

1 ALESHIRE & WYNDER, LLP
DAVID J. ALESHIRE, Bar No. 65022
2 WILLIAM W. WYNDER, Bar No. 84753
WESLEY A. MILIBAND, Bar No. 241283
3 18881 Von Karman Avenue, Suite 1700
Irvine, CA 92612
4 Telephone: (949) 223-1170
Facsimile: (949) 223-1180
5 daleshire@awattorneys.com
wwynder@awattorneys.com
6 wmiliband@awattorneys.com

7 Attorneys for Defendant and Cross-Complainant,
Phelan Piñon Hills Community Services District

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

11 Coordination Proceeding) Judicial Council Coordination Proceeding
12 Special Title (Rule 1550(b))) No. 4408
13 **ANTELOPE VALLEY**) (For Filing Purposes Only: Santa Clara
14 **GROUNDWATER CASES**) County Case No.: 1-05-CV-049053)
15 Included Actions:) Assigned for All Purposes To:
16 *Los Angeles County Waterworks District*) Judge: Hon. Jack Komar
17 *No. 40 v.*) (Filing Fees Exempt, Per Gov't Code § 6103)
18 *Diamond Farming Co., et al.*)
19 Los Angeles County Superior Court, Case) **[PROPOSED] STIPULATION FOR**
20 No. BC 325 201) **PHASE 4 TRIAL REGARDING PHELAN**
21 *Los Angeles County Waterworks District*) **PINON HILLS COMMUNITY**
22 *No. 40 v.*) **SERVICES DISTRICT'S**
23 *Diamond Farming Co., et al.*) **GROUNDWATER PRODUCTION AND**
24 Kern County Superior Court, Case No.) **BENEFICIAL USES**
25 S-1500-CV-254-348)
26 *Wm. Bolthouse Farms, Inc. v. City of*) Phase Four Trial Date: May 28, 2013
27 *Lancaster*)
28 *Diamond Farming Co. v. City of Lancaster*)
Diamond Farming Co. v. Palmdale Water)
Dist.)
Riverside County Superior Court,)
Consolidated Action, Case Nos. RIC 353)
840, RIC 344 436, RIC 344 668)
AND RELATED CROSS-ACTIONS)

1 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

2 Pursuant to the Court's direction that as many facts be stipulated to as possible for the Phase
3 4 Trial, and based specifically upon the Declaration of Don Bartz served on January 31, 2013
4 (which provided more detailed information than ordered by the Court and called for in the "form"
5 declaration, including thorough documentation of well meter readings and well meter accuracy
6 certifications), Phelan Piñon Hills Community Services District ("PPHCSD") hereby seeks
7 stipulation to the facts enumerated below regarding PPHCSD's groundwater production and the
8 uses to PPHCSD applies such groundwater, with counsel for each party requested to execute the
9 appropriate signature block below and serve the same, or to contact PPHCSD's counsel to discuss
10 the same if some modification to this proposed stipulation is desired:

11 1. PPHCSD provides municipal water service to more than 21,000 residents through
12 approximately 6,700 service connections, with PPHCSD's service area located next to the
13 Los Angeles / San Bernardino County line.

14 2. All of PPHCSD's water service facilities, including groundwater production wells,
15 that are serving PPHCSD's residents and customers were constructed and operated by
16 San Bernardino County Zone L-70. One of these groundwater production wells - Well 14 - was
17 constructed by San Bernardino County on a parcel located within Los Angeles County.
18 San Bernardino County purchased this parcel on September 13, 1999 for the purpose of
19 constructing Well 14 from Los Angeles County as part of a Surplus Property sale in which
20 Los Angeles County apparently sought to dispose of property it no longer had any interest to own
21 ("Well 14 Parcel").

22 3. Well 14 is the only PPHCSD well located within the Antelope Valley Adjudication
23 Area as previously defined by the Court. Because of such, only groundwater production from
24 Well 14 is at issue in this litigation matter, although production from other wells is a matter of
25 public record and is timely reported to Upper Mojave River Valley Groundwater Basin
26 Watermaster pursuant to the final judgment reached in *City of Barstow, et al. v. Mojave Water*
27 *Agency, et al.* (Riverside County Superior Court Case Number 208568).

