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ORIGINAL FILED

APR - 1 2009

LOS ANGELES
SUPERIOR COURT

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

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

**STIPULATION TO CONTINUE
FEBRUARY 27, 2009 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**

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: February 27, 2009
TIME: 9:00 a.m.
DEPT: 17 [San Jose]

NEW DATE: MAY 28, 2009
TIME: 9:00 a.m.
DEPT: 17 [San Jose]

AND RELATED CROSS-ACTIONS.

**STIPULATION TO CONTINUE FEBRUARY 27, 2009 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**

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Proceeding No. 4408

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**STIPULATION TO CONTINUE
FEBRUARY 27, 2009 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: February 27, 2009
TIME: 9:00 a.m.
DEPT: 17 [San Jose]

NEW DATE: MAY 28, 2009
TIME: 9:00 a.m.
DEPT: 17 [San Jose]

This *Stipulation to Continue February 27, 2009 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 February 27th Hearing”) is entered into by and between Cross-Defendant **SHEEP CREEK WATER COMPANY, INC.** (“Sheep Creek”); the “Public Water Suppliers” which are comprised of Plaintiffs **LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40** (“LACWD No. 40”), **CITY OF LANCASTER** (“Lancaster”), **CITY OF PALMDALE** (“Palmdale”), **CALIFORNIA WATER SERVICE COMPANY** successor to **ANTELOPE VALLEY WATER COMPANY** (“Cal Water”), **DESERT LAKES COMMUNITY SERVICES DISTRICT** (“Desert Lakes CSD”), **LITTLEROCK CREEK IRRIGATION DISTRICT** (“Littlerock Creek ID”), **NORTH EDWARDS WATER DISTRICT** (“North Edwards WD”), **PALM RANCH IRRIGATION DISTRICT** (“Palm Ranch ID”), **PALMDALE WATER DISTRICT** (“Palmdale WD”), **ROSAMOND COMMUNITY SERVICES DISTRICT** (“Rosamond CSD”); Cross-Defendant **UNITED STATES OF AMERICA** (“U.S.”); **STATE OF CALIFORNIA** (“California”), **STATE OF CALIFORNIA 50th DISTRICT AGRICULTURAL ASSOCIATION** (“50th Ag. District”), **SANTA MONICA MOUNTAINS CONSERVANCY** (the “Conservancy”), **ANTELOPE VALLEY GROUNDWATER AGREEMENT ASSOCIATION** (“AGWA”), **THE WOOD CLASS** (“Wood Class”), and **U. S. BORAX, INC.** (“Borax”), in light of the following:

Recitals

A. On September 10, 2008, Sheep Creek electronically filed and served its *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* (the “Motion”), which Motion was initially set for hearing on October 3, 2008, at 9:00 a.m., in Department 17 [San Jose] of the above-entitled Court.

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

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

10 D. On September 25, 2008, Sheep Creek, the Public Water Suppliers, the U.S.,
11 California, the 50th Ag. District, the Conservancy, AGWA, the Wood Class, and Borax
12 submitted a *Stipulation to Continue Hearing on Sheep Creek Water Company, Inc.'s Motion to*
13 *be Excluded from the Antelope Valley Groundwater Adjudication, or, in the alternative, For*
14 *Recognition of its Prior Rights to the Waters of Sheep Creek; and [Proposed] Order Thereon*
15 *("Stipulation to Continue October 3rd Hearing")* to the Court.

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

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

22 G. On December 3, 2008, the interested parties primarily comprised of the Sheep
23 Creek, the Public Water Suppliers, the U.S., California, the 50th Ag. District, the Conservancy,
24 AGWA, the Wood Class, and Borax and the United States of America, submitted a *Stipulation to*
25 *Continue December 18, 2009 Hearing on Sheep Creek Water Company, Inc.'s Motion to be*
26 *Excluded from the Antelope Valley Groundwater Adjudication, or, in the alternative, For*
27 *Recognition of its Prior Rights to the Waters of Sheep Creek; and [Proposed] Order Thereon to*
28

1 the Court, which Stipulation was accepted and the Hearing is now scheduled for February 27,
2 2009, at 9:00 a.m., or as soon thereafter as the matter could be heard in Department 17 of the
3 above-entitled Court.

