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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11
12 COUNTY OF LOS ANGELES, CENTRAL COURT

13 Coordination Proceeding
14 Special Title (Rule 1550(b))

Judicial Council Coordination Proceeding
Case No. 4408

15 ANTELOPE VALLEY GROUNDWATER
16 CASES

Santa Clara Case No. 1-05-CV-049053
Assigned to The Honorable Jack Komar,
Dept. 17

17 Los Angeles County Waterworks District
18 No. 40 v. Diamond Farming Co.,

**DEFENDANT AND CROSS-
COMPLAINT ANTELOPE VALLEY-
EAST KERN WATER AGENCY'S
BRIEF**

19 Wm. Bolthouse Farms, Inc., v. City of
20 Lancaster,

21 Diamond Farming Co. V City of Lancaster,

22 Diamond Farming Co. V. Palmdale Water
23 District,

24 and Related Actions and Cross-Actions
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29 The Antelope Valley East Kern Water Agency (AVEK) hereby submits the following
30 brief as requested by Minute Order dated July 21, 2008.

31 As a State Water Contractor in the Antelope Valley, AVEK has interest in seeing a
32 comprehensive and equitable solution to the water supply problems facing the Valley
33 implemented as a result of the Adjudication.

34 AVEK is in agreement with the Court that the issue of basin characteristics, specifically

1 the determination of whether the Antelope Valley Adjudication Area consists of a single basin
2 or multiple sub-basins should be decided initially. It is the position of AVEK that the Antelope
3 Valley consists of a single, enclosed, undrained basin. AVEK contends and believes the
4 evidence will show that the characteristics of the basin are consistent with the basic definition
5 of what constitutes a single groundwater basin.

6 AVEK believes that the water extracted from the groundwater basin is beyond the safe
7 yield of the basin. A Safe Yield determination by the Court will assist the parties and the Court
8 in implementing a physical solution which will afford the public water agencies, agricultural
9 interests, industrial users, and individual water users within the Basin the necessary clarity to
10 focus on orderly water resource planning and development. After determination of Safe Yield
11 by the court, a gradual ramp down from current water production to Safe Yield would allow
12 water producers a period of time to adjust rates, irrigation practices and implement conservation
13 measures to ease the economic impact of the cost to import supplemental water necessary to
14 balance the basin caused by water production in excess of Safe Yield.

15 AVEK contends and maintains that such a comprehensive solution be flexible and
16 subject to the continuing jurisdiction of the court.

17 DATED: August 4, 2008

BRUNICK, McELHANEY & BECKETT

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19 By: Wm J Brunick
20 WILLIAM J. BRUNICK
21 Attorneys for Defendant and
22 Cross-Complainant
23 Antelope Valley-East Kern Water Agency
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PROOF OF SERVICE

**STATE OF CALIFORNIA }
COUNTY OF SAN BERNARDINO }**

I am employed in the County of the San Bernardino, State of California. I am over the age of 18 and not a party to the within action; my business address is 1839 Commercenter West, San Bernardino, California.

On August 4, 2008, I served the foregoing document(s) described as: **DEFENDANT AND CROSS-COMPLAINANT, ANTELOPE VALLEY-EAST KERN WATER AGENCY'S BRIEF** on the interested parties in this action served in the following manner:

XX **BY ELECTRONIC SERVICE AS FOLLOWS** by posting the document(s) listed above to the Santa Clara website in the action of the *Antelope Valley Groundwater Litigation*, Judicial Council Coordination Proceeding No. 4408, Santa Clara Case No. 1-05-CV-049053.

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

Executed on August 4, 2008, at San Bernardino, California.


P. Jo Anne Quintus