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8
9 **SUPERIOR COURT OF CALIFORNIA**
10 **COUNTY OF LOS ANGELES - CENTRAL DISTRICT**

11 Coordination Proceeding
12 Special Title (Rule 1550(b))

) Judicial Council Coordination Proceeding
) No. 4408

13 **ANTELOPE VALLEY**
14 **GROUNDWATER CASES**

) (For Filing Purposes Only: Santa Clara
) County Case No.: 1-05-CV-049053)

15 Included Actions:

) Assigned for All Purposes To:
) Judge: Hon. Jack Komar

16 *Los Angeles County Waterworks District*
17 *No. 40 v.*

) (Filing Fees Exempt, Per Gov't Code § 6103)

18 *Diamond Farming Co., et al.*

19 *Los Angeles County Superior Court, Case*
20 *No. BC 325 201*

) **[PROPOSED] STIPULATION FOR**
) **PHASE 4 TRIAL REGARDING PHELAN**
) **PINON HILLS COMMUNITY**
) **SERVICES DISTRICT'S**
) **GROUNDWATER PRODUCTION AND**
) **BENEFICIAL USES**

21 *Los Angeles County Waterworks District*
22 *No. 40 v.*

23 *Diamond Farming Co., et al.*

24 *Kern County Superior Court, Case No.*
25 *S-1500-CV-254-348*

26 *Wm. Bolthouse Farms, Inc. v. City of*
27 *Lancaster*

) Phase Four Trial Date: May 28, 2013

28 *Diamond Farming Co. v. City of Lancaster*

Diamond Farming Co. v. Palmdale Water
Dist.

Riverside County Superior Court,
Consolidated Action, Case Nos. RIC 353

840, RIC 344 436, RIC 344 668

AND RELATED CROSS-ACTIONS

1 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

2 Pursuant to the Court's direction that as many facts be stipulated to as possible for the Phase
3 4 Trial, and based specifically upon the Declaration of Don Bartz served on January 31, 2013
4 (which provided more detailed information than ordered by the Court and called for in the "form"
5 declaration, including thorough documentation of well meter readings and well meter accuracy
6 certifications), Phelan Piñon Hills Community Services District ("PPHCSD") hereby seeks
7 stipulation to the facts enumerated below regarding PPHCSD's groundwater production and the
8 uses to PPHCSD applies such groundwater, with counsel for each party requested to execute the
9 appropriate signature block below and serve the same, or to contact PPHCSD's counsel to discuss
10 the same if some modification to this proposed stipulation is desired:

11 1. PPHCSD provides municipal water service to more than 21,000 residents through
12 approximately 6,700 service connections, with PPHCSD's service area located next to the
13 Los Angeles / San Bernardino County line.

14 2. All of PPHCSD's water service facilities, including groundwater production wells,
15 that are serving PPHCSD's residents and customers were constructed and operated by
16 San Bernardino County Zone L-70. One of these groundwater production wells - Well 14 - was
17 constructed by San Bernardino County on a parcel located within Los Angeles County.
18 San Bernardino County purchased this parcel on September 13, 1999 for the purpose of
19 constructing Well 14 from Los Angeles County as part of a Surplus Property sale in which
20 Los Angeles County apparently sought to dispose of property it no longer had any interest to own
21 ("Well 14 Parcel").

22 3. Well 14 is the only PPHCSD well located within the Antelope Valley Adjudication
23 Area as previously defined by the Court. Because of such, only groundwater production from
24 Well 14 is at issue in this litigation matter, although production from other wells is a matter of
25 public record and is timely reported to Upper Mojave River Valley Groundwater Basin
26 Watermaster pursuant to the final judgment reached in *City of Barstow, et al. v. Mojave Water*
27 *Agency, et al.* (Riverside County Superior Court Case Number 208568).

28 4. Well 14's identification number is 05N08W25J001S.

1 5. Well 14's production is as follows, by calendar year: 2005: 1.11 acre feet ("af");
2 2006: 164.15 af; 2007: 20.95 af; 2008: 493.27 af; 2009: 558.65 af; 2010: 1,110.45 af; 2011:
3 1,053.14 af; and, 2012 (through November 30): 955.73 af.

4 6. Attached hereto as Exhibit "A" are true and correct copies of flowmeter readings for
5 Well 14 for calendar years 2011 through November 30, 2012 ("Well Log" or "Well Logs").
6 Exhibit A represents PPHCSD's records, prepared in accordance with PPHCSD's customs and
7 practices, including recordation of the information based upon the water year from October 1
8 through September 30. Also, attached hereto as Exhibit "B" are true and correct copies of
9 Certificates of Accuracy for tests performed on Well 14, which speak to the accuracy of Well 14's
10 meter.

11 7. As part of the municipal use to which groundwater produced by all of PPHCSD's
12 wells is applied, including groundwater produced by Well 14, the groundwater is used for domestic
13 purposes, commercial purposes, and for fire protection including support to or within Los Angeles
14 County as needed, with recent occurrences last year.

