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Attorney for ANTELOPE VALLEY MOBILE ESTATES, LLC

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**COUNTY OF LOS ANGELES**

**ANTELOPE VALLEY  
GROUNDWATER CASES**

Included Actions:

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

Los Angeles County Waterworks District  
No. 40 v. Diamond Farming Co.  
Kern County Superior Court  
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.  
Riverside County Superior Court  
Consolidated actions  
Case Nos. RIC 353 840, RIC 344 436, RIC  
344 668

Judicial Council Coordination No. 4408

For filing purposes only:  
Santa Clara County Case No. 1-05-CV-049053

*Assigned to the Honorable Jack Komar*

**NOTICE OF MOTION BY  
ANTELOPE VALLEY MOBILE  
ESTATES, LLC TO BE A CLASS  
MEMBER OF THE "SMALL PUMPERS"  
(WOOD) CLASS; DECLARATION OF  
WALTER J. WILSON, ESQ.;  
DECLARATION OF SANDRA DISCO;  
DECLARATION OF MICHAEL DISCO;  
MEMORANDUM OF POINTS AND  
AUTHORITIES**

Complaint Filed: 01/10/2008

Date: October TBA, 2014  
Time: 9:00 A.M.  
Dept.: TBA

**NOTICE IS HEREBY GIVEN** that on October TBA, 2014 at 9:00 a.m., in Department  
TBA, cross-defendant Antelope Valley Mobile Estates, LLC ("AVME") will and hereby does  
request that it be found to qualify and be a member of the "small pumpers" (Wood) class, and that

**NOTICE OF MOTION BY ANTELOPE VALLEY MOBILE ESTATES, LLC TO BE A CLASS  
MEMBER OF THE "SMALL PUMPERS" (WOOD) CLASS**

1 it be ordered added to the class list as Antelope Valley Mobile Estates, LLC (APN 473-110-0200).

2 AVME:

3 – is a private (i.e., non-governmental) entity,  
4 – owns real property in the Antelope Valley Basin,  
5 – pumps under 25 acre feet per year from its (two) un metered wells,  
6 – is not a shareholder in a mutual water company,  
7 – is not a defendant sued by the Wood Class, nor does it have any affiliation or connection  
8 with any of such defendants, and  
9 – is not serviced by any public water service company (and solely relies on its ability to pump  
10 clean, quality water from its well).

11 This motion is made on the grounds that AVME qualifies as a member of the class pursuant  
12 to the Court's 09/02/2008 order certifying a "small pumpers" class, as set forth in the declarations  
13 of Walter J. Wilson, Esq., Sandra Disco, and Michael Disco, and the Memorandum of Points and  
14 Authorities, *infra*. AVME moves that it be found to be a member of the "small pumpers" class, and  
15 notes that it was served on July 14 and only filed its first pleading herein on August 5, 2014.

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18 Dated: September 18, 2014

Respectfully submitted,

19 LAW OFFICES OF WALTER J. WILSON

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22 Walter J. Wilson, Attorney for  
23 Antelope Valley Mobile Estates, LLC  
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1                                   **DECLARATION OF WALTER J. WILSON, ESQ.**

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3           I, Walter Wilson, declare:

4           1.       I am an attorney at law duly licensed to practice in all courts within the State of  
5 California, and I am the attorney of record for Antelope Valley Mobile Estates, LLC (hereafter  
6 “AVME”) in this action. I have first hand, personal knowledge of the facts which follow and if called  
7 to testify I could and would competently testify thereto under oath.

8   Approximate Water Usage Test For Unmetered Wells

9           2.       I am informed by Dan Sackett of Skookum H2O Monitoring (the company responsible  
10 for monitoring the quality of the water produced from AVME’s well for on site consumption) that  
11 for “un metered” wells in Rosamond, CA, the appropriate calculation to determine an approximate  
12 water usage per household, for domestic use (including both inside/outside the “household”), is:

- 13           – 2.8 persons per household  
14           – times 100 gallons of water per person per day  
15           – times 365 days per year  
16           – divided by 325,851.4285 gallons per acre foot.

