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EXEMPT FROM FILING FEES  
[Gov. Code, § 6103]

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF LOS ANGELES

11  
12 **Coordination Proceeding**  
13 **Special Title (Rule 3.550(c))**

14 **ANTELOPE VALLEY GROUNDWATER**  
15 **CASES**

16 **Included Actions:**

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

18 **Los Angeles County Waterworks District**  
**No. 40 v. Diamond Farming Co.**  
19 **Superior Court of California County of**  
**Kern, Case No. S-1500-CV-254-348**

20 **Wm. Bolthouse Farms, Inc. v. City of**  
21 **Lancaster, Diamond Farming Co. v. City of**  
22 **Lancaster, Diamond Farming Co. v.**  
23 **Palmdale Water Dist. Superior Court of**  
**California, County of Riverside,**  
24 **consolidated Actions, Case Nos. RIC 353**  
**840, RIC 344 436, RIC 344 668**  
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25 **AND RELATED ACTIONS.**  
26  
27  
28

Judicial Council Coordination  
Proceeding No. 4408

Santa Clara Case No. 1-05-CV-049053

**STATE OF CALIFORNIA TRIAL BRIEF**  
**FOR THE PHASE IV TRIAL**

[Assigned for All Purposes to the Honorable  
Jack Komar]

Trial Date: May 28, 2013  
Time: 1:00 p.m.  
Dept: 322

Action Filed: October 26, 2005

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1   **I.   INTRODUCTION**

2           The Antelope Valley Groundwater Cases are a consolidated and related group of cases that  
3 together will provide a complete adjudication of the Antelope Valley Area of Adjudication as  
4 defined by this Court (AV Area of Adjudication). For the overlying owners of real property in  
5 the AV Area of Adjudication that are not claiming return flows or Federal Reserved Rights, the  
6 Phase IV Trial was originally limited to proof of ownership of real property, proof of current  
7 water extraction or use and proof of the type or types of water use by each overlying landowner.  
8 The Court's initial Case Management Order stated that the Court would make findings of fact in  
9 Phase IV regarding these issues.

10          On May 17, 2013, the Court provided further guidance and limitations for the upcoming  
11 Phase IV trial. The Court limited the presentation of evidence to ONLY proof of groundwater  
12 pumping from the AV Area of Adjudication in the years of 2011-2012. In addition, the Court  
13 stated that a finding of fact on groundwater pumping for the years of 2011-2012 will not result in  
14 a determination of any water right, or the reasonableness of any party's water use. The Court  
15 signed a Fifth Amendment to the Case Management Order to that effect on May 20, 2013.  
16 Therefore, this Opening Brief does not represent the State of California's position in regard to its  
17 water rights that will ultimately be established by these consolidated and related cases.

18          Defendants and Cross Defendants in this lawsuit include the State of California and its  
19 agencies owning land overlying the AV Area of Adjudication including the State of California  
20 50th District Agricultural Association (50th DAA), the California Department of Military  
21 (Military), the California Department of Corrections and Rehabilitation (CDCR), the California  
22 Department of Veterans Affairs (Veterans), the California Highway Patrol (CHP), the California  
23 State Lands Commission (State Lands), the California Department of Parks and Recreation  
24 (Parks), the California Department of Transportation (Caltrans), and the California Department of  
25 Water Resources (DWR) (collectively, State of California).

26          The State of California owns significant land holdings overlying the AV Area of  
27 Adjudication, and its agencies extract, import and use water for beneficial purposes on these  
28 properties. The State of California uses this water for vital public services, including a veterans'

1 home, park facilities, maintenance of the California Aqueduct, military barracks and armories,  
2 housing state inmates, fairground maintenance and use, and freeway rest stops.<sup>1</sup>

3 For the years of 2011-2012, the State of California extracted groundwater in the total  
4 amount of 71.10 acre-feet per year in 2011 and 70.99 acre-feet per year in 2012. This includes  
5 the following breakdown by each specific state agency:

6 DWR-	2011- 54.05 acre-feet;	2012- 54.05 acre-feet
7 PARKS-	2011- 1.59 acre-feet;	2012-1.30 acre-feet
8 CALTRANS-	2011- 15.47 acre-feet;	2012-15.64 acre-feet

9 The remaining state agencies in the AV Adjudication Area did not extract groundwater  
10 during the period of 2011 and 2012.

11 As is evident below, this is only a small fraction of the more than 5,000 acre-feet per year  
12 the State of California used in the AV Area of Adjudication during the years of 2000 through  
13 2012 in lieu of pumping groundwater.

14 The issues that have been identified by the Court for the Phase IV trial do not yet include a  
15 final determination of reasonable and beneficial use of water, the characterization of the water  
16 rights, the extent of the water rights, or the priorities of the water rights of the parties. The State  
17 of California and its agencies owning land overlying the AV Area of Adjudication, will be  
18 asserting overlying rights to extract water presently and in the future, based upon, among other  
19 factors, ownership of land, present and future production of water and the present and future use  
20 of surface water in lieu of pumping. While the Court has limited testimony to groundwater  
21 pumping for the calendar years 2011-2012, the State of California retains for a future phase of  
22 trial proof of its overlying rights to pump groundwater from the AV Area of Adjudication,  
23 recognizing the importance of maintaining the safe yield of the Basin.

