

1 **RYAN S. BEZERRA, State Bar No. 178048**
2 **JOSHUA M. HOROWITZ, State Bar No. 186866**
3 **KATRINA C. GONZALES, State Bar No. 258412**
4 **BARTKIEWICZ, KRONICK & SHANAHAN**
5 **A PROFESSIONAL CORPORATION**
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11 **Attorneys for Cross-Defendant**
12 **Copa De Oro Land Company**

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **COUNTY OF LOS ANGELES**

15 **Coordination Proceeding Special Title**
16 **(Rule 1550(b))**

17 **ANTELOPE VALLEY GROUNDWATER**
18 **CASES**

19 **Included Actions:**

20 **Los Angeles County Waterworks District**
21 **No. 40 v. Diamond Farming Co., Superior**
22 **Court of California, County of Los Angeles,**
23 **Case No. BC 325 201;**

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

28 **Wm. Bolthouse Farms, Inc. v. City of**
Lancaster, Diamond Farming Co. v.
Lancaster, Diamond Farming Co. v.
Palmdale Water Dist., Superior Court of
California, County of Riverside, Case No.
RIC 353 840, RIC 344 436, RIC 344 668

JUDICIAL COUNCIL COORDINATION
PROCEEDING NO. 4408

Case No. BC 391869
Assigned to Hon. Jack Komar

(Santa Clara Case No. 01-05-CV-049053)

CROSS-DEFENDANT COPA DE ORO
LAND COMPANY'S AMENDED
NOTICE OF INTENT TO
PARTICIPATE IN PHASE IV TRIAL

Date: May 28, 2013 (Phase IV)
Time: 10:00 a.m.
Dept.: 322
Judge: Hon. Jack Komar

1 Company, LLC, Tejon Ranchcorp, Tejon Ranch Company, Granite Construction
2 Company, North Edwards Water District, Desert Lake Community Service
3 District, Llano del Rio Water Company, Llano Mutual Water Company, Big
4 Rock Mutual Water Company, U.S. Borax, Inc., Wm. Bolthouse Farms, Inc. and
5 Bolthouse Properties, LLC);

6 (3) Stipulation for Phase IV Trial Between Copa de Oro Land Company and Phelan
7 Pinon Hills Community Services District;

8 (4) Stipulation for Phase IV Trial Concerning Copa de Oro Land Company (with
9 Antelope Valley Groundwater Agreement Association, Antelope Valley Water
10 Storage, LLC, WAGAS Land Company LLC, County Sanitation Districts of
11 Los Angeles County Nos. 14 and 20);

12 (5) Order Approving Stipulations Concerning Copa de Oro Land Company and
13 Granting Leave to Serve Written Discovery; and

14 (6) Copa de Oro Land Company's First Set of Requests for Admissions Propounded
15 on Parties that are Not Signatories to the Stipulations Concerning Copa de Oro
16 Land Company.

17 **Certified Deeds and Easements**

18 (7) A certified copy of the Grant Deed to the northern half of the Property (recorded
19 in Kern County Official Records as Document #0196037023);

20 (8) A certified copy of the Grant Deed to the southern half of the Property (recorded
21 in Kern County Official Records as Document #0206184323);

22 (9) A certified copy of a Turnout Easement (recorded at Book 5013, Page 2049, in
23 Kern County Official Records); and

24 (10) A certified copy of a Grant Deed concerning a water line easement (recorded at
25 Book 5511, Page 1008, in Kern County Official Records).

26 **Witness: Elliot Joelson**

27 (11) Photographs of turnout 11.6 structure;

28 (12) Photographs of structures at the center of the Property; and

(13) Photographs of concrete structures on the Property.

**Witness: Knowledgeable employee of the Antelope Valley-East Kern Water Agency,
likely Dwayne Chisam**

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(14) A January 24, 2013 letter from Dwayne Chisam, AVEK to Katrina Gonzales, Bartkiewicz, Kronick & Shanahan regarding 2000-2004 monthly AVEK deliveries to the Property.

Witness: Vera H. Nelson, P.E.

(15) Ms. Nelson's resume;

(16) Erler & Kalinowksi, Inc., *Expert Report on Water Use at the Copa de Oro Property, Kern County, California*;

(17) Erler & Kalinowski, Inc., *Supplement to Expert Report on Water Use at the Copa de Oro Property, Kern County, California: Monthly AVEK Deliveries Data*; and

(18) LANDSATLook satellite images of the Property from August 11, 2002, August 27, 2002, September 12, 2002 and September 28, 2002

Pursuant to the Court's May 20, 2013 Fifth Amended Case Management Order, Copa de Oro further reserves the right to present any legal arguments to support its claimed water rights, including, without limitation, arguments based on any applicable constitutional, statutory or decisional authority.

Dated: May 23, 2013

Respectfully submitted,
BARTKIEWICZ, KRONICK & SHANAHAN
A Professional Corporation

By: /s/ Ryan S. Bezerra
Ryan S. Bezerra

Attorneys for Cross-Defendant Copa de Oro Land Company

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PROOF OF SERVICE

I, Terry Olson, declare as follows:

I am a citizen of the United States and a resident of Sacramento County. I am over the age of 18, not a party to this action and am employed at Bartkiewicz, Kronick & Shanahan, 1011 Twenty-Second Street, Sacramento, California 95816. On May 23, 2013, I served, in the manner described below, the following document:

COPA DE ORO LAND COMPANY’S AMENDED NOTICE OF INTENT TO PARTICIPATE IN PHASE IV TRIAL

I posted this document to the Court’s World Wide Website located at www.scefiling.org.

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

Executed at Sacramento, California on May 23, 2013.

Terry Olson