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ORANGE COUNTY | LOS ANGELES | RIVERSIDE | CENTRAL VALLEY

October 31, 2014

Via Electronic Service

To All Counsel and Unrepresented Parties
Antelope Valley Groundwater Cases
(Judicial Council Coordination No. JCCP 4408)

Re: **Stipulation of Facts for Phelan Piñon Hills Community Services District
Trial Set for November 4, 2014**

Dear Counsel:

Attached please find the signed Stipulation of Facts. The three missing signatures are Messrs. Brunick, Sanders and Joyce.

Very truly yours,

ALESHIRE & WYNDER, LLP

Wesley A. Miliband

WAM:my
Enclosure
(Stipulation of Facts w/ exhibits)

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Attorneys for Defendant and Cross-Complainant
Phelan Piñon Hills Community Services District

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

Coordination Proceeding
Special Title (Rule 1550(b))

**ANTELOPE VALLEY
GROUNDWATER CASES**

Included Actions:

*Los Angeles County Waterworks District
No. 40 v.*

Diamond Farming Co., et al.
Los Angeles County Superior Court, Case
No. BC 325 201

*Los Angeles County Waterworks District
No. 40 v.*

Diamond Farming Co., et al.
Kern County Superior Court, 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.*
Riverside County Superior Court,
Consolidated Action, Case Nos. RIC 353
840, RIC 344 436, RIC 344 668

AND RELATED CROSS-ACTIONS

Case No. Judicial Council Coordination
Proceeding No. 4408

(For Filing Purposes Only: Santa Clara
County Case No.: 1-05-CV-049053)

**STIPULATION OF FACTS FOR
PHELAN PIÑON HILLS COMMUNITY
SERVICES DISTRICT TRIAL SET FOR
NOVEMBER 4, 2014**

Assigned for All Purposes to:
Hon. Jack Komar

Trial Date: November 4, 2014
(Trial Related to Phelan Piñon
Hills Community Services
District)

Time: 10:00 a.m.
Location: Stanley Mosk Courthouse
111 North Hill Street
Los Angeles, California

Dept: 56 / Room 514 (5th Floor)

FACTS FOR STIPULATION

The Parties stipulate to the admissibility of the following stipulated facts and evidence, subject only to an objection for relevancy:

General Background

1. The Special Districts Department of San Bernardino County (**SB County**) provides administrative oversight and management to numerous departments and entities, commonly called districts, that are governed by the SB County Board of Supervisors.

2. Up until the formation of Phelan Piñon Hills Community Services District during 2008, SB County provided such oversight and management to special districts including CSA 70 Improvement Zone L” or “CSA 70L,” which provided water service to the Phelan/Piñon Hills areas located in San Bernardino County. See **Exhibit 1**, which is a Resolution without the accompanying exhibits, but the omitted pages depict Phelan Piñon Hills Community Services District’s service area which has remained the same since its formation, as shown on **Exhibit 15**.

3. For purposes of this trial, reference in this Stipulation to SB County refers to “CSA 70 Improvement Zone L” or “CSA 70L,” unless otherwise specified. On or about August 31, 1998, SB County received two copies of Real Estate Appraisals for parcels proposed for new well sites located in Los Angeles County. See **Exhibit 2**.

4. On or about April 6, 1999, SB County sent a letter to Los Angeles County with five original contracts enclosed for the purchase of parcels (APN 3089-021-901 and 3089-021-902) in the Piñon Hills area near Pearblossom Highway and Palmdale Road. A true and correct copy of said letter is attached hereto as **Exhibit 3**.

5. On or about June 23, 1999, Los Angeles County sent a letter to SB County stating the Los Angeles County Department of Public Works needs one of these two parcels, so Los Angeles County will only sell one of the parcels to SB County. A true and correct copy of said letter is attached hereto as **Exhibit 4**.

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6. During 1999, SB County and the California Department of Health Services exchanged correspondence and conducted meetings to address whether SB County was able to maintain a sufficient water supply for CSA 70L. **Exhibit 5** is presented for the limited purpose of supporting said communications occurred during 1999, and not for the truth of the matters contained therein.

7. On or about August 3, 1999, SB County approved the Purchase and Sale Agreement for the acquisition of one parcel of land (APN 3089-021-902) from Los Angeles County (**Well 14 Parcel**).