24  
25 <sup>1</sup> For purposes of establishing ownership of property, the ownership documents attached  
26 to the declarations of each of the state agencies filed on January 31, 2013 are controlling. For  
27 most of the properties identified, the vesting documents are held in the name of the State of  
28 California. However, certain deeds additionally include or refer to the applicable state agency.  
For ease of reference in this Trial Brief, both ownership of property and groundwater pumping  
amounts will generally refer to the State of California on behalf of the appropriate state agency.

1 **II. OWNERSHIP AND BENEFICIAL USE OF WATER ON STATE OF**  
2 **CALIFORNIA PROPERTIES**

3 **A. The State of California's Prima Facie Case For Groundwater Pumping in**  
4 **2011 and 2012 is Undisputed.**

5 The State of California filed the following evidence that establishes its prima facie case of  
6 groundwater pumping in 2011 and 2012:

7 1. Eleven Declarations filed on January 31, 2013;

8 2. Joint Stipulation of Facts with Cross Defendants the City of Los Angeles, Los Angeles  
9 World Airports, Antelope Valley-East Kern Water Agency and County Sanitation Districts of Los  
10 Angeles County Nos. 14 and 20 filed on February 27, 2013;

11 3. State of California Stipulation of Facts with Public Water Suppliers Los Angeles County  
12 Waterworks District 40, Palmdale Water District, California Water Service Company, the City of  
13 Palmdale, City of Lancaster and Rosamond Community Services District filed on May 24, 2013.

14 On April 30, 2013, the Court entered a Fourth Amendment to the Case Management Order  
15 (CMO) for the Phase IV Trial (Fourth Amendment). The Fourth Amendment stated that all  
16 declarations and stipulations filed by the parties pursuant to the Fourth Amendment were to be  
17 treated as evidence properly presented in open court at trial, unless a party specifically objected to  
18 the stipulations and declarations. This would, in essence, comprise a party's prima facie case at  
19 trial, proving ownership, current water use and claimed beneficial use. On May 23, 2013 the  
20 Court entered its Fifth Amendment to the CMO for the Phase IV Trial limiting the evidence to  
21 groundwater pumping for 2011 and 2012.

22 The State of California received one minor objection to the Caltrans Declaration on behalf  
23 of five landowners.<sup>2</sup> Two other minor objections were filed by the same five landowners to the  
24 CDCR and Veterans declarations, agencies that did not extract groundwater in 2011 and 2012.<sup>3</sup>

25 <sup>2</sup> The objection filed was to the Marcotte Declaration, Paragraph 4, "on the grounds that  
26 the Declaration vaguely states that Caltrans 'owns, occupies or controls' significant land holdings  
27 in the Antelope Valley Adjudication Area, yet does not fully set out the extent of ownership vs.  
28 'control.'" In fact, however, all the property listed for Caltrans is owned in fee by the State of  
California and ownership documents are attached as Exhibits R-1 through R-20 to the Declaration  
of Nancy Escallier filed on January 31, 2013. (Ex. 4-California-44-65.)

<sup>3</sup> The objections to the CDCR and Veteran's Department related to the claims of imported  
(continued...)

1 No objections have been filed by any parties to the State of California's facts in the Joint  
2 Stipulation filed in February 27, 2013 and no objections have been filed with respect to six  
3 additional state agency declarations, including the 50th DAA, Military, CHP, DWR, and Parks.  
4 A Matrix filed at the Court's request on May 17, 2013 of all Stipulations, Declarations and  
5 Responses to Discovery, and updated objections or stipulations thereto confirmed the entities that  
6 had stipulated to the State of California facts.

7 Pursuant to the Fourth Amendment, except for the minor objections in the declarations of  
8 Caltrans, Veterans, and CDCR from five landowners, all these declarations in their entirety and  
9 the Joint Stipulation of Facts filed on February 27, 2013 may be treated as evidence properly  
10 presented in open court at trial, and represent prima facie cases for the State of California and its  
11 state agencies.

12 Further, as noted above, a group of public water suppliers stipulated with the State of  
13 California as to the relevant facts for the Phase IV Trial, including ownership of land and  
14 groundwater pumping on State of California owned properties for the years 2011 and 2012. This  
15 stipulation was filed on May 24, 2013.

