LEWIS BRISBOIS BISGAARD & SMITH LLP
B. Richard Marsh (SBN 23820)
Daniel V. Hyde (SBN: 63365)
221 N. Figueroa Street, Suite 1200
Los Angeles, California 90012
Telephone: (213) 250-1800
Facsimile: (213) 250-7900

ELLISON, SCHNEIDER & HARRIS L.L.P.
Anne J. Schneider (SBN: 72552)
Christopher M. Sanders (SBN: 195990)
Peter J. Kiel (SBN: 221548)
2015 H Street
Sacramento, California 95814-3109
Telephone: (916) 447-2166
Facsimile: (916) 447-3512

Attorneys for Defendants County Sanitation Districts Nos. 14 and 20 of Los Angeles County

Exempt from filing fees under Government Code § 6103

SUPERIOR COURT OF CALIFORNIA

COUNTY OF LOS ANGELES

Coordination Proceeding
Special Title (Rule 1550(b))

**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-254-348

Wm. 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 Nos. RIC 353 840, RIC 344 436, RIC 344 668.

Judicial Council Coordination Proceeding No. 4408

ASSIGNED FOR ALL PURPOSES TO:
Judge: Honorable Jack Komar

**COUNTY SANITATION DISTRICTS' ADJUDICATION BOUNDARY POSITION STATEMENT FOR PHASE I TRIAL**

General Civil Case
Date: July 24, 2006
Time: 10:00 a.m.
Dept.: 1, Room, 534

During the April 28, 2006 case management conference for the Antelope Valley Groundwater Adjudication, the Court directed the parties to present positions on an adjudication boundary so that the Court may determine which parties should be served and joined for purposes of adjudicating all rights to the groundwater basin. There have been discussions among the parties whether the adjudication boundary should be based solely on the water-bearing geologic formations of the basin and the properties that overlie this basin, or a broader "watershed" boundary that would afford a large number of landowners the opportunity to argue their impact on the basin, or lack thereof. The County Sanitation Districts Nos. 14 and 20 of Los Angeles County ("Districts") are concerned that a watershed boundary may pose practical problems from the addition of numerous properties from which pumping does not affect the basin and surface water rights that the Court may not have jurisdiction over, and suggest that the Court use caution should it wish to broaden the boundary beyond the lateral margins of the aquifer, as described below. The Districts have no objection to expansion of the boundary at this phase if the second phase of trial establishes a groundwater adjudication boundary with a strong technical and legal framework.

Significant research and investigation has previously been done by both the State of California and the federal government to establish the boundaries of the Antelope Valley. The Districts have evaluated these prior efforts and generally concur with the previously established boundaries except where subsequent information dictates a different conclusion. The Districts believe this adjudication boundary represents the practical boundary necessary to ensure a proper adjudication but would have no strong objection should the Court deem it necessary to slightly expand the boundary for the purpose of due process.

The United States Geological Survey ("USGS") has been conducting studies of the Antelope Valley Groundwater Basin for several decades. Results for several of the USGS investigations were incorporated into their groundwater flow and subsidence modeling report (Leighton and Phillips, 2003). The report notes that many of the lateral basin boundaries are formed by shallow or exposed bedrock. In addition, the report states that, "Antelope Valley contains numerous faults, some of which act as partial barriers to groundwater flow." The

groundwater basin boundary used in the recent USGS modeling report is shown in Figure 1.

The California Department of Water Resources ("DWR") in a 2003 report defines a groundwater basin as, "…an alluvial aquifer or a stacked series of alluvial aquifers with reasonably well-defined boundaries in a lateral direction and a definable bottom. Lateral boundaries are features that significantly impede groundwater flow such as rock or sediments with very low permeability or a geologic structure such as a fault." The DWR report further notes that groundwater in weathered crystalline rocks (fractured hard rock) is not considered to be in a groundwater basin.

The DWR Antelope Valley Groundwater Basin description indicates that the basin is:

- bounded on the east by ridges, buttes, and low hills that form a surface and groundwater drainage divide;
- bounded on the north by Fremont Valley Groundwater Basin at a groundwater divide approximated by a southeast trending line from the mouth of Oak Creek through Middle Butte to exposed bedrock near Gem Hill and by the Rand Mountains to the east;
- bounded on the northwest by the Garlock fault zone at the based of the Tehachapi Mountains; and
- bounded on the southwest by the San Andreas fault zone at the base of the San Gabriel Mountains.

The Antelope Valley Groundwater Basin boundary delineated in DWR's 2003 report is shown in figure 1.

