

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SANTA CLARA**

**ANTELOPE VALLEY GROUNDWATER
CASES**

Judicial Council Coordination
Proceeding No. 4408

**[PROPOSED] ORDER
TRANSFERRING AND
CONSOLIDATING ACTIONS FOR
ALL PURPOSES**

(Hon. Jack Komar)

The motion to consolidate brought by the City of Palmdale, Rosamond Community Services District, Los Angeles County Waterworks District No. 40, Littlerock Creek Irrigation District, Palm Ranch Irrigation District, California Water Service Company, Quartz Hill Water District, City of Lancaster, and Palmdale Water District (collectively "Public Water Suppliers") came on for hearing on August 17, 2009, and October 13, 2009. The Court, having considered the written submissions of the parties and arguments of counsel thereon, finds and determines as follows:

1. The complaints and cross-complaints involve common issues of law and fact relating to water rights in the Antelope Valley.

2. Consolidation will allow for the entry of single statements of decision in subsequent phases and a single judgment resulting in a comprehensive general groundwater adjudication which, among other things, satisfies the requirements of 43 U.S.C. § 666.

3. Complete consolidation will permit these matters to proceed as an *inter se* adjudication of the water rights of all the parties, and will not adversely affect the rights of any of the parties herein.

The Court hereby orders as follows:

1. The motion to transfer and to consolidate for all purposes is granted.

2. To the to the extent not previously transferred as a result of the Judicial Council's order of coordination, all matters presently pending under Judicial Council Coordination Proceeding No. 4408 are ordered transferred from the Riverside County Superior Court and Kern County Superior Court to the Los Angeles County Superior Court, the Honorable Jack Komar, judge presiding by special assignment.

3. The following actions are consolidated completely for all purposes: *Wm. Bolthouse Farms, Inc. vs. City of Lancaster, et al.*, Riverside County Superior Court Case No. RIC 353840; *Diamond Farming Co., et al. vs. City of Lancaster, et al.*, Riverside County Superior Court Case No. RIC 344436; *Diamond Farming Co. vs. Palmdale Water District, et al.*, Riverside County Superior Court Case No. RIC 344668; *Los Angeles County Waterworks District No. 40 vs. Diamond Farming Co., et al.*, Kern County Superior Court Case No. S-1500-CV 254-348; *Los Angeles County Waterworks District No. 40 vs. Diamond Farming Co., et al.*, Los Angeles County Superior Court Case No. BC 325201; *Rebecca Lee Willis, etc. vs. Los Angeles County Waterworks District No. 40, et al.*, Los Angeles County Superior Court Case No. BC 364553; *Richard A. Wood, etc. vs. Los Angeles County Waterworks District No. 40, et al.*, Los Angeles County Superior Court Case No. BC 391869; and, all cross-complaints filed in any of the above-referenced actions.

4. The action entitled *Sheldon R. Blum, Trustee for the Sheldon R. Blum Trust v. Wm. Bolthouse Farms, Inc.*, Los Angeles County Superior Court, Case No. 1-05-CV-049053, is not consolidated, but shall remain related and coordinated with the actions and cross-actions referenced in paragraph 3.

5. The Court will proceed first with the following described causes of action relating to determining water rights and priorities within the Antelope Valley Groundwater Basin, and the physical solution to be imposed:

a. Water Rights Priorities

- i. *Anaverde LLC v. Los Angeles County Waterworks District 40, et al.*, Santa Clara County Superior Court, Case No. 1-05-CV-049053 (“Anaverde Cross-Complaint”)
- ii. *Antelope Valley-East Kern Water Agency v. Palmdale Water District, et al.*, Los Angeles County Superior Court, Case No. 1-05-CV-049053 (“AVEK Cross-Complaint”)
- iii. *Bolthouse Properties, LLC v. Rosamond Community Services District, et al.*, Santa Clara County Superior Court, Case No. 1-05-CV-049053 (“Bolthouse Cross-Complaint”)
- iv. *Bolthouse Properties, LLC, et al. v. Phelan Pinon Hills Community Services District*, Santa Clara County Superior Court, Case No. 1-05-CV-049053 (“Bolthouse Cross-Complaint Against Phelan CSD”)
- v. *Calandri, et al. (“AGWA”) v. Los Angeles County Waterworks District No. 40, et al.*, Santa Clara County Superior Court, Case No. 1-05-CV-049053 (“AGWA First Amended Cross-Complaint”)
- vi. *California Water Service Company, et al. v. ABC Williams Enterprises, LP, et al.*, Santa Clara Case No. 1-05-CV-049053 (“Public Water Suppliers’ First Amended Cross-Complaint”)
- vii. *City of Palmdale v. Los Angeles County Waterworks District No. 40, et al.*, Kern County Superior Court, Case No. S-1500-CV-254-348 (“City of Palmdale Cross-Complaint to LACWD Kern County Complaint”)

