

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 AV SOLAR RANCH 1, LLC

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,
21 and W.M. BOLTHOUSE FARMS, INC.,
22 v. CITY OF LANCASTER, et al.,
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 AV SOLAR RANCH 1,
LLC'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 AV Solar Ranch 1, LLC ("AV Solar") hereby amends the exhibit labels it will apply to the exhibits designated on April 27, 2015 by AV Solar 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-AVSOLAR-1	4-AVSOLAR-4	Stipulation Concerning Land Ownership and Prior Groundwater Production	
4-AVSOLAR-2	4-AVSOLAR-1	AV Solar Ranch 1, LLC's Declaration in Lieu of Deposition	
4-AVSOLAR-3	4-AVSOLAR-2	Response to December, 2012 Discovery Order for Phase 4 Trial	

AV Solar hereby withdraws the exhibits designated as 4-AVSOLAR-3 and 4-AVSOLAR-5 in its April 27, 2014 designation. In addition to the exhibits listed above, AV Solar reserves the right to further supplement or add to this list of exhibits, if necessary.

DATED: September 4, 2015

EDWARD J. CASEY
ANDREW BRADY
ALSTON & BIRD LLP



Andrew Brady
Attorneys for Cross-Defendant
AV SOLAR RANCH 1, LLC

4-AVSOLAR-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
AV SOLAR RANCH 1, LLC
7

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
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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

**AV SOLAR RANCH 1, LLC'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

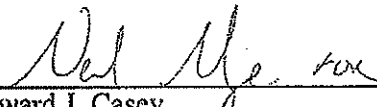
Trial Date: May 28, 2013

Time: 9:00 a.m.

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

5 DATED: April 30, 2013

6 EDWARD J. CASEY
7 NEAL MAGUIRE
8 ALSTON & BIRD LLP

9 
10 Edward J. Casey
11 Attorneys for Cross-Defendant
12 AV SOLAR RANCH 1, LLC
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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 AV Solar Ranch 1, LLC ("Landowner") (collectively, the "Stipulating Parties") enter into this
5 Stipulation Between Certain Public Water Agencies And Landowner Concerning Land
6 Ownership, Prior Groundwater Production And Proposed Allocation Of Groundwater Rights;
7 And Order Thereon ("Stipulation") through their respective counsel of record. This Stipulation
8 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 approximately land overlying the AV Basin,
24 which land is comprised of Assessor Parcel Nos. ("APN") listed in Exhibit A to this Stipulation
25 (the "Subject Property").

26 (2) As of January 1, 2013, Landowner currently uses the Subject Property as
27 follows: for the operation of an approximately 230-megawatt solar photovoltaic electrical power
28 generation facility.

(3) Landowner used the Subject Property during calendar years 2011 and 2012 as follows: for the construction and operation of an approximately 230-megawatt solar photovoltaic electrical power generation facility.

(4) Landowner produced the following quantities of groundwater from the AV Basin during calendar years 2011 and 2012: 129 acre-feet per year ("AFY") in 2011 and 147 AFY in 2012.

(5) Landowner or its predecessor in interest to the Subject Property produced the following quantities of groundwater from the AV Basin during the period from January 1, 2000 through December 31, 2004 (the "2000-04 Time Period"): 328.5 AFY in 2000, 328.5 AFY in 2001, 328.5 AFY in 2002, 328.5 AFY in 2003, and 328.5 AFY in 2004, for a total of 1,800 acre-feet ("AF").

(6) Landowner or its predecessor used the groundwater described in this Section II-A for "reasonable and beneficial" uses on the Subject Property. For purposes of this Stipulation, the term "reasonable and beneficial" shall have the meaning as understood in Article X, Section 2 of the California Constitution.

April 30, 2013

ALSTON & BIRD, LLP

By: 

EDWARD J. CASEY

Attorneys for AV Solar Ranch 1, LLC

April _____, 2013

BEST BEST & KRIEGER LLP

By: _____

JEFFREY V. DUNN

Attorneys for Los Angeles County Waterworks District No. 40

April _____, 2013

CHARLTON WEEKS LLP

By: _____

BRADLEY T. WEEKS

Attorneys for Quartz Hill Water District

1 (3) Landowner used the Subject Property during calendar years 2011 and
2 2012 as follows: for the construction and operation of an approximately 230-megawatt solar
3 photovoltaic electrical power generation facility.

4 (4) Landowner produced the following quantities of groundwater from the
5 AV Basin during calendar years 2011 and 2012: 129 acre-feet per year ("AFY") in 2011 and
6 147 AFY in 2012.

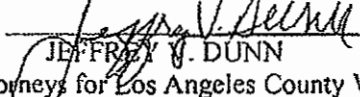
7 (5) Landowner or its predecessor in interest to the Subject Property produced
8 the following quantities of groundwater from the AV Basin during the period from January 1,
9 2000 through December 31, 2004 (the "2000-04 Time Period"): 328.5 AFY in 2000, 328.5 AFY
10 in 2001, 328.5 AFY in 2002, 328.5 AFY in 2003, and 328.5 AFY in 2004, for a total of 1,800
11 acre-feet ("AF").

12 (6) Landowner or its predecessor used the groundwater described in this
13 Section II-A for "reasonable and beneficial" uses on the Subject Property. For purposes of this
14 Stipulation, the term "reasonable and beneficial" shall have the meaning as understood in Article
15 X, Section 2 of the California Constitution.

16 April ____, 2013 ALSTON & BIRD, LLP

17
18
19 By: _____
20 EDWARD J. CASEY
Attorneys for AV Solar Ranch I, LLC

21 April 24, 2013 BEST BEST & KRIEGER LLP

22
23 By:  _____
24 JEFFREY V. DUNN
Attorneys for Los Angeles County Waterworks District No. 40

25
26 April ____, 2013 CHARLTON WEEKS LLP

27 By: _____
28 BRADLEY T. WEEKS
Attorneys for Quartz Hill Water District

1 April 16, 2013

LEMIEUX & O'NEILL

2
3 By: 

4 WAYNE K. LEMIEUX

5 Attorneys for Littlerock Creek Irrigation District and Palm Ranch
Irrigation District

6 April _____, 2013

LAGERLOF, SENEAL, GOSNEY & KRUSE

7
8 By: _____

9 THOMAS BUNN III

Attorneys for Palmdale Water District

10 April _____, 2013

RICHARDS, WATSON & GERSHON

11
12
13 By: _____

STEVEN R. ORR

Attorneys for City of Palmdale

14 April _____, 2013

MURPHY & EVERTZ LLP

15
16
17 By: _____

DOUGLAS J. EVERTZ

Attorneys for City of Lancaster and Rosamond Community Services
District

1 April _____, 2013

LEMIEUX & O'NEILL

3 By: _____

4 WAYNE K. LEMIEUX

5 Attorneys for Littlerock Creek Irrigation District and Palm Ranch
Irrigation District

6 April 15, 2013

LAGERLOF, SENECA, GOSNEY & KRUSE

7
8 By: Thomas L. Bunn III

9 THOMAS BUNN III

Attorneys for Palmdale Water District

10 April _____, 2013

RICHARDS, WATSON & GERSHON

12 By: _____

13 STEVEN R. ORR

14 Attorneys for City of Palmdale

15 April _____, 2013

MURPHY & EVERTZ LLP

17 By: _____

18 DOUGLAS J. EVERTZ

19 Attorneys for City of Lancaster and Rosamond Community Services
District

1 April _____, 2013

LEMIEUX & O'NEILL

2
3 By: _____
4 WAYNE K. LEMIEUX
5 Attorneys for Littlerock Creek Irrigation District and Palm Ranch
6 Irrigation District

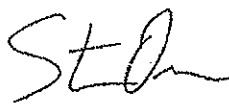
7 April _____, 2013

LAGERLOF, SENECA, GOSNEY & KRUSE

8 By: _____
9 THOMAS BUNN III
10 Attorneys for Palmdale Water District

11 April 30, 2013

RICHARDS, WATSON & GERSHON

12 By: 
13 STEVEN R. ORR
14 Attorneys for City of Palmdale

15 April _____, 2013

MURPHY & EVERTZ LLP

17 By: _____
18 DOUGLAS J. EVERTZ
19 Attorneys for City of Lancaster and Rosamond Community Services
20 District
21
22
23
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1 April _____, 2013

