

LAW OFFICES OF
BEST BEST & KRIEGER LLP
18101 VON KARMAN AVENUE, SUITE 1000
IRVINE, CALIFORNIA 92612

1 BEST BEST & KRIEGER LLP
ERIC L. GARNER, Bar No. 130665
2 JEFFREY V. DUNN, Bar No. 131926
WENDY Y. WANG, Bar No. 228923
3 18101 VON KARMAN AVENUE, SUITE 1000
IRVINE, CALIFORNIA 92612
4 TELEPHONE: (949) 263-2600
TELECOPIER: (949) 260-0972
5 Attorneys for LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40

6 OFFICE OF COUNTY COUNSEL
7 COUNTY OF LOS ANGELES
MARK J. SALADINO, Bar No. 118305
8 COUNTY COUNSEL
WARREN WELLEN, Bar No. 139152
9 PRINCIPAL DEPUTY COUNTY COUNSEL
500 WEST TEMPLE STREET
10 LOS ANGELES, CALIFORNIA 90012
TELEPHONE: (213) 974-8407
11 TELECOPIER: (213) 687-7337
Attorneys for LOS ANGELES COUNTY
12 WATERWORKS DISTRICT NO. 40

13 [See Next Page For Additional Counsel]

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA

15 COUNTY OF LOS ANGELES – CENTRAL DISTRICT

16 ANTELOPE VALLEY GROUNDWATER
17 CASES

18 Included Actions:

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

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

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

26 RICHARD WOOD, on behalf of himself and
27 all other similarly situated v. A.V. Materials,
Inc., et al., Superior Court of California,
28 County of Los Angeles, Case No. BC509546

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

Judicial Council Coordination Proceeding
No. 4408

CLASS ACTION

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

PUBLIC WATER SUPPLIERS'
AMENDED REQUEST FOR JUDICIAL
NOTICE IN SUPPORT OF ITS
OPPOSITION TO BLUM TRUST'S
MOTION FOR SUMMARY
JUDGMENT/ADJUDICATION

1 RICHARDS WATSON & GERSHON
James L. Markman, Bar No. 43536
2 355 S. Grand Avenue, 40th Floor
Los Angeles, CA 90071-3101
3 (213) 626-8484; (213) 626-0078 fax
Attorneys for City of Palmdale

4 MURPHY & EVERTZ LLP
5 Douglas J. Evertz, Bar No. 123066
650 Town Center Drive, Suite 550
6 Costa Mesa, CA 92626
(714) 277-1700; (714) 277-1777 fax
7 Attorneys for City of Lancaster and Rosamond
Community Services District

8 LEMIEUX & O'NEILL
9 Wayne Lemieux, Bar No. 43501
Keith Lemieux, Bar No. 161850
10 4165 E. Thousand Oaks Blvd., Ste. 350
Westlake Village, CA 91362
11 (805) 495-4770; (805) 495-2787 fax
Attorneys for Littlerock Creek Irrigation District,
12 Palm Ranch Irrigation District, Desert Lake Community Services District, North Edwards Water
District, Llano Del Rio Water Company, Llano Mutual Water Company, and Big Rock Mutual
13 Water Company

14 LAGERLOF SENEAL GOSNEY & KRUSE
Thomas Bunn III, Bar No. 89502
15 301 North Lake Avenue, 10th Floor
Pasadena, CA 91101-4108
16 (626) 793-9400; (626) 793-5900 fax
Attorneys for Palmdale Water District

17 CHARLTON WEEKS LLP
18 Bradley T. Weeks, Bar No. 173745
1007 West Avenue M-14, Suite A
19 Palmdale, CA 93551
(661) 265-0969; (661) 265-1650 fax
20 Attorneys for Quartz Hill Water District

21 CALIFORNIA WATER SERVICE COMPANY
John Tootle, Bar No. 181822
22 2632 West 237th Street
Torrance, CA 90505
23 (310) 257-1488; (310) 325-4605-fax

24

25

26

27

28

1 Pursuant to Evidence Code Section 452 and 453, the Public Water Suppliers request that
2 the Court take judicial notice of the facts and documents listed below.¹ Under Section 453, this
3 Request for Judicial Notice is conditionally mandatory and must be granted if sufficient notice is
4 given to an adverse party and if the court is furnished with sufficient information to enable it to
5 take notice of the matter. (*People v. Maxwell* (1978) 78 Cal.App.3d 124, 130-31.) By this
6 request, the moving parties give the Court and adverse parties sufficient notice and information to
7 enable them to take judicial notice of the documents attached hereto and referred by their exhibit
8 number.

9 **Facts and Documents to Be Judicially Noticed**

- 10 1. Statement of Decision for the Phase 3 Trial, dated July 13, 2011 (“Phase 3
11 Decision”) and available at the Court’s website at:
12 [http://www.scefiling.org/filingdocs/194/39250/63777_2011x07x13xSODxStateme](http://www.scefiling.org/filingdocs/194/39250/63777_2011x07x13xSODxStatemen)
13 [ntxofxDecisionxPhasexThreexTrialxxsignedx.pdf](http://www.scefiling.org/filingdocs/194/39250/63777_2011x07x13xSODxStatemen). A true and correct copy of
14 Phase 3 Decision is attached hereto as Exhibit “A”.
- 15 2. Findings of facts and conclusions of law in Phase 3 Decision.
- 16 3. Los Angeles County Waterworks District No. 40’s Statement of Claims, dated
17 September 5, 2013, and available at the Court’s website at:
18 <http://www.scefiling.org/document/document.jsp?documentId=85203>. A true and
19 correct copy of the Statement of Claim is attached hereto as Exhibit “B”.
- 20 4. Los Angeles County Waterworks District No. 40’s Notice of Amended Exhbiit A
21 to Statement of Claims, dated February 17, 2014, and available at the Court’s
22 website at: <http://www.scefiling.org/document/document.jsp?documentId=91580>.
23 A true and correct copy of the Statement of Claim is attached hereto as Exhibit
24 “C”.

