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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES

10 Coordination Proceeding Special Title)
11 (Rule 1550 (b)))

Judicial Council Coordination No. 4408
[Assigned to Hon. Jack Komar; Dept 17]

12 ANTELOPE VALLEY GROUNDWATER)
13 CASES)

Santa Clara Case No.: 1-05-CV-049053

14 Included CONSOLIDATED Actions:)

LANDINV, INC.'S TRIAL BRIEF

15 Los Angeles County Waterworks District No.)
16 40 vs. Diamond Farming Company)
Los Angeles Superior Court Case No.)
17 BC325201)

Trial Date: May 28, 2013
Time: 1:00 p.m.
Dept.: 322
Central Civil West

18 Los Angeles County Waterworks District No.)
19 40 vs. Diamond Farming Company)
Kern County Superior Court Case No. S-1500-)
20 CV-254348 NFT)

21 Diamond Farming Company vs. City of)
22 Lancaster)
Riverside County Superior Court Lead Case)
23 No. RIC 344436 [Consolidated w/ Case Nos.)
24 344668 & 353840])

25 Willis v. Los Angeles County Waterworks)
26 District No. 40; Los Angeles Superior Court)
Case No. BC 364553)

27 Wood v. Los Angeles County Waterworks)
28 District No. 40; Los Angeles Superior Court)
Case No. BC 391869)

1 Landinv, Inc. (“Landinv”) herby submits the following trial brief.

2 **Introduction**

3 Pursuant to the May 20, 2013 Fifth Amended Case Management Order, the only issue to
4 be determined during this phase of trial is the amount of groundwater produced by the parties in
5 2011 and 2012.

6 Landinv has reached stipulations with the public water suppliers, and with other parties
7 hereto, that it owns 898 acres overlying the Antelope Valley Area of Adjudication (“AVAA”),
8 that 1,212 acre-feet of groundwater were pumped from and used on Landinv’s property during
9 2011, and that 862 acre-feet of groundwater were pumped from and used on Landinv’s property
10 during 2012.

11 Landinv is unaware that any party objects to the stipulated land ownership and
12 groundwater pumping facts. In any event, Landinv will be prepared to present evidence
13 regarding the groundwater pumped from, and used on, its lands at trial.

14 **1. Land Ownership**

15 Landinv owns three separate parcels of property that overlie the AVAA. Two of the
16 three properties are located in Kern County, the third is located in Los Angeles County. The
17 Kern County properties are referred to herein as “Fred's Ranch” (Assessor Parcel Nos. 359-011-
18 28, 359-051-01 and 359-051-02) and “Silvershields Ranch” (Assessor Parcel No. 358-030-003).
19 The property in Los Angeles County is referred to herein as the “Los Angeles Parcels” (Assessor
20 Parcel Nos. 3201-003-005, 3201-003-006, and 3201-004-007).¹

21 **2. Land Use**

22 During 2011 and 2012 both Kern County properties, Fred’s Ranch and Silvershields
23 Ranch, were leased to Grimmway Enterprises, Inc. (or one of its related entities, Diamond
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27 ¹ The facts set forth herein are set forth in the Declaration of Yogesh Radia, filed in this action on February 14,
28 2013, and the Supplemental Declaration of Yogesh Radia, filed May 15, 2013. Mr. Radia is a director of Landinv.
He resides in London, England. If necessary he will be available to testify to these facts at trial. Additionally, these
facts are established by certified copies of vesting deeds and certificates of ownership, for which judicial notice is
requested under Landinv’s separate and concurrent filing.

1 Farming Company and Crystal Organic Farms (“Grimmway”) for farming purposes.²

2 (a) Fred’s Ranch. In 2011 Grimmway farmed Fred’s Ranch and grew 97.90 acres of
3 carrots and 61.00 acres of onions, and fallowed 156.05 acres of land. In 2012 Grimmway grew
4 188.90 acres of barley and 126.05 acres of carrots on Fred’s Ranch.³

5 (b) Silvershields Ranch. In 2011 Grimmway grew 226.13 Acres of wheat, and
6 fallowed 79.70 acres, on the Silvershields Ranch. In 2012, Grimmway grew 79.70 acres of
7 carrots, and fallowed 226.13 acres, on Silvershields Ranch.⁴

8 (c) Los Angeles Parcels. During 2011 and 2012 the Los Angeles Parcels were not
9 leased and were fallowed.

