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Marlene Allen-Hammarlund, State Bar No. 126418
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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:

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

) **STIPULATION TO CONTINUE**
) **DECEMBER 18, 2008 HEARING ON**
) **SHEEP CREEK WATER COMPANY,**
) **INC.'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; AND [PROPOSED] ORDER**
) **THEREON**

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

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

) PRESENT DATE: December 18, 2008
) TIME: 9:00 a.m.
) DEPT: 17 [San Jose]

) NEW DATE: _____, 2009
) TIME: 9:00 a.m.
) DEPT: 17 [San Jose]

AND RELATED CROSS-ACTIONS.

1 This *Stipulation to Continue December 18, 2008 Hearing on Sheep Creek Water*
2 *Company, Inc.'s Motion to be Excluded from the Antelope Valley Groundwater Adjudication, or,*
3 *in the alternative, For Recognition of its Prior Rights to the Waters of Sheep Creek; and*
4 *[Proposed] Order Thereon* ("Stipulation to Continue December 18th Hearing") is entered into
5 by and between Cross-Defendant **SHEEP CREEK WATER COMPANY, INC.** ("Sheep
6 Creek"); the "Public Water Suppliers" which are comprised of Plaintiffs **LOS ANGELES**
7 **COUNTY WATERWORKS DISTRICT NO. 40** ("LACWD No. 40"), **CITY OF**
8 **LANCASTER** ("Lancaster"), **CITY OF PALMDALE** ("Palmdale"), **CALIFORNIA WATER**
9 **SERVICE COMPANY** successor to **ANTELOPE VALLEY WATER COMPANY** ("Cal
10 Water"), **DESERT LAKES COMMUNITY SERVICES DISTRICT** ("Desert Lakes CSD"),
11 **LITTLEROCK CREEK IRRIGATION DISTRICT** ("Littlerock Creek ID"), **NORTH**
12 **EDWARDS WATER DISTRICT** ("North Edwards WD"), **PALM RANCH IRRIGATION**
13 **DISTRICT** ("Palm Ranch ID"), **PALMDALE WATER DISTRICT** ("Palmdale WD"),
14 **ROSAMOND COMMUNITY SERVICES DISTRICT** ("Rosamond CSD"); Cross-Defendant
15 **UNITED STATES OF AMERICA** ("U.S."); **STATE OF CALIFORNIA** ("California"),
16 **STATE OF CALIFORNIA 50th DISTRICT AGRICULTURAL ASSOCIATION** ("50th
17 Ag. District"), **SANTA MONICA MOUNTAINS CONSERVANCY** (the "Conservancy"),
18 **ANTELOPE VALLEY GROUNDWATER AGREEMENT ASSOCIATION** ("AGWA"),
19 **THE WOOD CLASS** ("Wood Class"), and **U. S. BORAX, INC.** ("Borax"), in light of the
20 following:

21
22 **Recitals**

23 A. On September 10, 2008, Sheep Creek electronically filed and served its *Motion to*
24 *be Excluded from the Antelope Valley Groundwater Adjudication, or, in the Alternative, for*
25 *Recognition of its Prior Rights to the Waters of Sheep Creek* (the "Motion"), which Motion was
26 initially set for hearing on October 3, 2008, at 9:00 a.m., in Department 17 [San Jose] of the
27 above-entitled Court.

B. On September 22, 2008, the Public Water Suppliers electronically filed and served the *Public Water Suppliers' Memorandum of Points and Authorities in Opposition to Sheep Creek Water Company, Inc.'s Motion to be Excluded from the Antelope Valley Groundwater Adjudication, Etc.* (the "Public Water Suppliers' Opposition"); which, amongst other things, requested additional time to conduct an investigation and discovery to determine whether and, if so, how to substantively respond to the Motion.

C. Following the filing of the Public Water Suppliers' Opposition, the U.S. also stated its intent to conduct an investigation and discovery to determine whether and, if so, how to substantively respond to the Motion.

D. On September 25, 2008, Sheep Creek, the Public Water Suppliers, the U.S., California, the 50th Ag. District, the Conservancy, AGWA, the Wood Class, and Borax submitted a *Stipulation to Continue Hearing on Sheep Creek Water Company, Inc.'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; and [Proposed] Order Thereon* ("Stipulation to Continue October 3rd Hearing") to the Court.

E. The Court conducted a hearing on the Stipulation to Continue October 3rd Hearing, in order to allow any party to express any opposition they might have to the proposed continuance; however, none was expressed.

F. Thereafter, on October 1, 2008, the Court executed the [Proposed] Order continuing the hearing to December 18, 2008, at 9:00 a.m., or as soon thereafter as the matter may be heard in Department 17 of the above-entitled Court.

