

**\*\*\*IF YOU RECEIVED A PRIOR CLASS ACTION NOTICE RELATING TO GROUNDWATER RIGHTS IN THE ANTELOPE VALLEY, THAT NOTICE RELATED TO A DIFFERENT LAWSUIT, DEALING WITH A DIFFERENT CLASS OF LANDOWNERS WITH DIFFERENT RIGHTS. \*\*\***

**\*\*\* IMPORTANT: IF YOU PUMP GROUNDWATER OR YOU OR YOUR PREDECESSORS HAVE EVER PUMPED GROUNDWATER ON YOUR PROPERTY, CAREFULLY READ THIS NOTICE – THIS LAWSUIT MAY AFFECT YOUR RIGHTS TO PUMP GROUNDWATER IN THE FUTURE. \*\*\***

**SUPERIOR COURT FOR THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES**

RICHARD A. WOOD, an individual, on  
behalf of himself and all others similarly  
situated,

Plaintiff,

v.

LOS ANGELES COUNTY WATERWORKS  
DISTRICT NO. 40; et al.

Defendants.

JUDICIAL COUNCIL COORDINATION  
PROCEEDING No. 4408

**[proposed] NOTICE OF CLASS  
ACTION FOR THE “SMALL  
PUMPER” CLASS ACTION**

**TO CERTAIN ANTELOPE VALLEY LANDOWNERS: CAREFULLY READ AND RESPOND TO THIS NOTICE, AS IT MAY AFFECT YOUR RIGHT TO PUMP GROUNDWATER ON YOUR PROPERTY IN THE FUTURE.**

This notice is to advise you about a pending class action lawsuit, referred to as the “Small Pumper” class action. You may be a member of the Class. **PLEASE TAKE THE TIME TO READ THIS IMPORTANT LEGAL NOTICE. YOU ARE REQUIRED TO RETURN THE ATTACHED RESPONSE FORM, EITHER BY MAIL OR BY THE INTERNET, ON OR BEFORE AUGUST 28, 2009.**

**This Class Action lawsuit involves water rights in the Antelope Valley Groundwater Basin.** Plaintiff Richard Wood brought this case to protect his right and those of other landowners in the Basin to pump water on their properties in the future. The case has been combined with other cases to determine all the groundwater rights in the Basin. The Court has not yet decided the case. This Notice is intended to inform you of the pendency of this case and advise you how you can protect your rights. You have been sent this Notice because as a property owner in the Antelope Valley your rights to pump and use groundwater on your property may be affected by this case.

**ARE YOU A MEMBER OF THE CLASS?**

You have been designated as a possible class member because records show that you may own improved property in the Antelope Valley. The class includes all private (i.e., non-governmental) landowners within the Antelope Valley Groundwater Basin that have pumped groundwater on their property at any time since 1946, with certain exceptions set out below.

You are **NOT in the Class** if you fall within one of the categories set forth below. **BUT YOUR RIGHTS MAY BE AFFECTED UNLESS YOU RETURN THE ATTACHED RESPONSE FORM AND MAKE CLEAR THAT YOU ARE NOT IN THE CLASS. HENCE, IT IS IMPORTANT THAT YOU RETURN THE RESPONSE FORM AS PROMPTLY AS POSSIBLE, EVEN IF YOU ARE NOT A CLASS MEMBER.**

YOU ARE NOT IN THE CLASS WITH RESPECT TO ANY GIVEN PARCEL OF PROPERTY IF THAT PARCEL FALLS WITHIN ANY OF THE FOLLOWING CATEGORIES:

1. You have pumped 25 acre-feet or more of groundwater for use on a that parcel in any calendar year since 1946; *or*
2. You are a shareholder in a mutual water company in the Antelope Valley; *or*
3. You are already a party to this litigation (but, in that event, you may elect to join the Class).

## **WHAT IS THE CASE ABOUT?**

Under California law, property owners have a right to pump and use groundwater (water underneath the surface) on their land. In this case, however, the naturally available supply of water in the Basin may not be adequate to satisfy everyone who wants to use that water. Plaintiff Richard Wood brought this action to protect his right and that of other Antelope Valley landowners to pump and use the water under their properties and to obtain compensation for any wrongful taking of their property rights. Mr. Wood claims that he and other landowners have water rights which are superior to the rights of certain public water suppliers to use that water. The public water suppliers claim that their historical pumping has given them superior water rights. If the public water suppliers win, your rights to use the groundwater under your property may be cut back. The Court has not yet ruled on these claims.