10 **3. 2011 and 2012 Groundwater Pumping**

11 (a) Fred’s Ranch. There are two wells located on Fred’s Ranch, each one is metered,
12 and the meter readings are recorded monthly by Grimmway. The groundwater pumped from the
13 two wells located on Fred’s Ranch is used exclusively for agricultural purposes on Fred’s Ranch;
14 pumped water from the wells on Fred’s Ranch is not transferred to any other parcel. For 2011
15 and 2012 the meter readings show the following groundwater pumping from the two wells
16 located on Fred’s Ranch:

YEAR	FRED’S RANCH GROUNDWATER PUMPED ACRE-FEET
2011	624.073
2012	551.310

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21 (b) Silvershields Ranch. There are two wells located on Silvershields Ranch, and
22 each is metered with monthly readings by Grimmway. However unlike Fred’s Ranch, it is
23 Grimmway’s practice to transport some of the groundwater to an adjacent parcel farmed by
24 _____

25 ² Grimmway’s land use and water pumping and use will be established by the testimony of Carl F. Voss, Jr.,
26 Grimmway’s Land Manager, and Grimmway farming and meter records for which Mr. Voss is custodian.
27 Grimmway incorporated the two properties into its other holdings for crop rotation purposes, part of which included
28 the fallowing of lands during 2011 and 2012.

³ In some prior years no portion of Fred’s Ranch was fallowed.

⁴ In some prior years Grimmway did not fallow any part of the Silvershields Ranch.

Grimmway but not owned by Landinv. Below are two sets of pumping data. The first is the 2011 and 2012 total groundwater pumped from the Silvershield's wells based on Grimmway's meter records. The second is an estimate of the 2011 and 2012 groundwater used on the Silvershields Ranch based on Grimmway's crop maps and the crop duties set forth in the Summary Expert Report, App. D-3: Table 4. The estimate is made in order to account for the fact that some water pumped from the Silvershields Ranch wells was not used on Landinv's Silvershields Ranch, but instead was used by Grimmway on adjacent property.

YEAR	SILVERSHIELDS RANCH TOTAL GROUNDWATER PUMPED ACRE-FEET
2011	874.549
2012	1,034.095

YEAR	SILVERSHIELDS RANCH ESTIMATE OF GROUNDWATER USED ACRE-FEET
2011	587.90
2012	310.83

(c) Los Angeles Parcels. No groundwater was pumped on the Los Angeles Parcels in 2011 or 2012.

Conclusion

The groundwater produced and used on Landinv's properties for 2011 and 2012 was as follows:

Year	Kern Fred's Ranch Parcel- Groundwater Pumped (Acre-Feet)	Kern Silvershields Parcel- Groundwater Pumped (Used) (Acre-Feet)	Los Angeles Parcels - Groundwater Pumped (Acre-Feet)	Total Groudwater Pumped (Used) (Acre-Feet)
2011	624.073	874.549 (587.90)	0	1498.622 (1211.973)
2012	551.310	1034.095 (310.83)	0	1585.405 (862.140)

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Dated: May 27, 2013

Respectfully Submitted,
SMILAND CHESTER LLP

By: /s/ Theodore A. Chester, Jr.
Theodore A. Chester, Jr.,
Attorneys for Landinv, Inc.

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PROOF OF SERVICE

STATE OF CALIFORNIA)
)
COUNTY OF LOS ANGELES)

I, Felicia Herbstreith am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 601 West Fifth Street, Suite 1100, Los Angeles, California 90071.

On **May 27, 2013**, I served the foregoing document described as: **LANDINV INC.’S TRIAL BRIEF** on the interested parties in this action by posting the document listed above to the Santa Clara County Superior website in regard to the Antelope Valley Groundwater Adjudication matter, pursuant to the Electronic Filing and Service Standing Order of Judge Komar.

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

Executed on **May 27, 2013**, at Los Angeles, California.

/s/ Felicia Herbstreith
Felicia Herbstreith