

# **Exhibit 6**

BROWNSTEIN HYATT FARBER SCHRECK, LLP  
21 East Carrillo Street  
Santa Barbara, CA 93101

1 **MICHAEL T. FIFE (State Bar No. 203025)**  
2 **BRADLEY J. HERREMA (State Bar No. 228976)**  
3 **BROWNSTEIN HYATT FARBER SCHRECK, LLP**  
4 **21 East Carrillo Street**  
5 **Santa Barbara, California 93101**  
6 **Telephone No: (805) 963-7000**  
7 **Facsimile No: (805) 965-4333**

8 **Attorneys for:** B.J. Calandri, John Calandri, John Calandri as Trustee of the John and B.J. Calandri  
9 2001 Trust, Forrest G. Godde, Forrest G. Godde as Trustee of the Forrest G. Godde Trust, Lawrence  
10 A. Godde, Lawrence A. Godde and Godde Trust, Kootenai Properties, Inc., Gailen Kyle, Gailen  
11 Kyle as Trustee of the Kyle Trust, James W. Kyle, James W. Kyle as Trustee of the Kyle Family  
12 Trust, Julia Kyle, Wanda E. Kyle, Eugene B. Nebeker, R and M Ranch, Inc., **Edgar C. Ritter Paula**  
13 **E. Ritter, Paula E. Ritter as Trustee of the Ritter Family Trust**, Trust, Hines Family Trust , Malloy  
14 Family Partners, Consolidated Rock Products, Calmat Land Company, Marygrace H. Santoro as  
15 Trustee for the Marygrace H. Santoro Rev Trust, Marygrace H. Santoro, Helen Stathatos, Savas  
16 Stathatos, Savas Stathatos as Trustee for the Stathatos Family Trust, Dennis L. & Marjorie E.  
17 Groven Trust, Scott S. & Kay B. Harter, Habod Javadi, Eugene V., Beverly A., & Paul S. Kindig,  
18 Paul S. & Sharon R. Kindig, Jose Maritoren Living Trust, Richard H. Miner, Jeffrey L. & Nancee J.  
19 Siebert, Barry S. Munz, Terry A. Munz and Kathleen M. Munz, Beverly Tobias, Leo L. Simi, White  
20 Fence Farms Mutual Water Co. No. 3., William R. Barnes & Eldora M. Barnes Family Trust of  
21 1989, Del Sur Ranch, LLC, Healy Enterprises, Inc., John and Adrienne Reca, Sahara Nursery, Sal  
22 and Connie L. Cardile, Gene T. Bahlman, **collectively known as the Antelope Valley Ground**  
23 **Water Agreement Association ("AGWA")**

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
16 **FOR THE COUNTY OF SANTA CLARA**

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

19 **Included Actions:**

20 Los Angeles County Waterworks District No.  
21 40 v. Diamond Farming Co. Superior Court of  
22 California County of Los Angeles, Case No. BC  
23 325 201 Los Angeles County Waterworks  
24 District No. 40 v. Diamond Farming Co.  
25 Superior Court of California, County of Kern,  
26 Case No. S-1500-CV-254-348Wm. Bolthouse  
27 Farms, Inc. v. City of Lancaster Diamond  
28 Farming Co. v. City of Lancaster Diamond  
Farming Co. v. Palmdale Water Dist. Superior  
Court of California, County of Riverside,  
consolidated actions, Case No. RIC 353 840,  
RIC 344 436, RIC 344 668

Judicial Council Coordination Proceeding  
No. 4408

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

**ANTELOPE VALLEY GROUNDWATER  
AGREEMENT ASSOCIATION'S NOTICE  
OF INTENTION TO PARTICIPATE IN  
PHASE 2 TRIAL**

**Date: October 6, 2008**  
**Time: 9:00 am**  
**Dept: 1**

BROWNSTEIN HYATT FARBER SCHRECK, LLP  
21 East Carrillo Street  
Santa Barbara, CA 93101


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**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD HEREIN:**

PLEASE TAKE NOTICE that the Antelope Valley Groundwater Agreement Association (AGWA) will participate in the Phase 2 Trial in the above-entitled matter in all respects.

Dated: September 10, 2008

BROWNSTEIN HYATT FARBER  
SCHRECK, LLP

By:   
MICHAEL T. FIFE  
BRADLEY J. HERREMA  
ATTORNEYS FOR AGWA

BROWNSTEIN HYATT FARBER SCHRECK, LLP  
21 East Carrillo Street  
Santa Barbara, CA 93101

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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 September 10 2008, I served the foregoing document described as:

**ANTELOPE VALLEY GROUNDWATER AGREEMENT ASSOCIATION'S NOTICE  
OF INTENTION TO PARTICIPATE IN PHASE 2 TRIAL**

on the interested parties in this action.

By posting it on the website at 4:00 p.m./a.m. on September 10, 2008. 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 September 10, 2008.

Rachel Robleso  
TYPE OR PRINT NAME

Rachel Robleso  
SIGNATURE

# **Exhibit 7**

1 **MICHAEL T. FIFE (State Bar No. 203025)**  
2 **BRADLEY J. HERREMA (State Bar No. 228976)**  
3 **BROWNSTEIN HYATT FARBER SCHRECK, LLP**  
4 **21 East Carrillo Street**  
5 **Santa Barbara, California 93101**  
6 **Telephone No: (805) 963-7000**  
7 **Facsimile No: (805) 965-4333**

