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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	ANTELOPE VALLEY	)	Santa Clara Case No. 1-05-CV-049053
15	GROUNDWATER CASES	)	Assigned to the Honorable Jack Komar Department 17C
16	Including Actions:	)	OFFER OF PROOF BY CROSS-
17	Los Angeles County Waterworks District	)	DEFENDANT SHEEP CREEK WATER
18	No. 40 v. Diamond Farming Co.	)	COMPANY, INC. OF 2011 AND 2012
19	Superior Court of California, County of Los	)	GROUNDWATER PRODUCTION AND
20	Angeles, Case No. BC 325 201	)	[PROPOSED] ORDER RE PHASE 4 TRIAL
21	Los Angeles County Waterworks District	)	Trial Date: May 28, 2012
22	No. 40 v. Diamond Farming Co.	)	Time: 10:00 A.M.
23	Superior Court of California, County of Kern,	)	Dept.: TBD
24	Case No. S-1500-CV-254-348	)	Judge: Hon. Jack Komar
25	Wm. Bolthouse Farms, Inc. v. City of)	
26	Lancaster)	
27	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 353 840, RIC 344 436, RIC 344 668)	
	AND RELATED ACTIONS.)	

1 **OFFER OF PROOF**

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

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

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

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19 Respectfully submitted,

GRESHAM SAVAGE NOLAN & TILDEN, PC

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21 By: 

MICHAEL DUANE DAVIS, ESQ.
MARLENE L. ALLEN-HAMMARLUND, ESQ.
DEREK R. HOFFMAN, ESQ.
Attorneys for CROSS-DEFENDANT SHEEP CREEK
WATER COMPANY, INC.

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[PROPOSED] ORDER

1 **THE COURT FINDS THAT** the Offer of Proof made by SHEEP CREEK WATER
2 COMPANY, INC. is either stipulated to or not materially contested by any party.

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

5 **IT IS HEREBY ORDERED** that this Order shall not result in any determination of any
6 water right, or the reasonableness of SHEEP CREEK WATER COMPANY, INC.'s water use or
7 manner of applying water to the use. This Order will not preclude SHEEP CREEK WATER
8 COMPANY, INC. from introducing in a later phase evidence to support its claimed water rights,
9 or any other party to this action from introducing in a later phase evidence to contest SHEEP
10 CREEK WATER COMPANY, INC.'s claimed water rights, including, without limitation,
11 evidence of water use in years other than 2011 and 2012. All parties reserve their rights to
12 produce any evidence to support their claimed water rights and to make any related legal
13 arguments including, without limitation, arguments based on any applicable constitutional,
14 statutory, or decisional authority.

15 **IT IS FURTHER ORDERED** that pursuant to the Stipulation(s) of the parties to this
16 action and/or upon the failure of any party to make a valid objection thereto; and based upon the
17 offer of proof and/or evidence presented to this Court, the groundwater pumping claimed by
18 SHEEP CREEK WATER COMPANY, INC. for purposes of the Phase 4 trial is as follows:

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

23 **IT IS SO ORDERED:**

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25 DATED: _____, 2013

26 HONORABLE JACK KOMAR