25 **ARGUMENTS**

26 The facts and documents listed above all fall into one of the following categories: (1)
27

28 ¹ All sections references are to the Evidence Code unless otherwise indicated.

1 court records; and (2) facts and documents commonly known or not reasonably subject to dispute.
2 As such, these facts and documents are judicially noticeable under Section 452.

3 **THE COURT SHOULD TAKE JUDICIAL NOTICE OF COURT RECORDS**

4 Under section 452, subdivision (d), the Court may take judicial notice of the records of the
5 courts of the State of California. This includes *any orders*, findings of facts and conclusions of
6 law, and judgments within court records. (*Lockley v. Law Office of Cantrell, Green, Pekich,*
7 *Cruz, and McCort* (2001) 91 Cal.App.4th 875, 882; *Day v. Sharp* (1975) 50 Cal.App.3d 904, 914
8 [court cannot take judicial notice of truth of hearsay allegations or pleadings allegations, but may
9 take judicial notice of truth of facts asserted in documents such as orders, findings of fact and
10 conclusions of law, and judgments].)

11 Here, the moving parties are asking the Court to take judicial notice of its findings of fact
12 and conclusions of law in the Phase 3 Decision (¶¶1-2) and the Statement of Claims filed in this
13 matter, pursuant to Section 452, subdivision (d).

14 **THE COURT MAY TAKE JUDICIAL NOTICE OF FACTS AND DOCUMENTS NOT**
15 **REASONABLY SUBJECT TO DISPUTE**

16 Judicial notice may be taken of “facts and propositions that are of such common
17 knowledge within the territorial jurisdiction of the court that they cannot reasonably be the
18 subject of dispute.” (Evidence Code § 452, subd. (g).) Judicial notice may also be taken of “facts
19 and propositions that are not reasonably subject to dispute and are capable of immediate and
20 accurate determination by resort to sources of reasonably undisputed accuracy.” (Evidence Code
21 § 452, subd. (h).) The moving parties request judicial notice the above-listed records and facts
22 because they are not reasonably subject to dispute and are supported by admissible evidence.

23 **CONCLUSION**

24 For the foregoing reasons, the moving parties respectfully requests that the Court take
25 judicial notice of the above listed facts and documents.

26 ///

27 ///

28 ///

1 Dated: December 9, 2014

BEST BEST & KRIEGER LLP

2
3 By Wendy Wang
4 ERIC L. GARNER
5 JEFFREY V. DUNN
6 WENDY Y. WANG
7 Attorneys for
8 LOS ANGELES COUNTY WATERWORKS
9 DISTRICT NO. 40

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
LAW OFFICES OF
BEST BEST & KRIEGER LLP
18101 VON KARMAN AVENUE, SUITE 1000
IRVINE, CALIFORNIA 92612

EXHIBIT “A”

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CONFIRMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court

JUL 18 2011

John A. Clarke, Executive Officer/Clerk

By Raul Sanchez Dept

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

**ANTELOPE VALLEY GROUNDWATER
CASES**

Judicial Council Coordination
Proceeding No. 4408

Included Consolidated Actions:

Lead Case No. BC 325 201

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

**STATEMENT OF DECISION
PHASE THREE TRIAL**

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

Judge: Honorable Jack Komar

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

Rebecca Lee Willis v. Los Angeles County
Waterworks District No. 40
Superior Court of California, County of Los
Angeles, Case No. BC 364 553

Richard A. Wood v. Los Angeles County
Waterworks District No. 40
Superior Court of California, County of Los

*Antelope Valley Groundwater Litigation (Consolidated Cases)
Los Angeles County Superior Court, Lead Case No. BC 325 201*

3 The standard for a statement of decision as set forth in Code of Civil Procedure section
4 632 requires a court to explain “. . . the legal and factual basis for its decision as to each of the
5 principal controverted issues at trial....” Case law is clear that a court must provide the factual
6 and legal basis for the decision on those issues only closely related to the ultimate issues on the
7 case. (See *People v. Casa Blanca Convalescent Homes* (1984) 159 Cal. App. 3d 509, 523-524.)
8 It is also clear that a court need not respond to requests that are in the nature of “interrogatories.”
9 (See *id.* at pp. 525-526.)

10 The only issues at this phase of the trial were simply to determine whether the
11 adjudication area aquifer is in a current state of overdraft and as part of that adjudication to
12 determine the safe yield. This Statement of Decision focuses solely on those issues.