16 **B. The State of California's Declarations, Joint Stipulation of Facts and State**  
17 **of California Stipulation of Facts for the Phase IV Trial Establish Property**  
18 **Ownership, Sources of Water, and Beneficial Uses of Water in the AV**  
**Area of Adjudication for the Years of 2011 and 2012.**

19 The State of California on behalf of the following state agencies, owns property and  
20 beneficially uses water in the AV Area of Adjudication as set forth below. The Declarations filed  
21 by the State of California on January 31, 2013 include the following:

22 1. Declaration of Major Lorren T. Deakin, Construction and Facilities management  
23 Officer for the Military (Deakin Dec.);

24 2. Declaration of Daniel Robbins, Water and Sewer Plant Supervisory for CDCR  
25 (Robbins Dec.);

26 \_\_\_\_\_  
27 (...continued)  
28 water use and future water use and not groundwater pumping, so are not relevant to the Phase IV  
Trial.

3. Declaration of David Gerard, Assistant Deputy Secretary for the Capital Assets and Facilities Management of Veterans (Gerard Dec.);
4. Declaration of Daniel Jacobs, Chief Executive Officer of the 50th DAA (Jacobs Dec.);
5. Declaration of Captain Andria D. Witmer, Captain of the CHP (Witmer Dec.);
6. Declaration of Brian Bugsch, Chief of the Land Management Division of State Lands (Bugsch Dec.);
7. Declaration of Blaine Laumbach, Hydroelectric Plant Operations Superintendant of DWR (Laumbach Dec.);
8. Declaration of Russ Dingman, Staff Environmental Planner for the Techachapi District of Parks (Dingman Dec.);
9. Declaration of Jerome R. Marcotte, Senior Sanitary Engineer for Caltrans (Marcotte Dec.);
10. Declaration of Nancy Escallier, Senior Right of Way Agent for Caltrans (Escallier Dec.)

Collectively, this evidence includes percipient and expert testimony, deeds and other documentation of evidence of ownership of real property by the State of California and its agencies, evidence of beneficial water use, and evidence of the amount of water used on state lands overlying the AV Area of Adjudication, including extraction from the AV Area of Adjudication and importation of water for use on lands overlying the AV Area of Adjudication during the years of 2000-2012.

**C. The Following Facts Set Forth in the Declarations, the Joint Stipulation and the State of California Stipulation Establish a Prima Facie Case For the State of California For the Years of 2011 and 2012.**

**1. Parks**

The State of California on behalf of Parks owns and leases a total of approximately five thousand four hundred and seventy one (5,471) acres of real property overlying the AV Area of Adjudication. The specific facts of the amounts, ownership and beneficial use of water at four properties are set forth in the Dingman Dec., which is Trial Exhibit (Ex.) 4-California-35, in the

1 Joint Stipulation of Facts for Trial dated February 27, 2013, and in the State of California  
2 stipulation with the Public Water Suppliers filed May 24, 2013. Parks extracts groundwater from  
3 one well located on property that Parks owns in fee simple. Parks has extracted water from the  
4 AV Area of Adjudication in the years 2011-2012 as follows: Indian Museum Park (2011-1.58  
5 acre-feet per year; 2012- 1.30 acre-feet from January-November).

6 All water Parks uses, both groundwater and imported water, is only used on lands Parks  
7 holds in fee simple. No water is pumped or used on leased property. The four Parks properties  
8 are the Antelope Valley Indian Museum State Historic Park (Indian Museum Park), the Antelope  
9 Valley California Poppy Natural Reserve (AV Poppy Reserve), the Arthur B. Ripley Desert  
10 Woodlands Park (Ripley State Park), and the Saddleback Butte State Park (Saddleback State  
11 Park).

12 The Indian Museum Park is located at 15701 East Avenue M, Lancaster. The Indian  
13 Museum Park contains approximately 250 acres of land. Parks pumps groundwater and treats a  
14 portion of it from one metered well at its Indian Museum Park. The treated water is used at the  
15 Museum, Day Use Area, Maintenance Yard, Mojave Sector office and for various onsite state  
16 employees. Untreated water is used to irrigate native vegetation and improve animal habitat  
17 within the Indian Museum Park.

18 The highest amount of groundwater pumped for use at its Indian Museum Park was  
19 approximately 1.93 acre-feet per year in 2008. True and correct copies of the deeds associated  
20 with the Indian Museum Park property are attached to the Dingman Dec. as Exhibit A. (Ex. 4-  
21 California-36.) True and correct copies of the Bacti Reports which contain meter readings  
22 associated with the Indian Museum Park water usage are attached to the Dingman Dec. as Exhibit  
23 B. (Ex. 4-California-37.)

24 The AV Poppy Reserve is located at 15101 Lancaster Road, Lancaster. The AV Poppy  
25 Reserve contains approximately 1700 acres of land. Parks purchases and imports State Water  
26 Project water from AVEK and treats and uses that water in lieu of pumping groundwater for use  
27 at the AV Poppy Reserve. Treated water is used at the Visitor Center, Day Use Area,  
28 Maintenance/Resource Yard and the Tehachapi District office. Untreated water is used to irrigate



1 native vegetation, planting, improve animal habitat and fire suppression for control burns within  
2 the AV Poppy Reserve. For Fiscal years 2007-2010 (July 1-through June 30th), Parks purchased  
3 and imported water in lieu of pumping groundwater each year in the amount of 6 acre-feet per  
4 year. In 2011 and 2012 (January-November), the purchases were as follows: 2011-5.5 acre-feet  
5 per year; 2012- 5.5 acre-feet from January through October. True and correct copies of the deeds  
6 associated with the AV Poppy Reserve property are attached to the Dingman Dec. as Exhibit C.  
7 (Ex. 4-California-38.) True and correct copies of the billing records from AVEK associated with  
8 the AV Poppy Reserve water usage are attached to the Dingman Dec. as Exhibit D. (Ex. 4-  
9 California-39.)