LEMIEUX & O'NEILL

2
3 By: _____

4 WAYNE K. LEMIEUX

5 Attorneys for Littlerock Creek Irrigation District and Palm Ranch
6 Irrigation District

7 April _____, 2013

LAGERLOF, SENECA, GOSNEY & KRUSE

8
9 By: _____

THOMAS BUNN III

Attorneys for Palmdale Water District

10 April _____, 2013

RICHARDS, WATSON & GERSHON

11
12
13 By: _____

STEVEN R. ORR

Attorneys for City of Palmdale

14
15 April 30, 2013

MURPHY & EVERTZ LLP

16
17 By:  _____

DOUGLAS J. EVERTZ

18 Attorneys for City of Lancaster and Rosamond Community Services
19 District

EXHIBIT A

Landowner AV Solar owns, occupies, or otherwise controls property in Los Angeles County identified by the following Assessor Identification Numbers: 3236001024, 3236001025, 3236001026, 3236001027, 3236001028, 3236001029, 3236001030, 3236001031, 3236001032, 3236001033, 3236001034, 3236001035, 3236001036, 3236001037, 3236001038, 3236001039, 3257010033, 3257010034, 3257010035, 3257010036, 3257010037, 3257010038, 3257010039, 3257010040, 3257010041, 3257010042, 3257018006, 3257018007, 3257018008, 3257018009, 3257018010, 3257018011, 3257018012, 3257018013.

1 **[PROPOSED] ORDER**

2 On May 1, 2013, AV Solar Ranch 1, LLC filed its Application for Approval of
3 Stipulation Concerning Land Ownership and Prior Groundwater Production (the "Application").
4 Having read and considered all papers filed in connection with the Stipulation attached to the
5 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.

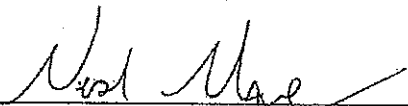
8
9 **IT IS SO ORDERED.**

10
11 DATED: _____

Honorable Jack Komar
Judge of the Santa Clara County Superior
Court

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13
14 Respectfully submitted by:

15 NEAL MAGUIRE
16 ALSTON & BIRD LLP

17 
18 _____
19 Attorneys for Cross-Defendant
AV Solar Ranch 1, LLC

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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 AV SOLAR RANCH 1, LLC'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-AVSOLAR-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
Telephone: 213-576-1000
4 Facsimile: 213-576-1100
ed.casey@alston.com
5 neal.maguire@alston.com

6 Attorneys for Cross-Defendant AV Solar
Ranch 1, LLC

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

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11 ANTELOPE VALLEY
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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]

Judicial Council Coordination No. 4408

**AV SOLAR RANCH 1, LLC'S DECLARATION
IN LIEU OF DEPOSITION**

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

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

1 Cross-Defendant AV Solar Ranch 1, LLC hereby submits the Declaration of Daniel
2 Wusinich. In addition to AV Solar's rights associated with its groundwater production, AV Solar
3 reserves its right to assert its "unexercised overlying rights" associated with prospective
4 overlying uses that are reasonable and beneficial. As held in *City of Los Angeles v. City of San*
5 *Fernando* (1975) 14 Cal.3d 199, 293, fn. 100, "prescriptive rights would not necessarily impair
6 the private defendants' rights to ground water for new overlying uses for which the need had not
7 yet come into existence during the prescriptive period." (See also *City of Barstow v. Mojave*
8 *Water Agency* (2000) 23 Cal.4th 1224, 1247-49; 1-11 California Water Law and Policy § 11.12
9 [Bender 2011].)

10
11 Dated: January 31, 2013

ALSTON & BIRD LLP

12
13 By: 

NEAL P. MAGUIRE

Attorneys for Cross-Defendant AV Solar Ranch 1,
14 LLC
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DECLARATION

I, Daniel Wusinich, declare:

1. I am Senior Project Manager for AV Solar Ranch 1, LLC, a party to this action. In lieu of deposition testimony for the Phase 4 trial, I am providing this declaration. This declaration applies only to the categories I have filled in. The items left blank or crossed out do not apply to me. I have personal knowledge of each fact herein and would testify competently thereto under oath.

Property Ownership and Parcel Size

2. AV Solar Ranch 1, LLC owns property that overlies the Antelope Valley Area of Adjudication as decided by this Court. The land is in Los Angeles County and is identified by the following APN/APNs:

Please see Exhibit A for a list of the 34 parcels comprising the AV Solar Ranch 1, LLC property.

[If additional room is needed, please identify the APN/APNs in Exhibit A.] A true and correct copy of Exhibit A is attached hereto and incorporated herein.

3. AV Solar Ranch 1, LLC claims groundwater rights only as to the properties listed in Paragraph 2 and Exhibit A.

4. For each APN/APNs identified above, the total acreage by parcel is as follows:

AV Solar Ranch 1, LLC owns 34 parcels that are approximately 2,100 acres in size.

[If additional room is needed, please identify the APN/APNs and parcel size in Exhibit B.] A true and correct copy of Exhibit B is attached hereto and incorporated herein.

5. For each APN/APNs identified above AV Solar Ranch 1, LLC owned the property during the following timer period:

Please refer to Exhibit AA.

6. The following are all individuals/entities appearing on the title for the above identified APN/APNS from Jan 1, 2000 to the present:

Please refer to Exhibit AA.

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

Please refer to Exhibit AA.

Leases

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

9. The total acreage by parcel is:

10. The property is currently leased to:

11. The property was leased on the following dates:

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

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

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

14. The total acreage by parcel is:

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

4 [If additional room is needed, please attach APN/APNs, Name of the Lessor and acreage by APN
5 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 listed
8 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 to the
12 leased parcel(s) identified in paragraph 15 and Exhibit D.

13 **Water Meter Records**

14 19. AV Solar Ranch 1, LLC measures the groundwater production on the above referenced
15 properties by water meters. Exhibit E contains the records for these water meters for the
16 following years:

17 2011-2012 (please note that records are stated in gallons)

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 the
20 above referenced properties for the years 2000-2004, 2011, and 2012. A true and correct copy of
21 Exhibit F is attached hereto and incorporated herein.

22 **State Water Project Purchases**

23 21. Homer, LLC purchases State Water Project water from a State Water Contractor
24 for use by AV Solar Ranch 1, LLC 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. Please refer to Exhibit E and the column labeled "170th Street Water Line" for records of
27 water purchases.
28

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

Pump Tests/ Electric Records

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

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

25. Pump tests were performed on the following dates:

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

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

Pump Tests/Diesel Records

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

1 groundwater.

2 29. Exhibit L sets forth the amounts of total yearly groundwater pumped and used on the
3 properties referenced above for the years 2000-2004, 2011, and 2012. A true and correct copy of
4 Exhibit L is attached hereto and incorporated herein.

5 30. Pump tests were performed on the following dates:
6 _____

7 31. _____ is not producing pump test records for the following
8 dates _____ because:
9 _____

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

12 **Crop Duties and Irrigated Acres**

13 33. In order to calculate water use on the properties referenced above, AV Solar Ranch 1, LLC
14 relies on the amount of acres in irrigation on the properties referenced above multiplied by the
15 crop duty identified in the Summary Expert Report, Appendix D-3: Table 4, a true and correct
16 copy of which is attached to this declaration as Exhibit M.

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

20 **Other Sources of Water**

21 35. On the properties referenced above, Av Solar Ranch 1, LLC received water from sources
22 other than groundwater pumped within the Basin or State Water Project Water. Exhibit O sets
23 forth the source of the water and the amounts received for the years 2000-2004, 2011, and 2012.

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

26 36. AV Solar Ranch 1, LLC used 360 acre feet of water on APN# unknown in 2000.