8. On or about September 13, 1999, Los Angeles County executed a deed transferring the Well 14 Parcel to SB County, a true and correct copy of which is attached hereto as **Exhibit 6**.

9. On or about October 5, 1999, Los Angeles County sent to SB County the original grant deed for the Well 14 Parcel, with the Certificate of Acceptance attached, a true and correct copy of which is attached hereto as **Exhibit 7**.

10. Well 14 is located on that single parcel of real property identified as Lot 32 as shown on the licensed surveyors map filed in Book 74, Page 43, Record of Surveys, in the office of the County Recorder of Los Angeles County, with Los Angeles County Assessor's Identification Number ("AIN") 3089-021-270L, however the number on the deed from Los Angeles County to SB County identifies the AIN for this parcel as 3089-021-902 due to Los Angeles County changing the AIN when it conveys ownership of one of its parcels, such as the Well 14 Parcel.

11. On or about March 2000, SB County prepared an Initial Study entitled, Initial Study for CSA 70, Zone L, Well #14 Project. Attached hereto as **Exhibit 8** is a true and correct copy of said study. **Exhibit 8** is presented for the limited purpose of establishing that an Initial Study was performed, and not for the truth of the matters contained therein.

12. On or about May 30, 2000, the California State Clearinghouse issued an Acknowledgment of Receipt for the environmental documents prepared in connection with SB County constructing a groundwater production well on the Well 14 Parcel, with the project referred to as the "Well 14 Project." See **Exhibit 9**.

13. On or about June 21, 2000, the California State Clearinghouse sent a letter to SB County regarding the Well 14 Project indicating the State Clearinghouse submitted the Negative



Declaration to State agencies for review, the review period closed, and no comments were submitted regarding the Well 14 Project. See **Exhibit 10**.

14. On or about August 29, 2000, a Negative Declaration and Notice of Determination for construction of a well for the Well 14 Project was adopted, a true and copy of which is attached hereto as **Exhibit 11**.

15. On or about June 3, 2003, the agenda for the San Bernardino County Board of Supervisors' Board Meeting included an agenda item for soliciting public bids for the drilling of Well 14 in order for the water system to meet State requirements for an adequate water supply. A true and correct copy of the staff "report/recommendation" in support of the Well 14 Project regarding said agenda item is attached hereto as **Exhibit 12**.

16. On or about March 4, 2004, a well completion report was signed by South West Pump & Drilling, Inc. for Well 14 on the Well 14 Parcel. Well 14's identification number is 05N08W25J001S. Attached hereto as **Exhibit 13** is a true and correct copy of said well completion report and well permit application.

Phelan Piñon Hills Community Services District's Background

17. Phelan Piñon Hills Community Services District (**Phelan Piñon Hills**) is a public agency organized as a community services district and operating pursuant to California Government Code section 61000 et seq. See **Exhibit 1**, page 2, section 2(e).

18. Phelan Piñon Hills was formed following an election on February 5, 2008 as part of the reorganization of three SB County districts all governed by the SB County Board of Supervisors. The reorganization included formation of Phelan Piñon Hills, detachment from SB County Service Area 56, and dissolution of (1) San Bernardino County Service Area 9 (**CSA 9**) (Phelan Parks and Street Lighting); (2) County Service Area No. 70 Improvement Zone "L" (**CSA 70L**) (Water); and (3) San Bernardino County Service Area 56-F1 (**CSA 56-F1**) (Piñon Hills Parks). See **Exhibit 1**, page 1.

19. Phelan Piñon Hills' formation was finalized on March 18, 2008 by Resolution 2994 of San Bernardino Local Agency Formation Commission (**SB LAFCO**). Attached hereto as **Exhibit 14** is a true and correct certified copy of SB LAFCO's Certificate of Completion of Phelan Piñon Hills' formation.



1 20. As part of the reorganization, Phelan Piñon Hills became the successor agency to
 2 SB County's CSA 70L, and Phelan Piñon Hills acquired among other things the rights, duties,
 3 equipment, and assets, including the Well 14 Parcel and Well 14. See **Exhibit 1**, pages 2 through 4.

