

Michael Duane Davis, SBN 093678
Marlene L. Allen-Hammarlund, SBN 26418
GRESHAM SAVAGE NOLAN & TILDEN,
A Professional Corporation
3750 University Avenue, Suite 250
Riverside, CA 92501-3335
Telephone: (951) 684-2171
Facsimile: (951) 684-2150

Attorneys for Cross-Defendant/Cross-Complainant,
A.V. UNITED MUTUAL GROUP; and Cross-
Defendants, ADAMS BENNETT INVESTMENTS,
LLC; MIRACLE IMPROVEMENT CORPORATION
dba GOLDEN SANDS MOBILE HOME PARK, aka
GOLDEN SANDS TRAILER PARK, named as ROE
1121; ST. ANDREW'S ABBEY, INC., named as ROE
623; SERVICE ROCK PRODUCTS, L.P.; and
SHEEP CREEK WATER COMPANY, INC.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES

Coordination Proceeding
Special Title (Rule 1550(b))

) Judicial Council Coordination
) Proceeding No. 4408

**ANTELOPE VALLEY GROUNDWATER
CASES**

) Santa Clara Case No. 1-05-CV-049053
) Assigned to the Honorable Jack Komar
) Department 17C

Including Consolidated Actions:

**Los Angeles County Waterworks District
No. 40 v. Diamond Farming Co.**
Superior Court of California, County of Los
Angeles, Case No. BC 325 201

) **CROSS-DEFENDANT/CROSS-
COMPLAINANT, ANTELOPE VALLEY
UNITED MUTUAL GROUP'S
INFORMATION AND MATERIALS
RESPONSIVE TO DECEMBER 12, 2012
DISCOVERY ORDER FOR PHASE 4
TRIAL**

**Los Angeles County Waterworks District
No. 40 v. Diamond Farming Co.**
Superior Court of California, County of Kern,
Case No. S-1500-CV-254-348

) For Court's Use Only:
) Santa Clara County
) Case No. 1-05-CV-049053
) (For E-Posting/E-Service Purposes Only)

**Wm. Bolthouse Farms, Inc. v. City of
Lancaster**
Diamond Farming Co. v. City of Lancaster
**Diamond Farming Co. v. Palmdale Water
Dist.**
Superior Court of California, County of
Riverside, consolidated actions, Case Nos. RIC
353 840, RIC 344 436, RIC 344 668

AND RELATED ACTIONS.

1 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

2 Cross-Defendant / Cross-Complainant, **A. V. UNITED MUTUAL GROUP** [comprised
3 of Antelope Park Mutual Water Co., Aqua-J Mutual Water Co., Averydale Mutual Water Co.,
4 Baxter Mutual Water Co., Bleich Flat Mutual Water Co., Colorado Mutual Water Co., Eldorado
5 Mutual Water Co., Evergreen Mutual Water Co., Land Projects Mutual Water Co., Landale
6 Mutual Water Co., Shadow Acres Mutual Water Co., Sundale Mutual Water Co., Sunnyside
7 Farms Mutual Water Co., Tierra Bonita Mutual Water Co., Westside Park Mutual Water Co.,
8 and White Fence Farms Mutual Water Co., Inc.], by and through their attorneys of record,
9 Gresham Savage Nolan & Tilden, PC, by Michael Duane Davis and Marlene L. Allen-
10 Hammarlund, submit the following information and materials, under penalty of perjury, in
11 response to the December 12, 2012 Discovery Order for Phase 4 Trial ("*Discovery Order*"),
12 issued by the Honorable Jack Komar, Trial Judge.

1 Cross-Defendant / Cross-Complainant, **A. V. UNITED MUTUAL GROUP** have made a
2 good faith effort to fully and accurately respond to the categories of information required by the
3 *Discovery Order*. However, due to the shortness of time between the issuance of the order and
4 the degree of detail required by the *Discovery Order*, Cross-Defendant / Cross-Complainant, **A.**
5 **V. UNITED MUTUAL GROUP** reserve the right to supplement their responses to the extent
6 they require, in as timely a manner as possible.

ANTELOPE PARK MUTUAL WATER COMPANY

I. CLAIMS OF OVERLYING GROUNDWATER RIGHTS:

1. Property situated within Antelope Park Mutual Water Company ("Antelope Park"):

a. Location of Property [Service Area]: 80 acres; North Boundary: Ave K; South Boundary: Ave K-8; East Boundary: 18th St West; and West Boundary: 20th St West. Though the owner of the water rights and the production, storage and distribution facilities is Antelope Park Mutual Water Company, a California mutual benefit non-profit corporation, at the direction of the Court, the Assessor's Parcel Numbers ("APN") of the members / shareholders is set forth on Antelope Park Mutual Water Company "**Attachment I.1.a.**"

b. Ownership Information: Antelope Park is an active California mutual benefit non-profit corporation, with an entity address of Post Office Box 1712, Lancaster, CA 93539. It was formed on April 25, 1947. Its Agent for Service of Process is Waymon Scroggins at 43317 17th Street West, Lancaster CA 93534. Its membership is comprised of the owners of the 162 mostly ½ acre lots that are situated within its above-described service area. Antelope Park's 115 active services serve the properties within the Antelope Park service area that have been improved with a residence, and stand by to serve the unimproved properties when improved.

c. Existence of Groundwater wells (2000 to 2004 and 2011 to 2012): Antelope Park owned 3 wells and boosters with Edison energy efficiency calibrated motor driven pumps that were situated within its service area during the years 2000 to 2004 and 2011 to 2012.

d. Operation of Groundwater wells (2000 to 2004 and 2011 to 2012): Antelope Park operated the 3 wells and boosters described in I.1.c., above, during the years 2000 to 2004 and 2011 to 2012.

e. **Amount of Groundwater Produced:** Antelope Park groundwater production during the years 2000 to 2004 and 2011 – 2012:

- i. **2000:** 170.7 acre feet
- ii. **2001:** 162.8 acre feet
- iii. **2002:** 174.1 acre feet
- iv. **2003:** 166.7 acre feet
- v. **2004:** 169.5 acre feet
- vi. **2011:** 752.6 acre feet
- vii. **2012 [1/1 – 11/30]:** 754.9 acre feet

f. **Uses of Groundwater Produced:** During the years 2000 to 2004 and 2011 to 2012, Antelope Park used the water produced from its wells described in I.1.c., above, for the provision of domestic water service to its mutual members, except as noted below.

g. **Places of Groundwater Use:** All groundwater produced by Antelope Park from the wells described in I.1.c., above, was used in its service area by its members.

h. **Uses of Parcels within Service Area:** The properties within the Antelope Park service area are all single family residential properties, except for 8 commercial properties that include a car wash and mini-mart.

i. **Crop Types:** None.

j. **Basis for Claim of Groundwater Rights:** Upon the formation of the mutual benefit, non-profit corporation, the overlying groundwater rights of the owners of the properties within the service area (who became the initial shareholders) became the rights of the mutual water company and have, ever since, been exercised by the mutual water company and not by the individual property owners / shareholders. There was no known express reservation of the overlying groundwater rights by the individual property owners at the time of formation. The property owners / shareholders simply pooled their collective water and (through the mutual water company) constructed, operated and maintained the production, storage and distribution

1 system by which they all receive water for their domestic purposes. Simply stated, the property
2 owners / shareholders exchanged their overlying water rights for the right to have water
3 delivered to their individual properties. See *Erwin v. Gage Canal Company* (1964) 226
4 Cal.App.2d 189; see also *Hildreth v. Montecito Creek Water Co.* (1903) 139 Cal. 22, 29; see also
5 *City of Glendale v. Crescenta etc. Water Co.* (1955) 135 Cal.App.2d 784,801. As such, each
6 shareholder has an interests in the water rights, production, storage and distribution facilities of
7 the mutual water company and has the right to receive water upon development and demand.

8 k. **Amount of Groundwater Claim:** 174.1 acre feet [highest “base
9 period” use].

10 l. **Other Facts Supporting Claim:** Pending receipt of additional data
11 and information.

12 2. **Property Lease Information:**

13 a. **Lease of Property:** Antelope Park leased no property during the years
14 2000 to 2004 and 2011 to 2012.

15 b. **Name of Lessee:** N/A.

16 c. **ATN/APNs:** N/A.

17 d. **Written Agreements Allocating Credits:** N/A.

18 e. **Lessee Delivery of Water:** N/A.

19 f. **Uses of Groundwater by Lessee:** N/A.

20 3. **Additional Requested Information and Materials:**

21 a. **Prima Facie Groundwater Production Materials:**

22 i. See Antelope Park Mutual Water Company “Attachment I.3.a.i.”

23 ii. Southern California Edison Well Efficiency Test Results:

24 1. Well #3 (May 14, 2010)

25 2. Well #4 (May 14, 2010)

26 iii. Southern California Edison Booster Efficiency Test Results:

27 1. Booster #1 (May 14, 2010)

- 1 2. Booster #2 (May 14, 2010)
- 2 iv. Southern California Edison Electrical Billing History:
- 3 1. January 2000 – December 2004
- 4 2. Pending receipt of additional data and information.
- 5 v. Pending receipt of additional data and information.
- 6 b. **Prima Facie Property Uses Materials:**
- 7 i. See Antelope Park Mutual Water Company “Attachment I.3.b.i.”
- 8 ii. Pending receipt of additional data and information.
- 9 c. **Additional Materials:**
- 10 i. See Antelope Park Water Company “Attachment I.3.c.i.”
- 11 ii. California Secretary of State, Business Entity Detail
- 12 (December 14, 2012)
- 13 iii. Pending receipt of additional data and information.

14 **II. CLAIMS OF NON-OVERLYING GROUNDWATER RIGHTS:**

- 15 1. **Specifically Requested Non-Overlying Information:**
- 16 a. **Amount of Production:** None.
- 17 b. **ATN/APNs:** N/A.
- 18 c. **Well Information:** N/A.
- 19 d. **Amount of Water Produced:** N/A.
- 20 e. **Methodology Used to Quantify Claim:** N/A.
- 21 f. **Reports to State Water Resources Control Board (2000 to 2004):** N/A.
- 22 g. **Uses other than Municipal Supply (2000 to 2004 and 2011 to 2012):**
- 23 N/A.
- 24 h. **Water for Outdoor Irrigation:** N/A.

25 **III. CLAIMS OF RETURN FLOW CREDITS:**

- 26 1. **Specifically Requested Non-Overlying Information:**
- 27 a. **Amount of Pumping of Return Flows from Imported Water:** None.

b. Amount of Return Flows Pumped:

- i. 2000: N/A.
- ii. 2001: N/A.
- iii. 2002: N/A.
- iv. 2003: N/A.
- v. 2004: N/A.
- vi. 2011: N/A.
- vii. 2012 [1/1 – 11/30]: N/A.

c. Methodology Used to Quantify Claim: N/A.

d. Amount of Water Imported: None.

e. Water Quality Information: N/A.

f. Uses of Imported Water: N/A.

g. Dates of Importation of Water: N/A.

h. Geological Conditions Beneath Properties: N/A.

i. Depth of Aquifer and Soil Type Beneath Surface: N/A.

j. Time for Percolation to Aquifer: N/A.

k. Physical Evidence that Return Flows Augment Basin: N/A.

l. Geological Locations that Return Flows Augment Basin: N/A.

m. Return Flows Entering Municipal Sewer System: N/A.

n. Locations of Return Flows Wastewater Augmenting Basin: N/A.

IV. FOR THE FEDERAL PARTIES: N/A.

V. FOR ALL RESPONDING PARTIES:

1. Person most qualified to testify to the facts and materials above:

- a. Non-Expert Witness(es): Don Hamilton and Larry Gorden.
- b. Expert Witness(es): None at the present.

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

2. Verification by Authorized Individual:

Declaration under Penalty of Perjury:

I, Don Hamilton, am the President of the Board of Directors of the Antelope Park Mutual Water Company and have personal knowledge of the facts set forth above.

If called to do so, I could and would competently testify to these facts under oath. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this ____ day of December, 2012 at Lancaster, CA.

Donald B. Hamilton

28
GRESHAM | SAVAGE
ATTORNEYS AT LAW
3753 UNIVERSITY AVE.
STE. 200
RIVERSIDE, CA 92501-3335
(951) 684-2171

AQUA-J MUTUAL WATER COMPANY

I. CLAIMS OF OVERLYING GROUNDWATER RIGHTS:

1. Property situated within Aqua-J Mutual Water Company ("Aqua-J"):

a. Location of Property / Service Area: 160 acres; North Boundary: Ave I-8; South Boundary: Ave J; East Boundary: 95th St East; and West Boundary: 90th St. East. Though the owner of the water rights and the production, storage and distribution facilities is Aqua-J Mutual Water Company, a California mutual benefit non-profit corporation, at the direction of the Court, the Assessor's Parcel Numbers ("APN") of the members / shareholders is set forth on Aqua-J Park Mutual Water Company "**Attachment I.1.a.**"

b. Ownership Information: Aqua-J is an active California mutual benefit non-profit corporation, with an entity address of 44503 N 92nd St East, Lancaster, CA 93535. It was formed on January 7, 1953. Its Agent for Service of Process is Douglas W. Mead at 44503 N 92nd St East, Lancaster, CA 93535. Its membership is comprised of the owners of the 98 mostly 1 ¼ acre lots that are situated within its above-described service area. Aqua-J's 48 active meters serve the properties within the Aqua-J service area that have been improved with a residence, and stand by to serve the unimproved properties when improved.

c. Existence of Groundwater wells (2000 to 2004 and 2011 to 2012): Aqua-J owned one (1) groundwater well (metered), that was situated within its service area during the years 2000 to 2004 and 2011 to 2012.

d. Operation of Groundwater wells (2000 to 2004 and 2011 to 2012): Aqua-J operated the well described in I.1.c., above, during the years 2000 to 2004 and 2011 to 2012.

e. Amount of Groundwater Produced: Aqua-J groundwater production during the years 2000 to 2004 and 2011 – 2012:

i. 2000: 80.7 acre feet

ii. 2001: 66.4 acre feet

- 1 iii. 2002: 58.7 acre feet
2 iv. 2003: 63.4 acre feet
3 v. 2004: 66.1 acre feet
4 vi. 2011: 42.5 acre feet
5 vii. 2012 [1/1 – 11/30]: 47.3 acre feet

6 f. **Uses of Groundwater Produced:** During the years 2000 to 2004 and
7 2011 to 2012, Aqua-J used the water produced from its well described in I.1.c., above, for the
8 provision of domestic water service to its mutual members.

9 g. **Places of Groundwater Use:** All groundwater produced by Aqua-J
10 from the well described in I.1.c., above, was used in its service area by its members.

11 h. **Uses of Parcels within Service Area:** The properties within the
12 Aqua-J service area are single family residential parcels.

13 i. **Crop Types:** None.

14 j. **Basis for Claim of Groundwater Rights:** Upon the formation of the
15 mutual benefit, non-profit corporation, the overlying groundwater rights of the owners of the
16 properties within the service area (who became the initial shareholders) became the rights of the
17 mutual water company and have, ever since, been exercised by the mutual water company and
18 not by the individual property owners / shareholders. There was no known express reservation
19 of the overlying groundwater rights by the individual property owners at the time of formation.
20 The property owners / shareholders simply pooled their collective water and (through the mutual
21 water company) constructed, operated and maintained the production, storage and distribution
22 system by which they all receive water for their domestic purposes. Simply stated, the property
23 owners / shareholders exchange their overlying water rights for the right to have water delivered
24 to their individual properties. See *Erwin v. Gage Canal Company* (1964) 226 Cal.App.2d 189;
25 see also *Hildreth v. Montecito Creek Water Co.* (1903) 139 Cal. 22, 29; see also *City of Glendale*
26 *v. Crescenta etc. Water Co.* (1955) 135 Cal.App.2d 784,801. As such, each shareholder has an

interests in the water rights, production, storage and distribution facilities of the mutual water company and has the right to receive water upon development and demand.

k. **Amount of Groundwater Claim:** 80.7 acre feet [highest “base period” use].

l. **Other Facts Supporting Claim:** Pending receipt of additional data and information.

2. **Property Lease Information:**

a. **Lease of Property:** Aqua-J leased no property during the years 2000 to 2004 and 2011 to 2012.

b. **Name of Lessee:** N/A.

c. **ATN/APNs:** N/A.

d. **Written Agreements Allocating Credits:** N/A.

e. **Lessee Delivery of Water:** N/A.

f. **Uses of Groundwater by Lessee:** N/A.

3. **Additional Requested Information and Materials:**

a. **Prima Facie Groundwater Production Materials:**

- i. See Aqua-J Park Mutual Water Company “Attachment I.3.a.i.”
- ii. Water meter data log for January 2000 – December 2000
- iii. Water meter data log for January 2001 – December 2001
- iv. Water meter data log for January 2002 – December 2002
- v. Water meter data log for January 2003 – December 2003
- vi. “Customer Status” report for January 2004 and water meter data log for February 2004 – December 2004
- vii. Pending receipt of additional data and information.

b. **Prima Facie Property Uses Materials:**

- i. See Aqua-J Mutual Water Company “Attachment I.3.b.i.”
- ii. Pending receipt of additional data and information.

- 1 c. **Additional Materials:**
- 2 i. See Aqua-J Mutual Water Company “**Attachment I.3.c.i.**”
- 3 ii. California Secretary of State, Business Entity Detail (December
- 4 14, 2012)
- 5 iii. Pending receipt of additional data and information.

6 **II. CLAIMS OF NON-OVERLYING GROUNDWATER RIGHTS:**

- 7 1. **Specifically Requested Non-Overlying Information:**
- 8 a. **Amount of Production:** None.
- 9 b. **ATN/APNs:** N/A.
- 10 c. **Well Information:** N/A.
- 11 d. **Amount of Water Produced:** N/A.
- 12 e. **Methodology Used to Quantify Claim:** N/A.
- 13 f. **Reports to State Water Resources Control Board (2000 to 2004):** N/A.
- 14 g. **Uses other than Municipal Supply (2000 to 2004 and 2011 to 2012):**
- 15 N/A.
- 16 h. **Water for Outdoor Irrigation:** N/A.