10 The Ripley State Park contains a total of approximately 566 acres of land. Untreated water  
11 purchased from AVEK for the AV Poppy Reserve is also intermittently used at Ripley State Park  
12 to irrigate native vegetation, planting, and to improve animal habitat within Ripley State Park.  
13 True and correct copies of the deeds associated with the Ripley State Park are attached to the  
14 Dingman Dec. as Exhibit E. (Ex. 4-California-40.)

15 The Saddleback State Park is located at 43230 172nd Street East, Lancaster. Saddleback  
16 State Park contains approximately 2,955 acres of land. Parks currently purchases water from Los  
17 Angeles County Waterworks 40 for use at its Saddleback State Park. The purchased treated water  
18 is used at the Visitor Center, Day Use Area, Campground and Maintenance/Resource Yard. The  
19 purchased water is also used for domestic purposes for the visitors of the park. The highest  
20 amount of water Parks used from 2006-2011 was .041 acre-feet per year in 2006 and 2007. True  
21 and correct copies of the deeds associated with Saddleback State Park are attached to the  
22 Dingman Dec. as Exhibit F. (Ex. 4-California-41.) True and correct copies of the billing records  
23 from Los Angeles County Waterworks District 40 associated with the Saddleback State Park  
24 water usage are attached to the Dingman Dec. as Exhibit G. (Ex. 4-California-42.) No parties  
25 have objected to the Dingman Dec.

## 26 2. Caltrans

27 The State of California on behalf of Caltrans owns property in fee overlying the AV Area of  
28 Adjudication, including real property on and abutting State Highways 14, 58, and 138 on which

1 water is beneficially used. The specific facts identifying the properties, the ownership documents  
2 associated with these properties and the amount and beneficial water use on these properties are  
3 set forth in the Escallier Dec. (Ex. 4-California-44) and the Marcotte Dec. (Ex. 4-California-65)  
4 respectively, in the Joint Stipulation of Facts For Trial dated February 27, 2013, and in the State  
5 of California stipulation with the Public Water Suppliers filed May 24, 2013.<sup>4</sup> Caltrans owns a  
6 total of three wells within the AV Area of Adjudication- at the Boron rest stops (two wells), and  
7 the Claymine Road Overcrossing (one well), and pumps water from these wells for domestic use  
8 for visitors, landscaping, and highway maintenance. (Marcotte Dec. ¶ 5 (Ex. 4-California-65.)  
9 Caltrans' total use of pumped groundwater is approximately 15.47 acre-feet per year for 2011 and  
10 15.64 acre-feet per year for 2012. Except for the limited objection to the description of the land  
11 "owned vs. controlled," no parties have objected to the Marcotte Dec. or the Escallier Dec.

12 Caltrans owns the following properties in fee in the AV Area of Adjudication:

13 1. State's parcel number 1136, referred to as the Boron Safety Roadside Rest  
14 (Boron SRRA) westbound. This parcel is located in Kern County along highway 58 at  
15 approximately postmile 138.9 and consists of approximately 52.91 acres.

16 2. State's parcel number 1137, referred to as the Boron Safety Roadside Rest  
17 eastbound. This parcel is located in Kern County along highway 58 at approximately  
18 postmile 138.9 and consists of approximately 18.64 acres.

19 3. State's parcel number 1625 located in Kern County. This parcel is within Caltrans'  
20 operating right of way of Highway 58 near Claymine Road (Claymine Road Overcrossing) and  
21 consists of 3.5 acres.

22 4. State's parcel number 976 located in Kern County. This parcel is within Caltrans'  
23 operating right of way of Highway 14 at the Rosamond Boulevard interchange (Rosamond  
24 Interchange) and consists of 5.98 acres.

25  
26 <sup>4</sup> As stated in footnote 1, the only objection to the Marcotte Declaration filed by five  
27 landowner parties on May 3, 2013 was to Paragraph 4 on the grounds of vagueness as to  
28 ownership or control. All of the Caltrans property listed in the Escallier Dec. is owned in fee and  
ownership documents are controlling and attached thereto as Exhibits R-1 through R-20 to the  
Escallier Dec. (Ex. 4-California-44 -64.)

