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DISTRICT NO. 40

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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

**AMENDED 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.¹ 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."), Exs. "E" & "F".)
- 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 of 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 ¹ All sections references are to the Evidence Code unless otherwise indicated.

1 Valley groundwater basins. (Wang Decl., Exs. "E", "F" & "G".) However, there are portions the
2 Antelope Valley Bulletin 118 area within the San Bernardino County that are not part of Phelan's
3 service area. (*Id.*) These facts are not subject to dispute and are supported by Phelan's trial
4 exhibit and information from Phelan's website. (Wang Decl., Exs. "G" & "H".)

5 **III. CONCLUSION**

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

8
9 Dated: August 24, 2015

BEST BEST & KRIEGER LLP

10
11 By 

ERIC L. GARNER

JEFFREY V. DUNN

WENDY Y. WANG

Attorneys for

LOS ANGELES COUNTY WATERWORKS

DISTRICT NO. 40

DECLARATION OF WENDY Y. WANG

I, Wendy Y. Wang, declare:

1. I have personal knowledge of the facts below, and if called upon to do so, I could testify competently thereto in a court of law.

2. I am an attorney licensed to practice law in the State of California. I am an associate of Best, Best & Krieger LLP, attorneys of record for Los Angeles County Waterworks District No. 40 ("District No. 40").

3. On or about August 19, 2015, I visited California Department of Water Resources' ("DWR") website, titled "Water Management Planning Tool" and located at <https://gis.water.ca.gov/app/boundaries/>.

4. Per DWR, "[t]he 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." (See Exhibit "A", which is a true and correct copy of DWR's website, located at <http://www.water.ca.gov/groundwater/boundaries.cfm>, that I printed on August 20, 2015.)

5. DWR's Water Management Planning Tool ("Planning Tool") has a search function. I used the search function to zoom-in on Antelope Valley. I clicked on the toggle options available on the Planning Tool to overlay county boundaries and Bulletin 118 groundwater basin boundaries on the map. I clicked on an area that I know to be the Antelope Valley Groundwater Basin. The Planning Tool then displayed the Bulletin 118 boundary of the Antelope Valley Groundwater Basin in turquoise. Attached as Exhibit "B" is a true and correct copy of the printout from DWR's Planning Tool after I performed the search and selection as described in this paragraph.

6. I then clicked on an area to the east of the Antelope Valley Groundwater Basin that I know to be the El Mirage Valley Groundwater Basin. The Planning Tool then displayed the Bulletin 118 boundary of the El Mirage Valley Groundwater Basin in turquoise. Attached as

1 Exhibit "C" is a true and correct copy of the printout from DWR's Planning Tool after I
2 performed the selection as described in this paragraph.

3 7. I then clicked on an area to the east of the El Mirage Valley Groundwater Basin
4 that I know to be the Upper Mojave River Valley Groundwater Basin. The Planning Tool then
5 displayed the Bulletin 118 boundary of the Upper Mojave River Valley Groundwater Basin in
6 turquoise. Attached as Exhibit "D" is a true and correct copy of the printout from DWR's
7 Planning Tool after I performed the selection as described in this paragraph.

8 8. I used the function provided on the Planning Tool to zoom-in on the map until the
9 names of the Antelope Valley, El Mirage Valle and Upper Mojave River Valley Groundwater
10 Basins appear on the map. I clicked on an area that I know to be the Antelope Valley
11 Groundwater Basin. The Planning Tool then displayed the Bulletin 118 boundary of the Antelope
12 Valley Groundwater Basin in turquoise. Attached as Exhibit "E" is a true and correct copy of the
13 printout from DWR's Planning Tool after I performed the selection as described in this
14 paragraph.

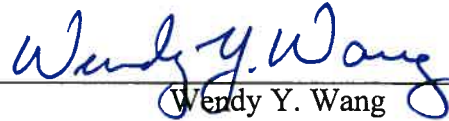
15 9. I then clicked on the toggle options available on the Planning Tool to overlay
16 boundary of water agencies on top of county boundaries and Bulletin 118 groundwater basin
17 boundaries. I clicked on an area that I know to be within Phelan Piñon Hills Community Services
18 District's ("Phelan") service area. The Planning Tool then displayed the jurisdictional boundary
19 of Phelan in turquoise as it overlies Bulletin 118 groundwater basins, which are in light blue.
20 Attached as Exhibit "F" is a true and correct copy of the printout from DWR's Planning Tool
21 after I performed the search and selection as described in this paragraph.

22 10. Phelan's service area as displayed in Exhibit "F" appears consistent with map of
23 Phelan's service area as displayed on Phelan's website located at
24 www.pphcsd.org/PPHCSD%20Boundary%20Map.pdf. Attached as Exhibit "G" is a true and
25 correct copy of the printout from Phelan's website at
26 www.pphcsd.org/PPHCSD%20Boundary%20Map.pdf.

27 11. Phelan's service area as displayed in Exhibit "F" is also consistent with maps and
28 graphics that Phelan posted onto the Court's website as its trial exhibits on August 21, 2015.

1 12. Attached as Exhibit "H" is a true and correct copy of Phelan's trial Exhibit 26,
2 bates stamped "PhelanCSD-26, Page 000001" and available at the Court's website at
3 http://www.sceffiling.org/filingdocs/12576/88108/215693e_Exhx26.pdf.

4 Executed this 24th day of August, 2015, at Los Angeles, California.

5
6 
7 Wendy Y. Wang

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 24, 2015, I served the following document(s):

AMENDED 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 24, 2015, at Los Angeles, California.


Rosanna R. Pérez

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