28 4. Well 14's identification number is 05N08W25J001S.

1 5. Well 14's production is as follows, by calendar year: 2005: 1.11 acre feet ("af");
2 2006: 164.15 af; 2007: 20.95 af; 2008: 493.27 af; 2009: 558.65 af; 2010: 1,110.45 af; 2011:
3 1,053.14 af; and, 2012 (through November 30): 955.73 af.

4 6. Attached hereto as Exhibit "A" are true and correct copies of flowmeter readings for
5 Well 14 for calendar years 2011 through November 30, 2012 ("Well Log" or "Well Logs").
6 Exhibit A represents PPHCSD's records, prepared in accordance with PPHCSD's customs and
7 practices, including recordation of the information based upon the water year from October 1
8 through September 30. Also, attached hereto as Exhibit "B" are true and correct copies of
9 Certificates of Accuracy for tests performed on Well 14, which speak to the accuracy of Well 14's
10 meter.

11 7. As part of the municipal use to which groundwater produced by all of PPHCSD's
12 wells is applied, including groundwater produced by Well 14, the groundwater is used for domestic
13 purposes, commercial purposes, and for fire protection including support to or within Los Angeles
14 County as needed, with recent occurrences last year.

15 8. A very small portion of PPHCSD's municipal use is for commercial purposes, given
16 the relatively low commercial presence in PPHCSD's service area and much of what commercial
17 area does exist in the surrounding area is served by a different supplier.

18 9. The vast majority of PPHCSD's municipal use is for domestic purposes. Part of the
19 domestic includes outdoor irrigation, and husbandry in some instances given the rural environment
20 of PPHCSD and surrounding area. PPHCSD does not quantify the percentage of water used by
21 domestic customers for outdoor irrigation, but the use of water for outdoor irrigation is limited
22 given that many water customers within PPHCSD's service area have natural desert landscape for
23 which outdoor irrigation is not used.

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1 10. Also, to help ensure water is used wisely by and within its service area, PPHCSD
2 actively encourages and provides "tips" to its residents and customers on the importance of water
3 conservation and how to do so, with such encouragement and tips available at PPHCSD's official
4 website, found at www.pphcsd.org. PPHCSD's two parks consist of traditional desert landscape,
5 consistent with its surroundings and in furtherance of water conservation principles.

6 Dated: March 11, 2013

ALESHIRE & WYNDER, LLP

7
8 By: 

9 Wesley A. Miliband
10 Attorneys for Cross-Defendant and
11 Cross-Complainant,
Phelan Piñon Hills Community
Services District

12 Dated: March ____, 2013

LeBEAU • THELEN, LLP

13
14 By: _____

15 BOB H. JOYCE
16 Attorneys for DIAMOND FARMING
17 COMPANY, a California corporation,
18 CRYSTAL ORGANIC FARMS, a limited
liability company, GRIMMWAY
ENTERPRISES, INC., and LAPIS LAND
COMPANY, LLC

19 Dated: March ____, 2013

AKLUFİ AND WYSOCKI

20
21 By: _____

22 JOSEPH AKLUFİ
23 Attorneys for John Boruchin and Dora Boruchin
24 as Trustee for the John and Dora Boruchin
Living Trust, Robert D. Raney and Shirley B.
Raney, as Trustees for the Robert and Shirley
Raney Living Trust

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1 Dated: March ____, 2013

ALSTON & BIRD, LLP

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By: _____
EDWARD J. CASEY
Attorneys for AV Solar Ranch 1, LLC, Gaskell
SunTower, LLC, LV Ritter Ranch, LLC,
Northrup Grumman Corporation, Palm Hills
Property, LLC, Red Daw SunTower, LLC, SGS
Antelope Valley Development, LLC, Sempra
Energy, Sierra SunTower, LLC, Southern
California Edison Company, Tumbleweed
SunTower, LLC, eSolar, Inc., enXco
Development Corporation