13 Cross-complainants Los Angeles County Waterworks District No. 40, City of Palmdale,
14 Palmdale Water District, Littlerock Creek Irrigation District, Palm Ranch Irrigation District,
15 Quartz Hill Water District, California Water Service Company, Rosamond Community Service
16 District, Phelan Piñon Hills Community Services District, Desert Lake Community Services
17 District, North Edwards Water District (collectively, the “Public Water Producers”)¹ brought an
18 action for, *inter alia*, declaratory relief, alleging that the Antelope Valley adjudication area
19 groundwater aquifer was in a state of overdraft and required judicial intervention to provide for
20 management of the water resources within the aquifer to prevent depletion of the aquifer and
21 damage to the Antelope Valley basin.

22 Several of the cross-defendant parties (collectively, the “Land Owner Group”) also
23 sought declaratory relief in their various independent (now coordinated and consolidated)
24 actions.

25
26
27 ¹ The United States and the City of Los Angeles, though not water suppliers in the Antelope Valley adjudication
28 area, joined with the Public Water Producers. Rosamond Community Services District joined with the Land Owner
Group.

1 The first issues to be decided in the declaratory relief cause of action are the issues of
2 overdraft and safe yield. The remaining causes of action and issues are to be tried in a
3 subsequent phase or phases.

4 This Phase Three trial commenced on January 4, 2011 and continued thereafter on
5 various days based upon the needs of the various parties and the Court's availability.
6 Appearances of counsel are noted in the minutes of the Court.

7 At the conclusion of the evidence, the Court offered counsel the opportunity to provide
8 written final arguments and the invitation was declined by all counsel. On April 13, 2011, the
9 Court heard oral argument and the matter was ordered submitted.

10 The Public Water Producers (and others) have alleged that the basin is in a condition of
11 overdraft and have requested that the Court determine a safe yield and consider imposition of a
12 physical solution or other remedy to prevent further depletion of the water resource and
13 degradation of the condition of the aquifer.

14 Several parties in opposition to the request of the Public Water Producers have
15 contended that while there may have been overdraft in the past, currently the aquifer has
16 recovered and is not in overdraft. These same parties contend that it is not possible to establish
17 a single value for safe yield; instead they have requested that the Court determine a range of
18 values for safe yield.

19 The Court concludes that the Public Water Producers have the burden of proof and that
20 the burden must be satisfied for this phase and purpose by a preponderance of the evidence.
21 This burden of proof may or may not be appropriate to other phases of this trial. And since the
22 findings here have no application to other phases, such as prescription or rights of appropriators,
23 and the parties have not briefed those or other issues, the Court makes no conclusions as to what
24 standard of proof might be applicable to such other issues or phases of trial.

25 The law defines overdraft as extractions in excess of the "safe yield" of water from an
26 aquifer, which over time will lead to a depletion of the water supply within a groundwater basin
27 as well as other detrimental effects, if the imbalance between pumping and extraction
28 continues. (*City of Los Angeles v. City of San Fernando* (1975) 14 Cal. 3d 199; *City of*

1 *Pasadena v. City of Alhambra* (1949) 33 Cal. 2d 908, 929; *Orange County Water District v.*
2 *City of Riverside* (1959) 173 Cal. App. 2d 137.) "Safe yield" is the amount of annual
3 extractions of water from the aquifer over time equal to the amount of water needed to recharge
4 the groundwater aquifer and maintain it in equilibrium, plus any temporary surplus. Temporary
5 surplus is defined as that amount of water that may be pumped from an aquifer to make room to
6 store future water that would otherwise be wasted and unavailable for use.

7
8 Determination of safe yield and overdraft requires the expert opinions of hydrologists and
9 geologists.² Experts in the field of hydrogeology routinely base their opinions and conclusions
10 concerning groundwater basin overdraft on evidence of long-term lowering of groundwater
11 levels, loss of groundwater storage, declining water quality, seawater intrusion (not an issue in
12 this case), land subsidence, and the like. Experts also conduct a sophisticated analysis of
13 precipitation and its runoff, stream flow, and infiltration into the aquifer, including such things as
14 evapotranspiration, water from other sources introduced into the aquifer (artificial recharge), as
15 well as the nature and quantity of extractions from the aquifer and return flows therefrom.

16 Generally, neither overdraft nor safe yield can be determined by looking at a
17 groundwater basin in a single year but must be determined by evaluating the basin conditions
18 over a sufficient period of time to determine whether pumping rates have or will lead to
19 eventual permanent lowering of the water level in the aquifer and ultimately depletion of the
20 water supply or other harm. Recharge must equal discharge over the long term. (*City of Los*
21 *Angeles v. City of San Fernando, supra*, 14 Cal. 3rd at pp. 278-279.) But having heard
22 evidence about the aquifer as a whole, the Court is not making historical findings that would be
23 applicable to specific areas of the aquifer or that could be used in a specific way to determine
24 water rights in particular areas of the aquifer.

25
26
27
28 ² All the experts offer estimates. The American Heritage College Dictionary, Third Edition, defines an "estimate"
as, *inter alia*, "[a] rough calculation, as of size" or "[a] judgment based on one's impressions; an opinion."

