

**\*\*\*IF YOU RECEIVED A PRIOR CLASS ACTION NOTICE RELATING TO GROUNDWATER RIGHTS IN THE ANTELOPE VALLEY, THAT NOTICE RELATED TO A DIFFERENT LAWSUIT, DEALING WITH A DIFFERENT CLASS OF LANDOWNERS WITH DIFFERENT RIGHTS. \*\*\***

**\*\*\* IMPORTANT: IF YOU PUMP GROUNDWATER OR YOU OR YOUR PREDECESSORS HAVE EVER PUMPED GROUNDWATER ON YOUR PROPERTY, CAREFULLY READ THIS NOTICE – THIS LAWSUIT MAY AFFECT YOUR RIGHTS TO PUMP GROUNDWATER IN THE FUTURE. \*\*\***

**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; et al.

Defendants.

JUDICIAL COUNCIL COORDINATION PROCEEDING No. 4408

**[proposed] NOTICE OF CLASS ACTION FOR THE “SMALL PUMPER” CLASS ACTION**

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**TO CERTAIN ANTELOPE VALLEY LANDOWNERS: CAREFULLY READ AND RESPOND TO THIS NOTICE, AS IT MAY AFFECT YOUR RIGHT TO PUMP GROUNDWATER ON YOUR PROPERTY IN THE FUTURE.**

This notice is to advise you about a pending class action lawsuit, referred to as the “Small Pumper” class action. 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, EITHER BY MAIL OR BY THE INTERNET, ON OR BEFORE \_\_\_\_\_ 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.

**ARE YOU A MEMBER OF THE CLASS?**

You have been designated as a possible class member because records show that you may own improved 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.

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 WITH RESPECT TO ANY GIVEN PARCEL OF ~~IF YOUR~~ PROPERTY IF THAT PARCEL FALLS WITHIN ANY OF THE FOLLOWING CATEGORIES:

1. You have pumped 25 acre-feet or more of groundwater for use on a that parcel 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. Plaintiff Richard 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. Mr. Wood claims that he and other landowners have water rights which are superior to the rights of certain public water suppliers 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. The Court has not yet ruled on these claims.

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## WHAT DO YOU NEED TO DO?

**YOU ARE REQUIRED TO COMPLETE the attached RESPONSE FORM, either by mail or on the internet, by \_\_\_\_\_, 2009. The instructions for completing this form are below. All persons who receive this Notice should ~~return that form~~ respond, so that the parties and Court will know whether you are a class member or not.**

If you are a Class Member, you have the right to remain in the Class or exclude yourself from the Class. ~~The eClass Members are defined to~~ includes all private (i.e., non-governmental) landowners within the Antelope Valley Groundwater Basin that have pumped groundwater on a given parcel of 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.~~ Class Members ~~You~~ should complete and return the attached response form stating ~~whether you~~ their wish to (a) remain in the Class or (b) be excluded~~d 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 the response form on the website for the Small Pumper Class at <http://www.avgroundwater.com/smallpumper/ResponseForm.cfm> by \_\_\_\_\_, 2009. Alternatively, you may complete and return the attached response form by mail no later than \_\_\_\_\_, 2009 to the following address:**

Antelope Valley Groundwater Litigation  
P.O. BOX ~~42043~~ \_\_\_\_\_  
~~Los Angeles~~Riverside, CA ~~92502-2243~~ [TBD]

#### **WHERE CAN YOU GET ADDITIONAL INFORMATION?**

**The complaint, certain other documents from the litigation, and some other general information are available at [www.avgroundwater.com](http://www.avgroundwater.com). 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. Also, all of the documents filed in the case are available on the court's website at <http://www.scefilings.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



**SMALL PUMPER CLASS ACTION RESPONSE FORM**

[SELF MAILER]

Please complete the response form on the website for the Small Pumper Class at <http://www.avgroundwater.com/smallpumper/ResponseForm.cfm> by \_\_\_\_\_, 2009. Alternatively, you may complete and return this response form by mail no later than \_\_\_\_\_, 2009 to the following address:

Antelope Valley Groundwater Litigation  
P.O. BOX ~~42013~~ [TBD]  
~~Los Angeles~~Riverside, CA ~~92502-2213~~

**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:**  
<http://www.avgroundwater.com/smallpumper/FAQ.cfm> **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. \_\_\_\_\_ PLEASE CHECK THIS BOX IF YOU NO LONGER OWN PROPERTY IN THE ANTELOPE VALLEY

*IF YOU CHECKED BOX 1, PLEASE PROVIDE THE CONTACT INFORMATION REQUESTED BELOW. THEN, SIGN AND DATE BELOW AND RETURN THIS FORM. OTHERWISE, PLEASE COMPLETE THE REMAINDER OF THIS FORM*

