

5 Landale 10

1 Michael Duane Davis, SBN 093678
 2 Marlene L. Allen-Hammarlund, SBN 126418
 3 Derek R. Hoffman, SBN 285784
 4 **GRESHAM SAVAGE NOLAN & TILDEN, PC**
 3750 University Avenue, Suite 250
 Riverside, CA 92501-3335
 Telephone: (951) 684-2171
 Facsimile: (951) 684-2150

5 Attorneys for Cross-Defendants/Cross-Complainants,
 6 Eldorado Mutual Water Co., Landale Mutual Water
 7 Co., Shadow Acres Mutual Water Co., Sunnyside
 8 Farms Mutual Water Co., Westside Park Mutual Water
 Co., and White Fence Farms Mutual Water Co., Inc.,
 [Six of the 16 Mutual Water Companies that Comprise
 A. V. United Mutual Group]

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 11 **IN AND FOR THE COUNTY OF LOS ANGELES**

13	Coordination Proceeding Special Title (Rule 1550(b)))	Judicial Council Coordination Proceeding No. 4408
14	ANTELOPE VALLEY GROUNDWATER CASES)	Santa Clara Case No. 1-05-CV-049053 Assigned to the Honorable Jack Komar Department 17C
15	Including <u>Consolidated</u> Actions:)	
16	Los Angeles County Waterworks District No. 40 v. Diamond Farming Co.)	RESPONSES TO ANTELOPE VALLEY- EAST KERN WATER AGENCY'S FIRST REQUEST FOR ADMISSIONS
17	Superior Court of California, County of Los Angeles, Case No. BC 325 201)	PROPOUNDED TO CROSS- DEFENDANTS / CROSS- COMPLAINANTS, ELDORADO MUTUAL WATER CO., LANDALE MUTUAL WATER CO., SHADOW ACRES MUTUAL WATER CO., SUNNYSIDE FARMS MUTUAL WATER CO., WESTSIDE PARK MUTUAL WATER CO., AND WHITE FENCE FARMS MUTUAL WATER CO., INC., [SIX OF THE 16 MUTUAL WATER COMPANIES THAT COMPRISE A. V. UNITED MUTUAL GROUP]
18	Los Angeles County Waterworks District No. 40 v. Diamond Farming Co.)	
19	Superior Court of California, County of Kern, Case No. S-1500-CV-254-348)	
20	Wm. Bolthouse Farms, Inc. v. City of Lancaster)	
21	Diamond Farming Co. v. City of Lancaster)	
22	Diamond Farming Co. v. Palmdale Water Dist.)	
23	Superior Court of California, County of Riverside, consolidated actions, Case Nos. RIC 353 840, RIC 344 436, RIC 344 668)	
24	AND RELATED ACTIONS.)	For Court's Use Only: Santa Clara County Case No. 1-05-CV-049053 (For E-Posting/E-Service Purposes Only)
25)	
26)	
27)	

28 **GRESHAM | SAVAGE**
 ATTORNEYS AT LAW
 3750 UNIVERSITY AVE.
 STE. 250
 RIVERSIDE, CA 92501-3335
 (951) 684-2171

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

LANDALE MUTUAL WATER COMPANY:

REQUEST FOR ADMISSION NO. 1:

YOU do not claim the right to recapture or use return flows resulting from State Water Project water imported by AVEK.

RESPONSE TO REQUEST FOR ADMISSION NO. 1:

Deny.

REQUEST FOR ADMISSION NO. 2:

YOU do not have any ownership interest in, or right to recapture or use, return flows resulting from State Water Project water imported by AVEK.

RESPONSE TO REQUEST FOR ADMISSION NO. 2:

Deny.

REQUEST FOR ADMISSION NO. 3:

The amount of money YOU have paid directly to AVEK for the State Water Project water AVEK imports and delivers to YOU, is less than the total cost AVEK has incurred and paid for such water.

RESPONSE TO REQUEST FOR ADMISSION NO. 3:

This responding party does not have sufficient information regarding the total cost that AVEK has incurred and paid for such water, and on that basis cannot admit or deny this Request for Admission.

1 **REQUEST FOR ADMISSION NO. 4:**

2 YOU have not made any payments directly to the State of California or any of its
3 subdivisions (other than AVEK) for the State Water Project water AVEK has imported and
4 delivered to YOU.

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 4:**

6 This responding party does not have sufficient information regarding the application of
7 taxes, assessments, fees, charges and other monies that have been paid to the State of California
8 by this Mutual Water Company and by its shareholders, and on that basis cannot admit or deny
9 this Request for Admission.