17 **III. CLAIMS OF RETURN FLOW CREDITS:**

- 18 1. **Specifically Requested Non-Overlying Information:**
- 19 a. **Amount of Pumping of Return Flows from Imported Water:** None.
- 20 b. **Amount of Return Flows Pumped:**
- 21 i. **2000:** None.
- 22 ii. **2001:** None.
- 23 iii. **2002:** None.
- 24 iv. **2003:** None.
- 25 v. **2004:** None.
- 26 vi. **2011:** None.
- 27 vii. **2012 [1/1 – 11/30]:** None.

- 1 c. Methodology Used to Quantify Claim: N/A.
- 2 d. Amount of Water Imported: None.
- 3 e. Water Quality Information: N/A.
- 4 f. Uses of Imported Water: N/A.
- 5 g. Dates of Importation of Water: N/A.
- 6 h. Geological Conditions Beneath Properties: N/A.
- 7 i. Depth of Aquifer and Soil Type Beneath Surface: N/A.
- 8 j. Time for Percolation to Aquifer: N/A.
- 9 k. Physical Evidence that Return Flows Augment Basin: N/A.
- 10 l. Geological Locations that Return Flows Augment Basin: N/A.
- 11 m. Return Flows Entering Municipal Sewer System: N/A.
- 12 n. Locations of Return Flows Wastewater Augmenting Basin: N/A.

13 IV. FOR THE FEDERAL PARTIES: N/A.

14 V. FOR ALL RESPONDING PARTIES:

15 1. Person most qualified to testify to the facts and materials above:

- 16 a. Non-Expert Witness(es): Douglas W. Mead
- 17 b. Expert Witness(es): Not determined at this time.
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27

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

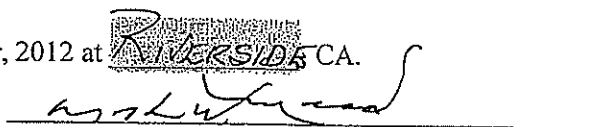
2. Verification by Authorized Individual:

Declaration under Penalty of Perjury:

I, Douglas W. Mead, am the PRESIDENT of the Aqua-J Mutual Water Company and have personal knowledge of the facts set forth above.

If called to do so, I could and would competently testify to these facts under oath. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 30 day of December, 2012 at RIVERSIDE CA.



1 **EVERYDALE MUTUAL WATER COMPANY:**

2
3 **I. CLAIMS OF OVERLYING GROUNDWATER RIGHTS:**

4 **1. Property situated with Averydale Mutual Water Company ("Averydale"):**

5 **a. Location of Property / Service Area:** 410 acres; North Boundary:
6 Ave H East to 37th St East and Ave H 37th St East South to Ave H-4 West to 36th St East South
7 to Ave H-8 West to 35th East and Ave H-8 South on 35th St East to Ave I West to 30th St East
8 South to Kettering West to 27th St East turn North on 27th St East to Ave H-8. Though the
9 owner of the water rights and the production, storage and distribution facilities is Averydale
10 Mutual Water Company, a California mutual benefit non-profit corporation, at the direction of
11 the Court, the Assessor's Parcel Numbers ("APN") of the members / shareholders is set forth on
12 Averydale Mutual Water Company "Attachment I.1.a."

13 **b. Ownership Information:** Averydale is an active California mutual
14 benefit non-profit corporation, with an entity address of Post Office Box 191, Lancaster, CA
15 93584. It was formed on August 6, 1948. Its Agent for Service of Process is Patrick Sprinkle at
16 45909 37th St. East, Lancaster, CA 93535. Its membership is comprised of the owners of the
17 367 mostly 1¼ acre lots that are situated within five (5) mobile home parks comprising its
18 above-described service area. Averydale's 293 active meters serve the properties within the
19 Averydale service area that have been improved with a residence, and stand by to serve the
20 unimproved properties when improved.

21 **c. Existence of Groundwater wells (2000 to 2004 and 2011 to 2012):**
22 Averydale owned two (2) groundwater wells (metered), that were situated within its service area
23 during the years 2000 to 2004 and 2011 to 2012.

24 **d. Operation of Groundwater wells (2000 to 2004 and 2011 to 2012):**
25 Averydale operated the two (2) wells described in I.1.c., above, during the years 2000 to 2004
26 and 2011 to 2012.

e. **Amount of Groundwater Produced:** Averydale groundwater production during the years 2000 to 2004 and 2011 – 2012:

- i. **2000:** 316.9 acre feet
- ii. **2001:** 312.1 acre feet
- iii. **2002:** 346 acre feet
- iv. **2003:** 333.9 acre feet
- v. **2004:** 365.5 acre feet
- vi. **2011:** 247.9 acre feet
- vii. **2012 [1/1 – 11/30]:** 268.0 acre feet

f. **Uses of Groundwater Produced:** During the years 2000 to 2004 and 2011 to 2012, Averydale used the water produced from its wells described in I.l.c., above, for the provision of domestic water service to its mutual members.

g. **Places of Groundwater Use:** All groundwater produced by Averydale from the wells described in I.l.c., above, were used in its service area by its members.

h. **Uses of Parcels within Service Area:** The properties within the Averydale service comprise five (5) mobile home parks for residential use.

i. **Crop Types:** None.

j. **Basis for Claim of Groundwater Rights:** Upon the formation of the mutual benefit, non-profit corporation, the overlying groundwater rights of the owners of the properties within the service area (who became the initial shareholders) became the rights of the mutual water company and have, ever since, been exercised by the mutual water company and not by the individual property owners / shareholders. There was no known express reservation of the overlying groundwater rights by the individual property owners at the time of formation. The property owners / shareholders simply pooled their collective water and (through the mutual water company) constructed, operated and maintained the production, storage and distribution system by which they all receive water for their domestic purposes. Simply stated, the property owners / shareholders exchange their overlying water rights for the right to have water delivered

to their individual properties. See *Erwin v. Gage Canal Company* (1964) 226 Cal.App.2d 189; see also *Hildreth v. Montecito Creek Water Co.* (1903) 139 Cal. 22, 29; see also *City of Glendale v. Crescenta etc. Water Co.* (1955) 135 Cal.App.2d 784,801. As such, each shareholder has an interests in the water rights, production, storage and distribution facilities of the mutual water company and has the right to receive water upon development and demand.

k. **Amount of Groundwater Claim:** 365.5 acre feet [highest “base period” use].

l. **Other Facts Supporting Claim:** Pending receipt of additional data and information.

2. **Property Lease Information:**

a. **Lease of Property:** Averydale leased no property during the years 2000 to 2004 and 2011 to 2012.

b. **Name of Lessee:** N/A.

c. **ATN/APNs:** N/A.

d. **Written Agreements Allocating Credits:** N/A.

e. **Lessee Delivery of Water:** N/A.

f. **Uses of Groundwater by Lessee:** N/A.

3. **Additional Requested Information and Materials:**

a. **Prima Facie Groundwater Production Materials:**

- i. See Averydale Mutual Water Company “Attachment I.3.a.i.”
- ii. Well No. 1 – Annual Notice of Groundwater Extraction for 2000
- iii. Well No. 1 – Annual Notice of Groundwater Extraction for 2001
- iv. Well No. 1 – Annual Notice of Groundwater Extraction for 2002
- v. Well No. 1 – Annual Notice of Groundwater Extraction for 2003
- vi. Well No. 1 – Annual Notice of Groundwater Extraction for 2004
- vii. Well No. 2 – Annual Notice of Groundwater Extraction for 2000
- viii. Well No. 2 – Annual Notice of Groundwater Extraction for 2001

- ix. Well No. 2 – Annual Notice of Groundwater Extraction for 2002
- x. Well No. 2 – Annual Notice of Groundwater Extraction for 2003
- xi. Well No. 2 – Annual Notice of Groundwater Extraction for 2004
- xii. Pending receipt of additional data and information.
- b. **Prima Facie Property Uses Materials:**
 - i. See Averydale Mutual Water Company “Attachment I.3.b.i.”
 - ii. Pending receipt of additional data and information.
- c. **Additional Materials:**
 - i. See Averydale Water Company “Attachment I.3.c.i.”
 - ii. California Secretary of State, Business Entity Detail (December 14, 2012)
 - iii. Pending receipt of additional data and information.

II. CLAIMS OF NON-OVERLYING GROUNDWATER RIGHTS:

- 1. **Specifically Requested Non-Overlying Information:**
 - a. **Amount of Production:** None.
 - b. **ATN/APNs:** N/A.
 - c. **Well Information:** N/A.
 - d. **Amount of Water Produced:** N/A.
 - e. **Methodology Used to Quantify Claim:** N/A.
 - f. **Reports to State Water Resources Control Board (2000 to 2004):** N/A.
 - g. **Uses other than Municipal Supply (2000 to 2004 and 2011 to 2012):**
N/A.
 - h. **Water for Outdoor Irrigation:** N/A.

III. CLAIMS OF RETURN FLOW CREDITS:

- 1. **Specifically Requested Non-Overlying Information:**
 - a. **Amount of Pumping of Return Flows from Imported Water:** None.
 - b. **Amount of Return Flows Pumped:**

- i. 2000: None.
- ii. 2001: None.
- iii. 2002: None.
- iv. 2003: None.
- v. 2004: None.
- vi. 2011: None.
- vii. 2012 [1/1 – 11/30]: None.
- c. Methodology Used to Quantify Claim: N/A.
- d. Amount of Water Imported: None.
- e. Water Quality Information: N/A.
- f. Uses of Imported Water: N/A.
- g. Dates of Importation of Water: N/A.
- h. Geological Conditions Beneath Properties: N/A.
- i. Depth of Aquifer and Soil Type Beneath Surface: N/A.
- j. Time for Percolation to Aquifer: N/A.
- k. Physical Evidence that Return Flows Augment Basin: N/A.
- l. Geological Locations that Return Flows Augment Basin: N/A.
- m. Return Flows Entering Municipal Sewer System: N/A.
- n. Locations of Return Flows Wastewater Augmenting Basin: N/A.

IV. FOR THE FEDERAL PARTIES: N/A.

V. FOR ALL RESPONDING PARTIES:

1. Person most qualified to testify to the facts and materials above:

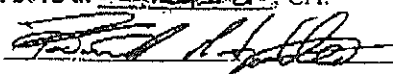
- a. Non-Expert Witness(es): Patrick Sprinkle
- b. Expert Witness(es): Not determined at this time.

2. Verification by Authorized Individual:Declaration under Penalty of Perjury:

I, Patrick Sprinkle, am the President of the Averydale Mutual Water Company and have personal knowledge of the facts set forth above.

If called to do so, I could and would competently testify to these facts under oath. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 20 day of December, 2012 at Lancaster, CA.



GUICHAM | CAVALLI
ATTORNEYS AT LAW
37501 NORTHERN AVE.
SUI. 123
SHERMAN, CA 92681-3335
(916) 884-2171

-21-

ANTELOPE VALLEY UNITED MUTUAL GROUP'S INFORMATION AND MATERIALS RESPONSE TO
DECEMBER 12, 2012 DISCOVERY ORDER FOR PHASE 4 TRIAL

A7854991 -- 1027232.1

1 **BAXTER MUTUAL WATER COMPANY:**

2
3 **I. CLAIMS OF OVERLYING GROUNDWATER RIGHTS:**

4 **1. Property situated with Baxter Mutual Water Company ("Baxter"):**

5 **a. Location of Property / Service Area:** 20 acres located approximately
6 10 miles east of Lancaster at 125th Street E and Avenue H. Though the owner of the water rights
7 and the production, storage and distribution facilities is Baxter Mutual Water Company, a
8 California mutual benefit non-profit corporation, at the direction of the Court, the Assessor's
9 Parcel Numbers ("APN") of the members / shareholders is set forth on Baxter Mutual Water
10 Company "**Attachment I.1.a.**"

11 **b. Ownership Information:** Baxter is an active California mutual benefit
12 non-profit corporation, with an entity address of 12501 East Avenue H, Lancaster, CA 93535. It
13 was formed on September 20, 1954. Its Agent for Service of Process is Larry Gorden at 12501
14 East Avenue H, Lancaster, CA 93535. Its membership is comprised of the owners of the 15 lots
15 on 20 acres that are situated within its above-described service area. Baxter's 14 active
16 connections that serve the properties within the Baxter service area that have been improved with
17 a residence, and stand by to serve the one remaining unimproved property when improved.

18 **c. Existence of Groundwater wells (2000 to 2004 and 2011 to 2012):**
19 Baxter owned (1) well and booster with Edison energy efficiency calibrated motor driven pump
20 that was situated within its service area during the years 2000 to 2004 and 2011 to 2012. A
21 water meter was installed and began metering water usage on November 15, 2011.

22 **d. Operation of Groundwater wells (2000 to 2004 and 2011 to 2012):**
23 Baxter operated the well described in I.1.c., above, during the years 2000 to 2004 and 2011 to
24 2012.

25 **e. Amount of Groundwater Produced:** Baxter groundwater production
26 during the years 2000 to 2004 and 2011 – 2012:

27 **i. 2000:** 51.6 acre-feet.

- 1 ii. 2001: 46 acre-feet.
2 iii. 2002: 47.81 acre-feet.
3 iv. 2003: 47.61 acre-feet.
4 v. 2004: 52.45 acre-feet.
5 vi. 2011: Pending receipt of data.
6 vii. 2012 [12/1/11 – 11/30/12]: 44.6 acre feet

7 f. **Uses of Groundwater Produced:** During the years 2000 to 2004 and
8 2011 to 2012, Baxter used the water produced from its well described in I.1.c., above, for the
9 provision of domestic water service to its mutual members.

10 g. **Places of Groundwater Use:** All groundwater produced by Baxter
11 from the well described in I.1.c., above, were used in its service area by its members.

12 h. **Uses of Parcels within Service Area:** The properties within the
13 Baxter service area are single family residential parcels.

14 i. **Crop Types:** None.

15 j. **Basis for Claim of Groundwater Rights:** Upon the formation of the
16 mutual benefit, non-profit corporation, the overlying groundwater rights of the owners of the
17 properties within the service area (who became the initial shareholders) became the rights of the
18 mutual water company and have, ever since, been exercised by the mutual water company and
19 not by the individual property owners / shareholders. There was no known express reservation
20 of the overlying groundwater rights by the individual property owners at the time of formation.
21 The property owners / shareholders simply pooled their collective water and (through the mutual
22 water company) constructed, operated and maintained the production, storage and distribution
23 system by which they all receive water for their domestic purposes. Simply stated, the property
24 owners / shareholders exchange their overlying water rights for the right to have water delivered
25 to their individual properties. See *Erwin v. Gage Canal Company* (1964) 226 Cal.App.2d 189;
26 see also *Hildreth v. Montecito Creek Water Co.* (1903) 139 Cal. 22, 29; see also *City of Glendale*
27 *v. Crescenta etc. Water Co.* (1955) 135 Cal.App.2d 784,801. As such, each shareholder has an

interests in the water rights, production, storage and distribution facilities of the mutual water company and has the right to receive water upon development and demand.

k. **Amount of Groundwater Claim:** 52.45 acre feet [highest “base period” use].

l. **Other Facts Supporting Claim:** Baxter groundwater production figures for the years 2000-2004 were determined using Southern California Edison (“Edison”) records of power consumed in kilowatt-hours (“kWh”) and pump efficiency tests. The pump efficiency tests provide an estimated pumping rate in kWh/Acre-Ft. The kWh power usage from Edison is divided by the kWh/Acre-Ft rate to determine the groundwater production in Acre-Ft. The latest Edison pump efficiency test was conducted on February 16, 2012. Two pumps are the only source of electricity usage on the Edison meter: (1) the well turbine pump (the “Well Pump”), which delivers water from the aquifer to a holding tank, and (2) the a pressure pump (the “Booster Pump”) which pumps water from the holding tank and pressurizes a pressure tank. The pump efficiency test provides a rate in kWh/Acre-Ft rate for each pump. The Well Pump rate is 644 kWh/Acre-Ft. The Booster Pump rate is 209 kWh/Acre-Ft. The combined pumping rate for the Well Pump and Booster Pump is 853 KWH/Acre-Ft, which is applied to Edison kWh power usage records to determine total groundwater production. Baxter groundwater figures for the period of December 2011 through November 2012 were obtained from well flowmeter readings (installed November 15, 2012), except for July 2012 when the flowmeter was not functioning. July 2012 groundwater production was calculated using Edison records of power consumption in the same manner as for calculating 2000 – 2004 production. Baxter elected to use flowmeter readings for the 2011-2012 period, rather than using Edison records, because the flowmeter is a direct measurement of groundwater production.

2. **Property Lease Information:**

a. **Lease of Property:** Baxter leased no property during the years 2000 to 2004 and 2011 to 2012.

b. **Name of Lessee:** N/A.

- c. ATN/APNs: N/A.
- d. Written Agreements Allocating Credits: N/A.
- e. Lessee Delivery of Water: N/A.
- f. Uses of Groundwater by Lessee: N/A.

3. Additional Requested Information and Materials:

a. Prima Facie Groundwater Production Materials:

- i. See Baxter Mutual Water Company “Attachment I.3.a.i.”
- ii. Southern California Edison Well Efficiency Test Results:
 - 1. February 16, 2012 test
- iii. Southern California Edison Booster Efficiency Test Results:
 - 1. February 16, 2012 test
- iv. Southern California Edison Electrical Billing History
 - 1. January 2000 – December 2004
- v. Baxter Mutual Water Co. Well Water Extraction for Years 2000-2004 by Larry Gorden, Vice President, Baxter Mutual Water Co. (February 20, 2012).
- vi. Baxter Mutual Water Company Well Water Extraction (December 14, 2012).

b. Prima Facie Property Uses Materials:

- i. See Baxter Mutual Water Company “Attachment I.3.b.i.”
- ii. Baxter Mutual Water Company Shareholder Properties Overview
- iii. Pending receipt of additional data and information.

c. Additional Materials:

- i. See Baxter Mutual Water Company “Attachment I.3.c.i.”
- ii. California Secretary of State, Business Entity Detail (December 14, 2012)
- iii. Pending receipt of additional data and information.

