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EL DORADO MUTUAL WATER COMPANY, INC.,  
7 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 EL DORADO 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 EL*  
2 *DORADO MUTUAL WATER COMPANY, INC., a member of the Antelope Valley United*  
3 *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 El Dorado Mutual Water Company, Inc. ("El Dorado") has provided, under penalty of  
8 perjury, the facts, information and documents submitted to the Court and posted on the Court's  
9 website on December 21, 2012 (the "*Discovery Responses*") and on January 29, 2013 (the  
10 "*Supplemental Discovery Responses*"), including, but not limited to, the following:

11 1. El Dorado is an active California mutual benefit non-profit corporation, with an  
12 entity address of Post Office Box 900519, Palmdale, CA 93590. It was formed on July 14, 1948.  
13 Its membership is comprised of the owners of the 276 mostly 1¼ and 2½ acre lots that are  
14 situated within its below-described service area. El Dorado's 232 active meters serve the  
15 improved real properties within the El Dorado 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 El Dorado Mutual Water Company  
20 ("*Discovery Responses*"), Paragraphs ("¶") I.3.b., I.3.c.ii.; Los Angeles County  
21 Assessor's Map of parcels owned by shareholders of El Dorado Mutual Water  
22 Company; California Secretary of State, Business Entity Detail (December 14,  
23 2012); *Cross-Defendant/Cross-Complainant, Antelope Valley United Mutual*  
24 *Group, Specifically El Dorado Mutual Water Company's*, (verified) *First*  
25 *Supplemental Response to December 12, 2012 Discovery Order for Phase 4 Trial*  
26 ("*Supplemental Discovery Responses*") ¶ I.3.c., El Dorado Mutual Water Co. –  
27 Articles of Incorporation; El Dorado Mutual Water Co. – By-laws; El Dorado  
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1 Mutual Water Co. – Share Certificate (exemplar).

2 2. El Dorado’s service area consists of 640 acres, which are bounded by Ave N to  
3 the North, Ave O to the South, 10th St West to the East, and 20th St West to the West. El  
4 Dorado is the owner of the water rights and the production, storage and distribution facilities. El  
5 Dorado services its members / shareholders identified by the Assessor’s Parcel Numbers  
6 (“APN”) listed in the *Discovery Responses*. The properties within the El Dorado service area are  
7 single family residential parcels.

8 Reference: *Discovery Responses* ¶¶ I.1.a., I.1.h., I.1.j., I.3.b.; El Dorado printed  
9 list of APNs; Los Angeles County Assessor’s Map of parcels owned by  
10 shareholders of El Dorado Mutual Water Company.

11 3. El Dorado owned and operated one (1) metered well that was situated within its  
12 service area during the Base Period years 2000 to 2004 and the recent years 2011 to 2012.  
13 During the years 2000 to 2004 and 2011 to 2012, El Dorado used the water produced from this  
14 well for the provision of domestic water service to its residential mutual members. All of the  
15 groundwater produced by El Dorado from this well was used in its service area by its members.

16 Reference: *Discovery Responses* ¶¶ I.1.c., I.1.d., I.1.f., I.1.g., I.1.h., I.3.a.i.,  
17 I.3.a.ii., I.3.a.iii., I.3.a.iv., I.3.a.v.; Well No. 1 – Annual Notice of Groundwater  
18 Extraction for 2001; Well No. 1 – Annual Notice of Groundwater Extraction for  
19 2002; Well No. 1 – Annual Notice of Groundwater Extraction for 2003; Well No.  
20 1 – Annual Notice of Groundwater Extraction for 2004; El Dorado Mutual Water  
21 Company summary spreadsheet of water pumped and AVEK delivery water for  
22 years 2011 and 2012; *Supplemental Discovery Responses* ¶ I.3.a.; Southern  
23 California Edison electrical usage data January 1988 through Dec. 2012; El  
24 Dorado Mutual Water Co. Well Site Aerial Photograph.; El Dorado Mutual Water  
25 Co. parcel / water service map; Southern California Edison hydraulic test results –  
26 between April 1992 through April 2012; El Dorado Mutual Water Co. well site  
27 meter before storage tank readings – between March 1996 through Dec. 2012; El  
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- 1 Dorado Mutual Water Co. daily log – 2000 through 2006, and 2011 through 2012.
- 2 4. El Dorado groundwater production during the years 2000 through 2012 was as
- 3 follows:
- 4 i. 2000: 389.8 acre feet
- 5 ii. 2001: 386.7 acre feet
- 6 iii. 2002: 294.5 acre feet
- 7 iv. 2003: 310.7 acre feet
- 8 v. 2004: 365.5 acre feet
- 9 vi. 2011: 272 acre feet
- 10 vii. 2012 [1/1 – 11/30]: 280.1 acre feet

