

**ORIGINAL**

Michael Duane Davis, State Bar No. 93678  
Marlene Allen-Hammarlund, State Bar No. 126418  
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Attorneys for Cross-Defendant,  
SHEEP CREEK WATER COMPANY, INC.

**ORIGINAL FILED**  
**RECEIVED**  
**DEPT. 1** MAR - 4 2009  
MAR - 4 2009  
LOS ANGELES  
SUPERIOR COURT  
LOS ANGELES  
SUPERIOR COURT

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**IN AND FOR THE COUNTY OF LOS ANGELES**

Coordination Proceeding  
Special Title (Rule 1550(b))

ANTELOPE VALLEY GROUNDWATER  
CASES

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

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

AND RELATED CROSS-ACTIONS.

Judicial Council Coordination  
Proceeding No. 4408

Santa Clara Case No. 1-05-CV-049053  
Assigned to the Honorable Jack Komar

**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**

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

NEW DATE: February 19, 2009  
TIME: 9:00 a.m.  
DEPT: 17 [San Jose]

**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**

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  
28 GROUNDWATER AGREEMENT ASSN.

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  
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SERVICES DISTRICT and LOS ANGELES  
COUNTY WATERWORKS DISTRICT NO. 40

21 Dated: December 3, 2008

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LLP

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24 Michael T. Fife  
25 Bradley J. Herrema  
26 Attorneys for ANTELOPE VALLEY  
GROUNDWATER AGREEMENT ASSN.

1 Dated: December 4, 2008

CALIFORNIA WATER SERVICE COMPANY

2  
3 By: Hiltz FOR JOHN TOOTLE

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

8 Dated: December \_\_\_\_\_, 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

MORRISON & FOERSTER, LLP

16 By: \_\_\_\_\_  
17 Edgar B. Washburn  
18 William M. Sloan  
19 Attorneys for U. S. BORAX, INC.

20 Dated: December \_\_\_\_\_, 2008

21 EDMUND G. GROWN, JR., Attorney General  
22 Daniel L. Siege., Supervising Dep. Attorney Gen.  
23 Virginia Cahill, Deputy Attorney General

24 By: \_\_\_\_\_  
25 Michael L. Crow, Deputy Attorney General  
26 Attorneys for STATE OF CALIFORNIA,  
27 SANTA MONICA MOUNTAINS  
28 CONSERVANCY and STATE OF  
CALIFORNIA 50th DISTRICT  
AGRICULTURAL ASSOCIATION

Dated: December \_\_\_\_\_, 2008

GRESHAM SAVAGE NOLAN & TILDEN, APC

By: \_\_\_\_\_  
Michael Duane Davis  
Marlene L. Allen-Hammarlund  
Attorneys for SHEEP CREEK WATER  
COMPANY, INC.

-5-

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

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AGRICULTURAL ASSOCIATION

Dated: December \_\_\_\_, 2008

GRESHAM SAVAGE NOLAN & TILDEN, APC

By: \_\_\_\_\_

Michael Duane Davis  
Marlene L. Allen-Hammarlund  
Attorneys for SHEEP CREEK WATER  
COMPANY, INC.

1 Dated: December \_\_\_\_\_, 2008

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11 Dated: December 3, 2008

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25 AGRICULTURAL ASSOCIATION

23 Dated: December \_\_\_\_\_, 2008

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26 Michael Duane Davis  
27 Marlene L. Allen-Hammarlund  
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COMPANY, INC.

-5-



1 Dated: December \_\_\_\_, 2008

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3 By: \_\_\_\_\_

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15 Dated: December \_\_\_\_, 2008

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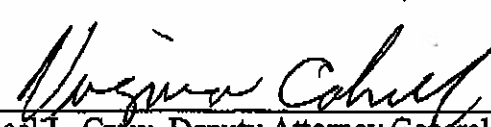
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20 Dated: December 3, 2008

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31 Michael Duane Davis  
32 Marlene L. Allen-Hammarlund  
33 Attorneys for SHEEP CREEK WATER  
34 COMPANY, INC.

1 Dated: December \_\_\_\_, 2008

CALIFORNIA WATER SERVICE COMPANY

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3 By: \_\_\_\_\_

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28 CONSERVANCY and STATE OF  
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AGRICULTURAL ASSOCIATION

29 Dated: December 3, 2008

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31 Michael Duane Davis  
32 Marlene L. Allen-Hammarlund  
33 Attorneys for SHEEP CREEK WATER  
34 COMPANY, INC.

