

BEST BEST & KRIEGER LLP  
ERIC L. GARNER, Bar No. 130665  
JEFFREY V. DUNN, Bar No. 131926  
WENDY Y. WANG, Bar No. 228923  
18101 VON KARMAN AVENUE, SUITE 1000  
IRVINE, CALIFORNIA 92612  
TELEPHONE: (949) 263-2600  
TELECOPIER: (949) 260-0972  
Attorneys for Cross-Complainant  
LOS ANGELES COUNTY WATERWORKS  
DISTRICT NO. 40

**EXEMPT FROM FILING FEES  
UNDER GOVERNMENT CODE  
SECTION 6103**

OFFICE OF COUNTY COUNSEL  
COUNTY OF LOS ANGELES  
MARY WICKHAM, BAR NO. 145664  
INTERIM COUNTY COUNSEL  
WARREN WELLEN, Bar No. 139152  
PRINCIPAL DEPUTY COUNTY COUNSEL  
500 WEST TEMPLE STREET  
LOS ANGELES, CALIFORNIA 90012  
TELEPHONE: (213) 974-8407  
TELECOPIER: (213) 687-7337  
Attorneys for Cross-Complainant  
LOS ANGELES 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

RICHARD WOOD, on behalf of himself and all  
other similarly situated v. A.V. Materials, Inc., et  
al., Superior Court of California, County of Los  
Angeles, Case No. BC509546

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; DECLARATION OF  
WENDY Y. WANG**

Date: August 25, 2015  
Time: 10:00 a.m.  
Dept.: 12  
Location: San Jose Superior Court  
191 N. First Street  
San Jose, CA 95113

1     **I.     INTRODUCTION**

2             Pursuant to Evidence Code Sections 452 and 453, Los Angeles County Waterworks  
3     District No. 40 ("District No. 40") requests that the Court take judicial notice of the facts listed  
4     below.<sup>1</sup> Under Section 453, this Request for Judicial Notice is conditionally mandatory and must  
5     be granted if sufficient notice is given to an adverse party and if the court is furnished with  
6     sufficient information to enable it to take notice of the matter. (*People v. Maxwell* (1978) 78  
7     Cal.App.3d 124, 130-31.) By this request, the moving party gives the Court and adverse parties  
8     sufficient notice and information to enable them to take judicial notice of the facts listed below.

9             **Facts to Be Judicially Noticed**

- 10            1.     Phelan Piñon Hills Community Services District's ("Phelan") service area extends  
11                beyond the Antelope Valley groundwater basin as described in Department of  
12                Water Resources' Bulletin No. 118 ("Bulletin 118") and into the El Mirage Valley  
13                groundwater basin and the Upper Mojave River Valley groundwater basin. (See  
14                Declaration of Wendy Y. Wang ("Wang Decl."), Ex. "B".)
- 15            2.     There are portions of Bulletin 118 area within the San Bernardino County that are  
16                not part of Phelan's service area. (*Id.*)

17             The facts listed above are commonly known or not reasonably subject to dispute. As  
18     such, these facts are judicially noticeable under Section 452.

19     **II.    THE COURT MAY TAKE JUDICIAL NOTICE OF FACTS NOT REASONABLY**  
20     **SUBJECT TO DISPUTE**

21             Judicial notice may be taken of "facts and propositions that are not reasonably subject to  
22     dispute and are capable of immediate and accurate determination by resort to sources of  
23     reasonably indisputable accuracy. " (Evidence Code § 452, subd. (h).) District No. 40 requests  
24     judicial notice the above-listed facts because they are not reasonably subject to dispute and are  
25     supported by admissible evidence.

26             Specifically, publically available record shows Phelan's service area overlies portions of  
27     the Antelope Valley Bulletin 118 area as well as El Mirage Valley and Upper Mojave River

28     <sup>1</sup> All sections references are to the Evidence Code unless otherwise indicated.

