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2 JOSHUA M. HOROWITZ, State Bar No. 186866
3 KATRINA C. GONZALES, State Bar No. 258412
4 BARTKIEWICZ, KRONICK & SHANAHAN
5 A PROFESSIONAL CORPORATION
6 1011 TWENTY-SECOND STREET
7 SACRAMENTO, CALIFORNIA 95816-4907
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11 Attorneys for Cross-Defendant
12 Copa De Oro Land Company

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

Coordination Proceeding Special Title
(Rule 1550(b))

ANTELOPE VALLEY GROUNDWATER
CASES

Included Actions:

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.
Lancaster, Diamond Farming Co. v.
Palmdale Water Dist., Superior Court of
California, County of Riverside, Case No.
RIC 353 840, RIC 344 436, RIC 344 668

JUDICIAL COUNCIL COORDINATION
PROCEEDING NO. 4408

Case No. BC 391869
Assigned to Hon. Jack Komar

(Santa Clara Case No. 01-05-CV-049053)

STIPULATION FOR PHASE IV TRIAL
REGARDING WATER USE ON COPA
DE ORO LAND COMPANY'S
PROPERTY

8792/P041213rsb Stipulation

STIPULATION REGARDING WATER USE ON COPA DE ORO PROPERTY FOR PHASE IV TRIAL

1 **STIPULATION**

2 Copa de Oro Land Company ("Copa de Oro") and the public water suppliers that have
3 signed this Stipulation stipulate as follows:

4 1. The 2000-2004 deliveries of surface water by Antelope Valley-East Kern Water
5 Agency ("AVEK") to Copa de Oro's property, which has Kern County Assessor's Parcel Nos.
6 359-032-01 and 359-032-17 (the "Property"), were as stated in Exhibit A to this Stipulation.

7 2. The following amounts of water were used for agricultural purposes on the
8 Property in the following years:

- 9 (A) 2000 – 708 acre-feet;
10 (B) 2001 – 829 acre-feet;
11 (C) 2002 – 842 acre-feet;
12 (D) 2003 – 867 acre-feet; and
13 (E) 2004 – 626 acre-feet.

14 3. Consistent with the Court's January 17, 2013 First Amendment to Case
15 Management Order for Phase Four Trial, Copa de Oro and the undersigned public water
16 suppliers reserve, for a future phase of this action, their rights concerning:

- 17 (A) The reasonableness of the 2000 and 2001 water use on the Property; and
18 (B) The requirements for the application of Water Code section 1005.4.

19 4. Subject to the reservations stated in paragraph 3 above, the parties to this
20 Stipulation agree that the facts stated in paragraphs 1 and 2 above are undisputed, may be
21 treated by the Court as facts proven in open court and shall be binding for all purposes in this
22 action on Copa de Oro and the public water suppliers who have signed below.

23 Dated: April 13, 2013

BARTKIEWICZ, KRONICK & SHANAHAN

24
25 By: 

Ryan S. Bezerra

26
27 Attorneys for Copa de Oro Land Company
28

1 Dated: April 6, 2013

BEST, BEST & KRIEGER LLP

2
3 By: Jeffrey V. Dunn

Jeffrey V. Dunn

4
5 Attorneys for Los Angeles County Waterworks
6 District No. 40

7 Dated: April __, 2013

CHARLTON WEEKS LLP

8
9 By: _____

Bradley T. Weeks

10 Attorneys for Quartz Hill Water District

11
12 Dated: April __, 2013

LEMIEUX & O'NEILL

13
14 By: _____

Wayne K. Lemieux

15 Attorneys for Littlerock Creek Irrigation District
16 and Palm Ranch Irrigation District

17 Dated: April __, 2013

LAGERLOF, SENECA, GOSNEY & KRUSE

18
19 By: _____

Thomas Bunn III

20 Attorneys for Palmdale Water District

21
22 Dated: April __, 2013

RICHARDS, WATSON & GERSHON

23
24 By: _____

STEVEN R. ORR

25 Attorneys for City of Palmdale
26
27
28

1 Dated: April 6, 2013

MURPHY & EVERTZ LLP

2
3 By: 
4 DOUGLAS L. EVERTZ

5 Attorneys for City of Lancaster and Rosamond
6 Community Services District

7 Dated: April 6, 2013

CALIFORNIA WATER SERVICE COMPANY

8
9 By: _____

JOHN TOOTLE

10
11 TEJON RANCHCORP, TEJON RANCH COMPANY AND GRANITE
12 CONSTRUCTION COMPANY hereby stipulate to the facts set forth in paragraphs 1 and 2
13 above, subject to the reservations set forth in paragraph 3 above.