27 The water was used for the following:

28 Agricultural irrigation for 80 acres of onion crops.

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 37. AV Solar Ranch 1, LLC used 360 acre feet of water on APN# unknown in 2001. The
5 water was used for the following:

6 Agricultural irrigation for 80 acres of onion crops.

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

10 38. AV Solar Ranch 1, LLC used 360 acre feet of water on APN# unknown in 2002. The
11 water was used for the following:

12 Agricultural irrigation for 80 acres of onion crops.

13 39. AV Solar Ranch 1, LLC used 360 acre feet of water on APN# unknown in 2003. The
14 water was used for the following:

15 Agricultural irrigation for 80 acres of onion crops.

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

19 40. AV Solar Ranch 1, LLC used 360 acre feet of water on APN# unknown in 2004. The
20 water was used for the following:

21 Agricultural irrigation for 80 acres of onion crops.

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

25 41. AV Solar Ranch 1, LLC used 129 acre feet of water on APN# all in 2011. The
26 water was used for the following: In 2011 and 2012, the AV Solar Property is being used for the
27 construction and operation of an approximately 230-megawatt solar photovoltaic electrical power
28 generation facility.

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

LAW OFFICES OF
BESTEST & REIGER LLP
3750 UNIVERSITY AVENUE, SUITE 400
P.O. BOX 1028
RIVERSIDE, CALIFORNIA 92502

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

3 42. AV Solar Ranch 1, LLC used 147 acre feet of water on APN# all in 2012. The
4 water was used for the following:

5 See response in number 41 above.

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

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

9 43. Other than what is declared hereinabove, AV Solar Ranch 1, LLC did not produce or use water
10 within the Antelope Valley Area of Adjudication for 2000-2004, 2011, and 2012.

11
12 I declare under penalty of perjury under the laws of the State of California that the
13 foregoing is true and correct. Executed this 31 day of January 2013, at Kennett Square
14 California, Pennsylvania.

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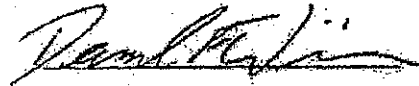


EXHIBIT A

AV Solar owns, occupies, or otherwise controls approximately 2,100 acres of property in Los Angeles County identified by the following Assessor Identification Numbers: 3236001024, 3236001025, 3236001026, 3236001027, 3236001028, 3236001029, 3236001030, 3236001031, 3236001032, 3236001033, 3236001034, 3236001035, 3236001036, 3236001037, 3236001038, 3236001039, 3257010033, 3257010034, 3257010035, 3257010036, 3257010037, 3257010038, 3257010039, 3257010040, 3257010041, 3257010042, 3257018006, 3257018007, 3257018008, 3257018009, 3257018010, 3257018011, 3257018012, 3257018013.

EXHIBIT AA

APN	Record Owners Since 2000
3236001024, 3236001025, 3236001026, 3236001027, 3236001028, 3236001029, 3236001030, 3236001031, 3236001032, 3236001033, 3236001034, 3236001035, 3236001036, 3236001037, 3236001038, 3236001039, 3257018006, 3257018007, 3257018008, 3257018009, 3257018010, 3257018012, 3257018013	AV Solar Ranch 1, LLC (2008-present) High Dessert Investment, LLC (2003-2008) Larsen Ranch (1976-2003)
3257010033, 3257010034, 3257010035, 3257010036	AV Solar Ranch 1, LLC (2008-present) Houston GR&C Family Trust (To Be Determined-2010) High Dessert Investment, LLC (2003-2008) Larsen Ranch (1976-2003)
3257010037, 3257018011	AV Solar Ranch 1, LLC (To Be Determined -present) High Dessert Investment, LLC (2003- To Be Determined) Larsen Ranch (1976-2003)
3257010038, 3257010039, 3257010040, 3257010042	AV Solar Ranch 1, LLC (2010-present) Houston GR&C Family Trust (To Be Determined -2010) AV Solar Ranch 2, LLC (2008-2010)

	Foroughi Family Trust (1999-2008)
3257010041	AV Solar Ranch 1, LLC (2010-present) AV Solar Ranch 2, LLC (2008-2010) Foroughi Family Trust (1999-2008)

EXHIBIT E

[Attached Water Meter Records]

Starting Meter #	Block 3 Well	Block 5 Well	170th Street Water Line				
	Daily Amount	Daily Amount	Daily Amount	Total Daily Amount	Cumulative Amount	Weekly Amount	Week Ending
Cumulative:	64,793,649	25,138,264	100,404,922				
8/1/11				0	0		
8/2/11				0	0		
8/3/11				0	0		
8/4/11	128,000			128,000	128,000		
8/5/11	128,000			128,000	256,000		
8/6/11	37,440			37,440	293,440		
8/7/11	37,440			37,440	330,880	330,880	8/7/11
8/8/11	165,440			165,440	496,320		
8/9/11	165,440			165,440	661,760		
8/10/11	169,440			169,440	831,200		
8/11/11	161,440			161,440	992,640		
8/12/11	173,890			173,890	1,166,530		
8/13/11	174,580			174,580	1,341,110		
8/14/11	37,440			37,440	1,378,550	1,047,670	8/14/11
8/15/11	210,000			210,000	1,588,550		
8/16/11	213,000			213,000	1,801,550		
8/17/11	213,000			213,000	2,014,550		
8/18/11	211,000			211,000	2,225,550		
8/19/11	215,800			215,800	2,441,350		
8/20/11	213,880			213,880	2,655,230		
8/21/11	37,440			37,440	2,692,670	1,314,120	8/21/11
8/22/11	218,000			218,000	2,910,670		
8/23/11	217,600			217,600	3,128,270		
8/24/11	219,000			219,000	3,347,270		
8/25/11	224,000			224,000	3,571,270		
8/26/11	261,000			261,000	3,832,270		
8/27/11	227,000			227,000	4,059,270		
8/28/11	37,440			37,440	4,096,710	1,404,040	8/28/11
8/29/11	220,000			220,000	4,316,710		
8/30/11	0			0	4,316,710		
8/31/11	179,000			179,000	4,495,710		
9/1/11	215,000			215,000	4,710,710		
9/2/11	366,000			366,000	5,076,710		
9/3/11	402,100			402,100	5,478,810		
9/4/11	403,200			403,200	5,882,010	1,785,300	9/4/11
9/5/11	404,000			404,000	6,286,010		
9/6/11	384,000			384,000	6,670,010		
9/7/11	390,000			390,000	7,060,010		

9/8/11	388,000	388,000	7,448,010		
9/9/11	384,000	384,000	7,832,010		
9/10/11	389,000	389,000	8,221,010		
9/11/11	0	0	8,221,010	2,339,000	9/11/11
9/12/11	410,000	410,000	8,631,010		
9/13/11	512,000	512,000	9,143,010		
9/14/11	633,000	633,000	9,776,010		
9/15/11	544,000	544,000	10,320,010		
9/16/11	719,000	719,000	11,039,010		
9/17/11	896,000	896,000	11,935,010		
9/18/11	403,000	403,000	12,338,010	4,117,000	9/18/11
9/19/11	792,000	792,000	13,130,010		
9/20/11	948,000	948,000	14,078,010		
9/21/11	724,000	724,000	14,802,010		
9/22/11	584,000	584,000	15,386,010		
9/23/11	656,000	656,000	16,042,010		
9/24/11	403,000	403,000	16,445,010		
9/25/11	403,000	403,000	16,848,010	4,510,000	9/25/11
9/26/11	432,000	432,000	17,280,010		
9/27/11	596,000	596,000	17,876,010		
9/28/11	752,000	752,000	18,628,010		
9/29/11	808,000	808,000	19,436,010		
9/30/11	532,000	532,000	19,968,010		
10/1/11	336,000	336,000	20,304,010		
10/2/11	403,000	403,000	20,707,010	3,859,000	10/2/11
10/3/11	504,000	504,000	21,211,010		
10/4/11	504,000	504,000	21,715,010		
10/5/11	228,000	228,000	21,943,010		
10/6/11	344,000	344,000	22,287,010		
10/7/11	344,000	344,000	22,631,010		
10/8/11	403,000	403,000	23,034,010		
10/9/11	403,000	403,000	23,437,010	2,730,000	10/9/11
10/10/11	288,000	288,000	23,725,010		
10/11/11	480,000	480,000	24,205,010		
10/12/11	456,000	456,000	24,661,010		
10/13/11	456,000	456,000	25,117,010		
10/14/11		0	25,117,010		
10/15/11		0	25,117,010		
10/16/11	403,000	403,000	25,520,010	2,083,000	10/16/11
10/17/11	178,595	178,595	25,698,605		
10/18/11	474,605	474,605	26,173,210		
10/19/11	470,192	470,192	26,643,402		
10/20/11	465,180	465,180	27,108,582		
10/21/11	458,523	458,523	27,567,105		
10/22/11	610,820	610,820	28,177,925		
10/23/11	403,000	403,000	28,580,925	3,060,915	10/23/11