- viii. *City of Palmdale v. Los Angeles County Waterworks District No. 40, et al.*, Los Angeles County Superior Court, Case No. BC325201 (“City of Palmdale Cross-Complaint to LACWD Los Angeles County Complaint”)
- ix. *Crystal Organic Farms v. California Water Service Company, et al.*, Los Angeles County Superior Court, Case No. 1-05-CV-049053 (“Crystal Organic Farms Cross-Complaint”)
- x. *Diamond Farming Company v. Rosamond Community Services District, et al.*, Los Angeles County Superior Court, Case No. 1-05-CV-049053 (“Diamond Farming Cross-Complaint”)
- xi. *Diamond Farming, et al. v. Phelan Pinon Hills Community Services District*, Los Angeles County Superior Court, Case No. 1-05-CV-049053 (“Diamond Farms Cross-Complaint Against Phelan CSD”)
- xii. *Grimmway Enterprises, Inc., et al. v. California Water Service Company, et al.*, Los Angeles County Superior Court, Case No. 1-05-CV-049053 (“Grimmway Cross-Complaint”)
- xiii. *Kia v. Los Angeles County Waterworks District No. 40, et al.*, Los Angeles County Superior Court, Case No. 1-05-CV-049053 (“Kia Cross-Complaint”)
- xiv. *LANDINV, Inc. v. Los Angeles County Waterworks District No. 40, et al.*, Los Angeles County Superior Court, Case No. 1-05-CV-049053 (“LANDINV Cross-Complaint”)
- xv. *Palmdale Water District, et al. v. Los Angeles County Waterworks District No. 40, et al.*, Los Angeles County Superior Court, Case No. 1-05-CV-049053 (“Palmdale Water District Cross-Complaint”)

- xvi. *Phelan Pinon Hills Community Services District v. California Water Service Company, et al.*, Los Angeles County Superior Court, Case No. 1-05-CV-049053 (“Phelan CSD Cross-Complaint”)
- xvii. *Tejon Ranchcorp v. Los Angeles County Waterworks District No. 40, et al.*, Los Angeles County Superior Court, Case No. 1-05-CV-049053 (“Tejon Cross-Complaint and Amendment to Cross-Complaint”)
- xviii. *Wagas Land Company, LLC v. Los Angeles County Waterworks District No. 40, et al.*, Los Angeles County Superior Court, Case No. 1-05-CV-049053 (“Wagas Cross-Complaint”)
- xix. *White Fence Farms Mutual Water Co. Inc., et al.* (“AV United Mutual Group”) *v. California Water Service Company, et al.*; *Landale Mutual Water Company (A new Member of A.V. United Mutual Group)*, *et al. v. California Water Service Company, et al.*; *Land Projects Mutual Water Company (A new Member of A.V. United Mutual Group)*, *et al. v. California Water Service Company, et al.*; *Tierra Bonita Mutual Water Company (A new Member of A.V. United Mutual Group)*, *et al. v. California Water Service Company, et al.*, Los Angeles County Superior Court, Case No. 1-05-CV-049053 (collectively referenced as “AV United Cross-Complaints”)
- xx. *Willis v. Los Angeles County Waterworks District No. 40, et al.*, Los Angeles County Superior Court, Santa Clara Case No, 1-05-CV-049053 (“Willis Second Amended Class Action Complaint”)
- xxi. *Wood v. Los Angeles County Waterworks District No. 40, et al.*, Los Angeles County Superior Court, Case No. BC391869 (“Wood First Amended Class Action Complaint”)

