

1 Edward J. Casey (SBN 119571)
2 Andrew Brady (SBN 273675)
3 ALSTON & BIRD LLP
333 South Hope Street, 16th Floor
4 Los Angeles, CA 90071-1410
Telephone: 213-576-1000
5 Facsimile: 213-576-1100
ed.casey@alston.com
andrew.brady@alston.com

6 Attorneys for Cross-Defendant
7 **NORTHROP GRUMMAN SYSTEMS
CORPORATION**

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES**
10

11 ANTELOPE VALLEY
12 GROUNDWATER CASES

13 **INCLUDED ACTIONS:**

14 LOS ANGELES COUNTY
15 WATERWORKS DISTRICT NO. 40 v.
16 DIAMOND FARMING COMPANY, et
al., Los Angeles Superior Court Case No.
BC325201;

17 LOS ANGELES COUNTY
18 WATERWORKS DISTRICT NO. 40 v.
19 DIAMOND FARMING COMPANY, et
al., Kern County Superior Court Case
No. S-1500-CV-254-348;

20 DIAMOND FARMING COMPANY,
and W.M. BOLTHOUSE FARMS, INC.,
21 v. CITY OF LANCASTER, et al.,
22 Riverside Superior Court Case No. RIC
344436 [c/w case no. RIC 344668 and
355840]

Judicial Council Coordination No. 4408
Case No. 1-05-CV-049053
Assigned to The Honorable Jack Komar

**CROSS-DEFENDANT NORTHROP
GRUMMAN SYSTEMS CORPORATION'S
AMENDED DISCLOSURE OF EXHIBITS
REGARDING PROVE-UP TRIAL RE:
[PROPOSED] STIPULATED JUDGMENT AND
PHYSICAL SOLUTION**

DATE: September 28, 2015
TIME: 10:00 a.m.
DEPT: TBA

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that in accordance with Court's Second Case Management Order dated March 27, 2015, Cross Defendant Northrop Grumman Systems Corporation ("Northrop Grumman") hereby amends the exhibit labels it will apply to the exhibits designated on April 27, 2015 by Northrop Grumman to correspond with exhibits designated in the Court's May 29, 2013 Minute Order admitting certain exhibits into evidence during the Phase 4 proceedings.

New Exhibit No.	Prior Exhibit No.	Description	In Evidence
4-NORTHROP-1 [sic]	4-NORTHROP-3	Stipulation Concerning Land Ownership and Prior Groundwater Production	
4-NORTHROP-2 [sic]	4- NORTHROP-1	Declaration of Troy Gabbard in Lieu of Deposition Testimony for Phase 4 Trial	
4-NORTHROP-3	4-NORTHROP-3	Response to December, 2012 Discovery Order for Phase 4 Trial	

1 Northrop Grumman hereby withdraws the exhibit designated as 4-NORTHROP-4 in its
2 April 27, 2014 designation. In addition to the exhibits listed above, Northrop Grumman reserves
3 the right to further supplement or add to this list of exhibits, if necessary.
4

5 DATED: September 4, 2015

EDWARD J. CASEY
ANDREW BRADY
ALSTON & BIRD LLP

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9 _____
10 Andrew Brady
11 Attorneys for Cross-Defendant
12 **NORTHROP GRUMMAN SYSTEMS**
13 **CORPORATION**
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4-NORTHROP-1

1 Edward J. Casey (SBN 119571)
Neal Maguire (SBN 234531)
2 ALSTON & BIRD LLP
333 South Hope Street, 16th Floor
3 Los Angeles, CA 90071-1410
Telephone: 213-576-1000
4 Facsimile: 213-576-1100
ed.casey@alston.com
5 neal.maguire@alston.com

6 Attorneys for Cross-Defendant
NORTHROP GRUMMAN SYSTEMS
7 CORPORATION

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES**
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20 DIAMOND FARMING COMPANY,
and W.M. BOLTHOUSE FARMS, INC.,
21 v. CITY OF LANCASTER, et al.,
Riverside Superior Court Case No. RIC
22 344436 [c/w case no. RIC 344668 and
23 355840]

Judicial Council Coordination No. 4408

**NORTHROP GRUMMAN SYSTEMS
CORPORATION'S APPLICATION FOR
APPROVAL OF STIPULATION CONCERNING
LAND OWNERSHIP AND PRIOR
GROUNDWATER PRODUCTION;
[PROPOSED] ORDER**

Case No. 1-05-CV-049053


Assigned to The Honorable Jack Komar

Trial Date: May 28, 2013
Time: 9:00 a.m.