1 The location of the Antelope Valley adjudication area boundaries was the subject of the
2 Phase One and Two trials in this matter. The Court defined the boundaries of the valley aquifer
3 based upon evidence of hydro-connection within the aquifer. If there was no hydro-connectivity
4 with the aquifer, an area was excluded from the adjudication. The degree of hydro-connectivity
5 within the Antelope Valley adjudication area varies from area to area. Some areas seemingly
6 have fairly small or nominal hydro-connectivity but must be included in this phase of the
7 adjudication unless the connection is *de minimis*.³ Pumping in those parts of the aquifer may be
8 shown to have *de minimis* effect on other parts of the aquifer while pumping in other areas
9 within the basin appear to have material impacts on adjacent parts of the basin. All areas were
10 included within the adjudication area because they all have some level of hydro-connection,
11 some more and some less. How to deal with those differences is ultimately a basin management
12 decision that is well beyond the scope of this phase of trial.
13

14 Overdraft

15
16
17 The preponderance of the evidence presented establishes that the adjudication area
18 aquifer is in a state of overdraft. Reliable estimates of the long-term extractions from the basin
19 have exceeded reliable estimates of the basin's recharge by significant margins, and empirical
20 evidence of overdraft in the basin corroborates that conclusion. Portions of the aquifer have
21 sustained a significant loss of groundwater storage since 1951. While pumping in recent years
22 has reduced and moderated, the margin between pumping and recharge as cultural conditions
23 have changed and precipitation has increased (with the appearance of wetter parts of the
24 historical cycle), pumping in some areas of the aquifer is continuing to cause harm to the basin.
25 The evidence is persuasive that current extractions exceed recharge and therefore that the basin is
26

27
28 ³ The court may exclude truly *de minimis* connectivity areas based upon evidence in later phases of the trial if
shown to have virtually no impact on the aquifer.

1 in a state of overdraft. Since 1951⁴ there is evidence of periods of substantial pumping
2 (principally agricultural in the early years of the period) coinciding with periods of drought, with
3 almost continuous lowering of water levels and severe subsidence in some areas extending to the
4 present time, with intervals of slight rises in water levels in some areas.

5 Areas of increased pumping, with concomitant lowering of water levels, can have a
6 serious effect on water rights in other areas, caused by cones of depression, which alter natural
7 water flow gradients, causing the lowering of water levels in adjacent areas, with resulting
8 subsidence and loss of aquifer storage capacity. Given population growth, and agricultural and
9 industrial changes, the valley is at risk of being in an even more serious continuing overdraft in
10 the future unless pumping is controlled.

11 While the lowering of current water levels has slowed, and some levels in wells in some
12 areas have risen in recent years, significant areas within the aquifer continue to show declining
13 levels, some slightly so, but many with material lowering of water levels.

14 Thus, the Antelope Valley adjudication area is in a state of overdraft based on estimates
15 of extraction and recharge, corroborated by physical evidence of conditions in the basin, and
16 while the annual amount of overdraft has lessened in recent years with increased precipitation
17 and recharge, the effects of overdraft remain and are in danger of being exacerbated with
18 increased pumping and the prospective cyclical precipitation fluctuations shown by the historical
19 record. The physical evidence establishes that there was significant subsidence occurring in
20 parts of the adjudication area ranging from two to six feet or more in certain areas of the valley
21 caused by such pumping and that measurable water levels fell in a substantial part of the valley.
22 While some of the ongoing subsidence may be attributable to residual subsidence (from earlier
23 periods of shortfall) that would not seem to be an explanation for the extent of continued
24 subsidence. The evidence establishes that ground water extractions in excess of recharge are a
25 cause as well.
26

27
28 ⁴ Precipitation and well records prior to that year are too sketchy to be relied upon.

1 **Safe Yield**

2

3 A calculation of safe yield is necessary to manage the basin or create a physical solution

4 to a potential or actual continuing overdraft. A determination of safe yield requires an initial

5 determination of average annual natural or native recharge to the aquifer from all sources. The

6 only source of natural or native recharge for the Antelope Valley is precipitation that recharges

7 the aquifer and it is therefore necessary to ascertain average annual precipitation. The

8 calculation of annual average precipitation can only be determined by using a baseline study

9 period that covers precipitation in periods of drought and periods of abundant precipitation over

10 a sufficient period of time that a reliable estimate of average future recharge based on

11 precipitation can be made.

12

13 It has been suggested that safe yield could be based on using shorter base periods or more

14 than one base period, (the total time span of which was considerably less than the 50 year period

15 the Court believes is more credible). If the purpose of selecting a base period is to determine

16 average recharge over time based on precipitation, choosing two consecutive periods of time

17 with two different average numbers would not serve that purpose and would preclude estimating

18 a single safe yield. Likewise, selecting a base period that does not have completely representative

19 precipitation cycles over time would not provide an accurate evaluation of conditions in the

20 valley. A base period that calculates average precipitation over a representative period of time

21 permits reliable predictions about future natural recharge based on regular recurring precipitation

22 cycles. A period of precipitation fluctuations from 1951 to 2005 satisfies that standard. Shorter

23 periods do not.

24 The Court finds that current extraction of water from the aquifer by all pumping ranges

25 from 130,000 to 150,000 acre feet a year, but in any event, is in excess of average annual

26 recharge. The major area of dispute between the parties is the average amount of natural

27 recharge, which also involves disputes concerning return flows, the amount of native vegetation

28 water needs, evapotranspiration, stream flow, runoff, groundwater infiltration, specific yield, lag

1 time, bedrock infiltration, agricultural crop needs, and the like. Other sources of recharge to the
2 basin, including artificial recharge-water pumped into the aquifer from external sources are not
3 in dispute.