4 21. As part of the reorganization, Phelan Piñon Hills succeeded to the rights, obligations,
 5 and interests of CSA 70L under the Judgment and Physical Solution in *City of Barstow, etc., v. City of*
 6 *Adelanto, etc, et al.* and Related Cross Actions, Riverside County Superior Court Case No. 208568
 7 (the **Mojave Basin Area Adjudication**). See **Exhibit 1**, page 3, section 2(e), Condition No. 8.

8 22. Phelan Piñon Hills' entire service area is within San Bernardino County and outside the
 9 Antelope Valley Area of Adjudication, as depicted in **Exhibit 15**.

10 23. Well 14 is outside the boundary of the **Mojave Basin Area Adjudication**.

11 24. All of Phelan Piñon Hills water service facilities, including groundwater production
 12 wells like Well 14, that are serving Phelan Piñon Hills' residents and customers were constructed by
 13 or at the direction of SB County, and operated by SB County up until SB LAFCO approved the
 14 reorganization and SB County transitioned everything to Phelan Piñon Hills approximately six (6)
 15 months following SB LAFCO's approval.

16 25. Well 14 is the only Phelan Piñon Hills well located within the Antelope Valley
 17 Adjudication Area as previously defined by the Court in the Antelope Valley Groundwater Cases.

18 26. Well 14 is located outside the existing service area and political boundary of Phelan
 19 Piñon Hills.

20 27. As of the October 2014, Phelan Piñon Hills provides municipal water service to more
 21 than 21,576 residents through approximately 6,778 service connections, within Phelan Piñon Hills'
 22 existing service area shown in **Exhibit 15** attached hereto.

23 28. All of Phelan Piñon Hills groundwater production wells pump into a collective
 24 distribution system that is interconnected with pipelines, reservoirs, and booster pumps, and the water
 25 is distributed to Phelan Piñon Hills customers through its distribution system.

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Well 14 Groundwater Production

29. Well 14's production is as follows, by calendar year: 2004 and earlier: none; 2005 (beginning in September): 1.11 acre feet ("af"); 2006: 164.15 af; 2007: 20.95 af; 2008: 493.27 af; 2009: 558.65 af; 2010: 1,110.45 af; 2011: 1,053.14 af; 2012: 1,035.26 af; and 2013: 1,028.02.

30. Well 14 water was first delivered to customers on January 2006, and since then, Well 14 water is distributed through Phelan Piñon Hills' water system for delivery to customers.

31. Shortly after Well 14 came online, Well 14 was not able to operate at its full capacity due to difficulty with the pump installed by or at the direction of SB County. The pump was replaced toward the end of calendar year 2008, allowing Well 14 to become fully operational part way into calendar year 2009.

32. Regular flowmeter readings are the methodology used in determining the amount of groundwater produced by Well 14, with Well 14's flowmeter regularly maintained and calibrated. Attached hereto as **Exhibit 16** are true and correct copies of flowmeter readings for Well 14 for calendar years 2005 through December 31, 2013.

33. **Exhibit 16** represents Well 14's records prepared and maintained in accordance with Phelan Piñon Hills' customs and practices, including recordation of the information based upon the water year from October 1 through September 30. Also, attached hereto as **Exhibit 17** are true and correct copies of Certificates of Accuracy for tests performed on Well 14, which speak to the accuracy of Well 14's flowmeter.

34. Attached hereto as **Exhibit 18** are true and correct copies of the First Notice of Extraction and Diversion of Water and Annual Notices of Extraction and Diversion of Water for Well 14 from 2009 through 2013.

Phelan Piñon Hills' Water Use

35. None of the water produced by Phelan Piñon Hills has ever been used within the Antelope Valley Adjudication Area, except when providing some unknown quantity of water to Los Angeles County and other agencies on an emergency basis to fight fires in Los Angeles County, and possibly when Well 14 was being drilled, tested, and put online. Though the amount of water

1 provided on an emergency basis is not known, Phelan Piñon Hills has not incurred a water shortage as
2 a result of providing such water to Los Angeles County or other agencies.

3 36. Phelan Piñon Hills provides water for municipal use to which groundwater produced
4 by all of Phelan Piñon Hills' wells is applied, including groundwater produced by Well 14, with the
5 groundwater used almost exclusively – approximately 97% – for domestic purposes, with some
6 unknown amount of groundwater used for emergency fire protection including support to or within
7 Los Angeles County as needed.

8 37. Part of the domestic use includes outdoor irrigation, and husbandry in some instances.