1 Pursuant to the Court's March 1, 2013 Minute Order, Northrop Grumman Systems
2 Corporation submits this Application for Approval of Stipulation Concerning Land Ownership
3 and Prior Groundwater Production. The proposed Stipulation is attached to this application.
4

5 DATED: April 30, 2013

EDWARD J. CASEY
NEAL MAGUIRE
ALSTON & BIRD LLP

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7 
8 Edward J. Casey
9 Attorneys for Cross-Defendant
NORTHROP GRUMMAN SYSTEMS
10 CORPORATION
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1 Los Angeles County Waterworks District No. 40, Quartz Hill Water District, Littlerock
2 Creek Irrigation District, Palm Ranch Irrigation District, Palmdale Water District, the City of
3 Palmdale, the City of Lancaster, and Rosamond Community Services District (the "PWAs") and
4 Northrop Grumman Systems Corporation ("Landowner") (collectively, the "Stipulating Parties")
5 enter into this Stipulation Between Certain Public Water Agencies And Landowner Concerning
6 Land Ownership, Prior Groundwater Production And Proposed Allocation Of Groundwater
7 Rights; And Order Thereon ("Stipulation") through their respective counsel of record. This
8 Stipulation is based on the matters set forth in Section I, below.

9 I.

10 RECITALS

11 A. Landowner owns land overlying the Antelope Valley Groundwater Basin (the
12 "AV Basin"). (For purposes of this Stipulation, the term "AV Basin" shall mean the Antelope
13 Valley Groundwater Basin as determined and defined by the Honorable Jack Komar in his
14 March 12, 2007 Revised Order After Hearing on Jurisdictional Boundaries.)

15 B. Landowner served its (i) Response To December 12, 2012 Discovery Order for
16 Phase 4 Trial and the Non-Expert Witness Designation ("Discovery Response") and (ii)
17 Stipulation In Lieu Of Deposition Testimony For Phase 4 Trial ("Declaration") on all parties in
18 the instant action.

19 II.

20 TERMS OF THE STIPULATION

21 A. Based on the Landowner's Discovery Response and Declaration, the PWAs have
22 no objection to the Court making the following findings of fact:

23 (1) Landowner currently owns land overlying the AV Basin, which land is
24 comprised of Assessor Parcel No. ("APN") 241-430-05 (the "Subject Property").

25 (2) As of January 1, 2013, Landowner currently uses the Subject Property as
26 follows: decommissioning activities associated with prior manufacturing operations.

27 (3) Landowner used the Subject Property during calendar years 2011 and
28 2012 as follows: manufacturing operations in 2011 and decommissioning activities occurred in

1 2012.

2 (4) Landowner produced the following quantities of groundwater from the
3 AV Basin during calendar years 2011 and 2012: 1-2 acre-feet per year ("AFY") in 2011 and 1
4 AFY in 2012.

5 (5) Landowner or its predecessor in interest to the Subject Property produced
6 the following quantities of groundwater from the AV Basin during the period from January 1,
7 2000 through December 31, 2004 (the "2000-04 Time Period"): 3 AFY in 2000, 3 AFY in 2001,
8 3 AFY in 2002, 3 AFY in 2003, and 3 AFY in 2004, for a total of 15 acre-feet ("AF").

9 (6) Landowner or its predecessor used the groundwater described in this
10 Section II-A for "reasonable and beneficial" uses on the Subject Property, including (1) cooling
11 units in manufacturing operations and (2) domestic uses for on-site employees.

12 (7) For purposes of this Stipulation, the term "reasonable and beneficial" shall
13 have the meaning as understood in Article X, Section 2 of the California Constitution.

14
15 April 30, 2013

ALSTON & BIRD, LLP

16
17 By: 

EDWARD J. CASEY

18 Attorneys for Northrop Grumman Systems Corporation

19
20 April _____, 2013

BEST BEST & KRIEGER LLP

21
22 By: _____

JEFFREY V. DUNN

23 Attorneys for Los Angeles County Waterworks District No. 40

24
25 April _____, 2013

CHARLTON WEEKS LLP

26
27 By: _____

BRADLEY T. WEEKS

1 2012.

2 (4) Landowner produced the following quantities of groundwater from the
3 AV Basin during calendar years 2011 and 2012: 1-2 acre-feet per year ("AFY") in 2011 and 1
4 AFY in 2012.

5 (5) Landowner or its predecessor in interest to the Subject Property produced
6 the following quantities of groundwater from the AV Basin during the period from January 1,
7 2000 through December 31, 2004 (the "2000-04 Time Period"): 3 AFY in 2000, 3 AFY in 2001,
8 3 AFY in 2002, 3 AFY in 2003, and 3 AFY in 2004, for a total of 15 acre-feet ("AF").

9 (6) Landowner or its predecessor used the groundwater described in this
10 Section II-A for "reasonable and beneficial" uses on the Subject Property, including (1) cooling
11 units in manufacturing operations and (2) domestic uses for on-site employees.