4 Evidence established that during the entire historical period presented, populations
5 increased within the valley and water use changed in a variety of ways. There has been a shift in
6 some areas to urban uses and away from agriculture although in recent years agricultural
7 pumping has also increased. The nature of agricultural duties has changed as well. The type of
8 irrigation used by farmers has become more efficient and less water is needed per acre
9 (depending on the crops grown) with more efficient uses of water. But there has also been an
10 increase as well as a change in the nature of the type of agriculture in the valley in material
11 quantities in recent years. More of such changes may occur and it is important to both current
12 and future generations to ensure that the water resources within the basin are managed prudently.

14 The Court heard from a very large number of experts, some of whom have provided
15 opinion testimony of what constitutes safe yield. All the experts testifying acknowledged that
16 changes in the selection of a base study period, lag time, agricultural water duties,
17 evapotranspiration, specific yield, runoff quantities, well level contours, bedrock infiltration,
18 return flows, playa evaporation relating to run off and bedrock infiltration, chloride
19 measurements, satellite imaging, and agricultural and municipal pumping estimates, among
20 others, would affect the ultimate opinion of natural recharge and return flows.

21 The opinions of all the experts are estimates, based upon their professional opinion. All
22 of the opinions were critiqued by other experts who often had different opinions. The Court
23 recognizes the imprecision of the various estimates and the fact that an estimate by definition is
24 imprecise. But the fact that estimates lack precision does not mean that the Court cannot rely
25 upon such estimates. The scientific community relies upon such estimates in the field of
26 hydrogeology and the Court must do the same.

27 Reasonable experts can differ as to reasonable estimates of natural recharge and
28 virtually all other components of water budgets, computations of change of storage, and the

1 like, all the while using the same formulae and scientific principles to reach their conclusion.
2 For example, all the experts could agree on the definition of "Darcy's Law" and the physics
3 principle of "conservation of mass" but still reach different conclusions.

4 Some of the experts opined that the basin was not in overdraft and that recharge was in
5 excess of or in balance with extractions so that there was a surplus in the aquifer. One expert
6 opined that loss of storage was merely space for temporary storage. Observable conditions in the
7 valley are inconsistent with those conclusions. If there were a surplus, even in the shortened
8 base periods used by the some experts, there should not be subsidence of land, nor the need to
9 drill for water at deeper and deeper levels in those parts of the aquifer most affected by the
10 overdraft. The physical condition of the valley is inconsistent with those estimates that there is
11 and has been a surplus of water in the aquifer.

12
13 The selection of a safe yield number for an aquifer the size of the Antelope Valley is
14 made difficult because of not only its size but because of the complexity of its geology. As
15 reflected above, hydro-connectivity and conductivity varies considerably between various parts
16 of the aquifer. The hydro-connectivity between some portions of the adjudication area aquifer
17 and others is so slight as to be almost (apparently) nonexistent. Pumping in those areas may
18 have little or no effect on other areas of the aquifer. The Antelope Valley basin is not like a
19 bathtub where lowering and raising of water levels is equal in all parts of the "tub."

20 Therefore, assigning a safe yield number (what quantity of pumping from the basin will
21 maintain equilibrium in the aquifer) may require different numbers for different parts of the
22 aquifer (and clearly may also provide for some level of separate management). No attempt has
23 been made in this phase of trial to define geological differences in the valley that would justify
24 different safe yield numbers for different parts of the valley in light of the decision in Phase Two
25 regarding connectivity (the Phase Two trial focused on hydro-connectivity for purposes of
26 determining necessary parties to the action).

27 Weighing the various opinions of the experts, however, the Court finds by a
28 preponderance of the evidence that conservatively setting a safe yield at 110,000 acre feet a

1 year will permit management of the valley in such a way as to preserve the rights of all parties
2 in accordance with the Constitution and laws of the State of California. Some portions of the
3 aquifer receive more recharge than others and pumping requirements vary. These differences
4 require management decisions that respect the differences in both the geology and the cultural
5 needs of the diverse parts of the valley.

6 It should not be assumed that the safe yield management number may not change as
7 climate circumstances and pumping may change, or as the empirical evidence based on
8 experience in managing the basin suggests it is either too high or too low.

11 Dated: JUL 13 2011


12 
13 Hon. Jack Komar
14 Judge of the Superior Court

EXHIBIT “B”

1 BEST BEST & KRIEGER LLP
ERIC L. GARNER, Bar No. 130665
2 JEFFREY V. DUNN, Bar No. 131926
STEPHANIE HEDLUND MORRIS, Bar No. 239787
3 18101 VON KARMAN AVENUE, SUITE 1000
IRVINE, CALIFORNIA 92612
4 TELEPHONE: (949) 263-2600
TELECOPIER: (949) 260-0972
5 Attorneys for Cross-Complainant
LOS ANGELES COUNTY WATERWORKS
6 DISTRICT NO. 40

EXEMPT FROM FEES
UNDER GOVERNMENT CODE SECTION
6103

7 OFFICE OF COUNTY COUNSEL
COUNTY OF LOS ANGELES
8 JOHN L. KRATZ, Bar No. 82149
COUNTY COUNSEL
9 WARRIN WELLEN, Bar No. 139152
PRINCIPAL DEPUTY COUNTY COUNSEL
10 500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012
11 TELEPHONE: (213) 974-8407
TELECOPIER: (213) 687-7337

12 Attorneys for Cross-Complainant LOS ANGELES
13 COUNTY WATERWORKS DISTRICT NO. 40

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

16
17 ANTI-OPE VALLEY GROUNDWATER
18 CASES

Judicial Council Coordination No. 4408

CLASS ACTION

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

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

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

LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40'S
STATEMENT OF CLAIMS

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

1 1. **Total amount of your groundwater production from 1946 to 2012, by year.**
2 See Exhibit A.

