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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 17

Including 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

) **[PROPOSED, REVISED] STIPULATION
REGARDING THE DEPOSITION AND
TRIAL TESTIMONY OF CROSS-
DEFENDANT, ST. ANDREW'S ABBEY,
INC., NAMED HEREIN AS ROE 623**

**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

**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-

1 This *Stipulation Regarding the Deposition and Trial Testimony of Cross-Defendant St.*
2 *Andrew's Abbey, Inc., a California corporation, named herein as ROE 623*, ("St. Andrew's" or
3 the "Abbey") 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 Phase 4
5 Trial which is currently scheduled for Tuesday, May 28, 2013, in the above-encaptioned matter.

6 St. Andrew's has provided, under penalty of perjury, the facts, information and
7 documents submitted to the Court and posted on the Court's website on December 21, 2012,
8 January 4, 2013, and January 15, 2013, including, but not limited to, the following:

9 1. St. Andrew's operates a Benedictine Monastery of the Congregation of the
10 Annunciation that was re-established from the Priory of Chengtu, China, to its present location in
11 1954, under the parent Abbey of Sint Andries Zevenkerken in Brugge, Belgium, within the
12 Archdiocese of Los Angeles. St. Andrew's is an active California corporation, with an entity
13 address of Post Office Box 40, Valyermo, CA 93563, which was formed on December 9, 1955.

14 Reference: *Cross-Defendant, St. Andrew's Abbey, Inc.'s [Roe 623]* (verified)
15 *Information and Materials Responsive to December 12, 2012 Discovery Order for*
16 *Phase 4 Trial* (the "*Discovery Responses*"), Paragraphs ("¶") I.1.b., I.1.h.,
17 I.3.c.vii; California Secretary of State, Business Entity Detail, dated December 14,
18 2012.

19 2. St. Andrew's properties are situated along Pallet Creek to the northwest of the
20 community of Valyermo on the north slope of the San Gabriel Mountains. St. Andrew's
21 properties comprise approximately 1,878 acres collectively located at 31001 North Valyermo
22 Road in Valyermo, California, and are more specifically identified by the Los Angeles County
23 Assessor's Information Numbers ("AIN") provided in *St. Andrew's Abbey, Inc.'s [Roe 623]*
24 *Information and Materials Responsive to December 12, 2012 Discovery Order for Phase 4 Trial*.

25 Reference: *Discovery Responses* ¶¶ I.1.a., I.3.b.i, I.3.b.ii., I.3.b.iii.; CoreLogic
26 RealQuest Professional Property Detail Reports for each of the twenty-nine (29)
27 parcels owned by St. Andrew's; St. Andrew's Abbey Land Ownership Map

1 prepared by Krieger & Stewart (March 2, 2012)

2 3. St. Andrew's owned four (4) active groundwater wells during the measurement
3 period of 2000-2004 and 2011-2012, each with an electric motor driven pump. These wells are
4 identified as "Well 1", located at 4N/10W-11A1 on AIN 3060-016-002, "Well 2", located at
5 4N/10W-11A2 on AIN 3060-016-002, the "Nickel's Ranch Well", located at 4N/10W-2Q1 on
6 AIN 3060-008-017, and the "Caretaker Cabin Well", located on AIN 3061-004-009. St.
7 Andrew's consistently operated Wells 1 and 2 during the years 2000-2004 and 2011-2012. St.
8 Andrew's consistently operated the Nickel's Ranch Well and the Caretaker Cabin Well from
9 2002-2004 and 2011-2012, and its predecessor in interest operated those two wells from 2000-
10 2001.

11 Reference: *Discovery Responses* ¶¶ I.1.c., I.1.d., I.3.b.iii., I.3.c., I.3.c.i.,
12 I.3.c.ii., I.3.c.iii., I.3.c.iv., I.3.c.v., I.3.c.vi.; St. Andrew's Abbey Land Ownership
13 Map prepared by Krieger & Stewart (March 2, 2012); Well Index Card for
14 Nickel's Ranch Well (State Well No. 4N/10W-2Q1); Well Index Card for Well 1
15 (State Well No. 4N/10W-11A1); Well Index Card for Well 2 (State Well No.
16 4N/10W-11A2); Well 2 (State Well No. 4N/10W-11A2) – Department of Water
17 Resources Water Well Drillers Report No. 78781 (October 31, 1975); Well 1 –
18 State Water Rights Board Notice of Assigned State Recordation Number and
19 Owner's Designation.

20 4. During the years 2000-2004 and 2011-2012, St. Andrew's used the groundwater
21 produced from Wells 1 and 2 for the provision of a domestic water supply to the Benedictine
22 monks who live at St. Andrew's and to its guests and visitors. It was also used to irrigate the
23 apple orchards, pastures, landscaping and minimal garden vegetables grown occasionally to
24 support the Abbey. During the years 2002-2004 and 2011-2012, St. Andrew's used the
25 groundwater produced from the Nickel's Ranch Well and Caretaker Cabin Well for the provision
26 of a domestic water supply to the caretaker residences located at each well.

