing transcripts, consultants, etc. The Court will ultimately determine whether Counsel is entitled to a fee award and the appropriate amount of any such award.

QUESTIONS? VISIT WWW.AVGROUNDWATER.COM.

11. WILL I HAVE TO PAY ANYTHING?

You will not be required to pay anything in connection with Plaintiff's Counsel's fees and costs. However, you will have to pay an annual administrative assessment which will be used to fund the watermaster appointed by the Court to implement certain provisions of the settlement. For those pumping in excess of three acre-feet of groundwater per year, the assessment will be up to \$5 per acre-foot, or as ordered by the Court. For those pumping less than three acre-feet per year, the administrative settlement will be based on 1.2 acre-feet of groundwater pumping multiplied by up to \$5 per acre-foot, or as ordered by the Court. You might also be required to pay an additional balance assessment in the future if the watermaster determines it necessary.

12. WILL I RECEIVE ANY MONETARY COMPENSATION FROM THE SETTLEMENT?

No. The settlement does not provide you with any monetary benefits.

13. WHAT HAPPENS IF THE SETTLEMENT IS APPROVED BY THE COURT?

If the settlement is approved, and not successfully appealed, the above litigation between and among the settling parties will be over and you will be bound by the stipulation for judgment and physical solution.

14. WHAT HAPPENS IF THE SETTLEMENT IS NOT APPROVED BY THE COURT?

If the settlement is not approved, the settlement agreement will be null and void and the parties will be returned to their prior positions in the litigation.

15. WHERE CAN I GET ADDITIONAL INFORMATION?

The amended complaint and certain other documents from the litigation are available at www.avgroundwater.com. In addition, that website has a list of answers to certain other questions you may have and has an email address for you to obtain information if you have further questions. That website will be updated from time to time to advise you of the status of this litigation. Also, all of the documents filed in the case are available on the court's website at <http://www.scefilings.org/cases/casehome.jsp?caseld=19>.

16. WHAT ARE THE RELEVANT DATES?

The Settlement Hearing is scheduled for August 3, 2015. If you wish to be heard at the Hearing, you must file a Notice of Intent to Appear and Be Heard with the Clerk, Los Angeles County Superior Court, as discussed above in paragraph 5. **That Notice must be received by May 15, 2015** for it to be considered. In addition, by that date, you must send a copy of that Notice to the attorneys identified in paragraph 5, above.

17. MAY I PUMP WATER ON MY PROPERTY?

Yes. There are presently no restrictions on your ability to pump water on your property or the amount that you can pump for reasonable and beneficial uses on your property. However, it is possible that there will be limits imposed on the amount of pumping in the future.

QUESTIONS? VISIT WWW.AVGROUNWATER.COM.

18. WHAT IF I PUMP MORE THAN 3 ACRE-FEET OF GROUNDWATER PER YEAR?

A Class Member will have the right to pump up to 3 acre-feet per year for reasonable and beneficial use on his or her property, without assessment. However, if you pump more than 3 acre-feet per year, you may be required to pay a replacement assessment in the future for any water you pump in excess of 3 acre-feet per year. This settlement does not affect your ability to continue to pump in excess of 3 acre-feet per year, but the Court may limit those rights in future proceedings. The replacement assessments, if any, will be levied by a court-appointed watermaster, who will implement various provisions of this settlement.

19. WILL I HAVE TO INSTALL A WATER METER ON MY PROPERTY?

If the watermaster develops a reasonable belief that you are pumping more than 3 acre-feet of groundwater per year, you may be required to install a water meter.

20. WILL MY GROUNDWATER USE BE MONITORED?

The watermaster may choose to monitor your water use through aerial photography and/or satellite imagery. The watermaster may also decide to subpoena your electrical usage records from your electrical utility provider. As noted above, if you are pumping less than 3 acre-feet of groundwater per year, you will not be required to install a meter.

21. WHAT HAPPENS IF I SELL MY ANTELOPE VALLEY PROPERTY?

If the settlement is approved by the Court, anyone who acquires your property will be bound by the terms of the settlement. Hence, you should disclose the terms of the settlement to anyone who may acquire your Antelope Valley property.

PLEASE DO NOT CALL OR WRITE THE COURT OR CLERK'S OFFICE. IF YOU HAVE ANY QUESTIONS, PLEASE CONSULT YOUR OWN COUNSEL, VISIT THE WEB SITES LISTED ABOVE, OR WRITE TO CLASS COUNSEL AT THE ADDRESS ABOVE.

