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11 **TIERRA BONITA MUTUAL WATER COMPANY, INC.,**
12 a member of the Antelope Valley United Mutual Group

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

15 Coordination Proceeding
16 Special Title (Rule 1550(b))

) Judicial Council Coordination
) Proceeding No. 4408

17 **ANTELOPE VALLEY GROUNDWATER**
18 **CASES**

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

19 Including Actions:

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

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

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

28 **Wm. Bolthouse Farms, Inc. v. City of**
29 **Lancaster**
30 **Diamond Farming Co. v. City of Lancaster**
31 **Diamond Farming Co. v. Palmdale Water**
32 **Dist.**

33 Superior Court of California, County of
34 Riverside, consolidated actions, Case Nos. RIC
35 353 840, RIC 344 436, RIC 344 668

36 **AND RELATED ACTIONS.**

1 This *Stipulation Regarding the Deposition and Trial Testimony of Cross-Defendant*
2 ***TIERRA BONITA 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 Tierra Bonita Mutual Water Company, Inc. ("Tierra Bonita") has provided, under penalty
8 of perjury, the facts, information and documents submitted to the Court and posted on the
9 Court's website on December 21, 2012 (the "*Discovery Responses*") and on January 29, 2013
10 (the "*Supplemental Discovery Responses*"), including, but not limited to, the following:

11 1. Tierra Bonita is an active California mutual benefit non-profit corporation, with
12 an entity address of 5159 E Avenue K-8, Lancaster, CA 93535. It was formed on September 7,
13 1954. Its membership is comprised of the owners of the 32 mostly 2½ acre lots that are situated
14 within its below-described service area. Tierra Bonita's 22 active meters serve the improved real
15 properties within the Tierra Bonita service area, and stand by to serve the unimproved properties
16 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 Tierra Bonita 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 Tierra Bonita*
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.; Tierra Bonita Mutual Water Company – California Secretary
26 of State, Business Entity Detail; and Share Certificate (exemplar).

1 2. Tierra Bonita's service area consists of 80 acres, which are bounded by Ave K-4
2 to the North, Ave K-8 to the South, 55th St East to the East, and 50th East to the West. Tierra
3 Bonita is the owner of the water rights and the production, storage and distribution facilities.
4 Tierra Bonita services its members / shareholders identified by the Assessor's Parcel Numbers
5 ("APN") listed in the *Discovery Responses*. The properties within the Tierra Bonita service area
6 are single family residential parcels.

7 Reference: *Discovery Responses* ¶¶ I.1.a., I.1.h., I.1.j.; Tierra Bonita Los Angeles
8 County Assessor's Parcel Map reflecting APNs.

9 3. Tierra Bonita owned and operated owned one (1) well and booster with Edison
10 energy efficiency calibrated motor driven pumps situated within its service area during the Base
11 Period years 2000 to 2004 and the recent years 2011 to 2012. During the years 2000 to 2004
12 and 2011 to 2012, Tierra Bonita used the water produced from these wells for the provision of
13 domestic water service to its residential mutual members. All of the groundwater produced by
14 Tierra Bonita from these wells was used in its service area by its members.

15 Reference: *Discovery Responses* ¶¶ I.1.c., I.1.d., I.1.f., I.1.g., I.1.h., I.3.a.i.,
16 I.3.a.ii., I.3.a.iii., I.3.a.iv., I.3.a.v., I.3.a.vi.; Southern California Edison Well
17 Efficiency Test Results: Well #1 – Multiple Point Test Summary (February 13,
18 2012); Southern California Edison Well Efficiency Test Results: Well #1 – Well
19 Efficiency Test (March 2, 2012); Southern California Edison Electrical Billing
20 Histories: January 2000 – December 2004; Tierra Bonita Mutual Water Company
21 summary spreadsheet for 2000-2004 Main Well Pump and Booster Pump
22 kWh/Acre-ft and conversions to acre feet; Tierra Bonita Mutual Water Co. Edison
23 Usage for the years 2000-2004 summary spreadsheet; Tierra Bonita Mutual Water
24 Co. Edison Usage for the years 2011-November 2012 summary spreadsheet;
25 *Supplemental Discovery Responses* ¶ I.3.a.; Tierra Bonita Mutual Water Company
26 – Southern California Edison Past Billing History, January 2000 to December
27 2011; Southern California Edison Multiple Point Test Summary Well Number 2,
28