II. CLAIMS OF NON-OVERLYING GROUNDWATER RIGHTS:

1. Specifically Requested Non-Overlying Information:

- a. Amount of Production: None.
- b. ATN/APNs: N/A.
- c. Well Information: N/A.
- d. Amount of Water Produced: N/A.
- e. Methodology Used to Quantify Claim: N/A.
- f. Reports to State Water Resources Control Board (2000 to 2004): N/A.
- g. Uses other than Municipal Supply (2000 to 2004 and 2011 to 2012):
N/A.
- h. Water for Outdoor Irrigation: N/A.

III. CLAIMS OF RETURN FLOW CREDITS:

1. Specifically Requested Non-Overlying Information:

- a. Amount of Pumping of Return Flows from Imported Water: None.
- b. Amount of Return Flows Pumped:
 - i. 2000: None.
 - ii. 2001: None.
 - iii. 2002: None.
 - iv. 2003: None.
 - v. 2004: None.
 - vi. 2011: None.
 - vii. 2012 [1/1 – 11/30]: None.
- c. Methodology Used to Quantify Claim: N/A.
- d. Amount of Water Imported: None.
- e. Water Quality Information: N/A.
- f. Uses of Imported Water: N/A.
- g. Dates of Importation of Water: N/A.

BLEICH FLAT MUTUAL WATER COMPANY:

I. CLAIMS OF OVERLYING GROUNDWATER RIGHTS:

1. Property situated with Bleich Flat Mutual Water Company ("Bleich Flat"):

a. Location of Property [Service Area]: 660 acres; East Boundary: 210th St West; North Boundary: Ave F-12; West Boundary: 220th St West; and South Boundary: Ave G-12 to Ave H. Though the owner of the water rights and the production, storage and distribution facilities is Bleich Flat Mutual Water Company, a California mutual benefit non-profit corporation, at the direction of the Court, the Assessor's Parcel Numbers ("APN") of the members / shareholders is set forth on Bleich Flat Mutual Water Company "Attachment I.1.a."

b. Ownership Information: Bleich Flat is an active California mutual benefit non-profit corporation, with an entity address of 46201 Kings Canyon Rd, Lancaster, CA 93536. It was formed on January 26, 1968. Its Agent for Service of Process is Charles A. Skelton at 47076 Kings Canyon Rd., Lancaster, CA 93536. Its membership is comprised of the owners of the 47 mostly 5 acre lots that are situated within its above-described service area. Bleich Flat's 33 active meters serve the properties within the Bleich Flat service area that have been improved with a residence, and stand by to serve the unimproved properties when improved.

c. Existence of Groundwater wells (2000 to 2004 and 2011 to 2012): Bleich Flat owned 4 wells and boosters with Edison energy efficiency calibrated motor driven pumps that were situated within its service area during the years 2000 to 2004 and 2011 to 2012.

d. Operation of Groundwater wells (2000 to 2004 and 2011 to 2012): Bleich Flat operated the 4 wells described in I.1.c., above, during the years 2000 to 2004 and 2011 to 2012.

e. **Amount of Groundwater Produced:** Bleich Flat groundwater production during the years 2000 to 2004 and 2011 – 2012 [not including the 3.25 acre feet that annually flows from the natural spring on the property.]:

- i. **2000:** 22.8 acre feet
- ii. **2001:** 24.5 acre feet
- iii. **2002:** 23.5 acre feet
- iv. **2003:** 20.8 acre feet
- v. **2004:** 27.2 acre feet
- vi. **2011:** 21.9 acre feet
- vii. **2012 [1/1 – 11/30]:** 24.4 acre feet

f. **Uses of Groundwater Produced:** During the years 2000 to 2004 and 2011 to 2012, Bleich Flat used the water produced from its wells described in I.1.c., above, for the provision of domestic water service to its mutual members.

g. **Places of Groundwater Use:** All groundwater produced by Bleich Flat from the wells described in I.1.c., above, was used in its service area by its members.

h. **Uses of Parcels within Service Area:** The properties within the Bleich Flat service area are single family residential parcels.

i. **Crop Types:** None.

j. **Basis for Claim of Groundwater Rights:** Upon the formation of the mutual benefit, non-profit corporation, the overlying groundwater rights of the owners of the properties within the service area (who became the initial shareholders) became the rights of the mutual water company and have, ever since, been exercised by the mutual water company and not by the individual property owners / shareholders. There was no known express reservation of the overlying groundwater rights by the individual property owners at the time of formation. The property owners / shareholders simply pooled their collective water and (through the mutual water company) constructed, operated and maintained the production, storage and distribution system by which they all receive water for their domestic purposes. Simply stated, the property

owners / shareholders exchanged their overlying water rights for the right to have water delivered to their individual properties. See *Erwin v. Gage Canal Company* (1964) 226 Cal.App.2d 189; see also *Hildreth v. Montecito Creek Water Co.* (1903) 139 Cal. 22, 29; see also *City of Glendale v. Crescenta etc. Water Co.* (1955) 135 Cal.App.2d 784,801. As such, each shareholder has an interests in the water rights, production, storage and distribution facilities of the mutual water company and has the right to receive water upon development and demand.

k. **Amount of Groundwater Claim:** 27.2 acre feet [highest “base period” use]; this claim does not include the 3.25 acre feet that annually flows from the natural spring on the property.

l. **Other Facts Supporting Claim:** Pending receipt of additional data and information.

2. **Property Lease Information:**

a. **Lease of Property:** Bleich Flat leased no property during the years 2000 to 2004 and 2011 to 2012.

a. **Name of Lessee:** N/A.

b. **ATN/APNs:** N/A.

c. **Written Agreements Allocating Credits:** N/A.

d. **Lessee Delivery of Water:** N/A.

e. **Uses of Groundwater by Lessee:** N/A.

3. **Additional Requested Information and Materials:**

a. **Prima Facie Groundwater Production Materials:**

- i. See Bleich Flat Mutual Water Company “Attachment I.3.a.i.”
- ii. Bleich Flat Mutual Water Co. Statistical Data As Of December 31, 2000.
- iii. Bleich Flat Mutual Water Co. Statistical Data As Of December 31, 2001.

- iv. Bleich Flat Mutual Water Co. Statistical Data As Of December 31, 2002.
- v. Bleich Flat Mutual Water Co. Statistical Data As Of December 31, 2003.
- vi. Bleich Flat Mutual Water Co. Statistical Data As Of December 31, 2004.
- vii. Pending receipt of additional data and information.
- b. **Prima Facie Property Uses Materials:**
 - i. See Bleich Flat Mutual Water Company “Attachment I.3.b.i.”
 - ii. Pending receipt of additional data and information.
- c. **Additional Materials:**
 - i. See Bleich Flat Water Company “Attachment I.3.c.i.”
 - ii. California Secretary of State, Business Entity Detail (December 14, 2012)
 - iii. Pending receipt of additional data and information.

II. CLAIMS OF NON-OVERLYING GROUNDWATER RIGHTS:

1. **Specifically Requested Non-Overlying Information:**
 - a. **Amount of Production:** None.
 - b. **ATN/APNs:** N/A.
 - c. **Well Information:** N/A.
 - d. **Amount of Water Produced:** N/A.
 - e. **Methodology Used to Quantify Claim:** N/A.
 - f. **Reports to State Water Resources Control Board (2000 to 2004):** N/A.
 - g. **Uses other than Municipal Supply (2000 to 2004 and 2011 to 2012):** N/A.
 - h. **Water for Outdoor Irrigation:** N/A.

1 **III. CLAIMS OF RETURN FLOW CREDITS:**

2 **1. Specifically Requested Non-Overlying Information:**

3 **a. Amount of Pumping of Return Flows from Imported Water:** None.

4 **b. Amount of Return Flows Pumped:**

5 **i. 2000:** N/A.

6 **ii. 2001:** N/A.

7 **iii. 2002:** N/A.

8 **iv. 2003:** N/A.

9 **v. 2004:** N/A.

10 **vi. 2011:** N/A.

11 **vii. 2012 [1/1 – 11/30]:** N/A.

12 **c. Methodology Used to Quantify Claim:** N/A.

13 **d. Amount of Water Imported:** None.

14 **e. Water Quality Information:** N/A.

15 **f. Uses of Imported Water:** N/A.

16 **g. Dates of Importation of Water:** N/A.

17 **h. Geological Conditions Beneath Properties:** N/A.

18 **i. Depth of Aquifer and Soil Type Beneath Surface:** N/A.

19 **j. Time for Percolation to Aquifer:** N/A.

20 **k. Physical Evidence that Return Flows Augment Basin:** N/A.

21 **l. Geological Locations that Return Flows Augment Basin:** N/A.

22 **m. Return Flows Entering Municipal Sewer System:** N/A.

23 **n. Locations of Return Flows Wastewater Augmenting Basin:** N/A.

24 **IV. FOR THE FEDERAL PARTIES:** N/A.

V. FOR ALL RESPONDING PARTIES:

1. Person most qualified to testify to the facts and materials above:

- a. Non-Expert Witness(es): Charles A. Skelton
- b. Expert Witness(es): Not determined at this time.

2. Verification by Authorized Individual:

Declaration under Penalty of Perjury:

I, Charles A. Skelton, am the ~~President~~ of the Bleich Flat Mutual Water Company and have personal knowledge of the facts set forth above.

If called to do so, I could and would competently testify to these facts under oath. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 20 day of December, 2012 at Lancaster, CA.

Charles Skelton was transported to Antelope Valley Hospital this afternoon suffering from symptoms which appeared last night. He is not able to respond to this paper. I will respond to the best of my ability though I do not have access to all records.

Richard Hague, Vice President of Bleich Flat mutual Water Company.

Signature:

Richard Hague

COLORADO MUTUAL WATER COMPANY:

I. CLAIMS OF OVERLYING GROUNDWATER RIGHTS:

1. Property situated within Colorado Mutual Water Company ("Colorado"):

a. Location of Property [Service Area]: 80 acres; Boundaries: Ave J-8 North 90th St East on South by Ave J-12 West 85th St East. Though the owner of the water rights and the production, storage and distribution facilities is Colorado Mutual Water Company, a California mutual benefit non-profit corporation, at the direction of the Court, the Assessor's Parcel Numbers ("APN") of the members / shareholders is set forth on Colorado Mutual Water Company "Attachment I.1.a."

b. Ownership Information: Colorado is an active California mutual benefit non-profit corporation, with an entity address of 43841 90th St. East, Lancaster, CA 93535. It was formed on May 18, 1954. Its Agent for Service of Process is Melody A. Fargo Brown at 43841 90th St. East, Lancaster, CA 93535. Its membership is comprised of the owners of the 24 mostly 2½ acre lots that are situated within its above-described service area. Colorado's 13 active meters serve the properties within the Colorado service area that have been improved with a residence, and stand by to serve the unimproved properties when improved.

c. Existence of Groundwater wells (2000 to 2004 and 2011 to 2012): Colorado owned 2 wells and boosters with Edison energy efficiency calibrated motor driven pumps that were situated within its service area during the years 2000 to 2004 and 2011 to 2012.

d. Operation of Groundwater wells (2000 to 2004 and 2011 to 2012): Colorado operated the 2 wells described in I.1.c., above, during the years 2000 to 2004 and 2011 to 2012.

e. Amount of Groundwater Produced: Colorado groundwater production during the years 2000 to 2004 and 2011 – 2012:

i. 2000: 40.1 acre feet

ii. 2001: 37.3 acre feet

- 1 iii. 2002: 39.8 acre feet
2 iv. 2003: 26.6 acre feet
3 v. 2004: 37.7 acre feet
4 vi. 2011: 24.1 acre feet
5 vii. 2012 [1/1 – 11/30]: 27.7 acre feet

6 f. **Uses of Groundwater Produced:** During the years 2000 to 2004 and
7 2011 to 2012, Colorado used the water produced from its wells described in I.l.c., above, for the
8 provision of domestic water service to its mutual members.

9 g. **Places of Groundwater Use:** All groundwater produced by
10 Colorado from the wells described in I.l.c., above, was used in its service area by its members.

11 h. **Uses of Parcels within Service Area:** The properties within the
12 Colorado service area are single family residential parcels.

13 i. **Crop Types:** None.

14 j. **Basis for Claim of Groundwater Rights:** Upon the formation of the
15 mutual benefit, non-profit corporation, the overlying groundwater rights of the owners of the
16 properties within the service area (who became the initial shareholders) became the rights of the
17 mutual water company and have, ever since, been exercised by the mutual water company and
18 not by the individual property owners / shareholders. There was no known express reservation
19 of the overlying groundwater rights by the individual property owners at the time of formation.
20 The property owners / shareholders simply pooled their collective water and (through the mutual
21 water company) constructed, operated and maintained the production, storage and distribution
22 system by which they all receive water for their domestic purposes. Simply stated, the property
23 owners / shareholders exchanged their overlying water rights for the right to have water
24 delivered to their individual properties. See *Erwin v. Gage Canal Company* (1964) 226
25 Cal.App.2d 189; see also *Hildreth v. Montecito Creek Water Co.* (1903) 139 Cal. 22, 29; see also
26 *City of Glendale v. Crescenta etc. Water Co.* (1955) 135 Cal.App.2d 784,801. As such, each

shareholder has an interests in the water rights, production, storage and distribution facilities of the mutual water company and has the right to receive water upon development and demand.

k. **Amount of Groundwater Claim:** 40.1 acre feet [highest “base period” use].

l. **Other Facts Supporting Claim:** Colorado groundwater production figures are determined using Southern California Edison (“Edison”) records of power consumed in kilowatt-hours (“kWh”) and pump efficiency tests. The pump efficiency tests provide an estimated pumping rate in kWh/Acre-Ft. The kWh power usage from Edison is divided by the kWh/Acre-Ft rate to determine the groundwater production in Acre-Ft. The latest Edison pump efficiency test was conducted May 4, 2007. Two pumps are the only source of electricity usage on the Edison meter: (1) the well turbine pump (the “Well Pump”), and (2) the Booster Pump. The efficiency test provides a rate in kWh/Acre-Ft rate for each pump. The Well Pump rate is 616 kWh/Acre-Ft. The Booster Pump rate is 227 kWh/Acre-Ft. The combined pumping rate for the Well Pump and Booster Pump is 843 KWH/Acre-Ft, which is applied to Edison kWh power usage records to determine total groundwater production.

2. **Property Lease Information:**

a. **Lease of Property:** Colorado leased no property during the years 2000 to 2004 and 2011 to 2012.

b. **Name of Lessee:** N/A.

a. **ATN/APNs:** N/A.

b. **Written Agreements Allocating Credits:** N/A.

c. **Lessee Delivery of Water:** N/A.

d. **Uses of Groundwater by Lessee:** N/A.

3. **Additional Requested Information and Materials:**

a. **Prima Facie Groundwater Production Materials:**

i. See Colorado Mutual Water Company “Attachment I.3.a.i.”

ii. Southern California Edison Well Efficiency Test Results:

1. 20 HP Well (May 4, 2007)
- iii. Southern California Edison Booster Efficiency Test Results:
 1. 10 HP Booster (May 4, 2007)
- iv. Edison Usage – Colorado Mutual Water Co. summary spreadsheet for years 2000-2004.
- v. Pending receipt of additional data and information.
- b. **Prima Facie Property Uses Materials:**
 - i. See Colorado Mutual Water Company “Attachment I.3.b.i.”
 - ii. Pending receipt of additional data and information.
- c. **Additional Materials:**
 - i. See Colorado Mutual Water Company “Attachment I.3.c.i.”
 - ii. California Secretary of State, Business Entity Detail (December 14, 2012)
 - iii. Pending receipt of additional data and information.

II. CLAIMS OF NON-OVERLYING GROUNDWATER RIGHTS:

1. **Specifically Requested Non-Overlying Information:**
 - a. **Amount of Production:** None.
 - b. **ATN/APNs:** N/A.
 - c. **Well Information:** N/A.
 - d. **Amount of Water Produced:** N/A.
 - e. **Methodology Used to Quantify Claim:** N/A.
 - f. **Reports to State Water Resources Control Board (2000 to 2004):** N/A.
 - g. **Uses other than Municipal Supply (2000 to 2004 and 2011 to 2012):**
N/A.
 - h. **Water for Outdoor Irrigation:** N/A.

III. CLAIMS OF RETURN FLOW CREDITS:

1. **Specifically Requested Non-Overlying Information:**

- 1 a. Amount of Pumping of Return Flows from Imported Water: None.
- 2 b. Amount of Return Flows Pumped:
- 3 i. 2000: N/A.
- 4 ii. 2001: N/A.
- 5 iii. 2002: N/A.
- 6 iv. 2003: N/A.
- 7 v. 2004: N/A.
- 8 vi. 2011: N/A.
- 9 vii. 2012 [1/1 – 11/30]: N/A.
- 10 c. Methodology Used to Quantify Claim: N/A.
- 11 d. Amount of Water Imported: None.
- 12 e. Water Quality Information: N/A.
- 13 f. Uses of Imported Water: N/A.
- 14 g. Dates of Importation of Water: N/A.
- 15 h. Geological Conditions Beneath Properties: N/A.
- 16 i. Depth of Aquifer and Soil Type Beneath Surface: N/A.
- 17 j. Time for Percolation to Aquifer: N/A.
- 18 k. Physical Evidence that Return Flows Augment Basin: N/A.
- 19 l. Geological Locations that Return Flows Augment Basin: N/A.
- 20 m. Return Flows Entering Municipal Sewer System: N/A.
- 21 n. Locations of Return Flows Wastewater Augmenting Basin: N/A.

22 IV. FOR THE FEDERAL PARTIES: N/A.

23 V. FOR ALL RESPONDING PARTIES:

24 1. Person most qualified to testify to the facts and materials above:

- 25 a. Non-Expert Witness(es): Mary Wood and Larry Gorden.
- 26 b. Expert Witness(es): None at the present.

2. Verification by Authorized Individual:

Declaration under Penalty of Perjury:

I, Melody Brown, am the ~~Treasurer~~ ^{Secretary} of the Colorado Mutual Water Company and have personal knowledge of the facts set forth above.

