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7 BORON COMMUNITY SERVICES
DISTRICT

8
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **COUNTY OF LOS ANGELES**

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

14 ANTELOPE VALLEY GROUNDWATER CASES

15 Included Actions:

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

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

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

24 AND RELATED ACTIONS.
25

26 ///

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EXEMPT FROM FILING FEE
(Government Code § 6103)

Judicial Council Coordination
Proceeding No. 4408

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

[PROPOSED] STIPULATION FOR
PHASE 4 TRIAL REGARDING
DEFENDANT/CROSS-DEFENDANT
BORON COMMUNITY SERVICES
DISTRICT'S GROUNDWATER
PRODUCTION AND BENEFICIAL
USES

[Assigned for All Purposes to the
Honorable Jack Komar]

Action Filed: October 26, 2005

1 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

2 Boron Community Services District hereby seeks stipulation to the facts enumerated below
3 regarding Boron's groundwater production, State Water Project water purchases, total water use
4 and the uses to which Boron applied said water, with counsel for each party requested to execute
5 the appropriate signature block below and serve the same, or to contact Boron's counsel to discuss
6 the same if some modification is requested:

7 1. The Boron Community Services District ("Boron") was established on January 19,
8 1953 and has been continuously serving its customers with groundwater since its date of
9 establishment. Although the community of Boron is situated entirely outside of the Jurisdictional
10 Boundary of the Antelope Valley Groundwater Adjudication, it is partially served by two (2)
11 groundwater wells (Wells 13 and 15) located within the Jurisdictional Boundary, approximately
12 four (4) miles to the west of Boron. The number of service connections has varied over the years
13 and there are presently approximately 600 connections that serve approximately 2,500 people.
14 Boron is located entirely within Kern County.

15 2. Boron owns two (2) parcels in Kern County that have groundwater production wells
16 and overlie the Antelope Valley Area of Adjudication as decided by this Court.

17 3. The Assessor's Parcel Numbers for these two (2) parcels are: 232-220-27-7 (Well
18 13) and 232-220-31-9 (Well 15).

19 4. Boron has continuously owned the parcels since the mid 1950's

20 5. Boron produces water from these parcels for distribution to its customers.

21 6. Boron measures the groundwater production on the above-referenced parcels/wells
22 using water meters on a daily basis. The records for these water meters for the years 2000-2004,
23 2011 and 2012 ("Meter Readings") are attached to Defendant/Cross-Defendant Boron Community
24 Services District Response to Discovery Order for Phase 4 Trial ("Boron Response to Discovery
25 Order") submitted to the Court and posted on the Court's website on December 21, 2012 and are
26 hereby incorporated as if attached hereto.

27 7. A true and correct copy of the Meter Readings for the month of December 2012 is
28 attached hereto as Exhibit "A".

1 8. The Meter Readings set forth the total yearly groundwater production amounts by
2 metered water well on the above-referenced parcels for the years 2000-2004, 2011, and 2012
3 (through November 30, 2012).

4 9. Boron did not use Well 13 during the subject years. Boron's annual groundwater
5 production from Well 15 is as follows:

6
7 **2000** 318 A/F
8 **2001** 413 A/F
9 **2002** 416 A/F
10 **2003** 516 A/F
11 **2004** 455 A/F
12 **2011** 228 A/F
13 **2012** 233 A/F

14 10. In addition to groundwater pumping, Boron purchased State Water Project ("SWP")
15 water from the Antelope Valley-East Kern Water Agency ("AVEK") for use by its customers. The
16 amount of water purchased from AVEK is shown on the Meter Readings and is further evidenced
17 by the AVEK Invoices attached to Defendant/Cross-Defendant Boron Community Services District
18 Response to Discovery Order for Phase 4 Trial ("Boron Response to Discovery Order") submitted
19 to the Court and posted on the Court's website on December 21, 2012 and are hereby incorporated
20 as if attached hereto.

21 11. For the calendar years 2000 through 2004, Boron delivered water to Phillips Lab
22 which is located at Rocket Site on Edwards Air Force Base. Phillips Lab purchased the water
23 directly from AVEK. Water delivered to Phillips Lab does not constitute water use by Boron. The
24 AVEK Invoices do not include the water purchased by Phillips Lab. Boron stopped delivering
25 water to Phillips Lab after 2004.

26 12. The annual amount (in acre feet) of SWP purchased by Boron is as follows:

27 **2000** Water Imported from AVEK 613
28 AVEK water delivered to Phillips 299
 SWP Purchased by Boron **314**
 2001 Water Imported from AVEK 509
 AVEK water delivered to Phillips 277

1		SWP Purchased by Boron	232
2	2002	Water Imported from AVEK	436
3		AVEK water delivered to Phillips	188
4		SWP Purchased by Boron	248
5	2003	Water Imported from AVEK	406
6		AVEK water delivered to Phillips	197
7		SWP Purchased by Boron	209
8	2004	Water Imported from AVEK	475
9		AVEK water delivered to Phillips	94
10		SWP Purchased by Boron	381
11	2011	SWP Purchased by Boron	189
12	2012	SWP Purchased by Boron	194


13. Boron’s total annual water use, includes groundwater and SWP water purchased from AVEK, is as follows:

14	2000	632 A/F
15	2001	645 A/F
16	2002	664 A/F
17	2003	725 A/F
18	2004	836 A/F
19	2011	417 A/F
20	2012	427 A/F

14. Such water was delivered to Boron’s customers and used for municipal, industrial and domestic purposes.

15. Boron does not have the ability to differentiate between indoor and outdoor water use but encourages conservation.

Dated: March 15, 2013
McMURTREY, HARTSOCK & WORTH

By: 

