

5 White Fence Farms 21

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

6 Attorneys for Cross-Defendant/Cross-Complainant,
ANTELOPE VALLEY UNITED MUTUAL GROUP; and
7 Cross-Defendants, ADAMS BENNETT INVESTMENTS,
LLC; MIRACLE IMPROVEMENT CORPORATION dba
8 GOLDEN SANDS MOBILE HOME PARK, aka
GOLDEN SANDS TRAILER PARK, named as ROE
9 1121; ST. ANDREW'S ABBEY, INC., named as ROE
623; SERVICE ROCK PRODUCTS, L.P.; and SHEEP
10 CREEK WATER COMPANY, INC.

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

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

) Judicial Council Coordination
) Proceeding No. 4408

15 **ANTELOPE VALLEY GROUNDWATER**
16 **CASES**

) Santa Clara Case No. 1-05-CV-049053
) Assigned to the Honorable Jack Komar
) Department 17C

17 Including Consolidated Actions:

18 **Los Angeles County Waterworks District**
19 **No. 40 v. Diamond Farming Co.**
Superior Court of California, County of Los
Angeles, Case No. BC 325 201

) **CROSS-DEFENDANT/CROSS-**
) **COMPLAINANT, ANTELOPE VALLEY**
) **UNITED MUTUAL GROUP,**
) **SPECIFICALLY WHITE FENCE**
) **FARMS MUTUAL WATER**
) **COMPANY'S, FIRST SUPPLEMENTAL**
) **RESPONSE TO DECEMBER 12, 2012**
) **DISCOVERY ORDER FOR PHASE 4**
) **TRIAL**

20 **Los Angeles County Waterworks District**
21 **No. 40 v. Diamond Farming Co.**
Superior Court of California, County of Kern,
Case No. S-1500-CV-254-348

22 **Wm. Bolthouse Farms, Inc. v. City of**
23 **Lancaster**
24 **Diamond Farming Co. v. City of Lancaster**
25 **Diamond Farming Co. v. Palmdale Water**
26 **Dist.**
Superior Court of California, County of
Riverside, consolidated actions, Case Nos. RIC
353 840, RIC 344 436, RIC 344 668

) For Court's Use Only:
) Santa Clara County
) Case No. 1-05-CV-049053
) (For E-Posting/E-Service Purposes Only)

27 **AND RELATED ACTIONS.**

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

1 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

2 Cross-Defendant / Cross-Complainant, **ANTELOPE VALLEY UNITED MUTUAL**
3 **GROUP** [comprised of Antelope Park Mutual Water Co., Aqua-J Mutual Water Co., Averydale
4 Mutual Water Co., Baxter Mutual Water Co., Bleich Flat Mutual Water Co., Colorado Mutual
5 Water Co., Eldorado Mutual Water Co., Evergreen Mutual Water Co., Land Projects Mutual
6 Water Co., Landale Mutual Water Co., Shadow Acres Mutual Water Co., Sundale Mutual Water
7 Co., Sunnyside Farms Mutual Water Co., Tierra Bonita Mutual Water Co., Westside Park
8 Mutual Water Co., and White Fence Farms Mutual Water Co., Inc.], by and through their
9 attorneys of record, Gresham Savage Nolan & Tilden, PC, by Michael Duane Davis, Marlene L.
10 Allen-Hammarlund and Derek R. Hoffman, submit the following supplemental information and
11 materials for **WHITE FENCE FARMS MUTUAL WATER COMPANY**, under penalty of
12 perjury, in response to the December 12, 2012 Discovery Order for Phase 4 Trial (the "*Discovery*
13 *Order*"), issued by the Honorable Jack Komar, Trial Judge.