10
11 **REQUEST FOR ADMISSION NO. 5:**

12 All direct payments to the State of California have been paid by AVEK (and indirectly by
13 its taxpayers) for construction and maintenance of the infrastructure needed to deliver to you
14 State Water Project water imported by AVEK.

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 5:**

16 This responding party does not have sufficient information regarding the total cost that
17 AVEK has incurred and paid for such water, and on that basis cannot admit or deny this Request
18 for Admission.

19 **REQUEST FOR ADMISSION NO. 6:**

20 No AVEK customer has made any direct payments to the State of California for the State
21 Water Project water imported by AVEK.

22 **RESPONSE TO REQUEST FOR ADMISSION NO. 6:**

23 This responding party does not have sufficient information regarding the direct payment
24 of money by all AVEK customers to the State of California for the State Water Project water
25 imported by AVEK, and on that basis cannot admit or deny this Request for Admission.

26
27

1 **REQUEST FOR ADMISSION NO. 7:**

2 AVEK is both a wholesaler and retailer of State Water Project water – wholesaling water
3 to the Public Water Suppliers, and retailing water to end users (including AVEK’s agricultural
4 and other private customers).

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 7:**

6 This responding party does not have sufficient information regarding AVEK’s status as a
7 wholesaler and/or retailer of State Water Project water, or regarding who the users are of water
8 that AVEK distributes, and on that basis cannot admit or deny this Request for Admission.

9

10 **REQUEST FOR ADMISSION NO. 8:**

11 AVEK has not assigned or transferred to any other person its right to recapture or use the
12 return flows resulting from the State Water Project water AVEK imports into the area of
13 adjudication.

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 8:**

15 This responding party does not have sufficient information regarding whether AVEK has
16 assigned or transferred its right to recapture or use the return flows, and on that basis cannot
17 admit or deny this Request for Admission.

18

19 **REQUEST FOR ADMISSION NO. 9:**

20 AVEK has not abandoned or otherwise relinquished its claimed right to recapture and use
21 return flows resulting from the State Water Project water AVEK imports into the area of
22 adjudication.

23 **RESPONSE TO REQUEST FOR ADMISSION NO. 9:**

24 This responding party does not have sufficient information regarding whether AVEK has
25 or has not abandoned or otherwise relinquished its claims right to recapture or use the return
26 flows, and on that basis cannot admit or deny this Request for Admission.

27

1 **REQUEST FOR ADMISSION NO. 10:**

2 California’s Department of Water Resources (“DWR”) has never claimed a right to return
3 flows resulting from the State Water Project water AVEK has imported into the area of
4 adjudication.

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 10:**

6 This responding party does not have sufficient information regarding whether or not
7 California’s Department of Water Resources has ever claimed a right to return flows resulting
8 from the State Water Project water AVEK has imported into the area of adjudication, and on that
9 basis cannot admit or deny this Request for Admission.

10
11 **REQUEST FOR ADMISSION NO. 11:**

12 DWR has never manifested an “intent” to recapture the return flows resulting from the
13 State Water Project water AVEK has imported into the area of adjudication.

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 11:**

15 This responding party does not have sufficient information regarding whether or not
16 DWR has production wells in the area of adjudication capable of capturing return flows, and on
17 that basis cannot admit or deny this Request for Admission.

18
19 **REQUEST FOR ADMISSION NO. 12:**

20 DWR does not have production wells in the area of adjudication capable of capturing
21 return flows.

22 **RESPONSE TO REQUEST FOR ADMISSION NO. 12:**

23 This responding party does not have sufficient information regarding whether or not
24 DWR has production wells in the area of adjudication capable of capturing return flows, and on
25 that basis cannot admit or deny this Request for Admission.

26
27

1 **REQUEST FOR ADMISSION NO. 13:**

2 The water rates charged to AVEK's customers do not recover some of the fixed and
3 variable costs incurred and paid by AVEK relating to the State Water Project facilities.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 13:**

5 This responding party does not have sufficient information regarding whether or not the
6 water rates charged to AVEK's customers do not recover some of the fixed and variable costs
7 incurred and paid by AVEK relating to the State Water Project facilities, and on that basis cannot
8 admit or deny this Request for Admission.

9

10 **REQUEST FOR ADMISSION NO. 14:**

11 The water rates charged to AVEK's customers do not recover some of the fixed and
12 variable costs incurred and paid by AVEK relating to its own internal transportation, treatment
13 and delivery facilities.