4 **H.** The interested parties have exchanged further information and engaged in further
5 discussions in an effort to formulate an agreed solution to the primary issues in the Motion, most
6 recently on January 21, 2009 at the Offices of Best Best & Krieger in Ontario. Counsel for
7 Sheep Creek is presently working on the preparation of a draft document which may be the basis
8 for a comprehensive agreement, which will be submitted to counsel for Los Angeles County
9 Waterworks District No. 40, Palmdale Water District and the United States before circulation
10 amongst all interested parties for further consideration.

11 **I.** The interested parties including the Public Water Suppliers, the United States of
12 America and Sheep Creek remain of the opinion that it is their best interests and in furtherance of
13 the action, that the parties have further time to continue with said negotiations; and, request that
14 the Court grant a further continuance of the Hearing on the Motion for a period of approximately
15 ninety (90) to one hundred twenty (120) days in order to afford the parties sufficient time to
16 complete those negotiations.

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

21
22 **IT IS THEREFORE STIPULATED AND AGREED AS FOLLOWS:**

23 **Stipulation**

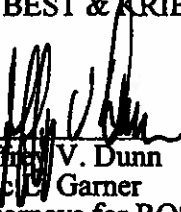
24 1. The parties hereto request that the hearing on the Motion be continued to
25 _____, 2009, at 9:00 a.m., or as soon thereafter as the matter may be heard in
26 Department 17 of the above-entitled Court.

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

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

6 Dated: February 6, 2009

BEST BEST & KRIEGER, LLP

7
8 By: 
9 Jeffrey V. Dunn
10 Eric L. Garner
11 Attorneys for ROSAMOND COMMUNITY
SERVICES DISTRICT and LOS ANGELES
COUNTY WATERWORKS DISTRICT NO. 40

12 Dated: February _____, 2009

BROWNSTEIN HYATT FARBER SCHRECK,
LLP

13
14
15 By: _____
16 Michael T. Fife
17 Bradley J. Herrema
Attorneys for ANTELOPE VALLEY
GROUNDWATER AGREEMENT ASSN.

18 Dated: February _____, 2009

CALIFORNIA WATER SERVICE COMPANY

19
20 By: _____
21 John M. Tootle
22 Attorneys for CALIFORNIA WATER
SERVICE COMPANY successor to
ANTELOPE VALLEY WATER COMPANY

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9 Jeffrey V. Dunn
10 Eric L. Garner
11 Attorneys for ROSAMOND COMMUNITY
SERVICES DISTRICT and LOS ANGELES
COUNTY WATERWORKS DISTRICT NO. 40

12 Dated: February 6, 2009

BROWNSTEIN HYATT FARBER SCHRECK,
LLP

14 By:  _____

15 Michael T. Fife
16 Bradley J. Herrema
17 Attorneys for ANTELOPE VALLEY
GROUNDWATER AGREEMENT ASSN.

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9 Jeffrey V. Dunn
10 Eric L. Garner
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 SERVICES DISTRICT and LOS ANGELES
 COUNTY WATERWORKS DISTRICT NO. 40

12 Dated: February _____, 2009

BROWNSTEIN HYATT FARBER SCHRECK,
LLP

13
14 By: _____

15 Michael T. Fife
16 Bradley J. Herrema
17 Attorneys for ANTELOPE VALLEY
 GROUNDWATER AGREEMENT ASSN.

18 Dated: February 11, 2009

CALIFORNIA WATER SERVICE COMPANY

19
20 By:  _____

21 John S. Tootle
22 Attorneys for CALIFORNIA WATER
23 SERVICE COMPANY successor to
24 ANTELOPE VALLEY WATER COMPANY

1 Dated: February 5, 2009

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

2
3
4 By: ML

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

5
6
7 Dated: February _____, 2009

MORRISON & FOERSTER, LLP

8
9 By: _____

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

10
11
12 Dated: February _____, 2009

EDMUND G. BROWN, JR., Attorney General
Daniel L. Siege., Supervising Dep. Attorney Gen.
Virginia Cahill, Deputy Attorney General

13
14
15 By: _____

Michael L. Crow, Deputy Attorney General
Attorneys for STATE OF CALIFORNIA,
SANTA MONICA MOUNTAINS
CONSERVANCY and STATE OF
CALIFORNIA 50th DISTRICT
AGRICULTURAL ASSOCIATION

16
17
18
19 Dated: February _____, 2009

GRESHAM SAVAGE NOLAN & TILDEN, APC

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21 By: _____

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

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Dated: February ____, 2009

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

By: _____
Michael D. McLachlan
Daniel M. O'Leary
Attorneys for the WOOD CLASS

Dated: February 9, 2009

MORRISON & FOERSTER, LLP

By: William M. Sloan
Edgar B. Washburn
William M. Sloan
Attorneys for U. S. BORAX, INC.

