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Red Dawn SunTower, LLC; Sierra SunTower, LLC;
7 and Gaskell SunTower, LLC

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES**

10
11 ANTELOPE VALLEY
GROUNDWATER CASES

12 INCLUDED ACTIONS:

13
14 LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40 v.
DIAMOND FARMING COMPANY, et
15 al., Los Angeles Superior Court Case No.
BC325201;

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17 LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40 v.
DIAMOND FARMING COMPANY, et
18 al., Kern County Superior Court Case
No. S-1500-CV-254-348;

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20 DIAMOND FARMING COMPANY,
and W.M. BOLTHOUSE FARMS, INC.,
v. CITY OF LANCASTER, et al.,
21 Riverside Superior Court Case No. RIC
344436 [c/w case no. RIC 344668 and
22 355840]

Judicial Council Coordination No. 4408

**STATEMENT OF CLAIMS OF WATER
RIGHTS**

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

1 Cross-Defendant eSolar, Inc. and its wholly-owned subsidiaries Red Dawn SunTower,
2 LLC, Sierra SunTower, LLC, and Gaskell SunTower, LLC, also Cross-Defendants, respectfully
3 submit the following statements for water rights claims:

4 A. For Red Dawn SunTower, LLC:

5 1. The amount of the water right claimed is 480 afy plus whatever amount is
6 required for prospective overlying uses that are reasonable and beneficial. (See,
7 e.g., *City of Barstow v. Mojave Water Agency* (2000) 23 Cal.4th 1224, 1247
8 [citing *City of Los Angeles v. City of San Fernando* (1975) 14 Cal.3d 199, 293, fn.
9 100].)

10 2. The pumping claimed is 480 afy.

11 3. The location of the property is designated by Assessor Parcel Numbers
12 3256-005-001, 3256-006-012, 3256-006-013, 3256-006-019. A portion of this
13 property as formerly known as the "Calandri" property.

14 4. The pumping calculation is based upon estimated crop use data and
15 acreage planted.

16 5. The time frame for the estimated pumping is the years 2000 to 2004.

17 A. For Sierra SunTower, LLC:

18 1. The amount of the water right is whatever amount is required for
19 prospective overlying uses that are reasonable and beneficial. (See, e.g., *City of*
20 *Barstow, supra*, 23 Cal.4th 1224 at p. 1247.)

21 2. The location of the property is designated by Assessor Parcel Numbers
22 3137-007-004, 3137-007-006, 3137-007-007, 3137-007-020, 3137-007-029,
23 3137-007-031, and 3137-007-032.

24 B. For Gaskell SunTower, LLC:

25 1. The amount of the water right claimed is 5.3 afy plus whatever amount is
26 required for prospective overlying uses that are reasonable and beneficial. (See,
27 e.g., *City of Barstow, supra*, 23 Cal.4th 1224 at p. 1247.)

28 2. The pumping claimed is 5.3 afy.

1 3. The location of the property is designated by Assessor Parcel Numbers
2 261-193-02-00, 261-193-03-00, 261-193-05-00, 261-193-06-00, 261-193-07-00,
3 261-193-08-00, 261-193-09-00, 261-193-10-00, 261-193-15-00, 261-193-17-00,
4 261-193-18-00, 261-193-19-00, 261-193-20-00, 261-194-28-00, 261-194-29-00,
5 261-194-30-00, 261-194-36-00, 261-194-37-00, 261-194-38-00, 261-194-39-00,
6 261-194-45-00, 261-194-46-00, 261-194-47-00, 261-193-25-00, 261-193-26-00
7 and at the address of 1037 170th West, Rosamond, CA 93560. The source of
8 pumping is a domestic well.

9 4. The pumping calculation is based upon existing pumping calculations,
10 which are estimated to be consistent with pumping levels for 2000 to 2004.

11 5. The time frame for the pumping calculation is the current year.

12 Dated: December 6, 2011

ALSTON & BIRD LLP

13
14 By: 

EDWARD J. CASEY
Attorneys for Cross-Defendants eSolar, Inc;
Red Dawn SunTower, LLC; Sierra SunTower, LLC;
and Gaskell SunTower, LLC

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PROOF OF SERVICE

I, Yolanda S. Ramos, declare:

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is Alston & Bird LLP, 333 South Hope Street, Sixteenth Floor, Los Angeles, CA 90071. I am over the age of eighteen years and not a party to the action in which this service is made.

On December 6, 2011, I served the document(s) described as STATEMENT OF CLAIMS OF WATER RIGHTS on the interested parties in this action by enclosing the document(s) in a sealed envelope addressed as follows:

BY MAIL: I am "readily familiar" with this firm's practice for the collection and the processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, the correspondence would be deposited with the United States Postal Service at 333 South Hope Street, Los Angeles, California 90071 with postage thereon fully prepaid the same day on which the correspondence was placed for collection and mailing at the firm. Following ordinary business practices, I placed for collection and mailing with the United States Postal Service such envelope at Alston & Bird LLP, 333 South Hope Street, Los Angeles, California 90071.

BY ELECTRONIC MAIL: By posting the document listed above to the Santa Clara Superior Court website: www.scefilings.org regarding the ANTELOPE VALLEY GROUNDWATER matter.

BY FEDERAL EXPRESS UPS NEXT DAY AIR OVERNIGHT DELIVERY: I deposited such envelope in a facility regularly maintained by FEDERAL EXPRESS UPS Overnight Delivery [specify name of service:] with delivery fees fully provided for or delivered the envelope to a courier or driver of FEDERAL EXPRESS UPS OVERNIGHT DELIVERY [specify name of service:] authorized to receive documents at Alston & Bird LLP, 333 South Hope Street, Los Angeles, California 90071 with delivery fees fully provided for.

BY FACSIMILE: I telecopied a copy of said document(s) to the following addressee(s) at the following number(s) in accordance with the written confirmation of counsel in this action.

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

[Federal] I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 6, 2011, at Los Angeles, California.


YOLANDA S. RAMOS