Valley groundwater basins. (Wang Decl., Ex. "B".) However, there are portions the Antelope Valley Bulletin 118 area within the San Bernardino County that are not part of Phelan's service area. (*Id.*)

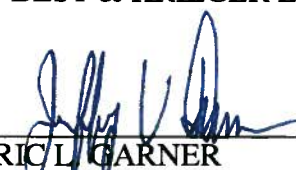
**III. CONCLUSION**

For the foregoing reasons, District No. 40 respectfully requests that the Court take judicial notice of the above-listed facts.

Dated: August 21, 2015

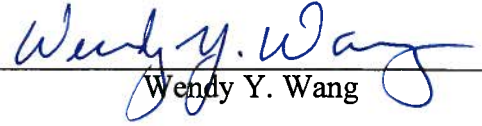
BEST BEST & KRIEGER LLP

By


  
ERIC L. GARNER  
JEFFREY V. DUNN  
WENDY Y. WANG  
Attorneys for  
LOS ANGELES COUNTY WATERWORKS  
DISTRICT NO. 40



Executed this 21~~st~~ day of August, 2015, at Los Angeles, California.

  
Wendy Y. Wang

# **EXHIBIT A**



CALIFORNIA DEPARTMENT OF  
**WATER RESOURCES**

HOME | NEWSROOM & EVENTS | ISSUES | ABOUT US

CA.gov | Help | Accessibility

Search

DWR California

## Water Management Planning Tool

The Department of Water Resources (DWR) has developed a web-based application to assist local agencies in water management planning efforts. The Water Management Planning Tool is an interactive map application that allows users to overlay numerous Geographic Information Systems (GIS) layers onto a map of California, and allows for those GIS layers to be toggled on and off while varying each layer's transparency. Each planning layer includes a brief description and a location or source where the user can find additional information regarding that layer. The Water Management Planning Tool is intended to assist local agencies with their responsibilities related to the California Water Plan, Integrated Regional Water Management, and the Sustainable Groundwater Management Act and as an informational tool for all interested parties.

**Application Use Disclaimer**

This application provides a graphic representation of water management boundary data for informational purposes only. These boundaries are not definitive and do not establish legal rights or define legal boundaries.

During the Beta trial of this application, the ability to download GIS layers is disabled. In the future, the user will be able to download these layers as GIS shape files with attached metadata.

**\*\* Click here to open the Water Management Planning Tool \*\***

**User Experience Tips**

During this testing phase your experience with the Water Management Planning Tool may vary depending on your web browser and settings. The application functions in the most recent version of Internet Explorer, Mozilla Firefox, and Google Chrome; however, Chrome may provide the best user experience. For questions or more information about the map interface please visit the [help page](#).

**Known Issues**

The application does not function in Internet Explorer 8 or earlier.  
The search feature does not function in Internet Explorer 9.  
Transparency occasionally doubles in Internet Explorer 9. If you are having trouble with the transparency, pan the map view and this should correct the issue.




If you are having trouble with the application and would like to provide us with feedback, please include the name of the browser you are using (Internet Explorer, Google Chrome, Mozilla Firefox, Safari, etc.) and the browser mode or version, as this helps the development process.

If you have questions about the presentation of data in the map, or have other comments, please provide them directly to:

Paul Shipman  
[Paul.Shipman@water.ca.gov](mailto:Paul.Shipman@water.ca.gov)  
Department of Water Resources  
Regional Planning Branch

**Return Links**

- California Water Plan
- Integrated Regional Water Management
- Sustainable Groundwater Management





# **EXHIBIT B**





## Water Management Planning Tool

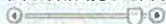
[Clear all](#) [Help!](#)