## **WHAT DO YOU NEED TO DO?**

**YOU ARE REQUIRED TO SUBMIT the attached RESPONSE FORM, either by mail or on the internet, by August 28, 2009. The instructions for completing this form are below. All persons who receive this Notice should respond,** so that the parties and Court will know whether you are a class member or not.

If you are a Class Member, you have the right to remain in the Class or exclude yourself from the Class. Class Members are defined to include all private (i.e., non-governmental) landowners within the Antelope Valley Groundwater Basin that have pumped groundwater on a given parcel of property at any time since 1946, and who does not fall within any of the exclusions set forth above. Class Members should complete and return the attached response form.

### **If you remain in the Class:**

- You will be bound by the decision in the case, whether favorable or unfavorable.
- Plaintiff Wood and his attorneys will act as your representatives in this case, and you will not personally be obligated to pay any fees or costs out of your pocket.
- You *may*, but need not, hire your own lawyer at your own expense to represent you.

If you exclude your parcel(s) from the Class:

- Your parcel(s) will not be bound by any decision that affects the Class.
- But you (or your parcel) may be added to the lawsuit as an individual defendant, and you may have to represent yourself or hire a lawyer to represent you.

**Please complete the response form on the website for the Small Pumper Class at <http://www.avgroundwater.com/smallpumper/ResponseForm.cfm> by August 28, 2009. Alternatively, you may complete and return the attached response form by mail no later than August 28, 2009 to the following address:**

Antelope Valley Groundwater Litigation  
P.O. BOX 12013  
Riverside, CA 92502-9839

#### **WHERE CAN YOU GET ADDITIONAL INFORMATION?**

**The complaint, certain other documents from the litigation, and some other general information are available at:**  
**<http://www.avgroundwater.com/smallpumper/wood.cfm>. You may complete and submit the response form on that website. In addition, that website has a list of answers to certain other questions you may have.** That website has an e-mail address for you to obtain information if you have further questions. That website will be updated from time to time to advise you of the status of this litigation. Also, all of the documents filed in the case are available on the court's website at:  
**<http://www.scefilings.org/cases/casehome.jsp?caseId=19>**

**PLEASE DO NOT CALL OR WRITE THE COURT OR CLERK'S OFFICE. IF YOU HAVE ANY QUESTIONS, PLEASE CONSULT YOUR OWN COUNSEL, VISIT THE WEB SITES LISTED ABOVE, OR WRITE TO CLASS COUNSEL AT THE ADDRESS ABOVE.**

Dated: June 26, 2009

BY ORDER OF THE SUPERIOR COURT  
OF CALIFORNIA FOR THE COUNTY OF  
LOS ANGELES

## **SMALL PUMPER CLASS ACTION RESPONSE FORM**

Please complete the response form on the website for the Small Pumper Class at <http://www.avgroundwater.com/smallpumper/ResponseForm.cfm> by August 28, 2009. Alternatively, you may complete and return this response form by mail no later than August 28, 2009 to the following address:

Antelope Valley Groundwater Litigation  
P.O. BOX 12013  
Riverside, CA 92502-9839

**PLEASE COMPLETE AND SUBMIT A SEPARATE FORM FOR EACH SEPARATE PARCEL OF PROPERTY YOU OWN WITHIN THE ANTELOPE VALLEY IN ORDER TO FULLY PROTECT YOUR RIGHTS.**

**PLEASE CHECK THE APPROPRIATE BOXES BELOW AND SUBMIT THIS FORM AS SOON AS POSSIBLE AND IN ANY EVENT BEFORE August 28, 2009. IF YOU HAVE ANY QUESTIONS, PLEASE CONSULT YOUR COUNSEL OR VISIT THE FOLLOWING WEB SITE, WHICH HAS INSTRUCTIONS ON HOW YOU SHOULD COMPLETE THIS FORM:**

<http://www.avgroundwater.com/smallpumper/FAQ.cfm> **PLEASE CHECK ONLY ONE BOX FOR EACH ITEM. PLEASE THEN SUBMIT THE FORM ON-LINE, OR SIGN, FOLD, AND RETURN THE FORM BY MAIL.**