10/24/11	619,941	619,941	29,200,866		
10/25/11	458,553	458,553	29,659,419		
10/26/11	464,133	464,133	30,123,552		
10/27/11	453,287	453,287	30,576,839		
10/28/11	452,165	452,165	31,029,004		
10/29/11	461,890	461,890	31,490,894		
10/30/11		0	31,490,894	2,909,969	10/30/11
10/31/11	250,205	250,205	31,741,099		
11/1/11	495,550	495,550	32,236,649		
11/2/11	445,161	445,161	32,681,810		
11/3/11	456,193	456,193	33,138,003		
11/4/11	437,317	437,317	33,575,320		
11/5/11	205,700	205,700	33,781,020		
11/6/11		0	33,781,020	2,290,126	11/6/11
11/7/11	217,667	217,667	33,998,687		
11/8/11	448,800	448,800	34,447,487		
11/9/11	420,375	420,375	34,867,862		
11/10/11	468,995	468,995	35,336,857		
11/11/11	-	0	35,336,857		
11/12/11		0	35,336,857		
11/13/11		0	35,336,857	1,555,837	11/13/11
11/14/11	286,236	286,236	35,623,093		
11/15/11	-	0	35,623,093		
11/16/11	-	0	35,623,093		
11/17/11	326,972	326,972	35,950,065		
11/18/11	434,063	434,063	36,384,128		
11/19/11	450,295	450,295	36,834,423		
11/20/11		0	36,834,423	1,497,566	11/20/11
11/21/11	492,856	492,856	37,327,279		
11/22/11	217,855	217,855	37,545,134		
11/23/11	325,940	325,940	37,871,074		
11/24/11		0	37,871,074		
11/25/11	213,516	213,516	38,084,590		
11/26/11	210,598	210,598	38,295,188		
11/27/11		0	38,295,188	1,460,765	11/27/11
11/28/11	178,771	178,771	38,473,959		
11/29/11	311,002	311,002	38,784,961		
11/30/11	67,483	67,483	38,852,444		
12/1/11	454,035	454,035	39,306,479		
12/2/11	314,458	314,458	39,620,937		
12/3/11		0	39,620,937		
12/4/11		0	39,620,937	1,325,749	12/4/11
12/5/11	162,240	162,240	39,783,177		
12/6/11	314,571	314,571	40,097,748		
12/7/11	317,585	317,585	40,415,333		
12/8/11	267,215	267,215	40,682,548		

12/9/11	-	0	40,682,548		
12/10/11	-	0	40,682,548		
12/11/11	-	0	40,682,548	1,061,611	12/11/11
12/12/11	601,975	601,975	41,284,523		
12/13/11	-	0	41,284,523		
12/14/11	-	0	41,284,523		
12/15/11	78,166	78,166	41,362,689		
12/16/11	7	7	41,362,696		
12/17/11	66,946	66,946	41,429,642		
12/18/11	-	0	41,429,642	747,094	12/18/11
12/19/11	39,173	39,173	41,468,815		
12/20/11	43,593	43,593	41,512,408		
12/21/11	91,936	91,936	41,604,344		
12/22/11	75,091	75,091	41,679,435		
12/23/11	128,207	128,207	41,807,642		
12/24/11	-	0	41,807,642		
12/25/11	-	0	41,807,642	378,000	12/25/11
12/26/11	-	0	41,807,642		
12/27/11	703	703	41,808,345		
12/28/11	92,048	92,048	41,900,393		
12/29/11	22,118	22,118	41,922,511		
12/30/11	64,275	64,275	41,986,786		
12/31/11	-	0	41,986,786		
1/1/12	-	0	41,986,786	179,144	1/1/12
1/2/12	-	0	41,986,786		
1/3/12	91,144	91,144	42,077,930		
1/4/12	102,348	102,348	42,180,278		
1/5/12	-	0	42,180,278		
1/6/12	59,518	59,518	42,239,796		
1/7/12	-	0	42,239,796		
1/8/12	-	0	42,239,796	253,010	1/8/12
1/9/12	86,895	86,895	42,326,691		
1/10/12	92,273	92,273	42,418,964		
1/11/12	13,957	13,957	42,432,921		
1/12/12	64,881	64,881	42,497,802		
1/13/12	88,443	88,443	42,586,245		
1/14/12	-	0	42,586,245		
1/15/12	-	0	42,586,245	346,449	1/15/12
1/16/12	84,419	84,419	42,670,664		
1/17/12	29,097	29,097	42,699,761		
1/18/12	51,986	51,986	42,751,747		
1/19/12	72,700	72,700	42,824,447		
1/20/12	-	0	42,824,447		
1/21/12	-	0	42,824,447		
1/22/12	-	0	42,824,447	238,202	1/22/12
1/23/12	202,767	202,767	43,027,214		

1/24/12			0	43,027,214		
1/25/12			0	43,027,214		
1/26/12	82,945		82,945	43,110,159		
1/27/12			0	43,110,159		
1/28/12		345,728	345,728	43,455,887		
1/29/12		345,728	345,728	43,801,615	977,168	1/29/12
1/30/12		345,728	345,728	44,147,343		
1/31/12		345,728	345,728	44,493,071		
2/1/12		474,765	474,765	44,967,836		
2/2/12		78,856	78,856	45,046,692		
2/3/12		90,912	90,912	45,137,604		
2/4/12			0	45,137,604		
2/5/12			0	45,137,604	1,335,989	2/5/12
2/6/12			0	45,137,604		
2/7/12			0	45,137,604		
2/8/12	436,084	20,202	456,286	45,593,890		
2/9/12	87,740	73,316	161,056	45,754,946		
2/10/12	16,792	74,945	91,737	45,846,683		
2/11/12			0	45,846,683		
2/12/12			0	45,846,683	709,079	2/12/12
2/13/12	135,500	-	135,500	45,982,183		
2/14/12	315,072	83,417	398,489	46,380,672		
2/15/12	36,973	78,530	115,503	46,496,175		
2/16/12	26,666	29,978	56,644	46,552,819		
2/17/12	272,750	30,955	303,705	46,856,524		
2/18/12			0	46,856,524		
2/19/12			0	46,856,524	1,009,841	2/19/12
2/20/12	212,000	56,698	268,698	47,125,222		
2/21/12	64,000	-	64,000	47,189,222		
2/22/12	44,000	141,093	185,093	47,374,315		
2/23/12	25,776	136,322	162,098	47,536,413		
2/24/12	361,658	-	361,658	47,898,071		
2/25/12			0	47,898,071		
2/26/12			0	47,898,071	1,041,547	2/26/12
2/27/12	139,988	-	139,988	48,038,059		
2/28/12	128,544		128,544	48,166,603		
2/29/12	123,569	63,216	186,785	48,353,388		
3/1/12	135,537	24,438	159,975	48,513,363		
3/2/12	371,793	72,339	444,132	48,957,495		
3/3/12			0	48,957,495		
3/4/12			0	48,957,495	1,059,424	3/4/12
3/5/12	52,023	88,305	140,328	49,097,823		
3/6/12	39,060	80,485	119,545	49,217,368		
3/7/12	111,759	291,311	403,070	49,620,438		
3/8/12	131,326	13,360	144,686	49,765,124		
3/9/12	111,115	-	111,115	49,876,239		