12 (7) For purposes of this Stipulation, the term "reasonable and beneficial" shall
13 have the meaning as understood in Article X, Section 2 of the California Constitution.

14
15 April ____, 2013 ALSTON & BIRD, LLP

16
17 By: _____
18 EDWARD J. CASEY

19 Attorneys for Northrop Grumman Systems Corporation

20 April 24, 2013 BEST BEST & KRIEGER LLP

21
22 By: Jeffrey V. Dunn
23 JEFFREY V. DUNN

24 Attorneys for Los Angeles County Waterworks District No. 40

25 April ____, 2013 CHARLTON WEEKS LLP

26
27 By: _____
28 BRADLEY T. WEEKS

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Attorneys for Quartz Hill Water District

April 15, 2013

LEMIEUX & O'NEILL

By:


WAYNE K. LEMIEUX

Attorneys for Littlerock Creek Irrigation District and Palm Ranch
Irrigation District

April _____, 2013

LAGERLOF, SENECA, GOSNEY & KRUSE

By:

THOMAS BUNN III

Attorneys for Palmdale Water District

April _____, 2013

RICHARDS, WATSON & GERSHON

By:

STEVEN R. ORR

Attorneys for City of Palmdale

April _____, 2013

MURPHY & EVERTZ LLP

By:

DOUGLAS J. EVERTZ

Attorneys for City of Lancaster and Rosamond Community Services
District

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Attorneys for Quartz Hill Water District

LEMIEUX & O'NEILL

April _____, 2013

By: _____
WAYNE K. LEMIEUX

Attorneys for Littlerock Creek Irrigation District and Palm Ranch
Irrigation District

LAGERLOF, SENECAI, GOSNEY & KRUSE

April 15, 2013

By: Thomas L. Bunn III
THOMAS BUNN III

Attorneys for Palmdale Water District

RICHARDS, WATSON & GERSHON

April _____, 2013

By: _____
STEVEN R. ORR

Attorneys for City of Palmdale

MURPHY & EVERTZ LLP

April _____, 2013

By: _____
DOUGLAS J. EVERTZ

Attorneys for City of Lancaster and Rosamond Community Services
District

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Attorneys for Quartz Hill Water District

LEMIEUX & O'NEILL

April _____, 2013

By: _____
WAYNE K. LEMIEUX

Attorneys for Littlerock Creek Irrigation District and Palm Ranch
Irrigation District

LAGERLOF, SENECA, GOSNEY & KRUSE

April _____, 2013

By: _____
THOMAS BUNN III

Attorneys for Palmdale Water District

RICHARDS, WATSON & GERSHON

April _____, 2013

By: _____
STEVEN R. ORR

Attorneys for City of Palmdale

MURPHY & EVERTZ LLP

April 15, 2013

By: 
DOUGLAS J. EVERTZ

Attorneys for City of Lancaster and Rosamond Community Services
District

1 **PROPOSED ORDER**

2 On May 7, 2013, Northrop Grumman Systems Corporation filed its Application for
3 Approval of Stipulation Concerning Land Ownership and Prior Groundwater Production (the
4 "Application"). Having read and considered all papers filed in connection with the Stipulation
5 attached to the Application, and having received no objections thereto,

6 **IT IS HEREBY ORDERED THAT:** the facts set forth in Section II of the Stipulation
7 are deemed admitted.

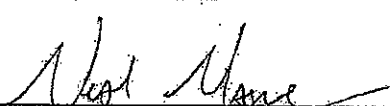
8
9 **IT IS SO ORDERED.**

10
11 DATED: _____

Honorable Jack Komar
Judge of the Santa Clara County Superior
Court

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14 Respectfully submitted by:

15 NEAL MAGUIRE
16 ALSTON & BIRD LLP

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18 _____
19 Attorneys for Cross-Defendant
Northrop Grumman Systems Corporation

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PROOF OF SERVICE

I, Yolanda S. Ramos, declare:

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is Alston & Bird LLP, 333 South Hope Street, Sixteenth Floor, Los Angeles, CA 90071.

On May 1, 2013, I served the document(s) described as: NORTHROP GRUMMAN SYSTEMS CORPORATION'S APPLICATION FOR APPROVAL OF STIPULATION CONCERNING LAND OWNERSHIP AND PRIOR GROUNDWATER PRODUCTION; [PROPOSED] ORDER on the interested parties in this action by enclosing the document(s) in a sealed envelope addressed as follows:

☐ BY MAIL: I am "readily familiar" with this firm's practice for the collection and the processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, the correspondence would be deposited with the United States Postal Service at 333 South Hope Street, Los Angeles, California 90071 with postage thereon fully prepaid the same day on which the correspondence was placed for collection and mailing at the firm. Following ordinary business practices, I placed for collection and mailing with the United States Postal Service such envelope at Alston & Bird LLP, 333 South Hope Street, Los Angeles, California 90071.