8 **Attorneys for:** Gene T. Bahlman, William and Julie Barnes, William R. Barnes & Eldora M. Barnes  
9 Family Trust of 1989, Thomas M. Bookman, B.J. Calandri, John Calandri, John Calandri as Trustee  
10 of the John and B.J. Calandri 2001 Trust, Son Rise Farms, Calmat Land Company, Sal and Connie  
11 L. Cardile, Efren and Luz Chavez, Consolidated Rock Products, Del Sur Ranch LLC, Steven Godde  
12 as Trustee of the Forrest G. Godde Trust, Lawrence A. Godde, Lawrence A. Godde and Godde  
13 Trust, Robert and Phillip Gorrindo, Gorrindo Family Trust, Laura Griffin, Healy Farms, Healy  
14 Enterprises, Inc., Habod Javadi, Juniper Hills Water Group, Eugene V., Beverly A., & Paul S.  
15 Kindig, Paul S. & Sharon R. Kindig, Kootenai Properties, Inc., Gailen Kyle, Gailen Kyle as Trustee  
16 of the Kyle Trust, James W. Kyle, James W. Kyle as Trustee of the Kyle Family Trust, Julia Kyle,  
17 Wanda E. Kyle, Maritorena Living Trust, Jose and Marie Maritorena, Richard H. Miner, Barry S.  
18 Munz, Terry A. Munz and Kathleen M. Munz, Eugene B. Nebeker, R and M Ranch, Inc., Richard  
19 and Michael Nelson, Robert Jones, John and Adrienne Reca, **Edgar C. Ritter, Paula E. Ritter, Paula**  
20 **E. Ritter as Trustee of the Ritter Family Trust,** Sahara Nursery, Mabel Selak, Jeffrey L. & Nancee J.  
21 Siebert, Dr. Samuel Kremen, Tierra Bonita Ranch Company, Beverly Tobias, Triple M Property  
22 FKA and 3M Property Investment Co., Vulcan Materials Co. and Vulcan Lands Inc., Willow  
23 Springs Company, Donna and Nina Wilson, Ramin Zomorodi, Genz Development and Castle Ranch  
24 Estate, **collectively known as the Antelope Valley Groundwater Agreement Association**  
25 **(“AGWA”)**

16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

17 **FOR THE COUNTY OF LOS ANGELES**

18 **ANTELOPE VALLEY** )  
19 **GROUNDWATER CASES** ) Judicial Council Coordination Proceeding  
20 ) No. 4408

21 Included Actions: )  
22 ) **Santa Clara Case No. 1-05-CV-049053**  
23 ) Assigned to The Honorable Jack Komar

24 Los Angeles County Waterworks District No. )  
25 40 v. Diamond Farming Co. Superior Court of )  
26 California County of Los Angeles, Case No. BC ) **AGWA’s NOTICE OF INTENT TO**  
27 325 201 Los Angeles County Waterworks ) **PARTICIPATE IN PHASE 4 TRIAL**  
28 District No. 40 v. Diamond Farming Co. )  
Superior Court of California, County of Kern, )  
Case No. S-1500-CV-254-348 Wm. Bolthouse )  
Farms, Inc. v. City of Lancaster Diamond )  
Farming Co. v. City of Lancaster Diamond )  
Farming Co. v. Palmdale Water Dist. Superior )  
Court of California, County of Riverside, )  
consolidated actions, Case No. RIC 353 840, )  
RIC 344 436, RIC 344 668 )

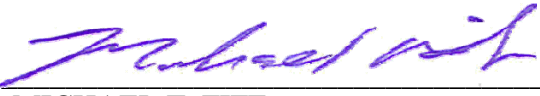
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**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD HEREIN:**

**PLEASE TAKE NOTICE** that the Antelope Valley Groundwater Agreement Association (“AGWA”) will participate in the Phase 4 Trial in all respects.

Dated: December 14, 2012

BROWNSTEIN HYATT FARBER SCHRECK, LLP

By: 

MICHAEL T. FIFE  
BRADLEY J. HERREMA  
ATTORNEYS FOR AGWA

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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 December 14, 2012, I served the foregoing document described as:

**AGWA's NOTICE OF INTENT TO PARTICIPATE IN PHASE 4 TRIAL**

on the interested parties in this action.

By posting it on the website by 5:00 p.m. on December 14, 2012.

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 December 14, 2012.

           LINDA MINKY  
TYPE OR PRINT NAME

  
SIGNATURE



# **Exhibit 8**

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8 SUPERIOR COURT OF CALIFORNIA  
9 COUNTY OF LOS ANGELES  
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11 **ANTELOPE VALLEY GROUNDWATER**  
12 **CASES**

13 Included Consolidated Actions:

14 Los Angeles County Waterworks District No.  
15 40 v. Diamond Farming Co.  
16 Superior Court of California  
17 County of Los Angeles, Case No. BC 325 201

18 Los Angeles County Waterworks District No.  
19 40 v. Diamond Farming Co.  
20 Superior Court of California, County of Kern,  
21 Case No. S-1500-CV-254-348

22 Wm. Bolthouse Farms, Inc. v. City of Lancaster  
23 Diamond Farming Co. v. City of Lancaster  
24 Diamond Farming Co. v. Palmdale Water Dist.  
25 Superior Court of California, County of  
26 Riverside, consolidated actions, Case Nos.  
27 RIC 353 840, RIC 344 436, RIC 344 668

28 Rebecca Lee Willis v. Los Angeles County  
Waterworks District No. 40  
Superior Court of California, County of Los  
Angeles, Case No. BC 364 553

Judicial Council Coordination  
Proceeding No. 4408

Lead Case No. BC 325 201

**DISCOVERY ORDER FOR PHASE  
4 TRIAL**

Hearing Date(s): December 11, 2012  
Time: 9:00 a.m.  
Location: Department 1  
Santa Clara County  
Superior Court

Judge: Honorable Jack Komar

1 Richard A. Wood v. Los Angeles County  
2 Waterworks District No. 40  
3 Superior Court of California, County of Los  
4 Angeles, Case No. BC 391 869

5 All parties claiming ground water pumping rights in the Antelope Valley Adjudication  
6 Area, excepting the members of the Wood Class, are hereby ordered to provide the following  
7 information and materials on or before December 21, 2012, by posting the same to the Court's  
8 website ([www.scefilings.org](http://www.scefilings.org)) for this matter.

