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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY 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-1500CV-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

AND RELATED ACTIONS

**Judicial Council Coordination Proceeding
No. 4408**

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

**TRIAL BRIEF OF PUBLIC WATER
SUPPLIER / CROSS-DEFENDANT WEST
VALLEY COUNTY WATER DISTRICT**

Trial:

Date: September 28, 2015

Time: 10:00 am

Dept: 1, Los Angeles Superior Court

Room: 222

Judge: Honorable Jack Komar

TO ALL PARTIES AND ATTORNEYS OF RECORD:

Public Water Supplier / Cross-Defendant West Valley County Water District ("West Valley") submits this Trial Brief for the Phase 6 Trial scheduled to begin on September 28, 2015 in Department 1 of the above-entitled court.

1 West Valley is a signatory to the Proposed Judgment and Physical Solution currently
2 pending before the court. (Stipulation for Entry of Judgment and Physical Solution filed March 4,
3 2015, at signature page 135.) Pursuant to said Stipulation, West Valley will receive an annual
4 pumping allocation of 40 acre feet. As a supplemental source of water, West Valley has entered
5 into a separate agreement with specified Public Water Suppliers as of March 12, 2015, referred to
6 as the West Valley / Public Water Suppliers Agreement, whereby the specified Public Water
7 Suppliers and West Valley have agreed that West Valley, in addition receiving Non-Overlying
8 Production Rights, is also authorized to produce up to 35 acre feet annually from any unused
9 Federal Reserve Water Rights Production which may be allocated to the Public Water Suppliers as
10 described in Section 5.1.4.1 of the Stipulation.

11 West Valley is a small county water district situated in the unincorporated area in the far
12 western reaches of the Antelope Valley along Highway 138, 18 miles southwest of Gorman and 30
13 miles northeast of Lancaster. West Valley was first formed on or about 1971 in accordance with
14 the County Water District Act of 1949 (see Water Code §§30000 et seq.), is defined as a municipal
15 corporation, and has pumped water from the Basin continuously since being formed.

16 West Valley's service area is defined by the legal boundaries of the District. Its water is
17 produced from two groundwater wells drilled into the Neenach Water Basin Subunit, and provides
18 water for the domestic use and benefit of its fewer than 250 residential users in the West Valley
19 District, along with a water supply for community fire protection and support, and to supplement a
20 small community pond. All water produced by West Valley is used within West Valley's service
21 area; no water produced by West Valley is exported outside of West Valley's service area; and no
22 water is imported by West Valley from outside the District.

23 West Valley was not served in the instant action until July 2014, and filed and served its
24 Answer in August 2014. West Valley was therefore not a party and did not appear at the Phase IV
25 trial phase held in July 2013, and its water records were not presented as evidence to the court or to
26 the parties during the Phase IV trial.

27 In order to provide evidence of water records and as directed by the court on May 15, 2015,
28 West Valley filed a Declaration signed by West Valley General Manager Mark Crosby on June 8,

1 2015 ("First Crosby Declaration"), containing West Valley's water usage data.

2 West Valley is filing a supplemental Declaration of West Valley General Manager Mark
3 Crosby ("Second Crosby Declaration"), which states West Valley's background and history, the
4 pumping history of its wells within the District from 2000 through 2013, the use of the water
5 pumped from its wells for the use and benefit of the water users in the West Valley District. West
6 Valley seeks to establish its groundwater rights by the facts presented in the First and Second
7 Crosby Declarations, or if otherwise required, by the direct testimony of its General Manager, as
8 well as from the relevant evidence presented by the other Public Water Suppliers.

9 West Valley also intends to prove that it has vested water rights entitling it to continue to
10 produce groundwater in the Basin. It has acquired the right to produce water in the Basin by
11 prescription, having pumped water for a continuous and uninterrupted period of over five years
12 which was open and notorious, was done under a claim of right, was for the benefit and use of the
13 public, and was adverse and hostile because it was pumped during the period that the Basin was
14 recognized as being in overdraft which all other parties had notice of.

15 Respectfully submitted,

16 Date: September 22, 2015

17 **GRAHAM • VAAGE LLP**

18 By: 

19 **ARNOLD K. GRAHAM**
20 **ALEXEI BRENOT**

21 Attorneys for Cross-Defendant
22 West Valley County Water District
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 500 North Brand Boulevard, Suite 1030, Glendale, California 91203-1923.

On **September 22, 2015**, I served the foregoing document described as: **Trial Brief of Public Water Supplier / Cross-Defendant West Valley County Water District**, on the interested parties as follows:

X **BY ELECTRONIC FILING:** 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 foregoing is true and correct.

Executed on **September 22, 2015**, at Glendale, California.



Ben Jakovljevic

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