1 Dated: December 3, 2008

LAGERLOF, SENEAL, 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

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8 By: \_\_\_\_\_  
Wayne K. Lemieux  
W. Keith Lemieux  
Attorneys for LITTLE ROCK CREEK  
IRRIGATION DISTRICT, PALM RANCH  
IRRIGATION DISTRICT, NORTH EDWARDS  
WATER DISTRICT, DESERT LAKES  
COMMUNITY SERVICES DISTRICT

9  
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12 Dated: December \_\_\_\_\_, 2008

LUCE FORWARD HAMILTON & SCRIPPS, LLP

13  
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15 By: \_\_\_\_\_  
Douglas J. Evertz  
Attorneys for CITY OF LANCASTER

16  
17 Dated: December \_\_\_\_\_, 2008

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

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20 By: \_\_\_\_\_  
James L. Markman  
Steven R. Orr  
Whitney G. McDonald  
Attorneys for CITY OF PALMDALE

21  
22  
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

1 Dated: December \_\_\_\_, 2008

LAGERLOF, SENECA, GOSNEY & KRUSE,  
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Dated: December \_\_\_\_\_, 2008

LAGERLOF, SENECA, GOSNEY & KRUSE,  
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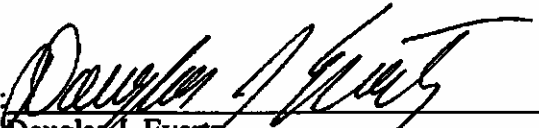
Dated: December \_\_\_\_\_, 2008

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Wayne K. Lemieux  
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IRRIGATION DISTRICT, PALM RANCH  
IRRIGATION DISTRICT, NORTH EDWARDS  
WATER DISTRICT, DESERT LAKES  
COMMUNITY SERVICES DISTRICT

Dated: December 3, 2008

LUCE FORWARD HAMILTON & SCRIPPS, LLP

By:  \_\_\_\_\_  
Douglas J. Evertz  
Attorneys for CITY OF LANCASTER

Dated: December \_\_\_\_\_, 2008

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

By: \_\_\_\_\_  
James L. Markman  
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Dated: December \_\_\_\_\_, 2008

UNITED STATES DEPARTMENT OF JUSTICE

By: \_\_\_\_\_  
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1 Dated: December \_\_\_\_\_, 2008

LAGERLOF, SENECA, GOSNEY & KRUSE,  
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H. Jess Senecal  
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6 Dated: December \_\_\_\_\_, 2008

LEMIEUX & O'NEILL

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Wayne K. Lemieux  
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IRRIGATION DISTRICT, PALM RANCH  
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12 Dated: December \_\_\_\_\_, 2008

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17 Dated: December 3, 2008

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1 Dated: December \_\_\_\_, 2008

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LLP

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WATER DISTRICT, DESERT LAKES  
COMMUNITY SERVICES DISTRICT

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12 Dated: December \_\_\_\_, 2008

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Attorneys for CITY OF PALMDALE

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23 Dated: December 3<sup>RD</sup>, 2008

UNITED STATES DEPARTMENT OF JUSTICE

24  
25 By:  \_\_\_\_\_

R. Lee Leisinger  
James J. DuBois  
Attorneys for UNITED STATES OF AMERICA  
and FEDERAL DEFENDANTS

26  
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28 -6-

**Order**

The Stipulation of the parties who have participated in the Public Water Suppliers' Opposition to the Motion, and who participated in the Stipulation to Continue October 3rd Hearing, being the parties who have participated in the Stipulation to Continue December 18th Hearing, is accepted, and good cause appearing therefore,

IT IS HEREBY ORDERED THAT:

The 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* is continued to February 19, 2009, at 9:00 a.m., or as soon thereafter as the matter may be heard in Department 17 of the above-entitled Court [San Jose].

Dated: 12/4/08

  
Honorable JACK KOMAR  
Judge of the Superior Court



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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.

(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,

Honorable Jack Komar  
Santa Clara County Superior Court  
191 North First Street, Dept. 17C  
San Jose, CA 95113

Executed on December 3, 2008, at Riverside, California.

TERI D. GALLAGHER