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7 CLAN KEITH REAL ESTATE INVESTMENTS  
LLC, dba LEISURE LAKE MOBILE ESTATES  
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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
11 **COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

12 ANTELOPE VALLEY GROUNDWATER  
13 CASES

14 Included Actions:  
Los Angeles County Waterworks District No.  
15 40 v. Diamond Farming Co., Superior Court  
of California, County of Los Angeles, Case  
16 No. BC 325201;

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

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

23 RICHARD WOOD, on behalf of himself and  
all other similarly situated v. A.V. Materials,  
24 Inc., et al., Superior Court of California,  
County of Los Angeles, Case No. BC509546  
25  
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Judicial Council Coordination Proceeding  
No. 4408

CLASS ACTION

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

**PROVE-UP TRIAL BRIEF OF CROSS-  
DEFENDANT CLAN KEITH REAL ESTATE  
INVESTMENTS LLC, DBA LEISURE LAKE  
MOBILE ESTATES**

Date: September 28, 2015  
Time: 10:00 a.m.  
Dept.: Stanley Mosk Court House, Room 222

*[Filed concurrently with:  
(1) Declaration of Jerry Delucia In Lieu Of  
Testimony For Phase VI Trial; and  
(2) Declaration of Charles M. Keith In Lieu Of  
Testimony For Phase VI Trial.]*

1 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:  
 2 Cross-Defendant, CLAN KEITH REAL ESTATE INVESTMENTS LLC, DBA  
 3 LEISURE LAKE MOBILE ESTATES (“Leisure Lake”) hereby submits the following Trial  
 4 Brief for the Phase VI [Prove-Up] Trial proceedings. Leisure Lake’s Declarations, and  
 5 accompanying exhibits, in support of the Phase VI [Prove-Up] Trial are submitted concurrently.  
 6 This Trial Brief is made in support of the [Proposed] Judgment and Physical Solution filed with  
 7 the court on March 4, 2015.

8 **1. PARTY:** Leisure Lake is a Delaware limited liability company, its principal  
 9 place of business at 1835 West Chandler Boulevard, Suite 100, Chandler, Arizona 85224.

10 **2. PROPERTY:** Leisure Lake owns and operates the Leisure Lake Mobile Estates  
 11 property, consisting of approximately 138 acres of real property overlying the Antelope Valley  
 12 Groundwater Basin, consisting of Los Angeles County Assessor’s Identification Numbers  
 13 (“AIN”): 3116-015-002 (28+ Acres), 3116-015-003 (29+ Acres), 3117-007-001 (81+ Acres), and  
 14 located at 48303 North 20th Street West, Lancaster, California (the “Property”). The Property  
 15 includes a 211-space mobile home park, a man-made lake, an approximately 36,000-gallon  
 16 swimming pool, an approximately 600-gallon spa, a community laundry room, a clubhouse area,  
 17 and landscaping (the “Park”).

18 **3. CLAIMS TO GROUNDWATER PRODUCTION WITHIN THE**  
 19 **ADJUDICATION AREA:** Leisure Lake claims the right to produce and use groundwater to  
 20 serve the Property. The minimum amount of groundwater produced from the Property,  
 21 measured in acre feet, for the calendar years 2003–2015 is as follows:

<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>
151.8	156.7	143.9	79.8	250.2	155.2 - 253.4	177.1
<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015<sup>1</sup></u>	
144.2 – 152.3	146.6	149.6	150.2 - 150.7	136.3 – 140.9	49.8	

27  
 28 <sup>1</sup> Partial Year.

1           **4. DETERMINATION OF PRODUCTION:** Leisure Lake determined the  
2 amount of groundwater produced from the Property from well logs, meter records and annual  
3 reporting. Leisure Lake is in the practice of recording the meter readings for the three wells on  
4 the Property and has well logs available from 2003 through 2015. Leisure Lake has also  
5 reported its use of groundwater to the State Water Resources Control Board and has annual  
6 reports available from 2009 through 2014.

7           **5. WATER USE:** The groundwater produced from the Property for the calendar  
8 years listed above was used for the provision of domestic water service to residents at the Park  
9 and for the maintenance of a man-made lake. The domestic purposes to which Leisure Lake puts  
10 its water is the highest use under Water Code section 106 (“the use of water for domestic  
11 purposes is the highest use of water”). The use of groundwater to maintain the lake is a  
12 beneficial use of water pursuant to California Code of Regulations section 668 (beneficial use of  
13 water includes “water for resorts or other recreational establishments, boating, swimming, and  
14 fishing”).

15           **6. SUPPORTING INFORMATION AND DATA:**

- 16           a. Declaration of Jerry Delucia In Lieu of Testimony for Phase VI Trial, filed  
17           concurrently hereto. Jerry Delucia is the former Maintenance Supervisor  
18           and Chief Operator of the water system at Leisure Lake and his  
19           declaration demonstrates historical use of groundwater on the Property.  
20           b. Declaration of Charles M. Keith In Lieu of Testimony for Phase VI Trial,  
21           filed concurrently hereto. Charles Keith is the General Manager of Clan  
22           Keith Real Estate Investments, owner of Leisure Lakes, and his  
23           declaration demonstrates longstanding residential and recreational use of  
24           groundwater on the Property.

25           **7. OFFER OF PROOF:** Leisure Lake offers the Declaration of Jerry Delucia In  
26 Lieu of Testimony for Phase VI Trial and the Declaration of Charles M. Keith In Lieu of  
27 Testimony for Phase VI Trial to establish the facts declared therein and asks the Court to admit  
28 the facts therein declared into evidence to establish Leisure Lake’s claims and rights under the

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[Proposed] Judgment and Physical Solution. Should the Court require Leisure Lake to call these designated witnesses for direct testimony and any cross-examination, Leisure Lake requests that the Court give it time to arrange for the designated witnesses to appear in Court and submit their testimony, to the extent required.

Dated: 9/25/15

Respectfully submitted,

LATHAM & WATKINS LLP  
Paul N. Singarella  
Lucas I. Quass  
John K. Morris

for By Lucas Quass  
Paul N. Singarella

Attorneys for  
CLAN KEITH REAL ESTATE LLC, dba  
LEISURE LAKE MOBILE ESTATES

**PROOF OF SERVICE**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to this action. My business address is Latham & Watkins LLP, 355 South Grand Avenue, Los Angeles, CA 90071-1560.

On **September 25, 2015**, I served the following document described as:

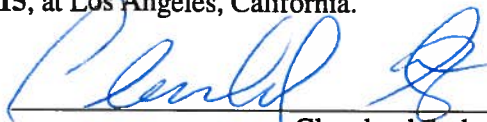
**PROVE-UP TRIAL BRIEF OF CROSS-DEFENDANT CLAN KEITH REAL ESTATE INVESTMENTS LLC, DBA LEISURE LAKE MOBILE ESTATES**

By posting the document(s) listed above to the Santa Clara County Superior Court website in regard to the Antelope Valley Groundwater matter.

The party on whom this electronic mail has been served has agreed in writing to such form of service pursuant to agreement.

I declare that I am employed in the office of a member of the Bar of, or permitted to practice before, this Court at whose direction the service was made and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on **September 25, 2015**, at Los Angeles, California.

  
\_\_\_\_\_  
Cleveland Styles