☒ BY ELECTRONIC MAIL: By posting the document listed above to the Santa Clara Superior Court website: www.sccfiling.org regarding the ANTELOPE VALLEY GROUNDWATER matter.

☐ BY FEDERAL EXPRESS ☐ UPS NEXT DAY AIR ☐ OVERNIGHT DELIVERY: I deposited such envelope in a facility regularly maintained by ☐ FEDERAL EXPRESS ☐ UPS ☐ Overnight Delivery [specify name of service:] with delivery fees fully provided for or delivered the envelope to a courier or driver of ☐ FEDERAL EXPRESS ☐ UPS ☐ OVERNIGHT DELIVERY [specify name of service:] authorized to receive documents at Alston & Bird LLP, 333 South Hope Street, Los Angeles, California 90071 with delivery fees fully provided for.

☐ BY FACSIMILE: I telecopied a copy of said document(s) to the following addressee(s) at the following number(s) in accordance with the written confirmation of counsel in this action.

☒ [State] I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ [Federal] I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 1, 2013, at Los Angeles, California.


YOLANDA S. RAMOS

4-NORTHROP-2

1 Edward J. Casey (SBN 119571)
Neal Maguire (SBN 234531)
2 ALSTON & BIRD LLP
333 South Hope Street, 16th Floor
3 Los Angeles, CA 90071-1410
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4 Facsimile: 213-576-1100
ed.casey@alston.com
5 neal.maguire@alston.com

6 Attorneys for Cross-Defendant
Northrop Grumman Corporation
7

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES**
10

11 ANTELOPE VALLEY
GROUNDWATER CASES

12 INCLUDED ACTIONS:

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15 al., Los Angeles Superior Court Case No.
BC325201;

16 LOS ANGELES COUNTY
17 WATERWORKS DISTRICT NO. 40 v.
DIAMOND FARMING COMPANY, et
18 al., Kern County Superior Court Case
No. S-1500-CV-254-348;

19 DIAMOND FARMING COMPANY,
20 and W.M. BOLTHOUSE FARMS, INC.,
v. CITY OF LANCASTER, et al.,
21 Riverside Superior Court Case No. RIC
344436 [c/w case no. RIC 344668 and
22 355840]
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Judicial Council Coordination No. 4408

**DECLARATION OF TROY GABBARD IN LIEU
OF DEPOSITION TESTIMONY FOR PHASE 4
TRIAL**

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

Trial Date: May 28, 2013

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1 Northrop.

2 7. For each individual/entity identified in paragraph 6 that individual/entity appeared
3 on the title during the following time :

4 December 1998 to present.

5 Leases [NOT APPLICABLE]

6 8. _____ (declarant or party affiliated with declarant) leases
7 property that _____ own and that overlies the Antelope Valley Area of
8 Adjudication as decided by this court and identified by the following APNS:

9
10 9. The total acreage by parcel is:

11
12 10. The property is currently leased to:

13
14 11. The property was leased on the following dates:

15
16 12. The lease provides that _____ may claim groundwater
17 rights from the use of water on the leased property. Attached to this declaration is a true and
18 correct copy of the lease.

19 [If additional room is needed, please list APN/APNs, acreage by APN, Lessee by APN and dates
20 for each Lessee by APN for each parcel in Exhibit C.] A true and correct copy of Exhibit C is
21 attached hereto and incorporated herein.

22 13. _____ leases property from _____ which
23 overlies the Antelope Valley Area of Adjudication as decided by this court and is identified by
24 the following APNS:

25
26 14. The total acreage by parcel is:

1 15. The Lease provides that _____ may claim groundwater rights from
2 use of water on leased property. Attached to this declaration is a true and correct copy of the
3 lease.

4 [If additional room is needed, please attach APN/APNs, Name of the Lessor and acreage by
5 APN for each parcel list in Exhibit D to this declaration.] A true and correct copy of Exhibit D is
6 attached hereto and incorporated herein.

7 16. _____ claims groundwater rights only as to the leasehold interests
8 listed in Paragraph 15 and Exhibit D.

9 17. _____ claims groundwater rights only as to the properties listed in
10 Paragraph 2 and Exhibit A and as to the leasehold interests listed in Paragraph 8 and Exhibit C.

11 18. To the best of my knowledge, only _____ claims groundwater rights as
12 to the leased parcel(s) identified in paragraph 15 and Exhibit D.

13 **Water Meter Records** [NOT APPLICABLE]

14 19. _____ measures the groundwater production on the above
15 referenced properties by water meters. Exhibit E contains the records for these water meters for
16 the following years:

17 _____
18 A true and correct copy of Exhibit E is attached hereto and incorporated herein.