3/10/12			0	49,876,239		
3/11/12	29,531		29,531	49,905,770	948,275	3/11/12
3/12/12	98,938	60,934	159,872	50,065,642		
3/13/12	140,774	83,744	224,517	50,290,160		
3/14/12	96,298	96,126	192,424	50,482,584		
3/15/12	385,190	290,008	675,198	51,157,781		
3/16/12	99,185	262,310	361,495	51,519,277		
3/17/12			0	51,519,277		
3/18/12			0	51,519,277	1,613,506	3/18/12
3/19/12	65,076	358,437	423,513	51,942,790		
3/20/12	92,303	289,356	381,659	52,324,449		
3/21/12	112	287,075	287,187	52,611,636		
3/22/12	-	286,423	286,423	52,898,059		
3/23/12	92,939	91,890	184,829	53,082,888		
3/24/12			0	53,082,888		
3/25/12			0	53,082,888	1,563,611	3/25/12
3/26/12	77,283	283,491	360,774	53,443,662		
3/27/12	72,317	-	72,317	53,515,979		
3/28/12	23,712	83,418	107,130	53,623,109		
3/29/12	78,764	290,659	369,423	53,992,532		
3/30/12	92,602	287,401	380,003	54,372,535		
3/31/12	24,175	286,098	310,273	54,682,808		
4/1/12		287,401	287,401	54,970,209	1,887,321	4/1/12
4/2/12	70,372	137,835	208,207	55,178,416		
4/3/12	108,161	285,120	393,281	55,571,697		
4/4/12	123,196	284,468	407,664	55,979,361		
4/5/12	174,718	567,633	742,351	56,721,712		
4/6/12	385,609	284,794	670,403	57,392,115		
4/7/12			0	57,392,115		
4/8/12			0	57,392,115	2,421,906	4/8/12
4/9/12	540,774	988,633	1,529,407	58,921,522		
4/10/12	387,075	287,075	674,150	59,595,672		
4/11/12	25,843	23,787	49,630	59,645,302		
4/12/12	94,345	99,385	193,730	59,839,032		
4/13/12	-	-	0	59,839,032		
4/14/12			0	59,839,032		
4/15/12			0	59,839,032	2,446,917	4/15/12
4/16/12	140,138	286,098	426,236	60,265,268		
4/17/12	155,696	288,704	444,400	60,709,668		
4/18/12	110,779	254,490	365,269	61,074,937		
4/19/12	155,360	317,053	472,413	61,547,350		
4/20/12	392,019	284,468	676,487	62,223,837		
4/21/12			0	62,223,837		
4/22/12			0	62,223,837	2,384,805	4/22/12
4/23/12	348,613	612,275	960,888	63,184,725		
4/24/12	143,863	279,255	423,118	63,607,843		

4/25/12	147,782	287,401	435,183	64,043,026		
4/26/12	145,134	279,581	424,715	64,467,741		
4/27/12	101,032	289,379	390,411	64,858,152		
4/28/12			0	64,858,152		
4/29/12			0	64,858,152	2,634,315	4/29/12
4/30/12	128,020	385,808	513,828	65,371,980		
5/1/12	396,739	101,014	497,753	65,869,733		
5/2/12	128,282	291,637	419,919	66,289,652		
5/3/12	164,373	141,093	305,466	66,595,118		
5/4/12	184,419	428,820	613,239	67,208,357		
5/5/12			0	67,208,357		
5/6/12			0	67,208,357	2,350,205	5/6/12
5/7/12	180,792	754,346	935,138	68,143,495		
5/8/12	249,982	110,789	360,771	68,504,266		
5/9/12	143,451	281,210	424,661	68,928,927		
5/10/12	351,777	281,861	633,638	69,562,565		
5/11/12	200,314	284,142	484,456	70,047,021		
5/12/12			0	70,047,021		
5/13/12			0	70,047,021	2,838,664	5/13/12
5/14/12	287,067	235,265	522,332	70,569,353		
5/15/12	229,299	301,413	530,712	71,100,065		
5/16/12	120,278	277,625	397,903	71,497,968		
5/17/12	335,762	281,536	617,298	72,115,266		
5/18/12	228,993	281,536	510,529	72,625,795		
5/19/12			0	72,625,795		
5/20/12			0	72,625,795	2,578,774	5/20/12
5/21/12	288,952	720,458	1,009,410	73,635,205		
5/22/12	157,850	55,395	213,245	73,848,450		
5/23/12	170,357	289,356	459,713	74,308,163		
5/24/12	154,110	259,052	413,162	74,721,325		
5/25/12	227,130	192,252	419,382	75,140,707		
5/26/12	149,600	136,858	286,458	75,427,165		
5/27/12			0	75,427,165	2,801,370	5/27/12
5/28/12			0	75,427,165		
5/29/12	246,182	338,560	584,742	76,011,907		
5/30/12	258,434	107,857	366,291	76,378,198		
5/31/12	298,789	278,603	577,392	76,955,590		
6/1/12	213,659	96,126	309,785	77,265,375		
6/2/12	136,129	271,760	407,889	77,673,264		
6/3/12			0	77,673,264	2,246,099	6/3/12
6/4/12	268,255	67,125	335,380	78,008,644		
6/5/12	293,448	101,666	395,114	78,403,758		
6/6/12	338,021	152,173	490,194	78,893,952		
6/7/12	247,162	285,120	532,282	79,426,234		
6/8/12	253,594	285,772	539,366	79,965,600		
6/9/12	158,030	101,014	259,044	80,224,644		

6/10/12				0	80,224,644	2,551,380	6/10/12
6/11/12	320,271	178,893		499,164	80,723,808		
6/12/12	156,123	288,704		444,827	81,168,635		
6/13/12	456,190	288,053		744,243	81,912,878		
6/14/12	223,921	296,525		520,446	82,433,324		
6/15/12	172,982	92,216		265,198	82,698,522		
6/16/12				0	82,698,522		
6/17/12				0	82,698,522	2,473,878	6/17/12
6/18/12	244,319	335,301		579,620	83,278,142		
6/19/12	246,085	99,059		345,144	83,623,286		
6/20/12	168,307	219,950		388,257	84,011,543		
6/21/12	308,311	275,344		583,655	84,595,198		
6/22/12	292,999	285,772		578,771	85,173,969		
6/23/12	155,681	119,913		275,594	85,449,563		
6/24/12				0	85,449,563	2,751,041	6/24/12
6/25/12	216,082	123,824		339,906	85,789,469		
6/26/12	179,782	166,184		345,966	86,135,435		
6/27/12	412,993	288,704		701,697	86,837,132		
6/28/12	296,896	285,446		582,342	87,419,474		
6/29/12	294,690	92,868		387,558	87,807,032		
6/30/12	132,553	133,273		265,826	88,072,858		
7/1/12				0	88,072,858	2,623,295	7/1/12
7/2/12	326,652	242,433		569,085	88,641,943		
7/3/12	206,672	-	545,935	752,607	89,394,550		
7/4/12	-	-	-	0	89,394,550		
7/5/12	32,792	-	193,874	226,666	89,621,216		
7/6/12	-	-	373,948	373,948	89,995,164		
7/7/12				0	89,995,164		
7/8/12				0	89,995,164	1,922,306	7/8/12
7/9/12	85,571	-	349,593	435,164	90,430,328		
7/10/12	-	-	391,279	391,279	90,821,607		
7/11/12	2,753	-	433,406	436,159	91,257,766		
7/12/12	-	-	716,517	716,517	91,974,283		
7/13/12	2,536	-	326,659	329,195	92,303,478		
7/14/12	-	-	549,847	549,847	92,853,325		
7/15/12				0	92,853,325	2,858,161	7/15/12
7/16/12	-	-	1,202,799	1,202,799	94,056,124		
7/17/12	-	-	350,812	350,812	94,406,936		
7/18/12	-	-	674,696	674,696	95,081,632		
7/19/12	-	-	988,856	988,856	96,070,488		
7/20/12	-	-	955,944	955,944	97,026,432		
7/21/12				0	97,026,432		
7/22/12				0	97,026,432	4,173,107	7/22/12
7/23/12	4,555	-	750,094	754,649	97,781,081		
7/24/12	1,975	-	504,840	506,815	98,287,896		
7/25/12	-	-	927,400	927,400	99,215,296		