The Districts recommend two general principles to determine the overall basin boundary. First, the Districts recommend that fractured bedrock areas be excluded from the basin. Fractured bedrock areas have low permeability and typically produce small quantities of groundwater (typically less than 50 gpm and commonly 10 to 20 gpm or less). The Districts generally agree with the exclusion of bedrock areas in the DWR boundary, with the exceptions noted below (DWR, 2003). Second, the Districts recommend that low permeability fault zones define the lateral extent of the basin, which have been used by the USGS to define some of the boundaries in Antelope Valley Groundwater Basin (Leighton and Phillips, 2003). The

recommended boundary for adjudication purposes (see Figure 1) is described below segment-by-segment beginning with the southeast corner and moving in a counterclockwise direction.

The recommended eastern boundary consists of the DWR basin boundary (essentially the boundary between alluvium and bedrock) minus that portion east of the Los Angeles/San Bernardino County line (and therefore already included in the Mojave Basin Adjudication). Thus, the proposed boundary is located along the eastern boundary of T4N/R8W, T5N/R8W, and a portion of T6N/R8W from section 13 to section 36. While a portion of the recommended eastern boundary is based on accepted principles of hydrology, the portion that coincides with the Los Angeles/San Bernardino County line has been made for pragmatic purposes since the area to the east of the line is within the Mojave groundwater adjudication area. From T6N/R8W-13 the boundary moves towards the west and curves around bedrock areas located in portions of T6N/R8W, T7N/R8W, T7N/R9W, T8N/R9W, and T8N/R8W. The basin boundary line around the bedrock areas is the same line as defined by DWR in this area (DWR, 2003).

The recommended adjudication boundary line for the northeastern portion of the basin is the same as has been defined by DWR (2003). This portion of the basin includes all of T9N/R9W and T10N/R9W, most of T9N/R8W, T9N/R10W, and T10N/R8W, and portions of T11N/R8W, T11N/R9W, T11N/R10W, T10N/R10W, and T9N/R7W.

The recommended north-central basin boundary line again agrees with the DWR boundary through T9N/R11W and T9N/R12W. The DWR boundary in this area, and thus the Districts' recommended adjudication boundary, follows the alluvium-bedrock contact.

The northern boundary beginning at T9N/R12W-18 and moving west represents a choice between the Willow Springs Fault boundary and the groundwater divide boundary delineated by DWR. Neither the DWR Antelope Basin boundary in this area nor the Districts' recommended adjudication boundary is a bedrock boundary. However, the Willow Springs Fault is a preferable boundary based upon available data demonstrating lack of significant groundwater flow across the fault and the fact that a fault boundary is more stationary than a groundwater divide basin boundary. Supporting evidence for use of the Willow Springs Fault as an adjudication boundary includes historical evidence of springs along the fault prior to groundwater development and

recent large groundwater level differences across the fault (Leighton and Phillips, 2003). Historical groundwater level data between the 1950s and 2005 indicate that a significant difference in groundwater levels exists when comparing wells on the north side of Willow Springs Fault to wells on the south side. Wells 9N/13W-4A1, 9N/14W-1H1, and 9N/13W-7Q3 are the closest wells located north of the fault and show groundwater elevations ranging from 2,443 to 2,605 feet MSL between year 1929 and 2006. Wells 9N/13W-14Q1, 9N/13W-20B1, 9N/14W-24D3, and 9N/14W-22D1 are the closest wells located south of the fault and show groundwater elevations ranging from 2,141 to 2,424 feet MSL between 1955 and 2006. The groundwater elevation differences across the Willow Springs Fault typically exceed 200 feet, and indicate that a significant barrier to groundwater flow is associated with the fault. According to Durbin (1978), potential causes of fault barrier effects include: offsetting of sand beds against clay beds, folding of beds near faults that cause low permeability clay beds to be turned across direction of groundwater flow, cementation of sand and gravel grains in fault zone, and development of clayey gouge.

The Districts' review of groundwater elevations and previous groundwater contour maps drawn by others (Carlson et.al., 1998; Durbin, 1978; Bloyd, 1967) indicate that the primary direction of flow north of the fault is parallel to the fault towards the east. Similarly, south of the fault the primary direction of groundwater flow is parallel to the fault towards the east. Although the head difference on either side of the fault will generate some groundwater leakage across the fault boundary, this leakage has been estimated to be relatively minor at 300 to 700 AFY (Bloyd, 1967). Pumping on either side of the boundary is unlikely to change this flow across the boundary substantially. In general, the maximum amount of groundwater flow that could be lost is 300 to 700 AFY (which may occur if groundwater levels north of the fault decline by over 200 feet while groundwater levels south of the fault remain unchanged).

The recommended western boundary adjacent to the Tehachapi Mountains is the alluvium/bedrock contact that is represented by the DWR basin boundary. This segment of the boundary begins at T10N/R15W-19 and traverses southwest to the boundary between T9N/R18W and T8N/R18W.