19 20. Exhibit F sets forth the total yearly production amounts by metered water well on
20 the above referenced properties for the years 2000-2004, 2011, and 2012. A true and correct
21 copy of Exhibit F is attached hereto and incorporated herein.

22 **State Water Project Purchases** [NOT APPLICABLE]

23 21. _____ purchases State Water Project water from a State Water
24 Contractor for use by _____ on the properties referenced above. Exhibit G contains true
25 and correct copies of the invoices for delivery of State Water Project Water to the properties
26 referenced above.

27 22. Exhibit H sets forth the total yearly State Water Project water deliveries to the
28 properties referenced above for the years 2000-2004, 2011, and 2012. A true and correct copy of

1 Exhibit H is attached hereto and incorporated herein.

2 **Pump Tests/ Electric Records** **[NOT APPLICABLE]**

3 23. In order to calculate groundwater pumped and used on the properties referenced
4 above, _____ relied on pump tests and electric records. Exhibit I contains true
5 and correct copies of the pump test records and electrical records for wells on the properties
6 referenced above. The electric records attached to this declaration as Exhibit I do not include
7 electric use on the properties referenced above for anything other than pumping groundwater.

8 24. Exhibit J sets forth the amount of total yearly groundwater that _____
9 estimates was pumped and used on the properties referenced above for the years 2000-2004,
10 2011, and 2012 based on the attached pump test records and electrical records for the wells on
11 the properties referenced above. A true and correct copy of Exhibit J is attached hereto and
12 incorporated herein.

13 25. Pump tests were performed on the following dates:
14 _____

15 26. _____ is not producing pump test records for the following dates
16 because:
17 _____

18 27. I am not aware of any other pump tests having been performed on the properties
19 referenced above.

20 **Pump Tests/Diesel Records** **[NOT APPLICABLE]**

21 28. In order to calculate groundwater pumped and used on the properties referenced
22 above, _____ relied on pump tests and diesel fuel records. Exhibit K contains
23 true and correct copies of the records pertaining to pump tests and diesel fuel purchases for the
24 properties referenced above. The diesel fuel records attached to this declaration as Exhibit K do
25 not include diesel fuel used on the properties referenced above for anything other than pumping
26 groundwater.

27 29. Exhibit L sets forth the amounts of total yearly groundwater pumped and used on
28 the properties referenced above for the years 2000-2004, 2011, and 2012. A true and correct

1 copy of Exhibit L is attached hereto and incorporated herein.

2 30. Pump tests were performed on the following dates:

3
4 31. _____ is not producing pump test records for the following dates _
5 _____ because: _____.

6 32. I am not aware of any other pump tests having been performed on the properties
7 referenced above.

8 **Crop Duties and Irrigated Acres** **[NOT APPLICABLE]**

9 33. In order to calculate water use on the properties referenced above, _____
10 _____ relies on the amount of acres in irrigation on the properties referenced above
11 multiplied by the crop duty identified in the Summary Expert Report, Appendix D-3: Table 4.

12 34. The total amount of irrigated acres and type of crops on the properties referenced
13 above by APN for the years 2000-2004, 2011 and 2012 are described in Exhibit N. A true and
14 correct copy of Exhibit N is attached hereto and incorporated herein.

15 **Other Sources of Water** **[NOT APPLICABLE]**

16 35. On the properties referenced above, _____ received water from sources
17 other than groundwater pumped within the Basin or State Water Project Water. Exhibit O sets
18 forth the source of the water and the amounts received for the years 2000-2004, 2011, and 2012.

19 **Use of Water** *(Complete for each APN. If water for used for multiple purposes, identify*
20 *the amount of water for each use.)*

21 36. Northrop used three acre feet of water on APN# 241-430-05 in 2000. The water
22 was used for the following:

23 (1) cooling units in manufacturing operations and (2) domestic uses for on-site employees.

24 [State the crop type and number of acres of that crop. If not used for irrigation, describe the use.
25 In lieu of answering this question, a crop map may be attached that shows the date, crop type,
26 irrigated acreage and parcels.]

27 37. Northrop used three acre feet of water on APN# 241-430-05 in 2001. The water
28 was used for the following:

1 (1) cooling units in manufacturing operations and (2) domestic uses for on-site employees.

2 [State the crop type and number of acres of that crop. If not used for irrigation, describe the use.

3 In lieu of answering this question, a crop map may be attached that shows the date, crop type,
4 irrigated acreage and parcels.]

5 38. Northrop used three acre feet of water on APN# 241-430-05 in 2002. The water
6 was used for the following:

7 (1) cooling units in manufacturing operations and (2) domestic uses for on-site employees.