Dated: February ____, 2009

EDMUND G. BROWN, JR., Attorney General
Daniel L. Siegel, Supervising Dep. Attorney Gen.
Virginia Cahill, Deputy Attorney General

By: _____
Michael L. Crow, Deputy Attorney General
Attorneys for STATE OF CALIFORNIA,
SANTA MONICA MOUNTAINS
CONSERVANCY and STATE OF
CALIFORNIA 50th DISTRICT
AGRICULTURAL ASSOCIATION

Dated: February ____, 2009

GRESHAM SAVAGE NOLAN & TILDEN, APC

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

1 Dated: February _____, 2009

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

4 By: _____

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

7 Dated: February _____, 2009

MORRISON & FOERSTER, LLP

9 By: _____

Edgar B. Washburn
William M. Sloan
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12 Dated: February 6, 2009

EDMUND G. BROWN, JR., Attorney General
Daniel L. Siege., Supervising Dep. Attorney Gen.
Virginia Cahill, Deputy Attorney General

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Michael L. Crow, Deputy Attorney General
Attorneys for STATE OF CALIFORNIA,
SANTA MONICA MOUNTAINS
CONSERVANCY and STATE OF
CALIFORNIA 50th DISTRICT
AGRICULTURAL ASSOCIATION

19 Dated: February _____, 2009

GRESHAM SAVAGE NOLAN & TILDEN, APC

22 By: _____

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

1 Dated: February _____, 2009

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Law Offices of Daniel M. O'LEARY

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Daniel M. O'Leary
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Michael Duane Davis
Marlene L. Allen-Hammarlund
Attorneys for SHEEP CREEK WATER
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1 Dated: February 5, 2009

LAGERLOF, SENECA, GOSNEY & KRUSE,
LLP

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

7 Dated: February _____, 2009

LEMIEUX & O'NEILL

8
9 By: _____
10 Wayne K. Lemieux
11 W. Keith Lemieux
12 Attorneys for LITTLE ROCK CREEK
13 IRRIGATION DISTRICT, PALM RANCH
14 IRRIGATION DISTRICT, NORTH EDWARDS
15 WATER DISTRICT, DESERT LAKES
16 COMMUNITY SERVICES DISTRICT

17 Dated: February _____, 2009

LUCE FORWARD HAMILTON & SCRIPPS, LLP

18 By: _____
19 Douglas J. Evertz
20 Attorneys for CITY OF LANCASTER

21 Dated: February _____, 2009

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

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25 Whitney G. McDonald
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LEMIEUX & O'NEILL

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9 By:  _____

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

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COMMUNITY SERVICES DISTRICT

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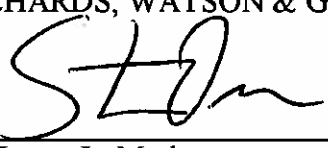
17 Dated: February _____, 2009

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19 Douglas J. Evertz
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21 Dated: February 11, 2009

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22
23 By:  _____
24 James L. Markman
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26 Whitney G. McDonald
27 Attorneys for CITY OF PALMDALE
28

1 Dated: February 6, 2009

UNITED STATES DEPARTMENT OF JUSTICE

2
3 By:

R. Lee Leininger

James J. DuBois

Attorneys for UNITED STATES OF AMERICA
and FEDERAL DEFENDANTS

4
5
6
7 Order

8 The Stipulation of the parties who have participated in the Public Water Suppliers'
9 Opposition to the Motion, and who have participated in the Stipulations to Continue the
10 December 18th Hearing, being the parties who have participated in the Stipulation to Continue
11 February 27th Hearing, is accepted, and good cause appearing therefore,

12 IT IS HEREBY ORDERED THAT:

13 The hearing on Sheep Creek Water Company, Inc.'s *Motion to be Excluded from the*
14 *Antelope Valley Groundwater Adjudication, or, in the Alternative, for Recognition of its Prior*
15 *Rights to the Waters of Sheep Creek* is continued to MAY 28, 2009, at 9:00 a.m., or
16 as soon thereafter as the matter may be heard in Department 17 of the above-entitled Court [San
17 Jose].

18
19 Dated: FEB 25 2009

20 Honorable JACK KOMAR
21 Judge of the Superior Court