The recommended southern boundary adjacent to the San Gabriel Mountains is alluvium/bedrock contact that is essentially represented by the DWR basin boundary. This basin boundary segment begins at the boundary between T9N/R18W and extends east-northeast along the base of the San Gabriel Mountains until it reaches the boundary between T4N/R8W and T4N/R7W. This basin boundary excludes a couple of small and narrow canyons in the San Gabriel Mountains that have thin alluvium over bedrock, such as Leona Valley.

In conclusion, the overall recommended boundary for basin adjudication is shown in Figure 1. This boundary line is generally consistent with the DWR basin boundary with the exceptions of some areas on the east that cross the Los Angeles County/San Bernardino County line and the area north of Willow Springs Fault along the north portion of the basin boundary. The areas east of the County line are excluded because they were included as part of the Mojave Basin Adjudication, and the area north of Willow Springs Fault is excluded because evidence indicates the fault acts as a significant barrier to groundwater flow and provides a better boundary choice than the alternative of a groundwater divide. Other portions of the boundary generally correspond to the alluvium-bedrock contact as defined by DWR.

Dated: June 28, 2006

ELLISON, SCHNEIDER & HARRIS L.L.P.

By: _____

CHRISTOPHER M. SANDERS
Attorneys for Defendants
County Sanitation Districts
2015 H Street
Sacramento, California 95814
Telephone: (916) 447-2166

## References


Bloyd, R.M., *Water resources of the Antelope Valley-East Kern Water Agency Area, California*, USGS Open-File Report 67-21, 1967.

Carlson, C.S., Leighton, D.A., Phillips, S.P., and L.F. Metzger, *Regional Water Table (1996) and Water-Table Changes in the Antelope Valley Ground-Water Basin, California*, USGS Water-Resources Investigations Report 98-4022, 1998.

Durbin, T.J., *Calibration of a Mathematical Model of the Antelope Valley Ground-Water Basin, California*, USGS Water-Supply Paper 2046, 1978.

DWR, *California's Groundwater, Bulletin 118, Update 2003*, October 2003.

Leighton, D.A., and S.P. Phillips, *Simulation of Ground-Water Flow and Land Subsidence in the Antelope Valley Ground-Water Basin, California*, USGS Water-Resources Investigations Report 03-4016, 2003.

**Table 1. Summary of Groundwater Elevations for Wells Near Willow Springs Fault**

| Well I.D. | Well Depth (Feet) | Well Surface Elevation (Feet MSL) | North/South of Fault | Period of Record | Range of GW Elevations (Feet MSL) | Spring 2005 GW Elevation (Feet MSL) |
|---|---|---|---|---|---|---|
| 9N/13W-4A1 | 282 | 2636 | North | 1929-2005 | 2443-2566 | 2472 |
| 9N/14W-1H1 | 761 | 2700 | North | 1956-2006 | 2516-2585 | 2520 |
| 9N/13W-7Q3 | 185 | 2605 | North | 1929-2006 | 2495-2605 | 2495 |
| 9N/13W-14Q1 | 400 | 2442 | South | 1957-2006 | 2239-2266 | 2252 |
| 9N/14W-20B1 | 540 | 2656 | South | 1955-2006 | 2312-2424 | 2316 |
| 9N/14W-24D3 | 600 | 2500 | South | 1973-1990 | 2141-2282 | NA |
| 9N/14W-22D1 | 415 | 2565 | South | 1978-1996 | 2170-2238 | NA |

**PROOF OF SERVICE**

I declare that:

I am employed in the County of Sacramento, State of California. I am over the age of eighteen years and am not a party to the within action. My business address is ELLISON, SCHNEIDER & HARRIS, L.L.P.; 2015 H Street; Sacramento, California 95814-3109; telephone (916) 447-2166.

On June 29, 2006, I served the County Sanitation Districts' *Adjudication Boundary Position Statement for Phase I Trial* by electronic posting to the Santa Clara Superior Court E-Filing website, http://www.scefiling.org/cases/casehome.jsp?caseId=19, to the parties on the attached service list.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on June 29, 2006, at Sacramento, California.

**SERVICE LIST**

Robert H. Joyce
LeBeau, Thelen, Lampe, McIntosh & Crear, LLP
5001 East Commercecenter Drive, #300
Bakersfield, CA 93389-2092
bjoyce@lebeauthelen.com,
DLuis@Lebeauthelen.com
Attorneys for Diamond Farming Company

Richard G. Zimmer
Clifford & Brown
1430 Truxtun Avenue, Suite 900
Bakersfield, CA 93301
rzimmer@clifford-brownlaw.com
Attorneys for Wm. Bolthouse Farms, Inc. and Bolthouse Properties, Inc.

