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8	SUPERIOR COURT OF THE STATE OF CALIFORNIA					
9	COUNTY OF L	OS ANGELES				
10 11	Coordination Proceeding Special Title (Rule 1550(b))		COUNCIL COORDINATION NG NO. 4408			
12 13	ANTELOPE VALLEY GROUNDWATER	Case No. BC Assigned to I	391869 Hon. Jack Komar			
14	CASES	(Santa Clara Case No. 01-05-CV-049053)				
14 15 16	Included Actions: Los Angeles County Waterworks District No. 40 v. Diamond Farming Co., Superior Court of California, County of Los Angeles,	IN LIMINE ESTABLISH BURDEN O	F MOTION AND MOTION OF LANDOWNERS TO I UNITED STATES' F PROOF FOR ANY WATER RIGHTS			
17 18 19 20	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;	Date: Time: Dept.: Judge: Filing Date:	May 13, 2013 To be determined To be determined Hon. Jack Komar July 11, 2005 (coordination)			
21	Wm. Bolthouse Farms, Inc. v. City of	Trial Date:	May 28, 2013 (Phase IV)			
22	Lancaster, Diamond Farming Co. v. Lancaster, Diamond Farming Co. v.					
23	Palmdale Water Dist., Superior Court of California, County of Riverside, Case No.					
24	RIC 353 840, RIC 344 436, RIC 344 668					
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26 27						
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40			8792/P032713rsb Rsvd Elements Notice			
	NOTICE OF MOTION AND MOTION <i>IN LIMINE</i> OF I BURDEN OF PROOF FOR ANY					

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	NOTICE OF MOTION AND MOTION <i>IN LIMINE</i> OF LANDOWNERS TO ESTABLISH UNITED STATES' BURDEN OF PROOF FOR ANY RESERVED WATER RIGHTS			
	BONDLAYOF TROOF FOR MAY RESERVED WATER RIGHTS			

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16	Gary Van Dam
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•	NOTICE OF MOTION AND MOTION <i>IN LIMINE</i> OF LANDOWNERS TO ESTABLISH UNITED STATES' BURDEN OF PROOF FOR ANY RESERVED WATER RIGHTS

NOTICE OF MOTION AND MOTION *IN LIMINE* OF LANDOWNERS TO ESTABLISH UNITED STATES' BURDEN OF PROOF FOR ANY WATER RIGHTS ASSOCIATED WITH FEDERAL RESERVATIONS

TO THE PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, on May 13, 2013 at 9 a.m. or as soon thereafter as the matter may be heard in a department to be determined of the Superior Court of California, County of Los Angeles, cross-defendant Copa de Oro Land Company and the other landowner parties identified in the caption of this Notice of Motion and Motion (the "Landowners") will move the Court for an order establishing the United States' burden of proof for any water rights associated with federal reservations of property.

The Landowners file this motion pursuant to Code of Civil Procedure sections 187 and 404.7, California Rules of Court, rules 3.504(c) and 3.1113(f), and the Court's January 17, 2013 First Amendment to Case Management Order for Phase Four Trial. This motion is based on the grounds that the applicable United States Supreme Court decisions establish the following elements that the United States must prove to establish a federal reserved water right associated with any property that the United States has reserved from the public domain for a specific purpose:

- (A) The amount of water available at the time of each reservation;
- (B) The location of each reservation as overlying the basin;
- (C) Each reservation's primary purpose; and
- (D) The minimum amount of water necessary for each reservation's primary purpose, which includes distinguishing the water necessary for that purpose from the water necessary for a reservation's secondary purposes.

The Landowners will base this motion on the following:

- (1) This Notice of Motion and Motion;
 - (2) The Memorandum of Points and Authorities filed herewith;
 - (3) The Declaration of Ryan S. Bezerra, and its exhibits, filed herewith;
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1	(4)	The United States' Revised Response to Court's Discovery Order for Phase 4		
2		Trial, posted on the Court's Web site on February 22, 2013 and available there at		
3		http://www.scefiling.org/filingdocs/289/60349/95576_CrossxDefendantxsxRevi		
4		$\underline{sedxResponsextoxDecemberx12xx2012xDiscoveryxOrderxforxPhasex4xTrial.p}$		
5		<u>df;</u>		
6	(5)	The Index of Non-California Authorities filed herewith;		
7	(6)	[Proposed] Order Granting Landowners' Motion In Limine To Establish United		
8		States' Burden Of Proof For Any Reserved Water Rights lodged herewith; and		
9	(7)	Any evidence and argument presented at the hearing on this motion.		
10	Dated: March	n 28, 2013 Respectfully submitted,		
11		BARTKIEWICZ, KRONICK & SHANAHN A Professional Corporation		
12				
13 14		By: <u>/s/ Ryan S. Bezerra</u> Ryan S. Bezerra		
15				
16		Attorneys for Cross-Defendant Copa de Oro Land Company		
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