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SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

Coordinated Proceeding
Special Title (Rule 1550(b))

Judicial Council Coordination
Proceeding No. 4408

ANTELOPE VALLEY GROUNDWATER
CASES

Included Actions:

Los Angeles County Waterworks District No.
40 v. Diamond Farming Co.
Los Angeles County Superior Court
Case No. BC 325 201

**ORDER AFTER PHASE TWO
TRIAL ON HYDROLOGIC
NATURE OF ANTELOPE VALLEY**

Los Angeles County Waterworks District No.
40 v. Diamond Farming Co.
Kern County Superior Court
Case No. S-1500-CV-254-348

Department: 1
Judge: Hon. Jack Komar

Wm. Bolthouse Farms, Inc. v. City of Lancaster
Diamond Farming Co. v. City of Lancaster
Diamond Farming Co. v. Palmdale Water
District
Riverside County Superior Court
Consolidated Action, Case Nos.
RIC 353 840, RIC 344 436, RIC 344 668

AND RELATED CROSS-ACTIONS.

1 This matter came on for the second phase of the trial on October 6, 2008. Further trial in
2 Phase Two continued on October 7, 8, 9, and 10 and November 3, 4, and 5, 2008. The court
3 heard the testimony of expert witnesses called by the various parties, admitted exhibits into
4 evidence, and heard oral argument. The matter was submitted on November 5, 2008.

5 The relief sought in this coordinated case is the adjudication of the claims of all parties
6 who assert a right to the ground water within the Antelope Valley basin based upon the various
7 causes of action and defenses stated by the parties in the various complaints, cross-complaints
8 and answers on file herein.

9 The purpose of this second phase of the trial was to establish the hydrologic nature of
10 the aquifer within the previously established geographical boundaries for the ground water
11 adjudication of the Antelope Valley. Specifically, the issue was whether there were any distinct
12 groundwater sub basins within the valley that did not have hydrologic connection to other parts
13 of the aquifer underlying the valley.

14 Three parties have asserted that there are separate basins or sub basins within the
15 jurisdictional boundaries established by the court within the Antelope Valley, and that therefore
16 those areas should be treated as separate unconnected basins for purposes of the adjudication.
17 The three parties are Tejon Ranchcorp, Anaverde LLC, and Crystal Organic Farms LLC. All
18 other participating parties (with the exception of Sheep Creek, which is not participating in this
19 phase) assert there is a single aquifer for purposes of the adjudication and that there are no sub
20 basins within the aquifer.

21 Crystal Organic LLC has taken the position that there is no hydrologic connection
22 between the area north of the Willow Springs fault and that area should be excluded from the
23 area of adjudication of the Antelope Valley. Tejon Ranchcorp contends that there is a bedrock
24 ridge separating the Antelope Valley into an east basin and a west basin and that the court
25 should adjudicate each of those areas separately. Anaverde LLC contends that there is no
26 hydrologic connection between the Anaverde Valley and the Antelope Valley.

1 Anaverde LLC moved for judgment under CCP § 631.8 after the Public Water
2 Producers had completed calling witnesses with regard to the issues on Phase Two of the trial.
3 That motion is denied.

4 The court considers hydrologic connection within a groundwater aquifer for purposes of
5 this adjudication to be that condition where ground water actually or potentially moves from
6 one part of the basin to the other with the potential to affect the water status or condition of the
7 other portion of the basin aquifer. If such connectivity is shown, then the area in question must
8 be included within the adjudication of the valley. If there is no hydrologic connection, and there
9 is no other basis for jurisdiction, then such an area should be excluded from the adjudication.

10 Based on the evidence presented, the court concludes that there is sufficient hydraulic
11 connection between the disputed areas and the rest of the Antelope Valley such that the court
12 must include the disputed areas within the adjudication area.

13 While the exact location of the bedrock ridge and its nature and extent have not been
14 established with any precision, whatever its nature, specific location and extent may ultimately
15 be proved to be, the court concludes that the evidence establishes that there is hydrologic
16 connection between the so-called east and west portions of the Antelope Valley over the
17 bedrock ridge. The court also concludes that there is hydrologic connection between the
18 Anaverde Valley and the Antelope Valley as well as between the area north and south of the
19 Willow Springs Fault.

20 The affect of the hydrologic connection on the rights of parties to the litigation cannot
21 be determined at this stage of the proceedings. There are multiple claims to be adjudicated in
22 this case, including declaratory relief, claims of prescription, claims of overlying owners to
23 quiet title to water rights, claims that portions of the basin should be treated as a separate area
24 for management purposes in the event a physical solution to water use is established, among
25 other issues and claims. The resolution of many of these claims may well be affected by the
26 nature and extent of the hydrologic connectivity of water within various portions of the aquifer.
27 However, it would be premature to make any such determination at this stage of the
28 proceedings,

1 At the next Case Management Conference scheduled for November 25, 2008, at 10:30
2 a.m. in Department 17 at the Santa Clara County Superior Court, counsel should address the
3 status of the service of notices in the two class action proceedings, and the setting for trial of
4 the remaining phases of the trial. The parties must provide narrative case management
5 statements addressing these issues to the court no later than November 21, 2008.

6
7 SO ORDERED.

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9 Dated: November 6, 2008

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11 _____
12 Judge of the Superior Court
13 **JACK KOMAR**
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