

Attorneys for Plaintiff and the Class

## ANTELOPE VALLEY GROUNDWATER CASES

VS.

Defendants.

THE WILLIS CLASS' STATEMENT OF  
CLAIM OF WATER RIGHT IN  
RESPONSE TO COURT'S NOVEMBER  
16, 2011 ORDER

Date: December 13, 2011  
Time: 10:00 a.m.  
Place: Dept. 316 (CCW)  
Judge: Hon. Jack Komar

For years, certain parties in this litigation have sought pumping data through the discovery process, but most parties have refused to provide that data. As recently as November

1 11, 2011, Quartz Hill Water District served discovery requests seeking precisely such  
2 information. Now, without an ex parte application much less a properly noticed motion,  
3 Bolthouse Farms has lodged and the Court has entered an Order requiring the parties to this  
4 consolidated litigation to submit information supporting their claim to a water right or appear and  
5 “show cause why your water right claim or claims should not be lost.” The Order expressly  
6 applies to “all parties [other than those listed on an attachment] . . . whether or not you currently  
7 pump or have ever pumped water from the Basin.”  
8

9 As the Court is aware, the Willis Class has settled all claims that it has asserted in these  
10 proceedings, and no parties have stated any claims for relief against the Willis Class.  
11 Notwithstanding the absence of any claims challenging the Class’ water rights, the Court’s  
12 November 16, 2011 Order appears to threaten the Willis Class with the loss of its water rights,  
13 compelling the Willis Class to respond. Accordingly, the Willis Class respectfully submits the  
14 following statement of claim to water rights.  
15

16 *Willis does not object to providing this information. However, Willis believes that it is*  
17 *fundamentally unfair that certain parties are being required to file and disclose such claims*  
18 *while other parties are exempt from that requirement and are permitted to shield the basis for*  
19 *their water rights claims under the cloak of the mediation privilege. Accordingly, Willis is*  
20 *contemporaneously submitting a proposed order that would require all parties to provide their*  
21 *pumping data and the basis of their water rights claims. Making such information public can*  
22 *only facilitate the ultimate resolution of this matter – whether by settlement or litigation.*

## 23 **B. WILLIS CLASS’ STATEMENT OF WATER RIGHTS CLAIM**

### 24 **1. Amount of Water Right Being Claimed**

25 The Willis Class does not claim a defined amount of water. Rather, consistent  
26 with more than a century of California law, the Willis Class asserts that it has a correlative right  
27 with other overlying landowners to make reasonable and beneficial use of the Basin’s  
28

1 groundwater. *See, e.g., Katz v. Walkinshaw* (1903) 141 Cal. 116; *Tulare Irrig. Dist. v. Lindsay-*  
2 *Strathmore Irrig. Dist.* (1935) 3 Cal. 2d 489, 525 (“as to such future or prospective beneficial  
3 uses it is quite obvious that the quantity of water so required for such uses cannot be fixed in  
4 amount until the need for such use arises. Therefore, as to such uses, the trial court, in its  
5 findings and judgment, should declare such prospective uses paramount to any right of the  
6 appropriator”).

7  
8 **2. The Amount of Pumping, if any, You are Claiming in this Lawsuit.**

9 The Willis Class does not claim to have pumped any water from the Basin.

10 **3. The Location and Source of Such Pumping**

11 Not applicable.

12 **4. The Basis for the Computation of Claimed Pumping, such as Metering.**

13 Not applicable.

14 **5. The Time Frame for the Pumping From Which the Calculations Were Made.**

15 Not applicable.

16  
17 Dated: December 1, 2011

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18  
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