9  
10 **I. FOR ALL PARTIES CLAIMING AN OVERLYING GROUNDWATER RIGHT,**  
11 **INCLUDING PUBLIC WATER AND OTHER PRODUCERS WHO ALSO CLAIM A**  
12 **PRESCRIPTIVE RIGHT UNDER CATEGORY II BELOW**

13 1. For each parcel of real property the responding party owns or occupies or  
14 otherwise controls in the Antelope Valley Adjudication Area, please state with particularity the  
15 following information:

16 (A) The Kern County Treasurer Tax Collector's "Assessor Tax Number" or the Los  
17 Angeles County Office of the Assessor "Assessor's Identification Number" of the parcel. If the  
18 identifying parcel number has changed since 1999, please state both the current and previous  
19 number and the date the new identifying parcel number was assigned.

20 (B) All record title owners of the parcel from 2000 to the present.

21 (C) Whether a groundwater well existed on the parcel in any or all of calendar years  
22 2000, 2001, 2002, 2003, 2004, 2011 or 2012.

23 (D) Whether a groundwater well was operated on the parcel in any or all of calendar  
24 years 2000, 2001, 2002, 2003, 2004, 2011 or 2012.

25 (E) The amount of groundwater produced from the parcel for calendar years 2000,  
26 2001, 2002, 2003, 2004, 2011, and/or 2012.

27 (F) The use(s) to which the groundwater produced from the parcel was put on said  
28

1 parcel in any or all of calendar years 2000, 2001, 2002, 2003, 2004, 2011, or 2012.

2 (G) If groundwater produced from another parcel was used on the parcel during any or  
3 all calendar years 2000, 2001, 2002, 2003, 2004, 2011, or 2012, please state the Kern County  
4 Treasurer Tax Collector's "Assessor Tax Number" or the Los Angeles County Office of the  
5 Assessor "Assessor's Identification Number" of the parcel(s) from which the subject  
6 groundwater was produced and identify the owner thereof.

7 (H) The use(s) to which the parcel was put during each of calendar years 2011, and  
8 2012.

9 (I) The crop type, if any, grown on the parcel during each of the calendar years 2000,  
10 2001, 2002, 2003, 2004, 2011, and 2012.

11 (J) If the responding party contends the parcel has groundwater rights based upon  
12 something other than groundwater production or use, please state the amount of that claim for  
13 each of the calendar years 2000, 2001, 2002, 2003, 2004, 2011, and 2012, and its legal and  
14 factual basis therefor.

15 (K) State the amount of water rights claimed as the reasonable and beneficial use for  
16 each such parcel.

17 (K) At the responding party's election any other facts that the responding party  
18 contends will assist the Court in determining the amount of groundwater produced from each  
19 parcel of land owned or controlled by the responding party in any or all calendar years 2000,  
20 2001, 2002, 2003, 2004, 2011 and 2012.

21 2. For each parcel of real property the responding party owned in the Antelope  
22 Valley Adjudication Area during calendar years 2000, 2001, 2002, 2003, 2004, 2011 or 2012,  
23 please state with particularity the following information:  
24

25 (A) Whether the responding party leased any or all of the parcel.

26 (B) The name of the lessee.

27 (C) If the parcel was leased, the Kern County Treasurer Tax Collector's "Assessor Tax  
28 Number" or the Los Angeles County Office of the Assessor "Assessor's Identification

1 Number” of the parcel. If the identifying parcel number has changed since 1999, please state  
2 both the current and previous number and the date the new identifying parcel number was  
3 assigned.

4 (D) How, if at all, the lease or other written agreement allocated credits for the  
5 groundwater produced by the lessee.

6 (E) How much, if any, groundwater was produced by the lessee and delivered to  
7 another parcel. If so, the Kern County Treasurer Tax Collector’s “Assessor Tax Number” or  
8 the Los Angeles County Office of the Assessor “Assessor’s Identification Number” of the  
9 parcel for the year(s) in which such groundwater was produced and delivered.

10 (F) If known, the use(s) to which groundwater was put on the leased parcel for calendar  
11 years 2011 and 2012.

12 3. For all parcels of land identified in response to Request No. 1 above, please state  
13 with particularity the following information:

14 (A) All materials constituting the responding party’s *prima facie* showing of the  
15 amount of groundwater produced from each parcel of land owned or controlled by the  
16 responding party in calendar years 2000, 2001, 2002, 2003, 2004, 2011 and 2012.

17 (B) All materials constituting the responding party’s *prima facie* showing of the use(s)  
18 to which the responding party put each parcel of land controlled by the responding party in  
19 calendar years 2011 and 2012.

20 (C) At the responding party’s election, any additional materials that will assist the  
21 Court in determining the amount of groundwater produced from each parcel of land by the  
22 responding party in any or all calendar years 2000, 2001, 2002, 2003, 2004, 2011 and 2012.

23 ///

24 ///

25  
26 **II. FOR ALL PARTIES CLAIMING A NON-OVERLYING RIGHT, INCLUDING**  
27 **APPROPRIATIVE, PRESCRIPTIVE OR OTHERWISE**

28 1. Please state with particularity the following information:

1 (A) The amount of groundwater the responding party produced in each of the calendar  
2 years 2000, 2001, 2002, 2003, 2004, 2011, and 2012 over and above any water claimed to have  
3 been pumped as an overlying owner.

4 (B) The Kern County Treasurer Tax Collector's "Assessor Tax Number" or the Los  
5 Angeles County Office of the Assessor "Assessor's Identification Number" of the parcel(s)  
6 from which the subject groundwater was produced and identify the owner thereof. If the  
7 identifying parcel number has changed since 1999, please state both the current and previous  
8 number and the date the new identifying parcel number was assigned.

9 (C) The well identification number(s) for each well that the responding party used to  
10 produce groundwater in each of calendar years 2000, 2001, 2002, 2003, 2004, 2011 and 2012.

11 (D) The amount of groundwater produced from each well identified on the responding  
12 party's parcels in calendar years 2000, 2001, 2002, 2003, 2004, 2011 and 2012.

