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6 DISTRICT and LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40

**EXEMPT FROM FILING FEES
UNDER GOVERNMENT CODE
SECTION 6103**

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13 COUNTY WATERWORKS DISTRICT NO. 40

14
15 SUPERIOR COURT OF THE STATE OF CALIFORNIA
16 COUNTY OF LOS ANGELES – CENTRAL DISTRICT
17

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

Judicial Council Coordination No. 4408

CLASS ACTION

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

**NOTICE OF MOTION AND MOTION
FOR APPOINTMENT OF BILL B. DENDY
AS MANDATORY SETTLEMENT
CONFERENCE REFEREE;
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT THEREOF;
DECLARATION OF JEFFREY V. DUNN**

Hearing:

Date: August 20, 2007
Time/Dept.: 9:00 a.m./Dept. 1

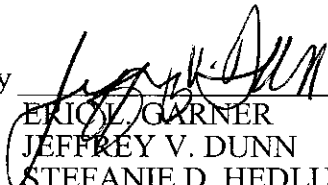
NOTICE OF MOTION

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on August 20, 2007, at 9:00 a.m., or as soon thereafter as the matter may be heard, in Department 1, Room 534 of the above titled Court, located at 111 North Hill Street, Los Angeles, California 90012, Los Angeles County Water Works District No. 40, City of Palmdale, and hereby does, move for an order appointing Bill B. Dendy as mandatory settlement conference referee in these coordinated and consolidated cases under Code of Civil Procedure sections 187 and 639, and Rule 3.920 of the California Rules of Court.

Dated: July 27, 2007

BEST BEST & KRIEGER LLP

By 
ERIC L. GARNER
JEFFREY V. DUNN
STEFANIE D. HEDLUND
Attorneys for Cross-Complainants
ROSAMOND COMMUNITY SERVICES
DISTRICT and LOS ANGELES
COUNTY WATERWORKS DISTRICT
NO. 40

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2
3 **INTRODUCTION**

4 Pursuant to Code of Civil Procedure sections 187 and 639, Rules 3.920 and 3.1380 of the
5 California Rules of Court, and applicable case law, the moving parties hereby respectfully request
6 for an order appointing Mr. Bill B. Dendy to conduct mandatory settlement conferences in these
7 coordinated and consolidated complex cases. In designated complex cases, settlement
8 conferences can be presided over by a settlement judge or by a referee pursuant to Code of Civil
9 Procedure sections 187 and 639. *Lu v. Superior Court (Grand Lincoln Village Homeowner*
10 *Association)* (1997) 55 Cal.App.4th 1264, 1270-1271.

11 The basis for the request is that the active parties have agreed to retain Mr. Dendy to assist
12 them in reaching a negotiated resolution of case issues. Without mandatory settlement
13 conferences, all parties may not participate in voluntary mediation.

14 Mr. Dendy previous experience in groundwater rights disputes. A copy of his resume is
15 attached as Exhibit "A" to the Declaration of Jeffrey V. Dunn accompanying this motion.

16
17 **PROPOSALS**

18 Mr. Dendy already has had preliminary meetings with many of the active parties'
19 principals; and they are in the process of arranging meetings to:

- 20 1. Identify key issues for resolution;
21 2. Obtain input from the parties' technical consultants; and
22 3. Work with the parties to resolve their competing water claims by developing a
23 proposed Physical Solution that would be acceptable to as many parties as possible and as soon as
24 possible. (Dunn Decl. ¶ 4.)

25 The Court shall direct Mr. Dendy to the conduct settlement conferences on the issue or
26 issues determined by the Court to be needed or useful for the resolution of these cases. On his
27 part, Mr. Dendy can submit written reports to the court on the status of the parties' negotiations.
28 The reports can be submitted every thirty (30) days or more often as required by the court or as

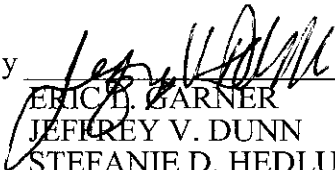
1 deemed necessary by Mr. Dendy.

