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Attorneys for Cross-Defendants and Cross-
Complainants, ANTELOPE VALLEY UNITED
MUTUAL GROUP; Cross-Defendants, MIRACLE
IMPROVEMENT CORPORATION dba Golden
Sands Mobile Home Park [ROE 1121], SAINT
ANDREW'S ABBEY, INC. [ROE 623], SERVICE
ROCK PRODUCTS, LP, as successor-in-interest to
Owl Properties, Inc., SHEEP CREEK WATER
COMPANY, INC.; and unnamed Cross-Defendant
ADAMS BENNETT INVESTMENTS, LLC

**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
) Department 17C

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

) **OFFER OF PROOF BY WHITE FENCE
FARMS MUTUAL WATER COMPANY (A
MEMBER OF THE ANTELOPE VALLEY
UNITED MUTUAL GROUP) OF 2011 AND
2012 GROUNDWATER PRODUCTION AND
[PROPOSED] ORDER RE PHASE 4 TRIAL**

**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

) Trial Date: May 28, 2012
) Time: 9:00 A.M.
) Dept.: TBD
) Judge: Hon. Jack Komar

**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

AND RELATED ACTIONS.

1 **OFFER OF PROOF**

2 Cross-Defendant / Cross-Complainant **WHITE FENCE FARMS MUTUAL WATER**
3 **COMPANY**, a member of the Antelope Valley United Mutual Group ("AV UNITED"), by and
4 through its counsel of record, Michael Duane Davis, Marlene L. Allen-Hammarlund, and Derek
5 R. Hoffman, of GRESHAM SAVAGE NOLAN & TILDEN, PC, having either stipulated with
6 and/or having received no material objections from any party, and based on the evidence
7 identified in the Exhibit List of said party and the proposed testimony of the witness(es)
8 identified in the Witness List of said party, which evidence is summarized in the Trial Brief of
9 said party, makes an Offer of Proof that its groundwater production from within the Area of
10 Adjudication, for the years 2011 and 2012 was as follows:

11

PERIOD	ACRE FEET PER YEAR
2011	809.0 acre feet
2012	746.3 acre feet

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15 The afore-stated figures do not take into account any in-lieu water, any claimed return
16 flows from imported water, any water from natural springs, any water produced outside the Area
17 of Adjudication, or any water other than groundwater produced within the Area of Adjudication
18 during the years of 2011 and 2012.

19
20 Respectfully submitted,

GRESHAM SAVAGE NOLAN & TILDEN, PC

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22 By: 

23 MICHAEL DUANE DAVIS, ESQ.
24 MARLENE L. ALLEN-HAMMARLUND, ESQ.
25 DEREK R. HOFFMAN, ESQ.
26 Attorneys for CROSS-DEFENDANT / CROSS-
27 COMPLAINT, WHITE FENCE FARMS MUTUAL
28 WATER COMPANY (a member of the ANTELOPE
VALLEY UNITED MUTUAL GROUP)

1 **[PROPOSED] ORDER**

2 **THE COURT FINDS THAT** the Offer of Proof made by WHITE FENCE FARMS
3 MUTUAL WATER COMPANY is either stipulated to or not materially contested by any party.

4 ~~**THE COURT FURTHER FINDS THAT** the Offer of Proof satisfies the requirements~~
5 of this 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 WHITE FENCE FARMS MUTUAL WATER
8 COMPANY's water use or manner of applying water to the use. This Order will not preclude
9 WHITE FENCE FARMS MUTUAL WATER COMPANY from introducing in a later phase
10 evidence to support its claimed water rights, or any other party to this action from introducing in
11 a later phase evidence to contest WHITE FENCE FARMS MUTUAL WATER COMPANY's
12 claimed water rights, including, without limitation, evidence of water use in years other than
13 2011 and 2012. All parties reserve their rights to produce any evidence to support their claimed
14 water rights and to make any related legal arguments including, without limitation, arguments
15 based on any applicable constitutional, statutory, or decisional authority.

16 **IT IS FURTHER ORDERED** that pursuant to the Stipulation(s) of the parties to this
17 action and/or upon the failure of any party to make a valid objection thereto; and based upon the
18 offer of proof and/or evidence presented to this Court, the groundwater pumping claimed by
19 WHITE FENCE FARMS MUTUAL WATER COMPANY for purposes of the Phase 4 trial is as
20 follows:

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PERIOD	ACRE FEET PER YEAR
2011	809.0 acre feet
2012	746.3 acre feet

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25 **IT IS SO ORDERED:**

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27 DATED: _____, 2013

HONORABLE JACK KOMAR

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**PROOF OF SERVICE
STATE OF CALIFORNIA, COUNTY OF RIVERSIDE**

Re: *ANTELOPE VALLEY GROUNDWATER CASES*
Los Angeles County Superior Court Judicial Council Coordinated
Proceedings No. 4408; Santa Clara County Superior Court Case No. 1-05-CV-049053

I am employed in the County of Riverside, State of California. I am over the age of 18 years and not a party to the within action; my business address is: 3750 University Avenue, Suite 250, Riverside, CA 92501-3335.

On May 28, 2013, I served the foregoing document(s) described as on the interested parties in this action in the following manner:

OFFER OF PROOF BY WHITE FENCE FARMS MUTUAL WATER COMPANY (A MEMBER OF THE ANTELOPE VALLEY UNITED MUTUAL GROUP) OF 2011 AND 2012 GROUNDWATER PRODUCTION AND [PROPOSED] ORDER RE PHASE 4 TRIAL

(X) **BY ELECTRONIC SERVICE** – I posted the document(s) listed above to the Santa Clara County Superior Court website, <http://www.scefiling.org>, in the action of the Antelope Valley Groundwater Cases,

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

Executed on May 28, 2013, at Riverside, California.


DINA SNIDER