13 (E) The methodology used in determining the amount of groundwater produced on the  
14 responding party's parcels in each of calendar years 2000, 2001, 2002, 2003, 2004, 2011 and  
15 2012, e.g. pump tests, meter records).

16 (F) For all groundwater pumping in each of the calendar years 2000, 2001, 2002, 2003,  
17 2004, 2011 and 2012 for parcels in Los Angeles County, copies of notices of groundwater  
18 extraction filed with the State Water Resources Control Board pursuant to Water Code section  
19 4999 et seq. for each year filed.

20 (G) State whether the groundwater produced during the identified years was used for  
21 any purpose other than municipal supply. If so, state the use(s) to which such water was put in  
22 each of the calendar years 2000, 2001, 2002, 2003, 2004, 2011, and 2012.

23 (H) The amount of groundwater produced that was used for outdoor irrigation.

24  
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26 **III. FOR ALL PARTIES CLAIMING RETURN FLOW CREDITS**

27 1. Please state with particularity the following information:

28 (A) The amount of the responding party's groundwater pumping that constitutes the

1 production of return flows from **water imported** into the Basin.

2 (B) The amount of return flows from **imported water** the responding party claims to  
3 have had a right to pump for each of calendar years 2000, 2001, 2002, 2003, 2004, 2011 and  
4 2012.

5 (C) The methodology used for determining the amount of return flows from **imported**  
6 **water** the responding party claims to have had a right to pump for each of calendar years 2000,  
7 2001, 2002, 2003, 2004, 2011 and 2012.

8 (D) The total amount of **water imported** by the responding party in each of calendar  
9 years 2000, 2001, 2002, 2003, 2004, 2011 and 2012.

10 (E) Water quality information and water constituents for any and all **imported water**  
11 for which the responding party claims a right in each of calendar years 2000, 2001, 2002, 2003,  
12 2004, 2011 and 2012.

13 (F) Identify the use(s) to which **imported water** was(were) put in each of calendar  
14 years 2000, 2001, 2002, 2003, 2004, 2011 and 2012.

15 (G) The date(s) on which any and all **imported water** was imported to the Basin in  
16 each of calendar years 2000, 2001, 2002, 2003, 2004, 2011 and 2012.

17 (H) The geological conditions below the parcels for which the responding party claims  
18 return flow credits/rights from **imported water** in each of calendar years 2000, 2001, 2002,  
19 2003, 2004, 2011 and 2012.

20 (I) The distance to the groundwater aquifer from the point any and all claimed  
21 **imported water** was deposited and the soil types under the deposition point.

22 (J) The amount of time the responding party contends the claimed return flows took to  
23 reach the groundwater aquifer from the time of importation to the Antelope Valley.

24 (K) Any physical evidence in the responding party's custody, control or possession that  
25 return flows augmented the Basin. If such information is in the possession of others, and not  
26 produced by the responding party, please provide the contact information of such party.  
27

28 (L) The geographic location(s) claimed by the responding party that return flows enter

1 the groundwater aquifer.

2 (M) The portion, if any, that the responding party's claimed return flows water entered  
3 a municipal sewer system.

4 (N) The geographic location(s) that municipal wastewater from local public wastewater  
5 systems augment the Basin?  
6

7 **IV. FOR THE FEDERAL PARTIES**  
8

9 1. The United States shall produce a statement on its claims to water based on federal  
10 law consistent with security concerns.

11 A. The amount of its claimed Federal Reserved Right in acre feet of water per year.

12 B. A statement containing the legal theory upon which its claims to federal reserved water  
13 rights are based, including citations of pertinent legal or case authorities and Congressional  
14 acts.

15 C. The factual basis for its claim including a reference to pertinent reservation documents.

16 D. For lands within Edwards Air Force Base and Air Force Plant 42 that were purchased or  
17 otherwise acquired from non-federal sources, the United States will provide detailed  
18 information on the acquisitions.

19 E. A statement on the quantity of water reserved necessary to satisfy the purpose(s) of the  
20 reservation.

21 F. Whether the claimed reservation of groundwater by the Federal Government is expressed or  
22 implied.

23 G. The identity of all lands set aside for the reservation by the Federal Government, including  
24 the Kern County Treasurer Tax Collector's "Assessor Tax Number" or the Los Angeles County  
25 Office of the Assessor "Assessor's Identification Number" of the parcel(s).

26 H. Whether the Federal Government claims any portion of Edwards Air Force Base is an  
27 original reservation of land that never entered the public domain. If so, describe such  
28 portion(s) and why it (they) never entered the public domain.



1 I. Please provide specific acquisitions of property and the dates of such acquisitions.

2 J. The amount of surplus groundwater, if any, the Federal Government contends remained in  
3 the ANTELOPE VALLEY ADJUDICATION AREA at the time of the reservations of land by  
4 the Federal Government for Edwards Air Force Base and the factual basis for such claim.

5 L. The amount of ground water used on he reserved lands in each of calendar years 2000,  
6 2001, 2002, 2003, 2004, 2011 and 2012.

7 M. The amount of groundwater used on Edwards Air Force Base that are not part of the  
8 reserved lands in each of calendar years 2000, 2001, 2002, 2003, 2004, 2011 and 2012.

9 N. The amount of groundwater used to irrigate and operate Muroc Lake Golf Course in each of  
10 calendar years 2000, 2001, 2002, 2003, 2004, 2011 and 2012.


11 O. The amount of water used on Edwards Air Force Base by all persons and entities other than  
12 the Federal Government in each of calendar years 2000, 2001, 2002, 2003, 2004, 2011 and  
13 2012.  
14

15  
16 **V. FOR ALL RESPONDING PARTIES**

17  
18 1. For each of the items above, please identify the person(s) most qualified to  
19 testify on its behalf to the facts alleged and materials produced.

