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Chief Executive Officer
Superior Court of CA, County of Santa Clara
Case #1-05-CV-049053 Filing #G-171
By R. Walker, Deputy

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10 Angeles County

11 SUPERIOR COURT OF CALIFORNIA

12 COUNTY OF SANTA CLARA

13
14 Coordination Proceeding
Special Title (Rule 1550(b))

Judicial Council Coordination Proceeding No.
4408

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

Case No.: 1-05-CV-049053

17 Included Actions:

ASSIGNED FOR ALL PURPOSES TO:
Judge: Honorable Jack Komar

18 Los Angeles County Waterworks District No.
40 v. Diamond Farming Co.
19 Superior Court of California, County of Los
Angeles, Case No. BC 325 201

PETITION FOR LEAVE TO INTERVENE;
COMPLAINT IN INTERVENTION

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

General Civil Case
Date: Not set
Time: Not set
Dept.: 17

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

1 COUNTY SANITATION DISTRICTS NOS.
2 14 AND 20 OF LOS ANGELES COUNTY,
public agencies,

3 Petitioners and Intervenors

4 vs.

5 LOS ANGELES COUNTY WATERWORKS
6 DISTRICT NO. 40,

7 Plaintiff and Respondent,

8 And

9 DIAMOND FARMING COMPANY;
10 WM. BOLTHOUSE FARMS, INC.;
11 BOLTHOUSE PROPERTIES, INC.;
12 CALIFORNIA WATER SERVICE
13 COMPANY; CITY OF LANCASTER;
14 CITY OF LOS ANGELES; CITY OF
PALMDALE; LITTLEROCK CREEK
IRRIGATION DISTRICT; PALMDALE
WATER DISTRICT; PALM RANCH
IRRIGATION DISTRICT; QUARTZ HILL
WATER DISTRICT; And DOES 1 through
25,000 inclusive,

15 Defendants and Respondents.

16
17 TO THE COURT:

18 Petitioners, County Sanitation Districts Nos. 14 and 20 of Los Angeles County
19 (“LACSD” or “Districts”), respectfully petition this court for leave to intervene in the action
20 between Los Angeles County Waterworks District No. 40, Plaintiff, and Diamond Farming
21 Company, Wm. Bolthouse Farms, Inc., Bolthouse Properties, Inc., California Water Service
22 Company, City of Lancaster, City of Los Angeles, City of Palmdale, Littlerock Creek Irrigation
23 District, Palmdale Water District, Palm Ranch Irrigation District, Quartz Hill Water District, and
24 Does 1 through 25,000, inclusive, Defendants, Case No. BC 325201. This action seeks a judicial
25 determination of all rights to groundwater within the Antelope Valley Groundwater Basin
26 (“Basin”). This case includes several other actions that have recently been coordinated into this
27 single action in accordance with Judicial Council Coordination Proceeding No. 4408.

28 This case involves a unique set of issues that have not previously been addressed by

1 California courts. The Districts operate wastewater treatment facilities in the Antelope Valley
2 and on behalf of their rate paying customers seek to intervene primarily to protect the Districts'
3 rights to retain control over the disposition of their reclaimed water and to ensure protection of
4 their rights to pump groundwater for use on their overlying property. The Districts currently
5 contribute approximately 21 million gallons per day ("mgd") (23,000 acre-feet per year) to the
6 water supply of the Basin, primarily through sale for direct reuse for irrigation purposes and for
7 habitat maintenance. The Districts intend to pump a portion of the reclaimed water that has
8 reached the Basin as part of a water quality remediation program pursuant to orders from the
9 Regional Water Quality Control Board – Lahontan Region ("RWQCB").

10 The Districts have funded and continue to fund costly capital improvements and
11 treatment processes beyond those required by the regulations in order to increase capacity and
12 make higher quality recycled water available to users in the arid Antelope Valley. The Districts
13 expect to charge reasonable rates for the sale of this reclaimed water. The Districts have also
14 funded initial groundwater extraction and treatment efforts, under orders from the RWQCB, to
15 remediate problems from past reclaimed water management activities.

