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EXEMPT FROM FILING FEE
(Government Code § 6103)

7 Attorneys for Defendant/Cross-Defendant,
BORON COMMUNITY SERVICES
8 DISTRICT
9

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

13 **Coordination Proceeding**
Special Title (Rule 3.550(c))

14 **ANTELOPE VALLEY GROUNDWATER**
15 **CASES**

16 **Included Actions:**

17 **Los Angeles County Waterworks District**
No. 40 v. Diamond Farming Co.
18 **Superior Court of California, County of Los**
Angeles, Case No. BC 325201;
19

20 **Los Angeles County Waterworks District**
No. 40 v. Diamond Farming Co.
21 **Superior Court of California, County of Kern,**
Case No. S-1500-CV-254348

22 **Wm. Bolthouse Farms, Inc. v. City of Lancaster,**
Diamond Farming Co. v. City of Lancaster,
23 **Diamond Farming Co. v. Palmdale Water Dist.,**
24 **Superior Court of California, County of**
Riverside, Case Nos. RIC 353 840, RIC 344 436,
25 **RIC 344 668**

26 **AND RELATED ACTIONS.**
27
28

Judicial Council Coordination
Proceeding No. 4408

Santa Clara Case No. 1-05-CV-049053

DEFENDANT/CROSS-DEFENDANT
BORON COMMUNITY SERVICES
DISTRICT'S PHASE 4 TRIAL BRIEF

[Assigned for All Purposes to the
Honorable Jack Komar]

Date: May 28, 2013
Time: 1:00 p.m.
Dept: 322
17th Floor
Central Civil West Courthouse
600 S. Commonwealth Ave.
Los Angeles, CA 90005

Action Filed: October 26, 2005

1 Defendant/Cross-Defendant, Boron Community Services District ("Boron") hereby submits
2 its Phase 4 Trial Brief.


3 The Boron Community Services District ("Boron") was established on January 19, 1953 and
4 has been continuously serving its customers with groundwater since its date of establishment.
5 Although the community of Boron is situated outside of the Jurisdictional Boundary of the Antelope
6 Valley Groundwater Adjudication, it is partially served by two (2) groundwater production wells that
7 overlie the Antelope Valley Area of Adjudication as decided by this Court. Both wells and the
8 parcels are owned by Boron, specifically, Well 13: Kern County APN 232-220-27-7 and Well 15:
9 Kern County APN 232-220-31-9. The number of service connections has varied over the years and
10 there are presently approximately 600 connections that serve approximately 2,500 people. Boron is
11 located entirely within Kern County.

12 Pursuant to the Court's Fifth Amended Case Management Order for the Phase 4 Trial, the
13 sole issue to be determined in the Phase 4 Trial is the amount of each party's groundwater pumping
14 during the calendar years 2011 and 2012. Boron intends to present evidence to establish that Boron
15 is the owner of two (2) parcels and groundwater production wells that overlie the Antelope Valley
16 Area of Adjudication, specifically, Well 13: Kern County APN 232-220-27-7 and Well 15: Kern
17 County APN 232-220-31-9 (see Boron Exhibits: 4-Boron CSD- 25-26 and 4-Boron CSD- 27-29)
18 and that the amount of groundwater pumped by Boron was 228 acre feet in 2011 and 233 acre feet in
19 2012 (see Boron Exhibits: 4-Boron CSD 1 thru 24).

20 Boron reserves its right to produce evidence to support any and all claimed water rights
21 Boron may assert and to make any related legal arguments including, without limitation, arguments
22 based on any applicable constitutional, statutory or decisional authority.

23 DATED: May 28, 2013

24 McMURTREY, HARTSOCK & WORTH

25
26 By: 
27 James A. Worth, Attorneys for Defendant/
28 Cross-Defendant, BORON
COMMUNITY SERVICES DISTRICT

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3 **PROOF OF SERVICE**

4 **STATE OF CALIFORNIA, COUNTY OF KERN**

5 I, GUADALUPE GONZALEZ, declare: I am and was at the time of the service hereunder mentioned, over the age of eighteen (18) years and not a party to the within cause. My business address is 2001 22nd Street, Suite 100, Bakersfield, California 93301.

6 On May 28, 2013, I served the document(s) titled:

7 **DEFENDANT/CROSS-DEFENDANT BORON COMMUNITY**
8 **SERVICES DISTRICT'S PHASE 4 TRIAL BRIEF**

9 to be served on the parties in this action as follows:

10
11 **XXX (BY ELECTRONIC TRANSMISSION)** I caused such document(s) listed above to be posted to the Santa Clara County Superior Court website in regard to the Antelope Valley Groundwater matter.

12
13 **(BY MAIL)** I am readily familiar with the firm's practice of collection and processing of documents for mailing. Under that practice, it would be deposited with the United States Postal Service on that same day with postage thereon fully prepaid at Bakersfield, California, in the ordinary course of business.

14
15 **(BY FACSIMILE TRANSMISSION)** A transmission report was properly issued by the sending facsimile machine, and the transmission was reported as completed and without error.

16
17 **(BY PERSONAL SERVICE)** I caused such envelope to be delivered by hand to the offices of the addressee(s).

18
19 **(BY OVERNIGHT COURIER)** I caused such envelope with delivery fees fully prepaid to be sent by overnight courier.

20 Executed on May 28, 2013, at Bakersfield, California.

21
22 **XXX (STATE)** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

23 **(FEDERAL)** I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

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