

SMILAND CHESTER LLP

601 WEST FIFTH STREET
SUITE 1100
LOS ANGELES, CALIFORNIA 90071
TELEPHONE: (213) 891-1010
FACSIMILE: (213) 891-1414
www.smilandlaw.com

Theodore A. Chester, Jr.

Email: tchester@smilandlaw.com

May 16, 2013

To All Counsel in Antelope Valley Groundwater Adjudication

Re: Proposed Stipulations of Landinv, Inc.

Dear Counsel:

Consistent with the Court's directions in the April 30, 2013 case management conference, and consistent with the various statements that the Court has made regarding the narrowing of facts in connection with the upcoming Phase IV trial, Landinv, Inc. offers the attached two stipulations to all parties.

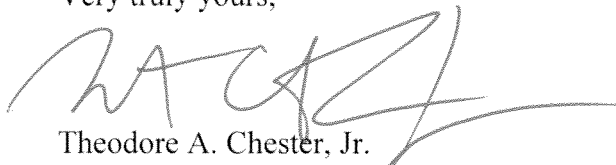
The two stipulations are: (1) Stipulation for Phase IV Trial Concerning Landinv, Inc. Land Ownership; and (2) Stipulation for Phase IV Trial Concerning Landinv, Inc. Water Use.

For reference purposes, the Land Ownership facts are set forth in the Supplemental Declaration of Yogesh Radia and the exhibits thereto, posted on the Court's website on May 15, 2013. The Water Use facts are set forth in the Declaration of Yogesh Radia, and exhibits thereto, posted on the Court's website on February 14, 2013.

Under the attached stipulations, the stipulating parties would reserve legal arguments concerning each other's water rights for a future phase of this matter. If you would like to sign the attached stipulations, please insert your firm's name, your name and your clients' names in the spaces provided and then sign the stipulation. Please then email me a PDF of the signed stipulation.

Thank you for your consideration in respect to the above.

Very truly yours,



Theodore A. Chester, Jr.

Enclosures

SMILAND CHESTER LLP
William M. Smiland, Esq., (SBN 41928)
Theodore A. Chester, Jr., Esq., (SBN 105405)
601 West Fifth Street, Suite 1100
Los Angeles, California 90071
Telephone: (213) 891-1010
Facsimile: (213) 891-1414

Attorneys for Landinv, Inc.,
Bruce Burrows and 300 A 40 H, LLC

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

Coordination Proceeding Special Title
(Rule 1550 (b))

Judicial Council Coordination No. 4408
[Assigned to Hon. Jack Komar; Dept 17]

Santa Clara Case No.: 1-05-CV-049053

**ANTELOPE VALLEY GROUNDWATER
CASES**

**STIPULATION FOR PHASE IV TRIAL
CONCERNING LANDINV, INC. LAND
OWNERSHIP**

Included **CONSOLIDATED** Actions:

Los Angeles County Waterworks District No.
40 vs. Diamond Farming Company
Los Angeles Superior Court Case No.
BC325201

Trial Date: May 28, 2013
Time: 9:00 a.m.
Dept.: 1

Los Angeles County Waterworks District No.
40 vs. Diamond Farming Company
Kern County Superior Court Case No. S-1500-
CV-254348 NFT

Diamond Farming Company vs. City of
Lancaster
Riverside County Superior Court Lead Case
No. RIC 344436 [Consolidated w/ Case Nos.
344668 & 353840]

Willis v. Los Angeles County Waterworks
District No. 40; Los Angeles Superior Court
Case No. BC 364553

Wood v. Los Angeles County Waterworks
District No. 40; Los Angeles Superior Court
Case No. BC 391869

STIPULATION

This Stipulation establishes facts stated below between Landinv, Inc. ("Landinv") and the undersigned party(ies).

Subject to the reservation of rights below, the undersigned party(ies) hereby stipulate that the facts stated in the following document are undisputed, may be treated by the Court as facts proven in open court and shall be binding for all purposes in this action as between Landinv and the undersigned party(ies):

The Supplemental Declaration of Yogesh Radia and all exhibits incorporated therein, posted on the court's website on May 15, 2013, http://www.scefiling.org/filingdocs/6921/63037/99490_SupplementalxDeclarationxofxYogeshxRadiaxFinal.pdf.

Landinv and the undersigned party(ies) reserve their respective rights to make all legal arguments concerning each other's water rights, and introduce related evidence that does not contradict the stipulated facts above, in any future phase of this matter.

The undersigned party(ies) further reserve their respective rights to revoke, rescind, or otherwise void this stipulation, if, subsequent to signing this stipulation, the undersigned party(ies) discover: (1) an error in the Supplemental Declaration and/or the Incorporated Exhibits; or (2) evidence that contradicts any of the information contained in the Supplemental Declaration and/or the Incorporated Exhibits.