Dated: March 27, 2015

BY ORDER OF THE SUPERIOR COURT
OF CALIFORNIA FOR THE COUNTY OF
LOS ANGELES

QUESTIONS? VISIT WWW.AVGROUNDWATER.COM.

EXHIBIT 4

1 Michael D. McLachlan (State Bar No. 181705)
2 **LAW OFFICES OF MICHAEL D. McLACHLAN, APC**
3 44 Hermosa Avenue
4 Hermosa Beach, California 90254
5 Phone: (310) 954-8270
6 Fax: (310) 954-8271

7 Daniel M. O'Leary (State Bar No. 175128)
8 **LAW OFFICE OF DANIEL M. O'LEARY**
9 2300 Westwood Boulevard, Suite 105
10 Los Angeles, California 90064
11 Phone: (310) 481-2020
12 Fax: (310) 481-0049

13 Attorneys for Plaintiff Richard Wood and the Class

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SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

Coordination Proceeding
Special Title (Rule 1550(b))

**ANTELOPE VALLEY GROUNDWATER
CASES**

RICHARD A. WOOD, an individual, on
behalf of himself and all others similarly
situated,

Plaintiff,

v.

LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40; et
al.

Defendants.

Judicial Council Coordination
Proceeding No. 4408
(Honorable Jack Komar)

Case No.: BC 391869

**DECLARATION OF MICHAEL D.
MCLACHLAN RE: PUBLICATION
OF SUMMARY CLASS NOTICE
OF SETTLEMENT**

1

**DECLARATION OF MICHAEL D. MCLACHLAN RE: PUBLICATION
OF SUMMARY CLASS NOTICE OF SETTLEMENT**

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DECLARATION OF MICHAEL D. MCLACHLAN

I, Michael D. McLachlan, declare:

1. I make this declaration of my own personal knowledge, except where stated on information and belief, and if called to testify in Court on these matters, I could do so competently.

2. I am co-counsel of record of record for Plaintiff Richard Wood and the Class, and am duly licensed to practice law in California.

3. Pursuant to the Court's order of April 6, 2015, counsel has caused the Summary Notice of the Small Pumper Class settlement to be published in the Los Angeles Times, the Bakersfield Californian and the Antelope Valley Press. Attached collectively as Exhibit 1 are the proofs of publication for the Summary Notice.

4. Prior to the Administrator issuing Class Notice by U.S. Mail, the Class website, www.avgroundwater.com, was updated with all of the settlement documents and the Class Notice. The website has been continuously operational since that time.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 4th day of June, 2015, at Hermosa Beach, California.

**Michael D.
McLachlan**

Digitally signed by Michael D. McLachlan
DN: cn=Michael D. McLachlan, o=Law Offices of Michael D. McLachlan, ou, email=mike@mclachlanlaw.com, c=US
Date: 2015.06.04 20:41:14 -07'00'

Michael D. McLachlan

Exhibit 1

Los Angeles Times

MEDIA GROUP

Sold To:

Best Best & Krieger LLP - CU00265209
300 South Grand Ave, 25th Floor
Los Angeles, CA 90071

Bill To:

Best Best & Krieger LLP - CU00265209
300 South Grand Ave, 25th Floor
Los Angeles, CA 90071

SUMMARY NOTICE OF PROPOSED CLASS ACTION SETTLEMENT IN WOOD V. LOS ANGELES COUNTY WATERWORKS DIST. NO. 40, ET AL.

This Summary Notice is to advise you that there is a proposed settlement of the above class action, which is pending on behalf of landowners within the Antelope Valley Groundwater Basin who are pumping or have pumped less than 25 acre-feet of groundwater during any year from 1946 to the present on their properties (with certain specific exceptions). The proposed settlement does not provide any monetary compensation to the Class members, but protects Class Members' rights to make reasonable future uses of the groundwater underlying their properties.

On March 26, 2015, the Superior Court for Los Angeles County granted preliminary approval of the proposed settlement, subject to further consideration at a fairness hearing scheduled for August 3, 2015. The terms of the proposed settlement, as well as Class Members' options, are more fully detailed in a Noticed of Proposed Class Settlement that was previously mailed to the last known addresses of all class members. You may find a copy of that Notice, as well as the Settlement Agreement and other relevant documents at <http://www.avgroundwater.com>.