2
3 **COMPENSATION**

4 For the Court's information, the active parties have received a budget from Mr. Dendy that
5 totals approximately \$100,000. (Dunn Decl. ¶ 5.) If the Court appoints Mr. Dendy to conduct the
6 mandatory settlement conferences, Los Angeles County Water Works District No. 40 will seek
7 the Los Angeles County Board of Supervisors' approval to enter into and administer a written
8 agreement to engage and compensate Mr. Dendy. (Dunn Decl., ¶ 5.) The District will seek
9 contributions for Mr. Dendy's fees from the parties on a voluntary basis. (Dunn Decl. ¶ 5.)
10

11 Dated: July 27, 2007

BEST BEST & KRIEGER LLP

12
13
14 By 
15 ERIC J. GARNER
16 JEFFREY V. DUNN
17 STEFANIE D. HEDLUND
18 Attorneys for Cross-Complainants
19 ROSAMOND COMMUNITY SERVICES
20 DISTRICT and LOS ANGELES
21 COUNTY WATERWORKS DISTRICT
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DECLARATION OF JEFFREY V. DUNN

I, Jeffrey V. Dunn, declare as follows:

1. I have personal knowledge of the facts below, and if called upon to do so, I could testify competently thereto in a court of law.

2. I am an attorney licensed to practice law in the State of California. I am a partner of Best, Best & Krieger LLP, attorneys of record for Rosamond Community Services District and Los Angeles County Water Works District No. 40.

3. Mr. Dendy has previous experience in groundwater rights disputes. A copy of his resume is attached hereto as Exhibit "A".

4. Mr. Dendy already has had preliminary meetings with principals; and they are in the process of arranging meetings to:

- Identify key issues for resolution;
- Obtain input from the parties' technical consultants; and
- Work with the parties to resolve their competing water claims by developing a

proposed Physical Solution that would be acceptable to as many parties as possible and as soon as possible.

5. I am informed and believe and upon that basis allege the active parties have received a budget from Mr. Dendy that totals approximately \$100,000. If the Court appoints Mr. Dendy to conduct the mandatory settlement conferences, Los Angeles County Water Works District No. 40 will seek the Los Angeles County Board of Supervisors' approval to pay Mr. Dendy's fees. The District will seek contributions for Mr. Dendy's fees from the parties on a voluntary basis.

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

Executed this 27th day of July, 2007, in Irvine, California.


JEFFREY V. DUNN

ORANGE\38159.1

BILL B. DENDY

Resume

Education

M.S. Civil Engineering, University of Arizona, 1962
B.S. Civil Engineering, Mississippi State University, 1960

Career Summary

- 1) Bill Dendy & Associates - President. 1977-Present. Consultant on water resources management and water quality and water rights issues. Regulatory, institutional and financial aspects of water resources management. Water quality control. Conjunctive use of surface water and groundwater. Assistance in planning, financing and implementing water supply and wastewater programs. Facilitation of negotiations. Adjudication support. Water transfers.
- 2) California State Water Resources Control Board - Executive Officer. 1972-1977. Chief of staff and confidential employee of Board. Administration of water pollution control and water rights programs statewide. Policy development, Basin Planning, Clean Water Grants, Congressional and legislative liaison, coordination with federal agencies.
- 3) Santa Ana Watershed Project Authority - General Manager. 1969-1972. Developed basin-wide water resources management plan. Water management, salinity control, toxics control.
- 4) California State Water Resources Control Board - Assistant Director, Study Project. 1967-1968. Member of staff for panel of experts who developed legislation which became the new water pollution control act for California (Porter-Cologne Act).
- 5) Early Career - 1962-1967. Staff engineer for Central Valley Regional Water Quality Control Board, California Department of Water Resources and San Francisco Bay-Delta Water Pollution Control Study.

