

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 MOTION IN LIMINE NO. 3
REGARDING THE COURT'S ABILITY TO
IMPLEMENT A PHYSICAL SOLUTION
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. 3 requesting an order on the extent of the Court's jurisdiction to implement a physical solution
in the third phase of trial of the above-captioned matter and excluding evidence came on for hearing
before this Court on December 15, 2010, at 9:00 am, before the Honorable Jack Komar (Ret.), in

[PROPOSED] ORDER GRANTING MOTION IN LIMINE NO. 3 RE IMPLEMENTATION OF PHYSICAL
SOLUTION

Department 1 of this Court, located at 111 North Hill Street, Los Angeles, CA 90012. After consideration of the pleadings and arguments of counsel, and all other matters presented to the Court, AGWA's Motion in Limine No. 3 Regarding the Court's Ability to Implement a Physical Solution is **GRANTED and IT IS HEREBY ORDERED:**

1. Acting within the Court's equitable jurisdiction and under the duties imposed upon the Court by Article X, section 2 of the California Constitution, the Court may impose a physical solution to ensure maximum beneficial use of and manage water resources within the Antelope Valley Groundwater Basin ("Basin") without a prior evidentiary finding that the Basin is in a state of "overdraft," as that term is defined for use in the third phase of trial.

2. The Court shall exclude from introduction during the third phase of trial any evidence suggesting or implying that unless the Court makes a finding of current overdraft that it is unable to order the implementation of a physical solution or otherwise require the management of the Basin.

DATED: _____

JUDGE OF THE SUPERIOR COURT

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 MOTION IN LIMINE NO. 3 REGARDING
THE COURT'S ABILITY TO IMPLEMENT A PHYSICAL SOLUTION 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