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7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES
10

11 Coordination Proceeding
12 Special Title (Rule 3.550)

13 **ANTELOPE VALLEY**
14 **GROUNDWATER CASES**

15 Included Actions:

16 **Los Angeles County Waterworks District No. 40**
17 **v. Diamond Farming Co.**
Los Angeles County Superior Court
Case No. BC 325 201

18 **Los Angeles County Waterworks District No. 40**
19 **v. Diamond Farming Co.**
Kern County Superior Court
20 Case No. S-1500-CV-254-348

21 **Wm. Bolthouse Farms, Inc. v. City of Lancaster**
22 **Diamond Farming Co. v. City of Lancaster**
23 **Diamond Farming Co. v. Palmdale Water District**
Riverside County Superior Court
Case Nos. RIC 353 840, RIC 344 436, RIC 344 668
24 (Consolidated Actions)

JUDICIAL COUNCIL COORDINATION
PROCEEDING NO. 4408

Los Angeles County Superior Court
Lead Case No. BC 325 201

For e-service purposes only:
Santa Clara County Superior Court
Case No. 1-05-CV-049053

**STIPULATION OF FACTS RELATED
TO U.S. BORAX INC.**

IT IS HEREBY STIPULATED AND AGREED by and between the Parties hereto, by their respective counsel, that, for the purpose of trial in this action, the facts listed below are undisputed and may be treated by the court as facts proved in open court.

The Parties may, during the trial of this matter, call witnesses and offer evidence for the purpose of proving any additional facts as the Parties may see fit or as requested by the Court.

By this stipulation, the Parties are not agreeing to any water rights, and they reserve the right to present further evidence and make any and all legal arguments regarding the relevance of the water use described herein to any rights that may be adjudicated in future phases of this action. Additionally, in making the stipulation, the Parties do not waive any legal arguments concerning the effect or import of any of the following undisputed facts, and each Party reserves the right to offer any legal arguments concerning those facts, or any part of those facts, in future phases of trial as allowed by the Court.

The undisputed facts are as follows:

1. U.S. Borax, Inc. ("Borax") used 3512 acre feet of water in 2011, and 3478 acre feet of water in 2012, as described below:

	2011	2012
Total	3512	3478
Water wells 30,33,34,43	828	1064
State Water Project Quantity	1873	1617
Extraction wells*	124	82
Groundwater from Outside Adjudication Area*	144	203
Cogeneration Facility Steam*	150	119
Demineralized Cogeneration Facility Water	24	24
Conservation, recycle, recovery*	369	369

* The Parties reserve the right to challenge the factual and legal basis for the inclusion of these subcategories as part of the overall total use amount, and particularly disputes the applicability of California Water Code section 1010 to these subcategories, but does not dispute the accuracy of the numbers representing the amount of water calculated for each of these sources.

1 2. To the extent that any of Borax's water use is later discovered to include water that
2 was used outside of the Antelope Valley Adjudication Area, the Parties reserve the right to dispute
3 that amount of Borax's claim.

4 3. Bruce N. Nelson will not testify at the Phase 4 trial beyond the scope of the facts
5 above and what was set forth in the Declaration of Bruce N. Nelson in Lieu of Deposition for Phase 4
6 Trial, filed January 31, 2013 by Borax, with the exception of potential rebuttal testimony.

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9 Dated: April 12, 2013

WILLIAM M. SLOAN
MORRISON & FOERSTER LLP

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11 By: 
12

WILLIAM M. SLOAN
Attorneys for U.S. BORAX INC.

13 Dated: April __, 2013

14 LAGERLOF SENEAL GOSNEY & KRUSE

15
16 By: _____

THOMAS BUNN III
Attorneys for PALMDALE WATER
DISTRICT

17
18 Dated: April __, 2013

19 CALIFORNIA WATER SERVICE COMPANY

20
21 By: _____

JOHN TOOTLE
Attorney and Corporate Counsel for
CALIFORNIA WATER SERVICE
COMPANY

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23 Dated: April __, 2013

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26 By: _____

DOUGLAS J. EVERTZ
Attorneys for CITY OF LANDCASTER and
ROSAMOND COMMUNITY WATER
DISTRICT

1 Dated: April __, 2013

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ALEJANDRO L. BRAS
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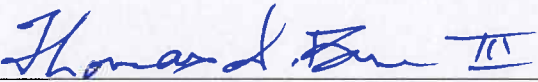
4 By: _____

WILLIAM M. SLOAN
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6 Dated: April 15, 2013

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THOMAS BUNN III

Attorneys for PALMDALE WATER
DISTRICT

11 Dated: April __, 2013

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ROSAMOND COMMUNITY WATER
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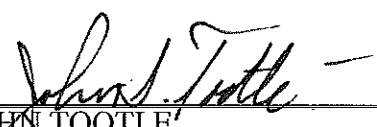
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1 Dated: April __, 2013

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WILLIAM M. SLOAN
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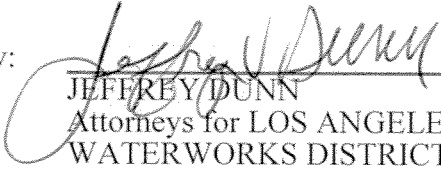
18 By: _____


DOUGLAS J. EVERTZ
Attorneys for CITY OF LANDCASTER and
ROSAMOND COMMUNITY WATER
DISTRICT

1 Dated: April 15, 2013

BEST BEST & KRIEGER LLP

2
3
4 By:


JEFFREY DUNN
Attorneys for LOS ANGELES COUNTY
WATERWORKS DISTRICT. NO. 40

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I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 425 Market Street, San Francisco, California 94105-2482. I am not a party to the within cause, and I am over the age of eighteen years.

I further declare that on April 16, 2013, I served a copy of the attached **STIPULATION OF FACTS RELATED TO U.S. BORAX** by electronically posting a true copy thereof to Santa Clara County Superior Court's electronic filing website for complex civil litigation cases with respect to Judicial Council Coordination Proceeding No. 4408 (Antelope Valley Groundwater matter).

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

Executed at San Francisco, California, on April 16, 2013.

Patti Pomerantz
(typed)

Patti Pomranz
(signature)