

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  
AV Solar Ranch 1, LLC and  
7 High Desert Investments, LLC

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

11 ANTELOPE VALLEY  
GROUNDWATER CASES

12 INCLUDED ACTIONS:

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

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

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

Judicial Council Coordination No. 4408

**STATEMENT OF CLAIM OF WATER RIGHTS**

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

23  
24  
25  
26  
27  
28

1 Cross-Defendant AV Solar Ranch 1, LLC and High Desert Investments, LLC, submit the  
2 following statement for a water rights claim (“Statement”):

3 1. The amount of the water right claimed is 392 afy plus whatever amount is  
4 required for prospective overlying uses that are reasonable and beneficial. (See, e.g., *City of*  
5 *Barstow v. Mojave Water Agency* (2000) 23 Cal.4th 1224, 1247 [citing *City of Los Angeles v.*  
6 *City of San Fernando* (1975) 14 Cal.3d 199, 293, fn. 100].)

7 2. The pumping claimed is 392 afy.

8 3. The property owned by AV Solar totals approximately 2,100 acres and is  
9 designated by the Assessor Parcel Numbers provided in Exhibit 1 hereto. AV Solar Ranch 1,  
10 LLC is the current owner of the property, having purchased the property from High Desert  
11 Investments, LLC. High Desert joins in this Statement since High Desert remains a party in this  
12 action.

13 4. The pumping calculation is based upon estimated crop use data (onions; 4.89 acre  
14 feet of water per acre of land farmed) and acreage planted (80 acres).

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

16  
17 Dated: January 25, 2012

ALSTON & BIRD LLP

18  
19 By: 

EDWARD J. CASEY  
Attorneys for Cross-Defendants  
AV Solar Ranch 1, LLC and  
High Desert Investments, LLC

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

EXHIBIT 1

**APN Numbers**

- 1
- 2 1. 3236001024
- 3 2. 3236001025
- 4 3. 3236001026
- 5 4. 3236001027
- 6 5. 3236001028
- 7 6. 3236001029
- 8 7. 3236001030
- 9 8. 3236001031
- 10 9. 3236001032
- 11 10. 3236001033
- 12 11. 3236001034
- 13 12. 3236001035
- 14 13. 3236001036
- 15 14. 3236001037
- 16 15. 3236001038
- 17 16. 3236001039
- 18 17. 3257010033
- 19 18. 3257010034
- 20 19. 3257010035
- 21 20. 3257010036
- 22 21. 3257010037
- 23 22. 3257010038
- 24 23. 3257010039
- 25 24. 3257010040
- 26 25. 3257010041
- 27 26. 3257010042
- 28 27. 3257018006

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

- 28. 3257018007
- 29. 3257018008
- 30. 3257018009
- 31. 3257018010
- 32. 3257018011
- 33. 3257018012
- 34. 3257018013

Vesting Parcel Map

- 1. 1 Parcel 790.17 Acres  
Vesting Parcel Map No. 71035  
Recorded 08/25/2011  
Recorded Number 20111152890

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, 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 January 25, 2012, I served the document(s) described as STATEMENT OF CLAIM 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.scefiling.org](http://www.scefiling.org) regarding the ANTELOPE VALLEY GROUNDWATER matter.

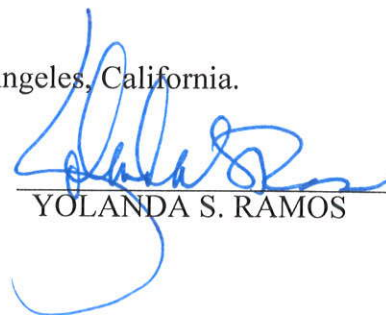
BY FEDERAL EXPRESS  UPS NEXT DAY AIR  OVERNIGHT DELIVERY: I deposited such envelope in a facility regularly maintained by  FEDERAL EXPRESS  UPS  Overnight Delivery [specify name of service: ] with delivery fees fully provided for or delivered the envelope to a courier or driver of  FEDERAL EXPRESS  UPS  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 January 25, 2012, at Los Angeles, California.

  
YOLANDA S. RAMOS