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Attorneys for Cross-Defendant,
 SHEEP CREEK WATER COMPANY, INC.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES

Coordination Proceeding Special Title (Rule 1550(b))) Judicial Council Coordination Proceeding No. 4408
ANTELOPE VALLEY GROUNDWATER CASES) Santa Clara Case No. 1-05-CV-049053) Assigned to the Honorable Jack Komar
Including Actions:) [PROPOSED]
Los Angeles County Waterworks District No. 40 v. Diamond Farming Co. Superior Court of California, County of Los Angeles, Case No. BC 325 201) ORDER GRANTING SHEEP CREEK WATER COMPANY'S MOTION TO BE EXCLUDED FROM THE ANTELOPE VALLEY GROUNDWATER ADJUDICATION; OR, IN THE ALTERNATIVE, FOR RECOGNITION OF ITS PRIOR RIGHTS TO THE WATERS OF SHEEP CREEK
Los Angeles County Waterworks District No. 40 v. Diamond Farming Co. Superior Court of California, County of Kern, Case No. S-1500-CV-254-348) DATE: October 3, 2008) TIME: 9:00 a.m.) DEPT: 17
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 Nos. RIC 353 840, RIC 344 436, RIC 344 668) [Filed Concurrently with Notice of Motion, Memorandum of Points and Authorities, Request for Judicial Notice, Declarations of Michael Duane Davis, Chris Cummings and Dr. Ram Arora, Hydrogeologist]
<u>AND RELATED CROSS-ACTIONS.</u>)

Sheep Creek Water Company's Motion to be Excluded from the Antelope Valley
 Groundwater Adjudication; or, in the Alternative, for Recognition of its Prior Rights to the

1 Waters of Sheep Creek, came on regularly for hearing this 3rd day of October, 2008, at the hour
2 of 9:00 a.m., in Department 17 of the Superior Court of the County of Santa Clara, before the
3 Honorable Jack Komar, presiding.

4 Moving Party, Sheep Creek Water Company, a California corporation, appeared by
5 Michael Duane Davis, Esq. of Gresham Savage Nolan & Tilden, a Professional Corporation.
6 Appearances for other appearing parties are reflected in the Court's Minute Order for this
7 hearing.

8 In considering the Motion, this Court is mindful that, in its *Revised Order after Hearing*
9 *on Jurisdiction Boundaries*, this Court recognized that as this litigation progressed, certain
10 geographical areas, upon further evidence, may appear to lack any real connection to the
11 Antelope Valley Aquifer and such areas may ultimately be excluded.

12 Further, this Court considered the briefs filed in support of and in opposition to the
13 motion, and the oral arguments of counsel and the evidence otherwise presented at the hearing;
14 and,

15 GOOD CAUSE APPEARING THEREFORE,

16 This Court finds that, by its Motion, Sheep Creek Water Company has established to the
17 satisfaction of the Court that its well site that is legally described as Assessor's Parcel Numbers
18 3089-012-004 and 3089-012-008, in Township 5 North, Range 8 West, San Bernardino Base and
19 Meridian, and which is bounded on the east by the Los Angeles County / San Bernardino County
20 line, lies outside of the hydrologic boundary of the Antelope Valley Groundwater Basin.

21 This Court further finds that the area in which the Sheep Creek Water Company's Los
22 Angeles County well site is situated appear to lack any real connection to the Antelope Valley
23 Aquifer, and, as such, may properly be excluded from the Antelope Valley Groundwater
24 Adjudication.

25 This Court further finds that, in its August 24, 1926 Decision No. 3883-D-119, the
26 California Division of Water Rights awarded Sheep Creek Water Company the right to take up
27 to three thousand (3,000) acre feet of water, per annum, from the waters of Sheep Creek; and that

1 in the Judgment and related orders issued by the Court in *Pacific Southwest Trust and Savings*
2 *Bank v. Sheep Creek Water Company*, Riverside County Superior Court Case No. 15583, by
3 which the County of Los Angeles and other challenged Decision No. 3883-D-119, Sheep Creek
4 Water Company exchanged its rights to extract water from that portion of Sheep Creek Canyon
5 to the south of the Shaft, for waters of Sheep Creek to the north of the Shaft.

6 This Court further finds that the waters producible from the Sheep Creek Water
7 Company's Los Angeles County well site are waters of Sheep Creek and therefore producible by
8 Sheep Creek under the August 24, 1926 Decision No. 3883-D-119 of the California Division of
9 Water Rights, and the Judgment and related orders issued by the Court in *Pacific Southwest*
10 *Trust and Savings Bank v. Sheep Creek Water Company*, Riverside County Superior Court Case
11 No. 15583.

12 IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT Sheep Creek
13 Water Company is excluded from the Antelope Valley Groundwater Adjudication.

14 IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT the eastern
15 jurisdictional boundary of the Antelope Valley Groundwater Adjudication shall be modified to
16 exclude Sheep Creek Water Company's Los Angeles County well site that is legally described as
17 Assessor's Parcel Numbers 3089-012-004 and 3089-012-008, in Township 5 North, Range 8
18 West, San Bernardino Base and Meridian.

19 IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT Sheep Creek Water
20 Company shall be entitled to produce water from its Los Angeles County well site and transport
21 said water to serve its mutual water company customers in the community of Phelan, San
22 Bernardino County, California, without further burden of this action or any orders, decrees or
23 judgments issued thereunder or in connection therewith.

24 SO ORDERED.

25 Dated: _____, 2008.

Honorable JACK KOMAR
Judge of the Superior Court