

## 5 Sunnyside Farms 7

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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 17C

Including Consolidated 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

**CROSS-DEFENDANT/CROSS-  
COMPLAINANT, ANTELOPE VALLEY  
UNITED MUTUAL GROUP'S  
INFORMATION AND MATERIALS  
RESPONSIVE TO DECEMBER 12, 2012  
DISCOVERY ORDER FOR PHASE 4  
TRIAL**

**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

For Court's Use Only:  
Santa Clara County  
Case No. 1-05-CV-049053  
(For E-Posting/E-Service Purposes Only)

**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.**

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1 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

2 Cross-Defendant / Cross-Complainant, **A. V. UNITED MUTUAL GROUP** [comprised  
3 of Antelope Park Mutual Water Co., Aqua-J Mutual Water Co., Averydale Mutual Water Co.,  
4 Baxter Mutual Water Co., Bleich Flat Mutual Water Co., Colorado Mutual Water Co., Eldorado  
5 Mutual Water Co., Evergreen Mutual Water Co., Land Projects Mutual Water Co., Landale  
6 Mutual Water Co., Shadow Acres Mutual Water Co., Sundale Mutual Water Co., Sunnyside  
7 Farms Mutual Water Co., Tierra Bonita Mutual Water Co., Westside Park Mutual Water Co.,  
8 and White Fence Farms Mutual Water Co., Inc.], by and through their attorneys of record,  
9 Gresham Savage Nolan & Tilden, PC, by Michael Duane Davis and Marlene L. Allen-  
10 Hammarlund, submit the following information and materials, under penalty of perjury, in  
11 response to the December 12, 2012 Discovery Order for Phase 4 Trial ("*Discovery Order*"),  
12 issued by the Honorable Jack Komar, Trial Judge.

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1 Cross-Defendant / Cross-Complainant, **A. V. UNITED MUTUAL GROUP** have made a  
2 good faith effort to fully and accurately respond to the categories of information required by the  
3 *Discovery Order*. However, due to the shortness of time between the issuance of the order and  
4 the degree of detail required by the *Discovery Order*, Cross-Defendant / Cross-Complainant, **A.**  
5 **V. UNITED MUTUAL GROUP** reserve the right to supplement their responses to the extent  
6 they require, in as timely a manner as possible.

1                                    **SUNNYSIDE FARMS MUTUAL WATER COMPANY, INC.**

2  
3        **I.        CLAIMS OF OVERLYING GROUNDWATER RIGHTS:**

4                1.        **Property situated with Sunnyside Farms Mutual Water Company, Inc.**  
5        (**"Sunnyside Farms"**):

6                        a.        **Location of Property [Service Area]:**        480 acres; Bounded on the  
7        north by Avenue N, on the east by 30th Street West, on the south by Avenue N-8, and on the  
8        west by 43rd Street West. Though the owner of the water rights and the production, storage and  
9        distribution facilities is Sundale Mutual Water Company, a California mutual benefit non-profit  
10       corporation, at the direction of the Court, the Assessor's Parcel Numbers ("APN") of the  
11       members / shareholders is set forth on Sundale Mutual Water Company "**Attachment I.1.a.**"

12                      b.        **Ownership Information:**        Sunnyside Farms is an active California  
13       mutual benefit non-profit corporation, with an entity address of Post Office Box 901025,  
14       Palmdale, CA 93590. It was formed on December 12, 1951. Its Agent for Service of Process is  
15       Jeanne Miller at 40115 15<sup>th</sup> Street West, Palmdale, CA 93551. Its membership is comprised of  
16       the owners of the 172 mostly 2½ acre lots that are situated within its above-described service  
17       area. Sunnyside Farms' 155 active meters serve the properties within the Sunnyside Farms  
18       service area that have been improved with a residence, and stand by to serve the unimproved  
19       properties when improved.

20                      c.        **Existence of Groundwater wells (2000 to 2004 and 2011 to 2012):**  
21       Sunnyside Farms owned three (3) wells and boosters with Edison energy efficiency calibrated  
22       motor driven pumps that were situated within its service area during the years 2000 to 2004 and  
23       2011 to 2012.

24                      d.        **Operation of Groundwater wells (2000 to 2004 and 2011 to 2012):**  
25       Sunnyside Farms operated the three (3) wells described in I.1.c., above, during the years 2000 to  
26       2004 and 2011 to 2012.

1 e. **Amount of Groundwater Produced:** Sunnyside Farms groundwater  
2 production during the years 2000 to 2004 and 2011 – 2012:

- 3 i. 2000: 147.1 acre feet  
4 ii. 2001: 170.3 acre feet  
5 iii. 2002: 172.6 acre feet  
6 iv. 2003: 174.7 acre feet  
7 v. 2004: 160.3 acre feet  
8 vi. 2011: 73.5 acre feet  
9 vii. 2012 [1/1 – 11/30]: 77.3 acre feet

10 f. **Uses of Groundwater Produced:** During the years 2000 to 2004 and  
11 2011 to 2012, Sunnyside Farms used the water produced from its well described in I.1.c., above,  
12 for the provision of domestic water service to its mutual members.