If called to do so, I could and would competently testify to these facts under oath. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 20 day of December, 2012 at Lancaster, CA.

Melody A. Fair Brown

GRESHAM | SAVAGE
ATTORNEYS AT LAW
3750 UNIVERSITY AVE.
STE. 250
RIVERSIDE, CA 92501-3335
(951) 684-2171

-39-

ANTELOPE VALLEY UNITED MUTUAL GROUP'S INFORMATION AND MATERIALS RESPONSIVE TO
DECEMBER 12, 2012 DISCOVERY ORDER FOR PHASE 4 TRIAL

EL DORADO MUTUAL WATER COMPANY:

I. CLAIMS OF OVERLYING GROUNDWATER RIGHTS:

1. Property situated with El Dorado Mutual Water Company ("El Dorado"):

a. Location of Property [Service Area]: 640 acres; North Boundary: Ave N; East Boundary: 10th St West; South Boundary: Ave O; and West Boundary: 20th St West. Though the owner of the water rights and the production, storage and distribution facilities is El Dorado Mutual Water Company, a California mutual benefit non-profit corporation, at the direction of the Court, the Assessor's Parcel Numbers ("APN") of the members / shareholders is set forth on El Dorado Mutual Water Company "**Attachment I.1.a.**"

b. Ownership Information: El Dorado is an active California mutual benefit non-profit corporation, with an entity address of Post Office Box 900519, Palmdale, CA 93590. It was formed on July 14, 1948. Its Agent for Service of Process is Jeanne Miller at 40115 15th Street West, Palmdale, CA 93551. Its membership is comprised of the owners of the 276 mostly 1¼ and 2½ acre lots that are situated within its above-described service area. El Dorado's 232 active meters serve the properties within the El Dorado service area that have been improved with a residence, and stand by to serve the unimproved properties when improved.

c. Existence of Groundwater wells (2000 to 2004 and 2011 to 2012): El Dorado owned 1 (metered) well that was situated within its service area during the years 2000 to 2004 and 2011 to 2012.

d. Operation of Groundwater wells (2000 to 2004 and 2011 to 2012): El Dorado operated the well described in I.1.c., above, during the years 2000 to 2004 and 2011 to 2012.

e. Amount of Groundwater Produced: El Dorado groundwater production during the years 2000 to 2004 and 2011 – 2012:

i. 2000: 389.8 acre feet

ii. 2001: 386.7 acre feet

- 1 iii. **2002:** 294.5 acre feet
2 iv. **2003:** 310.7 acre feet
3 v. **2004:** 365.5 acre feet
4 vi. **2011:** 272 acre feet
5 vii. **2012 [1/1 – 11/30]:** 280.1 acre feet

6 f. **Uses of Groundwater Produced:** During the years 2000 to 2004 and
7 2011 to 2012, El Dorado used the water produced from its well described in I.1.c., above, for the
8 provision of domestic water service to its mutual members.

9 g. **Places of Groundwater Use:** All groundwater produced by El
10 Dorado from the wells described in I.1.c., above, was used in its service area by its members.

11 h. **Uses of Parcels within Service Area:** The properties within the El
12 Dorado service area are single family residential parcels.

13 i. **Crop Types:** None.

14 j. **Basis for Claim of Groundwater Rights:** Upon the formation of the
15 mutual benefit, non-profit corporation, the overlying groundwater rights of the owners of the
16 properties within the service area (who became the initial shareholders) became the rights of the
17 mutual water company and have, ever since, been exercised by the mutual water company and
18 not by the individual property owners / shareholders. There was no known express reservation
19 of the overlying groundwater rights by the individual property owners at the time of formation.
20 The property owners / shareholders simply pooled their collective water and (through the mutual
21 water company) constructed, operated and maintained the production, storage and distribution
22 system by which they all receive water for their domestic purposes. Simply stated, the property
23 owners / shareholders exchanged their overlying water rights for the right to have water
24 delivered to their individual properties. See *Erwin v. Gage Canal Company* (1964) 226
25 Cal.App.2d 189; see also *Hildreth v. Montecito Creek Water Co.* (1903) 139 Cal. 22, 29; see also
26 *City of Glendale v. Crescenta etc. Water Co.* (1955) 135 Cal.App.2d 784,801. As such, each

shareholder has an interests in the water rights, production, storage and distribution facilities of the mutual water company and has the right to receive water upon development and demand.

k. **Amount of Groundwater Claim:** 389.8 acre feet [highest “base period” use].

l. **Other Facts Supporting Claim:** Pending receipt of additional data and information.

2. **Property Lease Information:**

a. **Lease of Property:** El Dorado leased no property during the years 2000 to 2004 and 2011 to 2012.

b. **Name of Lessee:** N/A.

c. **ATN/APNs:** N/A.

d. **Written Agreements Allocating Credits:** N/A.

e. **Lessee Delivery of Water:** N/A.

f. **Uses of Groundwater by Lessee:** N/A.

3. **Additional Requested Information and Materials:**

a. **Prima Facie Groundwater Production Materials:**

i. See El Dorado Mutual Water Company “Attachment I.3.a.i.”

ii. Well No. 1 – Annual Notice of Groundwater Extraction for 2001

iii. Well No. 1 – Annual Notice of Groundwater Extraction for 2002

iv. Well No. 1 – Annual Notice of Groundwater Extraction for 2003

v. Well No. 1 – Annual Notice of Groundwater Extraction for 2004

vi. Pending receipt of additional data and information.

b. **Prima Facie Property Uses Materials:**

i. See El Dorado Mutual Water Company “Attachment I.3.b.i.”

ii. Pending receipt of additional data and information.

c. **Additional Materials:**

i. See El Dorado Mutual Water Company “Attachment I.3.c.i.”

ii. California Secretary of State, Business Entity Detail (December 14, 2012)

iii. Pending receipt of additional data and information.

II. CLAIMS OF NON-OVERLYING GROUNDWATER RIGHTS:

1. Specifically Requested Non-Overlying Information:

a. Amount of Production: None.

b. ATN/APNs: N/A.

c. Well Information: N/A.

d. Amount of Water Produced: N/A.

e. Methodology Used to Quantify Claim: N/A.

f. Reports to State Water Resources Control Board (2000 to 2004): N/A.

g. Uses other than Municipal Supply (2000 to 2004 and 2011 to 2012):

N/A.

h. Water for Outdoor Irrigation: N/A.

III. CLAIMS OF RETURN FLOW CREDITS:

1. Specifically Requested Non-Overlying Information:

a. Amount of Pumping of Return Flows from Imported Water: 45%

b. Amount of Return Flows Pumped:

i. 2000: 2.7 acre feet

ii. 2001: 40.6 acre feet

iii. 2002: 46.4 acre feet

iv. 2003: 32.8 acre feet

v. 2004: 22.5 acre feet

vi. 2011: 0 acre feet

vii. 2012 [1/1 – 11/30]: 0 acre feet

c. Methodology Used to Quantify Claim: The figure of 45% of mutual water company imported water constituting return flows (in un-sewered areas) was derived from

1 Technical Committee's Problem Statement Report. Reference is made, generally, to the Problem
2 Statement Report, and in particular Appendix D, pages D-25 and D-26.

3 d. **Amount of Water Imported:**

4 i. 2000: 6.0 acre feet

5 ii. 2001: 90.3 acre feet

6 iii. 2002: 103.1 acre feet

7 iv. 2003: 72.9 acre feet

8 v. 2004: 30.0 acre feet

9 vi. 2011: 0 acre feet

10 vii. 2012 [1/1 – 11/30]: 0 acre feet

11 e. **Water Quality Information:** Water delivered from AVEK is
12 reported to satisfy regulatory potability standards.

13 f. **Uses of Imported Water:** During the years 2000 to 2004 and 2011 to
14 2012, El Dorado used the water imported from AVEK described in l.d., above, for the provision
15 of domestic water service to its mutual members.

16 g. **Dates of Importation of Water:** Commenced prior to the base period.

17 h. **Geological Conditions Beneath Properties:** Pending receipt of
18 data.

19 i. **Depth of Aquifer and Soil Type Beneath Surface:** Pending
20 receipt of data.

21 j. **Time for Percolation to Aquifer:** Pending receipt of data.

22 k. **Physical Evidence that Return Flows Augment Basin:** Pending
23 receipt of data.

24 l. **Geological Locations that Return Flows Augment Basin:** Pending
25 receipt of data.

26 m. **Return Flows Entering Municipal Sewer System:** None. Members of
27 the El Dorado Mutual Water Company are on septic, not sewer.

1 n. Locations of Return Flows Wastewater Augmenting Basin: From
2 the septic tanks situated on each of the properties within El Dorado Mutual Water Company.

3 IV. FOR THE FEDERAL PARTIES: N/A.

4 V. FOR ALL RESPONDING PARTIES:

5 1. Person most qualified to testify to the facts and materials above:

6 a. Non-Expert Witness(es): Jeanne Miller and Murry Sprunger

7 b. Expert Witness(es): Not determined at this time.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 2. Verification by Authorized Individual:

2 Declaration under Penalty of Perjury:

3 I, Jeanne Miller, am the Secretary and Treasurer of the El Dorado Mutual Water
4 Company and have personal knowledge of the facts set forth above.

5 If called to do so, I could and would competently testify to these facts under oath. I
6 declare under penalty of perjury under the laws of the State of California that the foregoing is
7 true and correct.

8 Executed this 20th day of December, 2012 at Lancaster, CA.

9 *Jeanne Miller*
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **EVERGREEN MUTUAL WATER COMPANY:**

2
3 **I. CLAIMS OF OVERLYING GROUNDWATER RIGHTS:**

4 **1. Property situated with Evergreen Mutual Water Company ("Evergreen"):**

5 **a. Location of Property [Service Area]:** 120 acres; North Boundary:
6 Ave I; South Boundary: Lancaster Blvd; West Boundary: 42nd St East; and East Boundary: 47th
7 St East. Though the owner of the water rights and the production, storage and distribution
8 facilities is Evergreen Mutual Water Company, a California mutual benefit non-profit
9 corporation, at the direction of the Court, the Assessor's Parcel Numbers ("APN") of the
10 members / shareholders is set forth on Evergreen Mutual Water Company "**Attachment I.1.a.**"

11 **b. Ownership Information:** Evergreen Mutual Water Company is an
12 active California mutual benefit non-profit corporation, with an entity address of 4646 East
13 Lumber Street, Lancaster, CA 93535. It was formed on November 9, 1954. Its Agent for
14 Service of Process is Robert T. Lemen at 4646 East Lumber Street, Lancaster, CA 93535. Its
15 membership is comprised of the owners of the 48 mostly 1½ acre lots that are situated within its
16 above-described service area. Evergreen's 46 active meters serve the properties within the
17 Evergreen service area that have been improved with a residence, and stand by to serve the
18 unimproved properties when improved.

19 **c. Existence of Groundwater wells (2000 to 2004 and 2011 to 2012):**
20 Evergreen owned a well and booster with Edison energy efficiency calibrated motor driven
21 pump, that were situated within its service area during the years 2000 to 2004 and 2011 to 2012.

22 **d. Operation of Groundwater wells (2000 to 2004 and 2011 to 2012):**
23 Evergreen operated the well described in I.1.c., above, during the years 2000 to 2004 and 2011 to
24 2012.

25 **e. Amount of Groundwater Produced:** Evergreen groundwater
26 production during the years 2000 to 2004 and 2011 – 2012:

27 **i. 2000:** 72 acre feet

- 1 ii. 2001: 72 acre feet
- 2 iii. 2002: 89 acre feet
- 3 iv. 2003: 86 acre feet
- 4 v. 2004: 92 acre feet
- 5 vi. 2011: 66.4 acre feet
- 6 vii. 2012 [1/1 – 11/30]: 72.6 acre feet

7 f. **Uses of Groundwater Produced:** During the years 2000 to 2004 and
 8 2011 to 2012, Evergreen used the water produced from its well described in I.l.c., above, for the
 9 provision of domestic water service to its mutual members.

10 g. **Places of Groundwater Use:** All groundwater produced by
 11 Evergreen from the wells described in I.l.c., above, was used in its service area by its members.

12 h. **Uses of Parcels within Service Area:** The properties within the
 13 Evergreen service area are single family residential parcels.

14 i. **Crop Types:** None.

15 j. **Basis for Claim of Groundwater Rights:** Upon the formation of the
 16 mutual benefit, non-profit corporation, the overlying groundwater rights of the owners of the
 17 properties within the service area (who became the initial shareholders) became the rights of the
 18 mutual water company and have, ever since, been exercised by the mutual water company and
 19 not by the individual property owners / shareholders. There was no known express reservation
 20 of the overlying groundwater rights by the individual property owners at the time of formation.
 21 The property owners / shareholders simply pooled their collective water and (through the mutual
 22 water company) constructed, operated and maintained the production, storage and distribution
 23 system by which they all receive water for their domestic purposes. Simply stated, the property
 24 owners / shareholders exchanged their overlying water rights for the right to have water
 25 delivered to their individual properties. See *Erwin v. Gage Canal Company* (1964) 226
 26 Cal.App.2d 189; see also *Hildreth v. Montecito Creek Water Co.* (1903) 139 Cal. 22, 29; see also
 27 *City of Glendale v. Crescenta etc. Water Co.* (1955) 135 Cal.App.2d 784,801. As such, each

shareholder has an interests in the water rights, production, storage and distribution facilities of the mutual water company and has the right to receive water upon development and demand.

k. **Amount of Groundwater Claim:** 92 acre feet [highest “base period” use].

l. **Other Facts Supporting Claim:** Pending receipt of additional data and information.

2. **Property Lease Information:**

a. **Lease of Property:** Evergreen leased no property during the years 2000 to 2004 and 2011 to 2012.

a. **Name of Lessee:** N/A.

b. **ATN/APNs:** N/A.

c. **Written Agreements Allocating Credits:** N/A.

d. **Lessee Delivery of Water:** N/A.

e. **Uses of Groundwater by Lessee:** N/A.

3. **Additional Requested Information and Materials:**

a. **Prima Facie Groundwater Production Materials:**

i. See Evergreen Mutual Water Company “Attachment I.3.a.i.”

ii. Annual Notice of Groundwater Extraction for 2002

iii. Annual Notice of Groundwater Extraction for 2004

iv. Southern California Edison Electrical Billing History

1. Evergreen Mutual Water Company summary spreadsheet for years 2000-2004 with charts.

2. Southern California Edison Monthly Billing Summaries dated July 17, 2003; August 15, 2003; September 18, 2003; October 16, 2003; November 15, 2003; January 17, 2004; February 18, 2004; March 18, 2004; April 16, 2004; May 15, 2004; June 16, 2004; July 16, 2004; August 25, 2004; September 15, 2004; October 16, 2004; November 16, 2004; December 16, 2004.

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

- 3. Pending receipt of additional data and information.
- b. **Prima Facie Property Uses Materials:**
 - i. See Evergreen Mutual Water Company “Attachment I.3.b.i.”
 - ii. Pending receipt of additional data and information.
- c. **Additional Materials:**
 - i. See Evergreen Mutual Water Company “Attachment I.3.c.i.”
 - ii. California Secretary of State, Business Entity Detail (December 14, 2012)
 - iii. Pending receipt of additional data and information.

II. CLAIMS OF NON-OVERLYING GROUNDWATER RIGHTS:

- 1. **Specifically Requested Non-Overlying Information:**
 - a. **Amount of Production:** None.
 - b. **ATN/APNs:** N/A.
 - c. **Well Information:** N/A.
 - d. **Amount of Water Produced:** N/A.
 - e. **Methodology Used to Quantify Claim:** N/A.
 - f. **Reports to State Water Resources Control Board (2000 to 2004):** N/A.
 - g. **Uses other than Municipal Supply (2000 to 2004 and 2011 to 2012):** N/A.
 - h. **Water for Outdoor Irrigation:** N/A.

III. CLAIMS OF RETURN FLOW CREDITS:

- 1. **Specifically Requested Non-Overlying Information:**
 - a. **Amount of Pumping of Return Flows from Imported Water:** None.
 - b. **Amount of Return Flows Pumped:**
 - i. 2000: N/A.
 - ii. 2001: N/A.
 - iii. 2002: N/A.

- iv. 2003: N/A.
- v. 2004: N/A.
- vi. 2011: N/A.
- vii. 2012 [1/1 – 11/30]: N/A.
- c. Methodology Used to Quantify Claim: N/A.
- d. Amount of Water Imported: None.
- e. Water Quality Information: N/A.
- f. Uses of Imported Water: N/A.
- g. Dates of Importation of Water: N/A.
- h. Geological Conditions Beneath Properties: N/A.
- i. Depth of Aquifer and Soil Type Beneath Surface: N/A.
- j. Time for Percolation to Aquifer: N/A.
- k. Physical Evidence that Return Flows Augment Basin: N/A.
- l. Geological Locations that Return Flows Augment Basin: N/A.
- m. Return Flows Entering Municipal Sewer System: N/A.
- n. Locations of Return Flows Wastewater Augmenting Basin: N/A.

IV. FOR THE FEDERAL PARTIES: N/A.

V. FOR ALL RESPONDING PARTIES:

- 1. Person most qualified to testify to the facts and materials above:
 - a. Non-Expert Witness(es): Robert T. Lemen
 - b. Expert Witness(es): Not determined at this time.

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

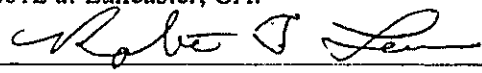
2. Verification by Authorized Individual:

Declaration under Penalty of Perjury:

I, Robert T. Lemen, am the President of the Evergreen Mutual Water Company and have personal knowledge of the facts set forth above.

If called to do so, I could and would competently testify to these facts under oath. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 21 day of December, 2012 at Lancaster, CA.



1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7

3

4

6

5

3

1 d. Operation of Groundwater wells (2000 to 2004 and 2011 to 2012):
2 Land Projects operated the 4 wells described in I.1.c., above, during the years 2000 to 2004 and
3 2011 to 2012.