9 38. Very little – approximately 3% – of water produced by Phelan Piñon Hills is used for
10 commercial purposes.

11 39. The total water demand by Phelan Piñon Hills is as follows, by calendar year: 2010:
12 2,456 af; 2011: 2,631 af; 2012: 2,649 af; and 2013: 2,838 af.

13 40. The total water supplies available to Phelan Piñon Hills (excluding water rights
14 associated with Meadowbrook Dairy Real Estate, LLC) is as follows, by calendar year: 2010: 3,022
15 af; 2011: 2,876 af; 2012: 3,021 af; 2013: 3,069 af.

16 41. During 2012, Phelan Piñon Hills acquired property and 2,335 acre feet of water rights
17 from Meadowbrook Dairy Real Estate, LLC, which is located in San Bernardino County within the
18 Oeste Subarea and subject to the Mojave Basin Area Adjudication. Neither the property nor the water
19 rights acquired by Phelan Piñon Hills are located within or immediately adjacent to Phelan Piñon
20 Hills' service area. Phelan Piñon Hills water system is not connected to the property acquired. A
21 portion of Phelan Piñon Hills' service area lies over the Oeste Subarea.

22 42. Phelan Piñon Hills does not import water, though it pays the Mojave Basin Area
23 Adjudication Watermaster fees or assessments that in part contribute to purchases of imported water.

24 43. The use of water for outdoor irrigation is limited given that many water customers
25 within Phelan Piñon Hills' service area have natural desert landscape for which outdoor irrigation is
26 not used, as illustrated in **Exhibits 19, 20, and 21** attached hereto.

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Phelan Piñon Hills' Return Flow Argument

44. Phelan Piñon Hills General Manager Bartz has been the General Manager for Phelan Piñon Hills since 2008 and prior to that time he was General Manager for six years at Baldy Mesa Water District, with prior work experience including as an engineering manager and technician.

45. Phelan Piñon Hills Designated Expert Harder was qualified as an expert during the Phase Three Trial, and Mr. Harder's curriculum vitae is attached hereto as **Exhibit 22**.

46. Phelan Piñon Hills Designated Expert Harder testified during deposition that groundwater will flow perpendicular to groundwater contour lines.

47. There is no sewer system in Phelan Piñon Hills' service area - it is 100 percent septic disposal through individual septic systems.

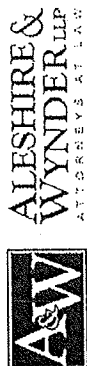
48. Part of Phelan Piñon Hills' service area (as depicted in **Exhibit 16**) lies over a portion of the Antelope Valley Groundwater Basin as described and illustrated in Department of Water Resources Bulletin 118 (2003).

49. Phelan Piñon Hills distributes water to customers in that portion of Phelan Piñon Hills' service area that lies over a portion of the Antelope Valley Groundwater Basin as described and illustrated in Department of Water Resources Bulletin 118 (2003).

50. The Parties further stipulate to the admissibility, subject only to an objection for relevancy, of deposition testimony or trial testimony including the following:

- (a) Phase 5: Exhibit 5-PhelanCSD-22 (Figures and Tables of Thomas E. Harder): Tab 8512 posted 2/3/14.
- (b) Phase 5: Exhibit 5-PhelanCSD-23 (Metered Service Consumption): Tab 8512 posted 2/3/14.
- (c) Phase 5: Exhibit 5-PhelanCSD-24 (Usage by Meter): Tab 8512 posted 2/3/14.
- (d) Phase 5: Exhibit 5-PhelanCSD-25 (Return Flow Summary Table of Thomas E. Harder): Tab 8512 posted 2/3/14.
- (e) Phase 5: Exhibit 5-PhelanCSD-27 (Opinions of Thomas E. Harder): Tab 8663 posted 2/18/14.