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10 Dated: March ____, 2013

AVILA & PUTNAM

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By: _____
VERNON PUTNAM
Attorneys for David S. Mason

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14 Dated: March ____, 2013

BARTKIEWICZ, KRONICK & SHANAHAN

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By: _____
RYAN BEZERRA
Attorneys for Copa De Oro Land Company

18

19 Dated: March ____, 2013

BEST, BEST & KRIEGER, LLP

20

21

By: _____
JEFFREY DUNN
Attorneys for Los Angeles County Waterworks
District No. 40

22

23

24 Dated: March ____, 2013

LAW OFFICES OF SHELDON R. BLUM

25

26

By: _____
SHELDON R. BLUM
Attorneys for Sheldon R. Blum, Trustee for the
Sheldon R. Blum Trust, Sheldon R. Blum,
individually

27

28

1 Dated: March ____, 2013

BROWNSTEIN, HYATT, FARBER,
SCHRECK, LLP

2

3

By: _____
MICHAEL FIFE
BRADLEY HERREMA
Attorneys for Antelope Valley Ground Water
Agreement Association, Efren Chavez, Del Sur
Ranch, LLC, Healy Enterprises, Inc., Bruce
Burrows, 300 A 40 H, LLC

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8 Dated: March ____, 2013

BRUNICK, McELHANEY & KENNEDY, PLC

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By: _____
WILLIAM BRUNICK
Attorneys for Antelope Valley East-Kern Water
Agency

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14 Dated: March ____, 2013

MARVIN G. BURNS, A LAW CORPORATION

15

16

By: _____
MARVIN BURNS
Attorneys for George C. Stevens, Jr., as Trustee
of the George C. Stevens, Jr. Trust

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20 Dated: March ____, 2013

THE CAMPBELL LAW

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By: _____
CLAYTON CAMPBELL
Attorneys for Larry V. Leduc, Sonia S. Leduc

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26 Dated: March ____, 2013

CARLSMITH, BALL

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By: _____
ALLAN GRAF
Attorneys for Leslie Property

29 ///

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1 Dated: March ____, 2013

LAW OFFICES OF LYNN CHAO, A.P.C.

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By: _____
LYNN CHAO
Attorneys for Clark C. Lu, Danny C. Lu

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5

6 Dated: March ____, 2013

CHARLTON WEEKS, LLP

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By: _____
BRADLEY WEEKS
Attorneys for Quartz Hill Water District

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11 Dated: March ____, 2013

LAW OFFICES OF WILLIAM ALLEN CLARK

12

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By: _____
WILLIAM CLARK
Attorneys for Antelope Valley Country Club
Improvement Company, Inc.

14

15

16 Dated: March ____, 2013

CLIFFORD & BROWN

17

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By: _____
RICHARD G. ZIMMER
Attorneys for Bolthouse Properties, LLC, Wm.
Bolthouse Farms, Inc.

19

20

21 Dated: March ____, 2013

COVINGTON & CROWE, LLP

22

23

By: _____
ROBERT DOUGHERTY
Attorneys for White Fence Farms Mutual Water
Co., Inc.

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1 Dated: March ____, 2013

ELLISON, SCHNEIDER & HARRIS

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By: _____
CHRISTOPHER SANDERS
Attorneys for County Sanitation Districts Nos.
14 and 20 of Los Angeles County

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6 Dated: March ____, 2013

ESKRIDGE LAW

7

8

By: _____
GAYLE ESKRIDGE
Attorneys for Cal-Golf, Inc.