4 e. Amount of Groundwater Produced: Land Projects groundwater
5 production during the years 2000 to 2004 and 2011 – 2012:

- 6 i. 2000: 850 acre feet
- 7 ii. 2001: 803 acre feet
- 8 iii. 2002: 881 acre feet
- 9 iv. 2003: 854 acre feet
- 10 v. 2004: 853 acre feet
- 11 vi. 2011: 621 acre feet
- 12 vii. 2012 [1/1 – 11/30]: 624 acre feet

13 f. Uses of Groundwater Produced: During the years 2000 to 2004 and
14 2011 to 2012, Land Projects used the water produced from its wells described in I.1.c., above, for
15 the provision of domestic water service to its mutual members.

16 g. Places of Groundwater Use: All groundwater produced by Land
17 Projects from the wells described in I.1.c., above, was used in its service area by its members.

18 h. Uses of Parcels within Service Area: The properties within the
19 Land Projects service area are single family residential parcels.

20 i. Crop Types: None.

21 j. Basis for Claim of Groundwater Rights: Upon the formation of the
22 mutual benefit, non-profit corporation, the overlying groundwater rights of the owners of the
23 properties within the service area (who became the initial shareholders) became the rights of the
24 mutual water company and have, ever since, been exercised by the mutual water company and
25 not by the individual property owners / shareholders. There was no known express reservation
26 of the overlying groundwater rights by the individual property owners at the time of formation.
27 The property owners / shareholders simply pooled their collective water and (through the mutual

1 water company) constructed, operated and maintained the production, storage and distribution
2 system by which they all receive water for their domestic purposes. Simply stated, the property
3 owners / shareholders exchanged their overlying water rights for the right to have water
4 delivered to their individual properties. See *Erwin v. Gage Canal Company* (1964) 226
5 Cal.App.2d 189; see also *Hildreth v. Montecito Creek Water Co.* (1903) 139 Cal. 22, 29; see also
6 *City of Glendale v. Crescenta etc. Water Co.* (1955) 135 Cal.App.2d 784,801. As such, each
7 shareholder has an interests in the water rights, production, storage and distribution facilities of
8 the mutual water company and has the right to receive water upon development and demand.

9 k. **Amount of Groundwater Claim:** 881 acre feet [highest “base period”
10 use].

11 l. **Other Facts Supporting Claim:** Pending receipt of additional data
12 and information.

13 2. **Property Lease Information:**

14 a. **Lease of Property:** Land Projects leased no property during the years
15 2000 to 2004 and 2011 to 2012.

16 b. **Name of Lessee:** N/A.

17 c. **ATN/APNs:** N/A.

18 d. **Written Agreements Allocating Credits:** N/A.

19 e. **Lessee Delivery of Water:** N/A.

20 f. **Uses of Groundwater by Lessee:** N/A.

21 3. **Additional Requested Information and Materials:**

22 a. **Prima Facie Groundwater Production Materials:**

23 i. See Land Projects Mutual Water Company “Attachment I.3.a.i.”

24 ii. Handwritten Data Logs.

25 iii. Pending receipt of additional data and information.

26 b. **Prima Facie Property Uses Materials:**

27 i. See Land Projects Mutual Water Company “Attachment I.3.b.i.”

- 1 ii. Pending receipt of additional data and information.
- 2 c. **Additional Materials:**
- 3 i. See Land Projects Mutual Water Company “**Attachment I.3.c.i.**”
- 4 ii. California Secretary of State, Business Entity Detail (December
- 5 14, 2012).
- 6 iii. Pending receipt of additional data and information.

7 **II. CLAIMS OF NON-OVERLYING GROUNDWATER RIGHTS:**

8 1. **Specifically Requested Non-Overlying Information:**

- 9 a. **Amount of Production:** None.
- 10 b. **ATN/APNs:** N/A.
- 11 c. **Well Information:** N/A.
- 12 d. **Amount of Water Produced:** N/A.
- 13 e. **Methodology Used to Quantify Claim:** N/A.
- 14 f. **Reports to State Water Resources Control Board (2000 to 2004):** N/A.
- 15 g. **Uses other than Municipal Supply (2000 to 2004 and 2011 to 2012):**
- 16 N/A.
- 17 h. **Water for Outdoor Irrigation:** N/A.

18 **III. CLAIMS OF RETURN FLOW CREDITS:**

19 1. **Specifically Requested Non-Overlying Information:**

- 20 a. **Amount of Pumping of Return Flows from Imported Water:** None.
- 21 b. **Amount of Return Flows Pumped:**
- 22 i. 2000: N/A.
- 23 ii. 2001: N/A.
- 24 iii. 2002: N/A.
- 25 iv. 2003: N/A.
- 26 v. 2004: N/A.
- 27 vi. 2011: N/A.

- 1 vii. 2012 [1/1 – 11/30]: N/A.
- 2 c. Methodology Used to Quantify Claim: N/A.
- 3 d. Amount of Water Imported: None.
- 4 e. Water Quality Information: N/A.
- 5 f. Uses of Imported Water: N/A.
- 6 g. Dates of Importation of Water: N/A.
- 7 h. Geological Conditions Beneath Properties: N/A.
- 8 i. Depth of Aquifer and Soil Type Beneath Surface: N/A.
- 9 j. Time for Percolation to Aquifer: N/A.
- 10 k. Physical Evidence that Return Flows Augment Basin: N/A.
- 11 l. Geological Locations that Return Flows Augment Basin: N/A.
- 12 m. Return Flows Entering Municipal Sewer System: N/A.
- 13 n. Locations of Return Flows Wastewater Augmenting Basin: N/A.

14 IV. FOR THE FEDERAL PARTIES: N/A.

15 V. FOR ALL RESPONDING PARTIES:

- 16 1. Person most qualified to testify to the facts and materials above:
- 17 a. Non-Expert Witness(es): Costy con Mossenback and John Houghton.
- 18 b. Expert Witness(es): Not yet determined.

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

2. Verification by Authorized Individual:

Declaration under Penalty of Perjury:

I, Costy von Massenbach, am the President of the Land Projects Mutual Water Company and have personal knowledge of the facts set forth above.

If called to do so, I could and would competently testify to these facts under oath. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 21 day of December, 2012 at Palmdale, CA.


COSTY VON MASSENBACH

LANDALE MUTUAL WATER COMPANY:

I. CLAIMS OF OVERLYING GROUNDWATER RIGHTS:

1. Property situated with Landale Mutual Water Company ("Landale"):

a. Location of Property [Service Area]: 574 acres; East Boundary: 10 St West; West Boundary: Valley Line Rd; North Boundary: Ave L; and South Boundary: Ave M. Though the owner of the water rights and the production, storage and distribution facilities is Landale Mutual Water Company, a California mutual benefit non-profit corporation, at the direction of the Court, the Assessor's Parcel Numbers ("APN") of the members / shareholders is set forth on Landale Mutual Water Company "**Attachment I.1.a.**"

b. Ownership Information: Landale is an active California mutual benefit non-profit corporation, with an entity address of Post Office Box 5808, Lancaster, CA 93539. It was formed on June 25, 1948. Its Agent for Service of Process is Frank L. Purcell at 44315 N. Date, Lancaster CA 93534. Its membership is comprised of the owners of the 308 mostly 2½ acre lots that are situated within its above-described service area. Landale's 172 active meters serve the properties within the Landale service area that have been improved with a residence, and stand by to serve the unimproved properties when improved.

c. Existence of Groundwater wells (2000 to 2004 and 2011 to 2012): Landale's operations consist of one (1) functioning well, three (3) booster pumps [2 x 40HP and 1 x 50HP, with a 200HP well turbine pump). The pumps, well pump and motors were upgraded in 2007-2008 with a 4th booster under construction. "Well #2" (as it was identified in approximately 2000 – 2003) was recently replaced with the "New Well" due to sanding problems with Well #2. The operation of the New Well, starting in 2003, accounts for all water pumped since the change. Both Well #2 and the New Well are located on the NE corner of Ave L-8 and 5th Street E in the City of Lancaster.

d. Operation of Groundwater wells (2000 to 2004 and 2011 to 2012): See I.1.c., above.

e. **Amount of Groundwater Produced:** Landale groundwater production during the years 2000 to 2004 and 2011 – 2012:

- i. **2000:** 236.9 acre feet
- ii. **2001:** 241.1 acre feet
- iii. **2002:** data for this year is unavailable.¹
- iv. **2003:** 246.3 acre feet
- v. **2004:** 272.1 acre feet
- vi. **2011:** 139.7 acre feet
- vii. **2012 [1/1 – 11/30]:** 175.8 acre feet

f. **Uses of Groundwater Produced:** During the years 2000 to 2004 and 2011 to 2012, Landale used the water produced from its well described in I.1.c., above, for the provision of domestic water service to its mutual members.

g. **Places of Groundwater Use:** All groundwater produced by Landale from the well described in I.1.c., above, was used in its service area by its members.

h. **Uses of Parcels within Service Area:** Though Landale services residential properties, the City of Lancaster has designated the service area as a “heavy industrial zone”; and all future building must conform. Currently, there is one active concrete company in Landale’s service area and others are anticipated. Landale is less than 50% built out, due primarily to the City of Lancaster’s failure to commit to a sewer system and to pave the dirt roads in the service area.

i. **Crop Types:** None.

j. **Basis for Claim of Groundwater Rights:** Upon the formation of the mutual benefit, non-profit corporation, the overlying groundwater rights of the owners of the properties within the service area (who became the initial shareholders) became the rights of the mutual water company and have, ever since, been exercised by the mutual water company and

¹ Cal Water managed the wellsite and testing in 2002. The failures in their operations (including clerical, meter reading, and failure to file the Annual Notice) caused Landale to terminate their services, following which they refused to delivery any records during the period of their operations.

not by the individual property owners / shareholders. There was no known express reservation of the overlying groundwater rights by the individual property owners at the time of formation. The property owners / shareholders simply pooled their collective water and (through the mutual water company) constructed, operated and maintained the production, storage and distribution system by which they all receive water for their domestic purposes. Simply stated, the property owners / shareholders exchanged their overlying water rights for the right to have water delivered to their individual properties. See *Erwin v. Gage Canal Company* (1964) 226 Cal.App.2d 189; see also *Hildreth v. Montecito Creek Water Co.* (1903) 139 Cal. 22, 29; see also *City of Glendale v. Crescenta etc. Water Co.* (1955) 135 Cal.App.2d 784,801. As such, each shareholder has an interests in the water rights, production, storage and distribution facilities of the mutual water company and has the right to receive water upon development and demand.

k. **Amount of Groundwater Claim:** 272.1 acre feet [highest “base period” use].

l. **Other Facts Supporting Claim:** Pending receipt of additional data and information.

2. **Property Lease Information:**

a. **Lease of Property:** Landale leased no property during the years 2000 to 2004 and 2011 to 2012.

b. **Name of Lessee:** N/A.

c. **ATN/APNs:** N/A.

d. **Written Agreements Allocating Credits:** N/A.

e. **Lessee Delivery of Water:** N/A.

f. **Uses of Groundwater by Lessee:** N/A.

3. **Additional Requested Information and Materials:**

a. **Prima Facie Groundwater Production Materials:**

i. See Landale Mutual Water Company “Attachment I.3.a.i.”

ii. Annual Notice of Groundwater Extraction for 2000

- 1 iii. Annual Notice of Groundwater Extraction for 2001
- 2 iv. Annual Notice of Groundwater Extraction for 2003
- 3 v. Annual Notice of Groundwater Extraction for 2004
- 4 vi. Annual Notice of Groundwater Extraction for 2011
- 5 vii. Pending receipt of additional data and information.
- 6 b. **Prima Facie Property Uses Materials:**
 - 7 i. See Landale Mutual Water Company “Attachment I.3.b.i.”
 - 8 ii. Pending receipt of additional data and information.
- 9
- 10 c. **Additional Materials:**
 - 11 i. See Landale Mutual Water Company “Attachment I.3.c.i.”
 - 12 ii. California Secretary of State, Business Entity Detail (December
 - 13 14, 2012).
 - 14 iii. Pending receipt of additional data and information.

15 II. CLAIMS OF NON-OVERLYING GROUNDWATER RIGHTS:

- 16 1. **Specifically Requested Non-Overlying Information:**
 - 17 a. **Amount of Production:** None.
 - 18 b. **ATN/APNs:** N/A.
 - 19 c. **Well Information:** N/A.
 - 20 d. **Amount of Water Produced:** N/A.
 - 21 e. **Methodology Used to Quantify Claim:** N/A.
 - 22 f. **Reports to State Water Resources Control Board (2000 to 2004):** N/A.
 - 23 g. **Uses other than Municipal Supply (2000 to 2004 and 2011 to 2012):**
 - 24 N/A.
 - 25 h. **Water for Outdoor Irrigation:** N/A.

26 III. CLAIMS OF RETURN FLOW CREDITS:

- 27 1. **Specifically Requested Non-Overlying Information:**

- 1 a. Amount of Pumping of Return Flows from Imported Water: 45%
- 2 b. Amount of Return Flows Pumped:
- 3 i. 2000: 5.4 acre feet
- 4 ii. 2001: 5.4 acre feet
- 5 iii. 2002: 5.4 acre feet
- 6 iv. 2003: 5.4 acre feet
- 7 v. 2004: 5.4 acre feet
- 8 vi. 2011: 2.7 acre feet
- 9 vii. 2012 [1/1 – 11/30]: 2.7 acre feet
- 10 c. Methodology Used to Quantify Claim: The figure of 45% of mutual
- 11 water company imported water constituting return flows (in un-sewered areas) was derived from
- 12 Technical Committee’s Problem Statement Report. Reference is made, generally, to the Problem
- 13 Statement Report, and in particular Appendix D, pages D-25 and D-26.
- 14 d. Amount of Water Imported:
- 15 i. 2000: 12 acre feet
- 16 ii. 2001: 12 acre feet
- 17 iii. 2002: 12 acre feet
- 18 iv. 2003: 12 acre feet
- 19 v. 2004: 12 acre feet
- 20 vi. 2011: 6 acre feet
- 21 vii. 2012 [1/1 – 11/30]: 6 acre feet
- 22 e. Water Quality Information: Water delivered from AVEK is
- 23 reported to satisfy regulatory potability standards.
- 24 f. Uses of Imported Water: During the years 2000 to 2004 and 2011 to
- 25 2012, Landale used the water imported from AVEK described in III.1.d., above, for the provision
- 26 of domestic water service to its mutual members.
- 27 g. Dates of Importation of Water: Commenced prior to the base period.

1 h. Geological Conditions Beneath Properties: Pending receipt of
2 data.

3 i. Depth of Aquifer and Soil Type Beneath Surface: Pending
4 receipt of data.

5 j. Time for Percolation to Aquifer: Pending receipt of data.

6 k. Physical Evidence that Return Flows Augment Basin: Pending
7 receipt of data.

8 l. Geological Locations that Return Flows Augment Basin: Pending
9 receipt of data.

10 m. Return Flows Entering Municipal Sewer System: None. Members of
11 the Landale Mutual Water Company are on septic, not sewer.

12 n. Locations of Return Flows Wastewater Augmenting Basin: From
13 the septic tanks situated on each of the properties within Landale Mutual Water Company.

14 **IV. FOR THE FEDERAL PARTIES:** N/A.

15 **V. FOR ALL RESPONDING PARTIES:**

16 1. Person most qualified to testify to the facts and materials above:

17 a. Non-Expert Witness(es): Frank L. Purcell

18 b. Expert Witness(es): Not determined at this time.

1 1. Person most qualified to testify to the facts and materials above:

2 a. Non-Expert Witness(es): Frank L. Purcell

3 b. Expert Witness(es): Barry Munz

4 2. Verification by Authorized Individual:

5 Declaration under Penalty of Perjury:

6 I, Frank L. Purcell, am the PRESIDENT of the Landale Mutual Water Company and
7 have personal knowledge of the facts set forth above.

8 If called to do so, I could and would competently testify to these facts under oath. I
9 declare under penalty of perjury under the laws of the State of California that the foregoing is
10 true and correct.

11 Executed this 21st day of December, 2012 at Lancaster, CA.

12 Frank L. Purcell

23
24
25
26
27
28 GRESHAM | SAVAGE
ATTORNEYS AT LAW
3750 UNIVERSITY AVE.
STE. 250
RIVERSIDE, CA 92501-3335
(951) 684-2171

-65-
ANTELOPE VALLEY UNITED MUTUAL GROUP'S INFORMATION AND MATERIALS RESPONSIVE TO
DECEMBER 12, 2012 DISCOVERY ORDER FOR PHASE 4 TRIAL

SHADOW ACRES MUTUAL WATER COMPANY:

I. CLAIMS OF OVERLYING GROUNDWATER RIGHTS:

1. Property situated with Shadow Acres Mutual Water Company ("Shadow Acres"):

a. Location of Property [Service Area]: 480 acres; North Boundary: Ave O; South Boundary, Ave O-12; East Boundary: 20th St West; and West Boundary: 30th St West. Though the owner of the water rights and the production, storage and distribution facilities is Shadow Acres Mutual Water Company, a California mutual benefit non-profit corporation, at the direction of the Court, the Assessor's Parcel Numbers ("APN") of the members / shareholders is set forth on Shadow Acres Mutual Water Company "**Attachment I.1.a.**"

b. Ownership Information: Shadow Acres is an active California mutual benefit non-profit corporation, with an entity address of Post Office Box 900669, Palmdale, CA 93590. It was formed on May 23, 1980. Its Agent for Service of Process is Jeanne G. Miller at 40115 15th St. West, Palmdale, CA 93551. Its membership is comprised of the owners of the 182 mostly 2½ acre lots that are situated within its above-described service area. Shadow Acres' 156 active meters serve the properties within the Shadow Acres service area that have been improved with a residence, and stand by to serve the unimproved properties when improved.

c. Existence of Groundwater wells (2000 to 2004 and 2011 to 2012): Shadow Acres owned 2 wells and boosters with Edison energy efficiency calibrated motor driven pumps that were situated within its service area during the years 2000 to 2004 and 2011 to 2012.

d. Operation of Groundwater wells (2000 to 2004 and 2011 to 2012): Shadow Acres operated the 2 wells described in I.1.c., above, during the years 2000 to 2004 and 2011 to 2012.

e. **Amount of Groundwater Produced:** Shadow Acres groundwater production during the years 2000 to 2004 and 2011 – 2012:

- i. **2000:** 98 acre feet
- ii. **2001:** 102 acre feet
- iii. **2002:** 106 acre feet
- iv. **2003:** 103 acre feet
- v. **2004:** 111 acre feet
- vi. **2011:** 55.7 acre feet
- vii. **2012 [1/1 – 11/30]:** 49.5 acre feet

f. **Uses of Groundwater Produced:** During the years 2000 to 2004 and 2011 to 2012, Shadow Acres used the water produced from its wells described in I.1.c., above, for the provision of domestic water service to its mutual members.

g. **Places of Groundwater Use:** All groundwater produced by Shadow Acres from the wells described in I.1.c., above, was used in its service area by its members.

h. **Uses of Parcels within Service Area:** The properties within the Shadow Acres service area are single family residential parcels.

i. **Crop Types:** None.

j. **Basis for Claim of Groundwater Rights:** Upon the formation of the mutual benefit, non-profit corporation, the overlying groundwater rights of the owners of the properties within the service area (who became the initial shareholders) became the rights of the mutual water company and have, ever since, been exercised by the mutual water company and not by the individual property owners / shareholders. There was no known express reservation of the overlying groundwater rights by the individual property owners at the time of formation. The property owners / shareholders simply pooled their collective water and (through the mutual water company) constructed, operated and maintained the production, storage and distribution system by which they all receive water for their domestic purposes. Simply stated, the property

owners / shareholders exchanged their overlying water rights for the right to have water delivered to their individual properties. See *Erwin v. Gage Canal Company* (1964) 226 Cal.App.2d 189; see also *Hildreth v. Montecito Creek Water Co.* (1903) 139 Cal. 22, 29; see also *City of Glendale v. Crescenta etc. Water Co.* (1955) 135 Cal.App.2d 784,801. As such, each shareholder has an interests in the water rights, production, storage and distribution facilities of the mutual water company and has the right to receive water upon development and demand.

k. **Amount of Groundwater Claim:** 111 acre feet [highest “base period” use].

l. **Other Facts Supporting Claim:** Pending receipt of additional data and information.