17 As set forth in the declaration of Sandra Disco, para. 6, AVME has 28 connections, for 28 mobile  
18 home “households.”

19           3.       Using the above standard formula, assuming all 28 households are rented and used  
20 (every day of the year), would result in approximate water usage by AVME of (28 households x 2.8  
21 persons per household x 100 gallons of water per person per day x 365 days per year = 2,861,600  
22 gallons ÷ 325,851.4285 gallons per acre foot =) 8.7819 acre feet per year (“AFY”). As there is no  
23 meter on either of AVME’s two wells to measure usage, this is the best estimate that can be made  
24 and, clearly, 8.78 AFY is substantially under 25 AFY. (It’s noteworthy that if “5” were substituted  
25 for “2,8” persons per household, AVME’S water usage would be 15.6820 AFY!)

26   Property Features

27           4.       As stated in Sandra Disco’s Declaration, paras.4-9, of AVME’s 10 acres,  
28 approximately 40% is used as a mobile home park, and the rest is “vacant dirt.” As to the mobile

1 homes area, the common areas thereof (roads, walkways, and central area) are covered with asphalt  
2 (roads) and cement (all other). There is a single, approximately 20,000 gallon swimming pool, and  
3 there are approximately 33 mid to small sized Elm trees, scattered among the mobile home pads.  
4 There is no sprinkler system, and there is generally no "grass" surrounding the mobile home pads;  
5 there is generally no "water using" landscape within the park. As to the trees, as with any "domestic  
6 household," the tenant(s) water the trees as they choose. No water is or has been used for irrigation  
7 purposes at the Property.

8 5. The pool is used from approximately Memorial Day to Labor Day and, as estimated  
9 by former pool supply owner, at Michael Disco Declaration, para. 3-4, it holds approximately 20,000  
10 gallons, and uses about 4,000 gallons per month during its 3 ½ months of operation. Michael Disco  
11 estimates yearly water usage for the pool at 20,000 gallons for "fill up" and 14,000 gallons used (3  
12 ½ months of operation x 4,000 gallons per month = 14,000 gallons), a total of 34,000 gallons of  
13 water; this translates to (34,000 gallons ÷ 325,851.4285 gallons per acre foot =) .1043 AFY.

14 6. As to the approximately 33 Elm trees throughout the mobile home park, AVME does  
15 not water the trees. Instead, such watering is an individual task, done by a tenant(s) nearest a tree.

16 7. I am informed that both a pool and the trees are generally included within the standard  
17 formula for estimated domestic water use, the pool usage simply substituting for water which would  
18 have "grown" grass, etc., and "tree watering" simply being included in household domestic use.

19 8. It appears AVME meets the "under 25 acre feet per year" test, and that the Property  
20 has met that/test requirement for every year since 1946.

21 9. I was served as Agent For Service of Process for AVME on July 14 and filed  
22 AVME'S Answer on August 5, 2014.

23 I declare under penalty of perjury under the laws of the State of California that the foregoing  
24 is true and correct. Executed on September 18, 2014, at Long Beach, California.

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27 Walter J. Wilson, Esq., Declarant  
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I, Sandra Disco, declare:

1. I am a member, and the President, of Antelope Valley Mobile Estates, LLC (hereafter “AVME”), and I have first hand, personal knowledge of the facts which follow. If called to testify I could and would competently testify thereto under oath.

2. AVME is a private entity, not governmental. AVME is an LLC whose members are my husband (Michael Disco) and I, and my brother and his wife (Scott Kolar and Jeanette Kolar). None of us are defendants in, or have any connection with any of the defendants in, the Richard Wood class action lawsuit; AVME is not a defendant in, nor does it have any connection with any of the defendants in, the Richard Wood class action lawsuit.

3. AVME is not a shareholder in any mutual water company.

## The Property

4. AVME owns approximately 10 acres of real property in the Antelope Valley Basin (the “Property”) which is commonly known as 470 North 20<sup>th</sup> Street West, Rosamond, CA, and which bears Assessor’s Parcel Number 473-110-02-00.

