

1 Edward J. Casey (SBN 119571)  
Neal Maguire (SBN 234531)  
2 ALSTON & BIRD LLP  
333 South Hope Street, 16th Floor  
3 Los Angeles, CA 90071-1410  
Telephone: 213-576-1000  
4 Facsimile: 213-576-1100  
ed.casey@alston.com  
5 neal.maguire@alston.com

6 Attorneys for Cross-Defendants eSolar, Inc;  
Red Dawn SunTower, LLC; Sierra SunTower, LLC;  
7 Gaskell SunTower, LLC; and Tumbleweed Suntower, LLC

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

11 ANTELOPE VALLEY  
12 GROUNDWATER CASES

13 INCLUDED ACTIONS:

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

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

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

Judicial Council Coordination No. 4408

**AMENDED 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, Gaskell SunTower, LLC, and Tumbleweed SunTower, LLC, also  
3 Cross-Defendants, respectfully 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 B. 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 C. 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  
2 261-200-15-00, 261-200-18-00, 261-200-19-00. The source of pumping is a  
3 domestic well.

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

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

7 D. Tumbleweed SunTower, LLC

8 1. The amount of the water right claimed is 438 afy plus whatever amount is  
9 required for prospective overlying uses that are reasonable and beneficial. (See,  
10 e.g., *City of Barstow v. Mojave Water Agency* (2000) 23 Cal.4th 1224, 1247  
11 [citing *City of Los Angeles v. City of San Fernando* (1975) 14 Cal.3d 199, 293, fn.  
12 100].)

13 2. The pumping claimed is 438 afy.

14 3. The location of the property is designated by Assessor Parcel Number  
15 3262-001-005.

16 4. The pumping calculation is based upon estimated crop use data and  
17 acreage planted.

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

19  
20 Dated: December 6, 2011

ALSTON & BIRD LLP

21 By:  FOR

22 EDWARD J. CASEY  
23 Attorneys for Cross-Defendants eSolar, Inc;  
24 Red Dawn SunTower, LLC; Sierra SunTower, LLC;  
25 Gaskell SunTower, LLC; and Tumbleweed SunTower,  
26 LLC  
27  
28

1 **PROOF OF SERVICE**

2 I, Yolanda S. Ramos, declare:

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

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

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

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


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

28  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