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**EXEMPT FROM FILING FEES
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SECTION 6103**

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15 SUPERIOR COURT OF THE STATE OF CALIFORNIA
16 COUNTY OF LOS ANGELES – CENTRAL DISTRICT

18 **ANTELOPE VALLEY
GROUNDWATER CASES**

19 **Included Actions:**

20 Los Angeles County Waterworks District
No. 40 v. Diamond Farming Co., Superior
21 Court of California, County of Los
Angeles, Case No. BC 325201;

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

25 Wm. Bolthouse Farms, Inc. v. City of
Lancaster, Diamond Farming Co. v. City of
26 Lancaster, Diamond Farming Co. v.
Palmdale Water Dist., Superior Court of
27 California, County of Riverside, Case Nos.
RIC 353 840, RIC 344 436, RIC 344 668
28

Judicial Council Coordination No. 4408

CLASS ACTION

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

**STATEMENT AND NON-BINDING
CONTENTIONS OF FACT RE PHASE 2
TRIAL**

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1 California Water Service Company, City of Lancaster, Littlerock Creek Irrigation District,
2 Los Angeles County Waterworks District No. 40, City of Palmdale, Palm Ranch Irrigation
3 District, Palmdale Water District, Quartz Hill Water District, Rosamond Community Services
4 District (collectively, "Public Water Suppliers") submit the following Statement of Contention of
5 Fact for the Phase 2 Trial:
6

7 1. The Adjudication Area commonly known as the "Antelope Valley Groundwater
8 Basin" encompasses approximately 1,000 square miles of desert land. One of the driest areas in
9 California, the Basin's residents, businesses other users of water depend upon a long-term safe
10 and reliable supply of groundwater.
11

12 2. Basin groundwater recharge comes from two distinct sources: natural recharge
13 and imported water . Natural recharge derives from precipitation and runoff. Imported water
14 depends upon deliveries of imported water from the State Water Project. This imported supply
15 varies from year to year depending upon various factors including Northern California snowfall,
16 drought, and environmental restrictions including the well publicized court decisions restricting
17 the public's use of State Water Project water in order to protect various fish species.
18

19 3. The Basin's natural groundwater recharge is approximately 60,000 acre feet each
20 year. A percentage of the natural recharge pumped from the Basin re-enters the Basin as return
21 flows. Current natural recharge return flows are approximately 22,300 acre feet each year.
22

23 4. A percentage of the imported water deliveries percolates as "return flows" into the
24 Basin. Current imported water recharge is approximately 35,000 acre feet each year.
25 Additionally, a percentage of "recycled water" from public sanitation treatment percolates into
26 the Basin.
27
28

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1 5. The safe yield of the Basin is the maximum quantity of water which can be
2 withdrawn annually under a given set of conditions without causing an undesirable result.
3 Because cultural conditions in the Basin have varied over time the safe yield has changed
4 somewhat but has never been more than approximately 110,000 acre feet a year. The Basin has
5 been in overdraft since at least 1946.

6
7 6. There are no separate hydrologically disconnected (“subbasins”) within the Basin.

8
9 Dated: August 6, 2008

BEST BEST & KRIEGER LLP

10

By 

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DISTRICT and LOS ANGELES
COUNTY WATERWORKS DISTRICT
NO. 40

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PROOF OF SERVICE

I, Kerry V. Keefe, declare:

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is Best Best & Krieger LLP, 5 Park Plaza, Suite 1500, Irvine, California 92614. On August 6, 2008, I served the within document(s):


STATEMENT AND NON-BINDING CONTENTIONS OF FACT RE PHASE 2 TRIAL

- by posting the document(s) listed above to the Santa Clara County Superior Court website in regard to the Antelope Valley Groundwater matter.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Irvine, California addressed as set forth below.
- by causing personal delivery by ASAP Corporate Services of the document(s) listed above to the person(s) at the address(es) set forth below.
- by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- I caused such envelope to be delivered via overnight delivery addressed as indicated on the attached service list. Such envelope was deposited for delivery by Federal Express following the firm's ordinary business practices.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

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

Executed on August 6, 2008, at Irvine, California.



Kerry V. Keefe