- 1           5.     State's parcel number 977 located in Kern County. This parcel is within Caltrans'  
2 operating right of way of Highway 14 at the Rosamond Interchange and consists of .34 acres.
- 3           6.     State's parcel number 978 located in Kern County. This parcel is within Caltrans'  
4 operating right of way of Highway 14 at the Rosamond Interchange and consists of .65 acres.
- 5           7.     State's parcel numbers 979-1 and 979-2 located in Kern County. These parcels are  
6 within Caltrans' operating right of way of Highway 14 at the Rosamond Interchange and consist  
7 of .62 acres and .66 acres for a total of 1.28 acres.
- 8           8.     State's parcel number 980 located in Kern County. This parcel is within Caltrans'  
9 operating right of way of Highway 14 at the Rosamond Interchange and consists of .269 acres.
- 10          9.     State's parcel number 981 located in Kern County. This parcel is within Caltrans'  
11 operating right of way of Highway 14 at the Rosamond Interchange and consists of .37 acres.
- 12          10.    State's parcel number 982 located in Kern County. This parcel is within Caltrans'  
13 operating right of way of Highway 14 at the Rosamond Interchange and consists of .15 acres.
- 14          11.    State's parcel number 983 located in Kern County. This parcel is within Caltrans'  
15 operating right of way of Highway 14 at the Rosamond Interchange and consists of .145 acres.
- 16          12.    State's parcel number 1000 located in Kern County. This parcel is within Caltrans'  
17 operating right of way of Highway 14 at the Rosamond Interchange and consists of 14.67 acres.
- 18          13.    State's parcel number 1001 located in Kern County. This parcel is within Caltrans'  
19 operating right of way of Highway 14 at the Rosamond Interchange and consists of 2.12 acres.
- 20          14.    State's parcel number 1002 located in Kern County. This parcel is within Caltrans'  
21 operating right of way of Highway 14 at the Rosamond Interchange and consists of 3.35 acres.
- 22          15.    State's parcel number 1003 located in Kern County. This parcel is within Caltrans'  
23 operating right of way of Highway 14 at the Rosamond Interchange and consists of 4.99 acres.
- 24          16.    Lancaster Maintenance Station, located at 44023 Sierra Highway in Lancaster, CA  
25 and consists of 1.38 acres.
- 26          17.    State's parcel number 76359 and referred to as "the Little Rock Wash mitigation  
27 parcel." This parcel consists of approximately 2.02 acres. It is located in Los Angeles County  
28 along highway 138, near postmile 52.5.

1        18. State's parcel number 76357 and referred to as "the Little Rock Wash mitigation  
2 parcel." This parcel consists of 2.01 acres. It is located in Los Angeles County along highway  
3 138, near postmile 52.5.

4        19. State's parcel number 69396 and referred to as the Palmdale Park and Ride lot,  
5 located in Palmdale, CA on West Avenue S. This parcel consists of 4.87 acres.

6        20. State's parcel numbers 31537 and 31538 and referred to as the Lancaster Park and  
7 Ride lot, located in Lancaster, CA at 1601 W. Avenue K. This parcel consists of 1.3 acres.

8        Caltrans uses water at four properties overlying the AV Area of Adjudication as follows:

9                    **a. The Boron Safety Roadside Rest Areas (SRRAs-Eastbound and**  
10                    **Westbound); Highway 58 PM 138.917, Boron, District 9.**

11        Caltrans uses pumped water from two active wells at the Boron SRRAs for domestic use  
12 for visitors, landscaping, safety and highway maintenance. The total water use estimate for the  
13 Boron SRRAs for 2008 is approximately 18.23 acre-feet per year, for 2011 approximately 14.86  
14 acre-feet per year, and for 2012 approximately 15.03 acre-feet per year, based upon the number of  
15 visitors, toilets, urinals, sinks and drinking fountains as well as the amount of landscaping  
16 necessary for visitors. (Marcotte Dec. ¶ 7, Exhibit 1; Ex. 4-California-65; 66.) By the year 2041,  
17 the escalated water demand will be approximately 29.11 acre-feet per year. (Marcotte Dec. ¶ 10;  
18 Ex. 4-California-65.)

19                    **b. The Claymine Road Overcrossing, Boron, District 9.**

20        Caltrans uses pumped groundwater from a well located at the Claymine Road Overcrossing  
21 for roadway and roadside maintenance activities, and fire and dust suppression. An estimate of  
22 the amount of water use in 2012 is approximately 0.61 acre-feet per year. (Marcotte Dec. ¶ 13;  
23 Ex. 4-California-65.)

24                    **c. The Rosamond Interchange, District 9.**

25        Caltrans purchases water from the Rosamond Community Service District for use at its  
26 Rosamond Interchange for landscaping irrigation. The water usage numbers for two metered  
27 locations for landscaping irrigation for 2012 are 0.45 acre-feet per year. A true and correct copy  
28 of water usage for 2012 is attached to the Marcotte Dec. as Exhibit 3. (Ex. 4-California-68.)