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 14:**

15 This responding party does not have sufficient information regarding whether or not the
16 water rates charged to AVEK's customers recover some of the fixed and variable costs incurred
17 and paid by AVEK relating to its own internal transportation, treatment and delivery facilities,
18 and on that basis cannot admit or deny this Request for Admission.

19

20 **REQUEST FOR ADMISSION NO. 15:**

21 None of AVEK's customers pay the full cost of the State Water Project water which is
22 imported and sold to them by AVEK.

23 **RESPONSE TO REQUEST FOR ADMISSION NO. 15:**

24 This responding party does not have sufficient information regarding whether or not
25 AVEK's customers pay the full cost of the State Water Project water which is imported and sold
26 to them by AVEK, and on that basis cannot admit or deny this Request for Admission.

27

1 Verification by Authorized Individual:

2 Declaration under Penalty of Perjury:

3 I, Frank L. Purcell, am the President of the Landale Mutual Water Company and have
4 personal knowledge of the facts set forth above.

5 If called to do so, I could and would competently testify to these facts under oath. I
6 declare under penalty of perjury under the laws of the State of California that the foregoing is
7 true and correct.

8 Executed this 5th day of December, 2013 at Lancaster, CA.

9 
10 FRANK L. PURCELL

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

GRESHAM | SAVAGE
ATTORNEYS AT LAW
5780 UNIVERSITY AVE.
STE. 250
RIVERSIDE CA 92501-3335
(951) 584-2171

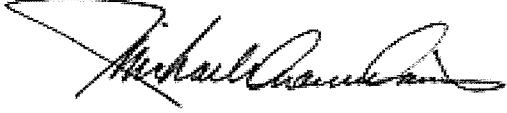
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

SIGNED BY ATTORNEY AS TO OBJECTIONS ONLY.

DATED: December 5, 2013

Respectfully submitted,

GRESHAM SAVAGE NOYAN & TIDEN, PC



By: _____
MICHAEL DUANE DAVIS, ESQ.
MARLENE L. ALLEN-HAMMARLUND, ESQ.
DEREK R. HOFFMAN, EQ.
Attorneys for CROSS-DEFENDANT / CROSS-
COMPLAINANT, A. V. UNITED MUTUAL GROUP
and Cross-Defendants, ADAMS BENNETT
INVESTMENTS, LLC; MIRACLE IMPROVEMENT
CORPORATION dba GOLDEN SANDS MOBILE
HOME PARK, aka GOLDEN SANDS TRAILER
PARK, named as ROE 1121; ST. ANDREW'S
ABBEY, INC., named as ROE 623; SERVICE ROCK
PRODUCTS, L.P.; and SHEEP CREEK WATER
COMPANY, INC.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN BERNARDINO

Re: *ANTELOPE VALLEY GROUNDWATER CASES*
Los Angeles County Superior Court Judicial Council Coordinated
Proceedings No. 4408; Santa Clara County Superior Court Case No. 1-05-CV-049053

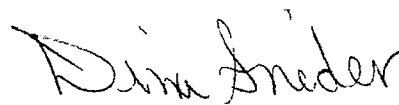
I am employed in the County of San Bernardino, State of California. I am over the age of 18 years and not a party to the within action; my business address is: 550 East Hospitality Lane, Suite 300, San Bernardino, CA 92408-4205.

On December 6, 2013, I served the foregoing document(s) described as **RESPONSES TO ANTELOPE VALLEY-EAST KERN WATER AGENCY'S FIRST REQUEST FOR ADMISSIONS PROPOUNDED TO CROSS-DEFENDANTS / CROSS-COMPLAINANTS, ELDORADO MUTUAL WATER CO., LANDALE MUTUAL WATER CO., SHADOW ACRES MUTUAL WATER CO., SUNNYSIDE FARMS MUTUAL WATER CO., WESTSIDE PARK MUTUAL WATER CO., AND WHITE FENCE FARMS MUTUAL WATER CO., INC., [SIX OF THE 16 MUTUAL WATER COMPANIES THAT COMPRISE A. V. UNITED MUTUAL GROUP]** on the interested parties in this action in the following manner:

(X) **BY ELECTRONIC SERVICE** – I posted the document(s) listed above to the Santa Clara County Superior Court website, <http://www.scefiling.org>, in the action of the Antelope Valley Groundwater Cases,

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

Executed on December 6, 2013, at San Bernardino, California.



DINA M. SNIDER