

Exhibit A

ANTE0529

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT 322

HON. JACK KOMAR, JUDGE

COORDINATION PROCEEDING)
SPECIAL TITLE (RULE 1550(B))) JUDICIAL COUNCIL
) COORDINATION NO.
) JCCP4408
ANTELOPE VALLEY GROUNDWATER CASES)
) SANTA CLARA CASE NO.
) 1-05-CV-049053
_____)
PALMDALE WATER DISTRICT AND QUARTZ)
HILL WATER DISTRICT,)
)
CROSS-COMPLAINANTS,)
)
VS.)
)
LOS ANGELES COUNTY WATERWORKS)
DISTRICT NO. 40, ET AL.,)
)
CROSS-DEFENDANTS.)
_____)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, MAY 29, 2013

APPEARANCES:

FOR LOS ANGELES COUNTY WATERWORKS DISTRICT 40: BEST BEST & KRIEGER
BY: JEFFREY V. DUNN, ESQ.
5 PARK PLAZA, SUITE 1500
IRVINE, CA 92614
(949) 263-2600

FOR DIAMOND FARMING COMPANY, ET AL.: LEBEAU THELEN LLP
BY: BOB H. JOYCE, ESQ.
THE ATRIUM
5001 EAST COMMERCENTER DRIVE
SUITE 300
BAKERSFIELD, CALIFORNIA 93309
(661) 325-8962

(APPEARANCES CONTINUED ON NEXT PAGE.)

FOR BOLTHOUSE CLIFFORD & BROWN
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23 SHOWN THEM WHAT THE ERROR WAS. MR. WEEKS HAD CALCULATED
24 THE NUMBERS BASED UPON A CROP DUTY. AND WE HAVE AGREED
25 TO USE THOSE NUMBERS.

26 WE HAVE NOW SUBSTITUTED THOSE NUMBERS INTO
27 THE UNITED STATES SPREADSHEET, WHICH WOULD BE NEEDED TO
28 ADD IT -- ADD THAT TO YOURS.

18

1 AND *RECENTLY ADDED IT ON THE PAGE WHERE IT
2 HAS A PLACE FOR THE ENTITY AND THE AMOUNT FOR '11 AND
3 '12.

4 THE COURT: ARE YOU ON PAGE 4?

5 MR. ZIMMER: I'M NOT SURE OUR NAME IS ON THERE,
6 YOUR HONOR, BECAUSE -- ON YOUR COPY BECAUSE --

7 THE COURT: WE NEED TO ADD IT?

8 MR. ZIMMER: WE NEED TO ADD --

9 UNIDENTIFIED VOICE: THE TOP OF PAGE 5, YOUR
10 HONOR.

11 MR. ZIMMER: THE TOP OF PAGE 5, YOUR HONOR.

12 THE COURT: TOP OF PAGE 5.

13 MR. ZIMMER: SO WE NEED TO ADD BOLTHOUSE
14 PROPERTIES, LLC/FARMS. AND THE 2011 NUMBER IS 16,470.92.

15 MR. BUNN: SORRY. SAY THAT AGAIN, PLEASE?

16 MR. ZIMMER: 16,470.92.

17 AND THE 2012 NUMBER IS 20,752.59.

18 MR. WEEKS AND I ALSO DISCUSSED THAT THERE
19 IS AN ISSUE AS TO SOME PARCELS BEING LEASED.

20 I SPOKE TO THAT YESTERDAY. WE ARE STILL IN
21 AGREEMENT THAT THAT ISSUE, IN TERMS OF THE LEASED
22 PROPERTY -- THERE'S A PROPERTY THAT'S ADJACENT TO WHERE
23 THE WATER IS USED. WE HAD AGREED THAT IN ANY SUBSEQUENT
24 PHASE, THAT THAT ISSUE IS PRESERVED AS TO WHETHER THERE'S

25 AN ARGUMENT AS TO WATER USE ON A LEASED PIECE OF
26 PROPERTY.

27 AND MR. MILIBAND, I'VE ALSO TALKED TO.

28 MR. MILIBAND AND I HAVE A STIPULATION AS WELL.

19

1 AND MR. MILIBAND WANTS TO PRESERVE THE
2 RIGHT TO ARGUE THAT AS BETWEEN RANCHES, AS TO WHAT THE
3 ACTUAL ALLOCATION WAS BETWEEN RANCHES.