9

10 Dated: March ____, 2013

FAGEN, FRIEDMAN & FULFROST, LLP

11

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By: _____
DAPHNE BORROMEO HALL
KIMBERLY SMITH
Attorneys for Antelope Valley Joint Union High
School District

14

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16 Dated: March ____, 2013

GREENAN, PEFFER, SALLANDER
& LALLY, LLP

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By: _____
RAY PEFFER
Attorneys for David Herrmann

20

21 Dated: March ____, 2013

GRESHAM, SAVAGE, NOLAN & TILDEN

22

23

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By: _____
MICHAEL DUANE DAVIS
Attorneys for A.V. United Mutual Group,
Adams Bennett Investments, LLC, Antelope
Valley Ground Water Agreement Association,
Baxter Mutual Water Co., Golden Sands Mobile
Home Park, Saint Andrew's Abbey, Inc., Service
Rock Products, LP, Sheep Creek Water
Company, White Fence Farms Mutual Water
Co. Inc.

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1 Dated: March ____, 2013

HANNA & MORTON, LLP

2

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By: _____
EDWARD RENWICK
Attorneys for WAGAS Land Company, LLC

4

5

Dated: March ____, 2013

HERUM, CRABTREE

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By: _____
ALEXIS STEVENS
JEANNE ZOLEZZI
Attorneys for Antelope Valley Water Storage,
LLC

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11 Dated: March ____, 2013

HEWITT & TRUSZKOWSKI

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By: _____
STEPHEN HEWITT
Attorneys for Clinto Huth

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Dated: March ____, 2013

JEFFER, MANGELS, BUTLER & MARMARO, LLP

16

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By: _____
NEILL BROWER
KENNETH EHRLICH
Attorneys for City National Bank, Trustee

18

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Dated: March ____, 2013

LAW OFFICE OF MATTHEW A. KECES

21

22

By: _____
MATTHEW KECES
Attorneys for Lebata, Inc.

23

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Dated: March ____, 2013

By: _____
TERRI KENNEDY
Attorneys for Alice Lyon

26

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1 Dated: March ____, 2013

KLEIN, DeNATALE, GOLDNER, COOPER,
ROSENLIEB & KIMBALL, LLP

2

3

By: _____
JOSEPH HUGHES
Attorneys for H&N Development Co. West, Inc.

4

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7 Dated: March ____, 2013

KRAUSE, KALFAYAN, BENINK
& SLAVENS, LLP

8

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By: _____
RALPH KALFAYAN
Attorneys for the Willis Class

10

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13 Dated: March ____, 2013

KRONICK, MOSKOVITZ, TIEDEMANN
& GIRARD

14

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By: _____
JANET GOLDSMITH
Attorneys for City of Los Angeles

16

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18 Dated: March ____, 2013

KUHS & PARKER

19

By: _____
ROBERT KUHS
Attorneys for Granite Construction Company,
Tejon Ranchcorp

20

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23 Dated: March ____, 2013

LAW OFFICE OF MICHAEL J. LaCILENTO

24

By: _____
MICHAEL LaCILENTO
Attorneys for Maria Balice, Norman Balice

25

26

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1 Dated: March ____, 2013 LAGERLOF, SENECAL, GOSNEY & KRUSE, LLP

2
3 By: _____
4 THOMAS BUNN, III
Attorneys for Palmdale Water District

5 Dated: March ____, 2013 LATHAM & WATKINS, LLP

6
7
8 By: _____
9 DANIEL BRUNTON
Attorneys for AV Solar Ranch 1, LLC, High
Desert Investments, LLC

10 Dated: March ____, 2013 LEMIEUX & O'NEILL

11
12
13 By: _____
14 WAYNE LEMIEUX
15 Attorneys for Big Rock Mutual Water Company,
16 Desert Lakes Community Services District,
17 Littlerock Creek Irrigation District, Llano
Mutual Water Company, Llano-Del Rio Water
Company, North Edwards Water District, Palm
Ranch Irrigation District

18 Dated: March ____, 2013 LOS ANGELES CITY ATTORNEY'S OFFICE

19
20 By: _____
21 JULIE C. RILEY
Attorneys for City of Los Angeles

22 Dated: March ____, 2013 LAW OFFICES OF MICHAEL D. McLACHLAN
23 APC

24
25 By: _____
26 MICHAEL McLACHLAN
Attorneys for Wood Class

27 ///
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1 Dated: March ____, 2013

McMURTREY, HARTSOCK & WORTH

2

3

By: _____
JAMES WORTH
Attorneys for Boron Community Services
District

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6 Dated: March ____, 2013

MESERVE, MUMPER & HUGHES, LLP

7

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By: _____
CLIFF MELNICK
Attorneys for Cameron Properties

9

10

11 Dated: March ____, 2013

By: _____
RAMSEY KAWAR
Attorney for Middle Butte Mine, Inc.