THE COURT HAS MADE NO DECISION AS TO LIABILITY AND THIS NOTICE IS NOT AN EXPRESSION OF ANY OPINION ON THE MERITS OF THE CLAIMS ASSERTED IN THE ACTION.

Los Angeles Times

MEDIA GROUP

**PROOF OF PUBLICATION
(2015.5 C.C.P.)**

**STATE OF ILLINOIS
County of Cook**


I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the action for which the attached notice was published.

I am a principal clerk of the Los Angeles Times, which was adjudged a newspaper of general circulation on May 21, 1952, Cases 598599 for the City of Los Angeles, County of Los Angeles, and State of California. Attached to this Affidavit is a true and complete copy as was printed and published on the following date(s):

Apr 12, 2015; Apr 19, 2015

**I certify (or declare) under penalty of perjury
under the laws of the State of California that the foregoing is true and correct.**

Dated at Chicago, Illinois
on this 12 day of May, 2015.



[signature]

435 N. Michigan Ave.
Chicago, IL 60611



ESTABLISHED 1915

Mailing Address: P.O. Box 4050, Palmdale, California 93590-4050

April 20, 2015

Mr. McLachlan
MICHAEL D. MCLACHLAN
44 HERMOSA AVE
HERMOSA BEACH CA 90254

RE: Affidavit of Publication - SUMMARY NOTICE OF PROPOSED CLASS ACTION
- LACO DIST.#40

Enclosed please find 2 original signed Affidavit of Publication for the SUMMARY NOTICE OF PROPOSED CLASS ACTION - LACO DIST.#40 notice published on April 12, 19, 2015.

Thank you again for considering the Antelope Valley Press for your publication needs. If you need further assistance, please do not hesitate to contact me at (661) 267-4112.

Sincerely,

A handwritten signature in black ink, appearing to read "Alison Adams".

Alison Adams

Antelope Valley Press

Legal Advertising Coordinator

Enclosure

AFFIDAVIT OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA

County of Los Angeles

} ss

The space above for filing stamp only

SUMMARY NOTICE OF PROPOSED CLASS ACTION LACO DIST.#40

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the **Antelope Valley Press**, a newspaper of general circulation, printed and published daily in the City of Palmdale, County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California, under date of October 24, 1931, Case Number 328601; Modified Case Number 657770 April 11, 1956; also operating as the Ledger-Gazette, adjudicated a legal newspaper June 15, 1927, by Superior Court decree No. 224545; also operating as the Desert Mailer News, formerly known as the South Antelope Valley Foothill News, adjudicated a newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California on May 29, 1967, Case Number NOC564 and adjudicated a newspaper of general circulation for the City of Lancaster, State of California on January 26, 1990, Case Number NOC10714, Modified October 22, 1990; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

April 12, 19, 2015

I certify (or declare) under penalty of perjury that the fore-going is true and correct.

Signature

Dated: April 20, 2015
Executed at Palmdale, California

SUMMARY NOTICE OF PROPOSED CLASS ACTION SETTLEMENT IN WOOD V. LOS ANGELES COUNTY WATERWORKS DIST. NO. 40, ET AL.

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THE COURT HAS MADE NO DECISION AS TO LIABILITY AND THIS NOTICE IS NOT AN EXPRESSION OF ANY OPINION ON THE MERITS OF THE CLAIMS ASSERTED IN THE ACTION.

Publish: April 12, 19, 2015

37404 SIERRA HWY., PALMDALE CA 93550
Telephone (661)267-4112/Fax (661)947-4870

AFFIDAVIT OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA

County of Los Angeles

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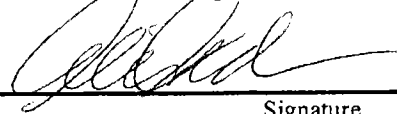
The space above for filing stamp only

SUMMARY NOTICE OF PROPOSED CLASS ACTION LACO DIST.#40

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the **Antelope Valley Press**, a newspaper of general circulation, printed and published daily in the City of **Palmdale**, County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California, under date of October 24, 1931, Case Number 328601; Modified Case Number 657770 April 11, 1956; also operating as the **Ledger-Gazette**, adjudicated a legal newspaper June 15, 1927, by Superior Court decree No. 224545; also operating as the **Desert Mailer News**, formerly known as the **South Antelope Valley Foothill News**, adjudicated a newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California on May 29, 1967, Case Number NOC564 and adjudicated a newspaper of general circulation for the City of **Lancaster**, State of California on January 26, 1990, Case Number NOC10714, Modified October 22, 1990; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

April 12, 19, 2015

I certify (or declare) under penalty of perjury that the fore-going is true and correct.



