

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 4408]

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

**ANTELOPE VALLEY GROUNDWATER  
CASES**

Included **CONSOLIDATED** Actions:

**BRUCE BURROWS AND 300 A 40 H,  
LLC'S TRIAL BRIEF**

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

Trial Date: May 28, 2013  
Time: 1:00 p.m.  
Dept.: 322  
Central Civil West

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

1           Bruce Burrows (“Burrows”) and 300 A 40 H, LLC (the “Burrows LLC”) hereby submit  
2 the following trial brief.

3           Pursuant to the May 20, 2013 Fifth Amended Case Management Order, the only issue to  
4 be determined during this phase of trial is the amount of groundwater produced by the parties in  
5 2011 and 2012.

6           For Burrows and Burrows LLC this Phase IV Trial relates to groundwater pumped to  
7 supply irrigation water for an orchard of peach trees that overlies the Antelope Valley Area of  
8 Adjudication (“AVAA”).

9           The peaches orchard consists of about 60 acres of trees which are located on a 160-acre  
10 parcel in Los Angeles County (Los Angeles County Assessor Parcel Nos. 3275-002-001, 007,  
11 008, 010, 012, 015, 016, 017, 019, and 020) (the “Peaches Property”).<sup>1</sup>

12           Burrows acquired the Peaches Property prior to 1990, and was responsible for planting  
13 the orchard about that time. Prior to 2007 Burrows LLC owned the Peaches Property. In  
14 February 2007 Burrows LLC transferred the Peaches Property to Tejon Ranchcorp (“Tejon”), a  
15 party in this litigation. Thereafter, Burrows LLC leased the Peaches Property back from Tejon.  
16 The grant deed from Burrows LLC to Tejon contains the following reservation language: “All  
17 right benefit and interest in and to the water rights associated with the [Peaches Property] either  
18 as they exist now or shall be determined to exist in the future, including the right to transfer said  
19 water right away from the [Peaches Property], without limitation.” Since 2007 Burrows and  
20 Burrows LLC have continued to manage the Peaches Property.

21           There exist three wells on the Peaches Property. Currently, one well is not operating, and  
22 the other two are operating by means of electric pumps.

23           Some of the trees in the orchard are distressed and are no longer bearing fruit, while a  
24 substantial number of trees continue to bear fruit. No water flow meters have been utilized to  
25 measure pumping in the Peaches Property. Instead, in order to estimate the amount of pumping  
26 for 2011 and 2012 Burrows and Burrows LLC will present evidence showing the purchase of  
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<sup>1</sup> A previously filed declaration inaccurately estimated the size of the peaches orchard to be approximately 80 acres. The orchard is more accurately estimated to be 60 acres.

1 electricity, and the condition of the orchard, and apply the applicable water duty set forth in the  
2 Summary Expert Report, Appendix D.

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4  
5 Dated: May 28, 2013

Respectfully Submitted,  
SMILAND CHESTER LLP

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7 By: /s/ Theodore A. Chester  
8 Theodore A. Chester  
9 Attorneys for Landinv, Inc.  
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I, Felicia Herbstreith am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 601 West Fifth Street, Suite 1100, Los Angeles, California 90071.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

/s/ Felicia Herbstreith  
Felicia Herbstreith