16 The Districts are entitled to mandatory and permissive intervention. Under the
17 requirements of mandatory intervention, a proposed intervenor must show that it has an interest
18 in the subject matter of the litigation, that it is so situated that the litigation may as a practical
19 matter impede or impair its ability to protect that interest, and that its interest is not adequately
20 represented by existing parties. Cal. Code Civ. Proc. § 387(b); *Coalition for Fair Rent v.*
21 *Abdelnour* (1980) 107 Cal. App. 3d 97, 114. The Districts request intervention because the
22 complaint in the adjudication action "seeks a judicial determination of all rights to groundwater"
23 within the Basin, and the Districts contribute quantities of water to the groundwater supply in the
24 Basin as well as maintain rights to groundwater based on ownership of land overlying the Basin.
25 Other legal and equitable remedies are inadequate to protect the Districts' interests. The
26 Districts therefore have a direct interest in the subject matter of the adjudication. Other legal and
27 equitable remedies are inadequate to protect the Districts' interests in land and the groundwater
28 supply in the Basin. The Districts' interests are not sufficiently represented by the existing

1 parties. For permissive intervention, three factors are paramount: the intervenor must have a
2 direct interest in the lawsuit; the intervenor must not enlarge the issues raised by the original
3 parties; and, the intervenor must not tread on the rights of the original parties to conduct their
4 own lawsuit. Cal. Code Civ. Proc. § 387(a); *People ex rel. Rominger v. County of Trinity* (1983)
5 147 Cal.App.3d 655, 660-661. The Districts' interests in land and the groundwater supply in the
6 Basin are direct interests in the adjudication. The Districts' intervention will not enlarge the
7 issues raised by the original parties because the issues of groundwater pumping and control of all
8 water in the Basin are already in controversy. Joinder by the Districts will not tread on the rights
9 of the original parties to conduct their own lawsuit but will instead allow the court to adjudicate
10 the rights of all parties in the Basin. The Judicial Council ordered coordination of the existing
11 lawsuits in response to arguments that all rights to Basin groundwater should be resolved in a
12 single action. Finally, intervention is timely since discovery and briefing schedules have not
13 been set, no answers have been filed, and the original complaints for adjudication anticipated
14 adding necessary additional parties such as the Districts at a later date. Respectfully, the
15 Districts request permission to intervene in this action.

16 **I. THE PARTIES**

17 1. The County Sanitation Districts of Los Angeles County are independent special
18 districts that serve, among other things, the wastewater treatment and reclamation needs of Los
19 Angeles County. The Districts were formed under the authority provided by the County
20 Sanitation District Act of 1923, Cal. Health & Safety Code §§4700-4857. One of those Districts,
21 County Sanitation District No. 14 of Los Angeles County, formed on August 31, 1938, is and at
22 all times mentioned was a local agency formed under the laws of the State of California.
23 Petitioner, County Sanitation District No. 20 of Los Angeles County, formed August 7, 1951, is
24 and at all times mentioned was a local agency formed under the laws of the State of California.
25 County Sanitation District No. 14 of Los Angeles County and County Sanitation District No. 20
26 of Los Angeles County are hereafter collectively referred to as "Petitioners" or "Districts."
27 Under Health and Safety Code § 4738, Districts have the power to bring this action in the name
28 of Districts.

1 2. Districts are informed and believe that the Plaintiff, Los Angeles County
2 Waterworks District No. 40, is a public agency governed by the Los Angeles County Board of
3 Supervisors and lawfully organized to provide water to the public in a large portion of the
4 Antelope Valley.

5 3. Districts are informed and believe that Diamond Farming Company is a
6 California corporation doing business in Los Angeles County.

7 4. Districts are informed and believe that Wm. Bolthouse Farms, Inc. is a Michigan
8 corporation doing business in Los Angeles County.

