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

10	<b>ANTELOPE VALLEY</b>	)	Judicial Council Coordination Proceeding No.
11	<b>GROUNDWATER CASES</b>	)	4408
11	Included Actions:	)	
12	Los Angeles County Waterworks District No. 40	)	Santa Clara Case No. 1-05-CV-049053
13	v. Diamond Farming Co.	)	Assigned to The Honorable Jack Komar
14	Superior Court of California	)	
15	County of Los Angeles, Case No. BC 325 201	)	<b>RESPONSE TO AGWA OBJECTION TO</b>
16	Los Angeles County Waterworks District No. 40	)	<b>JOINT PURVEYOR &amp; LANDOWNER CASE</b>
17	v. Diamond Farming Co.	)	<b>MANAGEMENT PROPOSAL</b>
18	Superior Court of California, County of Kern,	)	Date: February 17, 2006
19	Case No. S-1500-CV-254-348	)	Time: 9:00 a.m.
20		)	Department: 1
21	Wm. Bolthouse Farms, Inc. v. City of Lancaster	)	
22	Diamond Farming Co. v. City of Lancaster	)	
23	Diamond Farming Co. v. Palmdale Water Dist.	)	
24	Superior Court of California, County of Riverside,	)	
25	consolidated actions, Case Nos.	)	
26	RIC 353 840, RIC 344 436, RIC 344 668	)	

27 The landowners who refer to themselves as "AGWA" object to part of the Joint Purveyor  
28 & Landowner Case Management Proposal, i.e., resolution of subarea boundaries, along with outer basin  
boundaries, in Phase 1 of the case. There are many reasons why outer boundary and subarea issues  
should be decided promptly and together, for example:

1. Both issues involve similar hydro-geological questions (e.g., quantifying  
groundwater flows across faults and other proposed boundaries), and the same experts will analyze and  
answer these questions.

1           2.       The USGS has repeatedly studied and reported on both the outer boundaries and  
2 the 7 subbasins of the Antelope Valley Groundwater Basin. (See, e.g., the USGS basin/subbasin map  
3 attached to the Joint CMC Proposal.) The experts in this case can analyze the USGS data & reports, and  
4 either reach an agreement regarding the outer and subarea boundaries, or prepare for trial in relatively  
5 short order.

6           3.       Chopping the case into numerous small phases – each requiring its own extended  
7 discovery, pretrial motions, experts, and trial – would drag this case out interminably and be very  
8 inefficient.

9           4.       Prompt resolution of the subarea questions is necessary for the parties to conduct  
10 productive settlement negotiations. In the Santa Maria groundwater litigation, postponement of the  
11 subarea issues prevented the parties from reaching a settlement for several years. Only when the parties  
12 themselves agreed on the 3 subareas were they able to reach a broad settlement. Likewise, in this case,  
13 there will be no global settlement without definition of the subareas, either by agreement of the parties  
14 or by ruling of the Court. Resolving subarea issues in Phase 1 will expedite, not retard, the progress of  
15 the case. Since there cannot be any trial here for at least several months, we should resolve both of these  
16 foundational boundary issues in Phase 1.

17  
18 Dated: February 15, 2006

NOSSAMAN, GUTHNER, KNOX & ELLIOTT, LLP  
FREDRIC A. FUDACZ  
HENRY S. WEINSTOCK

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

  
HENRY S. WEINSTOCK  
Attorneys for Tejon Ranchcorp

1 **PROOF OF SERVICE**

2  
3 The undersigned declares:

4 I am employed in the County of , State of California. I am over the age of 18 and am not a party  
5 to the within action; my business address is c/o Nossaman, Guthner, Knox & Elliott, LLP, 445 S.  
6 Figueroa Street, 31st Floor Los Angeles, California 90071-1602.

7 On February 15, 2006, I served the foregoing **RESPONSE TO AGWA OBJECTION TO  
8 JOINT PURVEYOR & LANDOWNER CASE MANAGEMENT PROPOSAL** on all interested  
9 parties:

10 (X) (By U.S. Mail) On the same date, at my said place of business, said correspondence was sealed  
11 and placed for collection and mailing following the usual business practice of my said employer.  
12 I am readily familiar with my said employer's business practice for collection and processing of  
13 correspondence for mailing with the United States Postal Service, and, pursuant to that practice,  
14 the correspondence would be deposited with the United States Postal Service, with postage  
15 thereon fully prepaid, on the same date at Los Angeles, California, addressed to:

16  
17 Honorable Jack Komar  
18 Judge of the Superior Court of California  
19 County of Santa Clara  
20 191 North First Street, Department 17C  
21 San Jose, CA 95113

22 (X) (By E-Filing) I posted the document(s) listed above to the Santa Clara County Superior Court  
23 website in regard to the Antelope Valley Groundwater matter in compliance with the Court's  
24 electronic posting instructions and the Court's Clarification Order dated October 27, 2005.

25 ( ) (By Federal Express) I served a true and correct copy by Federal Express or other overnight  
26 delivery service, for delivery on the next business day. Each copy was enclosed in an envelope  
27 or package designated by the express service carrier; deposited in a facility regularly maintained  
28 by the express service carrier or delivered to a courier or driver authorized to receive documents  
on its behalf; with delivery fees paid or provided for; addressed as shown on the accompanying  
service list.

Executed on **February 15, 2006** at Los Angeles, California.

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

( ) (FEDERAL) I declare under penalty of perjury under the laws of the United States of America  
that the foregoing is true and correct.

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