5. I have made inquiry and am informed our two wells were built in 1927 and have operated since then. Our Property was first used as a mobile home park in 1966, and before that (from 1946 to 1966) the Property was used as a campground, operating seasonally, renting to campers, and cars pulling trailers, during the spring-to-fall months.

6. AVME now owns and operates a mobile home “park” on approximately 40% of the Property (about 4 acres), and has 28 “connections,” or hookups, for mobile homes. As to the “non-park” acreage it is simply “vacant dirt” or “vacant sand.” AVME generally rents out its 28 spaces, but there are periods of vacancy(ies) and “downtime” between rentals.

7. There is no “landscaping” in our park, and most of the common areas are covered with asphalt (the roads) or cement (sidewalks, central “quad” area); there is very little “grass” on the property. The non-cement surfaces are generally dirt/sand. We do have an approximately 20,000 gallon pool in our central area (surrounded by cement), and there are approximately 33 small to mid

1 sized Elm trees scattered throughout the mobile homes area.

2 8. We do not use any form of sprinkler system at the Property, and the trees are watered  
3 by the tenant(s) nearby each tree.

4 9. The pool is filled around approximately Memorial Day and used to approximately  
5 Labor Day, when it is emptied.

6 10. Through the present, no water service provider has ever laid any pipes, or connected  
7 any pipes, to serve water to the Property. If we don't pump water from our well, we would have to  
8 haul water onto the Property.

9 New Uses

10 11. Although the city/zoning authorities have approved AVME for an additional 18  
11 connections (hookups), we have not yet constructed such hookups.

12 Intent and Concerns

13 12. AVME has two wells, the big well (from which we produce water for domestic use  
14 on the property) and a little well (which is there for back up).

15 13. It is AVME's intent simply to continue producing water from its wells to supply the  
16 needs of its renters, who are generally moderate to low-income families. It is our belief that the  
17 increased water prices (to connect pipes and buy water from a water services company) would be  
18 more than some of our renters could reasonably afford. For now, the only reason we can think of to  
19 buy water from a public water supplier, would be if our well was shut down due to contaminants,  
20 or other unforeseen circumstances. At this time, our well has consistently been within water quality  
21 tolerances.

22 14. I am informed by attorney Wilson that the formula for determining the approximate  
23 water usage on non-metered wells, for households, is as set forth in paragraphs 2 and 3 of Wilson's  
24 Declaration. As listed there, and stated above, AVME has 28 "hook ups" to mobile homes, or 28  
25 households. Using the formula to estimate water use (Wilson Declaration, para. 2-3), we use only  
26 8.78 acre feet per year ("AFY"). From the above described history (1946 to 1966, seasonal  
27 campground use; 1966 to the present mobile homes park with 28 hook ups), AVME has always used  
28 less than 25 AFY.

14. AVME is a small, private, business entity, serving relatively mid to low-income families, and neither AVME, nor its renters, can afford the attorney's fees necessary to remain an independent party in this action. AVME is also not willing to pay any "share" of the attorney's fees owing to the "small pumpers" Wood Class counsel – as the water districts are demanding. AVME asks that the Court allow it to join the "small pumpers" (Wood) Class, thereby removing any possibility that the water districts can compel AVME to pay any portion of those (small pumpers) attorneys fees (purportedly because AVME would be signing the Stipulation To Judgment).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on September 18, 2014, at Downey, California.

Sandra Disco President  
Sandra Disco, President  
Antelope Valley mobile Estates, LLC

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1. I am a member, and Vice President, of Antelope Valley Mobile Estates, LLC (hereafter “AVME”), and I have first hand, personal knowledge of the facts which follow. If called to testify I could and would competently testify thereto under oath.

3. AVME's pool holds approximately 20,000 gallons of water. AVME fills the pool around Memorial Day each year, and empties the pool around Labor Day. I estimate AVME's water usage from the pool for those 3 ½ months (the end of May through early September, the hot season) at approximately 4,000 gallons per month.