Professional Registration

California Civil Engineer No. C 14679

EXHIBIT "A"

Bill Dendy & Associates

TYPICAL PROFESSIONAL SERVICES

- The **San Bernardino Valley Municipal Water District** retained Bill Dendy & Associates to assist in the perfection and oversight of state grant funding contracts for facilities to be used to implement groundwater management and conjunctive use.
- The **Inland Empire Utilities Agency** retained Bill Dendy & Associates to facilitate the development of interagency agreements for operation and maintenance of groundwater recharge facilities in the Chino Basin in Southern California.
- The **California Department of Water Resources** and the **Metropolitan Water District of Southern California** jointly conducted a study of ways to implement a storage program for State Water Project water in the Chino Groundwater Basin in San Bernardino and Riverside Counties. Bill Dendy & Associates as a subconsultant to CDM, Inc., was responsible for developing institutional arrangements for the program which involved coordination with local agency plans, water rights, financing and program operations.
- The **Mojave Water Agency**, Apple Valley, CA, and several other parties to a lawsuit concerning the adjudication of water rights in the Mojave River Basin jointly retained Bill Dendy & Associates to facilitate settlement negotiations among over 400 parties. The Agency also retained Dendy to assist in the acquisition of supplemental water through transfers from outside the Basin.
- The major water producers in the **Indian Wells Valley** in California retained Bill Dendy & Associates to facilitate and supervise the work of geologists, hydrologists and engineers in the characterization of local groundwater problems.
- The **City of Sacramento, CA** retained Bill Dendy & Associates to make a comprehensive analysis of issues involved in the management of the lower American River and Folsom Reservoir as related to the City's water rights, its U.S. Bureau of Reclamation water rights settlement contract and instream flow needs. The City also retains Dendy to provide consulting services on other water issues.
- The **City of Patterson, CA** retained Bill Dendy & Associates to manage a team of engineers and environmental analysts in the development of a plan for improvement and expansion of City wastewater facilities and to obtain financing for the project.

- The **Citrus Heights Water District** in Sacramento County, CA, retained Bill Dendy & Associates to assist in the analysis of cost-sharing for a multi-agency pipeline project. The District also retains Dendy to provide advice on other water issues.
- While considering the long-term availability of water for appropriation in the Sacramento-San Joaquin Delta watershed the **California State Water Resources Control Board** retained Bill Dendy & Associates to provide an analysis of technical and legal issues.
- The **San Gabriel Basin Water Quality Authority** in Los Angeles County, CA was created to enable public financing of Basin groundwater quality remediation projects and to provide a forum for public participation in the remediation process. Bill Dendy & Associates provided startup management services and was retained to develop proposals for financing remediation projects.
- Bill Dendy & Associates assisted **General Electric** in its efforts to retain access to groundwater recharge facilities for returning treated groundwater to the local aquifer from which it is produced in the Chino Basin area of Southern California.
- The **City of Upland** retained Bill Dendy & Associates to assist City Attorney James L. Markman in the analysis of the City's water rights. The City also retained Dendy to assist in negotiations involving the City's interests in the management of, and adjudication of water rights in, several local groundwater basins.
- Bill Dendy serves as a member of the **Santa Ana River Watermaster Committee** pursuant to an appointment by the Orange County, CA, Superior Court upon nomination by Orange County Water District. The Committee administers the provisions of the Judgment in Orange County Water District vs. City of Chino, et al.
- The **Orange County Water District** in Southern California retained Bill Dendy & Associates to make a comprehensive analysis of current state, federal and local programs for protection of the Orange County groundwater basin against contamination by toxic chemicals and to define programs the District should implement to augment programs by others.
- The **Irvine Company** is continuing the development of the world's largest master-planned community in Orange County, CA. The Company must deal with many water-related issues including water supply, wastewater disposal and management of hazardous wastes. Bill Dendy advised the Company on technical, institutional and economic aspects of these issues and on the development of implementing strategies.

