

1 Michael Duane Davis, SBN 093678
 Marlene L. Allen-Hammarlund, SBN 126418
 2 Derek R. Hoffman, SBN 285784
GRESHAM SAVAGE NOLAN & TILDEN, PC
 3 3750 University Avenue, Suite 250
 Riverside, CA 92501-3335
 4 Telephone: (951) 684-2171
 Facsimile: (951) 684-2150

5 Attorneys for Cross-Defendants and Cross-
 6 Complainants, ANTELOPE VALLEY UNITED
 MUTUAL GROUP; Cross-Defendants, MIRACLE
 7 IMPROVEMENT CORPORATION dba Golden
 Sands Mobile Home Park [ROE 1121], SAINT
 8 ANDREW'S ABBEY, INC. [ROE 623], SERVICE
 ROCK PRODUCTS, LP, as successor-in-interest to
 9 Owl Properties, Inc., SHEEP CREEK WATER
 COMPANY, INC.; and unnamed Cross-Defendant
 10 ADAMS BENNETT INVESTMENTS, LLC

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

13	Coordination Proceeding Special Title (Rule 1550(b)))	Judicial Council Coordination Proceeding No. 4408
14)	
15	ANTELOPE VALLEY GROUNDWATER CASES)	Santa Clara Case No. 1-05-CV-049053 Assigned to the Honorable Jack Komar Department 17C
16	Including Actions:)	
17	Los Angeles County Waterworks District No. 40 v. Diamond Farming Co.)	OFFER OF PROOF BY UNNAMED CROSS- DEFENDANT ADAMS BENNETT INVESTMENTS, LLC OF 2011 AND 2012 GROUNDWATER PRODUCTION AND [PROPOSED] ORDER RE PHASE 4 TRIAL
18	Superior Court of California, County of Los Angeles, Case No. BC 325 201)	
19	Los Angeles County Waterworks District No. 40 v. Diamond Farming Co.)	
20	Superior Court of California, County of Kern, Case No. S-1500-CV-254-348)	Trial Date: May 28, 2012 Time: 10:00 A.M. Dept.: TBD Judge: Hon. Jack Komar
21	Wm. Bolthouse Farms, Inc. v. City of Lancaster)	
22	Diamond Farming Co. v. City of Lancaster)	
23	Diamond Farming Co. v. Palmdale Water Dist.)	
24	Superior Court of California, County of Riverside, consolidated actions, Case Nos. RIC 353 840, RIC 344 436, RIC 344 668)	
25)	
26	AND RELATED ACTIONS.)	
27)	

28 GRESHAM | SAVAGE
 ATTORNEYS AT LAW
 3750 UNIVERSITY AVE.
 STE. 250
 RIVERSIDE, CA 92501-3335
 (951) 684-2171

OFFER OF PROOF


Cross-Defendant **ADAMS BENNETT INVESTMENTS, LLC** (“ADAMS BENNETT”), by and through its counsel of record, Michael Duane Davis, Marlene L. Allen-Hammarlund, and Derek R. Hoffman, of GRESHAM SAVAGE NOLAN & TILDEN, PC, having either stipulated with and/or having received no material objections from any party, and based on the evidence identified in the Exhibit List of said party and the proposed testimony of the witness(es) identified in the Witness List of said party, which evidence is summarized in the Trial Brief of said party, makes an Offer of Proof that its groundwater production from within the Area of Adjudication, for the years 2011 and 2012 was as follows:

PERIOD	ACRE FEET PER YEAR
2011	0 acre feet
2012	0 acre feet

The afore-stated figures do not take into account any in-lieu water, any claimed return flows from imported water, any water from natural springs, any water produced outside the Area of Adjudication, or any water other than groundwater produced within the Area of Adjudication during the years of 2011 and 2012.

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, ADAMS
 BENNETT INVESTMENTS, LLC

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

[PROPOSED] ORDER

THE COURT FINDS THAT the Offer of Proof made by ADAMS BENNETT INVESTMENTS, LLC is either stipulated to or not materially contested by any party.

THE COURT FURTHER FINDS THAT the Offer of Proof satisfies the requirements of this Court for the purposes of the Phase 4 Trial proceedings.

IT IS HEREBY ORDERED that this Order shall not result in any determination of any water right, or the reasonableness of ADAMS BENNETT INVESTMENTS, LLC's water use or manner of applying water to the use. This Order will not preclude ADAMS BENNETT INVESTMENTS, LLC from introducing in a later phase evidence to support its claimed water rights, or any other party to this action from introducing in a later phase evidence to contest ADAMS BENNETT INVESTMENTS, LLC's claimed water rights, including, without limitation, evidence of water use in years other than 2011 and 2012. All parties reserve their rights to produce any evidence to support their claimed water rights and to make any related legal arguments including, without limitation, arguments based on any applicable constitutional, statutory, or decisional authority.

IT IS FURTHER ORDERED that pursuant to the Stipulation(s) of the parties to this action and/or upon the failure of any party to make a valid objection thereto; and based upon the offer of proof and/or evidence presented to this Court, the groundwater pumping claimed by ADAMS BENNETT INVESTMENTS, LLC for purposes of the Phase 4 trial is as follows:

PERIOD	ACRE FEET PER YEAR
2011	0 acre feet
2012	0 acre feet

IT IS SO ORDERED:

DATED: _____, 2013

HONORABLE JACK KOMAR

GRESHAM | SAVAGE
ATTORNEYS AT LAW
3750 UNIVERSITY AVE.
STE. 250
RIVERSIDE, CA 92501-3335
(951) 684-2171

