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8 **Attorneys for:** Gene T. Bahlman, Thomas M. Bookman, B.J. Calandri, John Calandri, John  
9 Calandri as Trustee of the John and B.J. Calandri 2001 Trust, Son Rise Farms, Calmat Land  
10 Company, Sal and Connie L. Cardile, Efren and Luz Chavez, Consolidated Rock Products, Del Sur  
11 Ranch LLC, Steven Godde as Trustee of the Forrest G. Godde Trust, Lawrence A. Godde, Lawrence  
12 A. Godde and Godde Trust, Robert and Phillip Gorrindo, Gorrindo Family Trust, Laura Griffin,  
13 Healy Farms, Healy Enterprises, Inc., John Javadi and Sahara Nursery, Juniper Hills Water Group,  
14 Gailen Kyle, Gailen Kyle as Trustee of the Kyle Trust, James W. Kyle, James W. Kyle as Trustee of  
15 the Kyle Family Trust, Julia Kyle, Wanda E. Kyle, Maritorena Living Trust, Jose and Marie  
16 Maritorena, Richard H. Miner, Barry S. Munz, Terry A. Munz and Kathleen M. Munz, Eugene B.  
17 Nebeker, R and M Ranch, Inc., Richard and Michael Nelson, Robert Jones, John and Adrienne Reca,  
18 Mabel Selak, Jeffrey L. & Nancee J. Siebert, Dr. Samuel Kremen and Tierra Bonita Ranch  
19 Company, Triple M Property FKA and 3M Property Investment Co., Vulcan Materials Co. and  
20 Vulcan Lands Inc., Willow Springs Company, Donna Wilson, **collectively known as the Antelope  
21 Valley Groundwater Agreement Association (“AGWA”)**

22 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
23 **FOR THE COUNTY OF LOS ANGELES**

24 **ANTELOPE VALLEY** )  
25 **GROUNDWATER CASES** ) Judicial Council Coordination Proceeding  
26 ) No. 4408  
27 )  
28 Included Actions: )  
29 ) **Santa Clara Case No. 1-05-CV-049053**  
30 ) Assigned to The Honorable Jack Komar  
31 Los Angeles County Waterworks District No. )  
32 40 v. Diamond Farming Co. Superior Court of )  
33 California County of Los Angeles, Case No. BC )  
34 325 201 Los Angeles County Waterworks )  
35 District No. 40 v. Diamond Farming Co. )  
36 Superior Court of California, County of Kern, )  
37 Case No. S-1500-CV-254-348 Wm. Bolthouse )  
38 Farms, Inc. v. City of Lancaster Diamond )  
39 Farming Co. v. City of Lancaster Diamond )  
40 Farming Co. v. Palmdale Water Dist. Superior )  
41 Court of California, County of Riverside, )  
42 consolidated actions, Case No. RIC 353 840, )  
43 RIC 344 436, RIC 344 668 )  
44 )  
45 )

1 In accordance with California Rules of Court Rule 3.1590(g), the Antelope Valley  
2 Groundwater Agreement Association (“AGWA”) hereby objects to the Second Amended  
3 [Proposed] Statement of Partial Decision for Phase IV, submitted by Los Angeles County  
4 Waterworks District No. 40 on June 21, 2013.

5 AGWA objects because the proposed Statement of Decision, as currently drafted, lacks  
6 key language relating to the limitations of the Court’s findings in Phase IV with regard to 2011  
7 and 2012 pumping. The Fifth Amended Case Management Order, dated May 23, 2013, states:

8  
9 The Phase IV Trial is only for the purpose of determining  
10 groundwater pumping during 2011 and 2012. The Phase IV Trial  
11 shall not result in any determination of any water right, or the  
12 reasonableness of any party’s water use or manner of applying  
13 water to the use. The Phase IV Trial will not preclude any party  
14 from introducing in a later trial phase evidence to support its  
15 claimed water rights including, without limitation, evidence of  
16 water use in years other than 2011- 2012. All parties reserve their  
17 rights to produce any evidence to support their claimed water rights  
18 and make any related legal arguments including, without limitation,  
19 argument based on any applicable constitutional, statutory, or  
20 decisional authority.

21 (Fifth Amended Case Management Order, at 2:4-11.) Identical language was also contained in  
22 the Stipulation Regarding Pumping During Calendar Years 2011 and 2012, attached as an exhibit  
23 to the proposed Statement of Decision and signed by all parties except the Wood Class. (See  
24 Stipulation Regarding Pumping During Calendar Years 2011 and 2012 (June 5, 2013), at ¶ 3.)  
25 AGWA proposes that the following language be inserted immediately after line 5 of page 1 of the  
26 Second Amended [Proposed] Statement of Decision:

27 The Phase IV Trial was only for the purpose of determining  
28 groundwater pumping during 2011 and 2012. The Phase IV Trial  
does not result in any determination of any water right, or  
determination as to the reasonableness of any party’s water use or  
manner of applying water to the use. The Phase IV Trial will not  
preclude any party from introducing in a later trial phase evidence  
to support its claimed water rights including, without limitation,  
evidence of water use in years other than 2011- 2012. The right to  
produce any evidence to support their claimed water rights and  
make any related legal arguments including, without limitation,  
argument based on any applicable constitutional, statutory, or  
decisional authority, is reserved to all parties.”


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The proposed Statement of Decision must include this qualifying clarification in order to accurately reflect the limited scope and ultimate purposes of evidence presented by the parties at trial, and to ensure the Court’s findings of fact in Phase IV will not result in any determination of water rights or the reasonableness of any party’s water use or manner of applying water to the use.

Based on the Court’s stated purpose of the Phase IV Trial, many AGWA Parties compromised their claims as to 2011 and 2012 pumping, in order to avoid the expenditure of further time and money as to Phase IV. These parties have done so with the understanding that they will not be foreclosed from argument in future trial phases in this case that certain of the issues as to which they compromised for the purposes of Phase IV Trial may be fully tried at that time. Without further clarification as to the limits of the findings in Phase IV Trial, AGWA must object to the current draft of the proposed Statement of Decision.

Dated: June 26, 2013

BROWNSTEIN HYATT FARBER  
SCHRECK, LLP

By:   
MICHAEL T. FIFE  
BRADLEY J. HERREMA  
Attorneys for Cross-Complainants  
ANTELOPE VALLEY GROUNDWATER  
AGREEMENT ASSOCIATION

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**PROOF OF SERVICE**

**STATE OF CALIFORNIA,  
COUNTY OF SANTA BARBARA**

I am employed in the County of Santa Barbara, State of California. I am over the age of 18 and not a party to the within action; my business address is: 21 E. Carrillo Street, Santa Barbara, California 93101.

On June 26, 2013, I served the foregoing document described as:

**AGWA's OBJECTION TO SECOND AMENDED [PROPOSED] STATEMENT OF  
DECISION**

on the interested parties in this action.

By posting it on the website by 5:00 p.m. on June 26, 2013.

This posting was reported as complete and without error.

(STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed in Santa Barbara, California, on June 26, 2013.

**LINDA MINKY  
TYPE OR PRINT NAME**

  
\_\_\_\_\_  
**SIGNATURE**