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12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT
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16	ANTELOPE VALLEY GROUNDWATER) JUDICIAL COUNCIL
17	CASES) COORDINATED PROCEEDING
18		) NO. 4408
19	Included Actions:)
20)
21	Los Angeles County Waterworks District No.	) Santa Clara Case No. 1-05-CV-049053
22	40 v. Diamond Farming Company	) Assigned to the Honorable Jack Komar
23	Superior Court of California, County of Los	) Department I
24	Angeles, Case No. BC325201)
25		) CALIFORNIA WATER SERVICE CO'S
26	Los Angeles County Waterworks District	) TRIAL SETTING CONFERENCE
27	No. 40 v. Diamond Farming Co.	) STATEMENT - PHASE V
28	Superior Court of California	) CMC: July 29, 2013
29	County of Kern, Case No. S-1500-CV-254-348	) TRIAL DATE: TBD
30		) TIME: TBD
31	Wm. Bolthouse Farms, Inc. v. City of Lancaster	) DEPT: TBA
32	Diamond Farming Co. v. City of Lancaster)
33	Diamond Farming Co. v. Palmdale Water District)
34	Superior Court of California)
35	County of Riverside, Consolidated Actions)
36	<u>Case Nos. RIC 353840, RIC 344436, RIC 344668</u>)

1 CALIFORNIA WATER SERVICE COMPANY (Cal Water), public water supplier (PWS), joins the Los
2 Angeles County Waterworks District No. 40's Statement of Proposed Issues for Phase 5 Trial in the
3 Antelope Valley Groundwater Adjudication (Trial) filed to propose issues to be determined in the next
4 phase of Trial (Phase V) and respectively submits its own Trial Setting Conference Statement to address
5 the vital issue of domestic use and its priority in Phase V.

6
7 **BACKGROUND:**

8 The previous four Phases of Trial have determined the boundary of the Antelope Valley groundwater
9 basin (Basin), the connectivity of the Basin, the safe yields of the Basin and the groundwater pumping
10 from the Basin in 2011 and 2012, with the exception of the Woods Class' groundwater pumping.

11
12 Based on the Courts findings, current Basin groundwater pumping significantly exceeds the safe yields of
13 the Basin, not taking into account any in lieu groundwater rights claims. As such, reasonable and
14 beneficial use of water will be necessary to determine prescription, self-help, priority of parties' water
15 rights and the ultimate physical solution of the Basin. Furthermore, Woods Class has been unable to
16 gather statistically reliable data upon which to determine groundwater pumping from the Basin, as well as
17 its reasonable and beneficial water demands.

18
19 The Antelope Valley (AV) has a significant residential population and includes a significant and vital
20 industrial base in connection with the Edwards Air Force Base. The AV is home to a critical aerospace
21 industry. Associated with the growth of the industry, the residential population of the AV has continued
22 to increase over time and now exceeds 150,000 residential units¹. Many of these residential units date
23 back to the 1950's. Most of these residential units depend upon the PWSs for their water supply, but a
24 significant number also receive water service from mutual water corporations and their own groundwater
25 pumping (e.g. Woods Class).

26
27 In the past, residential demand has been met by groundwater pumping from the Basin and imported water
28 from the Antelope Valley East Kern Water Agency (AVEK). Unfortunately, imported water is unreliable.
29 AVEK states in their 2010 Urban Water Management Plan that imported water is a secondary source.

30
31 Furthermore, the Court needs to determine beneficial and reasonable water use of the Wood's Class.
32 Since Wood's class has been unable to determine 2011 and 2012 groundwater pumping, even after
33 conclusion of Phase IV Trial, the Court needs to consider an alternative approach with its Court appointed
34 expert. Even knowing Wood's Class groundwater pumping for 2011 and 2012 will not provide Wood's
35 Class reasonable and beneficial water needs.

36

¹ Greater Antelope Valley Economic Alliance website (2010 Lancaster 156,663 and Palmdale 152,714 assuming 2 person households)

1 The Court is responsible for the protection of the Basin and the priority of water use within the Basin.
2 Since domestic use has the highest priority, the Court should determine sufficient water requirements for
3 domestic use with the Basin (Domestic Use) in Phase V Trial.
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6 WATER CODE SECTION 106:
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8 The next logical step is to determine the water rights of individual parties. In doing so reasonable and
9 beneficial use must be evaluated and determined.
10

11 As set forth in Article X, section 2 provides
12

13 It is hereby declared that because of the conditions prevailing in this State the general welfare
14 requires that the water resources of the State be put to beneficial use to the fullest extent of which
15 they are capable, and that the waste or unreasonable use or unreasonable method of use of water
16 be prevented, and that the conservation of such waters is to be exercised with a view to the
17 reasonable and beneficial use thereof in the interest of the people and for the public welfare.
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19 Furthermore, the Water Code section 106 states "the established policy of this State that the use of water
20 for domestic purposes is the highest use of water and that the next highest use is for irrigation."
21

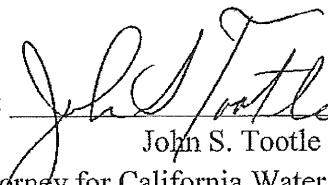
22 Domestic Use is needed for sustenance, public safety and welfare. The legislature never intended
23 Domestic Use to be provided by an unreliable secondary source. As such, Domestic Use is significant
24 relative to the safe yields of the Basin. Domestic Use should be evaluated and determined in Phase V of
25 Trial.
26

27 CONCLUSION:
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29 Cal Water would like to see the Court determine in Phase V Domestic Use within the Basin, priority of
30 Domestic Use (right) and particularly Domestic Use of the Wood's Class.
31
32

33 DATED: July 22, 2013
34
35

CALIFORNIA WATER SERVICE COMPANY

36 By: 
37 John S. Tootle
38 Attorney for California Water Service Company

1 **PROOF OF SERVICE (C.C.P. §1013a, 2015.5)**

2 **Antelope Valley Groundwater Cases**

3 **Judicial Counsel Proceeding No. 4408**

4 **Santa Clara County Superior Court Case No. 1-05-CV-049053**

5 I am employed in the County of Los Angeles, State of California. I am
6 over the age of 18 and not a party to the within action; my business address
7 is 2632 West 237th Street, Torrance, CA 90505.

8 On July 22, 2013, I served the foregoing document(s) entitled:

9 **CALIFORNIA WATER SERVICE CO'S TRIAL SETTING CONFERENCE STATEMENT - PHASE V**

10 by placing the true copies thereof enclosed in sealed
11 envelopes addressed as stated on the attached mailing
12 list.


13 by placing _ the original, _ a true copy thereof,
14 enclosed in a sealed enveloped addressed as follows:

15 **X BY SANTA CLARA SUPERIOR COURT E-FILING IN COMPLEX LITIGATION**
16 **PURSUANT TO CLARIFICATION ORDER DATED OCTOBER 27, 2005.**

17 Executed on July 22, 2013, at Torrance, California

18 X (State) I declare under penalty of perjury under the laws of
19 the State of California that the above is true and
20 correct.

21 (Federal) I declare that I am employed in the office of a
22 member of the Bar of this Court at whose direction
23 the service was made.

24 
25 Michael Duque