

SUPERIOR COURT FOR THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

RICHARD A. WOOD, an individual, on behalf
of himself and all others similarly situated,

Plaintiff,

v.

LOS ANGELES COUNTY WATERWORKS
DISTRICT NO. 40; CITY OF LANCASTER;
CITY OF LOS ANGELES; CITY OF
PALMDALE; PALMDALE WATER
DISTRICT; LITTLEROCK CREEK
IRRIGATION DISTRICT; PALM RANCH
IRRIGATION DISTRICT; QUARTZ HILL
WATER DISTRICT; ANTELOPE VALLEY
WATER CO.; ROSAMOND COMMUNITY
SERVICE DISTRICT; MOJAVE PUBLIC
UTILITY DISTRICT; CALIFORNIA
WATER SERVICE COMPANY and DOES
1 through 100;

Defendants.

JUDICIAL COUNCIL COORDINATION
PROCEEDING No. 4408

**[proposed] NOTICE OF CLASS
ACTION**

TO: PRIVATE LANDOWNERS WITHIN THE ANTELOPE VALLEY

THIS LAWSUIT MAY AFFECT YOUR PROPERTY RIGHTS

This notice is to advise you about a pending class action lawsuit. You may be a member of the Class. **PLEASE TAKE THE TIME TO READ THIS IMPORTANT LEGAL NOTICE. YOU ARE REQUIRED TO RETURN THE ATTACHED RESPONSE FORM BY _____ 2009.**

This Class Action lawsuit involves water rights in the Antelope Valley Groundwater Basin. Plaintiff Richard Wood brought this case to protect his right and those of other landowners in the Basin to pump water on their properties in the future. The case has been combined with other cases to determine all the groundwater rights in the Basin. The Court has not yet decided the case. This Notice is intended to inform you

of the pendency of this case and advise you how you can protect your rights. You have been sent this Notice because as a property owner in the Antelope Valley your rights to pump and use groundwater on your property may be affected by this case. **PLEASE RETURN THE ATTACHED RESPONSE FORM AS SOON AS POSSIBLE, EVEN IF YOU DO NOT OWN PROPERTY IN THE ANTELOPE VALLEY.**

ARE YOU A MEMBER OF THE CLASS?

You have been designated as a possible class member because records show that you may own property in the Antelope Valley. The class includes all private (i.e., non-governmental) landowners within the Antelope Valley Groundwater Basin that have pumped groundwater on their property at any time since 1946, with certain exceptions set out below. A map of the Basin is attached to this notice.

You are **NOT in the Class** if you fall within one of the categories set forth below. **BUT YOUR RIGHTS MAY BE AFFECTED UNLESS YOU RETURN THE ATTACHED RESPONSE FORM AND MAKE CLEAR THAT YOU ARE NOT IN THE CLASS. HENCE, IT IS IMPORTANT THAT YOU RETURN THE RESPONSE FORM AS PROMPTLY AS POSSIBLE, EVEN IF YOU ARE NOT A CLASS MEMBER.**

YOU ARE NOT IN THE CLASS IF YOUR PROPERTY LOCATED WITHIN THE ANTELOPE VALLEY BASIN FALLS WITHIN ANY OF THE FOLLOWING CATEGORIES:

1. You have pumped 25 acre-feet or more of groundwater in any calendar year since 1946; *or*
2. You are a shareholder in a mutual water company in the Antelope Valley; *or*
3. You are already a party to this litigation (but, in that event, you may elect to join the Class).

WHAT IS THE CASE ABOUT?

Under California law, property owners have a right to pump and use groundwater (water underneath the surface) on their land. In this case, however, the naturally available supply of water in the Basin may not be adequate to satisfy everyone who wants to use that water. The public water suppliers listed above have filed a lawsuit asserting that they have taken some or all of the water rights previously owned by landowners in the Basin. Plaintiff Wood brought this action to protect his right and that of other Antelope Valley landowners to pump and use the water under their properties and to obtain compensation for any wrongful

taking of their property rights. He claims that he and other landowners have water rights which are superior to the rights of certain public water suppliers (listed as defendants on page 1) to use that water. The public water suppliers claim that their historical pumping has given them superior water rights. If the public water suppliers win, your rights to use the groundwater under your property may be cut back.

In other words, the Wood Class Action asks the Court to rule that private land owners in the Antelope Valley who pump water on their properties, or who have done so in the past, retain the right to use the water underlying their properties. The Court has not yet ruled on these claims.

WHAT DO YOU NEED TO DO?

YOU ARE REQUIRED TO COMPLETE AND RETURN the attached RESPONSE FORM by _____, 2009. All persons who receive this Notice should return that form, so that the parties and Court will know whether you are a class member.

If you are a Class Member [The class includes all private (i.e., non-governmental) landowners within the Antelope Valley Groundwater Basin that have pumped groundwater on their property at any time since 1946, and who does not fall within any of the exclusions set forth above], you have the right to remain in the Class or exclude yourself from the Class. You should complete and return the attached response form stating whether you wish to (a) remain in the Class or (b) exclude yourself from the Class.

If you remain in the Class:

- You will be bound by the decision in the case, whether favorable or unfavorable.
- Plaintiff Wood and his attorneys will act as your representatives in this case, and you will not personally be obligated to pay any fees or costs out of your pocket.
- You *may*, but need not, hire your own lawyer at your own expense to represent you.

