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LAND PROJECTS 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 LAND PROJECTS**
) **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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27
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1 This *Stipulation Regarding the Deposition and Trial Testimony of Cross-Defendant*
2 ***LAND PROJECTS 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 Land Projects Mutual Water Company, Inc. ("Land Projects") 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. Land Projects is an active California mutual benefit non-profit corporation, with
12 an entity address of 8810 West Ave E8, Lancaster, CA 93536. It was formed on January 29,
13 1948. Its membership is comprised of the owners of the 762 mostly 2½ acre lots that are situated
14 within its below-described service area. Land Projects' 559 active meters serve the improved
15 real properties within the Land Projects 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 Land Projects 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 Land Projects*
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.b., I.3.c.; Land Projects Mutual Water Co. printed lists of
26 APN/AINs; Land Projects Mutual Water Co. Articles of Incorporation, By-Laws
27 (as amended), Share Certificate (exemplar) and Policy Manual.

2. Land Projects' service area consists of 1800 acres, which are bounded as follows:
South of Ave D to the North of Ave F, except for the West of 90th St West between Ave D and
Ave E Plus West of 90th St West from the South of Ave E to the North of Ave F-8 (between
90th St West and 93rd St West) Plus between 80th St West and 77th St West from Ave South of
E-8 and North of Ave F. Land Projects is the owner of the water rights and the production,
storage and distribution facilities. Land Projects services its members / shareholders identified
by the Assessor's Parcel Numbers ("APN") listed in the *Discovery Responses*. The properties
within the Land Projects service area are single family residential parcels.

Reference: *Discovery Responses* ¶¶ I.1.a., I.1.h., I.1.j.; Land Projects printed
listed of APNs.

3. Land Projects owned and operated four (4) metered wells and boosters with
Edison energy efficiency calibrated motor driven pumps that were situated within its service area
during the Base Period years 2000 to 2004 and from 2005 through 2012. During the years 2000
through 2012, Land Projects used the water produced from these wells for the provision of
domestic water service to its residential mutual members. All of the groundwater produced by
Land Projects 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.; Handwritten Data Logs; *Supplemental Discovery Responses* ¶ I.3.a.;
Land Projects Mutual Water Company – Southern California Edison, Hydraulic
Test Results for December 2009 and October 2012; Southern California Edison
electrical usage data for 2012; County of Los Angeles Public Health License;
Land Projects Mutual Water Company existing water system layout; Land
Projects Mutual Water Company June 5, 2012 memo summarizing lots, meters
and build out; Land Projects Mutual Water Company Southern California Edison
Customer Usage Reports for 2011 and 2012; Land Projects Mutual Water
Company photographs of groundwater production, storage and distribution
system and infrastructure; Land Projects Mutual Water Company handwritten

1 pump records and data logs for 2000 through 2004; Land Projects Mutual Water
2 Company handwritten data logs and annual summaries – Well 1, Well 3, Well 4
3 and Well 5; Land Projects Mutual Water Company – Southern California Edison
4 Multiple Point Test Summaries for Wells, 1, 3, 4 and 5; Land Projects Mutual
5 Water Company – Southern California Edison Multiple Point Test Summaries,
6 Supplemental, for Wells 1, 3, 4 and 5; Land Projects Mutual Water Company –
7 Southern California Edison Customer Billing History for January 1997 through
8 December 2012 – Well 1; Land Projects Mutual Water Company – Southern
9 California Edison Customer Billing History for January 1992 through December
10 2012– Wells 3, 4 and 5; Land Projects Mutual Water Company – Southern
11 California Edison Customer Billing History for January 1992 through December
12 2012, Supplemental for Wells 1, 3, 4 and 5.

