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Attorneys for Cross-Defendant
SOUTHERN CALIFORNIA EDISON
COMPANY

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

ANTELOPE VALLEY
GROUNDWATER CASES

INCLUDED ACTIONS:

LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40 v.
DIAMOND FARMING COMPANY, et
al., Los Angeles Superior Court Case No.
BC325201;

LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40 v.
DIAMOND FARMING COMPANY, et
al., Kern County Superior Court Case
No. S-1500-CV-254-348;

DIAMOND FARMING COMPANY,
and W.M. BOLTHOUSE FARMS, INC.,
v. CITY OF LANCASTER, et al.,
Riverside Superior Court Case No. RIC
344436 [c/w case no. RIC 344668 and
355840]

Judicial Council Coordination No. 4408

**SOUTHERN CALIFORNIA EDISON
COMPANY'S APPLICATION FOR APPROVAL
OF STIPULATION CONCERNING LAND
OWNERSHIP AND PRIOR GROUNDWATER
PRODUCTION; [PROPOSED] ORDER**

Case No. 1-05-CV-049053


Assigned to The Honorable Jack Komar

Trial Date: May 28, 2013
Time: 9:00 a.m.

1 Pursuant to the Court's March 1, 2013 Minute Order, Southern California Edison
2 Company submits this Application for Approval of Stipulation Concerning Land Ownership and
3 Prior Groundwater Production. The proposed Stipulation is attached to this application.
4

5 DATED: March 15, 2013

6 EDWARD J. CASEY
7 NEAL MAGUIRE
8 **ALSTON & BIRD LLP**

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10 Edward J. Casey
11 Attorneys for Cross-Defendant
12 SOUTHERN CALIFORNIA EDISON
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1 Los Angeles County Waterworks District No. 40, Quartz Hill Water District, Littlerock
2 Creek Irrigation District, Palm Ranch Irrigation District, Palmdale Water District, the City of
3 Palmdale, the City of Lancaster, and Rosamond Community Services District (the "PWAs") and
4 Southern California Edison Company ("Landowner") (collectively, the "Stipulating Parties")
5 enter into this Stipulation Between Certain Public Water Agencies And Southern California
6 Edison Company Concerning Land Ownership, Prior Groundwater Production And Proposed
7 Allocation Of Groundwater Rights ("Stipulation") through their respective counsel of record.
8 This Stipulation is based on the matters set forth in Section I, below.

9 **I.**

10 **RECITALS**

11 A. Landowner owns land overlying the Antelope Valley Groundwater Basin
12 (the "AV Basin"). (For purposes of this Stipulation, the term "AV Basin" shall mean the
13 Antelope Valley Groundwater Basin as determined and defined by the Honorable Jack Komar in
14 his March 12, 2007 Revised Order After Hearing on Jurisdictional Boundaries.)

15 B. Landowner served its (i) Response To December 12, 2012 Discovery
16 Order for Phase 4 Trial and the Non-Expert Witness Designation ("Discovery Response") and
17 (ii) Stipulation In Lieu Of Deposition Testimony For Phase 4 Trial ("Declarations") on all parties
18 in the instant action.

19 **II.**

20 **TERMS OF THE STIPULATION**

21 A. Based on the Landowner's Discovery Response and Declarations, the
22 PWAs have no objection to the Court making the following findings of fact:

23 (1) Landowner currently owns land overlying the AV Basin, which land is
24 comprised of Assessor Parcel Numbers ("APN") identified in Exhibit A to this Stipulation (the
25 "Subject Property").

26 (2) As of January 1, 2013, Landowner currently uses the Subject Property as
27 follows: for the operation of the Antelope Substation, the Whirlwind Substation, 28 other
28 substations, and numerous transmission corridors in the AV Basin.

1 (3) Landowner used the Subject Property during calendar years 2011 and
2 2012 as follows: for the construction and operation of the Antelope and Whirlwind Substations,
3 as well as well as 28 other substations and numerous transmission corridors in the AV Basin that
4 do not currently have groundwater wells.

5 (4) Landowner produced the following quantities of groundwater from the
6 AV Basin during calendar years 2011 and 2012:

7 a. The Whirlwind Substation property identified in Exhibit A
8 produced approximately 24.2 acre-feet per year ("AFY") in 2011 and 3 AFY in 2012.