5. I also have some familiarity with Elm trees and those are a hearty, relatively self sufficient tree.


7. My best estimate is that each tree uses no more than a lawn, or plants, would use if

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1 substituted in the tree's location, and that such usage is accommodated in the standard formula set  
2 forth by Mr. Wilson.  
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4 I declare under penalty of perjury under the laws of the State of California that the foregoing  
5 is true and correct. Executed on September 18, 2014, at Downey, California.  
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9 Michael Disco, Vice President  
Antelope Valley mobile Estates, LLC  
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**NOTICE OF MOTION BY ANTELOPE VALLEY MOBILE ESTATES, LLC TO BE A CLASS  
MEMBER OF THE "SMALL PUMPERS" (WOOD) CLASS**

1                                   **MEMORANDUM OF POINTS AND AUTHORITIES**

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3                   **I.       STATEMENT OF FACTS**

4           AVME is a private entity, the owner of 10 acres of land in Rosamond, California, upon which

5 it operates a mobile home park with 28 mobile home connections, or hookups; AVME has virtually

6 no landscaping (generally just asphalt, cement, dirt, and sand), but it does operate a 20,000 gallon

7 pool from Memorial Day to Labor Day, and it has approximately 33 small to mid sized Elm trees.

8 AVME is not serviced by any water district, it is not a shareholder of any mutual water company,

9 and it has no connection to any of the defendants in the Wood class action lawsuit.

10           Based on the standard formula for water usage for it's 28 households (2.8 persons per

11 household x 100 gallons of water per person per day x 365 days per year ÷ 325,851.4285 gallons

12 per acre foot), AVME uses less than 25 acre feet per year of water - and has used less than 25 afy

13 since 1946 (when, from 1946-1966, it was a campground, and, from its 1966 conversion to a mobile

14 home park to the present).

15           The court's order certifying the Wood Class (entered 09/02/2008) states:

16           "... the Court certifies the class of small pumpers defined as follows:

17           **All private** (i.e., non-governmental) persons and **entities** that **own real property**

18           **within the Basin**, as adjudicated, and that have been **pumping less than 25 acre-**

19           **feet per year on their property** during **any year** from 1946 to the present. The

20           Class **excludes the defendants herein**, any person, firm, trust, corporation, or other

21           entity **in which any defendant has a controlling interest** or which is **related to or**

22           **affiliated with** any of the defendants, and the representatives, heirs, affiliates,

23           successors-in-interest, or assigns of any such excluded party. The Class also excludes

24           all persons and entities that are **shareholders in a mutual water company.**" (Bold

25           added.)

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27           **II.       ARGUMENT**

28           By the terms of the certification of class order, AVME is a class member. AVME meets each

of the criteria set forth in the class certification, and it respectfully requests that it be found to be a

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1 class member. AVME notes it was only served in this action on July 14 and only filed its Answer  
2 on August 5, 2014.

3  
4 Dated: September 18, 2014

Respectfully submitted,

LAW OFFICES OF WALTER J. WILSON

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8 Walter J. Wilson, Attorney for  
9 Antelope Valley Mobile Estates, LLC

1 **PROOF OF SERVICE**

2 I, Walter J. Wilson, declare:

3 I am a resident of the State of California and over the age of eighteen years, and not a party  
4 to the within action; my business address is Law Offices of Walter J. Wilson, 333 West Broadway,  
5 Suite 200 Long Beach, CA 90802.

6 On September 25, 2014, I served the within document(s):

7 **NOTICE OF MOTION BY ANTELOPE VALLEY MOBILE ESTATES, LLC**  
8 **TO A CLASS MEMBER OF THE "SMALL PUMPERS" (WOOD) CLASS;**  
9 **DECLARATION OF WALTER J. WILSON, ESQ.; DECLARATION OF**  
10 **SANDRA DISCO; DECLARATION OF MICHAEL DISCO;**  
11 **MEMORANDUM OF POINTS AND AUTHORITIES**


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

14 ☐ by placing the document(s) listed above in a sealed envelope with postage thereon  
15 fully prepaid, in the United States mail at Long Beach, California addressed as set  
16 forth below.

17 ☐ by personally delivering the document(s) listed above to the person(s) at the  
18 address(es) set forth below.

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

25 I declare under penalty of perjury under the laws of the State of California that the above is  
26 true and correct. Executed on September 25, 2014, at Long Beach, California.

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Walter J. Wilson