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6 Attorneys for Cross-Defendant/Cross-Complainant,  
7 A.V. UNITED MUTUAL GROUP; and Cross-  
8 Defendants, ADAMS BENNETT INVESTMENTS,  
9 LLC; MIRACLE IMPROVEMENT CORPORATION  
10 dba GOLDEN SANDS MOBILE HOME PARK, aka  
11 GOLDEN SANDS TRAILER PARK, named as ROE  
12 1121; ST. ANDREW'S ABBEY, INC., named as ROE  
13 623; SERVICE ROCK PRODUCTS, L.P.; and  
14 SHEEP CREEK WATER COMPANY, INC.

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
12 **IN AND FOR THE COUNTY OF LOS ANGELES**

13	Coordination Proceeding	)	Judicial Council Coordination
14	Special Title (Rule 1550(b))	)	Proceeding No. 4408
15	<b>ANTELOPE VALLEY GROUNDWATER</b>	)	Santa Clara Case No. 1-05-CV-049053
16	<b>CASES</b>	)	Assigned to the Honorable Jack Komar
17	Including <u>Consolidated</u> Actions:	)	Department 17C
18	<b>Los Angeles County Waterworks District</b>	)	<b>CROSS-DEFENDANT, COLORADO</b>
19	<b>No. 40 v. Diamond Farming Co.</b>	)	<b>MUTUAL WATER COMPANY, A</b>
20	Superior Court of California, County of Los	)	<b>MEMBER OF THE ANTELOPE</b>
21	Angeles, Case No. BC 325 201	)	<b>VALLEY UNITED MUTUAL GROUP'S</b>
22	<b>Los Angeles County Waterworks District</b>	)	<b>TRIAL BRIEF FOR PHASE 4 TRIAL</b>
23	<b>No. 40 v. Diamond Farming Co.</b>	)	Phase 4 Trial Date: May 28, 2013
24	Superior Court of California, County of Kern,	)	Time: 9:00 A.M.
25	Case No. S-1500-CV-254-348	)	Dept.: TBD
26	<b>Wm. Bolthouse Farms, Inc. v. City of</b>	)	Judge: Hon. Jack Komar
27	<b>Lancaster</b>	)	
28	<b>Diamond Farming Co. v. City of Lancaster</b>	)	
	<b>Diamond Farming Co. v. Palmdale Water</b>	)	
	<b>Dist.</b>	)	
	Superior Court of California, County of	)	
	Riverside, consolidated actions, Case Nos. RIC	)	
	353 840, RIC 344 436, RIC 344 668	)	
	<b>AND RELATED ACTIONS.</b>	)	

1 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

2 Cross-Defendant, **COLORADO MUTUAL WATER COMPANY, A MEMBER OF**  
3 **THE ANTELOPE VALLEY UNITED MUTUAL GROUP** (“Colorado”) by and through its  
4 attorneys of record, Michael Duane Davis, Esq., Marlene L. Allen-Hammarlund, Esq. and Derek  
5 R. Hoffman, Esq. of Gresham Savage Nolan & Tilden, PC, hereby submits the following Trial  
6 Brief for the Phase 4 Trial proceedings, in accordance with the Court’s Minute Order for the  
7 May 17, 2013 Pre-Trial Conference.

8 Colorado’s Witness List and Exhibit List will be submitted under separate cover.  
9

10 **1. Party:** COLORADO MUTUAL WATER COMPANY, a California mutual  
11 benefit non-profit corporation, which is a member of the Antelope Valley United Mutual Group.  
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13 **2. Claims to Current Groundwater Production** [The following figures do not  
14 account for any in-lieu water, any claimed return flows from imported water, any water from  
15 natural springs, any water produced outside the Area of Adjudication, or any water other than the  
16 groundwater produced within the Area of Adjudication during 2011 and 2012]:

- 17 a. **2011:** 24.1 acre feet; and
- 18 b. **Jan. – Nov. 2012:** 27.7 acre feet.

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20 **3. Status of Stipulation to Claims:**

- 21 a. **Public Water Supplier** – Stipulation pending.
- 22 b. **Overlyers’ Group** –There is no objection to Colorado’s 2011 and 2012  
23 groundwater production by the Overlyers’ Group.

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25 **4. Supporting Information and Data:**

- 26 a. Responses to December 12, 2012 Discovery Order for Phase 4 Trial,  
27 submitted under penalty of perjury, and filed by posting on December 21, 2012; and

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b. First Supplemental Responses to December 12, 2012 Discovery Order for Phase 4 Trial, submitted under penalty of perjury, and filed by posting on January 30, 2013.

5. Offer of Proof / Proposed Order: Colorado will make an offer of proof at the Phase 4 Trial, that its 2011 groundwater production was 24.1 acre feet, and that its 2012 groundwater production was 27.7 acre feet. Colorado will also submit a proposed order for the Court to make findings that Colorado's claimed groundwater production for 2011 was 24.1 acre feet, and that its claimed groundwater production for 2012 was 27.7 acre feet.

Respectfully submitted,

GRESHAM SAVAGE NOLAN & TILDEN, PC

By: 

MICHAEL DUANE DAVIS, ESQ.  
MARLENE L. ALLEN-HAMMARLUND, ESQ.  
DEREK R. HOFFMAN, ESQ.  
Attorneys for CROSS-DEFENDANT / CROSS-COMPLAINANT, A. V. UNITED MUTUAL GROUP; and CROSS-DEFENDANTS, ADAMS BENNETT INVESTMENTS, LLC, MIRACLE IMPROVEMENT CORPORATION dba GOLDEN SANDS MOBILE HOME PARK, aka GOLDEN SANDS TRAILER PARK [ROE 1121], ST. ANDREW'S ABBEY, INC. [ROE 623], SERVICE ROCK PRODUCTS, L.P., and SHEEP CREEK WATER COMPANY, INC.

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**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 23, 2013, I served the foregoing document(s) described as **CROSS-DEFENDANT, COLORADO MUTUAL WATER COMPANY, A MEMBER OF THE ANTELOPE VALLEY UNITED MUTUAL GROUP'S TRIAL BRIEF FOR PHASE 4 TRIAL** 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,

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

Executed on May 23, 2013, at Riverside, California.

  
\_\_\_\_\_  
DINA M. SNIDER