8 39. Northrop used three acre feet of water on APN# 241-430-05 in 2003. The water
9 was used for the following:

10 (1) cooling units in manufacturing operations and (2) domestic uses for on-site employees.

11 [State the crop type and number of acres of that crop. If not used for irrigation, describe the use.

12 In lieu of answering this question, a crop map may be attached that shows the date, crop type,
13 irrigated acreage and parcels.]

14 40. Northrop used three acre feet of water on APN# 241-430-05 in 2004. The water
15 was used for the following:

16 (1) cooling units in manufacturing operations and (2) domestic uses for on-site employees.

17 [State the crop type and number of acres of that crop. If not used for irrigation, describe the use.

18 In lieu of answering this question, a crop map may be attached that shows the date, crop type,
19 irrigated acreage and parcels.]

20 41. Northrop used one or two acre feet of water on APN# 241-430-05 in 2011. The
21 water was used for the following:

22 Manufacturing operations.

23 [State the crop type and number of acres of that crop. If not used for irrigation, describe the use.

24 In lieu of answering this question, a crop map may be attached that shows the date, crop type,
25 irrigated acreage and parcels.]

26 42. Northrop used one acre foot of water on APN# 241-430-05 in 2012. The water
27 was used for the following:

28 Decommissioning activities.

1 [State the crop type and number of acres of that crop. If not used for irrigation, describe the use.
2 In lieu of answering this question, a crop map may be attached that shows the date, crop type,
3 irrigated acreage and parcels.]

4 43. Other than what is declared hereinabove, Northrop did not produce or use water
5 within the Antelope Valley Area of Adjudication for 2000-2004, 2011, and 2012.

6 I declare under penalty of perjury under the laws of the State of California that the
7 foregoing is true and correct. Executed this 30 day of January, 2013, at Palmdale, California.

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9 By: 

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11 Troy Gabbard, CFM, PMP
12 Palmdale Facilities Site Manager
13 Northrop Grumman Corporation
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3 **PROOF OF SERVICE**

4 I, Yolanda S. Ramos, declare:

5 I am employed in the County of Los Angeles, State of California. My business
6 address is Alston & Bird LLP, 333 South Hope Street, Sixteenth Floor, Los Angeles, CA
7 90071. I am over the age of eighteen years and not a party to the action in which this
8 service is made.

9 On January 31, 2013, I served the document(s) described as **DECLARATION
10 OF TROY GABBARD IN LIEU OF DEPOSITION TESTIMONY FOR PHASE 4
11 TRIAL** on the interested parties in this action as follows:

12 ☐ **BY MAIL:** I am "readily familiar" with this firm's practice for the collection and
13 the processing of correspondence for mailing with the United States Postal
14 Service. In the ordinary course of business, the correspondence would be
15 deposited with the United States Postal Service at 333 South Hope Street, Los
16 Angeles, California 90071 with postage thereon fully prepaid the same day on
17 which the correspondence was placed for collection and mailing at the firm.
18 Following ordinary business practices, I placed for collection and mailing with
19 the United States Postal Service such envelope at Alston & Bird LLP, 333 South
20 Hope Street, Los Angeles, California 90071.

21 ☒ **BY ELECTRONIC MAIL:** By posting the document listed above to the Santa
22 Clara Superior Court website: www.sccfiling.org regarding the ANTELOPE
23 VALLEY GROUNDWATER matter.

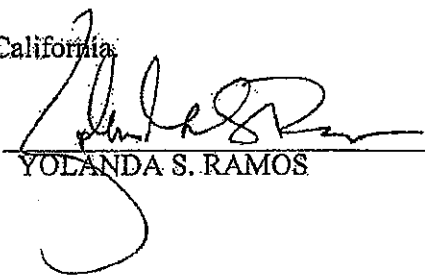
24 ☐ **BY FEDERAL EXPRESS** ☐ **UPS NEXT DAY AIR** ☐ **OVERNIGHT
25 DELIVERY:** I deposited such envelope in a facility regularly maintained by ☐
26 **FEDERAL EXPRESS** ☐ **UPS** ☐ **Overnight Delivery** [specify name of
27 service:] with delivery fees fully provided for or delivered the envelope to a
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DELIVERY** [specify name of service:] authorized to receive documents at Alston
& Bird LLP, 333 South Hope Street, Los Angeles, California 90071 with delivery
fees fully provided for.

☐ **BY FACSIMILE:** I telecopied a copy of said document(s) to the following
addressee(s) at the following number(s) in accordance with the written
confirmation of counsel in this action.

☒ [State] I declare under penalty of perjury under the laws of the State of California
that the above is true and correct.

☐ [Federal] I declare under penalty of perjury under the laws of the United
States of America that the foregoing is true and correct.