Dated: May 15, 2013

SMILAND CHESTER LLP

By: 

Theodore A. Chester, Jr.
Attorneys for Landinv, Inc.

Dated: May __, 2013

_____ (Firm name)

By: _____

_____ (Atty name)

Attorneys for _____

_____ (Client(s))

SMILAND CHESTER LLP
William M. Smiland, Esq., (SBN 41928)
Theodore A. Chester, Jr., Esq., (SBN 105405)
601 West Fifth Street, Suite 1100
Los Angeles, California 90071
Telephone: (213) 891-1010
Facsimile: (213) 891-1414

Attorneys for Landinv, Inc.,
Bruce Burrows and 300 A 40 H, LLC

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

Coordination Proceeding Special Title
(Rule 1550 (b))

**ANTELOPE VALLEY GROUNDWATER
CASES**

Included **CONSOLIDATED** Actions:

Los Angeles County Waterworks District No.
40 vs. Diamond Farming Company
Los Angeles Superior Court Case No.
BC325201

Los Angeles County Waterworks District No.
40 vs. Diamond Farming Company
Kern County Superior Court Case No. S-1500-
CV-254348 NFT

Diamond Farming Company vs. City of
Lancaster
Riverside County Superior Court Lead Case
No. RIC 344436 [Consolidated w/ Case Nos.
344668 & 353840]

Willis v. Los Angeles County Waterworks
District No. 40; Los Angeles Superior Court
Case No. BC 364553

Wood v. Los Angeles County Waterworks
District No. 40; Los Angeles Superior Court
Case No. BC 391869

Judicial Council Coordination No. 4408
[Assigned to Hon. Jack Komar; Dept 17]

Santa Clara Case No.: 1-05-CV-049053

**STIPULATION FOR PHASE IV TRIAL
CONCERNING LANDINV, INC. WATER
USE**

Trial Date: May 28, 2013
Time: 9:00 a.m.
Dept.: 1

STIPULATION

This Stipulation establishes facts stated below between Landinv, Inc. ("Landinv") and the undersigned party(ies). The Parties hereto stipulate as follows:

1. Subject to the reservation of rights below, the undersigned party(ies) hereby stipulate that the following facts, may be treated by the Court as facts proven in open court and shall be binding for all purposes in this action as between Landinv and the undersigned party(ies):

With respect to the three properties owned by Landinv, Inc., (1) the Kern Fred's Ranch Parcels (Kern County APNs: 359-011-28; 359-051-01; and 359-051-02); (2) the Kern Silvershields Parcel (Kern County APN: 358-030-003); and (3) the Los Angeles Parcels (Los Angeles County APNs: 3201-003-005; 3201-003-006; and 3201-004-007), the following amounts of water were used for agricultural purposes on such properties for the following years:

Year	Laninv, Inc. Kern Fred's Ranch Parcel- Groundwater Use (Acre-Feet)	Landinv, Inc. Kern Silvershields Parcel- Groundwater Use (Acre-Feet)	Landinv, Inc. Los Angeles Parcels - Groundwater Use (Acre-Feet)	Total Groudwater Use (Acre-Feet)
2000	1,798.75			1,798.75
2001	1,008.70	1,173.90	729.30	2,911.90
2002	1,021.74	661.50		1,683.24
2003	553.71	936.00	799.50	2,289.21
2004	608.60	287.51	78.40	974.51
2005	731.71			731.71
2006	691.69	310.83		1,002.52
2007	1,025.44	1,089.13		2,114.57
2008	1,097.74	587.94		1,685.68
2009	637.14	310.83		947.97
2010	500.73	1,357.72		1,858.45
2011	656.31	587.94		1,244.25
2012	982.74	310.83		1,293.57

2. Landinv and the undersigned party(ies) reserve their respective rights to make all legal arguments concerning each other's water rights, and introduce related evidence that does

1 not contradict the stipulated facts above, in any future phase of this matter.

2 The undersigned party(ies) further reserve their respective rights to revoke, rescind, or
3 otherwise void this stipulation, if, subsequent to signing this stipulation, the undersigned
4 party(ies) discover: (1) an error in the Supplemental Declaration and/or the Incorporated
5 Exhibits; or (2) evidence that contradicts any of the information contained in the Supplemental
6 Declaration and/or the Incorporated Exhibits.

7 Dated: May 16, 2013

SMILAND CHESTER LLP

8
9 By: 

Theodore A. Chester, Jr.
Attorneys for Landinv, Inc.

12 Dated: May __, 2013

____ (Firm name)

14 By: _____

____ (Atty name)

Attorneys for _____

____ (Client(s))