- **Edison Capital**, Irvine, CA, a subsidiary of Edison International, retained Bill Dendy & Associates to provide advice on the potential for investment in privatization of public water supply facilities.
- The **Western Municipal Water District** of Riverside County, CA, retained Bill Dendy & Associates to negotiate amendments to a federal loan contract in order to reduce interest costs for the District. Western also retained Dendy to analyze the District's pricing policy for capacity use rights in District water conveyance facilities and to assist in the development of a groundwater conjunctive use program and a related major water transmission pipeline.
- The **Marina Coast Water District** provides water and wastewater services to the City of Marina and the Fort Ord Redevelopment Agency on Monterey Bay in California. The District is involved with other regional agencies in the development of long term solutions to water supply shortage problems and wastewater treatment needs. Bill Dendy was the District's principal negotiator for resolution of interagency wastewater issues and represented the District at the State Water Resources Control Board and the U.S. Environmental Protection Agency. Dendy also advised the District on issues involved in providing water and wastewater services to Fort Ord as it is converted for civilian use and is lead negotiator for acquisition of additional water supplies through transfers to support the conversion.
- The **Watermaster for the Main San Gabriel Groundwater Basin** in Los Angeles County, CA retained Bill Dendy & Associates to develop recommendations for institutional and financial programs to implement wellhead treatment projects identified in Watermaster's Groundwater Cleanup Plan for the Basin.
- The **City of Stockton, CA** has a statutory right to reclaim from the Delta an amount of water equal to the amount of wastewater it discharges thereto. In considering alternative ways to perfect this water right, the City retained Bill Dendy & Associates to prepare an environmental impact report.
- The **Sacramento County Superior Court** appointed Bill Dendy to mediate disputes over water rights and instream flow requirements on **Lower Putah Creek** in Solano and Yolo Counties, California.
- The **Antelope Valley Water Group** retained Bill Dendy & Associates to facilitate discussions among water supply interests to attempt to reach a consensus on groundwater management needs and solutions.
- The **California Department of Water Resources** and the **State Water Project Contractors** jointly retained Bill Dendy & Associates to facilitate negotiations for proposed amendments to their State Water Project contracts.

- Five major municipal water districts in the Santa Ana River Basin of Southern California formed a joint powers agency, the **Santa Ana Watershed Project Authority**, to plan, design, finance and construct water and wastewater management projects in order to control water quality degradation and maximize water reuse. Bill Dendy & Associates was retained to be an advisor to the Authority on planning and institutional arrangements for projects, to obtain financing, to assist in the management of other consultant contracts and to provide liaison with state and federal agencies. Dendy also advised the Authority in its development of an Integrated Regional Water Management Plan and as to the allocation of grant funding among competing projects in the watershed. The Authority retained Dendy to chair and facilitate negotiations between the Santa Ana Regional Water quality Control Board and agencies who import water for groundwater recharge.
- **Nipomo Community Services District** in San Luis Obispo County, CA, retained Bill Dendy & Associates to assist in the acquisition of a supplemental water supply to help correct overdraft conditions in the coastal aquifer from which the District produces water.
- During litigation regarding the adjudication of water rights in the Seaside Groundwater Basin in Monterey County, CA, the **City of Seaside** retained Bill Dendy to provide expert testimony on the governance of adjudicated groundwater basins.

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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 July 27, 2007, I served the within document(s):

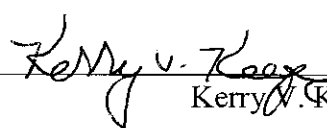
NOTICE OF MOTION AND MOTION FOR APPOINTMENT OF BILL B. DENDY AS MANDATORY SETTLEMENT CONFERENCE REFEREE; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF; DECLARATION OF JEFFREY V. DUNN

- 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 July 27, 2007, at Irvine, California.


Kerry V. Keefe