Executed on January 31, 2013, at Los Angeles, California


YOLANDA S. RAMOS

4-NORTHROP-3

1 Edward J. Casey (SBN 119571)
Neal Maguire (SBN 234531)
2 ALSTON & BIRD LLP
333 South Hope Street, 16th Floor
3 Los Angeles, CA 90071-1410
Telephone: 213-576-1000
4 Facsimile: 213-576-1100
ed.casey@alston.com
5 neal.maguire@alston.com

6 Attorneys for Cross-Defendant Northrop
Grumman Corporation
7

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES**
10

11 ANTELOPE VALLEY
GROUNDWATER CASES

12 INCLUDED ACTIONS:

13 LOS ANGELES COUNTY
14 WATERWORKS DISTRICT NO. 40 v.
DIAMOND FARMING COMPANY, et
15 al., Los Angeles Superior Court Case No.
BC325201;

16 LOS ANGELES COUNTY
17 WATERWORKS DISTRICT NO. 40 v.
DIAMOND FARMING COMPANY, et
18 al., Kern County Superior Court Case
No. S-1500-CV-254-348;

19 DIAMOND FARMING COMPANY,
20 and W.M. BOLTHOUSE FARMS, INC.,
v. CITY OF LANCASTER, et al.,
21 Riverside Superior Court Case No. RIC
344436 [c/w case no. RIC 344668 and
22 355840]
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Judicial Council Coordination No. 4408

**RESPONSE TO DECEMBER 12, 2012
DISCOVERY ORDER FOR PHASE 4 TRIAL**

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

Trial Date: February 11, 2013
Time: 9:00 a.m.

1 Cross-Defendant Northrop Grumman Corporation ("Northrop") responds to the Court's
2 December 12, 2012 Discovery Order for Phase 4 Trial ("Discovery Order") as follows.

3 **I. Reservation of Rights**

4 Northrop objects to the Discovery Order's abbreviated discovery period. Until the
5 December 11, 2012, case management conference before the Court, there was no determination
6 as to the scope of the Phase 4 trial. Prior to the December 11th case management conference,
7 parties submitted various proposals regarding the scope of the Phase 4 trial, some of which
8 proposed a trial on discrete issues such as return flows or prescription and would not have
9 included a "prove-up" of parties' water rights claims. While Northrop responds to its utmost
10 ability here based on its prior review of its water rights claim and the basis for that claim,
11 Northrop reserves the right to supplement this response as additional information becomes
12 available.

13 **II. Response to Section I.1 of the Discovery Order**

14 A. Northrop owns, occupies, or otherwise controls property in Kern County
15 identified by the following Assessor Identification Numbers: APN 241-430-05 (6242 Little Oak
16 Canyon Blvd., Rosamond, CA 93560) (the "Northrop Property").

17 B. Northrop has been the record title owner for the Northrop Property since at least
18 2000.

19 C. A groundwater well existed on the Northrop Property in years 2000-04 and 2011-
20 12.

21 D. Two groundwater wells were operated on the Northrop Property in years 2000-04
22 and 2011-12. These wells are referred to as TJ Upper Well #1 and TJ Lower Well #2.

23 E. Northrop estimates, based on information currently and reasonably available to it,
24 its groundwater production for the specified calendar years as provided below. Among other
25 bases, Northrop's estimate is based on the number, type, and frequency of operation of cooling
26 units used at the subject property, an estimate flow rate of water from the subject wells of 3 gpm
27 to 5 gpm depending on the season (summer usage was higher) and the number of employees and
28 shifts at the subject plant. Northrop's estimated amount of water pumped from the well(s)

described above in Section II.C-D is:

Year	AFY
2000	3
2001	3
2002	3
2003	3
2004	3.5
2011	1-2
2012	1

F. The water described above in Section II.E was utilized for cooling units used in manufacturing operations at the subject property and domestic uses for on-site employees (e.g., restrooms, washing).

G. Northrop does not produce groundwater off-site.

H. The Northrop Property was used for manufacturing operations in 2011 and decommissioning activities occurred in 2012.

I. The Northrop Property is not utilized for agricultural uses.

J. Northrop claims 3 afy as the reasonable and beneficial use for its property.

III. Response to Section I.2 of the Discovery Order

A. Northrop does not lease the Northrop Property.

IV. Response to Section I.3 of the Discovery Order

A. Northrop can make available documents relating to the type and usage of cooling units, number of employees and shifts, and other equipment and facilities that used water produced by the subject well(s).

B. Northrop can make available documents relating to the type and usage of cooling units, number of employees and shifts, and other equipment and facilities that used water produced by the subject well(s).

///

///

1 **V. Response to Section V of the Discovery Order**

2 **A.** Troy Gabbard is the Northrop representative most qualified to testify to the above
3 facts.

