

1 Michael Duane Davis, State Bar No. 93678
2 Marlene Allen-Hammarlund, State Bar No. 126418
3 **GRESHAM SAVAGE NOLAN & TILDEN,**
4 **A Professional Corporation**
5 3750 University Avenue, Suite 250
6 Riverside, CA 92501-3335
7 Telephone: (951) 684-2171
8 Facsimile: (951) 684-2150

9 Attorneys for Cross-Defendant,
10 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
14 Special Title (Rule 1550(b))

) Judicial Council Coordination
) Proceeding No. 4408

15 ANTELOPE VALLEY GROUNDWATER
16 CASES

) Santa Clara Case No. 1-05-CV-049053
) Assigned to the Honorable Jack Komar

17 Including Actions:

) **STIPULATION TO CONTINUE**
) **HEARING ON SHEEP CREEK WATER**
) **COMPANY, INC.'S MOTION TO BE**
) **EXCLUDED FROM THE ANTELOPE**
) **VALLEY GROUNDWATER**
) **ADJUDICATION, OR, IN THE**
) **ALTERNATIVE, FOR RECOGNITION**
) **OF ITS PRIOR RIGHTS TO THE**
) **WATERS OF SHEEP CREEK; AND**
) **[PROPOSED] ORDER THEREON**

18 Los Angeles County Waterworks District No.
19 40 v. Diamond Farming Co.
20 Superior Court of California, County of Los
21 Angeles, Case No. BC 325 201

22 Los Angeles County Waterworks District No.
23 40 v. Diamond Farming Co.
24 Superior Court of California, County of Kern,
25 Case No. S-1500-CV-254-348

26 Wm. Bolthouse Farms, Inc. v. City of
27 Lancaster

) PRESENT DATE: October 3, 2008
) TIME: 9:00 a.m.
) DEPT: 17

28 Diamond Farming Co. v. City of Lancaster
Superior Court of California, County of
Riverside, consolidated actions, Case Nos. RIC
353 840, RIC 344 436, RIC 344 668

) NEW DATE: November 17, 2008
) TIME: 9:00 a.m.
) DEPT: 17

29 **AND RELATED CROSS-ACTIONS.**

STIPULATION TO CONTINUE HEARING ON SHEEP CREEK WATER COMPANY, INC.'S MOTION TO BE EXCLUDED FROM THE ANTELOPE VALLEY GROUNDWATER ADJUDICATION, OR, IN THE ALTERNATIVE, FOR RECOGNITION OF ITS PRIOR RIGHTS TO THE WATERS OF SHEEP CREEK; AND [PROPOSED] ORDER THEREON

1 This Stipulation is entered into by and between Cross-Defendant **SHEEP CREEK**
2 **WATER COMPANY, INC.** ("Sheep Creek"), Plaintiff **LOS ANGELES COUNTY**
3 **WATERWORKS DISTRICT NO. 40** ("LACWD No. 40"), Plaintiff **ROSAMOND**
4 **COMMUNITY SERVICES DISTRICT** ("Rosamond CSD"), Cross-Defendant **UNITED**
5 **STATES DEPARTMENT OF JUSTICE** ("U.S. DOJ"), and others, in light of the following:

6 **Recitals**

7 **A.** On September 10, 2008, Sheep Creek electronically filed and served its *Motion to*
8 *be Excluded from the Antelope Valley Groundwater Adjudication, or, in the Alternative, for*
9 *Recognition of its Prior Rights to the Waters of Sheep Creek* (the "Motion"), which Motion is
10 presently set for hearing on October 3, 2008, at 9:00 a.m., or as soon thereafter as the matter may
11 be heard in Department 17 of the above-entitled Court.

12 **B.** The Phase 2 Trial in the above-encaptioned action is presently set for the week of
13 October 6, 2008 through October 10, 2008 in Department 1 of the Los Angeles Superior Court,
14 and to be continued beyond October 10th, if necessary.

15 **C.** Though the Case Management Order for Phase 2 Trial expressly limits the issues
16 to be addressed in the Phase 2 Trial to "whether sub-basins exist in the Antelope Valley Area of
17 Adjudication ('Basin')"; the separate but somewhat related issues of whether Sheep Creek's Los
18 Angeles County well site is in the El Mirage Basin as opposed to the Antelope Valley Basin, and
19 whether Sheep Creek's Los Angeles County well site has any material hydrologic connection
20 with the Antelope Valley Groundwater Basin may be need to be determined in the hearing on the
21 Motion.

22 **D.** Sheep Creek set the hearing on the Motion in order to have the issues decided
23 prior to the commencement of the Phase II Trial, in an effort to not participate in the Phase II
24 Trial.

25 **E.** Counsel for LACWD No. 40, ROSAMOND CSD, the U.S. DOJ, and other parties
26 who have filed Notices of Intent to Participate in the Phase 2 Trial, desire sufficient time to
27 complete their preparation for the Phase 2 Trial and to properly evaluate the merits of the
28

1 Motion; and have accordingly requested that the hearing on the Motion be continued to a date
2 approximately one (1) month following the completion of the first week of the Phase 2 Trial.