2. I ~~AM~~PRESENTLY PUMPING GROUNDWATER ON MY PROPERTY:  
YES \_\_\_\_\_ NO \_\_\_\_\_

3. IN THE YEARS SINCE 1946, I, OR MY PREDECESSORS IN INTEREST, HAVE ~~NEVER~~ PUMPED ANY GROUNDWATER —ON MY PROPERTY ~~AT ANY TIME SINCE 1946~~:  
YES \_\_\_\_\_ NO \_\_\_\_\_

4. I HAVE PUMPED MORE THAN 25 ACRE-~~FEET~~ FEET (8.1 MILLION GALLONS) 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 OF YOUR PROPERTY: \_\_\_\_\_

ASSESSOR'S PARCEL NUMBER OF YOUR PROPERTY: \_\_\_\_\_

THE ABOVE PROPERTY TOTALS APPROXIMATELY \_\_\_\_\_ ACRES.

I CURRENTLY PUMP APPROXIMATELY \_\_\_\_\_ ACRE FEET PER YEAR. (CONVERSION: 1 ACRE-FOOT OF WATER EQUALS 325,850 GALLONS)

I DON'T CURRENTLY PUMP GROUNDWATER ON MY PROPERTY, BUT GROUNDWATER WAS LAST PUMPED ON THIS PROPERTY BY ME OR MY PREDECESSORS IN OR ABOUT \_\_\_\_\_ (YEAR).

IF THERE IS MORE THAN ONE WELL ON YOUR PROPERTY, PLEASE INDICATE THE TOTAL NUMBER OF WELLS: \_\_\_\_\_

FOR EACH WELL ON YOUR PROPERTY THAT HAS PRODUCED WATER SINCE 1946, PLEASE PROVIDE THE WELL'S PUMPING CAPACITY IN GALLONS PER MINUTE OR THE PUMP'S HORSEPOWER RATING: \_\_\_\_\_

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FOR EACH WELL ON YOUR PROPERTY THAT HAS PRODUCED WATER SINCE 1946, DO YOU HAVE DOCUMENTATION OF ITS HISTORICAL PUMPING AMOUNT (SUCH AS WRITTEN RECORDS OF FLOW RATE AND ANNUAL USAGE, FLOW METER RECORDS, OR ELECTRICAL RECORDS FOR THE WELL'S ELECTRICAL SERVICE CONNECTION)?:

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IS THERE CURRENTLY OR HAS THERE BEEN AT ANY TIME SINCE 1946 IRRIGATED AGRICULTURE ON YOUR PROPERTY? IF SO, HOW MANY ACRES AND WHAT CROP(S)?

PRINT YOUR NAME: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

CITY, STATE, ZIP CODE: \_\_\_\_\_

TELEPHONE NUMBER: \_\_\_\_\_

**MAKE SURE TO FILL OUT A SEPARATE FORM FOR EACH PARCEL OF PROPERTY YOU OWN IN THE ANTELOPE VALLEY.**

You may submit this form electronically at the following website:  
<http://www.avgroundwater.com/smallpumper/ResponseForm.cfm>



**PROOF OF SERVICE**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and am not a party to the within action. My business address is 523 West Sixth Street, Suite 215, Los Angeles, California 90014.

On May 27, 2009, I caused the foregoing document(s) described as **[proposed] NOTICE OF CLASS ACTION FOR THE "SMALL PUMPER" CLASS ACTION** to be served on the parties in this action, as follows:

- ( X ) (BY ELECTRONIC SERVICE) by posting the document(s) listed above to the Santa Clara County Superior Court website: [www.scefiling.org](http://www.scefiling.org) regarding the Antelope Valley Groundwater matter.
- ( ) (BY U.S. MAIL) I am readily familiar with the firm's practice of collection and processing of documents for mailing. Under that practice, the above-referenced document(s) were placed in sealed envelope(s) addressed to the parties as noted above, with postage thereon fully prepaid and deposited such envelope(s) with the United States Postal Service on the same date at Los Angeles, California, addressed to:
- ( ) (BY FEDERAL EXPRESS) I served a true and correct copy by Federal Express or other overnight delivery service, for delivery on the next business day. Each copy was enclosed in an envelope or package designed by the express service carrier; deposited in a facility regularly maintained by the express service carrier or delivered to a courier or driver authorized to receive documents on its behalf; with delivery fees paid or provided for; addressed as shown on the accompanying service list.
- ( ) (BY FACSIMILE TRANSMISSION) I am readily familiar with the firm's practice of facsimile transmission of documents. It is transmitted to the recipient on the same day in the ordinary course of business.
- (X) (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 under the laws of the United States of America that the foregoing is true and correct.

\_\_\_\_\_  
//s//  
Carol Delgado