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8 Attorneys for Cross-Complainant,
9 ANTELOPE VALLEY-EAST KERN WATER AGENCY

*Exempt from filing fee pursuant to
Gov't. Code Section 6103*

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**
12

13 Coordination Proceeding
Special Title (Rule 1550(b))

Judicial Council Coordination Proceeding
No. 4408

14 **ANTELOPE VALLEY GROUNDWATER**
15 **CASES**

Santa Clara Case No.
1-05-CV-049053
The Honorable Jack Komar, Dept.17

16 **Included Actions:**

17 Los Angeles County Waterworks District
18 No. 40 vs. Diamond Farming Company, a
19 corporation, Superior Court of California,
County of Los Angeles, Case No.
20 BC325201;

21 Los Angeles County Waterworks District
22 No. 40 vs. Diamond Farming Company, a
23 corporation., Superior Court of California,
County of Kern, Case No. S-1500-CV-254-
348;

24 Wm. Bolthouse Farms, Inc. vs. City of
Lancaster, Diamond Farming Company, a
25 corporation, vs. City of Lancaster, Diamond
Farming Company, a corporation vs.
26 Palmdale Water District, Superior Court of
California, County of Riverside, Case Nos.
27 RIC 353840, RIC 344436, RIC 344668.

ANTELOPE VALLEY-EAST KERN
WATER AGENCY'S CASE
MANAGEMENT CONFERENCE
STATEMENT

Date: September 4, 2015
Time: 1:30 p.m.
Via Courtcall

1 The Antelope Valley-East Kern Water Agency (AVEK) submits the following statement
2 for the Case Management Conference scheduled for September 4, 2015 and, also, in
3 preparation for the next phase of trial scheduled to commence on September 28, 2015.

4 I.

5 STATEMENT

6 During the next phase of trial, AVEK will present evidence regarding the following
7 matters:

8 1. The Proposed Physical Solution.

9 Charles Binder (C.E., P.E.), will provide expert opinion testimony that the proposed
10 Physical Solution will benefit the Antelope Valley groundwater Basin and, over time, will bring
11 the Basin into balance. Mr. Binder will be available for such testimony on October 2, 5, 6, 7,
12 8 or 9, 2015. It is anticipated that the direct examination of Mr. Binder will last approximately
13 three hours, or less. As the Santa Margarita River Watershed Watermaster and Engineer, on
14 September 29, 2015, Mr. Binder will be engaged in federal court in San Diego, California, in
15 the *U.S.A. v. Fallbrook Public Utility District* matter.

16 2. Reasonable and Beneficial Use.

17 Mojave Basin Watermaster, Robert Wagner (P.E.) or David H. Peterson (California
18 certified Engineering Geologist and Hydrogeologist) will provide expert opinion testimony as
19 to the reasonable and beneficial use of groundwater and in lieu water used on AVEK owned
20 properties and, also, by other stipulating parties on properties owned or leased by them,
21 during the years 2000 through 2004, 2011 and 2012. It is anticipated that the direct
22 examination of Mr. Wagner or Mr. Peterson will last approximately two hours, or less. Mr.
23 Wagner will be available for such testimony on October 12, 2015.

24 Should such be necessary on the same issue, Mr. Thomas Barnes also will be
25 available and called to testify regarding the groundwater pumping and water usage on AVEK
26 owned properties.

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1 3. Right to Return Flows from Imported Water.

2 In consideration of the other stipulating parties' agreement to the proposed Judgment
3 and Physical Solution and conditioned thereon, AVEK has agreed in effect to
4 relinquish/transfer its claimed entitlement and right to most, but not all, of the return flows
5 derived from the SWP water it brings into the Basin, to wit:

6 **5.2.2 Water Imported Through AVEK.** The right to Produce Imported Water Return
7 Flows from water imported through AVEK belongs exclusively to the Parties identified
8 on Exhibit 8, attached hereto . . . *All Imported Water Return Flows from water imported*
9 *through AVEK and not allocated to Parties identified in Exhibit 8 belong exclusively to*
10 *AVEK, unless otherwise agreed by AVEK. . .*

11 (Proposed Judgment and Physical Solution, pp. 25-26; italics added.)

12 Accordingly, the stipulating parties' right to return flows is an integral part of the
13 proposed Judgment and Physical Solution. To prove-up that right and, particularly, to establish
14 AVEK's rights to the return flows from SWP water it causes to be brought into to the Basin
15 which are not allocated to the other parties identified in Exhibit 8 (as provided for in paragraph
16 5.2.2 of the proposed Judgment and Physical Solution), AVEK will offer the testimony of its
17 General Manager, Dan Flory (California Professional Engineer, and formerly Principal
18 Engineer and Executive Manager for the California Department of Water Resources).

19 It is anticipated that the direct examination of Mr. Flory will last approximately two
20 hours, or less. Mr. Flory will be available to provide such testimony and evidence on
21 September 28, 29, 30, and on October 1, 5, 6, 7, 8 or 9, 2015.

22 Dated: September 1, 2015

BRUNICK, McELHANEY & KENNEDY

23
24 By: _____

WILLIAM J. BRUNICK
LELAND P. McELHANEY
Attorneys for Cross-Complainant,
ANTELOPE VALLEY-EAST KERN
WATER AGENCY

1 PROOF OF SERVICE

2 **STATE OF CALIFORNIA** }
3 **COUNTY OF SAN BERNARDINO** }

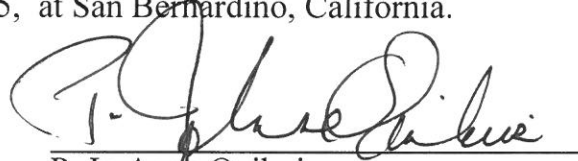
4 I am employed in the County of the San Bernardino, State of California. I am over
5 the age of 18 and not a party to the within action; my business address is 1839 Commercenter
West, San Bernardino, California 92408-3303.

6 On September 1, 2015, I served the foregoing document(s) described as: **ANTELOPE**
7 **VALLEY-EAST KERN WATER AGENCY'S CASE MANAGEMENT**
8 **CONFERENCE STATEMENT** in the following manner:

9 ■ **BY ELECTRONIC SERVICE AS FOLLOWS** by posting the document(s)
10 listed above to the Santa Clara website in the action of the *Antelope Valley Groundwater*
11 *Litigation*, Judicial Council Coordination Proceeding No. 4408, Santa Clara Case No.
12 1-05-CV-049053.

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

15 Executed on September 1, 2015, at San Bernardino, California.

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17 P. Jo Anne Quihuis
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