G. The Public Water Suppliers, the U.S. and Sheep Creek have determined that it is their best interests and in furtherance of the action, that the parties have further time to negotiate a proposed resolution to the issues raised by Sheep Creek in the Motion; and, to request that the Court grant a further continuance of the Hearing on the Motion for a period of approximately sixty (60) days in order to afford the parties sufficient time to conduct those negotiations.

1 H. The Public Water Suppliers, the U.S. and Sheep Creek have also determined that
2 it is their best interests and in furtherance of the action, that the parties continue the noticed
3 depositions of Dr. Ram Arora, Dr. June Oberdorfer and Joseph Scalmanini to dates mutually
4 agreeable to the parties, or to take them permanently off calendar if so agreed.

5 IT IS THEREFORE STIPULATED AND AGREED AS FOLLOWS:

6 Stipulation

7 1. The parties hereto request that the hearing on the Motion be continued to
8 _____, 2009, at 9:00 a.m., or as soon thereafter as the matter may be heard
9 in Department 17 of the above-entitled Court.

10 2. The parties agree to continue the noticed depositions of Dr. Ram Arora, Dr. June
11 Oberdorfer and Joseph Scalmanini to dates mutually agreeable to the parties, or to take them
12 permanently off calendar.

13 3. This Stipulation shall be submitted to the Court and be the basis for an order
14 consistent herewith.

15 Dated: December 3, 2008

BEST BEST & KRIEGER, LLP

17 By: _____

18 Jeffrey W. Dunn

19 Eric L. Garner

20 Attorneys for ROSAMOND COMMUNITY
SERVICES DISTRICT and LOS ANGELES
COUNTY WATERWORKS DISTRICT NO. 40

21 Dated: December _____, 2008

BROWNSTEIN HYATT FARBER SCHRECK,
LLP

24 By: _____

25 Michael T. Fife

26 Bradley J. Herrema

27 Attorneys for ANTELOPE VALLEY
GROUNDWATER AGREEMENT ASSN.

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1 Dated: December ____, 2008

CALIFORNIA WATER SERVICE COMPANY

2
3 By: _____

4 John M. Tootle
5 Attorneys for CALIFORNIA WATER
6 SERVICE COMPANY successor to
7 ANTELOPE VALLEY WATER COMPANY

8 Dated: December 3, 2008

9 Law Offices of MICHAEL D. McLACHLAN, APC
10 Law Offices of Daniel M. O'LEARY

11 By:  _____

12 Michael D. McLachlan
13 Daniel M. O'Leary
14 Attorneys for the WOOD CLASS

15 Dated: December ____, 2008

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17 Edgar B. Washburn
18 William M. Sloan
19 Attorneys for U. S. BORAX, INC.

20 Dated: December ____, 2008

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22 Daniel L. Siege., Supervising Dep. Attorney Gen.
23 Virginia Cahill, Deputy Attorney General

24 By: _____

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27 SANTA MONICA MOUNTAINS
28 CONSERVANCY and STATE OF
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Dated: December ____, 2008

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Michael Duane Davis
Marlene L. Allen-Hammarlund
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25 AGRICULTURAL ASSOCIATION

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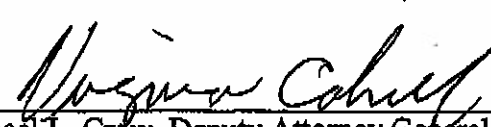
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1 Dated: December 3, 2008

LAGERLOF, SENECA, GOSNEY & KRUSE,
LLP

2
3
4 By: Thomas S. Bunn III
H. Jess Senecal
Thomas S. Bunn, III
Attorneys for PALMDALE WATER DISTRICT

5
6 Dated: December _____, 2008

LEMIEUX & O'NEILL

7
8 By: _____
Wayne K. Lemieux
W. Keith Lemieux
Attorneys for LITTLEROCK CREEK
IRRIGATION DISTRICT, PALM RANCH
IRRIGATION DISTRICT, NORTH EDWARDS
WATER DISTRICT, DESERT LAKES
COMMUNITY SERVICES DISTRICT

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Douglas J. Evertz
Attorneys for CITY OF LANCASTER

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Wm. MATTHEY DITZHAZY, City Attorney
RICHARDS, WATSON & GERSON, APC

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Steven R. Orr
Whitney G. McDonald
Attorneys for CITY OF PALMDALE

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23 Dated: December _____, 2008

UNITED STATES DEPARTMENT OF JUSTICE

24
25 By: _____
R. Lee Leininger
James J. DuBois
Attorneys for UNITED STATES OF AMERICA
and FEDERAL DEFENDANTS

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IT IS HEREBY ORDERED THAT:

Dated: _____, 2008.

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