

Attorneys for Cross-Defendant, ADAMS BENNETT INVESTMENTS, LLC; Cross-Defendants and Cross-Complainants, ANTELOPE VALLEY UNITED MUTUALS GROUP [comprised of Antelope Park Mutual Water Co., Aqua-J Mutual Water Co., Averydale Mutual Water Co., Baxter Mutual Water Co., Bleich Flat Mutual Water Co., Colorado Mutual Water Co., Eldorado Mutual Water Co., Evergreen Mutual Water Co., Land Projects Mutual Water Co., Landale Mutual Water Co., Shadow Acres Mutual Water Co., Sundale Mutual Water Co., Sunnyside Farms Mutual Water Co., Tierra Bonita Mutual Water Co., Westside Park Mutual Water Co. and White Fence Farms Mutual Water Co.]; and Cross-Defendants, MIRACLE IMPROVEMENT CORPORATION DBA GOLDEN SANDS MOBILE HOME PARK, AKA GOLDEN SANDS TRAILER PARK, NAMED AS ROE 1121; SAINT ANDREW'S ABBEY, INC., NAMED AS ROE 623; SERVICE ROCK PRODUCTS, L.P.; and SHEEP CREEK WATER COMPANY

Coordination Proceeding	)	Judicial Council Coordination
Special Title (Rule 1550(b))	)	Proceeding No. 4408
	)	
<b>ANTELOPE VALLEY GROUNDWATER CASES</b>	)	Santa Clara Case No. 1-05-CV-049053
	)	Assigned to the Honorable Jack Komar
	)	Department 17C
Including <b><u>Consolidated</u></b> Actions:	)	
	)	<b>DECLARATION OF A MEMBER OF</b>
<b>Los Angeles County Waterworks District No. 40 v. Diamond Farming Co.</b>	)	<b>CROSS-DEFENDANTS / CROSS-</b>
	)	<b>COMPLAINANTS, ANTELOPE</b>
Superior Court of California, County of Los Angeles, Case No. BC 325 201	)	<b>VALLEY UNITED MUTUALS GROUP,</b>
	)	<b>SPECIFICALLY, AQUA-J MUTUAL</b>
	)	<b>WATER COMPANY, IN SUPPORT OF</b>
	)	<b>PROVE-UP TRIAL</b>
	)	
<b>CAPTION CONTINUED ON NEXT PAGE</b>	)	
	)	
	)	

1	<b>Los Angeles County Waterworks District No. 40 v. Diamond Farming Co.</b>	)	<b>PROVE-UP</b>
2	Superior Court of California, County of Kern,	)	Trial Date: September 28, 2015
3	Case No. S-1500-CV-254-348	)	Time: 10:00 A.M.
4	<b>Wm. Bolthouse Farms, Inc. v. City of Lancaster</b>	)	Dept.: Dept. 1, Los Angeles
5	<b>Diamond Farming Co. v. City of Lancaster</b>	)	Judge: Hon. Jack Komar
6	<b>Diamond Farming Co. v. Palmdale Water Dist.</b>	)	
7	Superior Court of California, County of	)	
8	Riverside, consolidated actions, Case Nos.	)	
9	RIC 353 840, RIC 344 436, RIC 344 668	)	
10	<b>AND RELATED ACTIONS.</b>	)	

11           1.       This declaration is made in support of the [Proposed] Judgment and Physical  
12 Solution filed with the court on March 4, 2015 on behalf of Cross-Defendants / Cross-  
13 Complainants, Antelope Valley United Mutuals Group, specifically **AQUA-J MUTUAL**  
14 **WATER COMPANY** ("Declarant").

15           2.       The signatory to this Declaration has personal knowledge of each fact herein and  
16 would testify competently thereto under oath.

17           3.       The signatory to this Declaration is Declarant's President.