20 8. The responding party's responses must be accompanied by an executed  
21 verification by an individual authorized to do so.  
22

23  
24 Dated: DEC 12 2012

  
25 Hon. Jack Komar  
26 Judge of the Superior Court  
27  
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# **Exhibit 9**

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

Coordination Proceeding  
Special Title (Rule 1550(b))

ANTELOPE VALLEY GROUNDWATER  
CASES

Judicial Council Coordination  
Proceeding No. 4408

Lead Case No.: BC 325201

**[proposed] FIRST AMENDMENT TO  
CASE MANAGEMENT ORDER FOR  
PHASE FOUR TRIAL**

1 IT IS HEREBY ORDERED:

2 The Case Management Order For Phase 4 Trial (the "CMO"), dated December 12,  
3 2012, is hereby amended as set forth below.

4 1. Paragraph 2 of the CMO is amended to read as follows:

5 The Phase 4 trial will address the issue of the current groundwater  
6 production (or alternative nontributary waters in lieu thereof) of all parties, proof  
7 of claimed reasonable and beneficial use of the water for each parcel to be  
8 adjudicated, and the claimed return flows from imported water, for the calendar  
9 year 2011 and January 1 through November 30, 2012. Parties that wish to  
10 produce evidence during the years of 2000 through 2012 may do so if they timely  
11 produce such evidence in discovery. Trial of the parties' claimed reasonable and  
12 beneficial uses of water will include the amount of water used by each party and  
13 the identification of the beneficial use to which that amount was applied, but will  
14 not include any determination as to the reasonableness of that type of use, of the  
15 manner in which the party applied water to that use, or any determination of a  
16 water right. The trial will also address federal reserved rights. Claims of  
17 prescription will be tried following the decision in Phase Four.

18  
19 2. The Court sets the following schedule for the Phase Four trial and pretrial dates:

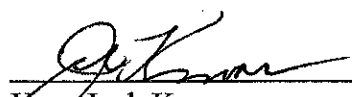
20	<b>DATE</b>	<b>EVENT</b>
21	1/31/2013	Declarations of parties for potential stipulations to be filed and served
22		
23	2/8/2013	Tejon Ranch's deadline for filing and serving of declaration(s) for potential stipulations
24		
25	2/15/2013	Deposition Coordination meet & confer, 9 a.m. (telephonic)
26	2/15/2013	Status conference, 1:30 p.m. (telephonic)
27	2/15/2013	Supplemental expert disclosure
28	2/22/2013	Resume depositions of percipient and expert witnesses

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<b>DATE</b>	<b>EVENT</b>
2/28/2013	Stipulations or objections to declarations of the parties be filed and served
3/15/2013	Order to Show Cause re: approval of stipulations of the parties on evidence relevant to the Phase Four Trial
3/29/2013	Motion(s) in limine re: federal reserved rights and/or return flows to be filed and served
4/19/2013	Oppositions to Motion(s) in limine re: federal reserved rights and/or return flows to be filed and served
4/26/2013	Discovery cutoff date
5/1/2013	Liaison Committee to divide exhibit numbers
5/3/2013	Reply brief in support of motion(s) in limine re: federal reserved rights and/or return flows to be filed and served
5/13/2013	Opening trial briefs to be filed and served
5/13/2013	Hearing on motion(s) in limine re: federal reserved rights and/or return flows
5/14/2013	Witness and exhibit lists to be filed and served
5/15/2013	Motions in limine to be filed and served
5/21/2013	Responsive trial briefs to be filed and served
5/21/2013	Opposition to motions in limine to be filed and served
5/22/2013	Submission of trial exhibits to Court
5/28/2013	<b>TRIAL</b>

All other portions of the CMO remain unchanged.

DATED: 1-17-2013

  
\_\_\_\_\_  
Hon. Jack Komar  
Judge of the Superior Court

## **Exhibit 10**

1 MICHAEL T. FIFE (State Bar No. 203025)  
2 BRADLEY J. HERREMA (State Bar No. 228976)  
3 BROWNSTEIN HYATT FARBER SCHRECK, LLP  
4 21 East Carrillo Street  
5 Santa Barbara, California 93101  
6 Telephone No: (805) 963-7000  
7 Facsimile No: (805) 965-4333

8 **Attorneys for:** Gene T. Bahlman, William Barnes, William R. Barnes & Eldora M. Barnes Family  
9 Trust of 1989, Thomas M. Bookman, B.J. Calandri, John Calandri, John Calandri as Trustee of the  
10 John and B.J. Calandri 2001 Trust, Son Rise Farms, Calmat Land Company, Sal and Connie L.  
11 Cardile, Efren and Luz Chavez, Consolidated Rock Products, Del Sur Ranch LLC, Steven Godde as  
12 Trustee of the Forrest G. Godde Trust, Lawrence A. Godde, Lawrence A. Godde and Godde Trust,  
13 Robert and Phillip Gorrindo, Gorrindo Family Trust, Laura Griffin, Healy Farms, Healy Enterprises,  
14 Inc., John Javadi and Sahara Nursery, Juniper Hills Water Group, Gailen Kyle, Gailen Kyle as  
15 Trustee of the Kyle Trust, James W. Kyle, James W. Kyle as Trustee of the Kyle Family Trust, Julia  
16 Kyle, Wanda E. Kyle, Maritorena Living Trust, Jose and Marie Maritorena, Richard H. Miner, Barry  
17 S. Munz, Terry A. Munz and Kathleen M. Munz, Eugene B. Nebeker, R and M Ranch, Inc., Richard  
18 and Michael Nelson, Robert Jones, John and Adrienne Reza, Mabel Selak, Jeffrey L. & Nancee J.  
19 Siebert, Dr. Samuel Kremen and Tierra Bonita Ranch Company, Beverly Tobias, Triple M Property  
20 FKA and 3M Property Investment Co., Vulcan Materials Co. and Vulcan Lands Inc., Willow  
21 Springs Company, Donna Wilson