3 F. Counsel for Sheep Creek is willing to continue the hearing on the Motion, as
4 requested, providing that the continuance to a date following the commencement of the Phase 2
5 Trial, in light of Sheep Creek's preference to not participate in the Phase 2 Trial, will not be
6 prejudicial to Sheep Creek.

7 IT IS THEREFORE STIPULATED AND AGREED AS FOLLOWS:

8 **Stipulation**

9 1. The hearing on the Motion shall be continued to November 17, 2008, at 9:00 a.m.,
10 or as soon thereafter as the matter may be heard in Department 17 of the above-entitled Court.

11 2. The facts that the hearing on the Motion is continued to a date following the
12 Phase 2 Trial and Sheep Creek's non-participation in the Phase 2 Trial shall not in any way
13 prejudice Sheep Creek's Motion, and shall not be the basis for asserting an argument of collateral
14 estoppel, res judicata or any other similar defense to the issues raised in the Motion.

15 3. This Stipulation may be submitted to the Court and be the basis for an order
16 consistent herewith.

17 Dated: September __, 2008

BARTKIEWICZ, KRONICK & SHANAHAN, APC

19 By: _____

20 Ryan S. Bezerra
21 Alan B. Lilly
22 Stephen M. Siproth
23 Attorneys for COPA DE ORO LAND
24 COMPANY

25 Dated: September 18, 2008

BEST BEST & KRIEGER, LLP

26 By: _____


27 Jeffrey V. Dunn
28 Eric L. Garner
Attorneys for ROSAMOND COMMUNITY
SERVICES DISTRICT and LOS ANGELES
COUNTY WATERWORKS DISTRICT NO. 40

-3-

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

Dated: September 18, 2008

BROWNSTEIN HYATT FARBER SCHRECK,
LLP

By: 

Michael T. Fife
Bradley J. Herrema
Attorneys for ANTELOPE VALLEY
GROUNDWATER AGREEMENT
ASSOCIATION

Dated: September __, 2008

BRUNICK, McELHANEY & BECKETT

By: _____

William J. Brunick
Attorneys for ANTELOPE VALLEY - EAST
KERN WATER AGENCY

Dated: September __, 2008

CALIFORNIA WATER SERVICE COMPANY

By: _____

John M. Tootle
Attorneys for CALIFORNIA WATER
SERVICE COMPANY successor to
ANTELOPE VALLEY WATER COMPANY

Dated: September __, 2008

CHARLTON WEEKS, LLP

By: _____

Bradley T. Weeks
Attorneys for QUARTZ HILL WATER
DISTRICT

Dated: September __, 2008

CLIFFORD & BROWN, APC

By: _____

Richard G. Zimmer
T. Mark Smith
Attorneys for BOLTHOUSE PROPERTIES,
LLC and Wm. BOLTHOUSE FARMS, INC

1 Dated: September __, 2008

ELLISON, SCHNEIDER & HARRIS, LLP

2

3

By: _____

4

Anne J. Schneider
Christopher M. Sanders
Peter J. Kiel
Attorneys for COUNTY SANITATION
DISTRICTS NOS. 14 and 20 of LOS ANGELES
COUNTY

5

6

7


8 Dated: September __, 2008

EDMUND G. GROWN, JR., Attorney General
Daniel L. Siege., Supervising Dep. Attorney Gen.
Virginia Cahill, Deputy Attorney General

9

10

11

By:  _____

Michael L. Crow, Deputy Attorney General
Attorneys for STATE OF CALIFORNIA,
SANTA MONICA MOUNTAINS
CONSERVANCY and STATE OF
CALIFORNIA 50th DISTRICT
AGRICULTURAL ASSOCIATION

12

13

14

15

16 Dated: September 17, 2008

GRESHAM SAVAGE NOLAN & TILDEN, APC

17

18

By:  _____

Michael Duane Davis
Marlene L. Allen-Hammarlund
Attorneys for SHEEP CREEK WATER
COMPANY, INC.

19

20

21

22 Dated: September __, 2008

KRAUSE KALFAYAN BENINK & SLAVENS,
LLP

23

24

25

By: _____

26

Ralph B. Kalfayan
David B. Zlotnick
Attorneys for the WILLIS CLASS

27

28

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

Dated: September __, 2008

KUHS & PARKER

By: _____
William C. Kuhs
Robert G. Kuhs
Attorneys for the TEJON RANCHCORP

Dated: September __, 2008

LeBEAU & THELEN, LLP

By: _____
Bob H. Joyce
Attorneys for DIAMOND FARMING
COMPANY and CRYSTAL ORGANIC
FARMS LLC

Dated: September 17, 2008

LAGERLOF, SENEAL, GOSNEY & KRUSE,
LLP

By: Thomas S. Bunn, III
H. Jess Senecal
Thomas S. Bunn, III
Attorneys for PALMDALE WATER DISTRICT