August 1997 through October 2001; Southern California Edison Hydraulic Test Results, Well Number 1, Booster Number 1, and Booster Number 2, March 2012; Southern California Edison Account Overview, 2011; Southern California Edison Request for Change of Rate Schedule dated March 13, 2012; Southern California Edison Multiple Point Test Summaries, Well Numbers 1 and 2, August 1997 and October 2001; Tierra Bonita Mutual Water Company – Small Water System 2011 Annual Report to the Drinking Water Program; Tierra Bonita Mutual Water Company – Google and Mapquest maps of service area, and Service Area Map with distribution system schematic.

4. Tierra Bonita groundwater production during the years 2000 through 2012 was as follows:

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

Reference: *Discovery Responses* ¶¶ I.1.e.; I.3.a.i., I.3.a.ii., I.3.a.iii., I.3.a.iv., I.3.a.v., I.3.a.vi.; Southern California Edison Well Efficiency Test Results: Well #1 – Multiple Point Test Summary (February 13, 2012); Southern California Edison Well Efficiency Test Results: Well #1 – Well Efficiency Test (March 2, 2012); Southern California Edison Electrical Billing Histories: January 2000 – December 2004; Tierra Bonita Mutual Water Company summary spreadsheet for 2000-2004 Main Well Pump and Booster Pump kWh/Acre-ft and conversions to acre feet; Tierra Bonita Mutual Water Co. Edison Usage for the years 2000-2004 summary spreadsheet; Tierra Bonita Mutual Water Co. Edison Usage for the

1 years 2011-November 2012 summary spreadsheet; *Supplemental Discovery*
2 *Responses* ¶ I.3.a.; Tierra Bonita Mutual Water Company – Southern California
3 Edison Past Billing History, January 2000 to December 2011; Southern California
4 Edison Multiple Point Test Summary Well Number 2, August 1997 through
5 October 2001; Southern California Edison Hydraulic Test Results, Well Number
6 1, Booster Number 1, and Booster Number 2, March 2012; Southern California
7 Edison Account Overview, 2011; Southern California Edison Request for
8 Change of Rate Schedule dated March 13, 2012; Southern California Edison
9 Multiple Point Test Summaries, Well Numbers 1 and 2, August 1997 and October
10 2001; Tierra Bonita Mutual Water Company – Small Water System 2011 Annual
11 Report to the Drinking Water Program; Tierra Bonita Mutual Water Company –
12 Google and Mapquest maps of service area, and Service Area Map with
13 distribution system schematic.

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

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

3 Reference: *Discovery Responses* ¶ I.1.j.; *Supplemental Discovery Responses* ¶
4 I.3.c.; Tierra Bonita Mutual Water Company – California Secretary of State,
5 Business Entity Detail; and Share Certificate (exemplar).

6 6. Tierra Bonita did not lease any property to anyone during the Base Period years of
7 2000 to 2004 or the recent years of 2011 to 2012.

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

9 7. Tierra Bonita did not import or acquire any imported water from the Antelope
10 Valley – East Kern Water Agency, Palmdale Water District, Littlerock Creek Irrigation District
11 or any other entity having rights to State Water Project water, during the Base Period years of
12 2000 to 2004 or the recent years of 2011 to 2012, and claims no return flows.

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

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

22 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 Tierra Bonita for purposes of the Phase 4 Trial.

Dated: January 30, 2013.

By: 
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CHARLTON WEEKS LLP

Dated: January ___, 2013.

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Dated: January ___, 2013.

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Dated: January ___, 2013.

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By: _____
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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