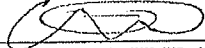
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- 1 51. Trial testimony of Joseph Scalmanini, as follows:
- 2 (a) Phase Three: January 13, 2011 (Volume 4), pages 510 through 511, attached
- 3 hereto as **Exhibit 23**.
- 4 (b) Phase Three: January 20, 2011 (Volume 8), pages 953 through 955 attached
- 5 hereto as **Exhibit 24**.
- 6

7 Dated: October 31, 2014

ALESHIRE & WYNDER, LLP
WESLEY A. MILIBAND
MILES P. HOGAN

10 By: 
11 WESLEY A. MILIBAND
12 Attorneys for Defendant and Cross-Complainant
13 Phelan Piñon Hills Community Services District

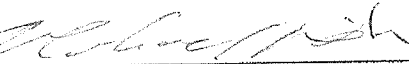
14 Dated: _____

WILLIAM J. BRUNICK
BRUNICK, MCELHANEY & KENNEDY PLC

16 By: _____
17 William J. Brunick
18 Attorneys for Antelope Valley-East Kern
19 Water Agency

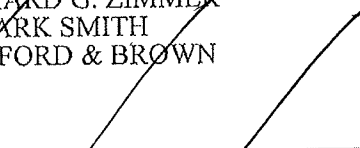
20 Dated: 11-3-14

MICHAEL T. FIFE
BRADLEY J. HERREMA
BROWNSTEIN HYATT FARBER SCHRECK, LLP

21 By: 
22 Michael T. Fife
23 Bradley J. Herrema
24 Attorneys for Antelope Valley Groundwater
25 Agreement Association

26 Dated: 

RICHARD G. ZIMMER
T. MARK SMITH
CLIFFORD & BROWN

27 By: 
28 Richard G. Zimmer
T. Mark Smith
Attorneys for Bolthouse Properties, LLC and
WM. Bolthouse Farms, Inc.

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-9-

Not participating
in evidentiary portion
of trial per Mr. Zimmer's
11/3/14 filing (Tab No. 9443)



1 Dated: _____

CHRISTOPHER M. SANDERS
ELLISON, SCHNEIDER & HARRIS, L.L.P.

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By: _____
Christopher M. Sanders
Attorneys for County Sanitation Districts
of Los Angeles County Nos. 14 and 20

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BOB H. JOYCE
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Bob H. Joyce
Attorneys for Diamond Farming Company,
a California corporation, Crystal Organic
Farms, a limited liability company, Grimmway
Enterprises, Inc., and Lapis Land Company,
LLC

9

10

11

12 Dated: 11/3 2014

SCOTT K. KUNEY
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Ernest A. Conant
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WDS California II, LLC

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17

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19 Dated: _____

WAYNE K. LEMIEUX
W. KEITH LEMIEUX
CHRISTINE CARSON
LEMIEUX & O'NEIL

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W. Keith Lemieux
Christine Carson
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District, Palm Ranch Irrigation District, North
Edwards Water District, Desert Lake
Community Services District, LLANO Del Rio
Water Co., LLANO Mutual Water Co., Big
Rock Mutual Water Co.

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1 Dated: _____

CHRISTOPHER M. SANDERS
ELLISON, SCHNEIDER & HARRIS, L.L.P.

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By: _____

Christopher M. Sanders
Attorneys for County Sanitation Districts
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Bob H. Joyce
Attorneys for Diamond Farming Company,
a California corporation, Crystal Organic
Farms, a limited liability company, Grimmway
Enterprises, Inc., and Lapis Land Company,
LLC

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13 Dated: _____

SCOTT K. KUNEY
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THE LAW OFFICES OF YOUNG
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Ernest A. Conant
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WDS California II, LLC

16

17

18

19 Dated: 11/3/14

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W. KEITH LEMIEUX
CHRISTINE CARSON
LEMIEUX & O'NEIL

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W. Keith Lemieux
Christine Carson
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District, Palm Ranch Irrigation District, North
Edwards Water District, Desert Lake
Community Services District, LLANO Del Rio
Water Co., LLANO Mutual Water Co., Big
Rock Mutual Water Co.

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ALSHIRE &
WYNDELL LLP
ATTORNEYS AT LAW



1 Dated: _____

2 Not participating
3 per Mr. Skahan's
4 letter posted 11/3/14
5 (Tab No. 9440).

6 Dated: 10-31-14

JAMES L. MARKMAN
RICHARDS, WATSON & GERSHON

By: _____

James L. Markman
Patrick D. Skahan
City of Palmdale

10 Dated: 11/3/2014

DOUGLAS J. EVERTZ
MURPHY & EVERTZ LLP

By: _____

Douglas J. Evertz, Attorney for City of
Lancaster and Rosamond Community Services
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11 Dated: _____

THEODORE A. CHESTER, JR.
SMILAND CHESTER, LLP

By: _____

Theodore A. Chester, Jr.
Attorneys for LANDINV, Inc.; Bruce Burrows,
300 A 40 H, LLC; Little Rock Sand and
Gravel, Inc.; The George and Charlene Family
Trust; The Frank and Yvonne Lane 1993
Family Trust; The Monte Vista Building Sites,
Inc.; and A. V. Materials, Inc.

