County opts out of talks in water fight
Mediation aimed at settling 11-year battle

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PALMDALE, Los Angeles County officials have opted to skip mediation sessions intended to settle a legal battle over Antelope Valley water rights that has waged for nearly 11 years and cost Valley taxpayers and water users millions of dollars.

Palm Ranch Irrigation District in west Palmdale, Little Rock Creek Irrigation District, Llano Mutual Water Co. and Little Baley Mutual Water Co. have also opted out of participating in the mediation, but officials of other agencies say they are participating in hopes of gaining a quicker agreement over who has rights to pump Valley well water.

"In a situation like this, if you can arrive at a settlement agreement that accomplishes the major goals rather than spending years in various phases of a trial, all the participants can save money," said Dennis LoMereaux, Palmdale Water District's general manager. "Instead of money spent on trials, they could focus on a solution that everybody negotiated. In this case that would mean managing the Valley's groundwater resources sooner rather than later."

By not participating in the talks, county officials are sending a message that they want to continue to litigate the water rights in the Valley and they can outspend us because of their unlimited public funds," said John Ukens, president of the Antelope Valley United Mutual Group, an association of 15 mutual water companies.

When questioned about their decision to skip these mediation sessions, county officials issued the following statement: "The county Waterworks District believes that an equitable settlement is possible for all stakeholders involved in the Antelope Valley groundwater adjudication."

"In fact, the Waterworks District participated in past mediation attempts, and was the sole funder of at least one such effort. However, the district believes that groundwater issues in the Antelope Valley have become increasingly complex within the past year and that a court-appointed judge is warranted to make this mediation attempt an effective one."

Kerjon Lee, the Public Affairs manager in the county's flood control district, said the county "would be willing to enter mediation talks with the facilitator that the county recommends."

The legal battle dates back to October 1999, when Diamond Farming Co., of Bakersfield initiated a suit against Lancaster, Palmdale Water District, Quartz Hill Water District and several other entities over the rights to water beneath the lands the company farmed.

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The lawsuit has once again grown to include names of plaintiffs, defendants, cross-plaintiffs and cross-defendants—a mix of government agencies, public water suppliers, municipalities, and Antelope Valley landowners.

A recent Valley Press examination showed that spending on the Palmdale Water District, Palmdale, Lancaster, Quartz Hill Water District, the Antelope Valley-East Kern Water Agency and the Palmdale/Breaux’s consortium has amounted to more than $4.6 million, according to estimates by its officials. As of July 2005, spending by the county Waterworks District amounted to approximately $2 million, according to information released by county officials, but county officials now refuse to say how much has been spent in the succeeding two years.

A majority of the primary parties in the litigation have been meeting with mediation since March for mediation sessions with Seattle-based attorney James C. Waldo.

Mike Mischel, director of Public Works for Palmdale, said the county "made an offer for the folks who are involved in the Waldo mediation for an initial mediation process" with another facilitator.

That would mean traveling up to three days of mediation at $4,000 a day, Mischel said. "I understand they did have one mediation session that was sparsely attended. The city of Palmdale released its financial restraints. We would like to settle the case. But the city can’t afford for me to go up there, much less pay our attorneys to attend those mediation sessions."

Palmdale has been participating in the sessions with Waldo.

However, Mischel said, "We are not able to pay for Waldo. Nor are we able to pay for the two experts reporting hired by the Waldo mediation group to assist in coming up with a settlement proposal."

As far as his thoughts on the county’s lack of participation in the mediation, Mischel said, "I think it’s their decision."

From where the city of Palmdale stands, we’re interested in a fair settlement to this adjudication. That’s why we will sit down and participate in settlement talks.

"I think the county is waiting to see what the Waldo group has to offer. If they don’t like what they hear, that’s why we have a court system," Mischel said.

From the city’s stand, Mischel added, "We have our citizens to look out for and we have economic development to look out for, too."

Mischel was not the only one who found it curious that the county has refused to participate in the Waldo talks, the fourth attempt at mediation among the Valley’s public water providers, landowners and the county.