Signature

Dated: April 20, 2015
Executed at Palmdale, California

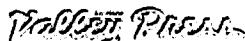
SUMMARY NOTICE OF PROPOSED CLASS ACTION SETTLEMENT IN WOOD V. LOS ANGELES COUNTY WATERWORKS DIST. NO. 40, ET AL.

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THE COURT HAS MADE NO DECISION AS TO LIABILITY AND THIS NOTICE IS NOT AN EXPRESSION OF ANY OPINION ON THE MERITS OF THE CLAIMS ASSERTED IN THE ACTION.

Publish: April 12, 19, 2015



37404 SIERRA HWY., PALMDALE CA 93550
Telephone (661)267-4112/Fax (661)947-4870

PROOF OF PUBLICATION

The BAKERSFIELD CALIFORNIAN
P. O. BOX 440
BAKERSFIELD, CA 93302

BBK Attorneys At Law
300 South Grand Ave, 25th Floor
LOS ANGELES, CA 90071

Ad Number: 13833899 PO #: 2
Edition: TBC Run Times
Class Code Legal Notices
Start Date 4/12/2015 Stop Date 4/19/2015
Billing Lines 31 Inches 2.60
Total Cost \$ 232.46 Account 28932239
Billing BBK Attorneys At Law
Address 300 South Grand Ave, 25th Floor
LOS ANGELES, CA 90071

STATE OF CALIFORNIA
COUNTY OF KERN

I AM A CITIZEN OF THE UNITED STATES AND A RESIDENT OF THE COUNTY AFORESAID: I AM OVER THE AGE OF EIGHTEEN YEARS, AND NOT A PARTY TO OR INTERESTED IN THE ABOVE ENTITLED MATTER. I AM THE ASSISTANT PRINCIPAL CLERK OF THE PRINTER OF THE BAKERSFIELD CALIFORNIAN, A NEWSPAPER OF GENERAL CIRCULATION. PRINTED AND PUBLISHED DAILY IN THE CITY OF BAKERSFIELD COUNTY OF KERN,

AND WHICH NEWSPAPER HAS BEEN ADJUDGED A NEWSPAPER OF GENERAL CIRCULATION BY THE SUPERIOR COURT OF THE COUNTY OF KERN, STATE OF CALIFORNIA, UNDER DATE OF FEBRUARY 5, 1952, CASE NUMBER 57610; THAT THE NOTICE, OF WHICH THE ANNEXED IS A PRINTED COPY, HAS BEEN PUBLISHED IN EACH REGULAR AND ENTIRE ISSUE OF SAID NEWSPAPER AND NOT IN ANY SUPPLEMENT THEREOF ON THE FOLLOWING DATES, TO WIT: 4/12/15
4/19/15

ALL IN YEAR 2015

I CERTIFY (OR DECLARE) UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.



DATED AT BAKERSFIELD CALIFORNIA

4-20-15

Printed on 4/20/2015 at 8:42:34AM

Solicitor I.D.: 0

First Text
SUMMARY NOTICE OF PROPOSED CLASS ACTION

Ad Number 13833899

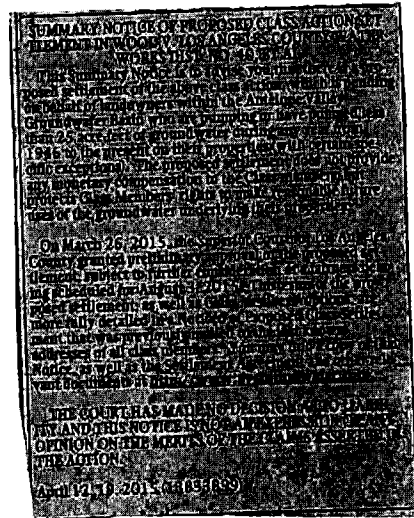


EXHIBIT 5



State of California
March Fong Eu
Secretary of State

Form LP-1

CERTIFICATE OF LIMITED PARTNERSHIP
IMPORTANT—Read instructions on back before completing this form

This Certificate is presented for filing pursuant to Section 15621, California Corporations Code.

