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8

9 Attorney for: CALIFORNIA WATER SERVICE COMPANY
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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	)	PHASE V
27 No. 40 v. Diamond Farming Co.	)	STATEMENT OF CLAIMS
28 Superior Court of California)	
29 County of Kern, Case No. S-1500-CV-254-348	)	DATE: September 6, 2013
30	)	TIME: 10:00 AM
31 Wm. Bolthouse Farms, Inc. v. City of Lancaster	)	DEPT: 1
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>)	
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2 California Water Service Company (Cal Water) submits this Phase V Statement Claims:

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4 Question No. 1: *Total amount of your groundwater production from 1946 to 2012, by year.*

5
6 Response to Question No. 1: See Attachment "A"

7
8 Question No. 2: *The amount of imported water you purchased, by year.*

9
10 Response to Question No. 2: Cal Water does not claim title to historically purchased imported water.
11 Imported water on Attachment A was purchased from Los Angeles County Waterworks No. 40 through a
12 temporary connection.

13
14 Question No. 3: *The amount of return flows generated from the imported water, by year based on the*
15 *prior year.*

16
17 Response to Question No. 3: None. Cal Water is installing a connection to Antelope Valley East Kern
18 Water Agency and intends to claim return flow from imported water purchases in the future at 39.1%.

19
20 Question No. 4: *The amount of your total groundwater production that is adverse, by year.*

21
22 Response to Question No. 4: See groundwater production on Attachment "A." All Cal Water's
23 groundwater pumping is adverse in the year shown.

24
25 Question No. 5: *The date when your prescriptive rights ceased to accrue.*

26
27 Response to Question No. 5: January 1, 2005

28
29 Question No. 6: *The prescriptive period.*

30
31 Response to Question No. 5: 1945–2004

32
33 Question No. 7: *The effect of the filing of Diamond Farming's and Bolthouse's original lawsuits on your*
34 *prescriptive rights.*

35
36 Response to Question No. 7: They cut off the prescriptive period as to properties owned by the respective
37 plaintiffs and described in the complaints.

1 Question No 8: The total amount of prescriptive rights you claim (without regard to self-help), and the
2 basis for calculation, including the five-year period.

3
4 Response to Question No. 8: 756.5 Acre Feet per year. The highest minimum over a five-year period
5 1999 thru 2003. See Attachment "A"

6
7 Question No. 9: Against what parties you claim prescriptive rights.

8
9 Response to Question No. 9: All private parties including Wood class, but not including Willis class, plus
10 any party who acquired their rights from a private party during the prescriptive period.

11
12 Question No. 10: Any non-prescriptive rights you claim.

13
14 Response to Question No. 10: Overlying Water Rights; Domestic and Municipal Priorities; Return Flow
15 Water Rights, Storage Rights and In-lieu Water Rights,

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19 DATED: August 28, 2013

CALIFORNIA WATER SERVICE COMPANY

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22 By: _____

23 John S. Tootle

24 Attorney for California Water Service Company
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California Water Service Company								
	ATTACHMENT "A"							
								Highest
								Minimum
	Antelope Valley District: Production in Ccf (100 cubic feet)							Within 5 Yrs
	Lancaster System						AF	5 Yr Period
	Well 1	Well 2 *	Well 3 **	Well 1-03*	LA Co.	Total		Ending Yr
1946							97.7	97.7
1947							97.7	97.7
1948							97.7	97.7
1949							97.7	97.7
1950							97.7	97.7
1951							97.7	97.7
1952							97.7	97.7
1953							97.7	97.7
1954							97.7	97.7
1955							97.7	97.7
1956							97.7	97.7
1957							97.7	97.7
1958							97.7	97.7
1959							97.7	97.7
1960							97.7	97.7
1961							97.7	97.7
1962							97.7	97.7
1963							97.7	97.7
1964							97.7	97.7
1965							97.7	97.7
1966		42567				42567	97.7	97.7
1967		49838				49838	114.4	97.7
1968		55609				55609	127.7	97.7
1969		60202				60202	138.2	97.7
1970		71470				71470	164.1	97.7
1971							187.0	114.4
1972							209.0	127.7
1973	101106					101106	232.1	138.2
1974	35586	60145				95731	219.8	164.1
1975		100367	7631			107998	247.9	109.2
1976		109005	13380			122385	281.0	109.2
1977		101499	12160			113659	260.9	109.2
1978		103902	14202			118104	271.1	109.2
1979			47568			47568	109.2	109.2
1980		106039	23130			129169	296.5	109.2
1981		80964	52272			133236	305.9	109.2
1982		23303	98968			122271	280.7	109.2
1983		70445	44466			114911	263.8	109.2
1984		84,989	58,039			143,028	328.3	109.2
1985		116,162	63,288			179,450	412.0	263.8
1986		133,729	91,562			225,291	517.2	263.8
1987		89,189	135,979			225,168	516.9	263.8
1988		122,796	135,753			258,549	593.5	263.8
1989		123,972	165,965			289,937	665.6	328.3
1990		118,061	161,616			279,677	642.1	412.0
1991		100,976	127,910			228,908	525.5	516.9
1992		91,459	156,662			248,121	569.6	525.5
1993		73,616	195,698			269,313	618.3	525.5
1994						297,338	682.6	525.5
1995						294,939	677.1	525.5
1996		251,733	73,553			325,286	746.8	569.6
1997		257,352	72,266			329,618	756.7	618.3
1998		221,677	83,685			285,362	655.1	655.1
1999		239,493	90,039			329,532	756.5	655.1
2000		191,155	169,258			360,413	827.4	655.1
2001		160,995	192,049			353,044	810.5	655.1
2002		199,117	143,704			342,821	787.0	655.1
2003		0	242,369		100,026	342,395	786.0	756.5
2004		70,364	158,824		149,727	378,915	869.9	708.2
2005		237,485	15	0	150,689	388,189	891.2	708.2
2006		149,891	0	15,383	162,043	327,317	751.4	708.2
2007		127,056	0	230,467	4	357,527	820.8	708.2
2008		77,193	0	231,283	0	308,476	708.2	708.2
2009		79,717	0	184,096	0	263,813	605.6	605.6
2010		89,454	0	162,686	17,121	269,261	618.1	605.6
2011		111,094	0	160,401	0	271,495	623.3	605.6
2012		134,329		144,610	0	278,939	640.4	605.6
Notes on above:								
*	State Well No. 07N/12W-32A02S located on Parcel 3109-017-026							
**	State Well No. 07N/12W-32S Located on Parcel 3109-017-072, destroyed in 2005							
***	State Well No. 07N/12W- 32A01S located on Parcel 3109-017-072; first year in service was 1946							
2003	Well 2 out of service all year; purchased 229.6 AF from LA County							
2004	Well 2 out of service for eight (8) months; purchased 343.7 AF from LA County							
2005	Well 3 out of service; purchased 345.9 AF from LA County							
2006	Well 3 destroyed in 2005; purchased 372.0 AF from LA County							
1966 & prior	Mutual Water companies, water usage estimated per Problem Statement							

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PROOF OF SERVICE

I am employed in the aforesaid county, State of California; I am over eighteen years of age and not a party to the within action; my business address is 2632 West 237th Street, Torrance, California, 90505.

On August 28, 2013, at my place of business at Torrance, California, a copy of the following DOCUMENT(s):

CALIFORNIA WATER SERVICE COMPANY'S STATEMENT OF CLAIMS

By posting the DOCUMENT listed above to the Santa Clara 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 August 28, 2013



Michael Duque