18 Dated: _____

ERIC L. GARNER
JEFFREY V. DUNN
WENDY Y. WANG

By: _____

Eric L. Garner
Jeffrey V. Dunn
Wendy Y. Wang
Attorneys for Los Angeles County
Waterworks District No. 40

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-11-

STIPULATION OF FACTS FOR PHELAN PINON HILLS COMMUNITY SERVICES DISTRICT
TRIAL SET FOR NOVEMBER 4, 2014



1 Dated: _____

JAMES L. MARKMAN
RICHARDS, WATSON & GERSHON

2

3

By: _____
James L. Markman
Patrick D. Skahan
City of Palmdale

4


5

6 Dated: 10-31-14

DOUGLAS J. EVERTZ
MURPHY & EVERTZ LLP

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By: 
Douglas J. Evertz, Attorney for City of
Lancaster and Rosamond Community Services
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10 Dated: _____

THEODORE A. CHESTER, JR.
SMILAND CHESTER, LLP

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By: _____
Theodore A. Chester, Jr.
Attorneys for LANDINV, Inc.; Bruce Burrows,
300 A 40 H, LLC; Little Rock Sand and
Gravel, Inc.; The George and Charlene Family
Trust; The Frank and Yvonne Lane 1993
Family Trust; The Monte Vista Building Sites,
Inc.; and A. V. Materials, Inc.

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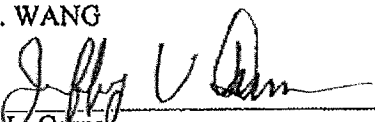
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18 Dated: _____

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JEFFREY V. DUNN
WENDY Y. WANG

19

20

By: 
Eric L. Garner
Jeffrey V. Dunn
Wendy Y. Wang
Attorneys for Los Angeles County
Waterworks District No. 40

21

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1 Dated: 31 Oct 2014

JANET K. GOLDSMITH
KRONICK, MOSKOVITZ, TIEDEMANN &
GIRARD

2
3
4 By: Janet K. Goldsmith
Janet K. Goldsmith
Attorneys for City of Los Angeles and Los
Angeles World Airports

5
6 Dated: 30 October 2014

THOMAS S. BUNN III
LAGERLOF, SENECA, GOSNEY & KRUSE, LLP

7
8 By: Thomas S. Bunn III
Thomas S. Bunn III
Attorneys for Palmdale Water District

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11 Dated: _____

MARILYN H. LEVIN
NOAH GOLDEN-KRASNER
STATE OF CALIFORNIA

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13
14 By: _____
Marilyn H. Levin
Noah Golden-Krasner
Attorneys for State of California and State
of California 50th District Agricultural
Association

15
16
17 Dated: 11-3-2014

ROBERT G. KUHS
BERNARD C. BARMANN, JR.
KUHS & PARKER

18
19
20 By: Robert G. Kuhs
Robert G. Kuhs
Bernard C. Barmann, Jr.
Attorneys for Tejon Ranchcorp, Tejon Ranch
Company, and Granite Construction Company

21
22
23 Dated: _____

WILLIAM M. SLOAN
MORRISON & FOERSTER LLP

24
25 By: _____
William M. Sloan
Attorneys for U.S. Borax Inc.

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27 ///

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-12-

STIPULATION OF FACTS FOR PHELAN PINON HILLS COMMUNITY SERVICES DISTRICT
TRIAL SET FOR NOVEMBER 4, 2014

ALESHIRE &
WYNDER LLP
ATTORNEYS AT LAW



1 Dated: _____

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23 Dated: 11/3/14

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JANET K. GOLDSMITH
KRONICK, MOSKOVITZ, TIEDEMANN &
GIRARD

By: _____
Janet K. Goldsmith
Attorneys for City of Los Angeles and Los
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THOMAS S. BUNN III
LAGERLOF, SENECA, GOSNEY & KRUSE, LLP

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MARILYN H. LEVIN
NOAH GOLDEN-KRASNER
STATE OF CALIFORNIA

By: _____
Marilyn H. Levin
Noah Golden-Krasner
Attorneys for State of California and State
of California 50th District Agricultural
Association

ROBERT G. KUHS
BERNARD C. BARMANN, JR.
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By: _____
Robert G. Kuhs
Bernard C. Barmann, Jr.
Attorneys for Tejon Ranchcorp, Tejon Ranch
Company, and Granite Construction Company

WILLIAM M. SLOAN
MORRISON & FOERSTER LLP

By: _____
William M. Sloan
Attorneys for U.S. Borax Inc.