3 2. **The amount of imported water you purchased, by year.**
4 See Exhibit A.

5 3. **The amount of return flows generated from the imported water, by year.**
6 See Exhibit A.

7 4. **The amount of your total groundwater production that is adverse, by year.**
8 See Exhibit A.

9 5. **The date when your prescriptive rights ceased to accrue.**
10 Los Angeles County Waterworks District No. 40's ("District No. 40") prescriptive rights
11 have not ceased to accrue.

12 6. **The prescriptive period.**
13 1946 to present.

14 7. **The effect of the filing of Diamond Farming's and Bolthouse's original**
15 **lawsuits on your prescriptive rights.**

16 These lawsuits cut off the prescriptive period as to properties owned by the respective
17 plaintiffs as described in the complaints.

18 8. **The total amount of prescriptive rights you claim (without regard to self-**
19 **help), and the basis for calculation.**

20 17.589 acre-feet per year. This is the highest amount pumped continuously over a five
21 year period from 1946 to present.

22 9. **Against what parties you claim prescriptive rights.**

23 District No. 40 claims prescriptive rights against all private parties including Wood class,
24 but not including Willis class, plus any party who acquired their rights from a private party during
25 the prescriptive period.

26 10. **Any non-prescriptive rights you claim.**

27 District No. 40 claims domestic and municipal priorities, storage rights (including rights

1 rights, and rights to return flows from imported water.

2 Dated: September 5, 2013

BEST BEST & KRIEGER LLP

3

4

By: 

ERIC L. GARNER
JEFFREY V. DUNN
STEFANIE D. MORRIS
Attorneys for Cross-Complainant
LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40

5

6

7

8

26345 00000 8214515 2

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

LAW OFFICES OF
BEST BEST & KRIEGER LLP
18101 VON KARMAN AVENUE, SUITE 1000
IRVINE, CALIFORNIA 92612

EXHIBIT “A”

Los Angeles County Waterworks District No. 40: Historical Supply Sources in Acre-Feet (1947 - 2012)

Year	Groundwater	SWP Deliveries	Return Flows	Adverse Production
1946	600 00	0 00	0 00	600 00
1947	200 00	0 00	0 00	200 00
1948	1,227 00	0 00	0 00	1,227 00
1949	1,137 00	0 00	0 00	1,137 00
1950	585 00	0 00	0 00	585 00
1951	1,004 00	0 00	0 00	1,004 00
1952	1,087 00	0 00	0 00	1,087 00
1953	4,065 00	0 00	0 00	4,065 00
1954	2,130 00	0 00	0 00	2,130 00
1955	2,130 00	0 00	0 00	2,130 00
1956	3,640 00	0 00	0 00	3,640 00
1957	5,189 00	0 00	0 00	5,189 00
1958	5,236 00	0 00	0 00	5,236 00
1959	5,634 00	0 00	0 00	5,634 00
1960	5,779 00	0 00	0 00	5,779 00
1961	11,036 00	0 00	0 00	11,036 00
1962	11,535 00	0 00	0 00	11,535 00
1963	10,167 00	0 00	0 00	10,167 00
1964	10,033 00	0 00	0 00	10,033 00
1965	11,760 00	0 00	0 00	11,760 00
1966	10,791 00	0 00	0 00	10,791 00
1967	10,398 00	0 00	0 00	10,398 00
1968	12,536 00	0 00	0 00	12,536 00
1969	15,593 00	0 00	0 00	15,593 00
1970	14,083 00	0 00	0 00	14,083 00
1971	14,007 00	0 00	0 00	14,007 00
1972	15,893 00	0 00	0 00	15,893 00
1973	15,177 00	0 00	0 00	15,177 00
1974	14,568 00	0 00	0 00	14,568 00
1975	13,540 00	0 00	0 00	13,540 00
1976	13,553 00	0 00	0 00	13,553 00
1977	11,504 00	0 00	0 00	11,504 00
1978	9,094.20	4,266.00	0.00	9,094.20
1979	8,705.40	5,750.00	1,667.15	8,705.40
1980	9,537.36	4,732.00	2,247.10	9,537.36
1981	9,337.22	6,359.00	1,849.27	9,337.22
1982	10,921.19	4,425.00	2,485.10	10,921.19
1983	10,903.23	4,171.00	1,729.29	10,903.23
1984	10,539.68	7,532.00	1,630.03	10,539.68
1985	9,564.79	9,585.00	2,943.51	9,564.79
1986	12,880.56	11,230.00	3,745.82	12,880.56
1987	13,993.39	11,967.00	4,388.68	13,993.39
1988	14,491.58	15,082.00	4,676.70	14,491.58
1989	19,627.33	17,626.00	5,894.05	19,627.33
1990	13,905.00	21,232.00	6,888.24	13,905.00
1991	16,784.00	12,943.00	8,297.47	16,784.00
1992	15,498.00	18,704.00	5,058.12	15,498.00
1993	14,364.00	24,409.00	7,309.52	14,364.00
1994	16,894.00	24,329.00	9,539.04	16,894.00
1995	19,795.00	21,692.00	9,507.77	19,795.00
1996	19,419.00	26,997.00	8,477.23	19,419.00
1997	19,642.00	28,093.00	10,550.43	19,642.00
1998	17,589.00	24,600.00	10,978.74	17,589.00
1999	18,583.00	30,651.00	9,613.68	18,583.00
2000	17,418.60	34,655.00	11,978.41	17,418.60
2001	21,735.70	30,065.00	13,543.17	21,735.70
2002	21,194.50	33,442.00	12,101.12	21,194.50
2003	16,836.60	37,442.00	13,069.13	16,836.60
2004	21,348.50	36,231.00	14,632.33	21,348.50
2005	19,555.70	35,935.00	14,159.07	19,555.70
2006	12,238.30	46,946.00	14,043.40	12,238.30
2007	19,457.90	40,212.00	18,346.50	19,457.90
2008	24,814.10	29,286.00	15,714.85	24,814.10
2009	18,577.20	30,611.00	11,444.97	18,577.20
2010	9,038.90	39,169.00	11,962.78	9,038.90
2011	16,583.20	29,764.00	15,307.25	16,583.20
2012	20,618.20	31,701.00	11,631.77	20,618.20