11 Reference: *Discovery Responses* ¶ I.1.e.; *Supplemental Discovery Responses* ¶

12 I.3.a.; Southern California Edison electrical usage data January 1988 through Dec.

13 2012; El Dorado Mutual Water Co. Well Site Aerial Photograph.; El Dorado

14 Mutual Water Co. parcel / water service map; Southern California Edison

15 hydraulic test results – between April 1992 through April 2012; El Dorado Mutual

16 Water Co. well site meter before storage tank readings – between March 1996

17 through Dec. 2012; El Dorado Mutual Water Co. daily log – 2000 through 2006,

18 and 2011 through 2012.

19 5. Upon the formation of the mutual benefit, non-profit corporation, the overlying

20 groundwater rights of the owners of the properties within the service area (who became the

21 initial shareholders) became the rights of the mutual water company and have, ever since, been

22 exercised by the mutual water company and not by the individual property owners /

23 shareholders. There was no known express reservation of the overlying groundwater rights by

24 the individual property owners at the time of formation. The property owners / shareholders

25 simply pooled their collective water and (through the mutual water company) constructed,

26 operated and maintained the production, storage and distribution system by which they all

27 receive water for their domestic purposes. Simply stated, the property owners / shareholders

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

7 Reference: *Discovery Responses* ¶ I.1.j.; *Supplemental Discovery Responses* ¶  
8 I.3.c.; El Dorado Mutual Water Co. – Articles of Incorporation; El Dorado Mutual  
9 Water Co. – By-laws; El Dorado Mutual Water Co. – Share Certificate  
10 (exemplar).

11 6. El Dorado did not lease any property to anyone during the Base Period years of  
12 2000 to 2004 or the recent years of 2011 to 2012.

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

14 7. El Dorado imported water from the Antelope Valley – East Kern Water Agency  
15 (“AVEK”) during the Base Period years of 2000 to 2004 and the recent years of 2011 to 2012,  
16 and claims return flows. All imported water was used to provide domestic water to its members.  
17 In addition, all of El Dorado’s properties are on septic, not sewer and, therefore, water from the  
18 septic tanks also results in some return flows that augment the basin.

19 a. **The Amount of Water Imported:**

- 20 i. 2000: 6.0 acre feet  
21 ii. 2001: 90.3 acre feet  
22 iii. 2002: 103.1 acre feet  
23 iv. 2003: 72.9 acre feet  
24 v. 2004: 30.0 acre feet  
25 vi. 2011: 0 acre feet  
26 vii. 2012 [1/1 – 11/30]: 0 acre feet

27 b. **Amount of Pumping of Return Flows from Imported Water:** 45%.

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1 STIPULATION

2 The parties hereto stipulate and agree that the facts, information and documents provided  
3 herein and in the verified *Discovery Responses* posted on the Court's website on December 21,  
4 2012 and on the verified *Supplemental Discovery Responses* that were posted on the Court's  
5 website on January <sup>30</sup>29, 2013, will not be contested, and are therefore deemed accepted, for  
6 purposes of the Phase 4 Trial which is currently scheduled for May 28, 2013.

7 The parties further stipulate and agree that neither deposition testimony nor trial  
8 testimony will be required of El Dorado for purposes of the Phase 4 Trial.

9  
10 IT IS SO STIPULATED.

11 Dated: January <sup>30</sup>29, 2013.

GRESHAM SAVAGE NOLAN & TILDEN, PC

12  
13 By: 

14 Michael Duane Davis  
15 Marlene L. Allen-Hammarlund  
16 Derek R. Hoffman  
17 Attorneys for Cross-Defendant, El Dorado  
18 Mutual Water Company, a member of the  
19 Antelope Valley United Mutual Group

20 Dated: January \_\_, 2013.

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21 By: \_\_\_\_\_

22 Bradley T. Weeks  
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24 Hill Water District

25 Dated: January \_\_, 2013.

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26 By: \_\_\_\_\_

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

RICHARDS, WATSON & GERSHON

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

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

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

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

LAGERLOF SENECA GOSNEY & KRUSE

By: \_\_\_\_\_  
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Water District



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I am employed in the County of Riverside, State of California. I am over the age of 18 years and not a party to the within action; my business address is: 3750 University Avenue, Suite 250, Riverside, CA 92501-3335.

(X) **BY ELECTRONIC SERVICE** – I posted the document(s) listed above to the Santa Clara County Superior Court website, <http://www.scefiling.org>, in the action of the Antelope Valley Groundwater Cases,

Executed on March 15, 2013 at Riverside, California.

Dina Snider  
DINA M. SNIDER