### Boundaries Map

☒ County Boundaries

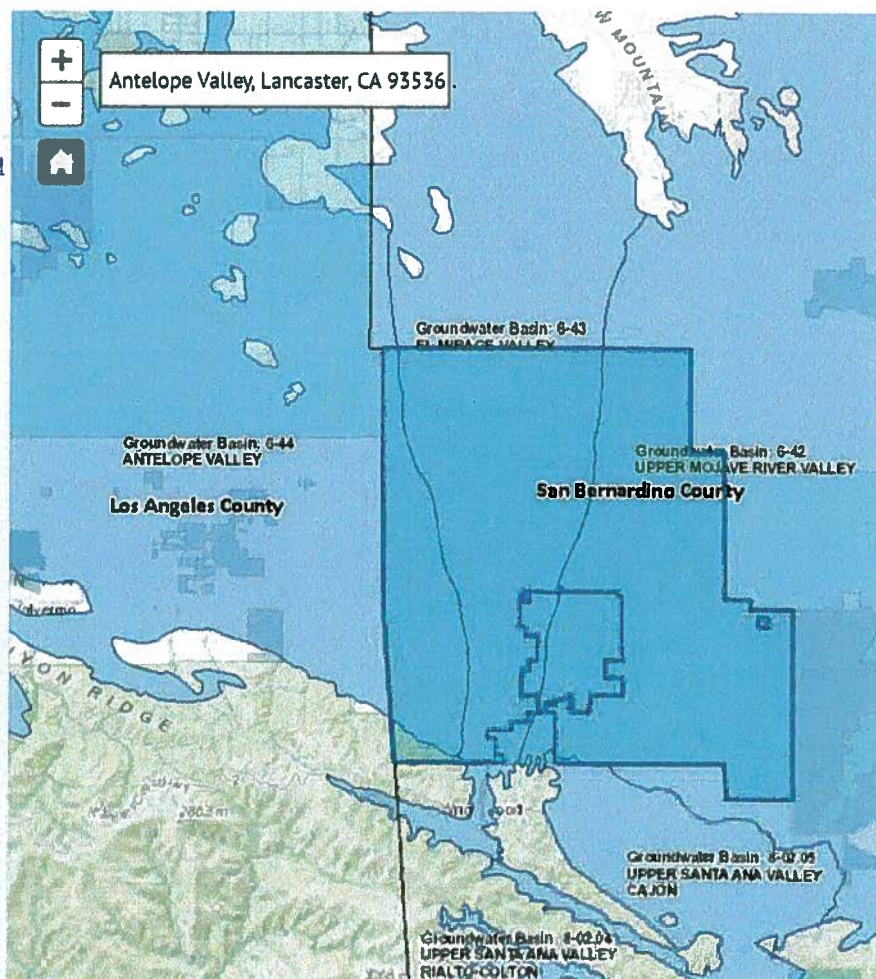

County Boundary

- ☐ Region Office Service Areas
- ☐ Hydrologic Regions
- ☐ Prop 1 Funding Areas
- ☐ Prop 84 Funding Areas
- ☐ Regional Water Quality Control Board Boundaries
- ☐ Tribal Lands
- ☐ Military Installations, Ranges, and Training Areas
- ☐ Regional Flood Planning Boundaries
- ☐ Reclamation Districts
- ☐ CA State Park Lands
- ☐ CA Coastal Commission Lands
- ☐ Adjudicated Groundwater Basins
- ☐ CASGEM Designated Monitoring Entities as of 08-07-15
- ☐ CASGEM Groundwater Basin Prioritization
- ☐ Groundwater Management Plans
- ☐ IRWM Regions
- ☐ Federal Lands
- ☐ Disadvantaged Community Block Groups
- ☐ Disadvantaged Community Tracts
- ☐ Disadvantaged Community Places
- ☒ Water Agencies

☒ Bulletin 118 Groundwater Basins


Bulletin 118 Groundwater Basins

- ☐ Detailed Analysis Units
- ☐ Water Plan Planning Areas
- ☐ Watersheds
- ☐ CA Senate Districts
- ☐ CA Assembly Districts



Satellite

**PROOF OF SERVICE**

I, Rosanna R. Pérez, 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, 300 S. Grand Avenue, 25th Floor, Los Angeles, California 90071. On August 21, 2015, I served the following document(s):

**REQUEST FOR JUDICIAL NOTICE; DECLARATION OF WENDY Y. WANG**



by posting the document(s) listed above to the Santa Clara County Superior Court website in regard to the Antelope Valley Groundwater matter.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on August 21, 2015, at Los Angeles, California.

  
Rosanna R. Pérez

26345.00000\15924257.1