1	RYAN S. BEZERRA, State Bar No. 178048 JOSHUA M. HOROWITZ, State Bar No. 186866					
2	KATRINA C. GONZALEŚ, State Bar No. 258412 BARTKIEWICZ, KRONICK & SHANAHAN					
3	A PROFESSIONAL CORPORATION					
4	1011 TWENTY-SECOND STREET SACRAMENTO, CALIFORNIA 95816-4907					
5	TELEPHONE: (916) 446-4254 TELECOPIER: (916) 446-4018					
6	E-MAIL: rsb@bkslawfirm.com					
7	Attorneys for Cross-Defendant Copa De Oro Land Company					
8						
9	SUPERIOR COURT OF THE	STATE OF CALIFORNIA				
10	COUNTY OF LO	OS ANGELES				
11	Coordination Proceeding Special Title (Rule 1550(b))	JUDICIAL COUNCIL COORDINATION PROCEEDING NO. 4408				
12		Case No. BC 391869				
13	ANTELOPE VALLEY GROUNDWATER	Assigned to Hon. Jack Komar				
14	CASES	(Santa Clara Case No. 01-05-CV-049053)				
15	Included Actions:					
	Los Angeles County Waterworks District	CROSS-DEFENDANT COPA DE ORO				
16	No. 40 v. Diamond Farming Co., Superior Court of California, County of Los Angeles,	LAND COMPANY'S AMENDED NOTICE OF INTENT TO				
17	Case No. BC 325 201;	PARTICIPATE IN PHASE IV TRIAL				
18	T A D C A WAY D DOLLER	Date: May 28, 2013 (Phase IV)				
19	Los Angeles County Waterworks District No. 40 v. Diamond Farming Co., Superior	Time: 10:00 a.m.				
20	Court of California, County of Kern, Case No. S-1500-CV-254-348;	Dept.: 322 Judge: Hon. Jack Komar				
21	Www. Doldhamas Formus Inc. v. City of					
22	Wm. Bolthouse Farms, Inc. v. City of Lancaster, Diamond Farming Co. v.					
23	Lancaster, Diamond Farming Co. v.					
24	Palmdale Water Dist., Superior Court of California, County of Riverside, Case No.					
	RIC 353 840, RIC 344 436, RIC 344 668					
25						
26		J				
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AMENDED NOTICE OF INTENT TO PARTICIPATE IN PHASE IV TRIAL

TO THE PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that cross-defendant Copa de Oro Land Company ("Copa de Oro") hereby amends its notice of intent to participate in the Phase IV trial pursuant to the Court's May 20, 2013 Fifth Amended Case Management Order, which limited the Phase IV trial to being "only for the purpose of determining groundwater pumping during 2011 and 2012" and stated that the trial "shall not result in any determination of any water right, or the reasonableness of any party's water use or manner of applying water to the use." Based on the revised scope of the issues to be determined at the Phase IV trial, Copa de Oro no longer intends to present evidence in the Phase IV trial. As stated in the Response of Copa de Oro Land Company Court's Discovery Order for Phase IV Trial to the (http://www.scefiling.org/document/document.jsp?documentId=74752, posted to the Court's Web site on December 21, 2012), Copa de Oro's property (the "Property") was fallow in 2011 and 2012 and no groundwater was produced on the Property during those years. Copa de Oro reserves the right to cross-examine other parties' witnesses during the Phase IV trial.

For any further phase of trial that would include the determination of parties' claimed water rights and proof of claimed reasonable and beneficial use of water for each parcel to be adjudicated or if the Court subsequently determines that the Phase IV trial should include a determination of one or more of these issues, Copa de Oro would intend to present, as necessary, evidence to support its water rights. At this time, that evidence could include the following witnesses and exhibits:

Stipulations, Discovery Requests and Related Orders

- (1) Stipulation Regarding Facts Pertaining to Copa de Oro Land Company (with Los Angeles County Waterworks District No. 40, Palmdale Water District and the City of Palmdale (by court statement), Diamond Farming Company, Crystal Organic Farms, Grimmway Enterprises, Inc., Lapis Land Company, LLC);
- (2) Stipulation for Phase IV Trial Regarding Water Use on Copa de Oro Land Company's Property (with Los Angeles County Waterworks District No. 40, Quartz Hill Water District, Littlerock Creek Irrigation District, Palm Ranch Irrigation District, Palmdale Water District, the City of Palmdale, the City of Lancaster, Rosamond Community Services District, California Water Service Company, Antelope Valley-East Kern Water Agency, Diamond Farming Company, Crystal Organic Farms, Grimmway Enterprises, Inc., Lapis Land