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Dated: _____

SAM HIRSH
LEE LEININGER
JAMES DUBOIS
UNITED STATES OF AMERICA

By: _____

Sam Hirsh
Lee Leininger
James Dubois
Attorneys for United States of America

ALLEN
WYNDALE
ATTORNEYS AT LAW





RICHARDS | WATSON | GERSHON

ATTORNEYS AT LAW – A PROFESSIONAL CORPORATION

355 South Grand Avenue, 40th Floor, Los Angeles, California 90071-3101
Telephone 213.626.8484 Facsimile 213.626.0078

Patrick D. Skahan
pskahan@rwglaw.com

November 3, 2014

VIA ELECTRONIC SERVICE

To All Parties and All Attorneys of Record Herein

Re: Antelope Valley Groundwater Cases, Judicial Council Coordination
Proceedings No. 4408 - Phelan Piñon Hills Community Services District Trial
Set for November 4, 2014

To All Parties and All Attorneys of Record Herein:

On September 9, 2014, the City of Palmdale filed a Notice of Intent to Participate in Trial of Claims by Phelan Piñon Hills Community Services District. Please be advised the City of Palmdale will no longer participate at the trial set for November 4, 2014.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Patrick Skahan', written in a cursive style.

Patrick D. Skahan

cc: The Honorable Jack Komar
Jim Markman, Esq.

P6399-1234\1763667v1.doc

LAW OFFICES
GRAHAM • VAAGE LLP
Suite 1030
500 NORTH BRAND BOULEVARD
GLENDALE, CALIFORNIA 91203

PLEASE REPLY TO:
ARNOLD K. GRAHAM

FILE NO:
West Valley County Water District

TELEPHONE
(818) 547-4800

FACSIMILE
(818) 547-3100

VIA ELECTRONIC SERVICE

November 3, 2014

**Re: Antelope Valley Groundwater Cases, Judicial Council Coordination
Proceedings No. 4408
Phelan Piñon Hills Community Services District Trial Set for
November 4, 2014**

To All Parties and Attorneys of Record:

On September 9, 2014, West Valley County Water District ("WVCWD") filed a Notice of Intent to Participate in Trial of Claims by Phelan Piñon Hills Community Services District.

Please be advised WVCWD will no longer participate at the trial set for November 4, 2014.

Yours very truly,

ARNOLD K. GRAHAM

AKG/np

cc: Hon. Jack Komar

1 RICHARD G. ZIMMER, ESQ. - SBN 107263
2 T. MARK SMITH, ESQ. - SBN 162370
3 CLIFFORD & BROWN
4 A Professional Corporation
5 Attorneys at Law
6 Bank of America Building
7 1430 Truxtun Avenue, Suite 900
8 Bakersfield, CA 93301-5230
9 Tel: (661) 322-6023 Fax: (661) 322-3508

10 Attorneys for BOLTHOUSE PROPERTIES, LLC
11 and WM. BOLTHOUSE FARMS, INC.

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES – CENTRAL DISTRICT

COORDINATION PROCEEDING
SPECIAL TITLE (Rule 1550(b))

ANTELOPE VALLEY GROUNDWATER
CASES

INCLUDED ACTIONS:

LOS ANGELES COUNTY WATERWORKS
DISTRICT NO. 40 v. DIAMOND FARMING
COMPANY, et al.,
Los Angeles Superior Court Case No. BC325201

LOS ANGELES COUNTY WATERWORKS
DISTRICT NO. 40 v. DIAMOND FARMING
COMPANY, et al.,
Kern County Superior Court Case No. S-1500-
CV-254348

DIAMOND FARMING COMPANY, and W.M.
BOLTHOUSE FARMS, INC., v. CITY OF
LANCASTER, et al.,
Riverside Superior Court Case No. RIC 344436
[c/w case no. RIC 344668 and 353840]

AND RELATED ACTIONS.

