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7

Exempt from Filing Fee Pursuant to  
Government Code Section 6103

8  
9 (See Additional Counsel of Record Attached)

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 COUNTY OF LOS ANGELES

12 Coordination Proceeding

Judicial Council Coordination Proceeding  
No.4408

13 **ANTELOPE VALLEY**  
14 **GROUNDWATER CASES**

The Honorable Jack Komar  
Santa Clara Case No. 1-05-CV-049053

15 Los Angeles County Waterworks District  
No. 40 v. Diamond Farming Co.

**JOINT OBJECTION TO PUBLIC WATER  
SUPPLIER'S [PROPOSED] CASE  
MANAGEMENT ORDER ON PHASE V  
TRIAL**

16 Los Angeles County Waterworks District  
17 No. 40 v. Diamond Farming Co.

18 Wm. Bolthouse Farms, Inc. v. City of  
Lancaster

Riverside County Superior Court  
Lead Case No. RIC 344436  
Case No. RIC 344668  
Case No. RIC 353840

19 Diamond Farming Co. v. City of  
20 Lancaster

Los Angeles Superior Court  
Case No. BC 325201

21 Diamond Farming Co. v. Palmdale Water  
District  
22

Kern County Superior Court  
Case No. S-1500-CV-254348

Date: September 6, 2013

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COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY NOS. 14 AND 20

1           The State of California, the Santa Monica Mountains Conservancy, State of California 50th  
2 District Agricultural Association (collectively, “State of California”), the City of Los Angeles, by  
3 and through its Department of Airports, Los Angeles World Airports (“LAWA”), the County  
4 Sanitation Districts of Los Angeles County Nos. 14 and 20, and Antelope Valley-East Kern  
5 Water Agency (“AVEK”), object to the following italicized language contained in the Public  
6 Water Suppliers proposed Case Management Order on Phase V Trial Issues:

7           1.     “On or before August 8, 2013, the parties commonly known as the ‘Public Water Suppliers’  
8 will provide a statement relating to their water rights claims including prescriptive rights claims,  
9 *which claims, if proven, will be charged against the Basin as a whole.*”

10           The italicized language is ambiguous and, also, misstates the Court’s comments and  
11 directions. It is unnecessary and should therefore be deleted. The Public Overlyers suggest that  
12 any Case Management Order provide: “On or before August 8, 2013, each individual Public  
13 Water Supplier shall provide a statement describing its claim of water rights including, but not  
14 limited to prescriptive right claims. The Public Water Supplier’s statement shall include, but not  
15 be limited to, the information described in the “Statement of Public Water Supplier Claims” filed  
16 by Palmdale Water District in its letter dated August 8, 2013, attached as Exhibit A to this  
17 Order.” (For the convenience of the Court, Exhibit A is attached hereto.)


18           2.     “On or before August 16, 2012, parties may submit briefs on whether jury trial rights apply  
19 to the next phase of trial *determining parties’ claims to water including federal reserve rights,  
20 overlying rights, appropriative rights, prescriptive rights, priority claims to return flows, and  
21 other municipal and domestic priority of claims.*”

22           The italicized language states the Public Water Suppliers’ preference that the Phase V trial  
23 include a comprehensive determination of ALL remaining water rights issues. The Court did not  
24 indicate or direct, however, that the Phase V trial will determine all of the issues and matters set  
25 forth in the Public Water Suppliers’ italicized language quoted above. Accordingly, the italicized  
26 language should be deleted.

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Dated: August 8, 2013

BRUNICK, McELHANEY & KENNEDY

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MONICA MOUNTAINS CONSERVANCY, AND  
STATE OF CALIFORNIA 50TH DISTRICT  
AGRICULTURAL ASSOCIATION


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Dated: August 8, 2013

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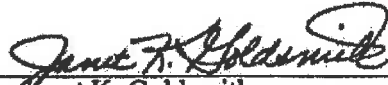
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Christopher Sanders  
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SANITATION DISTRICTS NOS. 14 AND 20

# EXHIBIT A



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*Established 1908*

August 8, 2013

Via posting to court web site

All counsel in the Antelope Valley Groundwater cases

Re: Information to be provided by public water suppliers

Dear Counsel:

Pursuant to the court's order at the last case management conference, attached is the list of information to be provided by the public water suppliers.

Very truly yours,

Thomas S. Bunn III

TSB



### Statement of Public Water Supplier Claims

1. Total amount of your groundwater production from 1946 to 2012, by year.
2. The amount of imported water you purchased, by year.
3. The amount of return flows generated from the imported water, by year.
4. The amount of your total groundwater production that is adverse, by year.
5. The date when your prescriptive rights ceased to accrue.
6. The prescriptive period.
7. The effect of the filing of Diamond Farming's and Bolthouse's original lawsuits on your prescriptive rights.
8. The total amount of prescriptive rights you claim (without regard to self-help), and the basis for calculation.
9. Against what parties you claim prescriptive rights.
10. Any non-prescriptive rights you claim.

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**PROOF OF SERVICE**

**STATE OF CALIFORNIA }  
COUNTY OF SAN BERNARDINO }**

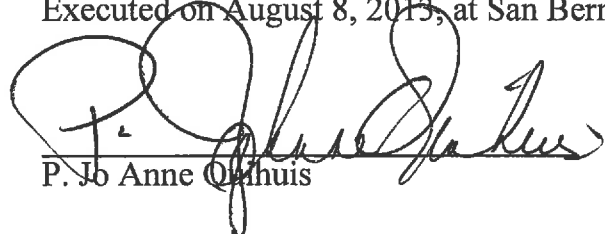
I am employed in the County of the San Bernardino, State of California. I am over the age of 18 and not a party to the within action; my business address is 1839 Commercenter West, San Bernardino, California 92408-3303.

On August 8, 2013, I served the foregoing document(s) described as: **JOINT OBJECTION TO PUBLIC WATER SUPPLIER'S [PROPOSED] CASE MANAGEMENT ORDER ON PHASE V TRIAL** on the interested parties in this action served in the following manner:

■ **BY ELECTRONIC SERVICE AS FOLLOWS** by posting the document(s) listed above to the Santa Clara website in the action of the *Antelope Valley Groundwater Litigation*, Judicial Council Coordination Proceeding No. 4408, Santa Clara Case No. 1-05-CV-049053.

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

Executed on August 8, 2013, at San Bernardino, California.

  
P. Jo Anne Ouhuis