9 5. Districts are informed and believe that Bolthouse Properties, Inc. is a California
10 Corporation doing business in Los Angeles County.

11 6. Districts are informed and believe that California Water Service Company is a
12 California corporation that provides water to customers within Los Angeles County.

13 7. Districts are informed and believe that the City of Lancaster is a municipal
14 corporation situated within Los Angeles County.

15 8. Districts are informed and believe that the City of Los Angeles is a municipal
16 corporation situated within Los Angeles County.

17 9. Districts are informed and believe that the City of Palmdale is a municipal
18 corporation situated within Los Angeles County.

19 10. Districts are informed and believe that Littlerock Creek Irrigation District is a
20 public agency that provides water to consumers within Los Angeles County.

21 11. Districts are informed and believe that the Palmdale Water District is a public
22 agency that provides water to consumers within Los Angeles County.

23 12. Districts are informed and believe that the Palm Ranch Irrigation District is a
24 public agency that provides water to consumers within Los Angeles County.

25 13. Districts are informed and believe that the Quartz Hill Water District is a public
26 agency that provides water to consumers within Los Angeles County.

27 14. Districts do not know the true names and capacities of Defendants Doe 1 through
28 Doe 25,000, inclusive, and therefore sues said Defendants under fictitious names. Petitioner will

1 amend this Petition to show the true names and capacities of the Doe Defendants when such
2 names and capacities have been ascertained.

3 **II. FACTUAL BACKGROUND**

4 **A. Physical Setting**

5 15. The Antelope Valley is located in Los Angeles and Kern Counties. The Antelope
6 Valley is roughly triangular in shape and encompasses approximately 1,600 square miles in area.
7 The Tehachapi Mountains, which rise to an altitude of approximately 8,000 feet above mean sea
8 level, form the northwestern boundary of the valley. The San Gabriel Mountains, which rise to
9 an altitude of more than 9,000 feet, form the southwestern boundary of the valley.

10 16. The Antelope Valley is a closed topographic basin with no outlet. Underlying the
11 Antelope Valley is the Antelope Valley Groundwater Basin (“Basin”), with geographic
12 boundaries similar to the overlying valley.

13 17. All water that enters Antelope Valley either infiltrates into the Basin, evaporates,
14 or flows toward three playa lakes: Rosamond Dry Lake, Rogers Dry Lake, and Buckhorn Dry
15 Lake. In general, groundwater flows in the direction of the playa lakes.

16 18. There is dispute as to the quantity of water available for use from groundwater,
17 reclaimed water, and surface water sources in the Antelope Valley.

18 **B. Operations of the Districts**

19 19. District No. 14 owns and operates the Lancaster Water Reclamation Plant
20 (“Lancaster WRP”) and also owns other certain property located in Los Angeles County and
21 within the Antelope Valley, and further described on the attached Exhibit A, incorporated herein
22 by this reference.

23 20. In 2004, the Lancaster WRP collected and treated an average flow of 13.3 million
24 gallons per day (“mgd”) and made available for reuse an average of 12.3 mgd of industrial,
25 commercial and municipal wastewater from a population of approximately 120,000. The
26 Lancaster WRP provides primary and secondary wastewater treatment; a small portion of the
27 reclaimed water also receives tertiary treatment and disinfection. The Lancaster WRP is located
28 just north of the City of Lancaster in Los Angeles County.

1 21. The Lancaster WRP produces reclaimed water that is either retained in storage
2 reservoirs, conveyed to agricultural areas for irrigation use, or delivered to the Piute Ponds or the
3 adjacent impoundment areas. Tertiary treated reclaimed water, approximately 0.2 mgd, is
4 conveyed to Apollo Lakes Regional County Park.

