

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

ANTELOPE VALLEY
GROUNDWATER CASES

Included 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-254-348Wm. 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 No. RIC 353 840,
RIC 344 436, RIC 344 668

Judicial Council Coordination Proceeding
No. 4408

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

**[PROPOSED] ORDER GRANTING
AGWA's NOTICE OF MOTION AND
MOTION IN LIMINE NO. 2 REGARDING
REDETERMINATION OF SAFE YIELD
AND TO EXCLUDE EVIDENCE**

Date: December 15, 2010
Time: 9:00 am
Dept.: 1

The Antelope Valley Groundwater Agreement Association's ("AGWA") Motion in Limine
No. 2 requesting an order on the extent of the Court's jurisdiction and authority to redetermine safe
yield in the Phase III trial of the above-captioned matter and to exclude evidence suggesting or
implying that the Basin's safe yield is not subject to redetermination came on for hearing before this

1 Court on December 15, 2010, at 9:00 am, before the Honorable Jack Komar (Ret.), in Department 1
2 of this Court, located at 111 North Hill Street, Los Angeles, CA 90012. After consideration of the
3 pleadings and arguments of counsel, and all other matters presented to the Court, AGWA's Motion
4 in Limine No. 2 Regarding Redetermination of Safe Yield is **GRANTED and IT IS HEREBY**
5 **ORDERED:**

6 1. The Antelope Valley Groundwater Basin's ("Basin") safe yield, as it may be
7 determined during the third phase of trial, is subject to future redetermination by the Court should
8 conditions in the Basin change or additional information regarding the Basin's condition become
9 available. The Court's determination of the Basin's safe yield at a level that will allow the
10 maximum beneficial use of the Basin shall not preclude the Court from later evaluating the impacts
11 of pumping at such a level and adjusting its determination of the safe yield as appropriate.

12 2. The Court shall exclude from introduction during the third phase of trial any evidence
13 suggesting or implying that the Basin's safe yield is not subject to redetermination and will rather be
14 considered the Basin's permanent safe yield.

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18 DATED: _____
19 JUDGE OF THE SUPERIOR COURT
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PROOF OF SERVICE

**STATE OF CALIFORNIA,
COUNTY OF SANTA BARBARA**

I am employed in the County of Santa Barbara, State of California. I am over the age of 18 and not a party to the within action; my business address is: 21 E. Carrillo Street, Santa Barbara, California 93101.

On December 3, 2010, I served the foregoing document described as:

**[PROPOSED] ORDER GRANTING AGWA's NOTICE OF MOTION AND MOTION IN
LIMINE NO. 2 REGARDING REDETERMINATION OF SAFE YIELD AND TO
EXCLUDE EVIDENCE**

on the interested parties in this action.

By posting it on the website at 12:00 p.m. on December 3, 2010.
This posting was reported as complete and without error.

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

Executed in Santa Barbara, California, on December 3, 2010.

MARIA KLACHKO-BLAIR

TYPE OR PRINT NAME



SIGNATURE