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LOS ANGELES COUNTY WATERWORKS
DISTRICT NO. 40

EXEMPT FROM FILING FEES
UNDER GOVERNMENT CODE SECTION
6103

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COUNTY WATERWORKS DISTRICT NO. 40

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES – CENTRAL DISTRICT

ANTELOPE VALLEY GROUNDWATER
CASES

Included Actions:

Los Angeles County Waterworks District No.
40 v. Diamond Farming Co., Superior Court of
California, County of Los Angeles, Case No.
BC 325201;

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

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

Judicial Council Coordination No. 4408

CLASS ACTION

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

LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40'S
STATEMENT OF CLAIMS

1 **1. Total amount of your groundwater production from 1946 to 2012, by year.**

2 See Exhibit A.

3 **2. The amount of imported water you purchased, by year.**

4 See Exhibit A.

5 **3. The amount of return flows generated from the imported water, by year.**

6 See Exhibit A.

7 **4. The amount of your total groundwater production that is adverse, by year.**

8 See Exhibit A.

9 **5. The date when your prescriptive rights ceased to accrue.**

10 Los Angeles County Waterworks District No. 40's ("District No. 40") prescriptive rights
11 have not ceased to accrue.

12 **6. The prescriptive period.**

13 1946 to present.

14 **7. The effect of the filing of Diamond Farming's and Bolthouse's original**
15 **lawsuits on your prescriptive rights.**

16 These lawsuits cut off the prescriptive period as to properties owned by the respective
17 plaintiffs as described in the complaints.

18 **8. The total amount of prescriptive rights you claim (without regard to self-**
19 **help), and the basis for calculation.**

20 17,589 acre-feet per year. This is the highest amount pumped continuously over a five
21 year period from 1946 to present.

22 **9. Against what parties you claim prescriptive rights.**

23 District No. 40 claims prescriptive rights against all private parties including Wood class,
24 but not including Willis class, plus any party who acquired their rights from a private party during
25 the prescriptive period.

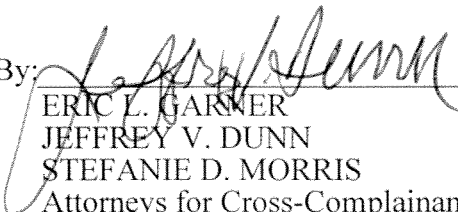
26 **10. Any non-prescriptive rights you claim.**

27 District No. 40 claims domestic and municipal priorities, storage rights (including rights
28 to water stored by District No. 40 in any and all aquifer storage and recovery programs), in-lieu

rights, and rights to return flows from imported water.

Dated: September 5, 2013

BEST BEST & KRIEGER LLP

By: 

ERIC L. GARNER
JEFFREY V. DUNN
STEFANIE D. MORRIS
Attorneys for Cross-Complainant
LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40

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EXHIBIT “A”

Los Angeles County Waterworks District No. 40: Historical Supply Sources in Acre-Feet (1947 - 2012)

