

1 Michael Duane Davis, SBN 093678  
2 Marlene Allen-Hammarlund, SBN 126418  
3 Derek R. Hoffman, SBN 285784  
4 **GRESHAM SAVAGE NOLAN &**  
5 **TILDEN, A Professional Corporation**  
3750 University Avenue, Suite 250  
Riverside, CA 92501-3335  
Telephone: (951) 684-2171  
Facsimile: (951) 684-2150

6 Attorneys for Cross-Defendant  
7 ANTELOPE PARK MUTUAL WATER COMPANY, INC.,  
a member of the Antelope Valley United Mutual Group

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

11 Coordination Proceeding  
12 Special Title (Rule 1550(b))

) Judicial Council Coordination  
) Proceeding No. 4408

13 **ANTELOPE VALLEY GROUNDWATER**  
14 **CASES**

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

15 Including Actions:

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

) **[PROPOSED] STIPULATION**  
) **REGARDING THE DEPOSITION AND**  
) **TRIAL TESTIMONY OF CROSS-**  
) **DEFENDANT ANTELOPE PARK**  
) **MUTUAL WATER COMPANY, INC., A**  
) **MEMBER OF THE ANTELOPE**  
) **VALLEY UNITED MUTUAL GROUP**

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

20 **Wm. Bolthouse Farms, Inc. v. City of**  
21 **Lancaster**  
22 **Diamond Farming Co. v. City of Lancaster**  
23 **Diamond Farming Co. v. Palmdale Water**  
24 **Dist.**

Superior Court of California, County of  
Riverside, consolidated actions, Case Nos. RIC  
353 840, RIC 344 436, RIC 344 668

25 **AND RELATED ACTIONS.**  
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1 This *Stipulation Regarding the Deposition and Trial Testimony of Cross-Defendant*  
2 ***ANTELOPE PARK MUTUAL WATER COMPANY, INC.,*** *a member of the Antelope Valley*  
3 *United Mutual Group*, is submitted pursuant to Paragraph 2 of the Court's January 17, 2013 *First*  
4 *Amendment to Case Management Order for Phase Four Trial* and in connection with the  
5 deposition and trial testimony therefore, which Trial which is currently scheduled to commence  
6 on May 28, 2013, in the above-encaptioned matter.

7 Antelope Park Mutual Water Company, Inc. ("Antelope Park") has provided, under  
8 penalty of perjury, the facts, information and documents submitted to the Court and posted on  
9 the Court's website on December 21, 2012 (the "*Discovery Responses*") and on January 29,  
10 2013, (the "*Supplemental Discovery Responses*"), including, but not limited to, the following:

11 1. Antelope Park is an active California mutual benefit non-profit corporation, with  
12 an entity address of Post Office Box 1712, Lancaster, CA 93539. It was formed on April 25,  
13 1947. Its membership is comprised of the owners of the 162 mostly ½ acre lots that are situated  
14 within its below-described service area. Antelope Park's 115 active meters serve the improved  
15 real properties within the Antelope Park service area, and stand by to serve the unimproved  
16 properties when improved.

17 Reference: *Cross-Defendant/Cross-Complainant, Antelope Valley United Mutual*  
18 *Group's* (verified) *Information and Materials Responsive to December 12, 2012*  
19 *Discovery Order for Phase 4 Trial* for Antelope Park Mutual Water Company  
20 ("*Discovery Responses*"), Paragraphs ("¶") I.1.b., I.3.c.ii.; California Secretary of  
21 State, Business Entity Detail (December 14, 2012); *Cross-Defendant/Cross-*  
22 *Complainant, Antelope Valley United Mutual Group, Specifically Antelope Park*  
23 *Mutual Water Company's*, (verified) *First Supplemental Response to December*  
24 *12, 2012 Discovery Order for Phase 4 Trial* ("*Supplemental Discovery*  
25 *Responses*") ¶ I.3.c.; Antelope Park Mutual Water Company share certificate  
26 (sample); By-Laws of Antelope Park Mutual Water Company.

