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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CLARA

ANTELOPE VALLEY
GROUNDWATER CASES

Included Actions:

Los Angeles County Waterworks District No. 40 v. Diamond Farming Co. Superior Court of California County of Los Angeles, Case No. BC 325 201 Los Angeles County Waterworks District No. 40 v. Diamond Farming Co. Superior Court of California, County of Kern, Case No. S-1500-CV-254-348Wm. Bolthouse Farms, Inc. v. City of Lancaster Diamond Farming Co. v. City of Lancaster Diamond Farming Co. v. Palmdale Water Dist. Superior Court of California, County of Riverside, consolidated actions, Case No. RIC 353 840, RIC 344 436, RIC 344 668

Judicial Council Coordination Proceeding
No. 4408

Santa Clara Case No. 1-05-CV-049053
Assigned to The Honorable Jack Komar

ANTELOPE VALLEY GROUND WATER
AGREEMENT ASSOCIATION'S
RECOMMENDATION REGARDING
CLASS CERTIFICATION

DATE: May 21, 2007
TIME: 10:00 A.M.
DEPT: 1

1 The Antelope Valley Groundwater Agreement Association ("AGWA") recommends the
2 following with regard to class certification:

3 1. There shall be one class in this litigation composed solely of landowners who are not
4 pumping groundwater or who have no history of pumping groundwater from the Antelope Valley
5 Groundwater Basin.

6 2. The members of this class shall uniformly obtain whatever relief is afforded
7 "unexercised overlying rights."

8 3. Any overlying owner that claims some basis for a water right separate from the
9 members of the class, shall opt out of the class and assert such water right as an individual party in
10 the litigation according to procedures to be developed and approved by the Court.

11 4. All landowner parties shall have 90 days from the date of certification of the class to
12 opt out of the class and assert an individualized water right. Any party who does not so opt out shall
13 be a part of the class and shall be estopped from asserting any basis of right except as an
14 "unexercised overlying landowner."

15 5. Notice shall be provided to the class via first class mail and the cost shall be borne by
16 the Purveyors. The content of the notice shall be approved by the Court.
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21 Dated: May 16, 2007

HATCH & PARENT, A LAW CORPORATION

22
23 By: 

24 MICHAEL T. FIFE
25 BRADLEY J. HERREMA
26 ATTORNEYS FOR AGWA
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4 **PROOF OF SERVICE**

5 **STATE OF CALIFORNIA,**
6 **COUNTY OF SANTA BARBARA**

7 I am employed in the County of Santa Barbara, State of California. I am over the age of 18
8 and not a party to the within action; my business address is: 21 E. Carrillo Street, Santa Barbara,
9 California 93101.

10 On May 16, 2007, I served the foregoing document described as:

11 **ANTELOPE VALLEY GROUND WATER ASSOCIATION RECOMMENDATION**
12 **REGARDING CLASS CERTIFICATION**

13 on the interested parties in this action.

14 By posting it on the website at 2:15 p.m./a.m. on May 16, 2007. This posting
15 was reported as complete and without error.

16 (STATE) I declare under penalty of perjury under the laws of the State of California
17 that the above is true and correct.

18 Executed in Santa Barbara, California, on May 16, 2007.

19 *TACHEL ROBLESO*
20 **TYPE OR PRINT NAME**

21 *Tachel Robleso*
22 **SIGNATURE**