14 Cross-Defendant / Cross-Complainant, **ANTELOPE VALLEY UNITED MUTUAL**
15 **GROUP**, and specifically **WHITE FENCE FARMS MUTUAL WATER COMPANY**, made
16 a good faith effort to fully and accurately respond to the categories of information required by
17 the *Discovery Order* in the Discovery Responses that it filed on December 21, 2012. However,
18 due to the shortness of time between the issuance of the order and the degree of detail required
19 by the *Discovery Order*, Cross-Defendant / Cross-Complainant, **ANTELOPE VALLEY**
20 **UNITED MUTUAL GROUP** hereby supplements its responses for **WHITE FENCE FARMS**
21 **MUTUAL WATER COMPANY** to include information and documents responsive to the
22 *Discovery Order* which were obtained after the December 21, 2012 deadline, and reserves the
23 right to further supplement its responses pursuant to the *Code of Civil Procedure* and this Court's
24 December 12, 2012 *Case Management Order for Phase Four Trial* and this Court's January 17th
25 *First Amendment to Case Management Order for Phase Four Trial*.

26 ///

27 ///

1 Each supplemental response is identified by reference to specific responses and
2 documents provided in the **White Fence Farms Mutual Water Company** section of *Cross-*
3 *Defendant/Cross-Complainant, Antelope Valley United Mutual Group's Information and*
4 *Materials Responsive To December 12, 2012 Discovery Order For Phase 4 Trial* (the "Original
5 Responses").

6 These Supplemental Responses are verified by John Ukkestad, whose name and title are
7 set forth in the Verification block at the end of these supplemental Responses. Mr. Ukkestad is
8 authorized to make said verification on behalf of the White Fence Farms Mutual Water
9 Company. Mr. Ukkestad has personal knowledge that the data and the documentation provided
10 by these Supplemental Responses were collected and are maintained by White Fence Farms
11 Mutual Water Company's employees, agents and vendors in the ordinary course of White Fence
12 Farms Mutual Water Company's business. Mr. Ukkestad has obtained (or caused to be obtained)
13 the data and documentation provided by the Supplemental Responses from the business records
14 of White Fence Farms Mutual Water Company. Mr. Ukkestad has reviewed these Supplemental
15 Responses and believes the data and documentation to be true and correct to the best of his
16 knowledge and belief.

17
18
19
20
21
22
23
24
25
26
27

1 **WHITE FENCE FARMS MUTUAL WATER COMPANY**

2
3 **Original Response I.1.e. Amount of Groundwater Produced** is supplemented to include the
4 following groundwater production figures for the years 2005 - 2010:

- 5 • 2005: 1084 acre feet
- 6 • 2006: 1037 acre feet
- 7 • 2007: 994 acre feet
- 8 • 2008: 1167 acre feet
- 9 • 2009: 1183 acre feet
- 10 • 2010: 927 acre feet

11
12 **Original Response I.3.a. *Prima Facie* Groundwater Production Materials** included
13 documents which were attached but not specifically referenced in the responses due to the
14 necessary haste in which those responses were prepared in order to comply with the December
15 21, 2012 deadline.

16
17 **Original Response I.3.a. *Prima Facie* Groundwater Production Materials** is supplemented to
18 include references to the following additional documents:

- 19 • State of California Department of Health Water Supply Permit, dated August 21, 1974
- 20 • City Well Pictures
- 21 • County Well Pictures
- 22 • AVEK Vault Pictures
- 23 • Well Log Sheets for Years 2001, 2003 – 2012
- 24 • Groundwater Recordation Summary for Years 1979 – 1983 and Groundwater Extraction
25 Notices for Years 1994 – 2011
- 26 • Meter Books – 2000
- 27 • Meter Books – 2001

- 1 • Meter Books – 2002
- 2 • Meter Books – 2003
- 3 • Core Water Usage – Customer Usage Report – 2003
- 4 • Core Water Usage – Customer Usage Report – 2004
- 5 • Core Water Usage – Customer Usage Report – 2005
- 6 • Core Water Usage – Customer Usage Report – 2006
- 7 • Core Water Usage – Customer Usage Report – 2007
- 8 • Core Water Usage – Customer Usage Report – 2008
- 9 • Core Water Usage – Customer Usage Report – 2009
- 10 • Core Water Usage – Customer Usage Report – 2010
- 11 • Core Water Usage – Customer Usage Report – 2011
- 12 • Core Water Usage – Customer Usage Report – 2012
- 13 • Summary Spreadsheet - Edison Billing Data Produced 2000 - 2012
- 14 • Edison Billing Data – 2000
- 15 • Edison Billing Data – 2001
- 16 • Edison Billing Data – 2001
- 17 • Edison Billing Data – 2002
- 18 • Edison Billing Data – 2003
- 19 • Edison Billing Data – 2004
- 20 • Edison Billing Data – 2005
- 21 • Edison Billing Data – 2006
- 22 • Edison Billing Data – 2007
- 23 • Edison Billing Data – 2008
- 24 • Edison Billing Data – 2009
- 25 • Edison Billing Data – 2010
- 26 • Edison Billing Data – 2011
- 27 • Edison Billing Data – 2012