2. Antelope Park's service area consists of 80 acres, which are bounded by Ave K to the North, Ave K-8 to the South, 18th St West to the East, and 20th St West to the West. Antelope Park is the owner of the water rights and the production, storage and distribution facilities. Antelope Park services its members / shareholders identified by the Assessor's Parcel Numbers ("APN") listed in the *Discovery Responses*. The properties within the Antelope Park service area are single family residential parcels (with the exception of 8 commercial properties that include a car wash and mini-mart).

Reference: *Discovery Responses* ¶¶ I.1.a., I.1.h., I.1.j.; Antelope Park handwritten list of APNs; *Supplemental Discovery Responses* ¶ I.3.b; Antelope Park Mutual Water Company Annual Property Tax Bills for 2006, 2008 – 2011; Antelope Park Mutual Water Company Parcel Map Boundaries.

3. Antelope Park owned and operated three (3) wells and boosters with Edison energy efficient calibrated motor driven pumps that were situated within its service area during the Base Period years 2000 to 2004 and the recent years 2011 to 2012. During the years 2000 to 2004 and 2011 to 2012, Antelope Park used the water produced from these wells for the provision of domestic water service to its residential mutual members, and commercial water service to its commercial members as indicated above. All of the groundwater produced by Antelope Park from these wells was used in its service area by its members.

Reference: *Discovery Responses* ¶¶ I.1.c., I.1.d., I.1.f., I.1.g., I.1.h., I.3.a.i., I.3.a.ii., I.3.a.iii., I.3.a.iv.; Southern California Edison Well Efficiency Test Results: Well #3 (May 14, 2010); Southern California Edison Well Efficiency Test Results: Well #4 (May 14, 2010); Southern California Edison Booster Efficiency Test Results: Booster #1 (May 14, 2010); Southern California Edison Booster Efficiency Test Results: Booster #2 (May 14, 2010); Southern California Edison Electrical Billing History: January 2000 – December 2004; Antelope Park Mutual Water Co. Well Water Extracted in Years 2000 Through 2004 – summary spreadsheet; Antelope Park Mutual Water Co. summary of water pumped for

years 2011 and 2012 prepared by President of Board of Directors, Don Hamilton; *Supplemental Discovery Responses* ¶ I.3.a.; Antelope Park Mutual Water Company Well Water Extraction for Years 2000 – 2004 by Larry Gorden (December 22, 2012); Edison data 2010 to 2012; 2011 to 2012 pumping summary by Don Hamilton, President of the Board of Directors; Antelope Park Mutual Water Company Well Water Extracted in years 2000 to 2004, with supporting Edison data; June 2012 Edison Hydraulic Test Results; Antelope Park – pictures of groundwater pumping, storage and delivery system.

4. Antelope Park groundwater production during the years 2000 to 2004 and 2011 to 2012 was as follows:

- 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

Reference: *Discovery Responses* ¶¶ I.1.e., I.3.a.i., I.3.a.ii., I.3.a.iii., I.3.a.iv.; Antelope Park Mutual Water Co. Well Water Extracted in years 2000 through 2004; Southern California Edison Well Efficiency Test Results: Well #3 (May 14, 2010); Southern California Edison Well Efficiency Test Results: Well #4 (May 14, 2010); Southern California Edison Booster Efficiency Test Results: Booster #1 (May 14, 2010); Southern California Edison Booster Efficiency Test Results: Booster #2 (May 14, 2010); Southern California Edison Electrical Billing History: January 2000 – December 2004; Antelope Park Mutual Water Co. Well Water Extracted in Years 2000 Through 2004 – summary spreadsheet; Antelope Park Mutual Water Co. summary of water pumped for years 2011 and 2012 prepared

1 by President of Board of Directors, Don Hamilton; *Supplemental Discovery*  
2 *Responses* ¶ I.3.a.; Antelope Park Mutual Water Company Well Water Extraction  
3 for Years 2000 – 2004 by Larry Gorden (December 22, 2012); Edison data 2010  
4 to 2012; 2011 to 2012 pumping summary by Don Hamilton, President of the  
5 Board of Directors.; Antelope Park MWC Well Water Extracted in years 2000 to  
6 2004, with supporting Edison data; June 2012 Edison Hydraulic Test Results;  
7 Antelope Park – pictures of groundwater pumping, storage and delivery system.

