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Defendant/Cross Complainant

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES-CENTRAL DISTRICT

ANTELOPE VALLEY GROUNDWATER
CASES

Included Actions:

Los Angeles County Waterworks District No.
40 v. Diamond Farming Co.
Superior Court of California, County of Los
Angeles, Case No. BC325201;

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 353840, RIC 344436,
RIC 344668.

**Judicial Council Coordination Proceeding No.
4408**

Santa Clara Case No. 1-05-CV-049053
Assigned to the Honorable Jack Komar Dept. I

**PUBLIC WATER SUPPLIERS CASE
MANAGEMENT CONFERENCE
STATEMENT**

The Public Water Suppliers¹ submit the following case management conference statement:

¹ Palmdale Water District, Los Angeles County Water Works District 40, Quartz Hill Water District, California Water Services Company, Desert Lake Community Water District, North Edwards Water District, Littlerock Creek Water District, Palm Ranch Irrigation District, City of Palmdale.

1 **I. INTRODUCTION**

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3 The Public Water Suppliers participated in the mediation scheduled on February 29, 2012,
4 all prior mediations, and will participate in the mediation scheduled for April 2 and 3, 2012. For
5 various reasons well known to Justice Robie, there is no certainty that any settlement will occur,
6 either between some, or nearly all, of the participants. *Indeed, at least one party has stated it will*
7 *not settle regardless of any settlement by all of the other parties. That one party has stated it*
8 *insists upon a court determination of its unusual claims.* For these reasons, this court is
9 respectively requested to select the topic of the next phase of trial.

10
11 The most disputed current issue between the parties is the historical groundwater
12 production. This issue has been the greatest stumbling block for settlement and it must be
13 determined in order for this court to allocate water rights.

14
15 Most parties agree that historical groundwater production is the most important factor, and
16 for many the only factor, which determines their future allocated water right. Whether this case
17 settles in whole or in part, evidence of historical groundwater production will be presented to this
18 court. With perhaps some exception, each overlying landowner party's share of the safe yield will
19 be calculated based upon their historical groundwater production. Those parties who have
20 pumped more, absent other factors, would receive a greater share than those parties who have
21 pumped less (*City of Los Angeles v. City of San Fernando* (1975) 14 Cal. 3d 199, 267). This issue
22 has been one of the primary topics of settlement, and must be determined by the Court whether or
23 not there is a settlement.

24
25 The Public Water Suppliers respectively suggest that the next phase of trial exclusively
26 regard the determination of the parties' respective groundwater rights, beginning with historical
27 groundwater production.

II. THE NEXT PHASE OF TRIAL SHOULD BE THE DETERMINATION OF THE PARTIES RESPECTIVE GROUNDWATER RIGHTS, BEGINNING WITH HISTORICAL GROUNDWATER PRODUCTION

The Public Water Suppliers request that all groundwater rights be the topic of the next phase of trial. The next phase of trial should start with a focus on groundwater production, which will benefit the court and the parties by allowing the efficient presentation of evidence.

One of the reasons settlement has thus far been so difficult to achieve is ongoing disagreements regarding party's historical groundwater pumping. The determination of this subject will make settlement much more likely after the trial, because all parties will be able to assess their water rights claims in light of the other party's prior production.

III. CONCLUSION

There has been a substantial amount of "give and take" during the mediations with Justice Robie, but the parties have been mediating since June 2011, both in Sacramento and elsewhere. Many issues have been discussed, but not surprisingly, the primary dispute regards the allocation of groundwater rights. Historical production is the most important factor in the allocation of those rights and should be included in the next phase of trial, on the determination of all parties' respective groundwater rights.

CHARLTON WEEKS LLP

Dated: March 12, 2012



Bradley T. Weeks
Attorney for Quartz Hill Water District

PROOF OF SERVICE

I am employed in the aforesaid county, State of California; I am over eighteen years of age and not a party to the within action; my business address is 1031 West Avenue M-14, Suite A, Palmdale, California, 93551.

On March 12, 2012, at my place of business at Palmdale, California, a copy of the following DOCUMENT(s):

PUBLIC WATER SUPPLIER CASE MANAGEMENT CONFERENCE STATEMENT

By posting the DOCUMENT listed above to the Santa Clara Superior Court website in regard to the Antelope Valley Groundwater Matter:

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

Executed on March 12, 2012

Gayle Fenald