

1 Michael Duane Davis, State Bar No. 93678
2 Marlene Allen-Hammarlund, State Bar No. 126418
3 Ben A. Eilenberg, State Bar No. 261288
4 **GRESHAM SAVAGE NOLAN & TILDEN,**
5 **A Professional Corporation**
6 3750 University Avenue, Suite 250
7 Riverside, CA 92501-3335
8 Telephone: (951) 684-2171
9 Facsimile: (951) 684-2150

6 Attorneys for Cross-Defendant,
7 SHEEP CREEK WATER COMPANY, INC.

8 **SUPERIOR COURT OF CALIFORNIA**
9 **COUNTY OF LOS ANGELES - CENTRAL DISTRICT**

11 Coordination Proceeding
12 Special Tile (Rule 1550(b))

) Judicial Council Coordination
) Proceeding No. 4408

13 ANTELOPE VALLEY GROUNDWATER
14 CASES

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

14 Including Actions:

) **[PROPOSED]**

15 Los Angeles County Waterworks District No.
16 40 v. Diamond Farming Co.
17 Superior Court of California, County of Los
18 Angeles, Case No. BC 325 201

) **ORDER GRANTING JUDICIAL**
) **NOTICE OF DOCUMENTS**
) **SUBMITTED BY SHEEP CREEK**
) **WATER COMPANY**

18 Los Angeles County Waterworks District No.
19 40 v. Diamond Farming Co.
20 Superior Court of California, County of Kern,
21 Case No. S-1500-CV-254-348

) **DATE: May 28, 2009**
) **TIME: 9:00 a.m.**
) **DEPT: 17C**
) **JUDGE: Hon. Jack Komar**

21 Wm. Bolthouse Farms, Inc. v. City of
22 Lancaster
23 Diamond Farming Co. v. City of Lancaster
24 Diamond Farming Co. v. Palmdale Water Dist.
25 Superior Court of California, County of
26 Riverside, consolidated actions, Case Nos. RIC
27 353 840, RIC 344 436, RIC 344 668

25 **AND ALL RELATED CROSS-ACTIONS.**

27 ///

28 ///

ORDER GRANTING JUDICIAL NOTICE OF DOCUMENTS
SUBMITTED BY SHEEP CREEK WATER COMPANY

1 Cross-Defendant, SHEEP CREEK WATER COMPANY (“Water Company”) submitted
 2 nine (9) documents to the Court requesting judicial notice under the provisions of *Evidence Code*
 3 Sections 452, subdivisions (c) and (d). After receiving sufficient notice, no parties have filed
 4 objections to the Court taking judicial notice of the documents. The Court finds that the
 5 following documents are judicially noticeable:
 6

7	1.	8/24/1926	<u>Decision 5885 D 119</u> [certification letter attached] Division of Water Rights, Department of Public Works, State of California <i>In the Matter of Application No. 5885 of the Sheep Creek Water Company To Appropriate from Surface and Sub-Surface Flow of Sheep Creek, Tributary to the Mojave Desert Drainage Area in San Bernardino County for Irrigation and Domestic Purposes</i>
8	2.	Undated (Prior to 5/11/1926)	<u>Complaint</u> Los Angeles County Superior Court Pacific Southwest Trust and Savings Bank v. Sheep Creek Water Co., Case No. 195605
9	3.	7/20/1926	<u>Opinion on Demurrer</u> Riverside County Superior Court Pacific Southwest Trust and Savings Bank v. Sheep Creek Water Company, Case No. 15583
10	4.	Undated	<u>Sheep Creek Water Company’s Answer</u> Riverside County Superior Court Pacific Southwest Trust and Savings Bank v. Sheep Creek Water Company, Case No. 15583
11	5.	5/29/1929	<u>Memorandum of Motion to Set Cause for Trial</u> Riverside County Superior Court Pacific Southwest Trust and Savings Bank v. Sheep Creek Water Company, Case No. 15583
12	6.	Undated	<u>Court’s Order of Temporary Injunction</u> Riverside County Superior Court Pacific Southwest Trust and Savings Bank v. Sheep Creek Water Company, Case No. 15583

1	7.	9/24/1931	<u>Agreement of Parties In Connection With Stipulation for Judgment</u>
2			Riverside County Superior Court
3			<i>Pacific Southwest Trust and Savings Bank v. Sheep Creek Water Company,</i>
4			Case No. 15583
5	8.	Undated	<u>Stipulation for Permanent Injunction</u>
6		(9/24/1931)	Riverside County Superior Court
7			<i>Pacific Southwest Trust and Savings Bank v. Sheep Creek Water Company,</i>
8			Case No. 15583
9	9.	1/27/1932	<u>Judgment</u>
10			Riverside County Superior Court
11			<i>Pacific Southwest Trust and Savings Bank v. Sheep Creek Water Company,</i>
12			Case No. 15583

12 SO ORDERED.

14 Dated: _____, 2009.

15 _____
 16 Honorable JACK KOMAR
 17 Judge of the Superior Court

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE
STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

Re: *ANTELOPE VALLEY GROUNDWATER CASES*
Los Angeles County Superior Court Judicial Council Coordinated
Proceedings No. 4408; Santa Clara County Superior Court Case No. 1-05-CV-049053

I am employed in the County of Riverside, State of California. I am over the age of 18 years and not a party to the within action; my business address is: 3750 University Avenue, Suite 250, Riverside, CA 92501-3335.

On May 20, 2009, I served the foregoing document(s) described as **[PROPOSED] ORDER GRANTING JUDICIAL NOTICE OF DOCUMENTS SUBMITTED BY SHEEP CREEK WATER COMPANY** on the interested parties in this action in the following manner:

(X) **BY ELECTRONIC SERVICE** – I posted the document(s) listed above to the Santa Clara County Superior Court website, <http://www.scefiling.org>, in the action of the Antelope Valley Groundwater Cases,

(X) **BY EXPRESS MAIL/OVERNIGHT DELIVERY** - I caused such envelope to be delivered by hand to the office of the addressee via overnight delivery pursuant to C.C.P. §1013(c), with delivery fees fully prepaid or provided for.

Honorable Jack Komar
Santa Clara County Superior Court
191 North First Street, Dept. 17C
San Jose, CA 95113

Superior Court of California **[Original Documents to be filed at this location]**
County of Los Angeles
Stanley Mosk Courthouse, Dept. 1, Room 534
111 North Hill Street
Los Angeles, CA 90012

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

Executed on May 20, 2009, at Riverside, California.



TERI D. GALLAGHER