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10 Attorneys for DIAMOND FARMING COMPANY,  
11 a California corporation

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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 No. 4408

ANTELOPE VALLEY GROUNDWATER  
CASES

Case No.: 1-05-CV-049053

Included actions:

**DIAMOND FARMING'S RESPONSE  
TO COURT'S ORDER RE PHASE I  
TRIAL SCHEDULED JULY 24, 2006**

Los Angeles County Waterworks District No.  
40 vs. Diamond Farming Company  
Los Angeles Superior Court  
Case No. BC 325201

Los Angeles County Waterworks District No.  
40 vs. Diamond Farming Company  
Kern County Superior Court  
Case No. S-1500-CV 254348 NFT

Diamond Farming Company vs. City of  
Lancaster  
Riverside County Superior Court  
Lead Case No. RIC 344436 [Consolidated  
w/Case Nos. 344668 & 353840]

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1 In response to this Court's Order dated July 11, 2006, Diamond Farming responds as follows:

2 It is and was Diamond Farming's understanding that the Phase I Trial was intended to and would  
3 establish, based upon competent evidence, the jurisdictional boundaries of the area necessary to fully  
4 adjudicate all water rights consistent with the mandate of the McCarran Act (43 U.S.C. § 666). As this  
5 Court is aware, this particular party has been embroiled in this litigation since October of 1999, has  
6 already, prior to coordination, and the new cross-complaints, started trial, and does not wish to start over  
7 again in the future due to any jurisdictional defect. As set forth in this party's earlier statement filed with  
8 the court on June 29, 2006, this party does not intend to affirmatively offer expert testimony as to the  
9 jurisdictional boundaries, but reserves the right to cross-examine any witnesses proffered and to offer  
10 rebuttal expert witness testimony, if necessary. Also, as previously stated in our earlier filing dated June  
11 29, 2006, this party supports a jurisdictional boundary which will satisfy the United States' parties in  
12 this action.

13 In the Court's Order dated July 11, 2006, the Court suggests in the parenthesis that it intends to  
14 also establish in this Phase I Trial a "basin boundary" in addition to the litigation jurisdictional boundary.  
15 It was this party's understanding and expectation that the scientifically supported "basin boundary"  
16 would be litigated as part of the anticipated Phase II Trial addressing "basin conditions." If and to the  
17 extent evidence is to be taken in this Phase I Trial regarding the "basin boundary," this party reserves  
18 the right to cross-examination, and the right to offer rebuttal expert testimony if and as needed.

19 Dated: July 13, 2006

Respectfully submitted,

20 LeBEAU • THELEN, LLP

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23 By: 

24 BOB H. JOYCE  
25 Attorneys for DIAMOND FARMING COMPANY,  
26 a California corporation  
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