12

13

14 Dated: March ____, 2013

MORRISON & FOERSTER, LLP

15

16

By: _____
WILLIAM SLOAN
Attorneys for U.S. Borax, Inc.

17

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19 Dated: March ____, 2013

MURPHY & EVERTZ

20

21

By: _____
DOUGLAS J. EVERTZ
Attorneys for City of Lancaster, Rosamond
Community Services District

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24 Dated: March ____, 2013

LAW OFFICES OF PAT MURPHY

25

26

By: _____
PAT MURPHY
Attorneys for Patty Murphy

27

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1 Dated: March ____, 2013

LAW OFFICE OF DANIEL M. O'LEARY

2

3

By: _____
DANIEL M. O'LEARY
Attorneys for Richard A. Wood

4

5

6 Dated: March ____, 2013

PILLSBURY, WINTHROP, SHAW, PITTMAN, LLP

7

8

By: _____
BRIAN MARTIN
Attorneys for Sorrento West Properties, Inc.

9

10 Dated: March ____, 2013

PIRCHER, NICHOLS & MEEKS

11

12

By: _____
JAMES GOLDMAN
Attorneys for New Anaverde, LLC

13

14

15 Dated: March ____, 2013

PROCOPIO, CORY, HARGREAVES
& SAVITCH, LLP

16

17

By: _____
WALTER RUSINEK
Attorneys for NRG Solar Alpine, LLC

18

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20 Dated: March ____, 2013

LAW OFFICES OF MANUEL RIVAS, JR.

21

22

By: _____
MANUEL RIVAS
Attorneys for Elias Qarmout

23

24

25 Dated: March ____, 2013

LAW OFFICES OF FRANK SATALINO

26

27

By: _____
FRANK SATALINO
Attorneys for Rosamond Ranch, Elias Shokrian,
Shirley Shokrian

28

1 Dated: March ____, 2013

SHEPPARD, MULLIN, RICHTER
& HAMPTON, LLC

2

3

By: _____
GEOFFREY K. WILLIS
Attorneys for Bushnell Enterprises, LLC

4

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6 Dated: March ____, 2013

SMLAND & CHESTER

7

8

By: _____
THEODORE CHESTER
Attorneys for Landinv, Inc.

9

10 Dated: March ____, 2013

ANDREW D. STEIN & ASSOCIATES, INC.

11

12

By: _____
ANDREW STEIN
Attorneys for Randall Blayney

13

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15 Dated: March ____, 2013

LAW OFFICE OF KURT STIEFLER

16

17

By: _____
KURT STIEFLER
Attorneys for Little Baldy Mutual Water
Company

18

19

20 Dated: March ____, 2013

EDWARD H. STONE, A LAW CORPORATION

21

22

By: _____
EDWARD STONE
Attorneys for Britton Associates, LLP, Steven
Harris

23

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25 Dated: March ____, 2013

SULLIVAN, HILL, LEWIN, REZ & ENGEL

26

27

By: _____
ROBERT ALLENBY
Attorneys for Jung N. Tom

28

1 Dated: March ____, 2013

TAYLOR & RING

2

3

By: _____
JAMES LEWIS
Attorneys for A.V. Materials, Inc., A.C.
Warnack, as Trustee of the A.C. Warnack Trust,
Holliday Rock Co., Inc., Little Rock Sand and
Gravel, Inc., Littlerock Aggregate Co., Inc., dba
Antelope Valley Aggregate, Inc., Monte Vista
Building Sites, Inc., Nibbelink Family Trust,
The Frank and Yvonne Lane Family Trust dated
March 5, 1993 as Restated July 20, 2000, The
George and Charlene Lane Family Trust