5 22. District No. 14 is obligated to maintain Piute Ponds under a three-party Letter of
6 Agreement with the California Department of Fish and Game and Edwards Air Force Base. This
7 Letter of Agreement, dated May 6, 1981, requires District No. 14 to discharge effluent from the
8 Lancaster WRP to Piute Ponds at a rate sufficient to maintain a minimum of 200 wetted acres of
9 habitat. Neither the ponds nor their extensive marsh-type habitat would exist if it were not for the
10 discharge of reclaimed water from the Lancaster WRP.

11 23. The Regional Water Quality Control Board (“RWQCB”) issued Waste Discharge
12 Requirements (“WDRs”) for the Lancaster WRP on September 11, 2002 (RWQCB Order No.
13 R6V-2002-053). The WDRs contain both water reclamation requirements and waste discharge
14 requirements. The WDRs allow the Lancaster WRP to treat up to 16 mgd.

15 24. In May 2004, District No. 14 released its Final Lancaster Water Reclamation
16 Plant 2020 Facilities Plan after public review and comment. The 2020 Plan addresses
17 accommodating increasing wastewater flows and fluctuating seasonal demands by increasing
18 wastewater treatment and storage capacity, purchasing additional agricultural land for reclaimed
19 water reuse, and increasing demand for reclaimed water treated to tertiary standards.

20 25. District No. 14 intends to begin extracting groundwater from the Basin for
21 irrigation purposes on its agricultural properties at times when the quantity of reclaimed water
22 from the WRP is not sufficient to meet irrigation demands.

23 26. District No. 20 owns and operates the Palmdale Water Reclamation Plant
24 (“Palmdale WRP”), and also owns other certain property located in Los Angeles County and
25 within the Antelope Valley, and further described on the attached Exhibit B, incorporated herein
26 by this reference.

27 27. In 2004, the Palmdale WRP collected and treated an average flow of 9.4 mgd and
28 made available for reuse 8.3 mgd of industrial, commercial and municipal wastewater from a

1 population of approximately 100,000. All Palmdale WRP reclaimed water is provided primary
2 and secondary treatment, followed by chlorination for disinfection. The Palmdale WRP is
3 located at two sites in an unincorporated area of the County of Los Angeles adjacent to the City
4 of Palmdale.

5 28. The Palmdale WRP currently produces reclaimed water that is used for irrigation
6 of crops or recharges the groundwater Basin.

7 29. The City of Los Angeles World Airports (“LAWA”) is the landowner of the
8 effluent management site (“EMS”) where the majority of the District No. 20’s reclaimed water is
9 applied to land.

10 30. The Regional Water Quality Control Board (“RWQCB”) issued Waste Discharge
11 Requirements (“WDRs”) for the Palmdale WRP on June 14, 2000 (RWQCB Order No. 6-00-
12 57). The waste discharge requirements contain both water reclamation requirements for various
13 reuse projects and waste discharge requirements for the land application at the EMS. The WDRs
14 allow the Palmdale WRP to treat up to 15 mgd.

15 31. Order No. 6-00-57 required the District to submit a corrective action plan, an
16 effluent disposal plan, and a farm management plan to investigate and mitigate nitrate levels in
17 the groundwater underlying the EMS. The District has submitted and is currently implementing
18 these plans.

19 32. On November 12, 2003, the RWQCB issued Cleanup and Abatement Order No.
20 R6V-2003-056 to further address levels of nitrate in groundwater. Order No. R6V-2003-056
21 requires the Districts to perform cleanup activities (via plume delineation, plume containment
22 and plume remediation), and to propose and implement abatement actions to ultimately reduce
23 the amount of nitrogen that may reach groundwater.

24 33. In October 2004, the RWQCB issued Cease and Desist Order No. R6V-2004-039
25 which requires, among other things, that the District eliminate land application of reclaimed
26 water by October 15, 2008.

