

Michael Duane Davis, SBN 093678
Marlene L. Allen-Hammarlund, SBN 126418
Derek R. Hoffman, SBN 285784
GRESHAM SAVAGE NOLAN & TILDEN, PC
3750 University Avenue, Suite 250
Riverside, CA 92501-3335
Telephone: (951) 684-2171
Facsimile: (951) 684-2150

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
ABBAY, INC., NAMED AS ROE 623; SERVICE
ROCK PRODUCTS, L.P.; and SHEEP CREEK
WATER COMPANY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF LOS ANGELES

Coordination Proceeding
Special Title (Rule 1550(b))

**ANTELOPE VALLEY GROUNDWATER
CASES**

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

CAPTION CONTINUED ON NEXT PAGE

) Judicial Council Coordination
) Proceeding No. 4408
)

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

) **DECLARATION OF A MEMBER OF**
) **CROSS-DEFENDANTS / CROSS-**
) **COMPLAINANTS, ANTELOPE**
) **VALLEY UNITED MUTUALS GROUP,**
) **SPECIFICALLY, EL DORADO**
) **MUTUAL WATER COMPANY, IN**
) **SUPPORT OF PROVE-UP TRIAL**
)
)
)

1	Los Angeles County Waterworks District No. 40 v. Diamond Farming Co.)	PROVE-UP
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	Wm. Bolthouse Farms, Inc. v. City of Lancaster)	Dept.: Dept. 1, Los Angeles
5	Diamond Farming Co. v. City of Lancaster)	Judge: Hon. Jack Komar
6	Diamond Farming Co. v. Palmdale Water Dist.)	
7	Superior Court of California, County of)	
8	Riverside, consolidated actions, Case Nos.)	
9	RIC 353 840, RIC 344 436, RIC 344 668)	
10	AND RELATED ACTIONS.)	

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 **EL DORADO 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 Post Office Box 900519, Palmdale, CA 93590. It was formed on July 14, 1948.
20 Its membership is comprised of the owners of the 276 mostly 1¼ and 2½ acre lots that are
21 situated within its hereafter-described service area. Declarant's 232 active services serve the
22 properties within Declarant's service area that have been improved with a residence, and stand
23 by to serve the unimproved properties when improved. Upon the formation of Declarant as a
24 mutual benefit, non-profit corporation, the overlying groundwater rights of the owners of the
25 properties within the service area (who became the initial shareholders) became the rights of the
26 mutual water company and have, ever since, been exercised by the mutual water company and
27 not by the individual property owners/shareholders. There was no known express reservation of
28

1 the 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., I.1.j. and I.3.c.; and**
14 **supporting documents at Attachments I.1.a. and I.3.c.i. 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 Attachments 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 N; East Boundary: 10th St West; South Boundary:
20 Ave O; and West Boundary: 20th St West. **[From Declarant's Responses to December 12,**
21 **2012 Discovery Order for Phase 4 Trial, Response I.1.a.; and supporting documents at**
22 **Attachment I.1.a. thereto; Declarant's First Supplemental Response to December 12, 2012**
23 **Discovery Order for Phase 4 Trial, Response I.3.a.; and supporting documents at**
24 **Attachments I.3.a.i. thereto].**

25 6. Based on Los Angeles County Assessor's Map information, Declarant's service
26 area is comprised of six hundred forty (640) acres. **[From Declarant's Responses to December**
27 **12, 2012 Discovery Order for Phase 4 Trial, Response I.1.a.; and supporting documents at**
28

1 **Attachment I.1.a. thereto; Declarant's First Supplemental Response to December 12, 2012**
2 **Discovery Order for Phase 4 Trial, Response I.3.a.; and supporting documents at**
3 **Attachment I.3.a.i. thereto].**

4 7. Declarant claims the right to produce and use groundwater to serve its
5 shareholders / customers within its service area(s), as described in Paragraph 5, above. **[From**
6 **Declarant's Responses to December 12, 2012 Discovery Order for Phase 4 Trial, Responses**
7 **I.1., I.1.g., I.2. and I.3.; and supporting documents at Attachments I.1.a. and I.3.a.i. thereto;**
8 **Declarant's First Supplemental Response to December 12, 2012 Discovery Order for Phase**
9 **4 Trial, Responses I.3.a., I.3.b. and I.3.c.; and supporting documents at Attachments I.3.a.i.,**
10 **I.3.b.i. and I.3.c.i. thereto].**

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

- 13 a. 2000: 389.8
14 b. 2001: 386.7
15 c. 2002: 294.5
16 d. 2003: 310.7
17 e. 2004: 365.5
18 f. 2011: 272
19 g. 2012 [January through November]: 280.1

20 Additionally, Declarant purchased "In-Lieu Water" from AVEK for use on the Property for the
21 following calendar years, as follows:

- 22 h. 2000: 6.0
23 i. 2001: 90.3
24 j. 2002: 103.1
25 k. 2003: 72.9
26 l. 2004: 30.0
27 m. 2011: 0
28

n. 2012: 0

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

9. The use(s) to which the groundwater produced from and In-Lieu water purchased for the Property for the calendar years listed in Paragraph 8 was for the provision of domestic water service to its mutual members, all of which are single family residential properties. **[From Declarant's Responses to December 12, 2012 Discovery Order for Phase 4 Trial, Responses I.1.f., I.1.g., I.1.h. and I.3.a.; and supporting documents at Attachments I.1.a. and I.3.a.i. thereto].**

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

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

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

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

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

Executed this 21st of April, 2015, at Palm Dale, California.

By: Murry Sprunger
MURRY SPRUNGER
ITS: President

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 September 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, EL DORADO 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 September 16, 2015, at San Bernardino, California.

Dina Sneider

DINA M. SNIDER