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

- Edison Hydraulic Testing for Years 2000 – 2001, 2003 – 2009, 2011

Original Response I.3.b. *Prima Facie* Property Uses Materials is supplemented to include references to the following additional documents:

- White Fence Farms Mutual Water Co. Parcel Maps – County Side and City Side

Original Response I.3.c. Additional Materials is supplemented to include references to the following additional documents:

- Articles of Incorporation of White Fence Farms Mutual Water Co. Filed June 17, 1948
- By-laws of White Fence Farms Mutual Water Co. Executed on June 22, 1948, and amended on several occasions between March 2, 1951 and January 10, 1989
- Stock certificates issued by the White Fence Farms Mutual Water Co.

Original Response III.1.b. Amount of Return Flows Pumped is supplemented to include the following figures for the years 2005 – 2010:

- **2005:** 51.3 acre feet
- **2006:** 91.4 acre feet
- **2007:** 97.7 acre feet
- **2008:** 19.4 acre feet
- **2009:** 7.2 acre feet
- **2010:** 99.9 acre feet

1 **Original Response III.1.d. Amount of Water Imported** is supplemented to include the
2 following figures for the years 2005 – 2010:

- 3 • **2005:** 114 acre feet
- 4 • **2006:** 203 acre feet
- 5 • **2007:** 217 acre feet
- 6 • **2008:** 43 acre feet
- 7 • **2009:** 16 acre feet
- 8 • **2010:** 222 acre feet

9
10 **Original Response III.1. Specifically Requested Non-Overlying Information** is supplemented
11 to include references to the following materials provided with this *First Supplemental Response*
12 as Attachment III.1. in support of White Fence Farms Mutual Water Company's claims for
13 return flows and imported water:

- 14 • White Fence Farms Mutual Water Company AVEK Purchases – Invoices and Checks

1 Verification by Authorized Individual:

2 I, John Ukkestad am the General Manager of White Fence Farms Mutual Water
3 Company and have personal knowledge of the facts set forth above.

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

7 Executed this 27 th day of January, 2013 at Palmdale, CA.

8
9 
10 JOHN UKKESTAD

11 Respectfully submitted.

12 GRESHAM SAVAGE NOLAN & TIDEN, PC

13
14 By: 

15 MICHAEL DUANE DAVIS, ESQ.
16 MARLENE L. ALLEN-HAMMARLUND, ESQ.
17 DEREK R. HOFFMAN, ESQ.
18 Attorneys for CROSS-DEFENDANT / CROSS-
19 COMPLAINANT, ANTELOPE VALLEY UNITED
20 MUTUAL GROUP; and CROSS-DEFENDANTS,
21 ADAMS BENNETT INVESTMENTS, LLC, MIRACLE
22 IMPROVEMENT CORPORATION dba GOLDEN
23 SANDS MOBILE HOME PARK, aka GOLDEN
24 SANDS TRAILER PARK [ROE 1121], ST.
25 ANDREW'S ABBEY, INC. [ROE 623], SERVICE
26 ROCK PRODUCTS, L.P., and SHEEP CREEK WATER
27 COMPANY, INC.

28 -8-

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

CROSS-DEFENDANT/CROSS-COMPLAINANT, A.V. UNITED MUTUAL GROUP, SPECIFICALLY WHITE FENCE FARMS MUTUAL WATER COMPANY'S, FIRST SUPPLEMENTAL RESPONSE TO DECEMBER 12, 2012 DISCOVERY ORDER FOR PHASE 4 TRIAL