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 September 5, 2013, I served the within document(s):

LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40'S STATEMENT OF CLAIMS

- 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 September 5, 2013, at Irvine, California.

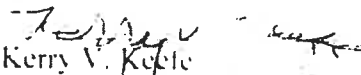

Kerry V. Keefe

EXHIBIT “C”

1 BEST BEST & KRIEGER LLP
ERIC L. GARNER, Bar No. 130665
2 JEFFREY V. DUNN, Bar No. 131926
WENDY Y. WANG, Bar No. 228987
3 18101 VON KARMAN AVENUE, SUITE 1000
IRVINE, CALIFORNIA 92612
4 TELEPHONE: (949) 263-2600
TELECOPIER: (949) 260-0972
5 Attorneys for Cross-Complainant
LOS ANGELES COUNTY WATERWORKS
6 DISTRICT NO. 40

EXEMPT FROM FILING FEES
UNDER GOVERNMENT CODE SECTION
6103

7 OFFICE OF COUNTY COUNSEL
COUNTY OF LOS ANGELES

8 JOHN F. KRATTLI, Bar No. 82149
COUNTY COUNSEL
9 WARREN WELLEN, Bar No. 139152
PRINCIPAL DEPUTY COUNTY COUNSEL

10 500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012
11 TELEPHONE: (213) 974-8407
TELECOPIER: (213) 687-7337

12 Attorneys for Cross-Complainant LOS ANGELES
13 COUNTY WATERWORKS DISTRICT NO. 40

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA

15 COUNTY OF LOS ANGELES – CENTRAL DISTRICT

16
17 ANTELOPE VALLEY GROUNDWATER
CASES

18 Included Actions:

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

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

24 Wm. Bolthouse Farms, Inc. v. City of
25 Lancaster, Diamond Farming Co. v. City of
Lancaster, Diamond Farming Co. v. Palmdale
26 Water Dist., Superior Court of 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

LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40'S
NOTICE OF AMENDED EXHIBIT A TO
STATEMENT OF CLAIMS

LAW OFFICES OF
BEST BEST & KRIEGER LLP
18101 VON KARMAN AVENUE, SUITE 1000
IRVINE, CALIFORNIA 92612

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE Los Angeles County Waterworks District No. 40 ("District No. 40") hereby amends its Statement of Claim, originally posted on to the Court's website on September 5, 2013, by replacing Exhibit "A" attached thereto with the attached amended Exhibit "A".

PLEASE TAKE FURTHER NOTICE that the attached amended Exhibit "A" differs from the original Exhibit "A" in three respects:

1. The groundwater pumped in 1992 was reduced from 15,498 acre-feet ("af") to 14,761 af to remove 737 af of groundwater that was pumped from well(s) in Region 37, which is located outside of the Antelope Valley Groundwater Adjudication Basin ("Basin").
2. The groundwater pumped in 1998 was increased from 17,589 af to 17,659.07 af to correct a clerical error that resulted in the omission of several months of pumping record from Well No. 39-1.
3. The return flow amount in the original Exhibit "A" was previously calculated using 39.08% instead of 39.1%.

Dated: February 17, 2014

BEST BEST & KRIEGER LLP

By: 

ERIC L. GARNER
JEFFREY V. DUNN
WENDY Y. WANG
Attorneys for Cross-Complainant
LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40

26345.00000\8575957.1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I, Sandra K. Sandoval, declare:

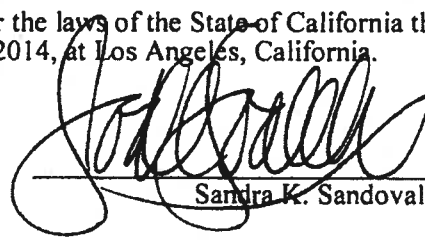
I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is Best Best & Krieger LLP, 300 South Grand Avenue, 25th Floor, Los Angeles, CA 90071. On February 17, 2014, I served the within document(s):

LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40'S NOTICE OF AMENDED EXHIBIT A TO STATEMENT OF CLAIMS

- 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 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 February 17, 2014, at Los Angeles, California.