4
5 Dated: December 21, 2012

ALSTON & BIRD LLP

6
7 By: 

NEAL P. MAGUIRE

Attorneys for Cross-Defendant Northrop Grumman
Corporation.

1
2
3 VERIFICATION

4 I, Troy Gabbard, declare as follows:

5 I am the Palmdale Facilities Site Manager of Cross-Defendant Northrop Grumman Corporation and am authorized to
6 make this Verification on its behalf. I have read the foregoing **RESPONSE TO DECEMBER**
7 **12, 2012 DISCOVERY ORDER FOR PHASE 4 TRIAL** ("Discovery Response") and know
8 the contents thereof. I certify that the responses contained in the Discovery Response are true of
9 my own knowledge, except as to the matters which are therein stated upon my information and
10 belief, and as to those matters, I believe them to be true.

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

13 Executed this 20th day of December, 2012 at Palmdale, California.

14 By: 

15
16 Troy Gabbard
17 Palmdale Facilities Site Manager
18 Northrop Grumman Corporation
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PROOF OF SERVICE

I, Yolanda S. Ramos, declare:

I am employed in the County of Los Angeles, State of California. My business address is Alston & Bird LLP, 333 South Hope Street, Sixteenth Floor, Los Angeles, CA 90071. I am over the age of eighteen years and not a party to the action in which this service is made.

On December 21, 2012, I served the document(s) described as **RESPONSE TO DECEMBER 12, 2012 DISCOVERY ORDER FOR PHASE 4 TRIAL** on the interested parties in this action as follows:

☐ BY MAIL: I am "readily familiar" with this firm's practice for the collection and the processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, the correspondence would be deposited with the United States Postal Service at 333 South Hope Street, Los Angeles, California 90071 with postage thereon fully prepaid the same day on which the correspondence was placed for collection and mailing at the firm. Following ordinary business practices, I placed for collection and mailing with the United States Postal Service such envelope at Alston & Bird LLP, 333 South Hope Street, Los Angeles, California 90071.

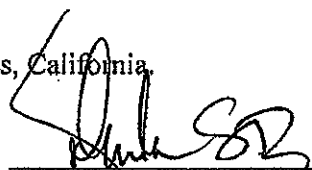
☒ BY ELECTRONIC MAIL: By posting the document listed above to the Santa Clara Superior Court website: www.sceffiling.org regarding the ANTELOPE VALLEY GROUNDWATER matter.

☐ BY FEDERAL EXPRESS ☐ UPS NEXT DAY AIR ☐ OVERNIGHT DELIVERY: I deposited such envelope in a facility regularly maintained by ☐ FEDERAL EXPRESS ☐ UPS ☐ Overnight Delivery [specify name of service:] with delivery fees fully provided for or delivered the envelope to a courier or driver of ☐ FEDERAL EXPRESS ☐ UPS ☐ OVERNIGHT DELIVERY [specify name of service:] authorized to receive documents at Alston & Bird LLP, 333 South Hope Street, Los Angeles, California 90071 with delivery fees fully provided for.

☒ [State] I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ [Federal] I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on December 21, 2012, at Los Angeles, California.


YOLANDA S. RAMOS

correct. Executed on December 21, 2012 at Oakland, California.

Dated: December 21, 2012

For WWW.SCEFILING.ORG

Andy Jamieson

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1 THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
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3 Electronic Proof of Service
4 Page 2

5 Document(s) submitted by Edward J. Casey of Alston & Bird LLP on Fri. December 21, 2012 at 3:05 PM PST

6 1. Response: Response To December 12, 2012 Discovery Order For Phase 4 Trial
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PROOF OF SERVICE

I, Yolanda S. Ramos, declare:

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is Alston & Bird LLP, 333 South Hope Street, Sixteenth Floor, Los Angeles, CA 90071.

On September 4, 2015, I served the document(s) described as **CROSS-DEFENDANT NORTHROP GRUMMAN SYSTEMS CORPORATION'S AMENDED DISCLOSURE OF EXHIBITS REGARDING PROVE-UP TRIAL RE: [PROPOSED] STIPULATED JUDGMENT AND PHYSICAL SOLUTION** on the interested parties in this action by enclosing the document(s) in a sealed envelope addressed as follows:

☐ BY MAIL: I am "readily familiar" with this firm's practice for the collection and the processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, the correspondence would be deposited with the United States Postal Service at 333 South Hope Street, Los Angeles, California 90071 with postage thereon fully prepaid the same day on which the correspondence was placed for collection and mailing at the firm. Following ordinary business practices, I placed for collection and mailing with the United States Postal Service such envelope at Alston & Bird LLP, 333 South Hope Street, Los Angeles, California 90071.

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☒ [State] I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ [Federal] I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 4, 2015, at Los Angeles, California.


YOLANDA S. RAMOS