If you exclude yourself from the Class:

- You will not be bound by any decision that affects the Class.
- But you may be added to the lawsuit as an individual defendant, and you may have to represent yourself or hire a lawyer to represent you.

Please complete and return the attached response form no later than _____, 2009 to the following:

Antelope Valley Groundwater Litigation
P.O. BOX _____
_____, CA

WHERE CAN YOU GET ADDITIONAL INFORMATION?

The amended complaint and certain other documents from the litigation are available at [www._____](http://www.sceffiling.org/cases/casehome.jsp?caseId=19). You may complete and submit the response form on that website. In addition, that website has a list of answers to certain other questions you may have. That website has an e-mail address for you to obtain information if you have further questions. That website will be updated from time to time to advise you of the status of this litigation. Or you may call the following number for information: 800-XXX-XXXX. Also, all of the documents filed in the case are available on the court's website at <http://www.sceffiling.org/cases/casehome.jsp?caseId=19>.

PLEASE DO NOT CALL OR WRITE THE COURT OR CLERK'S OFFICE. IF YOU HAVE ANY QUESTIONS, PLEASE CONSULT YOUR OWN COUNSEL, VISIT THE WEB SITES LISTED ABOVE, OR WRITE TO CLASS COUNSEL AT THE ADDRESS ABOVE.

Dated: _____, 2009

BY ORDER OF THE SUPERIOR COURT
OF CALIFORNIA FOR THE COUNTY OF
LOS ANGELES

[EXHIBIT A WILL BE THE MAP SHOWING THE BASIN (as set out in the Court's ruling).]

ANTELOPE VALLEY GROUNDWATER LITIGATION RESPONSE FORM
[SELF MAILER]

PLEASE COMPLETE AND SUBMIT A SEPARATE FORM FOR EACH SEPARATE PROPERTY YOU OWN WITHIN THE BASIN IN ORDER TO FULLY PROTECT YOUR RIGHTS.

PLEASE CHECK THE APPROPRIATE BOXES BELOW AND SUBMIT THIS FORM AS SOON AS POSSIBLE AND IN ANY EVENT BEFORE _____, 2009. IF YOU HAVE ANY QUESTIONS, PLEASE CONSULT YOUR COUNSEL OR VISIT THE FOLLOWING WEB SITE, WHICH HAS INSTRUCTIONS ON HOW YOU SHOULD COMPLETE THIS FORM: _____ . PLEASE CHECK ONLY ONE BOX FOR EACH ITEM. PLEASE THEN SUBMIT THE FORM ON-LINE, OR SIGN, FOLD, AND RETURN THE FORM BY MAIL.

1. I OWN PROPERTY WITHIN THE ANTELOPE VALLEY BASIN (AS SHOWN ON EXHIBIT A, ABOVE): YES _____ NO _____

IF YOU ANSWERED NO, PLEASE PROVIDE THE CONTACT INFORMATION REQUESTED BELOW. THEN, SIGN AND DATE BELOW AND RETURN THIS FORM.

IF YOU ANSWERED YES, PLEASE CHECK ONE ANSWER FOR EACH STATEMENT BELOW.

2. I AM PRESENTLY PUMPING GROUNDWATER ON MY PROPERTY: YES _____ NO _____

3. I, OR MY PREDECESSORS IN INTEREST, HAVE PUMPED GROUNDWATER ON MY PROPERTY AT ANY TIME SINCE 1946: YES _____ NO _____

4. I HAVE NOT PUMPED IN EXCESS OF 25 ACRE FEET PER YEAR IN ANY CALENDAR YEAR SINCE 1946: YES _____ NO _____

- 5. PLEASE SELECT ONE OF THE FOLLOWING THREE OPTIONS:**

A. I WANT TO REMAIN IN THE CLASS. _____

B. I WANT TO EXCLUDE MYSELF FROM THE CLASS. _____

C. I AM A PARTY BUT WISH TO JOIN THE CLASS. I UNDERSTAND THAT BY JOINING THE CLASS I MAY BE GIVING UP THE RIGHTS I OTHERWISE WOULD HAVE TO CONTROL THE POSITIONS TAKEN ON MY BEHALF IN THIS LITIGATION. _____.

ASSESSOR'S PARCEL NUMBER AND ADDRESS OR LEGAL DESCRIPTION OF YOUR PROPERTY IN THE BASIN: _____

THE ABOVE PROPERTY TOTALS APPROXIMATELY _____ ACRES.

I CURRENTLY PUMP APPROXIMATELY _____ ACRE FEET PER YEAR.

PRINT YOUR NAME: _____

SIGNATURE: _____

MAILING ADDRESS: _____

CITY, STATE, ZIP CODE: _____

TELEPHONE NUMBER: _____

PROOF OF SERVICE

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action. My business address is 523 West Sixth Street, Suite 215, Los Angeles, CA, 90014. On the date set forth below, I served the within document(s) by posting the document(s) listed below to the Santa Clara County Superior Court website in regard to the Antelope Valley Groundwater matter:

[proposed] NOTICE OF CLASS ACTION

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on December 15, 2008, at Los Angeles, California.

//s//
Michael McLachlan