Sandra K. Sandoval

LAW OFFICES OF
BEST BEST & KRIEGER LLP
18101 VON KARMAN AVENUE, SUITE 1000
IRVINE, CALIFORNIA 92612

EXHIBIT A

Los Angeles County Waterworks District No. 40: Historical Supply Sources in Acre-Feet (1946 - 2012)

Year	Groundwater	SWP Deliveries	Return Flows	Adverse Production
1946	600.00	0.00	0.00	600.00
1947	200.00	0.00	0.00	200.00
1948	1,227.00	0.00	0.00	1,227.00
1949	1,137.00	0.00	0.00	1,137.00
1950	585.00	0.00	0.00	585.00
1951	1,004.00	0.00	0.00	1,004.00
1952	1,087.00	0.00	0.00	1,087.00
1953	4,065.00	0.00	0.00	4,065.00
1954	2,130.00	0.00	0.00	2,130.00
1955	2,130.00	0.00	0.00	2,130.00
1956	3,640.00	0.00	0.00	3,640.00
1957	5,189.00	0.00	0.00	5,189.00
1958	5,236.00	0.00	0.00	5,236.00
1959	5,634.00	0.00	0.00	5,634.00
1960	5,779.00	0.00	0.00	5,779.00
1961	11,036.00	0.00	0.00	11,036.00
1962	11,535.00	0.00	0.00	11,535.00
1963	10,167.00	0.00	0.00	10,167.00
1964	10,033.00	0.00	0.00	10,033.00
1965	11,760.00	0.00	0.00	11,760.00
1966	10,791.00	0.00	0.00	10,791.00
1967	10,398.00	0.00	0.00	10,398.00
1968	12,536.00	0.00	0.00	12,536.00
1969	15,593.00	0.00	0.00	15,593.00
1970	14,083.00	0.00	0.00	14,083.00
1971	14,007.00	0.00	0.00	14,007.00
1972	15,893.00	0.00	0.00	15,893.00
1973	15,177.00	0.00	0.00	15,177.00
1974	14,568.00	0.00	0.00	14,568.00
1975	13,540.00	0.00	0.00	13,540.00
1976	13,553.00	0.00	0.00	13,553.00
1977	11,504.00	0.00	0.00	11,504.00
1978	9,094.20	4,266.00	0.00	9,094.20
1979	8,705.40	5,750.00	1,668.01	8,705.40
1980	9,537.36	4,732.00	2,248.25	9,537.36
1981	9,337.22	6,359.00	1,850.21	9,337.22
1982	10,921.19	4,425.00	2,486.37	10,921.19
1983	10,903.23	4,171.00	1,730.18	10,903.23
1984	10,539.68	7,532.00	1,630.86	10,539.68
1985	9,564.79	9,585.00	2,945.01	9,564.79
1986	12,880.56	11,230.00	3,747.74	12,880.56
1987	13,993.39	11,967.00	4,390.93	13,993.39
1988	14,491.58	15,082.00	4,679.10	14,491.58
1989	19,627.33	17,626.00	5,897.06	19,627.33
1990	13,905.00	21,232.00	6,891.77	13,905.00
1991	16,784.00	12,943.00	8,301.71	16,784.00
1992	14,761.00	18,704.00	5,060.71	14,761.00
1993	14,364.00	24,409.00	7,313.26	14,364.00
1994	16,894.00	24,329.00	9,543.92	16,894.00
1995	19,795.00	21,692.00	9,512.64	19,795.00
1996	19,419.00	26,997.00	8,481.57	19,419.00
1997	19,642.00	28,093.00	10,555.83	19,642.00
1998	17,659.07	24,600.00	10,984.36	17,659.07
1999	18,583.00	30,651.00	9,618.60	18,583.00
2000	17,418.60	34,655.00	11,984.54	17,418.60
2001	21,735.70	30,965.00	13,550.11	21,735.70
2002	21,194.50	33,442.00	12,107.32	21,194.50
2003	16,836.60	37,442.00	13,075.82	16,836.60
2004	21,348.50	36,231.00	14,639.82	21,348.50
2005	19,555.70	35,935.00	14,166.32	19,555.70
2006	12,238.30	46,946.00	14,050.59	12,238.30
2007	19,457.90	40,212.00	18,355.89	19,457.90
2008	24,814.10	29,286.00	15,722.89	24,814.10
2009	18,577.20	30,611.00	11,450.83	18,577.20
2010	9,038.90	39,169.00	11,968.90	9,038.90
2011	16,583.20	29,764.00	15,315.08	16,583.20
2012	20,618.20	31,701.00	11,637.72	20,618.20

LAW OFFICES OF
BEST BEST & KRIEGER LLP
18101 VON KARMAN AVENUE, SUITE 1000
IRVINE, CALIFORNIA 92612

PROOF OF SERVICE

I, Elsa M. Morales, 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, 300 South Grand Avenue, 25th Floor, Los Angeles, CA 90071. On December 9, 2014, I served the within document(s):

PUBLIC WATER SUPPLIERS' AMENDED REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF ITS OPPOSITION TO BLUM TRUST'S MOTION FOR SUMMARY JUDGMENT/ADJUDICATION

- 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 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 December 9, 2014, at Los Angeles, California.



Elsa M. Morales

26345.00000\9452735.2