9 b. The Antelope Substation property identified in Exhibit A produced
10 approximately 6.29 AFY in 2011 and 2 AFY in 2012. The Antelope Substation property
11 produced approximately 80.17 AFY in 2010.

12 (5) Landowner or its predecessor in interest to the Subject Property produced
13 the following quantities of groundwater from the AV Basin during the period from January 1,
14 2000 through December 31, 2004 (the "2000-04 Time Period"):

15 a. Landowner did not own the land that comprises the Whirlwind
16 Substation in the 2000-04 Time Period, and the substation did not exist at that time. Thus, the
17 Whirlwind Substation property did not produce groundwater in the 2000-04 Time Period.

18 b. The Antelope Substation property produced approximately 2 AFY
19 in the 2000-04 Time Period.

20 (6) Landowner or its predecessor used the groundwater described in this
21 Section II-A for "reasonable and beneficial" uses on the Subject Property. For purposes of this
22 Stipulation, the term "reasonable and beneficial" shall have the meaning as understood in Article
23 X, Section 2 of the California Constitution.

24
25 March _____, 2013 ALSTON & BIRD, LLP

26
27 By: _____
28 EDWARD J. CASEY
Attorneys for Southern California Edison Company

1 March _____, 2013

BEST BEST & KRIEGER LLP

2
3 By: _____

4 JEFFREY V. DUNN

5 Attorneys for Los Angeles County Waterworks District No. 40

6 March _____, 2013

CHARLTON WEEKS LLP

7
8 By: _____

9 BRADLEY T. WEEKS

Attorneys for Quartz Hill Water District

10 March _____, 2013

LEMIEUX & O'NEILL

11
12 By: _____

13 WAYNE K. LEMIEUX

14 Attorneys for Littlerock Creek Irrigation District and Palm Ranch
Irrigation District

15 March _____, 2013

LAGERLOF, SENECAI, GOSNEY & KRUSE

16
17 By: _____

18 THOMAS BUNN III

Attorneys for Palmdale Water District

19 March _____, 2013

RICHARDS, WATSON & GERSHON

20
21 By: _____

22 STEVEN R. ORR

Attorneys for City of Palmdale

23 March _____, 2013

MURPHY & EVERTZ LLP

24
25
26 By: _____

27 DOUGLAS J. EVERTZ

Attorneys for City of Lancaster and Rosamond Community Services
District

EXHIBIT A

Southern California Edison owns, occupies, or otherwise controls property for its Antelope Substation that is in Los Angeles County and identified by the following Assessor Parcel Number(s): 3203034806, 3203034811, 3203034810, 3203034815, 3203034814, 3203034809, 3203034813, 3203034808, 3203034816, 3203034812, and 3203034807.

Edison owns, occupies, or otherwise controls property for its Whirlwind Substation in Kern County identified by the following Assessor Parcel Numbers: APN 26113204, 26113417, 26113203, 26113202, 26113201, 26113205, 26113216, 26113215, 26113214, 26113209, 26113210, 26113211, 26113109, 26113321, 26113401, 26113403, 26113407, 26113404, 26113405, 26113420, 26113416, 26113417, 26113412, 26113413, 26113408, 26113409, 26113410, 26113414, 26113415, 26113418, 26113419, 26135022, and 26135015.

Edison otherwise owns, in fee, 28 other substations as well as transmission corridors in the AV Basin. These other substations and corridors comprise approximately 584.87 acres and include the following 149 separate parcels, identified by their Assessor Parcel Numbers: 3203021803, 3203034021, 3203034800, 3203034801, 3203034802, 3203034804, 3203034805, 3204017801, 3204017802, 3204017803, 3204017804, 3204017805, 3204023800, 3204023801, 3205002800, 3205002801, 3218005804, 3218005807, 3218005808, 3218005813, 3218005814, 3218005815, 3218005816, 3218006800, 3218006800, 3218006801, 3218006802, 3218006803, 3218006809, 3218006810, 3218006812, 3218006813, 3218006814, 3218006815, 3218006816, 3218006819, 3218006820, 3218006821, 3218006822, 3218006823, 3218007800, 3218013801, 3218013802, 3218013804, 3218013811, 3218013813, 3218013814, 3218013815, 3218013818, 3218013819, 3218013822, 3218013823, 3218013824, 3218013825, 3218013827, 3218013828, 3248010800, 3248010801, 3248010802, 3248010803, 3248010804, 3248015800, 3248015801, 3248015802, 3248015803, 3248015804, 3248015807, 3248021801, 3248021803, 3248021805, 3248021806, 3258011801, 3258011802, 3263001806, 3263001807, 3263001810, 3263001811, 3263001822, 3263001823, 3263001824, 3263001829, 3263012802, 3263012803, 3263012804, 3263012805, 3263012806, 3263013043, 3263013049, 3263013806, 3263013807,

