

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))

) 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

) **PROVE-UP TRIAL BRIEF OF CROSS-
DEFENDANT, SHEEP CREEK WATER
COMPANY**

CAPTION CONTINUED ON NEXT PAGE

1	Los Angeles County Waterworks District No. 40 v. Diamond Farming Co.) PROVE-UP Trial Date: September 28, 2015 Time: 10:00 A.M. Dept.: Dept. 1, Los Angeles Judge: Hon. Jack Komar
2	Superior Court of California, County of Kern, Case No. S-1500-CV-254-348	
3	Wm. Bolthouse Farms, Inc. v. City of Lancaster	
4	Diamond Farming Co. v. City of Lancaster	
5	Diamond Farming Co. v. Palmdale Water Dist.	
6	Superior Court of California, County of Riverside, consolidated actions, Case Nos. RIC 353 840, RIC 344 436, RIC 344 668)
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8	<hr/>	
9	AND RELATED ACTIONS)
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11
12 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

13 Cross-Defendant, **CROSS-DEFENDANT, SHEEP CREEK WATER COMPANY**
14 (“Sheep Creek”) by and through its attorneys of record, Michael Duane Davis, Esq., Marlene L.
15 Allen-Hammarlund, Esq. and Derek R. Hoffman, Esq. of Gresham Savage Nolan & Tilden, PC,
16 hereby submits the following Trial Brief for the Phase 6 [Prove-Up] Trial proceedings. Sheep
17 Creek’ Witness List, Exhibit List and Declaration in Support of Phase 6 [Prove-Up] Trial have
18 been separately submitted.

19 **1. PARTY:** Sheep Creek is an active California mutual benefit non-profit
20 corporation, with an entity address of Post Office Box 291820 Phelan, CA 92329. It was formed
21 on January 7, 1914. Its membership is comprised of the owners of the lots that are situated
22 within its service area.

23 **2. PROPERTY:** Sheep Creek’ property, which is comprised of approximately nine
24 point five (9.5) acres and includes the injection and extraction well facilities on the property, is
25 located in the County of Los, and is comprised of APNs 3089-012-004 [1.10 acres] and 3089-
26 012-008 [1.26 acres] (“Property”). Sheep Creek’s service area is situated in the unincorporated
27 portion of the County of San Bernardino, known as the community of Phelan (“Service Area”).
28

1 **3. CLAIMS TO GROUNDWATER PRODUCTION RIGHTS WITHIN THE**
2 **ADJUDICATION AREA:** Though Sheep Creek drilled a well on APN 3089-012-004 in April
3 of 2007, it has not produced any groundwater from that well for any purpose other than testing
4 and planning for the eventual exercise of its claimed rights as described in this Paragraph.

5 Sheep Creek has produced no groundwater from, nor used any produced groundwater on
6 either of the parcels of Property during the years 2000 through 2004 or 2011 through 2012.
7 Sheep Creek claims the unexercised right to produce and use groundwater with regard to the
8 Property described above.

9 Sheep Creek also claims the right to import, inject or percolate, store, extract and export
10 water produced from its wells in San Bernardino County pursuant to its State of California,
11 Division of Water Rights, Department of Public Works Decision No. 3883 D-119, Decision dated
12 August 24, 1926 and 1931 Stipulated Judgment in Riverside County Superior Court Case No.
13 15585, subject to the provisions for such that are set forth in the [Proposed] Judgment and
14 Physical Solution.

15 **4. SUPPORTING INFORMATION AND DATA:**

16 a. Responses to December 12, 2012 Discovery Order for Phase 4 Trial,
17 submitted under penalty of perjury, and filed by posting on December 21, 2012
18 [Court Website, Document No. 5499].

19 **5. OFFER OF PROOF:** On September 16, 2015, Sheep Creek posted its
20 *Declaration of Sheep Creek in Support of Prove-Up Trial* [Court Website, Document No. 10478]
21 which details its existence as a California non-profit mutual benefit corporation; describes its
22 Property; and details the bases of Sheep Creek's claims.

23 Sheep Creek will offer the *Declaration of Sheep Creek in Support of Prove-Up Trial* to
24 establish the facts declared therein and ask the Court, subject to proper objection(s) and cross-
25 examination(s), to admit the facts therein declared into evidence to establish Sheep Creek' claims
26 and rights under the [Proposed] Judgment and Physical Solution.

1 Should the Court require Sheep Creek to call its designated witness(es), it requests that
2 the Court give it time to arrange for the designated witness(es) to appear in Court and submit
3 their testimony, to the extent required.

4 Dated: September 22, 2015

GRESHAM SAVAGE NOLAN & TILDEN, PC

By: 


MICHAEL DUANE DAVIS, ESQ.
MARLENE L. ALLEN-HAMMARLUND, ESQ.
DEREK R. HOFFMAN, ESQ.
Attorneys for CROSS-DEFENDANT / CROSS-
COMPLAINANT, A. V. UNITED MUTUAL
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, ADAMS BENNETT
INVESTMENTS, LLC, MIRACLE
IMPROVEMENT CORPORATION dba
GOLDEN SANDS MOBILE HOME PARK, aka
GOLDEN SANDS TRAILER PARK [ROE
1121], ST. ANDREW'S ABBEY, INC. [ROE
623], WHITE FENCE FARMS PRODUCTS,
L.P., and SHEEP CREEK WATER COMPANY,
INC.

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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.

(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,

Executed on September 22, 2015, at San Bernardino, California.


DINA M. SNIDER