1                                    **d.    The Lancaster Maintenance Station, 44023 Sierra Highway,**  
2                                    **Lancaster, District 7.**

3                    Caltrans purchases water from Los Angeles County Waterworks 40 for use at its Lancaster  
4 Maintenance Station. Caltrans uses its purchased water at the Lancaster Maintenance Station for  
5 maintenance activities. Based upon invoices from February 2008 through December 2012, the  
6 average amount of water purchased was 1.22 acre-feet per year ranging from 2.05 acre-feet per  
7 year in 2008 to 0.89 acre-feet per year in 2009. A true and correct copy of water use at the  
8 Lancaster Maintenance Station is attached to the Marcotte Dec. as Exhibit 2. (Ex. 4-California -  
9 67.)

10                                   **3.    DWR**

11                    The DWR owns the following real property overlying the AV Area of Adjudication: the  
12 Pearblossom complex, the Oso Complex, the Alamo power plant, and the Tehachapi East  
13 Afterbay trailers (the TEA trailers). DWR's amount of pumped groundwater on its properties is  
14 approximately 54.05 acre-feet of water per year for the years of 2011 and 2012. (Laumbach Dec.  
15 ¶¶ 36, 41-49, 50-56 and 75-80; Ex. 4- California -22.) The specific facts of the beneficial use of  
16 water and ownership of these parcels are set forth in the Laumbach Dec. (Ex. 4-California-22),  
17 the Joint Stipulation of Facts For Trial dated February 27, 2013 and in the State of California  
18 stipulation with the Public Water Suppliers filed on May 24, 2013. No parties have objected to  
19 the Laumbach Dec. The Southern Field Division has several facilities utilizing water within the  
20 AV Area of Adjudication including the Pearblossom and Oso complexes, the Alamo Power Plant,  
21 as well as the TEA trailers.

22                    a.    Pearblossom Complex. The Pearblossom Complex consists of parcels 3-1228-I  
23 and II, 3-1229 (2 parcels) and 3-1230, which combined are approximately 85.86 acres. The  
24 parcels include the Pearblossom Pumping Plant and Southern Field Division of DWR's  
25 headquarters buildings, which include administrative buildings and shop/maintenance buildings.  
26 An aerial view of these facilities is shown in Exhibit B to the Laumbach Dec. dated January 31,  
27 2013. (Ex. 4-California-22, 24.)  
28

1           b.   Oso Complex. The Oso complex consists of Oso Pumping Plant, Oso civil  
2 maintenance sub center, and thirteen groundwater pumps used to protect the liner of the  
3 Aqueduct. The Oso Complex comprises one parcel, identified as TEH-1 Unit N, which is  
4 approximately 354.42 acres.

5           c.   Alamo Power Plant. Alamo Power Plant is a 16 megawatt power production  
6 facility within Southern Field Division of DWR. As shown in Exhibit J to the Laumbach Dec.,  
7 Alamo Power Plant is located within one parcel, identified as TEH-1 Unit K, which is  
8 approximately 290.98 acres.

9           d.   TEA trailers. As shown in Exhibit J to the Laumbach Dec., the TEA Trailer site  
10 is located within parcels TEH-1, Unit K; TEH-1, Unit L-2; TEH-1, Unit M-2; and TEH-1, Unit  
11 N-2, which together comprise approximately 316.9 acres.

12           DWR manages, operates, and maintains the State Water Project (SWP). The SWP is a  
13 water storage and delivery system of reservoirs, aqueducts, power plants and pumping plants. Its  
14 main purpose is to store water and distribute it to 29 urban and agricultural water suppliers in  
15 Northern California, the San Francisco Bay Area, the San Joaquin Valley, the Central Coast, and  
16 Southern California. Of the contracted water supply, 70 percent goes to urban users and 30  
17 percent goes to agricultural users. SWP makes deliveries to two-thirds of California's population  
18 (Laumbach Dec.) (Ex. 4-California-22.)

19           DWR utilizes water to cool bearings and motors at the Pearblossom pumps and Oso  
20 Complex pumps. DWR also utilizes water to create pressure seals to prevent water from leaking  
21 around the pumping plant's shafts at Pearblossom complex, Oso complex, and Alamo Power  
22 plant and for domestic use at all its properties. Finally, DWR pumps groundwater at its Oso  
23 complex for liner protection for the SWP California Aqueduct (Aqueduct), the SWP's 444-mile  
24 concrete artery that brings SWP water to southern California. (Laumbach Dec.; Ex. 4-California-  
25 22.)

26           The Aqueduct is concrete lined. When groundwater levels rise above the level of the canal  
27 bed, uplift pressure is placed upon the canal, which can lead to lining failure. To address the  
28 danger to the California Aqueduct liner, DWR has installed 13 pumps along the Aqueduct in the

vicinity of Oso Pumping Plant to maintain the California Aqueduct by dewatering the aquifer beneath the canal during high groundwater levels. DWR is unaware of any other method to address the danger the high groundwater levels present to the California Aqueduct. (Laumbach Dec.; Ex. 4-California-22.)

DWR's use of imported SWP water on its properties is approximately 4,140.9 acre-feet of water per year for the years of 2011 and 2012. Seepage from the Aqueduct infiltrating into Antelope Valley aquifers has not been calculated and is not included in DWR's estimates. DWR's highest use at its properties of purchased water from Los Angeles County Waterworks 40 is approximately 36.77 acre-feet of water in 2012. (Ex. 4-California-76; Ex. 4-California-80; Laumbach Dec. ¶ 24.)