13 g. **Places of Groundwater Use:** All groundwater produced by  
14 Sunnyside Farms from the wells described in I.1.c., above, was used in its service area by its  
15 members.

16 h. **Uses of Parcels within Service Area:** The properties within the  
17 Sunnyside Farms service area are single family residential parcels.

18 i. **Crop Types:** None.

19 j. **Basis for Claim of Groundwater Rights:** Upon the formation of the  
20 mutual benefit, non-profit corporation, the overlying groundwater rights of the owners of the  
21 properties within the service area (who became the initial shareholders) became the rights of the  
22 mutual water company and have, ever since, been exercised by the mutual water company and  
23 not by the individual property owners / shareholders. There was no known express reservation  
24 of the overlying groundwater rights by the individual property owners at the time of formation.  
25 The property owners / shareholders simply pooled their collective water and (through the mutual  
26 water company) constructed, operated and maintained the production, storage and distribution  
27 system by which they all receive water for their domestic purposes. Simply stated, the property

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

k. **Amount of Groundwater Claim:** 174.7 acre feet [highest “base period” use].

l. **Other Facts Supporting Claim:** Pending receipt of additional data and information.

2. **Property Lease Information:**

a. **Lease of Property:** Sunnyside Farms leased no property during the years 2000 to 2004 and 2011 to 2012.

a. **Name of Lessee:** N/A.

b. **ATN/APNs:** N/A.

c. **Written Agreements Allocating Credits:** N/A.

d. **Lessee Delivery of Water:** N/A.

e. **Uses of Groundwater by Lessee:** N/A.

3. **Additional Requested Information and Materials:**

a. **Prima Facie Groundwater Production Materials:**

i. See Sunnyside Farms Mutual Water Company “Attachment I.3.a.i.”

ii. Southern California Edison Well Efficiency Test Results:

1. Well #1 – Multiple Point Test Summary (March 16, 2012)

2. Well #2 – Multiple Point Test Summary (March 16, 2012)

3. Well #3 – Multiple Point Test Summary (March 16, 2012)

iii. Southern California Edison Electrical Billing Histories

- 1 1. Well #1  
2 a. January 2000 – December 2004  
3 b. January 2011 – January 2012  
4 2. Well #2  
5 a. January 2000 – December 2004  
6 b. January 2011 – January 2012  
7 3. Well #3  
8 a. January 2000 – December 2004  
9 b. January 2011 – January 2012  
10 b. **Prima Facie Property Uses Materials:**  
11 i. See Sunnyside Farms Mutual Water Company “Attachment  
12 **I.3.b.i.”**  
13 ii. Pending receipt of additional data and information.  
14 c. **Additional Materials:**  
15 i. See Sunnyside Farms Mutual Water Company “Attachment  
16 **I.3.c.i.”**  
17 ii. California Secretary of State, Business Entity Detail (December  
18 14, 2012)  
19 iii. Pending receipt of additional data and information.  
20 **II. CLAIMS OF NON-OVERLYING GROUNDWATER RIGHTS:**  
21 1. **Specifically Requested Non-Overlying Information:**  
22 a. **Amount of Production:** None.  
23 b. **ATN/APNs:** N/A.  
24 c. **Well Information:** N/A.  
25 d. **Amount of Water Produced:** N/A.  
26 e. **Methodology Used to Quantify Claim:** N/A.  
27 f. **Reports to State Water Resources Control Board (2000 to 2004):** N/A.



1 g. Uses other than Municipal Supply (2000 to 2004 and 2011 to 2012):  
2 N/A.

3 h. Water for Outdoor Irrigation: N/A.

4 **III. CLAIMS OF RETURN FLOW CREDITS:**

5 1. Specifically Requested Non-Overlying Information:

6 a. Amount of Pumping of Return Flows from Imported Water: 45%.

7 b. Amount of Return Flows Pumped:

- 8 i. 2000: 110.0 acre feet
- 9 ii. 2001: 103.0 acre feet
- 10 iii. 2002: 113.8 acre feet
- 11 iv. 2003: 108.4 acre feet
- 12 v. 2004: 131.9 acre feet
- 13 vi. 2011: 69.7 acre feet
- 14 vii. 2012 [1/1 – 11/30]: 72.9 acre feet

15 c. Methodology Used to Quantify Claim: The figure of 45% of mutual  
16 water company imported water constituting return flows (in un-sewered areas) was derived from  
17 Technical Committee's Problem Statement Report. Reference is made, generally, to the Problem  
18 Statement Report, and in particular Appendix D, pages D-25 and D-26.