27 34. In April 2005, District No. 20 released the draft Palmdale Water Reclamation
28 Plant 2025 Facilities Plan and Environmental Impact Report. The 2025 Plan addresses the three

1 primary needs of providing wastewater management for an increasing population, increasing
2 regulatory requirements, and increasing demand for recycled water. The District addressed the
3 projected population increase by proposing to increase the treatment and effluent management
4 capacity, and addressed the increasing regulatory requirements and reclaimed water demand by
5 increasing the level of treatment and purchasing additional lands for storage reservoir and
6 reclaimed water reuse. The recommended alternative proposed in the plan is to provide tertiary
7 treatment for 22.4 mgd.

8 35. District No. 20 intends to begin extracting groundwater from the Basin for
9 irrigation purposes on its agricultural properties at times when the quantity of reclaimed water
10 from the Palmdale WRP is not sufficient to meet irrigation demands.

11 36. California Water Code section 1210 provides that the owner of a wastewater
12 treatment plant holds the exclusive right to the reclaimed water as against anyone who has
13 supplied the water discharged into the wastewater collection system, absent another agreement.
14 The Districts own and operate the Lancaster WRP and the Palmdale WRP, the largest
15 wastewater treatment plants in the Basin, for the exclusive purpose of treating wastewater. The
16 Districts have made no agreements allowing any supplier of wastewater to their WRPs to retain
17 the rights to this water.

18 37. The Districts have contracts to deliver more than 12 mgd (13,000 af) per year of
19 reclaimed water from both Antelope Valley WRPs to users within the Basin.

20 **III. ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

21 **A. Jurisdiction and Venue**

22 38. Jurisdiction and venue are proper in this Court because the Judicial Council
23 ordered this action to be heard in Santa Clara County in Judicial Council Coordination
24 Proceeding No. 4408.

25 **B. Standing**

26 39. County Sanitation Districts of Los Angeles County are a confederation of
27 independent special districts formed under the authority provided by the County Sanitation
28 District Act of 1923, Cal. Health & Safety Code §§4700-4857. This action involves protection

1 and control of the Districts' rights to the wastewater treated at their facilities and groundwater
2 pumped from beneath their lands. Under Health and Safety Code § 4738, the Districts have the
3 power to bring this action in the name of Districts.

4 **C. Timeliness of Action and Inadequacy of Other Remedies**

5 40. Intervention is timely because this case has recently been coordinated with other
6 existing cases, no discovery or briefing has been scheduled, and no answers have been filed.

7 41. Plaintiff brought this action to adjudicate rights to all water in the Basin and there
8 are no legal or equitable remedies adequate to protect the Districts' interests without
9 participation in this action.

10 **IV. FIRST CAUSE OF ACTION**

11 **(For Declaratory Relief – Statutory Rights to Reclaimed Water – Against All Parties)**

12 42. The Districts allege and incorporate by reference herein allegations in paragraphs
13 1 through 41, inclusive.

14 43. An actual controversy has arisen and now exists between Districts and Plaintiff,
15 and between Districts and Defendants, to the extent any or all of them claim any right to the
16 Districts' treated effluent or demand specific disposition of the effluent, as follows:

- 17 a. Plaintiff imports water into the Basin, and a portion of that water is water that,
18 after use, goes to the Districts' WRPs. Plaintiff claims the exclusive right to
19 recapture water that reaches the Basin after the Districts have treated the water at
20 their WRPs, sold the water for non-potable (primarily irrigation) uses, and a
21 portion of that water has recharged the Basin.
- 22 b. Districts are informed and on that basis allege that Plaintiff and Defendants have
23 taken the position that the Districts' reclaimed water must be fully recharged to
24 the Basin for pumping by Plaintiff and Defendants without compensation to the
25 Districts.

26 44. The Districts contend that, in accordance with California Water Code section
27 1210, the Districts' rights to the reclaimed water are paramount to that of any other entity, until
28 that water is either sold or abandoned.

1 45. The Districts desire a judicial declaration that the Districts' rights to their
2 reclaimed water are paramount to any other entity until that water is either sold or abandoned.