18           4.       Declarant is an active California mutual benefit non-profit corporation, with an  
19 entity address of 44503 N 92nd St East, Lancaster, CA 93535. It was formed on January 7,  
20 1953. Its membership is comprised of the owners of the 98 mostly 1¼ acre lots that are situated  
21 within its hereafter-described service area. Declarant's 48 active services serve the properties  
22 within Declarant's service area that have been improved with a residence, and stand by to serve  
23 the unimproved properties when improved. Upon the formation of Declarant as a mutual benefit,  
24 non-profit corporation, the overlying groundwater rights of the owners of the properties within  
25 the service area (who became the initial shareholders) became the rights of the mutual water  
26 company and have, ever since, been exercised by the mutual water company and not by the  
27 individual property owners/shareholders. There was no known express reservation of the  
28

1 overlying groundwater rights by the individual property owners at the time of formation. The  
2 property owners/shareholders simply pooled their collective water and (through the mutual water  
3 company) constructed, operated and maintained the production, storage and distribution system  
4 by which they all receive water for their domestic purposes. Accordingly, the property owners/  
5 shareholders exchanged their overlying water rights for the right to have water delivered to their  
6 individual properties. [See *Erwin v. Gage Canal Company* (1964) 226 Cal.App.2d 189; see also  
7 *Hildreth v. Montecito Creek Water Co.* (1903) 139 Cal. 22, 29; see also *City of Glendale v.*  
8 *Crescenta etc. Water Co.* (1955) 135 Cal.App.2d 784, 801]. As such, though each shareholder  
9 has an interest in the Declarant which owns the water rights, production, storage and distribution  
10 facilities, and has the right to receive water upon development and demand, the Declarant is the  
11 owner of those certain rights, titles and interests in properties that overlie the Antelope Valley  
12 Area of Adjudication as determined by the Court. **[From Declarant's Responses to December**  
13 **12, 2012 Discovery Order for Phase 4 Trial, Responses I.1.a., I.1.b. and I.1.j.; and**  
14 **supporting documents at Attachments I.1.a., I.1.b. and I.3.c. thereto; Declarant's First**  
15 **Supplemental Response to December 12, 2012 Discovery Order for Phase 4 Trial, Response**  
16 **I.3.c.; and supporting documents at Attachment I.3.c.i. thereto.]**

17 5. Declarant's service area ("Property"), including the production, storage and  
18 distribution facilities thereto appertaining, is located in the County of Los Angeles, and is  
19 described as follows: North Boundary: Ave I-8; South Boundary: Ave J; East Boundary: 95th St  
20 East; and West Boundary: 90th St. East. **[From Declarant's Responses to December 12, 2012**  
21 **Discovery Order for Phase 4 Trial, Response I.1.a.; and supporting documents at**  
22 **Attachment I.1.a. thereto.]**

23 6. Based on Los Angeles County Assessor's Map information, Declarant's service  
24 area is comprised of one hundred sixty (160) acres. **[From Declarant's Responses to December**  
25 **12, 2012 Discovery Order for Phase 4 Trial, Response I.1.a.; and supporting documents at**  
26 **Attachment I.1.a. thereto.]**

1           7.       Declarant claims the right to produce and use groundwater to serve its  
2 shareholders / customers within its service area(s), as described in Paragraph 5, above. **[From**  
3 **Declarant's Responses to December 12, 2012 Discovery Order for Phase 4 Trial, Responses**  
4 **I.1., I.1.g., I.2. and I.3.; and supporting documents at Attachments I.1. and I.3. thereto;**  
5 **Declarant's First Supplemental Response to December 12, 2012 Discovery Order for Phase**  
6 **4 Trial, Response I.3. and supporting documents at Attachments I.3.a.i. and I.3.b.i. thereto.]**

7           8.       The maximum amount of groundwater produced from the Property, measured in  
8 acre feet, for the following calendar years is as follows:

- 9                   a.       2000: 80.7  
10                   b.       2001: 66.4  
11                   c.       2002: 58.7  
12                   d.       2003: 63.4  
13                   e.       2004: 66.1  
14                   f.       2011: 42.5  
15                   g.       2012 [January through November]: 47.3

16       The maximum amount of groundwater produced from the Property for the members of the  
17 Antelope Valley United Mutuals Group (which was allocated by and amongst them), including  
18 that supplemented by the In-Lieu Water purchased from AVEK by some of the members, is  
19 collectively greater than both the Pre-Rampdown Production and Overlying Production Right  
20 stated in the Proposed Judgment and Physical Solution. **[From Declarant's Responses to**  
21 **December 12, 2012 Discovery Order for Phase 4 Trial, Responses I.1.e. and III.1.d.; and**  
22 **supporting documents at Attachments I.1.a. and I.3.a.i. thereto; Declarant's First**  
23 **Supplemental Response to December 12, 2012 Discovery Order for Phase 4 Trial, Response**  
24 **I.3.a. and supporting documents at Attachments I.3.a.i. thereto; Exhibit 4 to [Proposed]**  
25 **Judgment and Physical Solution].**

26           9.       The use(s) to which the groundwater produced from the Property for the calendar  
27 years listed in Paragraph 8 was for the provision of domestic water service to its mutual  
28

1 members, all of which are single family residential properties. [From Declarant's Responses to  
2 December 12, 2012 Discovery Order for Phase 4 Trial, Responses I.1.f, I.1.g. and I.1.h.;  
3 and supporting documents at Attachments I.1.a. thereto.]

4 10. The manner and method for determining the amount of groundwater produced  
5 from the Property included meter records, pump tests and SCE electric power records. [From  
6 Declarant's Responses to December 12, 2012 Discovery Order for Phase 4 Trial, Response  
7 I.3.a.; and supporting documents at Attachment I.3.a.i. thereto; Declarant's First  
8 Supplemental Response to December 12, 2012 Discovery Order for Phase 4 Trial, Response  
9 I.3.a. and supporting documents at Attachment I.3.a.i. thereto.]

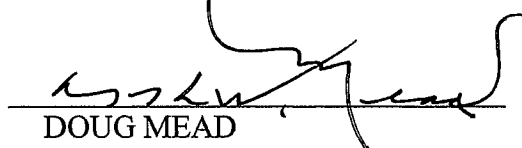
10 11. All the information contained in the evidence introduced at the Phase 4 Trial is  
11 expressly incorporated herein and made a part of this Declaration for the benefit of the Declarant,  
12 as if stated verbatim as follows:

13 a. Declarant's Responses to December 12, 2012 Discovery Order for Phase 4  
14 Trial, dated December 21, 2012, which was marked for identification and admitted into evidence  
15 as 4-AQUA-J-1.

16 b. Declarant's First Supplemental Responses to December 12, 2012  
17 Discovery Order for Phase 4 Trial, dated January 30, 2013, which was marked for identification  
18 and admitted into evidence as 4-AQUA-J-2.

19 The undersigned declare under penalty of perjury under the laws of the State of  
20 California that the foregoing is true and correct.

21 Executed this 22 of April, 2015, at RIVERSIDE California.

22  
23 By:   
24 DOUG MEAD  
25 ITS: President  
26  
27  
28

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 San Bernardino, State of California. I am over the age of 18 years and not a party to the within action; my business address is: 550 East Hospitality Lane, Suite 300, San Bernardino, CA 92408-4205.

On Sept. 16, 2015, I served the foregoing document(s) described as **DECLARATION OF A MEMBER OF CROSS-DEFENDANTS / CROSS-COMPLAINANTS, ANTELOPE VALLEY UNITED MUTUALS GROUP, SPECIFICALLY, AQUA-J MUTUAL WATER COMPANY, IN SUPPORT OF PROVE-UP 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 Sept. 16, 2015, at San Bernardino, California.

Dina Sneider

DINA M. SNIDER