4 MR. MILIBAND: THAT'S CORRECT, YOUR HONOR. WEST
5 MILIBAND FOR PHELAN PINON HILLS COMMUNITY SERVICES
6 DISTRICT.

7 WE ARE LOOKING TO RESERVE THE RIGHT TO
8 LATER CHALLENGE THE ALLOCATION OR THE AMOUNT OF WATER
9 USED ON A PARTICULAR RANCH SINCE THE BOLTHOUSE PROPERTIES
10 ENTITIES ARE MADE UP OF FIVE DIFFERENT RANCHES.

11 MR. ZIMMER: AND THE FINAL THING I WOULD NOTATE,
12 YOUR HONOR, IS THAT WE HAD AGREED TO DO A SUPPLEMENTAL
13 DECLARATION TO REFLECT THOSE NUMBERS.

14 MR. WEEKS: YOUR HONOR, JUST FOR THE RECORD --
15 BRAD WEEKS, QUARTZ HILL WATER DISTRICT.

16 IN 2011, I CALCULATED THAT 1,530.61 ACRE
17 FEET WAS USED ON LEASED LAND.

18 THE COURT: I'M SORRY. SAY THAT AGAIN?

19 MR. WEEKS: 1,530.61 ACRE FEET WAS USED ON LEASED
20 LAND.

21 THE COURT: ON LEASED LAND.

22 MR. WEEKS: LEASED LAND.

23 THE COURT: WHY DOES THAT MATTER TO ME?

24 MR. WEEKS: WE JUST WANT TO HAVE A RECORD OF HOW
25 MUCH WAS USED ON LEASED LAND.

26 THE COURT: ULTIMATELY, THE COURT IS GOING TO HAVE
27 TO MAKE A DETERMINATION OF WATER RIGHTS.

28 AND IT'S AT THAT POINT THAT THOSE KINDS OF

20

1 ISSUES ARE GOING TO RISE TO THE SURFACE, SO TO SPEAK.

2 MR. WEEKS: VERY WELL, YOUR HONOR.

3 MR. JOYCE: YOUR HONOR, ON BEHALF OF DIAMOND
4 FARMING AND THE REST OF THE CLIENTS I REPRESENT, I JUST
5 WANT TO MAKE SURE THE COURT --

6 THE COURT: MR. JOYCE.

7 MR. JOYCE: I'M SORRY. MR. JOYCE.

8 -- APPRECIATES THAT AS TO BOLTHOUSE'S
9 NUMBERS, WE DON'T OBJECT TO THE NUMBERS SUBJECT TO THE
10 SUPPLEMENTAL DECLARATION.

11 AS WITH ANYBODY THAT'S THUS FAR LISTED
12 NUMBERS ON THE PROPOSED STIP., OUR POSITION IS THAT THOSE
13 NUMBERS ARE NOT CHALLENGEABLE AS LONG AS WE DO HAVE
14 EVIDENTIARY DECLARATIONS TO BACK THEM UP.

15 THE COURT: ALL RIGHT.

16 MR. CHESTER: YOUR HONOR, DURING THE BREAK,
17 MR. JOYCE AND I DISCUSSED OUR ISSUE. AND SUBJECT TO MY
18 CLIENT FILING A DECLARATION -- WHICH HE IS DOING
19 PRESENTLY -- I BELIEVE WE HAVE AN UNDERSTANDING AS TO
20 QUANTITY OF WATER FOR 2011 AND 2012.

21 AND WE ARE NOT ON THE OVERALL STIP. YET,
22 BUT WOULD LIKE TO GO ON TO THAT STIP. SUBJECT TO
23 MR. JOYCE'S CONSENT.

24 THE COURT: ALL RIGHT. SO YOU ARE NOT LISTED
25 RIGHT NOW?

26 MR. CHESTER: WE'RE CURRENTLY NOT LISTED.
27 CORRECT, YOUR HONOR.

28 THE COURT: OKAY. ALL RIGHT. WHEN WILL YOU HAVE

21