2. **Property Lease Information:**

a. **Lease of Property:** Shadow Acres leased no property during the years 2000 to 2004 and 2011 to 2012

b. **Name of Lessee:** N/A.

c. **ATN/APNs:** N/A.

d. **Written Agreements Allocating Credits:** N/A.

e. **Lessee Delivery of Water:** N/A.

f. **Uses of Groundwater by Lessee:** N/A.

3. **Additional Requested Information and Materials:**

a. **Prima Facie Groundwater Production Materials:**

i. See Shadow Acres Mutual Water Company “Attachment I.3.a.i.”

ii. Well #1 – Southern California Edison Multiple Point Well Efficiency Test Summary (April 11, 2012)

iii. Well #2 – Southern California Edison Multiple Point Well Efficiency Test Summary (April 11, 2012)

iv. Southern California Edison Booster Efficiency Test Results.

v. Southern California Edison Electrical Billing History (January 2000 – December 2004)

vi. Southern California Edison Electrical Billing History (January 2011 – January 2012)

vii. Pending receipt of additional data and information.

b. Prima Facie Property Uses Materials:

i. See Shadow Acres Mutual Water Company “Attachment I.3.b.i.”

ii. Pending receipt of additional data and information.

c. Additional Materials:

i. See Shadow Acres Mutual Water Company “Attachment I.3.c.i.”

ii. California Secretary of State, Business Entity Detail (December 14, 2012)

iii. Pending receipt of additional data and information.

II. CLAIMS OF NON-OVERLYING GROUNDWATER RIGHTS:

1. Specifically Requested Non-Overlying Information:

a. Amount of Production: None.

b. ATN/APNs: N/A.

c. Well Information: N/A.

d. Amount of Water Produced: N/A.

e. Methodology Used to Quantify Claim: N/A.

f. Reports to State Water Resources Control Board (2000 to 2004): N/A.

g. Uses other than Municipal Supply (2000 to 2004 and 2011 to 2012):
N/A.

h. Water for Outdoor Irrigation: N/A.

III. CLAIMS OF RETURN FLOW CREDITS:

1. Specifically Requested Non-Overlying Information:

a. Amount of Pumping of Return Flows from Imported Water: 45%.

b. **Amount of Return Flows Pumped:**

- i. 2000: 91.3 acre feet
- ii. 2001: 100.2 acre feet
- iii. 2002: 101.4 acre feet
- iv. 2003: 101.4 acre feet
- v. 2004: 119.7 acre feet
- vi. 2011: 84.9 acre feet
- vii. 2012 [1/1 – 11/30]: 77.7 acre feet

c. **Methodology Used to Quantify Claim:** The figure of 45% of mutual water company imported water constituting return flows (in un-sewered areas) was derived from Technical Committee's Problem Statement Report. Reference is made, generally, to the Problem Statement Report, and in particular Appendix D, pages D-25 and D-26.

d. **Amount of Water Imported:**

- i. 2000: 234 acre feet
- ii. 2001: 257 acre feet
- iii. 2002: 260 acre feet
- iv. 2003: 260 acre feet
- v. 2004: 307 acre feet
- vi. 2011: 217.6 acre feet
- vii. 2012 [1/1 – 11/30]: 199.1 acre feet

e. **Water Quality Information:** Water delivered from AVEK is reported to satisfy regulatory potability standards.

f. **Uses of Imported Water:** During the years 2000 to 2004 and 2011 to 2012, Shadow Acres used the water imported from AVEK described in III.1.d., above, for the provision of domestic water service to its mutual members.

g. **Dates of Importation of Water:** Commenced prior to the base period.

- 1 h. Geological Conditions Beneath Properties: Pending receipt of
2 data.
- 3 i. Depth of Aquifer and Soil Type Beneath Surface: Pending
4 receipt of data.
- 5 j. Time for Percolation to Aquifer: Pending receipt of data.
- 6 k. Physical Evidence that Return Flows Augment Basin: Pending
7 receipt of data.
- 8 l. Geological Locations that Return Flows Augment Basin: Pending
9 receipt of data.
- 10 m. Return Flows Entering Municipal Sewer System: None. Members of
11 the Shadow Acres Mutual Water Company are on septic, not sewer.
- 12 n. Locations of Return Flows Wastewater Augmenting Basin: From
13 the septic tanks situated on each of the properties within Shadow Acres Mutual Water Company.

14 IV. FOR THE FEDERAL PARTIES: N/A.

15 V. FOR ALL RESPONDING PARTIES:

16 1. Person most qualified to testify to the facts and materials above:

- 17 a. Non-Expert Witness(es): Jeanne G. Miller and Tim Sullivan.
- 18 b. Expert Witness(es): Not determined at this time.

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

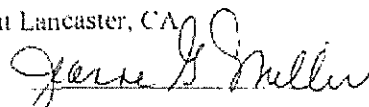
2. Verification by Authorized Individual:

Declaration under Penalty of Perjury:

I, Jeanne Miller, am the Record Keeper and Office Manager of the Shadow Acres Mutual Water Company and have personal knowledge of the facts set forth above.

If called to do so, I could and would competently testify to these facts under oath. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 20th day of December, 2012 at Lancaster, CA



Jeanne Miller

-72-

ANTHOPE VALLEY UNITED MUTUAL GROUP'S INFORMATION AND MATERIALS RESPONSIVE TO
DECEMBER 12, 2012 DISCOVERY ORDER FOR PHASE 1 TRIAL

ANTHOPE VALLEY UNITED MUTUAL GROUP'S INFORMATION AND MATERIALS RESPONSIVE TO
DECEMBER 12, 2012 DISCOVERY ORDER FOR PHASE 1 TRIAL

SUNDALE MUTUAL WATER COMPANY:

I. CLAIMS OF OVERLYING GROUNDWATER RIGHTS:

1. Property situated with Sundale Mutual Water Company ("Sundale"):

a. Location of Property [Service Area]: 2080 acres; Kern County Side, North Boundary: Elder; South Boundary: Ave A; East Boundary: 65th St West; and West Boundary: 80th St West. Los Angeles County Side, North Boundary: Ave A; South Boundary: Ave B; East Boundary: 65th St West; West Boundary: 80th St West ("**Zone A**"); and, Noncontiguous part: North Boundary: Ave C; South Boundary: Ave D; East Boundary: 80th St West; and West Boundary: 90th St West ("**Zone B**"). Though the owner of the water rights and the production, storage and distribution facilities is Sundale Mutual Water Company, a California mutual benefit non-profit corporation, at the direction of the Court, the Assessor's Parcel Numbers ("APN") of the members / shareholders is set forth on Sundale Mutual Water Company "**Attachment I.1.a.**"

b. Ownership Information: Sundale is an active California mutual benefit non-profit corporation, with an entity address of 1900 Birch Ave, Rosamond, CA 93560. It was formed on December 30, 1971. Its Agent for Service of Process is Vanessa Carrier at 1900 Birch, Rosamond, CA 93560. Its membership is comprised of the owners of the 824 mostly 2½ acre lots that are situated within its above-described service area. Sundale's 331 active meters serve the properties within the Sundale service area that have been improved with a residence, and stand by to serve the unimproved properties when improved.

c. Existence of Groundwater wells (2000 to 2004 and 2011 to 2012): Sundale owned four (4) metered wells and boosters with Edison energy efficiency calibrated motor driven pumps that were situated within its service area during the years 2000 to 2004 and 2011 to 2012.

d. **Operation of Groundwater wells (2000 to 2004 and 2011 to 2012):**
Sundale operated the 4 wells described in I.l.c., above, during the years 2000 to 2004 and 2011 to 2012.

e. **Amount of Groundwater Produced:** Sundale groundwater production during the years 2000 to 2004 and 2011 – 2012:

- i. **2000:** 621 acre feet
- ii. **2001:** 611 acre feet
- iii. **2002:** 701 acre feet
- iv. **2003:** 567 acre feet
- v. **2004:** 612 acre feet
- vi. **2011:** 430.7 acre feet
- vii. **2012 [1/1 – 11/30]:** 457.8 acre feet

f. **Uses of Groundwater Produced:** During the years 2000 to 2004 and 2011 to 2012, Sundale used the water produced from its well described in I.l.c., above, for the provision of domestic water service to its mutual members.

g. **Places of Groundwater Use:** All groundwater produced by Sundale from the wells described in I.l.c., above, was used in its service area by its members.

h. **Uses of Parcels within Service Area:** The properties within the Sundale service area are single family residential parcels.

i. **Crop Types:** None.

j. **Basis for Claim of Groundwater Rights:** Upon the formation of the mutual benefit, non-profit corporation, the overlying groundwater rights of the owners of the properties within the service area (who became the initial shareholders) became the rights of the mutual water company and have, ever since, been exercised by the mutual water company and not by the individual property owners / shareholders. There was no known express reservation of the overlying groundwater rights by the individual property owners at the time of formation. The property owners / shareholders simply pooled their collective water and (through the mutual

1 water company) constructed, operated and maintained the production, storage and distribution
2 system by which they all receive water for their domestic purposes. Simply stated, the property
3 owners / shareholders exchanged their overlying water rights for the right to have water
4 delivered to their individual properties. See *Erwin v. Gage Canal Company* (1964) 226
5 Cal.App.2d 189; see also *Hildreth v. Montecito Creek Water Co.* (1903) 139 Cal. 22, 29; see also
6 *City of Glendale v. Crescenta etc. Water Co.* (1955) 135 Cal.App.2d 784,801. As such, each
7 shareholder has an interests in the water rights, production, storage and distribution facilities of
8 the mutual water company and has the right to receive water upon development and demand.

9 k. **Amount of Groundwater Claim:** 701 acre feet [highest “base period”
10 use]

11 l. **Other Facts Supporting Claim:** Pending receipt of additional data
12 and information.

13 2. **Property Lease Information:**

14 a. **Lease of Property:** Sundale leased no property during the years 2000 to
15 2004 and 2011 to 2012.

16 b. **Name of Lessee:** N/A.

17 c. **ATN/APNs:** N/A.

18 d. **Written Agreements Allocating Credits:** N/A.

19 e. **Lessee Delivery of Water:** N/A.

20 f. **Uses of Groundwater by Lessee:** N/A.

21 3. **Additional Requested Information and Materials:**

22 a. **Prima Facie Groundwater Production Materials:**

23 i. See Sundale Mutual Water Company “Attachment I.3.a.i.”

24 ii. Sundale Mutual Water Company Pump Data Analysis for Year
25 2008 [with data for years 2000-2004] explaining Sundale’s two pumping zones, its four wells,
26 and computations for well pumping for years 2000-2004 (Sundale did not record the daily well
27 usage until August 2007).

- 1 iii. Southern California Edison Account Overview for 002-6269-46
2 [Zone A] for 2000 to 2004 and 2008.
- 3 iv. Southern California Edison Account Overview for 003-1510-65
4 [Zone B] for 2000 to 2004 and 2008.
- 5 v. Sundale Total Acre Feet Pumped for 2000-2004 summary
6 spreadsheet.
- 7 vi. State Water Resources Control Board First Notice of Extraction for
8 2011 ("Zone A" Well).
- 9 vii. State Water Resources Control Board First Notice of Extraction for
10 2011 ("Zone B" Well).
- 11 viii. Pending receipt of additional data and information.
- 12 b. **Prima Facie Property Uses Materials:**
- 13 i. See Sundale Mutual Water Company "**Attachment I.3.b.i.**"
- 14 ii. Pending receipt of additional data and information.
- 15 c. **Additional Materials:**
- 16 i. See Sundale Mutual Water Company "**Attachment I.3.c.i.**"
- 17 ii. California Secretary of State, Business Entity Detail (December
18 14, 2012).
- 19 iii. Pending receipt of additional data and information.

20 **II. CLAIMS OF NON-OVERLYING GROUNDWATER RIGHTS:**

21 **1. Specifically Requested Non-Overlying Information:**

- 22 a. **Amount of Production:** None.
- 23 b. **ATN/APNs:** N/A.
- 24 c. **Well Information:** N/A.
- 25 d. **Amount of Water Produced:** N/A.
- 26 e. **Methodology Used to Quantify Claim:** N/A.
- 27 f. **Reports to State Water Resources Control Board (2000 to 2004):** N/A.

1 g. Uses other than Municipal Supply (2000 to 2004 and 2011 to 2012):
2 N/A.

3 h. Water for Outdoor Irrigation: N/A.

4 **III. CLAIMS OF RETURN FLOW CREDITS:**

5 1. Specifically Requested Non-Overlying Information:

6 a. Amount of Pumping of Return Flows from Imported Water: 45%.

7 b. Amount of Return Flows Pumped:

8 i. 2000: N/A.

9 ii. 2001: N/A.

10 iii. 2002: N/A.

11 iv. 2003: N/A.

12 v. 2004: N/A.

13 vi. 2011: N/A.

14 vii. 2012 [1/1 – 11/30]: N/A.

15 c. Methodology Used to Quantify Claim: N/A.

16 d. Amount of Water Imported:

17 i. 2000: 0 acre feet.

18 ii. 2001: 0 acre feet.

19 iii. 2002: 0 acre feet.

20 iv. 2003: 0 acre feet.

21 v. 2004: 0 acre feet.

22 vi. 2011: 0 acre feet.

23 vii. 2012 [1/1 – 11/30]: 0 acre feet.

24 e. Water Quality Information: N/A.

25 f. Uses of Imported Water: N/A.

26 g. Dates of Importation of Water: N/A.

27 h. Geological Conditions Beneath Properties: N/A.

- 1 i. Depth of Aquifer and Soil Type Beneath Surface: N/A.
- 2 j. Time for Percolation to Aquifer: N/A.
- 3 k. Physical Evidence that Return Flows Augment Basin: N/A.
- 4 l. Geological Locations that Return Flows Augment Basin: N/A.
- 5 m. Return Flows Entering Municipal Sewer System: N/A.
- 6 n. Locations of Return Flows Wastewater Augmenting Basin: N/A.

7 IV. FOR THE FEDERAL PARTIES: N/A.

8 V. FOR ALL RESPONDING PARTIES:

- 9 1. Person most qualified to testify to the facts and materials above:
- 10 a. Non-Expert Witness(es): Bruce Nelson and John Goit.
- 11 b. Expert Witness(es): Not determined at this time.

1 **SUNNYSIDE FARMS MUTUAL WATER COMPANY, INC.**

2
3 **I. CLAIMS OF OVERLYING GROUNDWATER RIGHTS:**

4 1. **Property situated with Sunnyside Farms Mutual Water Company, Inc.**
5 **("Sunnyside Farms"):**

6 a. **Location of Property [Service Area]:** 480 acres; Bounded on the
7 north by Avenue N, on the east by 30th Street West, on the south by Avenue N-8, and on the
8 west by 43rd Street West. Though the owner of the water rights and the production, storage and
9 distribution facilities is Sundale Mutual Water Company, a California mutual benefit non-profit
10 corporation, at the direction of the Court, the Assessor's Parcel Numbers ("APN") of the
11 members / shareholders is set forth on Sundale Mutual Water Company "**Attachment I.1.a.**"

12 b. **Ownership Information:** Sunnyside Farms is an active California
13 mutual benefit non-profit corporation, with an entity address of Post Office Box 901025,
14 Palmdale, CA 93590. It was formed on December 12, 1951. Its Agent for Service of Process is
15 Jeanne Miller at 40115 15th Street West, Palmdale, CA 93551. Its membership is comprised of
16 the owners of the 172 mostly 2½ acre lots that are situated within its above-described service
17 area. Sunnyside Farms' 155 active meters serve the properties within the Sunnyside Farms
18 service area that have been improved with a residence, and stand by to serve the unimproved
19 properties when improved.

20 c. **Existence of Groundwater wells (2000 to 2004 and 2011 to 2012):**
21 Sunnyside Farms owned three (3) wells and boosters with Edison energy efficiency calibrated
22 motor driven pumps that were situated within its service area during the years 2000 to 2004 and
23 2011 to 2012.