19 d. Amount of Water Imported:

- 20 i. 2000: 244.4 acre feet
- 21 ii. 2001: 228.8 acre feet
- 22 iii. 2002: 252.9 acre feet
- 23 iv. 2003: 240.9 acre feet
- 24 v. 2004: 293.2 acre feet
- 25 vi. 2011: 154.9 acre feet
- 26 vii. 2012 [1/1 – 11/30]: 161.9 acre feet

1 e. **Water Quality Information:** Water delivered from AVEK is  
2 reported to satisfy regulatory potability standards.

3 f. **Uses of Imported Water:** During the years 2000 to 2004 and 2011 to  
4 2012, Sunnyside Farms used the water imported from AVEK described in 1.d., above, for the  
5 provision of domestic water service to its mutual members.

6 g. **Dates of Importation of Water:** Commenced prior to the base period.

7 h. **Geological Conditions Beneath Properties:** Pending receipt of  
8 data.

9 i. **Depth of Aquifer and Soil Type Beneath Surface:** Pending  
10 receipt of data.

11 j. **Time for Percolation to Aquifer:** Pending receipt of data.

12 k. **Physical Evidence that Return Flows Augment Basin:** Pending  
13 receipt of data.

14 l. **Geological Locations that Return Flows Augment Basin:** Pending  
15 receipt of data.

16 m. **Return Flows Entering Municipal Sewer System:** None. Members of  
17 the Sunnyside Farms Mutual Water Company are on septic, not sewer.

18 n. **Locations of Return Flows Wastewater Augmenting Basin:** From  
19 the septic tanks situated on each of the properties within Sunnyside Farms Mutual Water  
20 Company.

21 IV. **FOR THE FEDERAL PARTIES:** N/A.

22 V. **FOR ALL RESPONDING PARTIES:**

23 1. **Person most qualified to testify to the facts and materials above:**

24 a. **Non-Expert Witness(es):** Jeanne Miller, Jim Johnson, Linda Enger,  
25 Bob Witt and Gerald Carson.

26 b. **Expert Witness(es):** Not determined at this time.

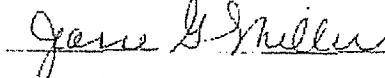
2. Verification by Authorized Individual:

Declaration under Penalty of Perjury:

I, Jeanne Miller, am the Record Keeper and Office Manager of the Sunnyside Farms Mutual Water Company and have personal knowledge of the facts set forth above

If called to do so, I could and would competently testify to these facts under oath. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 20<sup>th</sup> day of December, 2012 at Lancaster, CA.

  
Jeanne Miller

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1 DATED: December 21, 2012

Respectfully submitted,

2 GRESHAM SAVAGE NOLAN & TIDEN, PC

3  
4  
5 By: 

6 MICHAEL DUANE DAVIS, ESQ.  
7 MARLENE L. ALLEN-HAMMARLUND, ESQ.  
8 Attorneys for CROSS-DEFENDANT / CROSS-  
9 COMPLAINANT, A. V. UNITED MUTUAL GROUP;  
10 and CROSS-DEFENDANTS, ADAMS BENNETT  
11 INVESTMENTS, LLC, MIRACLE IMPROVEMENT  
12 CORPORATION dba GOLDEN SANDS MOBILE  
13 HOME PARK, aka GOLDEN SANDS TRAILER  
14 PARK [ROE 1121], ST. ANDREW'S ABBEY, INC.  
15 [ROE 623], SERVICE ROCK PRODUCTS, L.P., and  
16 SHEEP CREEK WATER COMPANY, INC.  
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

Re: *ANTELOPE VALLEY GROUNDWATER CASES*  
Los Angeles County Superior Court Judicial Council Coordinated  
Proceedings No. 4408; Santa Clara County Superior Court Case No. 1-05-CV-049053

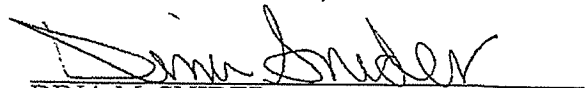
I am employed in the County of Riverside, State of California. I am over the age of 18 years and not a party to the within action; my business address is: 3750 University Avenue, Suite 250, Riverside, CA 92501-3335.

On December 21, 2012, I served the foregoing document(s) described as **CROSS-DEFENDANT/CROSS-COMPLAINANT, ANTELOPE VALLEY UNITED MUTUAL GROUP'S INFORMATION AND MATERIALS RESPONSIVE TO DECEMBER 12, 2012 DISCOVERY ORDER FOR PHASE 4 TRIAL** on the interested parties in this action in the following manner:

(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,

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 21, 2012, at Riverside, California.

  
DINA M. SNIDER