#### 4. Military

The State of California on behalf of the Military owns approximately 28.45 acres of real property overlying the AV Area of Adjudication located at 47002 45th Street West, Lancaster, Los Angeles County and purchases water for domestic use and fire sprinkler systems from Los Angeles County Waterworks District 40 for use at its Lancaster Armory. The Military has records with water readings for its water purchase accounts and water bills beginning in 2008 and its highest water use was .473 acre-feet per year in 2008. The specific facts of the beneficial use of this water are set forth in the Deakin Dec., in the Joint Stipulation of Facts For Trial dated February 27, 2013, and in the State of California stipulation with the Public Water Suppliers filed May 24, 2013. A true and correct copy of the Deakin Dec. is identified as Ex. 4- California-1. The Property deed recorded on June 24, 2003 in the name of the State of California and purchased from the Lancaster Redevelopment Agency is attached to the Deakin Dec. as Exhibit A. (Ex. 4-California-2.) True and correct copies of the water purchases and invoices are attached to the Deakin Dec. as Exhibit B. (Ex. 4-California-3.) No parties have objected to the Deakin Dec. The Military did not extract water from the AV Area of Adjudication in 2011-2012.

#### 5. CDCR

The State of California on behalf of CDCR owns approximately 261.74 acres of real property overlying the AV Area of Adjudication located at 44750 60th Street West, in Lancaster,

1 California, County of Los Angeles. The CDCR currently purchases water from Los Angeles  
2 County Waterworks District 40 for its California State Prison at Lancaster for domestic use,  
3 housing inmates, fire protection, irrigation, and use by support staff and guards. For the years  
4 between 2000-2010, the CDCR highest use was 1007.98 acre-feet per year in 2005. The specific  
5 facts of the amounts, ownership and beneficial use of this water are set forth in the Robbins Dec.  
6 (Ex. 4-California-13), in the Joint Stipulation of Facts For Trial dated February 27, 2013, and in  
7 the State of California Stipulation with the Public Water Suppliers filed on May 24, 2013. A true  
8 and correct copy of the relevant Order of Condemnation for parcels 8066, 8660, 8661, 8662, and  
9 8663 are attached to the Robbins Dec. as Exhibit A. (Ex. 4-California- 14.) A spreadsheet and  
10 billing statements of annual water usage are attached to the Robbins Dec. as Exhibit B. (Ex. 4-  
11 California-15.) The spreadsheet represents meter readings as logged on a regular basis by CDCR  
12 staff. (Ex. 4-California-13, ¶ 4.) CDCR did not extract groundwater from the AV Area of  
13 Adjudication in 2011-2012.

#### 14 **6. Veterans**

15 The State of California on behalf of Veterans owns approximately 22.44 acres of real  
16 property overlying the AV Area of Adjudication located at 45221 30th Street West, in Lancaster,  
17 California, County of Los Angeles. For the years 2010-2012, Veterans purchased water from Los  
18 Angeles County Waterworks District 40 for use at the William J. Pete Knight Veterans Home of  
19 California. Veterans' highest use from 2000-2012 was 28.37 acre-feet per year in 2010. The  
20 specific facts of the amounts, ownership and beneficial use of this water are set forth in the  
21 Gerard Dec. (Ex. 4-California -10), in the Joint Stipulation of Facts For Trial dated February 27,  
22 2013, and in the State of California stipulation with the Public Water Suppliers filed May 24,  
23 2013. True and correct copies of the Property deed in the name of the State of California  
24 recorded on May 31, 2006 and purchased from the Lancaster Redevelopment Agency and  
25 additional ownership documents are attached to the Gerard Dec. ¶ 2 as Exhibit A. (Ex. 4-  
26 California -11.) A true and correct copy of the meter readings and summary chart for the  
27 Veterans' water use is attached to the Gerard Dec. as Exhibit B. (Ex. 4-California-12.) With  
28 respect to existing and future water use, the Lancaster Veterans home is not at full capacity at the



1 present constructed facility, but estimates that at full capacity of existing construction the amount  
2 of water use will be a minimum of approximately 40 acre-feet per year and with the planned  
3 expansion, an additional 60 acre-feet per year for a total of 100 acre-feet per year. (Ex. 4-  
4 California-10 ¶¶ 4, 7.) The Veterans did not extract water from the AV Area of Adjudication in  
5 2011-2012.