3 **V. SECOND CAUSE OF ACTION**

4 **(For Declaratory Relief – Overlying Groundwater Rights – Against All Parties)**

5 46. The Districts allege and incorporate by reference herein allegations in paragraphs
6 1 through 45, inclusive.

7 47. An actual controversy has arisen and now exists between Districts and Plaintiff,
8 and between Districts and Defendants, as appropriators, as follows:

- 9 a. Districts own properties in Antelope Valley that overlie the Basin.
- 10 b. Districts contend that they hold overlying groundwater rights for all of their
11 properties in the Antelope Valley.
- 12 c. Districts contend that neither Plaintiff nor Defendants hold prescriptive rights to
13 extract or use groundwater from the Basin.
- 14 d. Districts are informed and believe and on that basis allege that Plaintiffs and
15 Defendants, with the exceptions of Diamond Farming Co., Bolthouse Properties,
16 Inc., and Wm. Bolthouse Farms, contend that they, and each of them, have
17 established prescriptive rights to extract and use groundwater from the Basin for
18 non-overlying (appropriative) uses.
- 19 e. Districts are informed and believe and on that basis allege that Defendants
20 Diamond Farming Co., Bolthouse Properties, Inc., and Wm. Bolthouse Farms
21 have claimed only overlying groundwater rights.

22 48. The Districts desire a judicial declaration that the Districts' rights to extract
23 groundwater from the Basin and for reasonable and beneficial use on the Districts' properties are
24 paramount to Plaintiff's and Defendants' claims to extract and use groundwater from the Basin
25 for non-overlying (appropriative) use and are correlative with all other overlying groundwater
26 rights.

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1 **VI. THIRD CAUSE OF ACTION**

2 **(For Declaratory Relief – No Loss of Rights by Prescription – Against All Parties)**

3 49. The Districts allege and incorporate by reference herein allegations in paragraphs
4 1 through 49, inclusive.

5 50. An actual controversy has arisen and now exists between Districts and Plaintiff,
6 and between Districts and Defendants, to the extent any or all of them claim prescriptive rights
7 to pump groundwater from the Basin, as follows:

- 8 a. Districts contend that neither Plaintiff nor Defendants hold prescriptive rights as
9 against Districts to extract or use groundwater from the Basin.
- 10 b. Districts are informed and believe and on that basis allege that Plaintiffs and
11 Defendants, with the exceptions of Diamond Farming Co., Bolthouse Properties,
12 Inc., and Wm. Bolthouse Farms, contend that they, and each of them, have
13 established prescriptive rights to extract and use groundwater from the Basin.

14 51. The Districts desire a judicial declaration that Plaintiff and Defendants have no
15 prescriptive rights as against Districts to extract or use groundwater from the Basin.

16 **VII. FOURTH CAUSE OF ACTION**

17 **(For Declaratory Relief – Storage and Recapture of Water in the Basin – Against All**
18 **Parties)**

19 52. The Districts allege and incorporate by reference herein allegations in paragraphs
20 1 through 51, inclusive.

21 53. An actual controversy has arisen and now exists between Districts and Plaintiff,
22 and between Districts and Defendants, as follows:

- 23 a. Districts contend that their rights to the reclaimed water are paramount to that of
24 any other entity, until that water is either sold or abandoned.
- 25 b. Districts contend that they have a right to store reclaimed water in the Basin.
- 26 c. Districts are informed and believe and on that basis allege that there is available
27 space in the Basin in which to store its treated effluent.
- 28 d. Districts' reclaimed water has reached the Basin through various means including

1 percolation of return flows, and may seek to store reclaimed water in the future
2 through the use of recharge basins or other facilities.

3 e. Plaintiff imports water into the Basin, and a portion of that water is water that,
4 after use, goes to the Districts' WRPs. Plaintiff claims the sole right to recapture
5 water that reaches the Basin after the Districts have treated the water at their
6 WRPs, sold the water for non-potable (primarily irrigation) uses, and a portion of
7 that water has recharged the Basin.

