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NORTHROP GRUMMAN SYSTEMS
7 CORPORATION

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;

16
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;

19
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

**NORTHROP GRUMMAN SYSTEMS
CORPORATION'S APPLICATION FOR
APPROVAL OF STIPULATION CONCERNING
LAND OWNERSHIP AND PRIOR
GROUNDWATER PRODUCTION;
[PROPOSED] ORDER**

Case No. 1-05-CV-049053

Assigned to The Honorable Jack Komar

Trial Date: May 28, 2013
Time: 9:00 a.m.

1 Pursuant to the Court's March 1, 2013 Minute Order, Northrop Grumman Systems
2 Corporation submits this Application for Approval of Stipulation Concerning Land Ownership
3 and Prior Groundwater Production. The proposed Stipulation is attached to this application.
4

5 DATED: April 30, 2013

6 EDWARD J. CASEY
7 NEAL MAGUIRE
8 **ALSTON & BIRD LLP**



9 Edward J. Casey
10 Attorneys for Cross-Defendant
11 NORTHROP GRUMMAN SYSTEMS
12 CORPORATION
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1 Los Angeles County Waterworks District No. 40, Quartz Hill Water District, Littlerock
2 Creek Irrigation District, Palm Ranch Irrigation District, Palmdale Water District, the City of
3 Palmdale, the City of Lancaster, and Rosamond Community Services District (the "PWAs") and
4 Northrop Grumman Systems Corporation ("Landowner") (collectively, the "Stipulating Parties")
5 enter into this Stipulation Between Certain Public Water Agencies And Landowner Concerning
6 Land Ownership, Prior Groundwater Production And Proposed Allocation Of Groundwater
7 Rights; And Order Thereon ("Stipulation") through their respective counsel of record. This
8 Stipulation is based on the matters set forth in Section I, below.

9 **I.**

10 **RECITALS**

11 A. Landowner owns land overlying the Antelope Valley Groundwater Basin (the
12 "AV Basin"). (For purposes of this Stipulation, the term "AV Basin" shall mean the Antelope
13 Valley Groundwater Basin as determined and defined by the Honorable Jack Komar in his
14 March 12, 2007 Revised Order After Hearing on Jurisdictional Boundaries.)

15 B. Landowner served its (i) Response To December 12, 2012 Discovery Order for
16 Phase 4 Trial and the Non-Expert Witness Designation ("Discovery Response") and (ii)
17 Stipulation In Lieu Of Deposition Testimony For Phase 4 Trial ("Declaration") on all parties in
18 the instant action.

19 **II.**

20 **TERMS OF THE STIPULATION**

21 A. Based on the Landowner's Discovery Response and Declaration, the PWAs have
22 no objection to the Court making the following findings of fact:

23 (1) Landowner currently owns land overlying the AV Basin, which land is
24 comprised of Assessor Parcel No. ("APN") 241-430-05 (the "Subject Property").

25 (2) As of January 1, 2013, Landowner currently uses the Subject Property as
26 follows: decommissioning activities associated with prior manufacturing operations.

27 (3) Landowner used the Subject Property during calendar years 2011 and
28 2012 as follows: manufacturing operations in 2011 and decommissioning activities occurred in

1 2012.

2 (4) Landowner produced the following quantities of groundwater from the
3 AV Basin during calendar years 2011 and 2012: 1-2 acre-feet per year (“AFY”) in 2011 and 1
4 AFY in 2012.

5 (5) Landowner or its predecessor in interest to the Subject Property produced
6 the following quantities of groundwater from the AV Basin during the period from January 1,
7 2000 through December 31, 2004 (the “2000-04 Time Period”): 3 AFY in 2000, 3 AFY in 2001,
8 3 AFY in 2002, 3 AFY in 2003, and 3 AFY in 2004, for a total of 15 acre-feet (“AF”).

9 (6) Landowner or its predecessor used the groundwater described in this
10 Section II-A for “reasonable and beneficial” uses on the Subject Property, including (1) cooling
11 units in manufacturing operations and (2) domestic uses for on-site employees.

12 (7) For purposes of this Stipulation, the term “reasonable and beneficial” shall
13 have the meaning as understood in Article X, Section 2 of the California Constitution.

14 April 30, 2013

ALSTON & BIRD, LLP

16
17 By: 
EDWARD J. CASEY

18 Attorneys for Northrop Grumman Systems Corporation

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20 April _____, 2013

BEST BEST & KRIEGER LLP

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22 By: _____
JEFFREY V. DUNN

23 Attorneys for Los Angeles County Waterworks District No. 40

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25 April _____, 2013

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26
27 By: _____
BRADLEY T. WEEKS

1 2012.

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14 April _____, 2013 ALSTON & BIRD, LLP

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April 15, 2013

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By: 

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District

1 **[PROPOSED] ORDER**

2 On May 1, 2013, Northrop Grumman Systems Corporation filed its Application for
3 Approval of Stipulation Concerning Land Ownership and Prior Groundwater Production (the
4 "Application"). Having read and considered all papers filed in connection with the Stipulation
5 attached to the Application, and having received no objections thereto,

6 **IT IS HEREBY ORDERED THAT:** the facts set forth in Section II of the Stipulation
7 are deemed admitted.

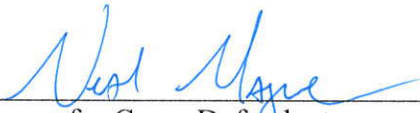
8
9 **IT IS SO ORDERED.**

10
11 DATED: _____

Honorable Jack Komar
Judge of the Santa Clara County Superior
Court

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14 Respectfully submitted by:

15 NEAL MAGUIRE
16 ALSTON & BIRD LLP

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18 _____
Attorneys for Cross-Defendant
19 Northrop Grumman Systems Corporation

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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.

On May 1, 2013, I served the document(s) described as NORTHROP GRUMMAN SYSTEMS CORPORATION'S APPLICATION FOR APPROVAL OF STIPULATION CONCERNING LAND OWNERSHIP AND PRIOR GROUNDWATER PRODUCTION; [PROPOSED] ORDER 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 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 May 1, 2013, at Los Angeles, California.


YOLANDA S. RAMOS