b. Physical Solution

- i. AGWA First Amended Cross-Complaint
- ii. AVEK Cross-Complaint
- iii. AV United Cross-Complaints
- iv. Bolthouse Cross-Complaint
- v. Bolthouse Cross-Complaint Against Phelan CSD
- vi. City of Palmdale Cross-Complaint to LACWD Kern County Complaint
- vii. City of Palmdale Cross-Complaint to LACWD Los Angeles County Complaint
- viii. Crystal Organic Farms Cross-Complaint
- ix. Diamond Farming Cross-Complaint
- x. Diamond Farms Cross-Complaint Against Phelan CSD
- xi. Grimmway Cross-Complaint
- xii. LANDINV Cross-Complaint
- xiii. *Los Angeles County Waterworks District No. 40 v. Diamond Farming Company, et al.*, Los Angeles County Superior Court, Case No. BC 325201 (“LACWD Complaint and Amendment to Complaint – LASC”)
- xiv. *Los Angeles County Waterworks District No. 40 v. Diamond Farming Company, et al.*, Kern County Superior Court, Case No. S-5-00-CV-254348 (“LACWD Complaint – Kern County”)
- xv. Phelan CSD Cross-Complaint
- xvi. Public Water Suppliers’ First Amended Cross-Complaint
- xvii. Tejon Cross-Complaint and Amendment to Cross-Complaint
- xviii. Wagas Cross-Complaint
- xix. Willis Second Amended Class Action Complaint

- xx. Wood First Amended Class Action Complaint
- c. Basin Boundary
 - i. AVEK Cross-Complaint
 - ii. Palmdale Water District Cross-Complaint
 - iii. Phelan CSD Cross-Complaint
 - iv. Public Water Suppliers’ First Amended Cross-Complaint
- d. Prescription
 - i. Bolthouse Cross-Complaint
 - ii. Bolthouse Cross-Complaint Against Phelan CSD
 - iii. LACWD Complaint and Amendment to Complaint – LASC
 - iv. LACWD Complaint – Kern County
 - v. Public Water Suppliers’ First Amended Cross-Complaint
- e. Appropriation
 - i. LACWD Complaint and Amendment to Complaint – LASC
 - ii. LACWD Complaint – Kern County
- f. Municipal Priority
 - i. LACWD Complaint and Amendment to Complaint – LASC
 - ii. LACWD Complaint – Kern County
 - iii. Phelan CSD Cross-Complaint
 - iv. Public Water Suppliers’ First Amended Cross-Complaint
- g. Imported Water/Storage Rights
 - i. AGWA First Amended Cross-Complaint
 - ii. Anaverde Cross-Complaint
 - iii. AVEK Cross-Complaint
 - iv. Bolthouse Cross-Complaint
 - v. Bolthouse Cross-Complaint Against Phelan CSD

- vi. *County Sanitation District Nos. 14 and 20 of Los Angeles County v. Los Angeles County Waterworks District No. 40, et al.*, Los Angeles County Superior Court, Case No. 1-05-CV-049053 (“County San Districts Cross-Complaint”)
- vii. Kia Cross-Complaint
- viii. LACWD Complaint and Amendment to Complaint – LASC
- ix. LACWD Complaint – Kern County
- x. Phelan CSD Cross-Complaint
- xi. Public Water Suppliers’ First Amended Cross-Complaint
- xii. Wagas Cross-Complaint
- h. Return Flow Rights
 - i. Anaverde Cross-Complaint
 - ii. AVEK Cross-Complaint
 - iii. AV United Cross-Complaints
 - iv. Bolthouse Cross-Complaint
 - v. Bolthouse Cross-Complaint Against Phelan CSD
 - vi. County San Districts Cross-Complaint
 - vii. LACWD Complaint and Amendment to Complaint – LASC
 - viii. LACWD Complaint – Kern County
 - ix. Phelan CSD Cross-Complaint
 - x. Public Water Suppliers’ First Amended Cross-Complaint
- i. Unreasonable Use of Water
 - i. AGWA First Amended Cross-Complaint
 - ii. Crystal Organic Farms Cross-Complaint
 - iii. Diamond Farming Cross-Complaint
 - iv. Diamond Farms Cross-Complaint Against Phelan CSD
 - v. Grimmway Cross-Complaint

