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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;

RICHARD WOOD, on behalf of himself and
all other similarly situated v. A.V. Materials,

Judicial Council Coordination Proceeding
No. 4408

CLASS ACTION

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

**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF PUBLIC WATER
SUPPLIERS' OPPOSITION TO MOTION
FOR SUMMARY ADJUDICATION**

*[Filed concurrently with Opposition,
Separate Statement of Disputed Facts and
Declarations of Jeffrey V. Dunn and Steve
A. Perez]*

1 Inc., et al., Superior Court of California,
2 County of Los Angeles, Case No. BC509546.

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16 Community Services District

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23 Palm Ranch Irrigation District, Desert Lake
24 Community Services District, North Edwards Water
25 District, Llano Del Rio Water Company, Llano
26 Mutual Water Company, and Big Rock Mutual Water
27 Company

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CALIFORNIA WATER SERVICE COMPANY

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Pursuant to Evidence Code Section 452 and 453, Los Angeles County Waterworks District No. 40, City of Palmdale, City of Lancaster, Rosamond Community Services District, Littlerock Creek Irrigation District, Palm Ranch Irrigation District, Desert Lake Community Services District, North Edwards Water District, Llano Del Rio Water Company, Llano Mutual Water Company, Big Rock Mutual Water Company, Quartz Hill Water District, and California Water Service Company (collectively, "Public Water Suppliers") request that the Court take judicial notice of the following documents:

1. Overview of the California State Water Project and the Central Valley Project from the website of the California Department of Water Resources, found at <http://www.water.ca.gov/swp/cvp.cfm>, a true and correct copy of which is attached hereto as Exhibit 1; and
2. Overview of the California State Water Project Contractors from the website of the California Department of Water Resources, found at http://www.water.ca.gov/swp/contractor_intro.cfm, a true and correct copy of which is attached hereto as Exhibit 2.

This Request for Judicial Notice is made on the grounds that the above exhibits are relevant to the Court's determination on the Public Water Suppliers' Opposition to Antelope Valley-East Kern Water Agency's Motion for Summary Adjudication, as set forth in their Opposition, and will aid the Court in determining the same. The exhibits are judicially noticeable under Section 452, subdivisions (g) and (h). Section 452, subdivision (g) provides that judicial notice may be taken of "[f]acts and propositions that are of such common knowledge within the territorial jurisdiction of the court that they cannot reasonably be the subject of dispute." Section 452, subdivision (h) provides that judicial notice may be taken of "[f]acts and propositions that are not reasonably subject to dispute and are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy."

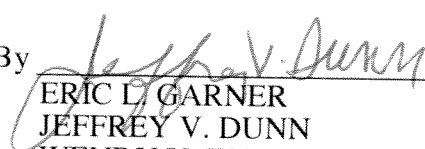
Under Section 453 of the Evidence Code, this Request for Judicial Notice is conditionally mandatory and must be granted if sufficient notice is given to the adverse party and if the court is furnished with sufficient information to enable it to take notice of the matter. (*People v. Maxwell*

(1978) 78 Cal.App.3d 124, 130-31.) By this request, Public Water Suppliers give the Court and adverse parties sufficient notice and information to enable it to take judicial notice of the document attached hereto as Exhibit 1 and Exhibit 2.

Dated: December 27, 2013

BEST BEST & KRIEGER LLP

By


ERIC L. GARNER
JEFFREY V. DUNN
WENDY Y. WANG

Attorneys for LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40

EXHIBIT “1”

California State Water Project and the Central Valley Project

Today the Central Valley Project, operated by the U.S. Bureau of Reclamation, is one of the world's largest water storage and transport systems. Its 22 reservoirs have a combined storage of 11 million acre-feet, of which 7 million acre-feet is delivered in an average year. In comparison, the SWP's 20 major reservoirs can hold 5.8 million acre-feet, with annual deliveries averaging up to 3 million acre-feet.

