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Attorneys for Cross-Defendant/Cross-Complainant,
A.V. UNITED MUTUALS 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; WHITE FENCE FARMS 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

) **DECLARATION OF JOHN UKKESTAD**
) **IN SUPPORT OF CROSS-DEFENDANT /**
) **CROSS-COMPLAINANT ANTELOPE**
) **VALLEY UNITED MUTUALS GROUP'S**
) **OFFER OF PROOF FOR PHASE 5**
) **TRIAL ON THE ISSUE OF RETURN**
) **FLOWS FROM IMPORTED WATER**

**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.**

) Phase 5 Trial Date: February 10, 2014
) Time 9:00 A.M.
) Dept.: Dept. 1
) Judge: Hon. Jack Komar

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 Farms. White Fence Farms believes that it has the right to the return flows from imported water
2 based, in part, on those conversations with Wally Spinarski that AVEK would not claim rights to
3 the SWP water that was being sold to White Fence Farms.

4 5. White Fence Farms believes that the average return flow percentage of thirty-nine
5 percent (39%) is reasonable as the percentage right to return flows from the water that it imports.

6 6. White Fence Farms and its stockholders have paid a significant amount of money
7 toward the infrastructure that is used to deliver the SWP water. There are numerous documents
8 that reflect these payments, including the following documents, which are marked as exhibits in
9 this action as follows:

10 (a) Correspondence and itemization of expenses for the cost of the
11 infrastructure from AVEK. [Exhibits **5-White Fence Farms-18; 5-El**
12 **Dorado-7; 5-El Dorado-14; 5-El Dorado-15.**]

13 (b) Newsletter distributed to stockholders of mutual water company
14 explaining that the cost to the mutual water companies and the
15 stockholders for the infrastructure will be “considerable.” [Exhibit **5-El**
16 **Dorado-13.**]

17 (c) Evidence of capacity charges paid by the mutual water companies and
18 their stockholders for infrastructure, including summaries of charges and
19 AVEK’s receipts for capacity charges paid. [Exhibits **5-White Fence**
20 **Farms-13; 5-White Fence Farms-14; 5-White Fence Farms-15,** as
21 exemplars.]

22 (d) Evidence of payments to AVEK for banking State Water Project water in
23 the Water Supply Stabilization Project No. 2 (“WSSP2”) for later
24 withdrawal. [Exhibit **5-White Fence Farms-17,** as exemplars.]

25 (e) Property tax bills showing amounts paid for “special water” taxes and other
26 assessments. [Exhibits **5-Landale-2; 5-West Side Park-5; 5-White Fence**
27 **Farms-11; 5-White Fence Farms-16,** as exemplars.]

1 (f) Minutes of the mutual water companies' board meetings regarding the cost of
2 connecting to AVEK to acquire the State Water Project water. [Exhibit 5-White
3 Fence Farms-18, as an exemplar.]

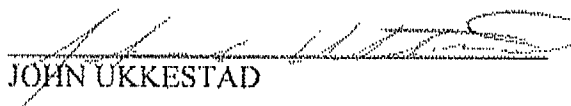
4 7. White Fence Farms stores imported SWP water in the groundwater basin. White
5 Fence Farms' service area is located in the Amargosa Creek wash area of the Basin. Most, if not
6 all, of the customers of White Fence Farms are on septic (rather than on sewer) systems, which
7 means that the unconsumed imported water goes back into the Amargosa Creek Wash area of the
8 Basin through the septic systems within White Fence Farms' service area boundary.

9 8. In my capacity as the General Manager of White Fence Farms, I am responsible
10 for the operations and infrastructure by which White Fence Farms produces, stores, distributes
11 and recovers water for the use of its customers, the stockholders of White Fence Farms.

12 9. White Fence Farms (and four of the other five Mutual Water Companies which
13 claim return flows) is partially situated within the sphere of influence of the City of Palmdale
14 [which was a participant in the development of and in 2007 adopted the Antelope Valley
15 Integrated Regional Water Management Plan; and is a member agency of the Upper Amargosa
16 Creek Flood Control, Recharge, and Habit Restoration Project ("Project") with Palmdale Water
17 District, Los Angeles County Waterworks District No. 40 and the Antelope Valley-East Kern
18 Water Agency]. I am familiar with the Project and the Project Specific Objective of "use[ing]
19 untreated State Water Project (SWP) water and stormwater to recharge the ... area of the largest
20 underlying groundwater aquifer of the Antelope Valley."

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

23 Executed on February 7, 2014, at Palmdale, California.

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26 JOHN UKKESTAD
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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 February 7, 2014, I served the foregoing document(s) described as **DECLARATION OF JOHN UKKESTAD IN SUPPORT OF CROSS-DEFENDANT/CROSS-COMPLAINANT ANTELOPE VALLEY UNITED MUTUALS GROUP'S OFFER OF PROOF FOR PHASE 5 TRIAL ON THE ISSUE OF RETURN FLOWS FROM IMPORTED WATER** 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 February 7, 2014, at Riverside, California.



DINA M. SNIDER