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA

13 FOR THE COUNTY OF LOS ANGELES

14 ANTELOPE VALLEY  
15 GROUNDWATER CASES

Judicial Council Coordination Proceeding  
No. 4408

16 Included Actions:

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

17 Los Angeles County Waterworks District No.  
18 40 v. Diamond Farming Co. Superior Court of  
19 California County of Los Angeles, Case No. BC  
20 325 201 Los Angeles County Waterworks  
21 District No. 40 v. Diamond Farming Co.  
22 Superior Court of California, County of Kern,  
23 Case No. S-1500-CV-254-348 Wm. Bolthouse  
24 Farms, Inc. v. City of Lancaster Diamond  
25 Farming Co. v. City of Lancaster Diamond  
26 Farming Co. v. Palmdale Water Dist. Superior  
27 Court of California, County of Riverside,  
28 consolidated actions, Case No. RIC 353 840,  
RIC 344 436, RIC 344 668

NOTICE OF EX PARTE APPLICATION  
AND EX PARTE APPLICATION FOR  
APPROVAL OF STIPULATION;  
DECLARATION OF RYAN C. DRAKE;  
STIPULATION OF FACTS FOR TRIAL  
PURSUANT TO CASE MANAGEMENT  
ORDER FOR PHASE IV TRIAL

Date: March 25, 2013  
Time: 9:00 a.m.  
Dept: 1

1                    **NOTICE OF EX PARTE APPLICATION FOR APPROVAL OF STIPULATIONS**

2                    TO THE PARTIES AND THEIR ATTORNEYS OF RECORD:

3                    PLEASE TAKE NOTICE that, on March 25, 2013, at 9 a.m. or as soon thereafter as the  
4 matter may be heard, in Department 1 of the Los Angeles County Superior Court, located at 111  
5 North Hill Street, Los Angeles, California 90012, Gene T. Bahlman, William Barnes, William R.  
6 Barnes & Eldora M. Barnes Family Trust of 1989, Thomas M. Bookman, B.J. Calandri, John  
7 Calandri, John Calandri as Trustee of the John and B.J. Calandri 2001 Trust, Son Rise Farms,  
8 Calmat Land Company, Sal and Connie L. Cardile, Efren and Luz Chavez, Consolidated Rock  
9 Products, Del Sur Ranch LLC, Steven Godde as Trustee of the Forrest G. Godde Trust, Lawrence  
10 A. Godde, Lawrence A. Godde and Godde Trust, Robert and Phillip Gorrindo, Gorrindo Family  
11 Trust, Laura Griffin, Healy Farms, Healy Enterprises, Inc., John Javadi and Sahara Nursery,  
12 Juniper Hills Water Group, Gailen Kyle, Gailen Kyle as Trustee of the Kyle Trust, James W.  
13 Kyle, James W. Kyle as Trustee of the Kyle Family Trust, Julia Kyle, Wanda E. Kyle, Maritorena  
14 Living Trust, Jose and Marie Maritorena, Richard H. Miner, Barry S. Munz, Terry A. Munz and  
15 Kathleen M. Munz, Eugene B. Nebeker, R and M Ranch, Inc., Richard and Michael Nelson,  
16 Robert Jones, John and Adrienne Reca, Mabel Selak, Jeffrey L. & Nancee J. Siebert, Dr. Samuel  
17 Kremen and Tierra Bonita Ranch Company, Beverly Tobias, Triple M Property FKA and 3M  
18 Property Investment Co., Vulcan Materials Co. and Vulcan Lands Inc., Willow Springs  
19 Company, and Donna Wilson (each individually a "Stipulating Party" and collectively, the  
20 "Stipulating Parties") will apply, pursuant to the Court's March 1, 2013 minute order, for an order  
21 approving the attached Stipulation of Facts For Trial Pursuant to Case Management Order for  
22 Phase IV Trial (the "Stipulation") and establishing the facts referenced in that Stipulation. The  
23 Stipulation has been executed by counsel for each Stipulating Party.

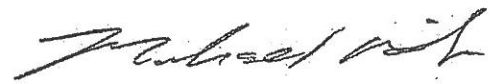
24                    The Stipulating Parties will apply to the Court pursuant to Code of Civil Procedure section  
25 128(a), California Rules of Court, rules 3.1203 and 3.1204, and pursuant to the Court's March 1,  
26 2013 Minute Order. The Stipulating Parties will apply to the Court based on the following that  
27 are submitted herewith or are posted on the Court's website: (1) this Notice of Ex Parte  
28 Application; (2) the attached Ex Parte Application; (3) the attached Declaration of Ryan C.



1 Drake; (4) the Stipulation, posted on the Court's website on March 15, 2013; (5) the documents  
2 produced by the Stipulating Parties in response to the Court's Discovery Order for this phase,  
3 posted on the Court's website December 21, 2013; (6) the Declarations posted by the Stipulating  
4 Parties on the Court's website January 31, 2013; and (7) the [Proposed] Order Approving the  
5 Stipulation of Facts for Trial Pursuant to Case Management Order for Phase IV Trial; (8) and any  
6 evidence or argument presented at the hearing on this Application.

7  
8 Dated: March 15, 2013

BROWNSTEIN HYATT FARBER SCHRECK, LLP



9  
10  
11 By: \_\_\_\_\_  
12 MICHAEL T. FIFE  
13 BRADLEY J. HERREMA  
14 ATTORNEYS FOR AGWA

BROWNSTEIN HYATT FARBER SCHRECK, LLP  
21 East Carrillo Street  
Santa Barbara, CA 93101-2706