24 d. **Operation of Groundwater wells (2000 to 2004 and 2011 to 2012):**
25 Sunnyside Farms operated the three (3) wells described in I.1.c., above, during the years 2000 to
26 2004 and 2011 to 2012.

1 e. **Amount of Groundwater Produced:** Sunnyside Farms groundwater
2 production during the years 2000 to 2004 and 2011 – 2012:

- 3 i. **2000:** 147.1 acre feet
4 ii. **2001:** 170.3 acre feet
5 iii. **2002:** 172.6 acre feet
6 iv. **2003:** 174.7 acre feet
7 v. **2004:** 160.3 acre feet
8 vi. **2011:** 73.5 acre feet
9 vii. **2012 [1/1 – 11/30]:** 77.3 acre feet

10 f. **Uses of Groundwater Produced:** During the years 2000 to 2004 and
11 2011 to 2012, Sunnyside Farms used the water produced from its well described in I.1.c., above,
12 for the provision of domestic water service to its mutual members.

13 g. **Places of Groundwater Use:** All groundwater produced by
14 Sunnyside Farms from the wells described in I.1.c., above, was used in its service area by its
15 members.

16 h. **Uses of Parcels within Service Area:** The properties within the
17 Sunnyside Farms service area are single family residential parcels.

18 i. **Crop Types:** None.

19 j. **Basis for Claim of Groundwater Rights:** Upon the formation of the
20 mutual benefit, non-profit corporation, the overlying groundwater rights of the owners of the
21 properties within the service area (who became the initial shareholders) became the rights of the
22 mutual water company and have, ever since, been exercised by the mutual water company and
23 not by the individual property owners / shareholders. There was no known express reservation
24 of the overlying groundwater rights by the individual property owners at the time of formation.
25 The property owners / shareholders simply pooled their collective water and (through the mutual
26 water company) constructed, operated and maintained the production, storage and distribution
27 system by which they all receive water for their domestic purposes. Simply stated, the property

owners / shareholders exchanged their overlying water rights for the right to have water delivered to their individual properties. See *Erwin v. Gage Canal Company* (1964) 226 Cal.App.2d 189; see also *Hildreth v. Montecito Creek Water Co.* (1903) 139 Cal. 22, 29; see also *City of Glendale v. Crescenta etc. Water Co.* (1955) 135 Cal.App.2d 784,801. As such, each shareholder has an interests in the water rights, production, storage and distribution facilities of the mutual water company and has the right to receive water upon development and demand.

k. **Amount of Groundwater Claim:** 174.7 acre feet [highest “base period” use].

l. **Other Facts Supporting Claim:** Pending receipt of additional data and information.

2. **Property Lease Information:**

a. **Lease of Property:** Sunnyside Farms leased no property during the years 2000 to 2004 and 2011 to 2012.

a. **Name of Lessee:** N/A.

b. **ATN/APNs:** N/A.

c. **Written Agreements Allocating Credits:** N/A.

d. **Lessee Delivery of Water:** N/A.

e. **Uses of Groundwater by Lessee:** N/A.

3. **Additional Requested Information and Materials:**

a. **Prima Facie Groundwater Production Materials:**

i. See Sunnyside Farms Mutual Water Company “Attachment

I.3.a.i.”

ii. Southern California Edison Well Efficiency Test Results:

1. Well #1 – Multiple Point Test Summary (March 16, 2012)

2. Well #2 – Multiple Point Test Summary (March 16, 2012)

3. Well #3 – Multiple Point Test Summary (March 16, 2012)

iii. Southern California Edison Electrical Billing Histories

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

- 1. Well #1
 - a. January 2000 – December 2004
 - b. January 2011 – January 2012
- 2. Well #2
 - a. January 2000 – December 2004
 - b. January 2011 – January 2012
- 3. Well #3
 - a. January 2000 – December 2004
 - b. January 2011 – January 2012
- b. **Prima Facie Property Uses Materials:**
 - i. See Sunnyside Farms Mutual Water Company “Attachment I.3.b.i.”
 - ii. Pending receipt of additional data and information.
- c. **Additional Materials:**
 - i. See Sunnyside Farms Mutual Water Company “Attachment I.3.c.i.”
 - ii. California Secretary of State, Business Entity Detail (December 14, 2012)
 - iii. Pending receipt of additional data and information.
- II. **CLAIMS OF NON-OVERLYING GROUNDWATER RIGHTS:**
 - 1. **Specifically Requested Non-Overlying Information:**
 - a. **Amount of Production:** None.
 - b. **ATN/APNs:** N/A.
 - c. **Well Information:** N/A.
 - d. **Amount of Water Produced:** N/A.
 - e. **Methodology Used to Quantify Claim:** N/A.
 - f. **Reports to State Water Resources Control Board (2000 to 2004):** N/A.

g. Uses other than Municipal Supply (2000 to 2004 and 2011 to 2012):

N/A.

h. Water for Outdoor Irrigation: N/A.

III. CLAIMS OF RETURN FLOW CREDITS:

1. Specifically Requested Non-Overlying Information:

a. Amount of Pumping of Return Flows from Imported Water: 45%.

b. Amount of Return Flows Pumped:

i. 2000: 110.0 acre feet

ii. 2001: 103.0 acre feet

iii. 2002: 113.8 acre feet

iv. 2003: 108.4 acre feet

v. 2004: 131.9 acre feet

vi. 2011: 69.7 acre feet

vii. 2012 [1/1 – 11/30]: 72.9 acre feet

c. Methodology Used to Quantify Claim: The figure of 45% of mutual water company imported water constituting return flows (in un-sewered areas) was derived from Technical Committee's Problem Statement Report. Reference is made, generally, to the Problem Statement Report, and in particular Appendix D, pages D-25 and D-26.

d. Amount of Water Imported:

i. 2000: 244.4 acre feet

ii. 2001: 228.8 acre feet

iii. 2002: 252.9 acre feet

iv. 2003: 240.9 acre feet

v. 2004: 293.2 acre feet

vi. 2011: 154.9 acre feet

vii. 2012 [1/1 – 11/30]: 161.9 acre feet

1 e. **Water Quality Information:** Water delivered from AVEK is
2 reported to satisfy regulatory potability standards.

3 f. **Uses of Imported Water:** During the years 2000 to 2004 and 2011 to
4 2012, Sunnyside Farms used the water imported from AVEK described in 1.d., above, for the
5 provision of domestic water service to its mutual members.

6 g. **Dates of Importation of Water:** Commenced prior to the base period.

7 h. **Geological Conditions Beneath Properties:** Pending receipt of
8 data.

9 i. **Depth of Aquifer and Soil Type Beneath Surface:** Pending
10 receipt of data.

11 j. **Time for Percolation to Aquifer:** Pending receipt of data.

12 k. **Physical Evidence that Return Flows Augment Basin:** Pending
13 receipt of data.

14 l. **Geological Locations that Return Flows Augment Basin:** Pending
15 receipt of data.

16 m. **Return Flows Entering Municipal Sewer System:** None. Members of
17 the Sunnyside Farms Mutual Water Company are on septic, not sewer.

18 n. **Locations of Return Flows Wastewater Augmenting Basin:** From
19 the septic tanks situated on each of the properties within Sunnyside Farms Mutual Water
20 Company.

21 IV. **FOR THE FEDERAL PARTIES:** N/A.

22 V. **FOR ALL RESPONDING PARTIES:**

23 1. **Person most qualified to testify to the facts and materials above:**

24 a. Non-Expert Witness(es): Jeanne Miller, Jim Johnson, Linda Enger,
25 Bob Witt and Gerald Carson.

26 b. Expert Witness(es): Not determined at this time.

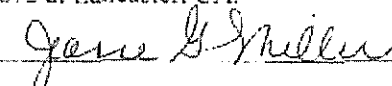
2. Verification by Authorized Individual:

Declaration under Penalty of Perjury:

I, Jeanne Miller, am the Record Keeper and Office Manager of the Sunnyside Farms Mutual Water Company and have personal knowledge of the facts set forth above

If called to do so, I could and would competently testify to these facts under oath. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 20th day of December, 2012 at Lancaster, CA.


Jeanne Miller

TIERRA BONITA MUTUAL WATER COMPANY

I. CLAIMS OF OVERLYING GROUNDWATER RIGHTS:

1. Property situated with Tierra Bonita Mutual Water Company ("Tierra Bonita");

a. Location of Property [Service Area]: 80 acres; West Boundary: 50th East; East Boundary: 55th St East; North Boundary: Ave K-4; and South Boundary: Ave K-8. Though the owner of the water rights and the production, storage and distribution facilities is Tierra Bonita Mutual Water Company, a California mutual benefit non-profit corporation, at the direction of the Court, the Assessor's Parcel Numbers ("APN") of the members / shareholders is set forth on Tierra Bonita Mutual Water Company "**Attachment I.1.a.**"

b. Ownership Information: Tierra Bonita is an active California mutual benefit non-profit corporation, with an entity address of 5159 E Avenue K-8, Lancaster, CA 93535. It was formed on September 7, 1954. Its Agent for Service of Process is Douglas A. Gaudi at 43233 55th Street East, Lancaster CA 93535. Its membership is comprised of the owners of the 32 mostly 2½ acre lots that are situated within its above-described service area. Tierra Bonita's 22 active meters serve the properties within the Tierra Bonita service area that have been improved with a residence, and stand by to serve the unimproved properties when improved.

c. Existence of Groundwater wells (2000 to 2004 and 2011 to 2012): Tierra Bonita owned 1 well and booster with Edison energy efficiency calibrated motor driven pumps that were situated within its service area during the years 2000 to 2004 and 2011 to 2012.

d. Operation of Groundwater wells (2000 to 2004 and 2011 to 2012): Tierra Bonita operated the well described in I.1.c., above, during the years 2000 to 2004 and 2011 to 2012.

e. Amount of Groundwater Produced: Tierra Bonita groundwater production during the years 2000 to 2004 and 2011 – 2012:

- 1 i. 2000: 57.8 acre feet
2 ii. 2001: 61.7 acre feet
3 iii. 2002: 48.5 acre feet
4 iv. 2003: 51.1 acre feet
5 v. 2004: 57.6 acre feet
6 vi. 2011: 43.0 acre feet
7 vii. 2012 [1/1 – 11/30]: 38.5 acre feet

8 f. **Uses of Groundwater Produced:** During the years 2000 to 2004 and
9 2011 to 2012, Tierra Bonita used the water produced from its well described in I.1.c., above, for
10 the provision of domestic water service to its mutual members.

11 g. **Places of Groundwater Use:** All groundwater produced by Tierra
12 Bonita from the wells described in I.1.c., above, was used in its service area by its members.

13 h. **Uses of Parcels within Service Area:** The properties within the
14 Tierra Bonita service area are single family residential parcels.

15 i. **Crop Types:** None.

16 j. **Basis for Claim of Groundwater Rights:** Upon the formation of the
17 mutual benefit, non-profit corporation, the overlying groundwater rights of the owners of the
18 properties within the service area (who became the initial shareholders) became the rights of the
19 mutual water company and have, ever since, been exercised by the mutual water company and
20 not by the individual property owners / shareholders. There was no known express reservation
21 of the overlying groundwater rights by the individual property owners at the time of formation.
22 The property owners / shareholders simply pooled their collective water and (through the mutual
23 water company) constructed, operated and maintained the production, storage and distribution
24 system by which they all receive water for their domestic purposes. Simply stated, the property
25 owners / shareholders exchanged their overlying water rights for the right to have water
26 delivered to their individual properties. See *Erwin v. Gage Canal Company* (1964) 226
27 Cal.App.2d 189; see also *Hildreth v. Montecito Creek Water Co.* (1903) 139 Cal. 22, 29; see also

1 *City of Glendale v. Crescenta etc. Water Co.* (1955) 135 Cal.App.2d 784,801. As such, each
2 shareholder has an interests in the water rights, production, storage and distribution facilities of
3 the mutual water company and has the right to receive water upon development and demand.

4 k. **Amount of Groundwater Claim:** 61.7 acre feet [highest “base period”
5 use”].

6 l. **Other Facts Supporting Claim:** Pending receipt of additional data
7 and information.

8 **2. Property Lease Information:**

9 a. **Lease of Property:** Tierra Bonita leased no property during the years
10 2000 to 2004 and 2011 to 2012

11 b. **Name of Lessee:** N/A.

12 c. **ATN/APNs:** N/A.

13 d. **Written Agreements Allocating Credits:** N/A.

14 e. **Lessee Delivery of Water:** N/A.

15 f. **Uses of Groundwater by Lessee:** N/A.

16 **3. Additional Requested Information and Materials:**

17 a. **Prima Facie Groundwater Production Materials:**

18 i. See Tierra Bonita Mutual Water Company “Attachment I.3.a.i.”

19 ii. Southern California Edison Well Efficiency Test Results:

20 1. Well #1 – Multiple Point Test Summary (February 13,
21 2012)

22 2. Well #1 – Well Efficiency Test (March 2, 2012)

23 iii. Southern California Edison Electrical Billing Histories

24 1. January 2000 – December 2004

25 2. Pending receipt of additional data and information.

26 iv. Tierra Bonita Mutual Water Company summary spreadsheet for
27 2000-2004 Main Well Pump and Booster Pump kWh/Acre-ft and conversions to acre feet.

v. Tierra Bonita Mutual Water Co. Edison Usage for the years 2000-2004 summary spreadsheet.

vi. Tierra Bonita Mutual Water Co. Edison Usage for the years 2011-November 2012 summary spreadsheet.

b. **Prima Facie Property Uses Materials:**

i. See Tierra Bonita Mutual Water Company "Attachment I.3.b.i."

ii. Pending receipt of additional data and information.

c. **Additional Materials:**

i. See Tierra Bonita Mutual Water Company "Attachment I.3.c.i."

ii. California Secretary of State, Business Entity Detail (December 14, 2012)

iii. Pending receipt of additional data and information.

II. **CLAIMS OF NON-OVERLYING GROUNDWATER RIGHTS:**

1. **Specifically Requested Non-Overlying Information:**

a. **Amount of Production:** None.

b. **ATN/APNs:** N/A.

c. **Well Information:** N/A.

d. **Amount of Water Produced:** N/A.

e. **Methodology Used to Quantify Claim:** N/A.

f. **Reports to State Water Resources Control Board (2000 to 2004):** N/A.

g. **Uses other than Municipal Supply (2000 to 2004 and 2011 to 2012):**

N/A.

h. **Water for Outdoor Irrigation:** N/A.

III. **CLAIMS OF RETURN FLOW CREDITS:**

1. **Specifically Requested Non-Overlying Information:**

a. **Amount of Pumping of Return Flows from Imported Water:** None.

b. **Amount of Return Flows Pumped:**

- i. 2000: N/A.
- ii. 2001: N/A.
- iii. 2002: N/A.
- iv. 2003: N/A.
- v. 2004: N/A.
- vi. 2011: N/A.
- vii. 2012 [1/1 – 11/30]: N/A.
- c. Methodology Used to Quantify Claim: N/A.
- d. Amount of Water Imported: None.
- e. Water Quality Information: N/A.
- f. Uses of Imported Water: N/A.
- g. Dates of Importation of Water: N/A.
- h. Geological Conditions Beneath Properties: N/A.
- i. Depth of Aquifer and Soil Type Beneath Surface: N/A.
- j. Time for Percolation to Aquifer: N/A.
- k. Physical Evidence that Return Flows Augment Basin: N/A.
- l. Geological Locations that Return Flows Augment Basin: N/A.
- m. Return Flows Entering Municipal Sewer System: N/A.
- n. Locations of Return Flows Wastewater Augmenting Basin: N/A.

IV. FOR THE FEDERAL PARTIES: N/A.

V. FOR ALL RESPONDING PARTIES:

1. Person most qualified to testify to the facts and materials above:

- a. Non-Expert Witness(es): Douglas A. Gaudi
- b. Expert Witness(es): Not determined at this time.

- 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

2

3
4

5
6
7

8

9

1 **WEST SIDE PARK MUTUAL WATER COMPANY**

2
3 **I. CLAIMS OF OVERLYING GROUNDWATER RIGHTS:**

4 1. **Property situated with West Side Park Mutual Water Company** ("West Side
5 **Park"):**

6 a. **Location of Property [Service Area]:** 400 acres; Bounded on the
7 north by Avenue O, on the east by 10th Street West, on the south by Avenue O-8, on the East by
8 15th Street West, on the south by Avenue O-12, and on the West by 20th Street West. Though
9 the owner of the water rights and the production, storage and distribution facilities is West Side
10 Park Mutual Water Company, a California mutual benefit non-profit corporation, at the direction
11 of the Court, the Assessor's Parcel Numbers ("APN") of the members / shareholders is set forth
12 on West Side Park Mutual Water Company "**Attachment I.1.a.**"

13 b. **Ownership Information:** West Side Park is an active California
14 mutual benefit non-profit corporation, with an entity address of 40317 11th Street West,
15 Palmdale, CA 93551. It was formed on November 27, 1950. Its Agent for Service of Process is
16 Cliff Kos at 1737 West Avenue O-12, Palmdale, CA 93551. Its membership is comprised of the
17 owners of the 174 mostly 2½ acre lots that are situated within its above-described service area.
18 West Side Park's 155 active meters serve the approximately ninety percent (90%) of the
19 properties within the West Side Park service area that have been improved with a residence, and
20 stand by to serve the unimproved properties when improved.

21 c. **Existence of Groundwater wells (2000 to 2004 and 2011 to 2012):**
22 West Side Park owned a total of two (2) metered wells, only one of which was existed situated
23 within its service area during the years 2000 to 2004 while both were existed in 2011 to 2012
24 after Well #2 was constructed in 2005.

25 d. **Operation of Groundwater wells (2000 to 2004 and 2011 to 2012):**
26 West Side Park operated only one of the wells described in I.1.c., above, during the years 2000 to
27 2004; and both wells during the period of 2011 to 2012.