27 Reference: *Discovery Responses* ¶¶ I.1.f., I.1.g.

5. Groundwater production for St. Andrew's was determined using Southern California Edison data for Wells 1 and 2 and using an estimated 1 AF/yr for both the Nickel's Ranch Well and Caretaker Cabin Well based upon average annual consumption for domestic use and landscape irrigation. St. Andrew's groundwater production during the years 2000-2004 and 2011-2012, is as follows:

i.	2000:	162 acre feet.
ii.	2001:	244 acre feet.
iii.	2002:	235 acre feet.
iv.	2003:	209 acre feet.
v.	2004:	163 acre feet.
vi.	2011:	149 acre feet
vii.	2012:	201 acre feet

Reference: *Discovery Responses* ¶¶ I.1.c., I.1.e., I.1.l.i., I.1.l.i.1., I.1.l.i.2., I.1.l.i.3.; I.3.a.i., I.3.a.ii., I.3.a.ii.1., I.3.a.ii.2., I.3.a.ii.3., I.3.a.ii.4., I.3.a.ii.5., I.3.a.ii.6, I.3.a.iii., I.3.a.iii.1., I.3.a.iii.2., I.3.a.iii.3.; Well No 1 Hydraulic Test Results (March 30, 2012) (referred to on test report as "Upper Well" and Pump Ref. # 2569); Well No 2 Hydraulic Test Results (March 30, 2012) (referred to on test report as "Lower Well" and Pump Ref. # 2570); Well No 1 Hydraulic Test Results (August 27, 2001) (referred to on test report as "Upper Well" and Hydraulic Test Reference Number 2569); Well No 2 Hydraulic Test Results (August 27, 2001) (referred to on test report as "Lower Well" and Hydraulic Test Reference Number 2570); Multiple Point Test Summary including efficiency rate for Well 1 ("Upper Well" - Reference Number 2569) as of August 20, 2001; Multiple Point Test Summary including efficiency rate for Well 2 ("Lower Well" - Reference Number 2570) as of August 20, 2001; Southern California Edison Electricity Consumption and Billing History Reports: Well 1 (referred to as "Upper Well ref #2569") for the period of January 1991 – February 2012, and

1 Well 2 (referred to as "Upper Well ref# 2570") for the period of January 1991 –
2 February 2012; *Cross-Defendant, St. Andrew's Abbey, Inc.'s [Roe 623]* (verified)
3 *First Supplemental Response to December 12, 2012 Discovery Order for Phase 4*
4 *Trial* (the "*Supplemental Responses*"), ¶¶ I.1.1.i.1., I.1.1.i.2., I.3.a.; Groundwater
5 Production Summary Tables 2A and 2B, and Revised Worksheet Table 3,
6 reflecting use of Edison data for November and December 2012, prepared by
7 Krieger & Stewart, dated 1/8/2013; Southern California Edison Electricity
8 Consumption and Billing History Reports: Well 1, for November and December
9 2012, and Well 2, for November and December 2012; Expert Witness Report
10 prepared by Robert A. Krieger accompanying *Cross-Defendant, St. Andrew's*
11 *Abbey, Inc.'s [Roe 623] Designation of Expert Witnesses Pursuant to December*
12 *12, 2012 Case Management Order*, filed with the Court on January 4, 2013 (the
13 "*Expert Witness Report*"), Section 4 – Groundwater Production Figures and
14 Calculations; *Expert Witness Report*, Section 7 – Edison Data

15 6. St. Andrew's did not lease any property to anyone during the years 2000-2004
16 and 2011-2012.

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

18 7. The water claimed by St. Andrew's is an overlying water right. St. Andrew's
19 claims no other groundwater rights for purposes of Phase Four trial and claims no return flows.

20 Reference: *Discovery Responses* Paragraph ¶ I.1.j., III.1.a.; *Expert Witness*
21 *Report*, Section 5 – Annual Notices of Groundwater Extraction

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The parties hereto stipulate and agree that the facts, information and documents provided herein and in the verified *Discovery Responses* posted on the Court's website on December 21, 2012 and in the verified *Supplemental Responses* posted on the Court's website on January 15, 2013, as well as in the *Expert Witness Report* of Robert A. Krieger, posted on the Court's website on January 4, 2013, will not be contested, and are therefore deemed accepted, for purposes of the Phase 4 Trial which is currently scheduled for May 28, 2013; and that the Notice of Taking the Deposition of St. Andrew's, which was posted by Quartz Hill Water District on the behalf of the Public Water Suppliers on January 7, 2013, has been since withdrawn.

The parties hereto further stipulate and agree that neither deposition testimony nor trial testimony will be required of St. Andrew's or any of its designated witnesses, including any designated experts, for purposes of the Phase 4 Trial.

IT IS SO STIPULATED.

Dated: March 15, 2013.

GRESHAM SAVAGE NOLAN & TILDEN, PC

By: Michael Duane Davis
Michael Duane Davis
Marlene L. Allen-Hammarlund
Derek R. Hoffman
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Dated: March , 2013.

CHARLTON WEEKS LLP

By: _____
Bradley T. Weeks
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1 Dated: March____, 2013.

BEST BEST & KRIEGER LLP

2
3 By:_____

4 Eric L. Garner
5 Jeffrey V. Dunn
6 Stefanie D. Hedlund
7 Attorneys for Cross-Complainant, Los Angeles
8 County Waterworks District No. 40

9 Dated: March____, 2013.

RICHARDS, WATSON & GERSHON

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11 By:_____

12 Steven Orr
13 James L. Markman
14 Attorneys for Cross-Complainant, City of
15 Palmdale

16 Dated: March____, 2013.

MURPHY & EVERTZ

17
18 By:_____

19 Douglas J. Evertz
20 Attorneys for Cross-Complainant, City of
21 Lancaster and Rosamond Community
22 Services District

23 Dated: January ____, 2013.

24
25 By:_____

26 John Tootle
27 Attorneys for Cross-Complainant, California
28 Water Service Company

29 Dated: March____, 2013.

LEMIEUX & O'NEILL

30
31 By:_____

32 Wayne Lemieux
33 Attorneys for Cross-Complainant, Littlerock
34 Creek Irrigation District, Palm Ranch Irrigation
35 District, et al.

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Dated: March __, 2013.

LAGERLOF SENECA GOSNEY & KRUSE

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

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