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

23 Reference: *Discovery Responses* ¶ I.1.j.; *Supplemental Discovery Responses*  
24 I.3.c.; Antelope Park Mutual Water Company share certificate (sample); By-Laws  
25 of Antelope Park Mutual Water Company.

26 **6.** Antelope Park did not lease any property to anyone during the Base Period years  
27 of 2000 to 2004 or the recent years of 2011 to 2012.

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Reference: *Discovery Responses* ¶ I.2.a.

7. Antelope Park did not import or acquire any imported water from the Antelope Valley – East Kern Water Agency, Palmdale Water District, Littlerock Creek Irrigation District or any other entity having rights to State Water Project water, during the Base Period years of 2000 to 2004 or the recent years of 2011 to 2012, and claims no return flows.

Reference: *Discovery Responses* ¶¶ III.1.a., III.1.b., III.1.d.


8. As stated above, the groundwater claimed by Antelope Park is an overlying water right. The historic production upon which this claim is based, however, does not include water produced for the undeveloped properties within Antelope Park’s service areas, whose owners, as members of Antelope Park, have the right to receive water service to their properties when built out. Antelope Park also claims an amount of water sufficient to provide water to these presently un-served properties when water service thereto has been demanded. Other than as set forth herein, Antelope Park does not claim any other groundwater rights that are the subject of this Adjudication for purposes of the Phase 4 Trial.

Reference: *Discovery Responses* ¶¶ I.1.g., I.1.j., II.1.a., III.1.a., III.1.b., III.1.d.

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The parties further stipulate and agree that neither deposition testimony nor trial testimony will be required of Antelope Park for purposes of the Phase 4 Trial.

Dated: January 30, 2013.

By:   
Michael Duane Davis  
Marlene L. Allen-Hammarlund  
Derek R. Hoffman  
Attorneys for Cross-Defendant, Antelope  
Park Mutual Water Company, a member of  
the Antelope Valley United Mutual Group

CHARLTON WEEKS LLP

BEST BEST & KRIEGER LLP

By: \_\_\_\_\_  
Eric L. Garner  
Jeffrey V. Dunn  
Stefanie D. Hedlund  
Attorneys for Cross-Complainant, Los  
Angeles County Waterworks District No. 40

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Dated: January \_\_\_, 2013.

RICHARDS, WATSON & GERSHON

By: \_\_\_\_\_  
Steven Orr  
James L. Markman  
Attorneys for Cross-Complainant, City of  
Palmdale

Dated: January \_\_\_, 2013.

MURPHY & EVERTZ

By: \_\_\_\_\_  
Douglas J. Evertz  
Attorneys for Cross-Complainant, City of  
Lancaster and Rosamond Community  
Services District

Dated: January \_\_\_, 2013.

CALIFORNIA WATER SERVICE COMPANY

By: \_\_\_\_\_  
John Tootle  
Attorneys for Cross-Complainant, California  
Water Service Company

Dated: January \_\_\_, 2013.

LEMIEUX & O'NEILL

By: \_\_\_\_\_  
Wayne Lemieux  
Attorneys for Cross-Complainant, Littlerock  
Creek Irrigation District, Palm Ranch  
Irrigation District, et al.

Dated: January \_\_\_, 2013.

LAGERLOF SENECA GOSNEY & KRUSE

By: \_\_\_\_\_  
Thomas Bunn III  
Attorneys for Cross-Complainant, Palmdale  
Water District