7/26/12	-	-	1,391,645	1,391,645	100,606,941		
7/27/12	2,633	-	964,965	967,598	101,574,539		
7/28/12				0	101,574,539		
7/29/12				0	101,574,539	4,548,107	7/29/12
7/30/12	-	-	594,757	594,757	102,169,296		
7/31/12	2,985	-	945,135	948,120	103,117,416		
8/1/12	-	-	635,187	635,187	103,752,603		
8/2/12	-	-	521,820	521,820	104,274,423		
8/3/12	2,783	-	332,097	334,880	104,609,303		
8/4/12				0	104,609,303		
8/5/12				0	104,609,303	3,034,764	8/5/12
8/6/12	-	-	598,482	598,482	105,207,785		
8/7/12	2,311	-	523,682	525,993	105,733,778		
8/8/12	-	-	749,631	749,631	106,483,409		
8/9/12	561	-	736,713	737,274	107,220,683		
8/10/12	-	-	371,255	371,255	107,591,938		
8/11/12	-	-	440,415	440,415	108,032,353		
8/12/12				0	108,032,353	3,423,050	8/12/12
8/13/12	4,481	-	529,906	534,387	108,566,740		
8/14/12	-	-	545,412	545,412	109,112,152		
8/15/12	-	-	395,991	395,991	109,508,143		
8/16/12	1,646	-	834,020	835,666	110,343,809		
8/17/12	3,157	-	424,116	427,273	110,771,082		
8/18/12			667,410	667,410	111,438,492		
8/19/12				0	111,438,492	3,406,139	8/19/12
8/20/12	3,119	-	664,927	668,046	112,106,538		
8/21/12	-	-	426,210	426,210	112,532,748		
8/22/12	-	-	467,949	467,949	113,000,697		
8/23/12	-	-	1,974,944	1,974,944	114,975,641		
8/24/12	-	-	1,800,361	1,800,361	116,776,002		
8/25/12			2,065,901	2,065,901	118,841,903		
8/26/12				0	118,841,903	7,403,411	8/26/12
8/27/12	426,345	-	819,509	1,245,854	120,087,757		
8/28/12	-	-	-	0	120,087,757		
8/29/12	-	-	-	0	120,087,757		
8/30/12	-	-	-	0	120,087,757		
8/31/12	-	-	1,151,920	1,151,920	121,239,677		
9/1/12			2,258,960	2,258,960	123,498,637		
9/2/12			1,505,724	1,505,724	125,004,361	6,162,458	9/2/12
9/3/12	-	-	-	0	125,004,361		
9/4/12	-	-	634,304	634,304	125,638,665		
9/5/12	8,490	-	433,092	441,582	126,080,247		
9/6/12	-	-	151,246	151,246	126,231,493		
9/7/12	-	-	783,754	783,754	127,015,247		
9/8/12				0	127,015,247		
9/9/12				0	127,015,247	2,010,886	9/9/12

9/10/12	-	-	374,150	374,150	127,389,397		
9/11/12	-	-	680,523	680,523	128,069,920		
9/12/12	7,151	-	188,877	196,028	128,265,948		
9/13/12	-	-	401,938	401,938	128,667,886		
9/14/12	-	-	1,193,561	1,193,561	129,861,447		
9/15/12				0	129,861,447		
9/16/12				0	129,861,447	2,846,200	9/16/12
9/17/12	-	-	1,303,001	1,303,001	131,164,448		
9/18/12	-	-	440,699	440,699	131,605,147		
9/19/12	7,024	-	1,302,664	1,309,688	132,914,835		
9/20/12	-	-	491,758	491,758	133,406,593		
9/21/12	3,747	-	391,481	395,228	133,801,821		
9/22/12	-	-	-	0	133,801,821		
9/23/12	-	-	155,569	155,569	133,957,390	4,095,943	9/23/12
9/24/12	-	-	1,264,135	1,264,135	135,221,525		
9/25/12	9,447	-	599,933	609,380	135,830,905		
9/26/12	-	-	1,141,770	1,141,770	136,972,675		
9/27/12	-	-	-	0	136,972,675		
9/28/12	-	-	972,781	972,781	137,945,456		
9/29/12				0	137,945,456		
9/30/12				0	137,945,456	3,988,066	9/30/12
10/1/12	10,779	-	335,807	346,586	138,292,042		
10/2/12	-	-	1,142,248	1,142,248	139,434,290		
10/3/12	-	-	1,034,484	1,034,484	140,468,774		
10/4/12	-	-	609,538	609,538	141,078,312		
10/5/12	4,181	-	381,562	385,743	141,464,055		
10/6/12	-	-	450,296	450,296	141,914,351		
10/7/12				0	141,914,351	3,968,895	10/7/12
10/8/12	-	-	945,966	945,966	142,860,317		
10/9/12	10,031	-	1,492,365	1,502,396	144,362,713		
10/10/12	-	-	640,625	640,625	145,003,338		
10/11/12	-	-	989,088	989,088	145,992,426		
10/12/12	7,375	-	777,501	784,876	146,777,302		
10/13/12				0	146,777,302		
10/14/12				0	146,777,302	4,862,951	10/14/12
10/15/12	-	-	980,089	980,089	147,757,391		
10/16/12	7,435	-	1,234,140	1,241,575	148,998,966		
10/17/12	-	-	737,820	737,820	149,736,786		
10/18/12	-	-	89,244	89,244	149,826,030		
10/19/12	247,491	-	609,336	856,827	150,682,857		
10/20/12				0	150,682,857		
10/21/12				0	150,682,857	3,905,555	10/21/12
10/22/12	-	-	328,656	328,656	151,011,513		
10/23/12	105,573	-	471,315	576,888	151,588,401		
10/24/12	1,459	-	422,814	424,273	152,012,674		
10/25/12	-	-	331,611	331,611	152,344,285		

10/26/12	2,289	-	336,981	339,270	152,683,555		
10/27/12				0	152,683,555		
10/28/12				0	152,683,555	2,000,698	10/28/12
10/29/12	6,552	-	935,404	941,956	153,625,511		
10/30/12	-	-	451,313	451,313	154,076,824		
10/31/12	3,590	-	1,361,958	1,365,548	155,442,372		
11/1/12	-	-	404,818	404,818	155,847,190		
11/2/12	6,717	-	372,497	379,214	156,226,404		
11/3/12				0	156,226,404		
11/4/12				0	156,226,404	3,542,849	11/4/12
11/5/12	5,991	-	1,822,135	1,828,126	158,054,530		
11/6/12	-	-	404,668	404,668	158,459,198		
11/7/12	1,174	-	418,072	419,246	158,878,444		
11/8/12	1,242	-	300,382	301,624	159,180,068		
11/9/12	-	-	368,383	368,383	159,548,451		
11/10/12				0	159,548,451		
11/11/12				0	159,548,451	3,322,047	11/11/12
11/12/12	-	-	-	0	159,548,451		
11/13/12	3,546	-	366,198	369,744	159,918,195		
11/14/12	-	-	1,420,026	1,420,026	161,338,221		
11/15/12	1,518	-	739,465	740,983	162,079,204		
11/16/12	-	-	671,592	671,592	162,750,796		
11/17/12				0	162,750,796		
11/18/12				0	162,750,796	3,202,345	11/18/12
11/19/12	2,693	-	1,492,342	1,495,035	164,245,831		
11/20/12	3,321	-	1,241,388	1,244,709	165,490,540		
11/21/12	3,157	-	528,469	531,626	166,022,166		
11/22/12	-	-	-	0	166,022,166		
11/23/12	-	-	-	0	166,022,166		
11/24/12				0	166,022,166		
11/25/12				0	166,022,166	3,271,370	11/25/12
11/26/12	2,812	-	666,730	669,542	166,691,708		
11/27/12	-	-	558,113	558,113	167,249,821		
11/28/12	2,453	-	893,643	896,096	168,145,917		
11/29/12	-	-	871,151	871,151	169,017,068		
11/30/12	2,835	-	410,951	413,786	169,430,854		
12/1/12				0	169,430,854		
12/2/12				0	169,430,854	3,408,688	12/2/12
12/3/12	2,895	-	912,328	915,223	170,346,077		
12/4/12	-	-	588,369	588,369	170,934,446		
12/5/12	2,341	-	898,722	901,063	171,835,509		
12/6/12	2,154	-	1,367,374	1,369,528	173,205,037		
12/7/12	-	-	822,994	822,994	174,028,031		
12/8/12				0	174,028,031		
12/9/12				0	174,028,031	4,597,177	12/9/12
12/10/12	1,698	-	358,875	360,573	174,388,604		

