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Tejon Ranchcorp

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES - CENTRAL DISTRICT**

ANTELOPE VALLEY GROUNDWATER	)	Judicial Council Coordination No.
CASES	)	4408
)	
Included Actions:	)	Santa Clara Case No. 1-05-CV-
Los Angeles County Waterworks District	)	049053
No. 40 v. Diamond Farming Co., Superior	)	Assigned to Hon. Jack Komar
Court of California, County of Los Angeles,)	
Case No. BC 325201;	)	JOINDER OF TEJON RANCHCORP
	)	RE TRIAL PHASING AND JURY
Los Angeles County Waterworks District	)	TRIAL
No. 40 v. Diamond Farming Co., Superior)	
Court of California, County of Kern, Case No.)	
S-1500-CV-254-348;	)	Date: April 24, 2009
	)	Time: 9:00 a.m.
Wm. Bolthouse Farms, Inc. v. City of	)	Dept: 1 (Los Angeles)
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)	
)	

TEJON RANCHCORP (Tejon) hereby joins in the briefs of Bolthouse Properties, LLC, W.M. Bolthouse Farms, Inc., Diamond Farming Company, Crystal Organic Farms, U.S. Borax Inc., Antelope Valley Groundwater Agreement Association, the

Willis Class and the Woods Class regarding the right to jury trial and trial phasing and reiterates the following salient points:

1. Water rights are a species of real property. (*Tehachapi-Cummings County Water District v. Armstrong* (1975) 49 Cal.App.3d 992, 999, fn. 5.)
2. Historical safe yield and overdraft are relevant only in the context of prescriptive claims.
3. Tejon and the other landowners have a fundamental constitutional right to a jury trial on prescription claims. (*Arciero Ranches v. Meza* (1993) 17 Cal.App.4th 114, 124-125; *Frahm v. Briggs* (1970) 12 Cal.App.3d 441, 445.)
4. Denial of the right to jury trial is reversible error. (*Arciero Ranches v. Meza, supra*, 17 Cal.App.4th at p. 126; *Frahm v. Briggs, supra*, 12 Cal.App.3d. at p. 446.)

Dated: January 28, 2009

KUHS & PARKER

By _____/s/_____
Robert G. Kuhs, Attorney for
Tejon Ranchcorp

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PROOF OF SERVICE

I, Lidia E. Luna, declare:

I am employed in the County of Kern, State of California. I am over the age of 18 and am not a party to the within action; my business address is Kuhs & Parker, 1200 Truxtun Avenue, Suite 200, Bakersfield, California 93301.

On January 28, 2009, I caused the foregoing document(s) described as:
JOINDER OF TEJON RANCHCORP RE TRIAL PHASING AND JURY TRIAL to be served on the parties in this action, as follows:

- (X) (BY ELECTRONIC SERVICE) by posting the document(s) listed above to the Santa Clara County Superior Court website: www.scefiling.org regarding the Antelope Valley Groundwater matter.
- () (BY U.S. MAIL) I am readily familiar with the firm's practice of collection and processing of documents for mailing. Under that practice, the above-referenced document(s) were placed in seal envelope(s) addressed to the parties as noted above, with postage thereon fully prepaid and deposited such envelope(s) with the United States Postal Service on the same date at Bakersfield, California, addressed to:
- () (BY FEDERAL EXPRESS) I served a true and correct copy by Federal Express or other overnight delivery service, for delivery on the next business day. Each copy was enclosed in an envelope or package designated by the express service carrier; deposited in a facility regularly maintained by the express service carrier or delivered to a courier or driver authorized to receive documents on its behalf; with delivery fees paid or provided for; addressed as shown on the accompanying service list.
- () (BY FACSIMILE TRANSMISSION) I am "readily familiar" with the firm's practice of facsimile transmission of documents. It is transmitted to the recipient on the same day in the ordinary course of business.
- (X) (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- () (FEDERAL) I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/s/
Lidia E. Luna