- vi. LACWD Complaint and Amendment to Complaint – LASC
- vii. LACWD Complaint – Kern County
- viii. LANDINV Cross-Complaint
- ix. Phelan CSD Cross-Complaint
- x. Public Water Suppliers’ First Amended Cross-Complaint
- xi. Wagas Cross-Complaint
- j. Statutory Interpretation
 - i. Bolthouse Cross-Complaint
 - ii. Bolthouse Cross-Complaint Against Phelan CSD
 - iii. Crystal Organic Farms Cross-Complaint
 - iv. Diamond Farming Cross-Complaint
 - v. Diamond Farms Cross-Complaint Against Phelan CSD
 - vi. Grimmway Cross-Complaint
 - vii. Kia Cross-Complaint
 - viii. LANDINV Cross-Complaint
- k. Compliance with CEQA (California Environmental Quality Act (Public Resources Code sections 21000-21177))
 - i. Bolthouse Cross-Complaint Against Phelan CSD
 - ii. Crystal Organic Farms Cross-Complaint
 - iii. Diamond Farming Cross-Complaint
 - iv. Diamond Farms Cross-Complaint Against Phelan CSD
 - v. Grimmway Cross-Complaint
- l. Constitutional Declaratory Relief
 - i. Bolthouse Cross-Complaint
 - ii. Bolthouse Cross-Complaint Against Phelan CSD
 - iii. Crystal Organic Farms Cross-Complaint
 - iv. Diamond Farming Cross-Complaint

- v. Grimmway Cross-Complaint
- vi. Kia Cross-Complaint
- m. Quiet Title
 - i. Anaverde Cross-Complaint
 - ii. *Bolthouse Farming Company, et al. v. City of Lancaster, Riverside County Superior Court, Case No. RIC 344436* [Consolidated with RIC 344668 and 353840]
 - iii. Bolthouse Cross-Complaint
 - iv. Bolthouse Cross-Complaint Against Phelan CSD
 - v. *Diamond Farming Company, et al. v. City of Lancaster, et al., Riverside County Superior Court, Case No. RIC 344436* [Consolidated with RIC 344668 and 353840]
 - vi. *Diamond Farming Company v. Palmdale Water District, et al., Los Angeles County Superior Court, Case No. MC011330*
 - vii. *Diamond Farming Company, et al. v. City of Lancaster, et al., Kern County Superior Court, Case No. 240090 JES*
 - viii. Kia Cross-Complaint
 - ix. Willis Second Amended Class Action Complaint
 - x. Wood First Amended Class Action Complaint

n. Recycled Water

- i. County San Districts Cross-Complaint

6. The following described causes of action will proceed after the determination of the issues identified in paragraphs 2(a) through 2(n) above:

a. Conversion

- i. Willis Second Amended Class Action Complaint
- ii. Wood First Amended Class Action Complaint

- i. AGWA First Amended Cross-Complaint
- ii. Crystal Organic Farms Cross-Complaint
- iii. Diamond Farming Cross-Complaint
- iv. Grimmway Cross-Complaint
- v. Kia Cross-Complaint
- vi. LANDINV Cross-Complaint
- vii. Willis Second Amended Class Action Complaint
- viii. Wood First Amended Class Action Complaint

- i. AGWA First Amended Cross-Complaint
- ii. Bolthouse Cross-Complaint
- iii. Bolthouse Cross-Complaint Against Phelan CSD
- iv. Crystal Organic Farms Cross-Complaint
- v. Diamond Farming Cross-Complaint
- vi. Diamond Farms Cross-Complaint Against Phelan CSD
- vii. Grimmway Cross-Complaint
- viii. LANDINV Cross-Complaint
- ix. Wagas Cross-Complaint
- x. Wood First Amended Class Action Complaint

- i. Crystal Organic Farms Cross-Complaint
- ii. Diamond Farming Cross-Complaint
- iii. Diamond Farms Cross-Complaint Against Phelan CSD
- iv. Grimmway Cross-Complaint
- v. Kia Cross-Complaint
- vi. LANDINV Cross-Complaint

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- vii. Willis Second Amended Class Action Complaint
- viii. Wood First Amended Class Action Complaint
- e. Trespass
 - i. AGWA First Amended Cross-Complaint
 - ii. LANDINV Cross-Complaint
 - iii. Willis Second Amended Class Action Complaint
 - iv. Wood First Amended Class Action Complaint

DATED: _____
Judge of the Superior Court