JAMES A. WORTH

Attorneys for Defendant/Cross-Defendant,

Boron Community Services District

Dated: March ___, 2013
ALESHIRE & WYNDER, LLP

EXHIBIT “A”

MONTH: Dec - 12

PUMPING METER READINGS

	WELL NO. 13	WELL NO. 15	VAULT AT WELLS	AVEK	BLEND
31	727128-	41 960977-	39 880468-	36 933070-	81
30	726949-	20 960808-	19 880432-	17 932806-	38
29	726863-	39 960726-	37 880415-	36 932681-	79
28	726691-	20 960544-	19 880379-	20 932424-	42
27	726612-	21 960480-	19 880359-	18 932288-	40
26	726512-	24 960396-	22 880341-	22 932157-	48
25	726406-	25 960298-	23 880319-	22 932002-	48
24	726299-	30 960199-	30 880297-	29 931847-	62
23	726169-	20 960070-	19 880270-	18 931646-	40
22	726082-	43 959988-	41 880252-	34 931517-	81
21	725895-	21 959811-	20 880218-	17 931254-	40
20	725804-	21 959725-	20 880201-	18 931123-	41
19	725712-	42 959638-	39 880183-	34 930991-	80
18	725531-	21 959468-	20 880149-	19 930730-	41
17	725439-	21 959381-	20 880130-	18 930598-	41
16	725348-	22 959295-	19 880112-	20 930465-	45
15	725253-	41 959212-	40 880092-	33 930320-	76
14	725075-	20 959038-	19 880059-	18 930073-	40
13	724988-	20 958953-	19 880041-	18 929944-	40
12	724900-	41 958872-	39 880023-	35 929814-	80
11	724721-	21 958704-	20 879988-	19 929554-	41
10	724630-	20 958618-	19 879969-	18 929419-	40
9	724541-	20 958534-	19 879951-	18 929288-	40
8	724452-	20 958450-	19 879933-	18 929157-	40
7	724363-	20 958366-	19 879915-	19 929026-	40
6	724274-	21 958282-	19 879896-	17 928895-	40
5	724182-	62 958198-	58 879879-	56 928766-	122
4	723914-	20 957945-	19 879823-	18 928368-	40
3	723826-	41 957862-	38 879805-	36 928239-	81
2	723648-	21 957695-	19 879769-	19 927976-	41
1	723558-	39 957611-	37 879750-	36 927844-	79
TOTAL		8.20 A.F.	7.73 A.F.	7.18 A.F.	16.04 A.F.
B+A	BCSD used	16.04 A.F.			
A-P	BCSD purchased	8.31 A.F.			

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2
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
6 mentioned, over the age of eighteen (18) years and not a party to the within cause. My business
7 address is 2001 22nd Street, Suite 100, Bakersfield, California 93301.

8 On March 15, 2013, I served the document(s) titled:

9 **[PROPOSED] STIPULATION FOR PHASE 4 TRIAL REGARDING
10 DEFENDANT/CROSS-DEFENDANT BORON COMMUNITY
11 SERVICES DISTRICT'S GROUNDWATER PRODUCTION AND
12 BENEFICIAL USES**

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

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

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

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

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

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

28 Executed on March 15, 2013, at Bakersfield, California.

XXX (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 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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**THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
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**THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA CLARA**

Coordination Proceeding Special Title (Rule
1550(b)) ANTELOPE VALLEY GROUNDWATER CASES
(JCCP 4408) Included Actions: Los Angeles
County Waterworks District No. 40

Plaintiff,

vs.

Diamond Farming Co. Superior Court of
California County of Los Angeles, Case No.
BC 325 201 Los Angeles County Waterworks
District No. 40 v. Diamond Farming Co.
Superior Court of California, County of
Kern, Case No. S-1500-CV-254-348 Wm.
Bolthouse Farms, Inc. v. City of Lancaster
Diamond Farming Co. v. City of Lancaster
Diamond Farming Co. v. Palmdale Water Dist.
Superior Court of California, County of
Riverside, consolidated actions, Case Nos.
RIC 353 840, RIC 344 436, RIC 344 668

Defendant.

) Antelope Valley Groundwater Cases (JCCP
) 4408)

) Lead Case No.1-05-CV-049053

) Hon. Jack Komar

AND RELATED ACTIONS

) **PROOF OF SERVICE**
) **Electronic Proof of Service**

I am employed in the County of Alameda, State of California.

I am over the age of 18 and not a party to the within action; my business address is 2915 McClure
Street, Oakland, CA 94609.

The documents described on page 2 of this Electronic Proof of Service were submitted via the
worldwide web on Fri. March 15, 2013 at 2:59 PM PDT and served by electronic mail notification.

I have reviewed the Court's Order Concerning Electronic Filing and Service of Pleading Documents and
am readily familiar with the contents of said Order. Under the terms of said Order, I certify the above-described
document's electronic service in the following manner:

The document was electronically filed on the Court's website, <http://www.scefiling.org>, on Fri. March 15,
2013 at 2:59 PM PDT

Upon approval of the document by the Court, an electronic mail message was transmitted to all parties
on the electronic service list maintained for this case. The message identified the document and provided
instructions for accessing the document on the worldwide web.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and

**THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
ELECTRONIC FILING SYSTEM - WWW.SCEFILING.ORG**

**Electronic Proof of Service
Page 2**

**Document(s) submitted by James Worth of MCMURTREY, HARTSOCK & WORTH on Fri. March 15, 2013 at 2:59 PM
PDT**

1. Stipulation: [Proposed] Stipulation for Phase 4 Trial Regarding Boron's Groundwater Production and Beneficial Uses