8 54. The Districts desire a judicial declaration that the Districts have a right to store
9 their reclaimed water in the Basin, a paramount right to credit for their reclaimed water which
10 recharged the Basin, and a paramount right to recapture that water.

11 **VIII. FIFTH CAUSE OF ACTION**

12 **(For Declaratory Relief – Reclaimed Water for Nonpotable Uses – Against All Parties)**

13 55. The Districts allege and incorporate by reference herein allegations in paragraphs
14 1 through 54, inclusive.

15 56. In California Water Code section 13550 *et seq.*, the California Legislature finds
16 and declares that the use of potable domestic water for nonpotable uses, including industrial and
17 irrigation uses, is a waste or an unreasonable use of water if reclaimed water of adequate quality
18 and at a reasonable price is available, and meets all statutory conditions as determined by the
19 State Water Resources Control Board.

20 57. The Districts contend that they are now and will in the future make substantial
21 quantities of reclaimed water of adequate quality and reasonable price available for nonpotable
22 uses in the Antelope Valley.

23 58. The Districts are informed and believe and on that basis allege that the availability
24 and use of reclaimed water directly and significantly affects the Basin and must be fully taken
25 into account in the adjudication of all rights to water in the Antelope Valley Groundwater Basin.

26 59. The Districts desire a judicial declaration that the use of reclaimed water must be
27 an integral element in any physical solution.

28 ///

PRAYER FOR RELIEF

WHEREFORE, Districts pray for Judgment as follows:

1. For an order granting the Districts’ petition to intervene;
2. For a declaration that the Districts’ rights to the reclaimed water are paramount to any other entity, until that water is either sold or abandoned;
3. For a declaration that the Districts’ rights to extract groundwater from the Basin and put to reasonable and beneficial use on the Districts’ properties are paramount to Plaintiff’s and Defendants’ claims to extract and use groundwater from the Basin for non-overlying use and that Districts’ rights are correlative with all other overlying groundwater rights;
4. For a declaration that neither Plaintiff nor Defendants have prescriptive rights as against Districts to extract or use groundwater from the Basin;
5. For a declaration that the Districts have a right to store their reclaimed water in the Basin, a paramount right to credit for their reclaimed water which recharged the Basin, and a paramount right to recapture that water;
6. For a declaration that the use of reclaimed water must be an integral element in any physical solution.
7. For an injunction restraining Plaintiff, Defendants, and their agents, servants and employees, and all persons acting under, in concert with, or for them, or anyone acting through them or on their behalf, from acting in any manner which interferes with the rights of the Districts to control the disposition of reclaimed water or to take water from the Basin to meet their present and future needs or to meet regulatory requirements.
8. For this Court to maintain continuing jurisdiction over this controversy to carry out and enforce the terms of the judgment;

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9. For costs of suit; and

10. For such other relief as the Court deems just and proper.

Dated: September 26, 2005

ELLISON, SCHNEIDER & HARRIS L.L.P.

By: _____
CHRISTOPHER M. SANDERS
Attorneys for Petitioner
2015 H Street
Sacramento, California 95814
Telephone: (916) 447-2166

1 VERIFICATION

2
3 I am a registered civil engineer employed by the County Sanitation Districts of Los
4 Angeles County, petitioners in this action. I am the head of the Monitoring Section and am
5 authorized to make this verification for and on behalf of the petitioners. I am executing this
6 verification on the grounds that the facts contained therein are within my knowledge.

7 I have read the foregoing Petition for Leave to Intervene and Complaint for Intervention
8 and am familiar with its contents, and the matters contained within it are true of my own
9 knowledge and belief, except as to those matters stated on information and belief, and as to those
10 matters I believe them to be true.

11 I declare under penalty of perjury under the laws of the State of California that the
12 foregoing is true and correct and that this verification was executed on September 26, 2005,
13 Whittier, California.

14
15 _____
16 RAYMOND TREMBLAY
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