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PLAINTIFF'S EXHIBIT 2 - EXHIBIT FOR I.D.

ANGELA OLVERA, CSR NO. 7265

DATE: MARCH 4, 2002

WITNESS: ELENI HAILU

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 2 T. MARK SMITH - SBN 162370  
 3 CLIFFORD & BROWN  
 4 A Professional Corporation  
 5 Attorneys at Law  
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 7 1430 Truxtun Avenue, Suite 900  
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 9 (661) 322-6023  
 10  
 11 Attorneys for Plaintiff,  
 12 Wm. Bolthouse Farms, Inc.,  
 13 a Michigan corporation

14 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 15 IN AND FOR THE COUNTY OF RIVERSIDE

11		* * *	
12	DIAMOND FARMING COMPANY, a	)	Case No. RIC 353840
13	California corporation, and	)	
14	WM. BOLTHOUSE FARMS, INC., a	)	
15	Michigan corporation	)	NOTICE OF TAKING
16		)	DEPOSITION OF PERSON(S)
17	Plaintiffs,	)	MOST KNOWLEDGEABLE OF
18		)	LOS ANGELES COUNTY
19	vs.	)	WATER WORKS DIST. 40
20		)	WITH REQUEST FOR
21	CITY OF LANCASTER, ANTELOPE VALLEY	)	PRODUCTION OF DOCUMENTS
22	WATER COMPANY, PALMDALE WATER	)	
23	DISTRICT, PALM RANCH IRRIGATION	)	
24	DISTRICT, QUARTZ HILL WATER	)	
25	DISTRICT, ROSAMOND COMMUNITY	)	
26	SERVICE DISTRICT, MOJAVE PUBLIC	)	
	UTILITY DISTRICT, DOES 1 THROUGH	)	
	200, INCLUSIVE, AND ALL PERSONS	)	
	UNKNOWN, CLAIMING ANY LEGAL OR	)	
	EQUITABLE RIGHT, TITLE, ESTATE,	)	
	LIEN, OR INTEREST IN THE PROPERTY	)	
	DESCRIBED IN THE COMPLAINT ADVERSE	)	
	TO PLAINTIFF'S TITLE, OR, ANY	)	
	CLOUD UPON PLAINTIFF'S TITLE	)	
	THERE TO,	)	
		)	
	Defendants.	)	

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Exhibit 2

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that pursuant to California Code of Civ.  
3 Proc. § 2025(d)(6), plaintiff, W. M. BOLTHOUSE FARMS, INC.  
4 ("BOLTHOUSE"), a Michigan corporation, will take the deposition  
5 of Los Angeles County Water Works Dist. 40 at 1:00 p.m. on  
6 March 4, 2002 at Park Plaza, 44916 10<sup>th</sup> Street West, Lancaster,  
7 California, 93534; (661) 948-0961 before a notary public or other  
8 person authorized to administer oaths.

9 If, for any reason, the taking of said deposition and  
10 production of said records is not completed on said date, the  
11 taking of said deposition and production of records will be  
12 continued from day to day, excepting Sundays and holidays until  
13 completed.

14 DEFINITIONS

15 **PLAINTIFFS:** Means and includes Plaintiff Wm. Bolthouse Farms,  
16 Inc. and Plaintiff Diamond Farming Company.

17 **DEFENDANT:** Means and includes the Los Angeles County Water  
18 Works Dist. 40.

19 **ANTELOPE VALLEY GROUNDWATER BASIN:** Means and includes only  
20 for purposes of this discovery and without prejudice to ultimate  
21 determination of the basin boundaries, the geographic confines of  
22 the Antelope Valley Groundwater Basin as more particularly  
23 described on United States Geological Survey map accompanying Open-  
24 File Report no. 98-561.

25 **KNOWLEDGE:** Means and includes the common dictionary definition  
26 of "the fact or condition or being aware of something."

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1 OPEN: Means and includes the common dictionary definition of  
2 "free from concealment, exposed to general view or knowledge".

3 NOTORIOUS: Means and includes the common dictionary  
4 definition of "generally known and talked of, especially widely and  
5 unfavorably known".

6 HOSTILE: Means and includes the common dictionary definition  
7 of "antagonistic, unfriendly or not hospitable".

8 ADVERSE: Means and includes the common dictionary definition  
9 of "opposed to one's interests".

10 CLAIM OF RIGHT: Means and includes claiming a legal right to  
11 take water adverse to the rights of Plaintiffs.

12 CONTINUOUS: Means and includes the ordinary dictionary  
13 definition of "marked by uninterrupted extension in space, time or  
14 sequence".