15 8. A very small portion of PPHCSD's municipal use is for commercial purposes, given
16 the relatively low commercial presence in PPHCSD's service area and much of what commercial
17 area does exist in the surrounding area is served by a different supplier.

18 9. The vast majority of PPHCSD's municipal use is for domestic purposes. Part of the
19 domestic includes outdoor irrigation, and husbandry in some instances given the rural environment
20 of PPHCSD and surrounding area. PPHCSD does not quantify the percentage of water used by
21 domestic customers for outdoor irrigation, but the use of water for outdoor irrigation is limited
22 given that many water customers within PPHCSD's service area have natural desert landscape for
23 which outdoor irrigation is not used.

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1 10. Also, to help ensure water is used wisely by and within its service area, PPHCSD
2 actively encourages and provides "tips" to its residents and customers on the importance of water
3 conservation and how to do so, with such encouragement and tips available at PPHCSD's official
4 website, found at www.pphcsd.org. PPHCSD's two parks consist of traditional desert landscape,
5 consistent with its surroundings and in furtherance of water conservation principles.

6 Dated: March 11, 2013

ALESHIRE & WYNDER, LLP

7
8 By: 

9 Wesley A. Miliband
10 Attorneys for Cross-Defendant and
11 Cross-Complainant,
Phelan Piñon Hills Community
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12 Dated: March ____, 2013

LeBEAU • THELEN, LLP

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15 BOB H. JOYCE
16 Attorneys for DIAMOND FARMING
17 COMPANY, a California corporation,
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19 Dated: March ____, 2013

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21 By: _____

22 JOSEPH AKLUFİ
23 Attorneys for John Boruchin and Dora Boruchin
24 as Trustee for the John and Dora Boruchin
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1 Dated: March ____, 2013

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10 Dated: March ____, 2013

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15 Dated: March ____, 2013

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19 Dated: March ____, 2013

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24 Dated: March ____, 2013

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8 Dated: March ____, 2013

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14 Dated: March ____, 2013

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20 Dated: March ____, 2013

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26 Dated: March ____, 2013

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15 Dated: March ____, 2013

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1 Dated: March ____, 2013

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11 Dated: March ____, 2013

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17 Dated: March ____, 2013

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6 Dated: March ____, 2013

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1 Dated: March ____, 2013

SHEPPARD, MULLIN, RICHTER
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SMLAND & CHESTER

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10 Dated: March ____, 2013

ANDREW D. STEIN & ASSOCIATES, INC.

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20 Dated: March ____, 2013

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25 Dated: March ____, 2013

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By: _____
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1 Dated: March ____, 2013

TAYLOR & RING

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Holliday Rock Co., Inc., Little Rock Sand and
Gravel, Inc., Littlerock Aggregate Co., Inc., dba
Antelope Valley Aggregate, Inc., Monte Vista
Building Sites, Inc., Nibbelink Family Trust,
The Frank and Yvonne Lane Family Trust dated
March 5, 1993 as Restated July 20, 2000, The
George and Charlene Lane Family Trust

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10 Dated: March ____, 2013

CALIFORNIA WATER SERVICE COMPANY

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By: _____

JOHN TOOTLE

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14 Dated: March ____, 2013

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JOHN WEITKAMP

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Philip H. Arklin Family Trust dated April 28,
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1 Dated: March ____, 2013

OFFICE OF THE ATTORNEY GENERAL

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By: _____

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MARILYN H. LEVIN
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Mountains Conservancy, 50th District
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Dated: March ____, 2013

U.S. DEPARTMENT OF JUSTICE

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By: _____

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LEE LEININGER
Attorneys for United States Department of
Justice

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PROOF OF SERVICE

I, Linda Yarvis,

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 18881 Von Karman Avenue, Suite 1700, Irvine, CA 92612.

On March 11, 2013, I served the within document(s) described as **[PROPOSED] STIPULATION FOR PHASE 4 TRIAL REGARDING PHELAN PINON HILLS COMMUNITY SERVICES DISTRICT'S GROUNDWATER PRODUCTION AND BENEFICIAL USES** as follows:

☒ (ELECTRONIC SERVICE) By posting the document(s) listed above to the Santa Clara County Superior Court website in regard to Antelope Valley Groundwater matter pursuant to the Court's Clarification Order. Electronic service and electronic posting completed through www.scefiling.org.

☐ (BY MAIL) By placing a true copy of the foregoing document(s) in a sealed envelope addressed as set forth above. I placed each such envelope for collection and mailing following ordinary business practices. I am readily familiar with this Firm's practice for collection and processing of correspondence for mailing. Under that practice, the correspondence would be deposited with the United States Postal Service on that same day, with postage thereon fully prepaid at Irvine, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ (BY OVERNIGHT DELIVERY) I deposited in a box or other facility regularly maintained by Overnight Express, an express service carrier, or delivered to a courier or driver authorized by said express service carrier to receive documents, a true copy of the foregoing document(s) in a sealed envelope or package designated by the express service carrier, addressed as set forth above, with fees for overnight delivery paid or provided for.

Executed on March 11, 2013, at Irvine, California.

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

Linda Yarvis
(Type or print name)

(Signature)