13 **4.** Land Projects groundwater production during the years 2000 through 2012 was as
14 follows:

- 15 **i. 2000:** 850 acre feet
- 16 **ii. 2001:** 803 acre feet
- 17 **iii. 2002:** 881 acre feet
- 18 **iv. 2003:** 854 acre feet
- 19 **v. 2004:** 853 acre feet
- 20 **vi. 2005:** 811 acre feet
- 21 **vii. 2006:** 910 acre feet
- 22 **viii. 2007:** 887 acre feet
- 23 **ix. 2008:** 1108 acre feet
- 24 **x. 2009:** incomplete
- 25 **xi. 2010:** incomplete
- 26 **xii. 2011:** 621 acre feet
- 27 **xiii. 2012 [1/1 – 11/30]:** 624 acre feet

1 Reference: *Discovery Responses* ¶¶ I.1.e., I.3.a.i., I.3.a.ii.; Handwritten Data
2 Logs; *Supplemental Discovery Responses* ¶ I.3.a.; Land Projects Mutual Water
3 Company – Southern California Edison, Hydraulic Test Results for December
4 2009 and October 2012; Southern California Edison electrical usage data for
5 2012; County of Los Angeles Public Health License; Land Projects Mutual
6 Water Company existing water system layout; Land Projects Mutual Water
7 Company June 5, 2012 memo summarizing lots, meters and build out; Land
8 Projects Mutual Water Company Southern California Edison Customer Usage
9 Reports for 2011 and 2012; Land Projects Mutual Water Company photographs
10 of groundwater production, storage and distribution system and infrastructure;
11 Land Projects Mutual Water Company handwritten pump records and data logs
12 for 2000 through 2004; Land Projects Mutual Water Company handwritten data
13 logs and annual summaries – Well 1, Well 3, Well 4 and Well 5; Land Projects
14 Mutual Water Company – Southern California Edison Multiple Point Test
15 Summaries for Wells, 1, 3, 4 and 5; Land Projects Mutual Water Company –
16 Southern California Edison Multiple Point Test Summaries, Supplemental, for
17 Wells 1, 3, 4 and 5; Land Projects Mutual Water Company – Southern California
18 Edison Customer Billing History for January 1997 through December 2012 –
19 Well 1; Land Projects Mutual Water Company – Southern California Edison
20 Customer Billing History for January 1992 through December 2012– Wells 3, 4
21 and 5; Land Projects Mutual Water Company – Southern California Edison
22 Customer Billing History for January 1992 through December 2012,
23 Supplemental for Wells 1, 3, 4 and 5.

24 5. Upon the formation of the mutual benefit, non-profit corporation, the overlying
25 groundwater rights of the owners of the properties within the service area (who became the
26 initial shareholders) became the rights of the mutual water company and have, ever since, been
27 exercised by the mutual water company and not by the individual property owners /
28

1 shareholders. There was no known express reservation of the overlying groundwater rights by
2 the individual property owners at the time of formation. The property owners / shareholders
3 simply pooled their collective water and (through the mutual water company) constructed,
4 operated and maintained the production, storage and distribution system by which they all
5 receive water for their domestic purposes. Simply stated, the property owners / shareholders
6 exchanged their overlying water rights for the right to have water delivered to their individual
7 properties. See *Erwin v. Gage Canal Company* (1964) 226 Cal.App.2d 189; see also *Hildreth v.*
8 *Montecito Creek Water Co.* (1903) 139 Cal. 22, 29; see also *City of Glendale v. Crescenta etc.*
9 *Water Co.* (1955) 135 Cal.App.2d 784, 801. As such, each shareholder has an interest in the
10 water rights, production, storage and distribution facilities of the mutual water company and has
11 the right to receive water upon development and demand.

12 Reference: *Discovery Responses* ¶ I.1.j.; *Supplemental Discovery Responses* ¶
13 I.3.b.; Land Projects Mutual Water Co. printed lists of APN/AINs; Land Projects
14 Mutual Water Co. Articles of Incorporation, By-Laws (as amended), Share
15 Certificate (exemplar), and Policy Manual.

16 6. Land Projects did not lease any property to anyone during the Base Period years
17 of 2000 to 2004 or the recent years of 2011 to 2012.

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

19 7. Land Projects did not import or acquire any imported water from the Antelope
20 Valley – East Kern Water Agency, Palmdale Water District, Littlerock Creek Irrigation District
21 or any other entity having rights to State Water Project water, during the Base Period years of
22 2000 to 2004 or the recent years of 2011 to 2012, and claims no return flows.

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

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

5 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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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 M. SNIDER