

1 Michael Duane Davis, SBN 093678
Marlene L. Allen-Hammarlund, SBN 126418
2 Derek R. Hoffman, SBN 285784
GRESHAM SAVAGE NOLAN & TILDEN, PC
3 3750 University Avenue, Suite 250
Riverside, CA 92501-3335
4 Telephone: (951) 684-2171
Facsimile: (951) 684-2150

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

17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

18 **IN AND FOR THE COUNTY OF LOS ANGELES**

19
20 Coordination Proceeding
Special Title (Rule 1550(b))

) Judicial Council Coordination
) Proceeding No. 4408

21 **ANTELOPE VALLEY GROUNDWATER**
22 **CASES**

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

23 Including Consolidated Actions:

24 Los Angeles County Waterworks District No.
40 v. Diamond Farming Co.
25 Superior Court of California, County of Los
Angeles, Case No. BC 325 201

) **PROVE-UP TRIAL BRIEF OF CROSS-**
) **DEFENDANT, ST. ANDREW'S ABBEY,**
) **INC. [ROE 623]**

26
27 **CAPTION CONTINUED ON NEXT PAGE**
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1 Los Angeles County Waterworks District No.)
2 40 v. Diamond Farming Co.)
3 Superior Court of California, County of)
4 Kern, Case No. S-1500-CV-254-348)

5 Wm. Bolthouse Farms, Inc. v. City of)
6 Lancaster)
7 Diamond Farming Co. v. City of Lancaster)
8 Diamond Farming Co. v. Palmdale Water)
9 Dist.)

10 Superior Court of California, County of)
11 Riverside, consolidated actions, Case Nos. RIC)
12 353 840, RIC 344 436, RIC 344 668)

13 AND RELATED ACTIONS)

PROVE-UP

Trial Date: September 28, 2015

Time: 10:00 A.M.

Dept.: Dept. 1, Los Angeles

Judge: Hon. Jack Komar

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

15 Cross-Defendant, **ST. ANDREW'S ABBEY, INC. [ROE 623]** ("St. Andrew's Abbey")
16 by and through its attorneys of record, Michael Duane Davis, Esq., Marlene L. Allen-
17 Hammarlund, Esq. and Derek R. Hoffman, Esq. of Gresham Savage Nolan & Tilden, PC, hereby
18 submits the following Trial Brief for the Phase 6 [Prove-Up] Trial proceedings. St. Andrew's
19 Abbey's Witness List, Exhibit List and Declaration in Support of Phase 6 [Prove-Up] Trial have
20 been separately submitted.

21 **1. PARTY:** St. Andrew's Abbey is an active California corporation, with an
22 entity address of Post Office Box 40, Valyermo, CA 93563. It was formed on December 9,
23 1959.

24 **2. PROPERTY:** St. Andrew's Abbey's property, which is comprised of
25 approximately eighteen hundred seventy-eight point four (1878.4) acres and includes the
26 production, storage and distribution facilities thereto appertaining, is located in the County of
27 Los Angeles and mostly overlies the Antelope Valley Area of Adjudication, and is comprised of
28 APNs 3060-008-017 [274.77 acres], 3060-009-014 [65.76 acres], 3060-014-006 [85.04 acres],
3060-016-001 [3.19 acres], 3060-016-002 [76.96 acres], 3060-016-012 [40.09 acres], 3060-018-
011 [20.12 acres], 3060-018-033 [60.51 acres], 3061-003-004 [79.1 acres], 3061-004-008 [60.98
acres], 3061-004-009 [14.77 acres], 3061-005-015 [27.3 acres], 3061-005-016 [41.06 acres],

1 3061-006-004 [41.38 acres], 3061-006-019 [39.18 acres], 3061-012-007 [10.57 acres], 3061-
2 023-002 [56.63 acres], 3061-023-005 [20.33 acres], 3061-023-011 [155.46 acres], 3061-024-001
3 [20.92 acres], 3061-024-002 [112.05 acres], 3061-024-004 [187.06 acres], 3061-025-003 [20.03
4 acres], 3061-025-004 [40.04 acres], 3061-025-005 [59.91 acres], 3061-025-007 [25 acres], 3061-
5 025-010 [80.17 acres], 3061-025-011 [80.17 acres] and 3061-025-017 [79.83 acres]
6 ("Property").