Year	Groundwater	SWP Deliveries	Return Flows	Adverse Production
1946	600.00	0.00	0.00	600.00
1947	200.00	0.00	0.00	200.00
1948	1,227.00	0.00	0.00	1,227.00
1949	1,137.00	0.00	0.00	1,137.00
1950	585.00	0.00	0.00	585.00
1951	1,004.00	0.00	0.00	1,004.00
1952	1,087.00	0.00	0.00	1,087.00
1953	4,065.00	0.00	0.00	4,065.00
1954	2,130.00	0.00	0.00	2,130.00
1955	2,130.00	0.00	0.00	2,130.00
1956	3,640.00	0.00	0.00	3,640.00
1957	5,189.00	0.00	0.00	5,189.00
1958	5,236.00	0.00	0.00	5,236.00
1959	5,634.00	0.00	0.00	5,634.00
1960	5,779.00	0.00	0.00	5,779.00
1961	11,036.00	0.00	0.00	11,036.00
1962	11,535.00	0.00	0.00	11,535.00
1963	10,167.00	0.00	0.00	10,167.00
1964	10,033.00	0.00	0.00	10,033.00
1965	11,760.00	0.00	0.00	11,760.00
1966	10,791.00	0.00	0.00	10,791.00
1967	10,398.00	0.00	0.00	10,398.00
1968	12,536.00	0.00	0.00	12,536.00
1969	15,593.00	0.00	0.00	15,593.00
1970	14,083.00	0.00	0.00	14,083.00
1971	14,007.00	0.00	0.00	14,007.00
1972	15,893.00	0.00	0.00	15,893.00
1973	15,177.00	0.00	0.00	15,177.00
1974	14,568.00	0.00	0.00	14,568.00
1975	13,540.00	0.00	0.00	13,540.00
1976	13,553.00	0.00	0.00	13,553.00
1977	11,504.00	0.00	0.00	11,504.00
1978	9,094.20	4,266.00	0.00	9,094.20
1979	8,705.40	5,750.00	1,667.15	8,705.40
1980	9,537.36	4,732.00	2,247.10	9,537.36
1981	9,337.22	6,359.00	1,849.27	9,337.22
1982	10,921.19	4,425.00	2,485.10	10,921.19
1983	10,903.23	4,171.00	1,729.29	10,903.23
1984	10,539.68	7,532.00	1,630.03	10,539.68
1985	9,564.79	9,585.00	2,943.51	9,564.79
1986	12,880.56	11,230.00	3,745.82	12,880.56
1987	13,993.39	11,967.00	4,388.68	13,993.39
1988	14,491.58	15,082.00	4,676.70	14,491.58
1989	19,627.33	17,626.00	5,894.05	19,627.33
1990	13,905.00	21,232.00	6,888.24	13,905.00
1991	16,784.00	12,943.00	8,297.47	16,784.00
1992	15,498.00	18,704.00	5,058.12	15,498.00
1993	14,364.00	24,409.00	7,309.52	14,364.00
1994	16,894.00	24,329.00	9,539.04	16,894.00
1995	19,795.00	21,692.00	9,507.77	19,795.00
1996	19,419.00	26,997.00	8,477.23	19,419.00
1997	19,642.00	28,093.00	10,550.43	19,642.00
1998	17,589.00	24,600.00	10,978.74	17,589.00
1999	18,583.00	30,651.00	9,613.68	18,583.00
2000	17,418.60	34,655.00	11,978.41	17,418.60
2001	21,735.70	30,965.00	13,543.17	21,735.70
2002	21,194.50	33,442.00	12,101.12	21,194.50
2003	16,836.60	37,442.00	13,069.13	16,836.60
2004	21,348.50	36,231.00	14,632.33	21,348.50
2005	19,555.70	35,935.00	14,159.07	19,555.70
2006	12,238.30	46,946.00	14,043.40	12,238.30
2007	19,457.90	40,212.00	18,346.50	19,457.90
2008	24,814.10	29,286.00	15,714.85	24,814.10
2009	18,577.20	30,611.00	11,444.97	18,577.20
2010	9,038.90	39,169.00	11,962.78	9,038.90
2011	16,583.20	29,764.00	15,307.25	16,583.20
2012	20,618.20	31,701.00	11,631.77	20,618.20

PROOF OF SERVICE

I, Kerry V. Keefe, declare:

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is Best Best & Krieger LLP, 5 Park Plaza, Suite 1500, Irvine, California, 92614. On September 5, 2013, I served the within document(s):

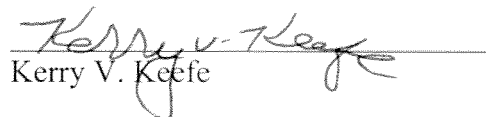
LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40'S STATEMENT OF CLAIMS

- ☒ by posting the document(s) listed above to the Santa Clara County Superior Court website in regard to the Antelope Valley Groundwater matter.
- ☐ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Irvine, California addressed as set forth below.
- ☐ by causing personal delivery by ASAP Corporate Services of the document(s) listed above to the person(s) at the address(es) set forth below.
- ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- ☐ I caused such envelope to be delivered via overnight delivery addressed as indicated on the attached service list. Such envelope was deposited for delivery by Federal Express following the firm's ordinary business practices.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

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

Executed on September 5, 2013, at Irvine, California.


Kerry V. Keefe