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8 **SUPERIOR COURT OF CALIFORNIA**  
9 **COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

10  
11 Coordination Proceeding  
Special Title (Rule 1550(b))

Judicial Council Coordination Proceeding No.  
4408

12 **ANTELOPE VALLEY GROUNDWATER**  
13 **CASES**

Santa Clara Case No. 1-05-CV-049053  
The Honorable Jack Komar, Dept. 17

14 Included actions:

**ANTELOPE VALLEY WATER STORAGE  
LLC'S RESPONSE TO AVEK'S MOTION  
IN LIMINE RE ADMISSION OF  
EVIDENCE AND ARGUMENT RELATING  
TO RETURN FLOWS**

15 Los Angeles County Waterworks District No.  
40 v. Diamond Farming Company, a  
16 corporation, Superior Court of California,  
County of Los Angeles, Case No. BC325201;

17  
18 Los Angeles County Waterworks District No.  
40 v. Diamond Farming Company, a  
19 corporation, Superior Court of California,  
County of Kern, Case No. S-1500-CV-254-  
20 348;

Date: May 13, 2013  
Time: T.B.D.  
Dept: 1  
Room: 534

21 Wm. Bolthouse Farms, Inc. v. City of  
Lancaster, Diamond Farming Company, a  
22 corporation, v. City of Lancaster, Diamond  
Farming Company, a corporation vs. Palmdale  
Water District, Superior Court of California,  
23 County of Riverside, Case Nos. RIC 353840,  
RIC 344436, RIC 344668.  
24

25 Antelope Valley Water Storage, LLC ("AVWS") files this response to Antelope Valley-  
26 East Kern Water Agency's ("AVEK") Motion in Limine re Admission of Evidence and  
27 Argument Relating to Return Flows ("Motion").

28 AVEK's Motion includes a claim to "return flows" resulting from spreading water. *See*

1 AVEK Motion at §VII. AVEK claims a right to all but 10% of the water it spread in 2011 and  
2 2012 as "return flows" because it imported the water with the intent to recapture the spread water  
3 and it invested in the construction and operation of the infrastructure necessary to do so.

4 AVWS operates the Antelope Valley Water Bank ("AVWB") and has similarly imported  
5 water in 2011 and 2012 that it has spread for recharge and intends to recapture. AVWS has also  
6 invested in the construction and operation of the infrastructure necessary to do so.

7 AVEK's Motion does not claim a right to "return flows" from water spread by AVWS or  
8 any other groundwater banking entity. This comports with AVWS' understanding that AVWS'  
9 right to extract water banked through its operation of the AVWB is not at issue in the Phase IV  
10 trial and will not be affected by any ruling on the pending motions *in limine*. AVWS requests  
11 that the Court make this clear in any order issued regarding AVEK's motion in limine.

12 Respectfully Submitted,

13 Dated: April 19, 2013

**HERUM \ CRABTREE**  
*A California Professional Corporation*

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16 By:  \s\William S. Carlson  
17 WILLIAM R. CARLSON  
18 Attorneys for Cross-Defendant  
19 ANTELOPE VALLEY WATER STORAGE, LLC  
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**PROOF OF SERVICE**

I, Carol Bracken, certify and declare:

I am over the age of 18 years and not a party to this action. My business address is: HERUM \ CRABTREE, 5757 Pacific Avenue, Suite 222, Stockton, California 95207. On the date set forth below, I served the following document(s):

**ANTELOPE VALLEY WATER STORAGE LLC'S RESPONSE TO AVEK'S MOTION IN LIMINE RE ADMISSION OF EVIDENCE AND ARGUMENT RELATING TO RETURN FLOWS**

**[X] BY ELECTRONIC SERVICE.** By posting the document(s) listed above to the Santa Clara Superior Court website regarding the Antelope Valley Groundwater matter (Judicial Council Coordination Proceeding No. 4408, Santa Clara Case No. 1-05-CV-049053) pursuant to the Court's Clarification Order.

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

Dated: April 19, 2013

  /s/ Carol Bracken  
CAROL BRACKEN