1 e. **Amount of Groundwater Produced:** West Side Park groundwater
2 production during the years 2000 to 2004 and 2011 – 2012:

- 3 i. **2000:** 298.6 acre feet
4 ii. **2001:** 240.6 acre feet
5 iii. **2002:** 279 acre feet
6 iv. **2003:** 291 acre feet
7 v. **2004:** 310 acre feet
8 vi. **2011:** 294 acre feet
9 vii. **2012 [1/1 – 11/30]:** 267.5 acre feet

10 f. **Uses of Groundwater Produced:** During the years 2000 to 2004 and
11 2011 to 2012, West Side Park used the water produced from its well described in I.l.c., above,
12 for the provision of domestic water service to its mutual members.

13 g. **Places of Groundwater Use:** All groundwater produced by West
14 Side Park from the well described in I.l.c., above, was used in its service area by its members.

15 h. **Uses of Parcels within Service Area:** The properties within the
16 West Side Park service area are single family residential parcels.

17 i. **Crop Types:** None.

18 j. **Basis for Claim of Groundwater Rights:** Upon the formation of the
19 mutual benefit, non-profit corporation, the overlying groundwater rights of the owners of the
20 properties within the service area (who became the initial shareholders) became the rights of the
21 mutual water company and have, ever since, been exercised by the mutual water company and
22 not by the individual property owners / shareholders. There was no known express reservation
23 of the overlying groundwater rights by the individual property owners at the time of formation.
24 The property owners / shareholders simply pooled their collective water and (through the mutual
25 water company) constructed, operated and maintained the production, storage and distribution
26 system by which they all receive water for their domestic purposes. Simply stated, the property
27 owners / shareholders exchanged their overlying water rights for the right to have water

delivered to their individual properties. See *Erwin v. Gage Canal Company* (1964) 226 Cal.App.2d 189; see also *Hildreth v. Montecito Creek Water Co.* (1903) 139 Cal. 22, 29; see also *City of Glendale v. Crescenta etc. Water Co.* (1955) 135 Cal.App.2d 784,801. As such, each shareholder has an interests in the water rights, production, storage and distribution facilities of the mutual water company and has the right to receive water upon development and demand.

k. **Amount of Groundwater Claim:** 310 acre feet [highest “base period” use].

l. **Other Facts Supporting Claim:** Pending receipt of additional data and information.

2. **Property Lease Information:**

a. **Lease of Property:** West Side Park leased no property during the years 2000 to 2004 and 2011 to 2012

b. **Name of Lessee:** N/A.

c. **ATN/APNs:** N/A.

d. **Written Agreements Allocating Credits:** N/A.

e. **Lessee Delivery of Water:** N/A.

f. **Uses of Groundwater by Lessee:** N/A.

3. **Additional Requested Information and Materials:**

a. **Prima Facie Groundwater Production Materials:**

- i. See West Side Park Mutual Water Company “Attachment I.3.a.i.”
- ii. WSP Well – Annual Notice of Groundwater Extraction for 2001
- iii. WSP Well – Annual Notice of Groundwater Extraction for 2002
- iv. WSP Well – Annual Notice of Groundwater Extraction for 2003
- v. WSP Well – Annual Notice of Groundwater Extraction for 2004
- vi. “Water Use” and “Well Data” form providing new well information for Well #2 installed in 2005.

vii. Pending receipt of additional data and information.

b. **Prima Facie Property Uses Materials:**

- i. See West Side Park Mutual Water Company "Attachment I.3.b.i."
- ii. Pending receipt of additional data and information.

c. **Additional Materials:**

- i. See West Side Park Water Company "Attachment I.3.c.i."
- ii. California Secretary of State, Business Entity Detail (December 14, 2012)
- iii. Pending receipt of additional data and information.

II. **CLAIMS OF NON-OVERLYING GROUNDWATER RIGHTS:**

1. **Specifically Requested Non-Overlying Information:**

- a. **Amount of Production:** None.
- b. **ATN/APNs:** N/A.
- c. **Well Information:** N/A.
- d. **Amount of Water Produced:** N/A.
- e. **Methodology Used to Quantify Claim:** N/A.
- f. **Reports to State Water Resources Control Board (2000 to 2004):** N/A.
- g. **Uses other than Municipal Supply (2000 to 2004 and 2011 to 2012):**
N/A.
- h. **Water for Outdoor Irrigation:** N/A.

III. **CLAIMS OF RETURN FLOW CREDITS:**

1. **Specifically Requested Non-Overlying Information:**

- a. **Amount of Pumping of Return Flows from Imported Water:** 45%.
- b. **Amount of Return Flows Pumped:**
 - i. **2000:** 10.5 acre feet
 - ii. **2001:** 29.4 acre feet
 - iii. **2002:** 34.7 acre feet
 - iv. **2003:** 31.5 acre feet

- 1 v. 2004: 22.5 acre feet
- 2 vi. 2011: 0 acre feet
- 3 vii. 2012 [1/1 – 11/30]: 0 acre feet

4 c. **Methodology Used to Quantify Claim:** The figure of 45% of mutual
5 water company imported water constituting return flows (in un-sewered areas) was derived from
6 Technical Committee's Problem Statement Report. Reference is made, generally, to the Problem
7 Statement Report, and in particular Appendix D, pages D-25 and D-26.

8 d. **Amount of Water Imported:**

- 9 i. 2000: 23.4 acre feet
- 10 ii. 2001: 65.4 acre feet
- 11 iii. 2002: 77 acre feet
- 12 iv. 2003: 70 acre feet
- 13 v. 2004: 50 acre feet
- 14 vi. 2011: 0 acre feet
- 15 vii. 2012 [1/1 – 11/30]: 0 acre feet

16 e. **Water Quality Information:** Water delivered from AVEK is
17 reported to satisfy regulatory potability standards.

18 f. **Uses of Imported Water:** During the years 2000 to 2004 and 2011 to
19 2012, West Side Park used the water imported from AVEK described in III.1.d., above, for the
20 provision of domestic water service to its mutual members.

21 g. **Dates of Importation of Water:** 2000 through 2004.

22 h. **Geological Conditions Beneath Properties:** Pending receipt of
23 data.

24 i. **Depth of Aquifer and Soil Type Beneath Surface:** Pending
25 receipt of data.

26 j. **Time for Percolation to Aquifer:** Pending receipt of data.

- 1 k. Physical Evidence that Return Flows Augment Basin: Pending
2 receipt of data.
- 3 l. Geological Locations that Return Flows Augment Basin: Pending
4 receipt of data.
- 5 m. Return Flows Entering Municipal Sewer System: None. Members of
6 the West Side Park Mutual Water Company are on septic, not sewer.
- 7 n. Locations of Return Flows Wastewater Augmenting Basin: From
8 the septic tanks situated on each of the properties within West Side Park Mutual Water
9 Company.
- 10 IV. FOR THE FEDERAL PARTIES: N/A.
- 11 V. FOR ALL RESPONDING PARTIES:
- 12 1. Person most qualified to testify to the facts and materials above:
- 13 a. Non-Expert Witness(es): Mary Wood
- 14 b. Expert Witness(es): Not determined at this time.

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

2. Verification by Authorized Individual:

Declaration under Penalty of Perjury:

I, Mary Wood, am the ~~Board Member~~ of the West Side Park Mutual Water Company and have personal knowledge of the facts set forth above.

If called to do so, I could and would competently testify to these facts under oath. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this ____ day of December, 2012 at Lancaster, CA.

Mary Wood

1 **WHITE FENCE FARMS MUTUAL WATER COMPANY**

2
3 **I. CLAIMS OF OVERLYING GROUNDWATER RIGHTS:**

4 **1. Property situated with White Fence Farms Mutual Water Company (“White**
5 **Fence Farms”):**

6 **a. Location of Property [Service Area]:** 1280 acres; Bounded on Ave
7 M to the North, South Boundary Ave N, East Boundary 20th St West, West Boundary 30th St
8 West; and North Boundary Ave L, South Boundary Ave M, East Boundary 10th St West, West
9 Boundary 20th St West. Though the owner of the water rights and the production, storage and
10 distribution facilities is White Fence Farms Mutual Water Company, a California mutual benefit
11 non-profit corporation, at the direction of the Court, the Assessor’s Parcel Numbers (“APN”) of
12 the members / shareholders is set forth on White Fence Farms Mutual Water Company
13 “Attachment I.1.a.”

14 **b. Ownership Information:** White Fence Farms is an active California
15 mutual benefit non-profit corporation, with an entity address of 41901 20th St. West, Palmdale,
16 CA 93551. It was formed on June 17, 1948. Its Agent for Service of Process is Larry Jacobs at
17 41901 20th St. West, Palmdale, CA 93551. Its membership is comprised of the owners of the
18 514 mostly 2½ acre lots that are situated within its above-described service area. White Fence
19 Farms’ 453 active meters serve the properties within the White Fence Farms service area that
20 have been improved with a residence, and stand by to serve the unimproved properties when
21 improved.

22 **c. Existence of Groundwater wells (2000 to 2004 and 2011 to 2012):**
23 White Fence Farms owned two (2) metered wells that were situated within its service area during
24 the years 2000 to 2004 and 2011 to 2012.

25 **d. Operation of Groundwater wells (2000 to 2004 and 2011 to 2012):**
26 White Fence Farms operated the two (2) wells described in 1.c., above, during the years 2000 to
27 2004 and 2011 to 2012.

e. **Amount of Groundwater Produced:** White Fence Farms
groundwater production during the years 2000 to 2004 and 2011 – 2012:

- i. **2000:** 681.6 acre feet
- ii. **2001:** 877.6 acre feet
- iii. **2002:** 815.6 acre feet
- iv. **2003:** 850.8 acre feet
- v. **2004:** 927 acre feet
- vi. **2011:** 989.2 acre feet
- vii. **2012 [1/1 – 11/30]:** 924.5 acre feet

f. **Uses of Groundwater Produced:** During the years 2000 to 2004 and 2011 to 2012, White Fence Farms used the water produced from its wells described in I.1.c., above, for the provision of domestic water service to its mutual members.

g. **Places of Groundwater Use:** All groundwater produced by White Fence Farms from the wells described in I.1.c., above, was used in its service area by its members.

h. **Uses of Parcels within Service Area:** The properties within the White Fence Farms service area are single family residential parcels (with the exception of 26 commercial buildings and 4 churches).

i. **Crop Types:** None.

j. **Basis for Claim of Groundwater Rights:** Upon the formation of the mutual benefit, non-profit corporation, the overlying groundwater rights of the owners of the properties within the service area (who became the initial shareholders) became the rights of the mutual water company and have, ever since, been exercised by the mutual water company and not by the individual property owners / shareholders. There was no known express reservation of the overlying groundwater rights by the individual property owners at the time of formation. The property owners / shareholders simply pooled their collective water and (through the mutual water company) constructed, operated and maintained the production, storage and distribution

1 system by which they all receive water for their domestic purposes. Simply stated, the property
2 owners / shareholders exchanged their overlying water rights for the right to have water
3 delivered to their individual properties. See *Erwin v. Gage Canal Company* (1964) 226
4 Cal.App.2d 189; see also *Hildreth v. Montecito Creek Water Co.* (1903) 139 Cal. 22, 29; see also
5 *City of Glendale v. Crescenta etc. Water Co.* (1955) 135 Cal.App.2d 784,801. As such, each
6 shareholder has an interests in the water rights, production, storage and distribution facilities of
7 the mutual water company and has the right to receive water upon development and demand.

8 k. **Amount of Groundwater Claim:** 927 acre feet [highest “base period”
9 use].

10 a. **Other Facts Supporting Claim:** Pending receipt of additional
11 documentation and information.

12 **2. Property Lease Information:**

13 b. **Lease of Property:** White Fence Farms leased no property during the
14 years 2000 to 2004 and 2011 to 2012.

15 c. **Name of Lessee:** N/A.

16 d. **ATN/APNs:** N/A.

17 e. **Written Agreements Allocating Credits:** N/A.

18 f. **Lessee Delivery of Water:** N/A.

19 g. **Uses of Groundwater by Lessee:** N/A.

20 **3. Additional Requested Information and Materials:**

21 a. **Prima Facie Groundwater Production Materials:**

22 i. See White Fence Farms Mutual Water Company “Attachment
23 I.3.a.i.”

24 ii. Annual Statement – Cessation or Reduction of Groundwater for
25 October 1, 1999 – September 30, 2000

26 iii. Well #2 – Annual Notice of Groundwater Extraction for 2001
27

iv. Annual Statement – Cessation or Reduction of Groundwater for
October 1, 2000 – September 30, 2001

v. Annual Statement – Cessation or Reduction of Groundwater for
October 1, 2001 – September 30, 2002

vi. Annual Statement – Cessation or Reduction of Groundwater for
October 1, 2002 – September 30, 2003

vii. Well No. 3 WFF – Annual Notice of Groundwater Extraction for
2003

viii. Well No. 3 WFF – Annual Notice of Groundwater Extraction for
2004

ix. Well No. 2 – Annual Notice of Groundwater Extraction for 2004

x. Pending receipt of additional documentation and information.

b. **Prima Facie Property Uses Materials:**

i. See White Fence Farms Mutual Water Company “Attachment
I.3.b.i.”

ii. Pending receipt of additional documentation and information.

c. **Additional Materials:**

i. See White Fence Farms Mutual Water Company “Attachment
I.3.c.i.”

ii. California Secretary of State, Business Entity Detail (December
14, 2012).

iii. Pending receipt of additional documentation and information.

II. **CLAIMS OF NON-OVERLYING GROUNDWATER RIGHTS:**

1. **Specifically Requested Non-Overlying Information:**

a. **Amount of Production:** None.

b. **ATN/APNs:** N/A.

c. **Well Information:** N/A.

- 1 d. Amount of Water Produced: N/A.
- 2 e. Methodology Used to Quantify Claim: N/A.
- 3 f. Reports to State Water Resources Control Board (2000 to 2004): N/A.
- 4 g. Uses other than Municipal Supply (2000 to 2004 and 2011 to 2012):
- 5 N/A.
- 6 h. Water for Outdoor Irrigation: N/A.

7 **III. CLAIMS OF RETURN FLOW CREDITS:**

8 1. Specifically Requested Non-Overlying Information:

9 a. Amount of Pumping of Return Flows from Imported Water: 45%.

10 b. Amount of Return Flows Pumped:

- 11 i. 2000: 86.4 acre feet
- 12 ii. 2001: 99 acre feet
- 13 iii. 2002: 140.0 acre feet
- 14 iv. 2003: 127.4 acre feet
- 15 v. 2004: 93.6 acre feet
- 16 vi. 2011: 70.5 acre feet
- 17 vii. 2012 [1/1 – 11/30]: 88.8 acre feet

18 c. Methodology Used to Quantify Claim: The figure of 45% of mutual

19 water company imported water constituting return flows (in un-sewered areas) was derived from

20 Technical Committee's Problem Statement Report. Reference is made, generally, to the Problem

21 Statement Report, and in particular Appendix D, pages D-25 and D-26.

22 d. Amount of Water Imported:

- 23 i. 2000: 192 acre feet
- 24 ii. 2001: 220 acre feet
- 25 iii. 2002: 311 acre feet
- 26 iv. 2003: 283 acre feet
- 27 v. 2004: 208 acre feet

- vi. 2011: 156.7 acre feet
- vii. 2012 [1/1 – 11/30]: 197.4 acre feet
- e. **Water Quality Information:** Water delivered from AVEK is reported to satisfy regulatory potability standards.
- f. **Uses of Imported Water:** During the years 2000 to 2004 and 2011 to 2012, White Fence Farms used the water imported from AVEK described in III.1.d., above, for the provision of domestic water service to its mutual members.
- g. **Dates of Importation of Water:** Since the 1983.
- h. **Geological Conditions Beneath Properties:** Pending receipt of data.
- i. **Depth of Aquifer and Soil Type Beneath Surface:** Pending receipt of data.
- j. **Time for Percolation to Aquifer:** Pending receipt of data.
- k. **Physical Evidence that Return Flows Augment Basin:** Pending receipt of data.
- l. **Geological Locations that Return Flows Augment Basin:** Pending receipt of data.
- m. **Return Flows Entering Municipal Sewer System:** Almost none. All but 15 of the 514 White Fence Farms Mutual Water Company properties are on septic, not sewer.
- n. **Locations of Return Flows Wastewater Augmenting Basin:** From the septic tanks situated on each of the properties within White Fence Farms Mutual Water Company.

IV. FOR THE FEDERAL PARTIES: N/A.

V. FOR ALL RESPONDING PARTIES:

1. **Person most qualified to testify to the facts and materials above:**

a. Non-Expert Witness(es): John Ukkestad

b. Expert Witness(es): Barry Munz

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

2. Verification by Authorized Individual:

Declaration under Penalty of Perjury:

I, John Ukkestad, am the General Manager of the White Fence Farms Water Company and have personal knowledge of the facts set forth above.

If called to do so, I could and would competently testify to these facts under oath. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 2 / day of December, 2012 at Lancaster, CA.


JOHN UKKESTAD

GRESHAM | SAVAGE
ATTORNEYS AT LAW
3750 UNIVERSITY AVE.
STE. 250
RIVERSIDE, CA 92501-3335
(951) 684-2171

-10a-
ANTELOPE VALLEY UNITED MUTUAL GROUP'S INFORMATION AND MATERIALS RESPONSIVE TO
DECEMBER 12, 2012 DISCOVERY ORDER FOR PHASE 4 TRIAL

1 DATED: December 21, 2012

Respectfully submitted,

2 GRESHAM SAVAGE NOLAN & TIDEN, PC

3
4
5 By: 

6 MICHAEL DUANE DAVIS, ESQ.
MARLENE L. ALLEN-HAMMARLUND, ESQ.
7 Attorneys for CROSS-DEFENDANT / CROSS-
COMPLAINANT, A. V. UNITED MUTUAL GROUP;
8 and CROSS-DEFENDANTS, ADAMS BENNETT
INVESTMENTS, LLC, MIRACLE IMPROVEMENT
9 CORPORATION dba GOLDEN SANDS MOBILE
HOME PARK, aka GOLDEN SANDS TRAILER
10 PARK [ROE 1121], ST. ANDREW'S ABBEY, INC.
[ROE 623], SERVICE ROCK PRODUCTS, L.P., and
11 SHEEP CREEK WATER COMPANY, INC.