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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**

Included Actions:

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

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

21 **Wm. Bolthouse Farms, Inc. v. City of
22 Lancaster, Diamond Farming Co. v. City of
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**

25 -----
26 **AND RELATED ACTIONS.**

Judicial Council Coordination
Proceeding No. 4408

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

**DECLARATION OF BRIAN BUGSCH
ON BEHALF OF STATE OF
CALIFORNIA STATE LANDS
COMMISSION PURSUANT TO CASE
MANAGEMENT ORDER FOR PHASE
IV TRIAL**

[Assigned for All Purposes to the Honorable
Jack Komar]

Trial Date: May 28, 2013

OSC re: Approval of Stipulations:
March 15, 2013

Time: 9:00 a.m.
Dept: 1

Action Filed: October 26, 2005

1 I, BRIAN BUGSCH, declare as follows:

2 1. I am Chief of the Land Management Division of the State Lands Commission, an
3 agency of the State of California, one of the parties hereto. I am authorized to make this
4 declaration for and on behalf of the State Lands Commission. If called as a witness, I could and
5 would competently testify to each fact herein.

6 2. Property Ownership: The State Lands Commission (Commission) owns three parcels
7 of land that overly the groundwater basin in the Antelope Valley Adjudication Area. The
8 Commission is one of ten state agencies that own property within the Antelope Valley
9 Adjudication Area. This declaration is made on behalf of the Commission only.

10 a. The California State Legislature has granted to the Commission the authority to
11 “administer, sell, lease or dispose of the public lands owned by this state or under its control,
12 including ... school lands ...” (See Public Resources Code section 6216). Through this
13 authority, the Commission maintains records identifying and locating school lands throughout
14 California.

15 b. Pursuant to An Act to Provide for The Survey of The Public Lands in California,
16 The Granting of Preemption Rights Therein, and for Other Purposes, also know as the School
17 Lands Grant Act of 1853 (10 Stat. 244) (Act), Congress granted the 16th and 36th sections of each
18 township and range to the State of California for “purposes of public schools.” See Section 6 of
19 the Act. Where a section 16 or 36 parcel was settled, reserved for public purposes or taken by
20 private claims, California was authorized to select other lands in lieu of the section 16 or 36 lands.
21 See Section 7 of the Act. Upon California’s selection and its approval, the Department of the
22 Interior issued what is called a “Clear List” indicating that the selected lands had been conveyed
23 to California.

24 c. APN 261-160-36 and APN 261-1600-44 are portions (approximately 14 acres) of a
25 320 acre tract of land in Section 16, Township 9 N, Range 15W, SBB&M granted to the State of
26 California pursuant to Section 6 of the Act. The survey plat was approved by the United States
27 Surveyor General on November 4, 1922 and accepted by the Commissioner of the General Land
28 Office on April 19, 1923. Because this tract is in Section 16 there is no deed or Clear List

1 evidencing their grant to California. Nevertheless, the United States Land Office in 1923 issued a
2 certificate to California stating that the plat had been approved by that office. A true and correct
3 copy of the certificate is attached hereto as Exhibit A. The grant is also reflected on the Master
4 Title Plats of the United States Bureau of Land Management. A true and correct copy is attached
5 hereto as Exhibit B. In 1957, the State of California sold all of its interest in the original tract,
6 excepting from the sale the two APNs referenced above.

7 d. APN 474-131-0400 consists of lands embraced in Clear List No. 321 issued on
8 January 25, 1962. A true and correct copy is attached hereto as Exhibit C. The Clear List shows
9 that this parcel was conveyed to California in lieu of school lands located within the Death Valley
10 Monument which had been reserved for public purposes. This Clear List and conveyance are
11 reflected in the Master Title Plats of the United States Bureau of Land Management. A true and
12 correct copy is attached hereto as Exhibit D. To the best of my knowledge the Commission has
13 not sold or otherwise disposed of this parcel.

14 3. The Commission does not produce/pump groundwater at any of the properties listed
15 above.

16 4. The Commission does not purchase water in lieu of pumping groundwater.

17 5. The Commission is claiming future unexercised rights to water in the Antelope
18 Valley Adjudication Area for public benefit uses.

19 6. The Commission is not claiming return flow credits.

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

22 Executed on JANUARY 31, 2013, in SACRAMENTO, California.

23
24 By: 

25 BRIAN BUGSCH
26 Chief of Land Management Division
27 State Lands Commission
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