12/11/12	1,990	-	455,726	457,716	174,846,320		
12/12/12	-	-	455,936	455,936	175,302,256		
12/13/12	3,082	-	291,982	295,064	175,597,320		
12/14/12	-	-	224,355	224,355	175,821,675		
12/15/12				0	175,821,675		
12/16/12				0	175,821,675	1,793,644	12/16/12
12/17/12	2,154	-	299,282	301,436	176,123,111		
12/18/12	-	-	223,697	223,697	176,346,808		
12/19/12	2,244	-	-	2,244	176,349,052		
12/20/12	-	-	-	0	176,349,052		
12/21/12	2,341	-	1,167,089	1,169,430	177,518,482		
12/22/12				0	177,518,482		
12/23/12				0	177,518,482	1,696,807	12/23/12
12/24/12	-	-	-	0	177,518,482		
12/25/12	-	-	-	0	177,518,482		
12/26/12	-	-	-	0	177,518,482		
12/27/12	404	-	177,575	177,979	177,696,461		
12/28/12	120	-	266,213	266,333	177,962,794		
12/29/12				0	177,962,794		
12/30/12				0	177,962,794	444,312	12/30/12
12/31/12	-	-	-	0	177,962,794		
1/1/13	-	-	-	0	177,962,794		
1/2/13	217	-	96,387	96,604	178,059,398		
1/3/13	426	-	1,204,235	1,204,661	179,264,059		
1/4/13	172	-	556,557	556,729	179,820,788		
1/5/13				0	179,820,788		
1/6/13				0	179,820,788	1,857,994	1/6/13
1/7/13	127	-	521,034	521,161	180,341,949		
1/8/13	-	-	427,347	427,347	180,769,296		
1/9/13	157	-	708,094	708,251	181,477,547		
1/10/13	-	-	300,950	300,950	181,778,497		
1/11/13	90	-	404,414	404,504	182,183,001		
1/12/13				0	182,183,001		
1/13/13				0	182,183,001	2,362,213	1/13/13
1/14/13	60	-	1,264,180	1,264,240	183,447,241		
1/15/13	-	-	414,960	414,960	183,862,201		
1/16/13	112	-	443,684	443,796	184,305,997		
1/17/13	-	-	418,132	418,132	184,724,129		
1/18/13	67	-	324,632	324,699	185,048,828		
1/19/13	-	-	-	0	185,048,828		
1/20/13				0	185,048,828	2,865,827	1/20/13
1/21/13	-	-	-	0	185,048,828		
1/22/13	82	-	1,118,260	1,118,342	186,167,170		
1/23/13	-	-	598,400	598,400	186,765,570		
1/24/13	37	-	1,205,776	1,205,813	187,971,383		
1/25/13	-	-	874,636	874,636	188,846,019		

1/26/13			0	188,846,019		
1/27/13			0	188,846,019	3,797,191	1/27/13
1/28/13	30	-	387,614	387,644	189,233,663	
1/29/13	-	-	725,186	725,186	189,958,849	
1/30/13	22	-	377,964	377,986	190,336,835	
1/31/13			0	190,336,835		
2/1/13			0	190,336,835		
2/2/13			0	190,336,835		
2/3/13			0	190,336,835	1,490,816	2/3/13
2/4/13			0	190,336,835		
2/5/13			0	190,336,835		
2/6/13			0	190,336,835		
2/7/13			0	190,336,835		
2/8/13			0	190,336,835		
2/9/13			0	190,336,835		
2/10/13			0	190,336,835	0	2/10/13
2/11/13			0	190,336,835		
2/12/13			0	190,336,835		
2/13/13			0	190,336,835		
2/14/13			0	190,336,835		
2/15/13			0	190,336,835		
2/16/13			0	190,336,835		
2/17/13			0	190,336,835	0	2/17/13
2/18/13			0	190,336,835		
2/19/13			0	190,336,835		
2/20/13			0	190,336,835		
2/21/13			0	190,336,835		
2/22/13			0	190,336,835		
2/23/13			0	190,336,835		
2/24/13			0	190,336,835	0	2/24/13
2/25/13			0	190,336,835		
2/26/13			0	190,336,835		
2/27/13			0	190,336,835		
2/28/13			0	190,336,835		
3/1/13			0	190,336,835		
3/2/13			0	190,336,835		
3/3/13			0	190,336,835	0	3/3/13
3/4/13			0	190,336,835		
3/5/13			0	190,336,835		
3/6/13			0	190,336,835		
3/7/13			0	190,336,835		
3/8/13			0	190,336,835		
3/9/13			0	190,336,835		
3/10/13			0	190,336,835	0	3/10/13
3/11/13			0	190,336,835		
3/12/13			0	190,336,835		

3/13/13	0	190,336,835		
3/14/13	0	190,336,835		
3/15/13	0	190,336,835		
3/16/13	0	190,336,835		
3/17/13	0	190,336,835	0	3/17/13
3/18/13	0	190,336,835		
3/19/13	0	190,336,835		
3/20/13	0	190,336,835		
3/21/13	0	190,336,835		
3/22/13	0	190,336,835		
3/23/13	0	190,336,835		
3/24/13	0	190,336,835	0	3/24/13
3/25/13	0	190,336,835		
3/26/13	0	190,336,835		
3/27/13	0	190,336,835		
3/28/13	0	190,336,835		
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EXHIBIT H

In addition to water produced from the on-site groundwater well, approximately 270.16 acre-feet of water was purchased for use in 2012 from Homer, LLC, a water bank that is believed to obtain water from the State Water Project. Documentation of these purchases is being compiled.

EXHIBIT M

[Crop Table Attached]

1

EXHIBIT "M"

2

Crop	ET _a ¹ (in)	P _a ² (in)	ET _{aw} ³ (in)	DU ⁴ (%)	AW _c ⁵ (in)	AW _m ⁶ (in)	AW _p ⁷ (in)	AW _t ⁸ (in)	E _i ⁹ (%)
Alfalfa	62.10	1.77	60.33	80	75.42	0	2.0	77.42	8.5
Citrus	27.47	0.00	27.47	80	34.33	0	0.0	45.83	3.8
Grape	22.84	1.42	21.42	80	26.80	0	4.0	30.80	2.6
Melons/Squash	23.91	0.00	23.91	80	28.88	0	4.0	33.88	2.8
Onions	37.67	0.00	37.67	80	46.86	3	4.0	53.86	4.5
Orchard (Deciduous)	47.38	0.50	47.38	80	59.22	0	0.0	59.22	4.8
Pasture	68.19	1.77	66.42	80	80.53	0	0.0	80.53	6.7
Potatoes	24.02	0.00	24.02	80	30.03	0	4.0	34.03	2.8
Silage	27.81	0.00	27.81	80	34.14	0	4.0	38.14	3.2
Sugar Beets	40.55	0.00	40.55	80	50.68	0	4.0	54.68	4.6
Vineyard (Grapes)	35.33	0.00	35.33	80	44.16	0	0.0	44.16	3.7

¹ ET_a = K_c * ET_p, where ET_p = average ET_p for specified periods, based on data from Victorville CIMIS Station, 1994-2003; K_c values from Univ. California Cooperative Extension
² P_a = effective precipitation offsetting ET_a, up to 1/2 of the average precipitation, 1st Dec. - Feb., inclusive
³ ET_{aw} = evapotranspiration of applied water = ET_a - P_a
⁴ DU = irrigation distribution uniformity
⁵ AW_c = applied water for crop requirement = ET_{aw} / DU
⁶ AW_m = applied water for erosion control
⁷ AW_p = applied water for field preparation and pre-irrigation
⁸ AW_t = applied crop water duty = AW_c + AW_m + AW_p
⁹ E_i = overall irrigation efficiency for beneficial uses = (ET_{aw} + AW_m + AW_p) / AW_t

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EXHIBIT N

Year	Crop	Acreage Planted	Multiplier from Table 4	Total AFY
2000	Onions	80	4.5	360
2001	Onions	80	4.5	360
2002	Onions	80	4.5	360
2003	Onions	80	4.5	360
2004	Onions	80	4.5	360
2011	None ¹			
2012	None			

¹ In 2011 and 2012, the AV Solar Property is being used for the construction and operation of an approximately 230-megawatt solar photovoltaic electrical power generation facility. Additionally, from the late 1960s to the early 1990s, approximately 100 acres of the AV Solar Property was utilized for alfalfa.