JUDICIAL COUNCIL COORDINATION PROCEEDING
No. 4408

CASE NO. 1-05-CV-049053
Action Filed: October 26, 2005

**NOTICE OF INTENTION TO NOT
PERSONALLY PARTICIPATE IN TRIAL
OF PHELAN PIÑON HILLS CLAIMS
AND RESERVATION OF RIGHT TO FILE
CLOSING ARGUMENT BRIEF**

Trial Date: November 4, 2014
Time: 9:00 a.m.
Dept: 56

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

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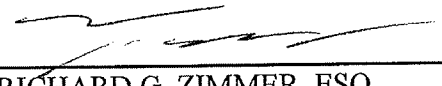
1 PLEASE TAKE NOTICE BOLTHOUSE PROPERTIES, LLC and WM. BOLTHOUSE
2 FARMS, INC. (hereinafter "BOLTHOUSE") do not intend to personally participate in the
3 PHELAN PIÑON HILLS trial scheduled to commence November 4, 2014.

4 PLEASE TAKE FURTHER NOTICE BOLTHOUSE hereby reserves its right to submit a
5 closing argument brief.

6 DATED: November 3, 2014

CLIFFORD & BROWN

7
8 By


9 RICHARD G. ZIMMER, ESQ.

10 T. MARK SMITH, ESQ.

11 Attorneys for BOLTHOUSE PROPERTIES, LLC
12 and WM. BOLTHOUSE FARMS, INC.
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PROOF OF SERVICE (C.C.P. §1013a, 2015.5)
Antelope Valley Groundwater Cases
Judicial Counsel Coordination Proceeding No. 4408
Santa Clara County Superior Court Case No. 1-05-CV-049053

I am employed in the County of Kern, State of California. I am over the age of 18 and not a party to the within action; my business address is 1430 Truxtun Avenue, Suite 900, Bakersfield, CA 93301.

On November 3, 2014, I served the foregoing document(s) entitled:

**NOTICE OF INTENTION TO NOT PERSONALLY PARTICIPATE IN TRIAL OF
PHELAN PIÑON HILLS CLAIMS AND RESERVATION OF RIGHT TO FILE
CLOSING ARGUMENT BRIEF**

by posting the document listed above to the Santa Clara Superior Court website in regard to the Antelope Valley Groundwater Matter. All parties listed on the Santa Clara Superior Court in regard to the Antelope Valley Groundwater Matter are hereby incorporated within by this reference.

X BY SANTA CLARA SUPERIOR COURT E-FILED IN COMPLEX
LITIGATION PURSUANT TO CLARIFICATION ORDER DATED
OCTOBER 27, 2005.

Executed on November 3, 2014, at Bakersfield, California.

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

— (Federal) I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.


SUE HAYS
{2455-2}

3 **PROOF OF SERVICE**

4 **STATE OF CALIFORNIA, COUNTY OF ORANGE**

5 I, Marie Young,

6 I am employed in the County of Orange, State of California. I am over the age of 18 and not a
7 party to the within action. My business address is 18881 Von Karman Avenue, Suite 1700, Irvine, CA
8 92612.

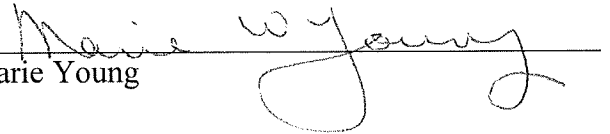
9 On November 3, 2014, I served the within document(s) described as **STIPULATION OF**
10 **FACTS FOR PHELAN PIÑON HILLS COMMUNITY SERVICES DISTRICT TRIAL SET**
11 **FOR NOVEMBER 4, 2014** on the interested parties in this action as follows:

12 **BY ELECTRONIC SERVICE:** By posting the document(s) listed above to the Santa Clara
13 County Superior Court website in regard to Antelope Valley Groundwater matter pursuant to the
14 Court's Clarification Order. Electronic service and electronic posting completed through
15 www.scefiling.org.

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

18 Executed on November 3, 2014, at Irvine, California.

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Marie Young



ALESHIRE &
WYNDELL LLP
ATTORNEYS AT LAW