Eric L. Garner
Best, Best & Krieger
P.O. Box 1028
Riverside, CA 92502-1028
ELGarner@bbklaw.com,
Lynda.Serwy@bbklaw.com,
JVDunn@bbklaw.com,
kkeefe@bbklaw.com
Attorneys for Rosamond Community Services District
Attorneys for Los Angeles County Waterworks Districts Nos. 37 and 40

Raymond G. Fortner, Jr.
Frederic, W. Pfaeffle
Office of County Counsel
County of Los Angeles
500 West Temple Street
Los Angeles, CA 90012
fpfaeffle@counsel.co.la.ca.us
Attorneys for Los Angeles County Waterworks Districts Nos. 37 and 40

Douglas J. Evertz
Stradling, Yocca, Carlson & Rauth
660 Newport Center Drive, Suite 1600
Newport Beach, CA 92660-6522
devertz@sycr.com
Attorney for City of Lancaster

John S. Tootle
California Water Service Company
2632 W. 237th St.
Torrance, CA 90505
jtootle@calwater.com
Attorneys for Antelope Valley Water Company

Thomas Bunn, III
Lagerlof, Senecal, Bradley, et al.
301 North Lake Avenue, 10th Floor
Pasadena, CA 91101-4108
TomBunn@lagerlof.com
Attorneys for Palmdale and Quartz Hill Water Districts

James L. Markman
Richards Watson & Gershon
Post Office Box 1059
Brea, CA 92822-1059
jmarkman@rwglaw.com,
Attorneys for City of Palmdale

Steve R. Orr
Bruce G. McCarthy
Richards Watson & Gershon
355 South Grand Avenue, 40th Floor
Los Angeles, CA 90071-3101
sorr@rwglaw.com
Attorneys for City of Palmdale

Janet Goldsmith
Kronick, Moskowitz, Tiedemann & Girard
400 Capitol Mall, 27th Floor
Sacramento, CA 95814-4417
jgoldsmith@kmtg.com
Attorneys for City of Los Angeles Department of Water and Power

John Slezak, Esq.
Iverson, Yoakum, Papiano & Hatch
One Wilshire Blvd., 27th Floor
624 S. Grand Ave.
Los Angeles, CA 90017
Jslezak@iyph.com
Attorneys for City of Los Angeles Department of Water and Power

Julie A. Conboy
Deputy City Attorney
Department of Water and Power
111 North Hope Street
P.O. Box 111
Los Angeles, CA 90012
213-367-4513; FAX: (213) 241-1416
Julie.Conboy@ladwp.com
Attorneys for City of Los Angeles Department of Water and Power

Wayne K. Lemieux
Lemieux & O'Neill
2393 Townsgate Road, Suite 201
Westlake Village, CA 91361
Wayne@Lemieux-oneill.com
Attorneys for Littlerock Creek and Palm Ranch Irrigation Districts

Michael Fife
Hatch and Parent
21 E. Carrillo Street
Santa Barbara, California 93101
mfife@hatchparent.com
Attorney for Eugene Nebeker on behalf of Nebeker Ranch, Inc., Bob Jones on behalf of R&M Ranch, Inc., Forrest G. Godde and Steve Godde, Gailen Kyle on behalf of Kyle & Kyle Ranch, Inc., and John Calandri on behalf of Calandri/Sonrise Farms, collectively known as the Antelope Valley Ground Water Agreement Association ("AGWA")

Henry Weinstock
Nossaman, Guthner, Knox, Elliott LLP
445 South Figueroa Street, 31st Floor
Los Angeles, CA 90071
hweinstock@nossaman.com,
ffudacz@nossaman.com
Attorneys for Tejon Ranchcorp

Debra W. Yang
United States Attorney's Office
Central District of California
300 North Los Angeles Street
Los Angeles, CA 90012

Alberto Gonzales
United States Attorney General
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Lee Leininger
Environment and Natural Resources Division
Department of Justice
999 - 18th St., Suite 945
Denver, CO 80202
lee.leininger@usdoj.gov
Judy.Tetreault@usdoj.gov
Attorneys for Edwards Air Force Base, United States Department of the Air Force

Hon. Jack Komar
Judge of the Superior Court of California, County of Santa Clara
191 North First Street
Department 17C
San Jose, CA 95113

Chair, Judicial Council of California
Administrative Office of the Courts
Attn: Appellate & Trial Court Judicial Services
(Civil Case Coordination)
455 Golden Gate Avenue
San Francisco, CA 94102-3688

Daniel V. Hyde
Lewis Brisbois Bisgaard & Smith L.L.P.
221 N. Figueroa Street, Suite 1200
Los Angeles, CA 90012
hyde@lbbslaw.com