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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 **AV SOLAR**
10 **RANCH 1, LLC'S DECLARATION IN LIEU OF DEPOSITION** on the interested
11 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.sceffiling.org regarding the ANTELOPE
23 VALLEY GROUNDWATER matter.

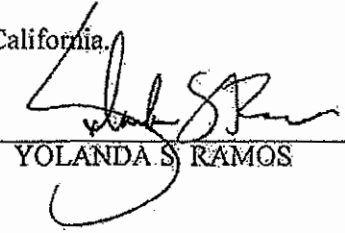
24 ☐ BY FEDERAL EXPRESS ☐ UPS NEXT DAY AIR ☐ OVERNIGHT
25 DELIVERY: I deposited such envelope in a facility regularly maintained by ☐
26 FEDERAL EXPRESS ☐ UPS ☐ Overnight Delivery [specify name of
27 service:] with delivery fees fully provided for or delivered the envelope to a
28 courier or driver of ☐ 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 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-AVSOLAR-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 AV Solar
Ranch I, LLC
7

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

11 ANTELOPE VALLEY
GROUNDWATER CASES
12

13 **INCLUDED ACTIONS:**

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

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

20 DIAMOND FARMING COMPANY,
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]
23

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 AV Solar Ranch I, LLC ("AV Solar"¹) 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 AV Solar 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 AV Solar hereby responds in
10 accordance with its utmost ability based on its prior review of its water rights claim and the basis
11 for that claim, AV Solar reserves the right to supplement this response as additional information
12 becomes available.

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

14 A. AV Solar owns, occupies, or otherwise controls approximately 2,100 acres of
15 property in Los Angeles County identified by the following Assessor Identification Numbers:
16 3236001024, 3236001025, 3236001026, 3236001027, 3236001028, 3236001029,
17 3236001030, 3236001031, 3236001032, 3236001033, 3236001034, 3236001035, 3236001036,
18 3236001037, 3236001038, 3236001039, 3257010033, 3257010034, 3257010035, 3257010036,
19 3257010037, 3257010038, 3257010039, 3257010040, 3257010041, 3257010042, 3257018006,
20 3257018007, 3257018008, 3257018009, 3257018010, 3257018011, 3257018012, 3257018013
21 (the "AV Solar Property").

22 B. AV Solar is the record title owner for all of the AV Solar Property. AV Solar is
23 inquiring into the previous owners of the property, formerly known as the Larsen Ranch, and the
24 dates of any acquisitions since 2000.

25 C. Two groundwater wells existed on the AV Solar Property from 2000-04 and
26 2011-012. One well supplied an on-site farm residence. A second well was used for irrigation.

27 _____
28 ¹ AV Solar Ranch I, LLC is the current owner of the property, having purchased the
property from High Desert Investments, LLC.

1 D. Two groundwater wells were operated on the AV Solar Property from 2000-04
2 and 2011-12.

3 E. AV Solar estimates, based on information currently and reasonably available to it,
4 that the amount of water pumped from the well(s) described above in Section II.C-D is:

5 Year	AFY
6 2000	392
7 2001	392
8 2002	392
9 2003	392
10 2004	392
11 2011	129
12 2012	147

13 F. The water described above in Section II.E was utilized for agricultural irrigation.

14 G. AV Solar does not produce groundwater off-site.

15 H. In 2011 and 2012, the AV Solar Property is being used for the construction and
16 operation of an approximately 230-megawatt solar photovoltaic electrical power generation
17 facility.

18 I. The AV Solar Property is not currently utilized for agricultural uses. From the late
19 1960s to the early 1990s, approximately 100 acres of the AV Solar Property was utilized for
20 alfalfa growing and utilized approximately 776 afy (utilizing a multiplier of 7.76 acre feet of
21 water per acre of land farmed. As recently as 2004, 80 acres of the AV Solar Property was
22 utilized to grow onions, utilizing approximately 392 afy (utilizing a multiplier of 4.89 acre feet
23 of water per acre of land farmed).

24 J. In addition to rights associated with past and current pumping, AV Solar reserves
25 the right to assert its "unexercised overlying rights" associated with prospective overlying uses
26 that are reasonable and beneficial. As noted in *City of Los Angeles v. City of San Fernando*
27 (1975) 14 Cal.3d 199, 293, fn. 100, "prescriptive rights would not necessarily impair the private
28 defendants' rights to ground water for new overlying uses for which the need had not yet come

1 into existence during the prescriptive period.” (See also *City of Barstow v. Mojave Water Agency*
2 (2000) 23 Cal.4th 1224, 1247-49; 1-11 California Water Law and Policy § 11.12 [Bender 2011].)

3 K. AV Solar claims 392 afy as the reasonable and beneficial use for its property as
4 well as any amount required pursuant to Section II.J above.

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

6 A. AV Solar does not lease the AV Solar Property.

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

8 A. An environmental impact report (“EIR”) prepared and certified by the County of
9 Los Angeles for the AV Solar Property’s proposed solar facility project under the California
10 Environmental Quality Act (Cal. Pub. Resources Code, § 21000 et seq.) included an analysis of
11 the AV Solar Property’s historical water use, including amounts pumped based on the
12 agricultural crops and acreage. The EIR included technical reports prepared by URS of Santa
13 Ana, CA (November 2009) as well as a technical memorandum prepared by Joseph C.
14 Scalmanini (June 2010).

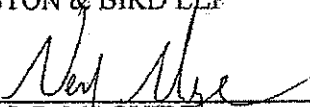
15 **V. Response to Section V of the Discovery Order**

16 Dan Wusinich is the AV Solar representative most qualified to testify to the above facts.
17

18 Dated: December 21, 2012

ALSTON & BIRD LLP

19
20 By:


NEAL P. MAGUIRE
Attorneys for Cross-Defendant AV Solar Ranch 1,
21 LLC
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VERIFICATION

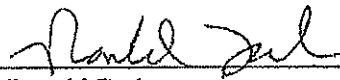
I, Ronald Zack, declare as follows:

I am the Assistant Secretary of Cross-Defendant AV Solar Ranch 1, LLC and am authorized to make this Verification on its behalf. I have read the foregoing **RESPONSE TO DECEMBER 12, 2012 DISCOVERY ORDER FOR PHASE 4 TRIAL** ("Discovery Response") and know the contents thereof. I certify that the responses contained in the Discovery Response are true of my own knowledge, except as to the matters which are therein stated upon my information and belief, and as to those matters, I believe them to be true.

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

Executed this 20th day of December, 2012 at Philadelphia, Pennsylvania.

By:



Ronald Zack
Assistant Secretary
AV Solar Ranch 1, LLC

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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.scefiling.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 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
2 ELECTRONIC FILING SYSTEM - WWW.SCEFILING.ORG

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 3:07 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 AV SOLAR RANCH 1, LLC'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.

☒ 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.

☐ 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 September 4, 2015, at Los Angeles, California.


YOLANDA S. RAMOS