15 DOCUMENTS: Means and includes all writings, as defined by  
16 Evidence Code § 250.

17 Pursuant to Cal. Code of Civ. Proc. § 2025(d)(6), ROSAMOND is  
18 required to designate the person or persons most qualified to  
19 testify on its behalf with respect to the following subjects to the  
20 extent of any information known or reasonably available to the  
21 deponent:

22 ISSUES

23 1. The location of the basin boundaries of the ANTELOPE  
24 VALLEY GROUNDWATER BASIN and all related sub-basins.

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1           2.    The location of pumping stations from which DEFENDANT,  
2 and/or its predecessors-in-interest, has drawn groundwater from  
3 wells overlying the ANTELOPE VALLEY GROUNDWATER BASIN.

4           3.    DEFENDANT, and/or its predecessors-in-interest's,  
5 pumping of water from any well overlying the ANTELOPE VALLEY  
6 GROUNDWATER BASIN, including, but not limited to, the dates and  
7 amounts of pumping.

8           4.    Whether DEFENDANT obtained prescriptive rights to  
9 groundwater in the ANTELOPE VALLEY GROUNDWATER BASIN, including,  
10 but not limited to, the time period when OPEN, NOTORIOUS,  
11 HOSTILE, ADVERSE, and CONTINUOUS taking under CLAIM OF RIGHT  
12 occurred, when such taking continued uninterrupted for five (5)  
13 years, and the point at which DEFENDANT contends it perfected  
14 prescriptive rights to groundwater in the ANTELOPE VALLEY  
15 GROUNDWATER BASIN.

16          5.    Whether PLAINTIFFS and/or their predecessors-in-  
17 interest had KNOWLEDGE that DEFENDANT was taking water underlying  
18 PLAINTIFFS' or their predecessors-in-interest's property in an  
19 OPEN, NOTORIOUS, HOSTILE, or ADVERSE manner under CLAIM OF RIGHT  
20 continuously for five (5) years.

21          6.    Whether DEFENDANT'S taking of water underlying  
22 PLAINTIFFS' or its predecessors-in-interest's property caused  
23 injury to the specific property owned by PLAINTIFFS and/or their  
24 predecessors-in-interest.

25          7.    All activities engaged in by DEFENDANT, or its  
26 predecessors-in-interest, constituting OPEN pumping of water from

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1 wells within the ANTELOPE VALLEY GROUNDWATER BASIN during all  
2 times when DEFENDANT, or its predecessors-in-interest, pumped  
3 water from wells within the ANTELOPE VALLEY GROUNDWATER BASIN.

4 8. All activities engaged in by DEFENDANT, or its  
5 predecessors-in-interest, constituting NOTORIOUS pumping of water  
6 from wells within the ANTELOPE VALLEY GROUNDWATER BASIN during  
7 all times when DEFENDANT, or its predecessors-in-interest, pumped  
8 water from wells within the ANTELOPE VALLEY GROUNDWATER BASIN.

9 9. All activities engaged in by DEFENDANT, or its  
10 predecessors-in-interest, constituting HOSTILE pumping of water  
11 from wells within the ANTELOPE VALLEY GROUNDWATER BASIN during  
12 all times when DEFENDANT, or its predecessors-in-interest, pumped  
13 water from wells within the ANTELOPE VALLEY GROUNDWATER BASIN.

14 10. All activities engaged in by DEFENDANT, or its  
15 predecessors-in-interest, constituting ADVERSE pumping of water  
16 from wells within the ANTELOPE VALLEY GROUNDWATER BASIN during  
17 all times when DEFENDANT, or its predecessors-in-interest, pumped  
18 water from wells within the ANTELOPE VALLEY GROUNDWATER BASIN.

19 11. All activities engaged in by DEFENDANT, or its  
20 predecessors-in-interest, constituting pumping of water from  
21 wells within the ANTELOPE VALLEY WATER BASIN under CLAIM OF RIGHT  
22 during all times when DEFENDANT, or its predecessors-in-interest,  
23 pumped water from wells within the ANTELOPE VALLEY GROUNDWATER  
24 BASIN.

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1 PLEASE TAKE FURTHER NOTICE that PLAINTIFFS hereby demand that  
2 DEFENDANT produce, for inspection and deposition examination of  
3 plaintiff the following documents or things:

4 DOCUMENTS TO BE PRODUCED

5 1. All DOCUMENTS pertaining to the location of the basin  
6 boundaries of the ANTELOPE VALLEY GROUNDWATER BASIN and all sub-  
7 basins related thereto.

8 2. All DOCUMENTS pertaining to the location of pumping  
9 stations from which DEFENDANT, or its predecessors-in-interest,  
10 have drawn groundwater from wells within the ANTELOPE VALLEY  
11 GROUNDWATER BASIN.