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EX PARTE APPLICATION FOR APPROVAL OF STIPULATION

Gene T. Bahlman, William Barnes, William R. Barnes & Eldora M. Barnes Family Trust of 1989, Thomas M. Bookman, B.J. Calandri, John Calandri, John Calandri as Trustee of the John and B.J. Calandri 2001 Trust, Son Rise Farms, Calmat Land Company, Sal and Connie L. Cardile, Efren and Luz Chavez, Consolidated Rock Products, Del Sur Ranch LLC, Steven Godde as Trustee of the Forrest G. Godde Trust, Lawrence A. Godde, Lawrence A. Godde and Godde Trust, Robert and Phillip Gorrindo, Gorrindo Family Trust, Laura Griffin, Healy Farms, Healy Enterprises, Inc., John Javadi and Sahara Nursery, Juniper Hills Water Group, Gailen Kyle, Gailen Kyle as Trustee of the Kyle Trust, James W. Kyle, James W. Kyle as Trustee of the Kyle Family Trust, Julia Kyle, Wanda E. Kyle, Maritorena Living Trust, Jose and Marie Maritorena, Richard H. Miner, Barry S. Munz, Terry A. Munz and Kathleen M. Munz, Eugene B. Nebeker, R and M Ranch, Inc., Richard and Michael Nelson, Robert Jones, John and Adrienne Reca, Mabel Selak, Jeffrey L. & Nancee J. Siebert, Dr. Samuel Kremen and Tierra Bonita Ranch Company, Beverly Tobias, Triple M Property, FKA and 3M Property Investment Co., Vulcan Materials Co. and Vulcan Lands Inc., Willow Springs Company, and Donna Wilson (each individually a “Stipulating Party” and collectively, the “Stipulating Parties”) will and hereby do apply ex parte for this Court to approve and enter the attached Stipulation of Facts for Trial Pursuant to Case Management Order for Phase IV Trial (“Stipulation”) as evidence in the record of the Phase IV Trial of this matter. In these coordinated actions involving thousands of parties, the Court has exercised its discretion by establishing a procedure in which parties may present sworn declarations stating evidence that they would intend to present at trial and seek stipulations with other parties as to those facts. Upon the completion of such stipulations, the Court has authorized stipulating parties to seek the Court’s approval of those stipulations and a hearing to determine whether any other party has any basis for requiring proof of the stipulated facts at trial.

The Stipulating Parties used the Court’s procedures to present, on January 31, 2013, sworn declarations and proposed stipulations, concerning basic facts about their properties, their Assessor’s Parcel Numbers, and information on groundwater production on the properties. No party has objected to any of the facts stated in the Stipulating Parties’ individual declarations.


1 (See attached Declaration of Ryan C. Drake.) The Stipulating Parties herein stipulate to the truth  
2 of each others' property ownership and claimed pumping information.

3 At the Case Management Conference on March 1, 2013, the Court requested that all  
4 stipulations be accompanied by an ex parte application to approve the stipulation on or before  
5 March 15, 2013. This was entered in the Court's Minute Order dated March 1, 2013. The  
6 Stipulating Parties bring this ex parte application pursuant to Code of Civil Procedure section  
7 128(a), California Rules of Court, rules 3.1203 and 3.1204, and pursuant to the Court's March 1,  
8 2013 Minute Order.

9 Consistent with the Court's authority in coordinated cases, and the Court's orders in this  
10 action, the Court therefore should approve the Stipulation and establish the facts stated in the  
11 Stipulating Parties' declarations as proven in this action.

12  
13 Dated: March 15, 2013

BROWNSTEIN HYATT FARBER SCHRECK, LLP

14   
15 By: \_\_\_\_\_  
16 MICHAEL T. FIFE  
17 BRADLEY J. HERREMA  
18 ATTORNEYS FOR AGWA

**DECLARATION OF RYAN C. DRAKE**

I, Ryan C. Drake, declare as follows:

1. I am an attorney licensed to practice in the courts of California and am a member of the law firm of Brownstein Hyatt Farber Schreck LLP. I am an attorney of record for Gene T. Bahlman, William Barnes, William R. Barnes & Eldora M. Barnes Family Trust of 1989, Thomas M. Bookman, B.J. Calandri, John Calandri, John Calandri as Trustee of the John and B.J. Calandri 2001 Trust, Son Rise Farms, Calmat Land Company, Sal and Connie L. Cardile, Efren and Luz Chavez, Consolidated Rock Products, Del Sur Ranch LLC, Steven Godde as Trustee of the Forrest G. Godde Trust, Lawrence A. Godde, Lawrence A. Godde and Godde Trust, Robert and Phillip Gorrindo, Gorrindo Family Trust, Laura Griffin, Healy Farms, Healy Enterprises, Inc., John Javadi and Sahara Nursery, Juniper Hills Water Group, Gailen Kyle, Gailen Kyle as Trustee of the Kyle Trust, James W. Kyle, James W. Kyle as Trustee of the Kyle Family Trust, Julia Kyle, Wanda E. Kyle, Maritorena Living Trust, Jose and Marie Maritorena, Richard H. Miner, Barry S. Munz, Terry A. Munz and Kathleen M. Munz, Eugene B. Nebeker, R and M Ranch, Inc., Richard and Michael Nelson, Robert Jones, John and Adrienne Reca, Mabel Selak, Jeffrey L. & Nancee J. Siebert, Dr. Samuel Kremen and Tierra Bonita Ranch Company, Beverly Tobias, Triple M Property FKA and 3M Property Investment Co., Vulcan Materials Co. and Vulcan Lands Inc., Willow Springs Company, Donna Wilson (each individually a "Stipulating Party" and collectively, the "Stipulating Parties")

2. I have personal knowledge of the facts stated in this Declaration and, if called as a witness, would testify to those facts.

3. I was responsible for coordinating the posting to the Court's website on January 31, 2013, of the Declarations of the Stipulating Parties and their accompanying exhibits. As of March 15, 2013, those declarations and exhibits was available on the Court's website. I receive, via e-mail, electronic service of documents posted to the Court's website for this action. Based on my receipt of electronic service of those documents, to the best of my knowledge, no party has objected to the factual statements in that declaration, although some parties have indicated that they will object to all stipulations under certain conditions.

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4. I am providing notice to all parties in this action of the attached ex parte application by arranging for the posting of that application and the attached Stipulation on the Court's website on March 15, 2013.

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

Executed this 15th day of March, 2013, at Santa Barbara, California.