7 **3. CLAIMS TO GROUNDWATER PRODUCTION WITHIN THE**
8 **ADJUDICATION AREA:** St. Andrew's Abbey claims the right to produce and use
9 groundwater to serve its shareholders / customers within its Property. The maximum amount of
10 groundwater produced from the Property, measured in acre feet, for the following calendar years
11 is as follows:

- 12 a. 2000: 162 AF
- 13 b. 2001: 244 AF
- 14 c. 2002: 235 AF
- 15 d. 2003: 209 AF
- 16 e. 2004: 163 AF
- 17 f. 2011: 149 AF
- 18 g. 2012: 201 AF

19 **4. DETERMINATION OF PRODUCTION:** St. Andrew's Abbey determined the
20 amount of groundwater produced from the Property from expert opinion, pump tests and SCE
21 electric power records.

22 **5. PURCHASES OF STATE WATER PROJECT WATER & RETURN**
23 **FLows:** St. Andrew's Abbey has historically purchased imported State Water Project
24 ("SWP") water from the Antelope Valley – East Kern Water Agency's ("AVEK") for the
25 purpose of supplementing its groundwater production. St. Andrew's Abbey has a formal
26 agreement with AVEK regarding the purchase, delivery and storage of SWP water.

1 AVEK has agreed that the ownership of and the right to claim return flows from the
2 water purchased by St. Andrew's Abbey from AVEK belongs to St. Andrew's Abbey, as
3 reflected on Exhibit 8 to the [Proposed] Judgment and Physical Solution.

4 St. Andrew's Abbey has and claims the right to its return flows from the imported water
5 that it purchased and will hereafter purchase from AVEK.

6 **6. USE:** The use(s) to which the groundwater produced from the Property for the
7 calendar years listed above was for the provision of domestic water service to the Benedictine
8 monks, to the guests and visitors of the Abbey and to the Caretaker(s), and for the irrigation of
9 apple orchards, trees, pastures, landscaping and minimal garden vegetables. As such, the
10 domestic and irrigation purposes to which St. Andrew's Abbey puts its water is the highest and
11 next highest uses under *Water Code* § 106.

12 **7. SUPPORTING INFORMATION AND DATA:**

13 a. Responses to December 12, 2012 Discovery Order for Phase 4 Trial,
14 submitted under penalty of perjury, and filed by posting on December 21, 2012
15 [Court Website, Document Nos. 5568 and 5569];

16 b. First Supplemental Responses to December 12, 2012 Discovery Order for
17 Phase 4 Trial, submitted under penalty of perjury, and filed by posting on January
18 15, 2013 [Court Website, Document No. 5819]; and

19 c. Stipulation regarding the Deposition and Trial Testimony for Phase 4 Trial
20 of Cross-Defendant Saint Andrews, filed by posting on May 29, 2013 [Court
21 Website, Document No. 6843].

22 **8. OFFER OF PROOF:** On September 16, 2015, St. Andrew's Abbey
23 posted its *Declaration of St. Andrew's Abbey in Support of Prove-Up Trial* [Court Website,
24 Document No. 10479] which details its existence as a California corporation; describes its
25 Property; states the [above-stated] amount of groundwater that it produced from 2000 through
26 2004 and 2011 through 2012 [the 2011 and 2012 production having been established by the
27 Court in the Phase 4 Trial] and how it was determined; explains that St. Andrew's Abbey has an
28

1 agreement to the purchase of imported SWP water from AVEK; and describes the uses to which
2 the produced and imported SWP water has been put.

3 St. Andrew's Abbey will offer the *Declaration of St. Andrew's Abbey in Support of*
4 *Prove-Up Trial* to establish the facts declared therein and ask the Court, subject to proper
5 objection(s) and cross-examination(s), to admit the facts therein declared into evidence to
6 establish St. Andrew's Abbey's claims and rights under the [Proposed] Judgment and Physical
7 Solution.

8 Should the Court require St. Andrew's Abbey to call its designated witness(es), it
9 requests that the Court give it time to arrange for the designated witness(es) to appear in Court
10 and submit their testimony, to the extent required.

11 Dated: September 22, 2015

GRESHAM SAVAGE NOLAN & TILDEN, PC

12
13 By: 

14 MICHAEL DUANE DAVIS, ESQ.
15 MARLENE L. ALLEN-HAMMARLUND, ESQ.
16 DEREK R. HOFFMAN, ESQ.
17 Attorneys for CROSS-DEFENDANT / CROSS-
18 COMPLAINANT, A. V. UNITED MUTUAL
19 GROUP [comprised of Antelope Park Mutual
20 Water Co., Aqua-J Mutual Water Co., Averydale
21 Mutual Water Co., Baxter Mutual Water Co.,
22 Bleich Flat Mutual Water Co., Colorado Mutual
23 Water Co., Eldorado Mutual Water Co.,
24 Evergreen Mutual Water Co., Land Projects
25 Mutual Water Co., Landale Mutual Water Co.,
26 Shadow Acres Mutual Water Co., Sundale
27 Mutual Water Co., Sunnyside Farms Mutual
28 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