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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

ANTELOPE VALLEY GROUNDWATER CASES

Judicial Council Coordination Proceeding
No. 4408

Included Actions:

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

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 No. RIC 353 840, RIC 344 436, RIC 344 668

AGWA's CASE MANAGEMENT STATEMENT AND RECOMMENDATION RE REFERENCE TO STATE WATER RESOURCES CONTROL BOARD

1 The Antelope Valley Groundwater Agreement Association (“AGWA”) hereby submits
2 this Case Management Statement and recommendation that the Court refer the fact-finding
3 portion of the Phase IV trial to the State Water Resources Control Board (“SWRCB”).

4 The large number of witnesses and massive amount of written discovery responses clearly
5 shows that the initial two week schedule for the Phase IV trial will not be enough time. Because
6 of the amount of factual information associated with the trial, AGWA recommends that the Court
7 refer the fact-finding portion of the trial to the SWRCB.

8 The Water Code contemplates a reference procedure to the SWRCB in order to give
9 courts a neutral resource for situations just such as the present one. Water Code sections: 2000
10 and 2001 provide:

11
12 In any suit brought in any court of competent jurisdiction in this
13 State for determination of rights to water, the court may refer the
14 suit to the board for investigation of and report upon any or all of
15 the physical facts involved. (Wat. Code, § 2001.)

16 The State Board has the resources and the expertise to conduct the fact-finding that will be
17 involved in Phase IV. During the period between the making of the reference and initiation of
18 fact-finding by the SWRCB, the parties can analyze the written discovery and conduct necessary
19 depositions in a reasonable manner. At the conclusion of the SWRCB’s work, it can submit a
20 report to the Court which can form the basis for legal rulings and resolution of issues. AGWA
21 believes such a structure could streamline the discovery period of the Phase IV trial and assist the
22 court in moving the case along to trial. A reference to the SWRCB will allow for reasonable
23 discovery and an orderly resolution of factual issue that is consistent with the due process rights
24 of the parties.

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Dated: January 14, 2013

BROWNSTEIN HYATT FARBER SCHRECK, LLP



By: _____

MICHAEL T. FIFE
BRADLEY J. HERREMA
ATTORNEYS FOR AGWA

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 January 14, 2013, I served the foregoing document described as:

**AGWA's CASE MANAGEMENT STATEMENT AND
RECOMMENDATION RE REFERENCE TO STATE WATER
RESOURCES CONTROL BOARD**

on the interested parties in this action.

By posting it on the website by 5:00 p.m. on January 14, 2013.

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 January 14, 2013.

**LINDA MINKY
TYPE OR PRINT NAME**


SIGNATURE