1 3263013810, 3263013811, 3263013814, 3263013815, 3263017800, 3263017803, 3263017804,
2 3263017805, 3265011008, 3265011805, 3265014802, 3265014803, 3265014804, 3265015804,
3 3265015805, 3265015807, 3265020802, 3265020803, 3265020804, 3265023814, 3265023815,
4 3265023816, 3265023817, 3265023819, 3265023820, 3265023821, 3265023822, 3265023823,
5 3265023824, 3265023826, 3265023827, 3265023828, 3265023829, 3265023833, 3265023834,
6 3265023835, 3265023836, 3265023838, 3265023839, 3266002803, 3266002804, 3266002807,
7 3266002808, 3266003803, 3266003806, 3266004800, 3266004802, 3266005800, 3266006800,
8 3266006801, 3267005800, 3267005801, 3267005802, 3267005806, 3267005807, 3267005808,
9 3267005809, and 3267008029.

1 **[PROPOSED] ORDER**

2 On March 15, 2013, Southern California Edison Company filed its Application for
3 Approval of Stipulation Concerning Land Ownership and Prior Groundwater Production (the
4 "Application"). Having read and considered all papers filed in connection with the Stipulation
5 attached to the Application, and having received no objections thereto,

6 **IT IS HEREBY ORDERED THAT:** the facts set forth in Section II of the Stipulation
7 are deemed admitted.


8
9 **IT IS SO ORDERED.**

10
11 DATED: _____

12 _____
13 Honorable Jack Komar
Judge of the Santa Clara County Superior
Court

14 Respectfully submitted by:

15 NEAL MAGUIRE
16 ALSTON & BIRD LLP

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18 _____
19 Attorneys for Cross-Defendant
Southern California Edison Company

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PROOF OF SERVICE

I, Yolanda S. Ramos, declare:

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 Alston & Bird LLP, 333 South Hope Street, Sixteenth Floor, Los Angeles, CA 90071. I am over the age of eighteen years and not a party to the action in which this service is made.

On March 15, 2013, I served the document(s) described as SOUTHERN CALIFORNIA EDISON COMPANY'S APPLICATION FOR APPROVAL OF STIPULATION CONCERNING LAND OWNERSHIP AND PRIOR GROUNDWATER PRODUCTION; [PROPOSED] ORDER on the interested parties in this action by enclosing the document(s) in a sealed envelope addressed as follows:

☐ BY MAIL: I am "readily familiar" with this firm's practice for the collection and the processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, the correspondence would be deposited with the United States Postal Service at 333 South Hope Street, Los Angeles, California 90071 with postage thereon fully prepaid the same day on which the correspondence was placed for collection and mailing at the firm. Following ordinary business practices, I placed for collection and mailing with the United States Postal Service such envelope at Alston & Bird LLP, 333 South Hope Street, Los Angeles, California 90071.

☒ BY ELECTRONIC MAIL: By posting the document listed above to the Santa Clara Superior Court website: www.scefilng.org regarding the ANTELOPE VALLEY GROUNDWATER matter.

☐ BY FEDERAL EXPRESS ☐ UPS NEXT DAY AIR ☐ OVERNIGHT DELIVERY: I deposited such envelope in a facility regularly maintained by ☐ FEDERAL EXPRESS ☐ UPS ☐ Overnight Delivery [specify name of service:] with delivery fees fully provided for or delivered the envelope to a courier or driver of ☐ FEDERAL EXPRESS ☐ UPS ☐ OVERNIGHT DELIVERY [specify name of service:] authorized to receive documents at Alston & Bird LLP, 333 South Hope Street, Los Angeles, California 90071 with delivery fees fully provided for.

☐ BY FACSIMILE: I telecopied a copy of said document(s) to the following addressee(s) at the following number(s) in accordance with the written confirmation of counsel in this action.

☒ [State] I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ [Federal] I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 15, 2013, at Los Angeles, California.


YOLANDA S. RAMOS