COPA DE ORO LAND COMPANY'S AMENDED NOTICE OF INTENT REGARDING PHASE 4 TRIAL

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	Company, LLC, Tejon Ranchcorp, Tejon Ranch Company, Granite Construction Company, North Edwards Water District, Desert Lake Community Service District, Llano del Rio Water Company, Llano Mutual Water Company, Big	
	Rock Mutual Water Company, U.S. Borax, Inc., Wm. Bolthouse Farms, Inc. and Bolthouse Properties, LLC);	
(3)	Stipulation for Phase IV Trial Between Copa de Oro Land Company and Phelan Pinon Hills Community Services District;	
(4)	Stipulation for Phase IV Trial Concerning Copa de Oro Land Company (with Antelope Valley Groundwater Agreement Association, Antelope Valley Water Storage, LLC, WAGAS Land Company LLC, County Sanitation Districts of Los Angeles County Nos. 14 and 20);	
(5)	Order Approving Stipulations Concerning Copa de Oro Land Company and Granting Leave to Serve Written Discovery; and	
(6)	Copa de Oro Land Company's First Set of Requests for Admissions Propounded on Parties that are Not Signatories to the Stipulations Concerning Copa de Oro Land Company.	
ertified De	eds and Easements	
(7)	A certified copy of the Grant Deed to the northern half of the Property (recorded in Kern County Official Records as Document #0196037023);	
(8)	A certified copy of the Grant Deed to the southern half of the Property (recorded in Kern County Official Records as Document #0206184323);	
(9)	A certified copy of a Turnout Easement (recorded at Book 5013, Page 2049, in Kern County Official Records); and	
(10)	A certified copy of a Grant Deed concerning a water line easement (recorded at Book 5511, Page 1008, in Kern County Official Records).	
itness: <u>Ell</u>	liot Joelson	
(11)	Photographs of turnout 11.6 structure;	
(12)	Photographs of structures at the center of the Property; and	
(13)	Photographs of concrete structures on the Property.	
	nowledgeable employee of the Antelope Valley-East Kern Water Agency, ely Dwayne Chisam	
	-2- 8792/ P052313kcg (Amended NOI)	

COPA DE ORO LAND COMPANY'S AMENDED NOTICE OF INTENT REGARDING PHASE 4 TRIAL

2	(14)	•	from Dwayne Chisam, AVEK to Katrina Gonzales, Shanahan regarding 2000-2004 monthly AVEK
3	Witness: <u>Vera H. Nelson, P.E</u> .		
5	(15)	Ms. Nelson's resume;	
6 7	(16)	Erler & Kalinowksi, Inc., Property, Kern County, Ca	Expert Report on Water Use at the Copa de Oro lifornia;
8	(17)		Supplement to Expert Report on Water Use at the Kern County, California: Monthly AVEK Deliveries
10 11	(18)		mages of the Property from August 11, 2002, August 002 and September 28, 2002
12	Pursuant to the Court's May 20, 2013 Fifth Amended Case Management Order, Copa		
13	de Oro further reserves the right to present any legal arguments to support its claimed water		
14	rights, including, without limitation, arguments based on any applicable constitutional,		
15	statutory or de	ecisional authority.	
16	Dated: May 2	23, 2013	Respectfully submitted,
17 18			BARTKIEWICZ, KRONICK & SHANAHAN A Professional Corporation
19			By: /s/ Ryan S. Bezerra
20			By: /s/ Ryan S. Bezerra Ryan S. Bezerra
21			Attorneys for Cross-Defendant Copa de Oro Land
22			Company
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	COPA DE O	RO LAND COMPANY'S AMENI	-3- 8792/ P052313kcg (Amended NOI) DED NOTICE OF INTENT REGARDING PHASE 4 TRIAL

1	PROOF OF SERVICE			
2	I, Terry Olson, declare as follows:			
3	I am a citizen of the United States and a resident of Sacramento County. I am over the			
4	age of 18, not a party to this action and am employed at Bartkiewicz, Kronick & Shanahan,			
5	1011 Twenty-Second Street, Sacramento, California 95816. On May 23, 2013, I served, in			
6	the manner described below, the following document:			
7	COPA DE ORO LAND COMPANY'S AMENDED NOTICE OF INTENT TO PARTICIPATE IN PHASE IV TRIAL			
9	I posted this document to the Court's World Wide Website located at			
10	www.scefiling.org.			
11	I declare under penalty of perjury under the laws of the State of California that the			
12	foregoing is true and correct.			
13	Executed at Sacramento, California on May 23, 2013.			
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16	Terry Olson			
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	8792/ P052313kcg (Amended Notice of Intent)			