  
RYAN C. DRAKE



1 MICHAEL T. FIFE (State Bar No. 203025)  
2 BRADLEY J. HERREMA (State Bar No. 228976)  
3 BROWNSTEIN HYATT FARBER SCHRECK, LLP  
4 21 East Carrillo Street  
5 Santa Barbara, California 93101  
6 Telephone No: (805) 963-7000  
7 Facsimile No: (805) 965-4333

8 Attorneys for: Gene T. Bahlman, William Barnes, William R. Barnes & Eldora M. Barnes Family  
9 Trust of 1989, Thomas M. Bookman, B.J. Calandri, John Calandri, John Calandri as Trustee of the  
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14 Inc., John Javadi and Sahara Nursery, Juniper Hills Water Group, Gailen Kyle, Gailen Kyle as  
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17 S. Munz, Terry A. Munz and Kathleen M. Munz, Eugene B. Nebeker, R and M Ranch, Inc., Richard  
18 and Michael Nelson, Robert Jones, John and Adrienne Reza, Mabel Selak, Jeffrey L. & Nancee J.  
19 Siebert, Dr. Samuel Kremen and Tierra Bonita Ranch Company, Beverly Tobias, Triple M Property  
20 FKA and 3M Property Investment Co., Vulcan Materials Co. and Vulcan Lands Inc., Willow  
21 Springs Company, Donna Wilson

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA

15 FOR THE COUNTY OF LOS ANGELES

15 ANTELOPE VALLEY )  
16 GROUNDWATER CASES ) Judicial Council Coordination Proceeding  
17 ) No. 4408

17 Included Actions: )  
18 ) Santa Clara Case No. 1-05-CV-049053  
19 ) Assigned to The Honorable Jack Komar

18 Los Angeles County Waterworks District No. )  
19 40 v. Diamond Farming Co. Superior Court of )  
20 California County of Los Angeles, Case No. BC )  
21 325 201 Los Angeles County Waterworks )  
22 District No. 40 v. Diamond Farming Co. )  
23 Superior Court of California, County of Kern, )  
24 Case No. S-1500-CV-254-348 Wm. Bolthouse )  
25 Farms, Inc. v. City of Lancaster Diamond )  
26 Farming Co. v. City of Lancaster Diamond )  
27 Farming Co. v. Palmdale Water Dist. Superior )  
28 Court of California, County of Riverside, )  
consolidated actions, Case No. RIC 353 840, )  
RIC 344 436, RIC 344 668 )

Date: March 25, 2013  
Time: 9:00 a.m.  
Dept: 1

26 The following individuals and entities: Gene T. Bahlman, William Barnes, William R.  
27 Barnes & Eldora M. Barnes Family Trust of 1989, Thomas M. Bookman, B.J. Calandri, John  
28

1 Calandri, John Calandri as Trustee of the John and B.J. Calandri 2001 Trust, Son Rise Farms,  
2 Calmat Land Company, Sal and Connie L. Cardile, Efren and Luz Chavez, Consolidated Rock  
3 Products, Del Sur Ranch LLC, Steven Godde as Trustee of the Forrest G. Godde Trust, Lawrence  
4 A. Godde, Lawrence A. Godde and Godde Trust, Robert and Phillip Gorrindo, Gorrindo Family  
5 Trust, Laura Griffin, Healy Farms, Healy Enterprises, Inc., John Javadi and Sahara Nursery,  
6 Juniper Hills Water Group, Gailen Kyle, Gailen Kyle as Trustee of the Kyle Trust, James W.  
7 Kyle, James W. Kyle as Trustee of the Kyle Family Trust, Julia Kyle, Wanda E. Kyle, Maritorena  
8 Living Trust, Jose and Marie Maritorena, Richard H. Miner, Barry S. Munz, Terry A. Munz and  
9 Kathleen M. Munz, Eugene B. Nebeker, R and M Ranch, Inc., Richard and Michael Nelson,  
10 Robert Jones, John and Adrienne Reca, Mabel Selak, Jeffrey L. & Nancee J. Siebert, Dr. Samuel  
11 Kremen and Tierra Bonita Ranch Company, Beverly Tobias, Triple M Property FKA and 3M  
12 Property Investment Co., Vulcan Materials Co. and Vulcan Lands Inc., Willow Springs  
13 Company, and Donna Wilson (each individually a "Stipulating Party" and collectively, the  
14 "Stipulating Parties"), by their counsel, hereby stipulate as follows:

15           Whereas, each of the Stipulating Parties is a named Cross-Defendant and Cross-  
16 Complainant in these coordinated proceedings;

17           Whereas, the Stipulating Parties filed Declarations in this coordinated action, as required  
18 by the Court in its Case Management Order for Phase Four Trial;

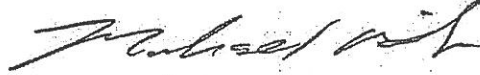
19           Whereas, each individual Stipulating Party has had adequate opportunity to examine the  
20 Declarations filed by the other Stipulating Parties posted on the Court's website January 31, 2013  
21 and to review each other's claimed amounts of groundwater production from 2000-2004 and  
22 2011-2012;

23           NOW THEREFORE, for the purposes of the Phase Four Trial in this action, the  
24 Stipulating Parties hereby stipulate, individually and collectively, to the truth of the information  
25 as to land ownership and groundwater production submitted in the Stipulating Parties'  
26 Declarations filed January 31, 2013 and the information posted by the Stipulating Parties on the  
27 Court website in response to the Court's Phase IV Discovery Order on December 21, 2012.  
28 These facts are undisputed and may be treated as facts proven in open court.

1 IT IS SO STIPULATED.

2  
3 Dated: March 15, 2013

BROWNSTEIN HYATT FARBER SCHRECK, LLP

4 

5 By: \_\_\_\_\_

6 MICHAEL T. FIFE  
7 BRADLEY J. HERREMA  
8 ATTORNEYS FOR AGWA

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