#### 6 **7. 50th DAA**

7 The 50th DAA owns approximately 135.38 acres of real property overlying the AV Area of  
8 Adjudication located at 2551 West Avenue H in Lancaster, California, County of Los Angeles.  
9 The 50th DAA purchases water from WW40 for use at this property. For the years 2000-2012,  
10 the 50th DAA's highest use of water was 61.41 acre-feet per year in 2008. The specific facts of  
11 the amounts, ownership and beneficial use of this water are set forth in the Jacobs Dec. (4-  
12 California - 7), in the Joint Stipulation of Facts For Trial dated February 27, 2013, and in the State  
13 of California stipulation with the Public Water Suppliers filed May 24, 2013. A true and correct  
14 copy of the grant deed in the name of the 50th DAA, a division of the State of California, from  
15 the Lancaster Redevelopment Agency, recorded on March 10, 2000 is attached to the Jacobs Dec.  
16 as Exhibit A. (Ex. 4-California-8.) True and correct copies of water usage tables and bills are  
17 attached to the Jacobs Dec. as Exhibit B. (Ex. 4-California- 9.) No parties have objected to the  
18 Jacobs Dec. The 50th DAA did not extract groundwater from the AV Area of Adjudication in  
19 2011-2012.

#### 20 **8. California Highway Patrol**

21 The State of California on behalf of the CHP owns approximately 1.36 acres of real  
22 property overlying the AV Area of Adjudication located at 2041 W. Avenue I, Lancaster,  
23 California, County of Los Angeles. The CHP purchased water from WW40 between 2008-2011  
24 for domestic use at its CHP office facilities. The CHP's highest use of water during that time  
25 period was 3.85 acre-feet per year in 2008. The specific facts of the amounts, ownership and  
26 beneficial use of this water are set forth in the Witmer Dec. dated January 31, 2013 (Ex. 4-  
27 California- 4), in the Joint Stipulation of Facts For Trial dated February 27, 2013, and in the State  
28 of California stipulation with the Public Water Suppliers filed May 24, 2013. A true and correct

1 copy of the grant deed in the name of the State of California recorded on February 3, 1978 is  
2 attached to the Witmer Dec. as Exhibit A. (Ex. 4-California-5.) A true and correct copy of the  
3 bimonthly meter readings for water purchased is attached to the Witmer Dec. as Exhibit B. (Ex.  
4 4-California-6.) No parties have objected to the Witmer Dec. The CHP did not extract water  
5 from the AV Area of Adjudication in 2011-2012.

#### 6 **9. Lands Commission**

7 The State of California on behalf of the Lands Commission owns approximately 174 acres  
8 of real property overlying the AV Area of Adjudication with the following Assessor Parcel  
9 Numbers: APN Numbers 474-131-0400; 261-160-36; 261-1600-44. The specific facts of the  
10 ownership of these parcels are set forth in the Bugsch Dec. (Ex. 4-California-17), in the Joint  
11 Stipulation of Facts for Trial dated February 27, 2013, and in the State of California stipulation  
12 with the Public Water Suppliers filed May 24, 2013. True and correct copies of the ownership  
13 documents are attached to the Bugsch Dec. as Exhibits A, B, C, and D. (Ex. 4-California-18, 19,  
14 20 and 21.) No parties have objected to the Bugsch Dec. The Lands Commission did not extract  
15 water from the AV Area of Adjudication in 2011-2012.

#### 16 **III. CONCLUSION**

17 The State of California seeks to have its Stipulation of Facts filed with the Court on May  
18 24, 2013, its Joint Stipulation of Facts filed on February 27, 2013 and its Declarations treated as  
19 prima facie evidence for the Phase IV Trial. To the extent that the State of California is required

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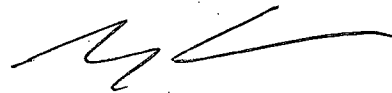
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1 to put on witnesses' testimony, the evidence summarized in this Opening Brief will be presented  
2 to Court and will include all the necessary evidence to prove the amount of groundwater pumped  
3 in the AV Area of Adjudication in the calendar years of 2011 and 2012.

4 Dated: May 28, 2013

Respectfully Submitted,

5 KAMALA D. HARRIS  
6 Attorney General of California

7 

8 NOAH GOLDEN-KRASNER  
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10 Deputy Attorneys General  
11 *Attorneys for Defendants*  
12 *State of California, Santa Monica*  
13 *Mountains Conservancy, and State of*  
14 *California 50th District Agricultural*  
15 *Association*

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## CERTIFICATE OF SERVICE

Case Name: **Antelope Valley Groundwater**  
**Cases**

No. **JCCP 4408**

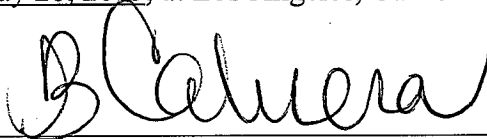
I hereby certify that on May 28, 2013, I electronically served the following document(s)

### STATE OF CALIFORNIA TRIAL BRIEF FOR THE PHASE IV TRIAL

on the interested parties in this action, by posting the document(s) listed above to the Santa Clara County Superior Court e-filing website (<http://www.scefiling.org>) under the Antelope Valley Groundwater matter pursuant to the Court's Order dated October 27, 2005.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on May 28, 2013, at Los Angeles, California.

\_\_\_\_\_  
Blanca Cabrera  
Declarant

\_\_\_\_\_  
  
Signature