Dated: September __, 2008

Law Offices of MICHAEL D. McLACHLAN, APC
Law Offices of DANIEL M. O'LEARY

By: _____
Michael D. McLachlan
Daniel M. O'Leary
Attorneys for the WOOD CLASS

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

Dated: September __, 2008

KUHS & PARKER

By: _____
William C. Kuhs
Robert G. Kuhs
Attorneys for the TEJON RANCHCORP

Dated: September __, 2008

LeBEAU & THELEN, LLP

By: _____
Bob H. Joyce
Attorneys for DIAMOND FARMING
COMPANY and CRYSTAL ORGANIC
FARMS LLC


Dated: September __, 2008

LAGERLOF, SENECAL, GOSNEY & KRUSE,
LLP

By: _____
H. Jess Senecal
Thomas S. Bunn, III
Attorneys for PALMDALE WATER DISTRICT

Dated: September 17, 2008

Law Offices of MICHAEL D. McLACHLAN, APC
Law Offices of DANIEL M. O'LEARY

By:  _____
Michael D. McLachlan
Daniel M. O'Leary
Attorneys for the WOOD CLASS

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

Dated: September __, 2008

LEMIEUX & O'NEILL

By: _____

Wayne K. Lemieux
W. Keith Lemieux
Attorneys for LITTLE ROCK CREEK
IRRIGATION DISTRICT, PALM RANCH
IRRIGATION DISTRICT, NORTH EDWARDS
WATER DISTRICT, DESERT LAKES
COMMUNITY SERVICES DISTRICT, BIG
ROCK MUTUAL WATER COMPANY,
LLANO-DEL RIO WATER COMPANY,
LITTLE BALDY MUTUAL WATER
COMPANY, LLANO MUTUAL WATER
COMPANY

Dated: September __, 2008

LEWIS BRISBOIS BISGAARD & SMITH LLP

By: _____

Malissa Hathaway McKeith
Kimberly Huangfu
Attorneys for ANA VERDE, LLC

Dated: September __, 2008

LUCE FORWARD HAMILTON & SCRIPPS, LLP

By: _____

Douglas J. Evertz
Attorneys for CITY OF LANCASTER

Dated: September 17, 2008

MORRISON & FOERSTER, LLP

By: _____

William M. Sloan
Edgar B. Washburn
William M. Sloan
Attorneys for U. S. BORAX, INC.

1 Dated: September __, 2008

ROCKARD J. DELGADILLO, City Attorney
Richard M. Brown, Senior Assistant City Attorney
for Water and Power

KRONICK, MOSKOVITZ, TIEDEMANN &
GIRARD, APD

6 By: _____
Janet K. Goldsmith
Attorneys for CITY OF LOS ANGELES

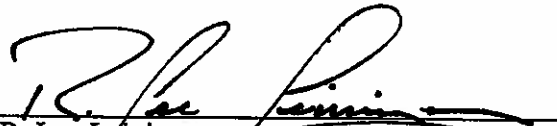
8 Dated: September __, 2008

Wm. MATTHEY DITZHAZY, City Attorney
RICHARDS, WATSON & GERSON, APC

11 By: _____
James L. Markman
Steven R. Orr
Whitney G. McDonald
Attorneys for CITY OF PALMDALE

15 Dated: September 19, 2008

UNITED STATES DEPARTMENT OF JUSTICE

17 By:  _____
R. Lee Leininger
James J. DuBois
Attorneys for UNITED STATES OF AMERICA
and FEDERAL DEFENDANTS

21 **Order**


22 The Stipulation of the parties who have filed Notices of Intent to Participate in the Phase
23 2 Trial is accepted, and good cause appearing therefore, IT IS HEREBY ORDERED THAT:

24 1. The hearing on Sheep Creek Water Company, Inc.'s *Motion to be Excluded from*
25 *the Antelope Valley Groundwater Adjudication, or, in the Alternative, for Recognition of its*
26 *Prior Rights to the Waters of Sheep Creek* is continued to November 17, 2008, at 9:00 a.m., or as
27 soon thereafter as the matter may be heard in Department 17 of the above-entitled Court.

1 2. The facts that the hearing on the *Motion to be Excluded from the Antelope Valley*
2 *Groundwater Adjudication, or, in the Alternative, for Recognition of its Prior Rights to the*
3 *Waters of Sheep Creek* is continued to a date following the Phase 2 Trial and Sheep Creek Water
4 Company, Inc.'s non-participation in the Phase 2 Trial shall not in any way prejudice Sheep
5 Water Company's *Motion to be Excluded from the Antelope Valley Groundwater Adjudication,*
6 *or, in the Alternative, for Recognition of its Prior Rights to the Waters of Sheep Creek,* and shall
7 not be the basis for asserting an argument of collateral estoppel, res judicata or any other similar
8 defense to the issues raised therein.

9 OCT 01 2008

10 Dated: September __, 2008.



Honorable JACK KOMAR
Judge of the Superior Court