1. NAME OF LIMITED PARTNERSHIP
Long Valley Road, L.P.

2. STREET ADDRESS OF PRINCIPAL EXECUTIVE OFFICE CITY AND STATE ZIP CODE
23475 Long Valley Road Woodland Hills, CA 91367

3. STREET ADDRESS OF CALIFORNIA OFFICE IF EXECUTIVE OFFICE IS IN ANOTHER STATE CITY ZIP CODE
CA

4. COMPLETE IF LIMITED PARTNERSHIP WAS FORMED PRIOR TO JULY 1, 1984 AND IS IN EXISTENCE ON DATE THIS CERTIFICATE IS EXECUTED.
THE ORIGINAL LIMITED PARTNERSHIP CERTIFICATE WAS RECORDED ON _____ 19____ WITH THE
RECORDER OF _____ COUNTY. FILE OR RECORDATION NUMBER _____

5. NAMES AND ADDRESSES OF ALL GENERAL PARTNERS: (CONTINUE ON SECOND PAGE, IF NECESSARY)

A. NAME: Sally Hilton ADDRESS: 23475 Long Valley Road CITY: Woodland Hills STATE: CA ZIP CODE: 91367	C. NAME: ADDRESS: CITY: STATE: ZIP CODE:
B. NAME: ADDRESS: CITY: STATE: ZIP CODE:	D. NAME: ADDRESS: CITY: STATE: ZIP CODE:

6. NAME AND ADDRESS OF AGENT FOR SERVICE OF PROCESS:
NAME: Sally Hilton
ADDRESS: 23475 Long Valley Road CITY: Woodland Hills STATE: CA ZIP CODE: 91367

7. ANY OTHER MATTERS TO BE INCLUDED IN THIS CERTIFICATE MAY BE NOTED ON SEPARATE PAGES AND BY REFERENCE HEREIN ARE A PART OF THIS CERTIFICATE.
NUMBER OF PAGES ATTACHED:

8. INDICATE THE NUMBER OF GENERAL PARTNERS SIGNATURES REQUIRED FOR FILING CERTIFICATES OF AMENDMENT, DISSOLUTION, CONTINUATION AND CANCELLATION.
NUMBER OF GENERAL PARTNER(S) SIGNATURE(S) IS/ARE:
(PLEASE INDICATE NUMBER ONLY)

9. IT IS HEREBY DECLARED THAT I AM (WE ARE) THE PERSON(S) WHO EXECUTED THIS CERTIFICATE OF LIMITED PARTNERSHIP WHICH EXECUTION IS MY (OUR) ACT AND DEED. (SEE INSTRUCTIONS)

SIGNATURE <i>Sally Hilton</i> General Partner September 13, 1989	SIGNATURE
POSITION OR TITLE	DATE
POSITION OR TITLE	DATE
SIGNATURE	SIGNATURE
POSITION OR TITLE	DATE
POSITION OR TITLE	DATE

10. RETURN ACKNOWLEDGEMENT TO:

NAME _____
ADDRESS Robert L. Whitmire, Esq.
CITY Kindel & Anderson
STATE 555 South Flower Street, Suite 2900
ZIP CODE Los Angeles, CA 90071

THIS SPACE FOR FILING OFFICER USE

8926300045

FILED
in the office of the Secretary of State
of the State of California

SEP 20 1989
March Fong Eu
MARCH FONG EU
SECRETARY OF STATE

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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 eighteen (18) and not a party to the within action. My business address is 200 East Carrillo Street, Fourth Floor, Santa Barbara, California 93101.


On October 19, 2018, I served the foregoing document described as **WATERMASTER'S REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF ITS OPPOSITION TO LONG VALLEY ROAD, L.P.'S MOTION FOR LEAVE TO INTERVENE IN JUDGMENT; EXHIBITS 1-5** on all interested parties in this action by placing the original and/or true copy.

BY ELECTRONIC SERVICE: I posted the document(s) listed above to the Santa Clara County Superior Court Website @ www.scefilling.org and Glotrans website in the action of the Antelope Valley Groundwater Cases.

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

(*FEDERAL*) I hereby certify that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Executed on October 19, 2018, at Santa Barbara, California.



Signature
Elizabeth Wright