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9 Bruce Burrows and 300 A 40 H, LLC

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 COUNTY OF LOS ANGELES

12 Coordination Proceeding Special Title )  
13 (Rule 1550 (b)) )

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

14 **ANTELOPE VALLEY GROUNDWATER** )  
15 **CASES** )

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

16 Included **CONSOLIDATED** Actions: )

**OFFER OF PROOF BY LANDINV, INC.**  
**OF 2011 AND 2012 GROUNDWATER**  
**PRODUCTION FOR PHASE IV TRIAL;**  
**AND [PROPOSED] ORDER**

17 Los Angeles County Waterworks District No. )  
18 40 vs. Diamond Farming Company )  
19 Los Angeles Superior Court Case No. )  
20 BC325201 )

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

21 Los Angeles County Waterworks District No. )  
22 40 vs. Diamond Farming Company )  
23 Kern County Superior Court Case No. S-1500- )  
24 CV-254348 NFT )

25 Diamond Farming Company vs. City of )  
26 Lancaster )  
27 Riverside County Superior Court Lead Case )  
28 No. RIC 344436 [Consolidated w/ Case Nos. )  
344668 & 353840]

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

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

1 Cross-Defendant Landinv, Inc. (“Landinv”), by and through its counsel of record,  
2 Smiland Chester LLP, having either stipulated with and/or having received no material  
3 objections from any party, and based on the evidence identified in Landinv’s Exhibit List and the  
4 testimony of the witness(es) identified in Landinv’s Witness List, which evidence is summarized  
5 in Landinv’s Trial Brief, makes an Offer of Proof that its groundwater production from within  
6 the Area of Adjudication, for years 2011 and 2012 was as follows:

7

<b>PERIOD</b>	<b>ACRE-FEET PER YEAR</b>
2011	1,212 acre-feet
2012	862 acre-feet

8  
9  
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11 The afore-stated figures do not take into account any in-lieu water, any claimed return  
12 flows from imported water, any water from natural springs, any water produced outside the Area  
13 of Adjudication, or any water other than groundwater produced within the Area of Adjudication  
14 and used on Landinv’s property during the years of 2011 and 2012.

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17 Dated: May 27, 2013

Respectfully Submitted,  
SMILAND CHESTER LLP

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19 By: /s/ Theodore A. Chester, Jr.  
Theodore A. Chester, Jr.,  
Attorneys for Landinv, Inc.  
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1 [PROPOSED] ORDER

2 **THE COURT FINDS THAT** the Offer of Proof made by Landinv, Inc. (“Landinv”) is  
3 either stipulated to or not materially contested by any party.

4 **THE FURTHER FINDS THAT** the Offer of Proof satisfies the requirements of this  
5 Court for the purposes of the Phase 4 Trial proceedings.

6 **IT IS HEREBY ORDERED** that this Order shall not result in any determination of any  
7 water right, or the reasonableness of Landinv’s water use or manner of applying water to the use.  
8 This Order will not preclude Landinv from introducing in a later phase evidence to support its  
9 claimed water rights, or any other party to this action from introducing in a later phase, evidence  
10 to contest Landinv’s claimed water rights, including, without limitation, evidence of water use in  
11 years other than 2011 and 2012. All parties reserve their rights to produce any evidence to  
12 support their claimed water rights and to make any related legal arguments including, without  
13 limitation, arguments based on any applicable constitutional, statutory, or decisional authority.

14 **IT IS FURTHER ORDERED** that pursuant to the Stipulation(s) of the parties to this  
15 action and/or upon the failure of any party to make a valid objection thereto; and based upon the  
16 offer of proof and/or evidence presented to this Court, the groundwater pumping by Landinv for  
17 purposes of the Phase 4 trial is as follows:

PERIOD	ACRE-FEET PER YEAR
2011	1,212 acre-feet
2012	862 acre-feet

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23 **IT IS SO ORDERED.**

24  
25 Dated: \_\_\_\_\_, 2013

26 \_\_\_\_\_  
27 Honorable Jack Komar  
28

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA )  
3 )  
4 COUNTY OF LOS ANGELES )

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

8 On **May 27, 2013**, I served the foregoing document described as: **OFFER OF PROOF**  
9 **BY LANDINV, INC. OF 2011 AND 2012 GROUNDWATER PRODUCTION FOR PHASE**  
10 **IV TRIAL; AND [PROPOSED] ORDER** on the interested parties in this action by posting the  
11 document listed above to the Santa Clara County Superior website in regard to the Antelope  
12 Valley Groundwater Adjudication matter, pursuant to the Electronic Filing and Service Standing  
13 Order of Judge Komar.

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

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

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18 /s/ Felicia Herbstreith  
19 Felicia Herbstreith  
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