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10 Dated: March ____, 2013

CALIFORNIA WATER SERVICE COMPANY

11

12

By: _____
JOHN TOOTLE

13

14 Dated: March ____, 2013

WEITKAMP & WEITKAMP

15

16

By: _____
JOHN WEITKAMP
Attorneys for Arklin Brothers Enterprises, Philip
H. Arklin, Mountain Brook Ranch, LLC, The
Philip H. Arklin Family Trust dated April 28,
1994, The Three Arklin Limited Liability
Company

17

18

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21 Dated: March ____, 2013

LAW OFFICES OF YOUNG WOOLDRIDGE, LLP

22

23

By: _____
SCOTT K. KUNEY
Attorneys for Bujulian Brothers, Inc., Craig Van
Dam, Delmar D. Van Dam, Gary Van Dam,
Gertrude J. Van Dam, WDS California II, LLC

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1 Dated: March ____, 2013

OFFICE OF THE ATTORNEY GENERAL

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By: _____
MARILYN H. LEVIN
Attorneys for State of California, Santa Monica
Mountains Conservancy, 50th District
Agricultural Association

Dated: March ____, 2013

U.S. DEPARTMENT OF JUSTICE

By: _____
LEE LEININGER
Attorneys for United States Department of
Justice

2
3 **PROOF OF SERVICE**

4 I, Linda Yarvis,

5 I am employed in the County of Orange, State of California. I am over the age of 18 and
6 not a party to the within action. My business address is 18881 Von Karman Avenue, Suite 1700,
Irvine, CA 92612.

7 On March 11, 2013, I served the within document(s) described as **[PROPOSED]**
8 **STIPULATION FOR PHASE 4 TRIAL REGARDING PHELAN PINON HILLS**
9 **COMMUNITY SERVICES DISTRICT'S GROUNDWATER PRODUCTION AND**
10 **BENEFICIAL USES** as follows:

11 (ELECTRONIC SERVICE) By posting the document(s) listed above to the Santa Clara
County Superior Court website in regard to Antelope Valley Groundwater matter pursuant to the
Court's Clarification Order. Electronic service and electronic posting completed through
www.scefiling.org.

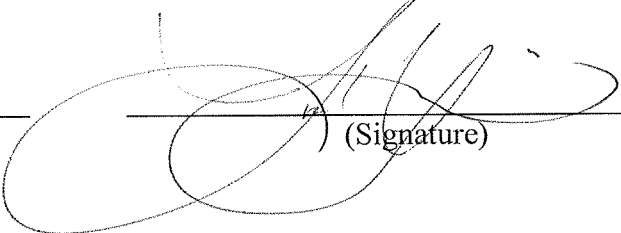
12 (BY MAIL) By placing a true copy of the foregoing document(s) in a sealed envelope
13 addressed as set forth above. I placed each such envelope for collection and mailing following
ordinary business practices. I am readily familiar with this Firm's practice for collection and
14 processing of correspondence for mailing. Under that practice, the correspondence would be
deposited with the United States Postal Service on that same day, with postage thereon fully
15 prepaid at Irvine, California, in the ordinary course of business. I am aware that on motion of the
party served, service is presumed invalid if postal cancellation date or postage meter date is more
than one day after date of deposit for mailing in affidavit.

16 (BY OVERNIGHT DELIVERY) I deposited in a box or other facility regularly maintained
17 by Overnight Express, an express service carrier, or delivered to a courier or driver authorized by
said express service carrier to receive documents, a true copy of the foregoing document(s) in a
18 sealed envelope or package designated by the express service carrier, addressed as set forth above,
with fees for overnight delivery paid or provided for.

19 Executed on March 11, 2013, at Irvine, California.

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

22 Linda Yarvis
23 (Type or print name)

24 
25) (Signature)