14 Dated: May 7, 2013

KUHS & PARKER

15
16
17 By: 
18 Robert G. Kuhs

19 Attorney for Tejon Ranchcorp, Tejon
20 Ranch Company and Granite
21 Construction Company

22 U.S. BORAX, INC. hereby stipulates to the facts set forth in paragraphs 1 and 2
23 above, subject to the reservations set forth in paragraph 3 above.

24 Dated: May 9, 2013

MORRISON & FOERSTER LLP

25
26 By: 
27 William M. Sloan

28 Attorneys for U.S. Borax, Inc.

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A PUBLIC AGENCY

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Secretary-Treasurer

January 24, 2013

Ms. Karina C. Gonzales
Bartkewicz, Kronick & Shanahan
1011 22nd Street
Sacramento, CA 95616

Re: AVEK Monthly Surface Water Deliveries (2000-2004) to Copa de Oro Property
(Gaskell Road & 110th St. W - 120th St.)

Dear Ms. Gonzales:

This correspondence completes the Antelope Valley-East Kern Water Agency's ("AVEK") response to your Public Records Act request dated January 23, 2013. The following tables show the monthly deliveries of AVEK surface water to the two 11.6R turnout meters on the Copa de Oro Property from 2000 through 2004.

Year	Meter	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
2000	11.6R2	0.5	0.5	0.5	37.8	9.07	98.65	209.6	165.15	100.92	31.37	54.33	0	708.39
2001		0	0	0	127.47	91.12	144.9	192.42	103.16	9.94	75.71	0.5	0	745.22
2002		0	0	0	0	0	79.13	201.09	177.15	125.75	73.33	3.41	0	659.86
2003		0	11.97	39.2	69.06	51.86	212.33	214.53	169.41	66.84	32.28	0	0	887.48
2004		51.8	0	0	50.05	0	0	117.91	0	0	0	0	0	219.76

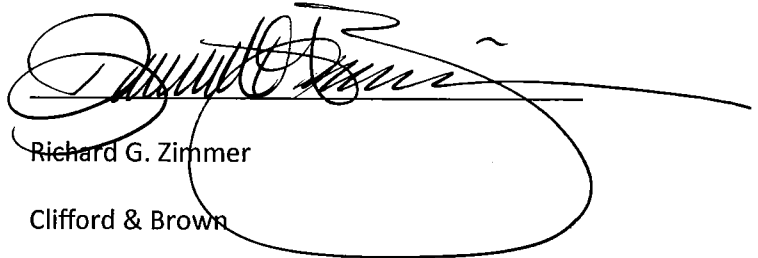
Year	Meter	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
2001	11.6R3	0	0	0	29.28	54.17	0	0	0	0	0	0	0	83.45
2002		0	0	0	17.86	22.31	30.99	41.01	61.6	8.41	0	0	0	182.18
2003		0	0	0	0	0	0	0	0	0	0	0	0	0
2004		0	36.94	71.05	0	139.55	151.69	0	6.39	0.5	0	0	0	406.12

All usage in Acre-Feet

Sincerely,

Dwayne Chisam
Assistant General Manager
Antelope Valley-East Kern Water Agency

Bolthouse agrees to the forgoing Stipulation based upon the terms thereof and based upon the understanding that the stipulation relates only as to water usage for the time frame stated and reserving arguments as to the meaning and applicability of such information to trial issues.

A handwritten signature in black ink, appearing to read "Richard G. Zimmer", is written over a horizontal line. The signature is stylized with large, sweeping loops and a long horizontal stroke extending to the right.

Richard G. Zimmer

Clifford & Brown

Attorney for Wm. Bolthouse Farms, Inc. and Bolthouse
Properties, LLC.