1. ☐ PLEASE CHECK THIS BOX IF YOU NO LONGER OWN PROPERTY IN THE ANTELOPE VALLEY

*IF YOU CHECKED BOX 1, PLEASE PROVIDE THE CONTACT INFORMATION REQUESTED BELOW. THEN, SIGN AND DATE BELOW AND RETURN THIS FORM. OTHERWISE, PLEASE COMPLETE THE REMAINDER OF THIS FORM*

2. I PRESENTLY PUMP GROUNDWATER ON THIS PARCEL OF PROPERTY:  
YES \_\_\_\_\_ NO \_\_\_\_\_
3. AT SOME TIME DURING THE PERIOD OF 1946 TO 2009, I, OR MY PREDECESSORS IN INTEREST, HAVE PUMPED ANY GROUNDWATER ON THIS PARCEL OF PROPERTY: YES \_\_\_\_\_ NO \_\_\_\_\_
4. I HAVE PUMPED MORE THAN 25 ACRE-FEET (8.1 MILLION GALLONS) ON THIS PARCEL OF PROPERTY IN ANY CALENDAR YEAR SINCE 1946:  
YES \_\_\_\_\_ NO \_\_\_\_\_

5. PLEASE SELECT *ONE* OF THE FOLLOWING TWO OPTIONS, IF APPLICABLE:

A. I WANT TO EXCLUDE MYSELF FROM THE CLASS. \_\_\_\_\_

B. I AM A PARTY BUT WISH TO JOIN THE CLASS. I UNDERSTAND THAT BY JOINING THE CLASS I MAY BE GIVING UP THE RIGHTS I OTHERWISE WOULD HAVE TO CONTROL THE POSITIONS TAKEN ON MY BEHALF IN THIS LITIGATION. \_\_\_\_\_.

ADDRESS OF YOUR PARCEL:

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ASSESSOR'S PARCEL NUMBER OF YOUR PROPERTY:

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THE ABOVE PARCEL TOTALS APPROXIMATELY \_\_\_\_\_ ACRES.

I CURRENTLY PUMP APPROXIMATELY \_\_\_\_\_ ACRE FEET PER YEAR.  
(CONVERSION: 1 ACRE-FOOT OF WATER EQUALS 325,850 GALLONS)

I DON'T CURRENTLY PUMP GROUNDWATER ON THIS PARCEL OF PROPERTY, BUT GROUNDWATER WAS LAST PUMPED ON THIS PARCEL BY ME OR MY PREDECESSORS IN OR ABOUT \_\_\_\_\_ (YEAR).

IF THERE IS MORE THAN ONE WELL ON THIS PARCEL OF PROPERTY, PLEASE INDICATE THE TOTAL NUMBER OF WELLS:

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FOR EACH WELL ON THIS PARCEL OF PROPERTY THAT HAS PRODUCED WATER SINCE 1946, PLEASE PROVIDE THE WELL'S PUMPING CAPACITY IN GALLONS PER MINUTE OR THE PUMP'S HORSEPOWER RATING:

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FOR EACH WELL ON THIS PARCEL OF PROPERTY THAT HAS PRODUCED WATER SINCE 1946, DO YOU HAVE DOCUMENTATION OF ITS HISTORICAL PUMPING AMOUNT (SUCH AS WRITTEN RECORDS OF FLOW RATE AND ANNUAL USAGE, FLOW METER RECORDS, OR ELECTRICAL RECORDS FOR THE WELL'S ELECTRICAL SERVICE CONNECTION)?:

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IS THERE CURRENTLY OR HAS THERE BEEN AT ANY TIME SINCE 1946 IRRIGATED AGRICULTURE ON THIS PARCEL OF PROPERTY? IF SO, HOW MANY ACRES AND WHAT CROP(S)?

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PRINT YOUR NAME: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

CITY, STATE, ZIP CODE: \_\_\_\_\_

TELEPHONE NUMBER: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

**MAKE SURE TO FILL OUT A SEPARATE FORM FOR EACH PARCEL OF PROPERTY YOU OWN IN THE ANTELOPE VALLEY.**

**You may submit this form electronically at the following website:**  
**<http://www.avgroundwater.com/smallpumper/ResponseForm.cfm>**