CVP water irrigates more than 3 million acres of farmland and provides drinking water to nearly 2 million consumers. SWP deliveries are 70 percent urban and 30 percent agriculture, meeting the needs of 20 million Californians and more than 600,000 irrigated acres, respectively.

The CVP has long-term contracts with more than 250 contractors in 29 out of 58 counties; while 29 agencies have 50-year contracts with the SWP.

EXHIBIT “2”

California State Water Project Water Contractors

During the 1960s, as the Project was being constructed, long-term contracts were signed with public water agencies, known as the [State Water Project contractors](#). They receive annual allocations, specified annual amounts of water, as agreed to in their contracts, which will expire in 2035. In return, the contractors repay principal and interest on both the general obligation bonds that initially funded the Project's construction and the revenue bonds that paid for additional facilities. The contractors also pay all costs, including labor and power, to maintain and operate the Project's facilities.

Deliveries

The SWP's water supply capability depends on rainfall, snowpack, runoff, reservoir storage, pumping capacity from the Delta, and legal environmental constraints on project operations. Project water supply comes from storage at Lake Oroville and high runoff flows in the Delta. Water deliveries have ranged from 1.4 million acre-feet in dry years to almost 4.0 million acre-feet in wet years. In January 2000, the SWP exceeded 60 million acre-feet in total deliveries since operations began in 1962. [SWP Annual Water Deliveries Chart](#)

In most cases, contractors use SWP water to supplement local or other imported supplies. Five contractors use Project water primarily for agricultural purposes (mainly southern San Joaquin Valley); the remaining 24 primarily for municipal purposes.

Service Areas

The service areas of these contracting agencies extend from Plumas County in the north to San Diego County adjacent to the Mexican border. These contractors' service areas comprise almost one quarter of California's land area and more than two-thirds of its population. While many of the contractors are agencies that have been in existence for many years, a number of the districts were formed for the express purpose of contracting for SWP water ([Water Contractors Service Areas & Annual Allocations](#)).

The SWP made its first deliveries in 1962 to the Bay Area. In 1968, service was extended into the central and southern San Joaquin Valley, and by 1972, Southern California areas began receiving their first deliveries.

SWP Contractors Payments

SWP contractors pay the same amount per acre-foot of their allocations for constructing and operating the SWP conservation facilities, which are used to develop the Project's water supply. These facilities include Lake Oroville, San Luis Reservoir, and a portion of the California Aqueduct from the Delta to San Luis Reservoir.

The Delta Water Charge, which is common to all contractors, provides funds to maintain water quality in the Sacramento-San Joaquin Delta, where the water is exported to various regions of the State. Each contractor also pays transportation charges for the construction, operation, and maintenance of necessary facilities to convey water to their respective locations. The greater the distance the water is transported, the higher the cost.

The SWP contractors also repay all costs related to the Project ([SWP Contractors Financing Repayment Charts](#)). Annual repayments total about \$600 million a year (2002). Of that amount, operation and maintenance (O&M) costs for labor and equipment account for 30 percent. The cost for power (purchases less generation and sales) amounts to 20 percent. Bond service payments of principal and interest and repayments for other capital financing are about 50 percent.

Through 2001, the contractors have paid cumulative payments totaling \$9 billion.

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, 18101 Von Karman Avenue, Suite 1000, Irvine, California 92612. On December 27, 2013, I served the within document(s):

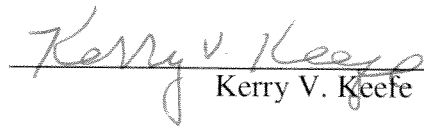
**REQUEST FOR JUDICIAL NOTICE ISO IN SUPPORT OF LOS
ANGELES COUNTY WATERWORKS DISTRICT NO. 40'S OPPOSITION
TO MOTION FOR SUMMARY ADJUDICATION**

- ☒ 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 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 December 27, 2013, at Irvine, California.


Kerry V. Keefe

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