12 3. All DOCUMENTS pertaining to the volume of water pumped  
13 by DEFENDANT, or its predecessors-in-interest, from each pumping  
14 station overlying the ANTELOPE VALLEY GROUNDWATER BASIN.

15 4. All DOCUMENTS pertaining to any KNOWLEDGE or  
16 information provided to overlying landowners, whether by  
17 publication or otherwise, of pumping of groundwater from wells  
18 overlying the ANTELOPE VALLEY GROUNDWATER BASIN by DEFENDANT,  
19 and/or its predecessors-in-interest.

20 5. All DOCUMENTS regarding DEFENDANT'S, or its  
21 predecessors-in-interests', pumping of water from any well within  
22 the ANTELOPE VALLEY GROUNDWATER BASIN, including but not limited  
23 to, the dates and amounts of such pumping.

24 6. All DOCUMENTS regarding the factual basis for  
25 DEFEENDANT'S claim that it has obtained prescriptive rights to  
26 water from ANTELOPE VALLEY GROUNDWATER BASIN, including but not

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1 limited to, the time period when OPEN, NOTORIOUS, HOSTILE,  
2 ADVERSE, and CONTINUOUS taking under CLAIM OF RIGHT occurred,  
3 when such time period continued uninterrupted for five (5) years,  
4 and the point at which DEFENDANT contends it perfected  
5 prescriptive rights to water overlying the ANTELOPE VALLEY  
6 GROUNDWATER BASIN.

7 7. All DOCUMENTS regarding DEFENDANT'S contention that it  
8 has obtained prescriptive rights to water underlying PLAINTIFFS'  
9 property, the dates and times when taking of water underlying  
10 PLAINTIFFS' property was OPEN, NOTORIOUS, HOSTILE, ADVERSE,  
11 CONTINUOUS, under CLAIM OF RIGHT for five (5) years, and when  
12 such usage was perfected as a prescriptive right.

13 8. All DOCUMENTS regarding DEFENDANT'S contention that  
14 DEFENDANT'S taking of water underlying PLAINTIFFS' or their  
15 predecessors-in-interest's property, caused injury to the  
16 specific property owned or occupied by PLAINTIFFS and/or their  
17 predecessors-in-interest.

18 9. All DOCUMENTS regarding the volume of water pumped by  
19 DEFENDANT, and/or its predecessors-in-interest, from each pumping  
20 station overlying the ANTELOPE VALLEY GROUNDWATER BASIN.

21 10. All DOCUMENTS regarding the factual basis for  
22 DEFENDANT'S claim that it has obtained prescriptive rights to  
23 water in the ANTELOPE VALLEY GROUNDWATER BASIN, including, but  
24 not limited to, the time period when OPEN, NOTORIOUS, HOSTILE,  
25 ADVERSE, and CONTINUOUS taking under CLAIM OF RIGHT occurred,  
26 once such time period continued uninterrupted for five (5) years,

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1 and the point at which DEFENDANT contends it perfected  
2 prescriptive rights to water in the ANTELOPE VALLEY GROUNDWATER  
3 BASIN.

4 11. All DOCUMENTS showing all activities engaged in by  
5 DEFENDANT, or its predecessors-in-interest, with regard to OPEN  
6 pumping of water from wells within the ANTELOPE VALLEY  
7 GROUNDWATER BASIN during all times when DEFENDANT, or its  
8 predecessors-in-interest, pumped water from wells within the  
9 ANTELOPE VALLEY GROUNDWATER BASIN.

10 12. All DOCUMENTS showing all activities engaged in by  
11 DEFENDANT, or its predecessors-in-interest, with regard to  
12 NOTORIOUS pumping of water from wells within the ANTELOPE VALLEY  
13 GROUNDWATER BASIN during all times when DEFENDANT, or its  
14 predecessors-in-interest, pumped water from wells within the  
15 ANTELOPE VALLEY GROUNDWATER BASIN.

16 13. All DOCUMENTS showing all activities engaged in by  
17 DEFENDANT, or its predecessors-in-interest, with regard to  
18 HOSTILE pumping of water from wells within the ANTELOPE VALLEY  
19 GROUNDWATER BASIN during all times when DEFENDANT, or its  
20 predecessors-in-interest, pumped water from wells within the  
21 ANTELOPE VALLEY GROUNDWATER BASIN.

22 14. All DOCUMENTS showing all activities engaged in by  
23 DEFENDANT, or its predecessors-in-interest, with regard to  
24 ADVERSE pumping of water from wells within the ANTELOPE VALLEY  
25 GROUNDWATER BASIN during all times when DEFENDANT, or its  
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1 predecessors-in-interest, pumped water from wells within the  
2 ANTELOPE VALLEY GROUNDWATER BASIN.


3 15. All DOCUMENTS showing all activities engaged in by  
4 DEFENDANT, or its predecessors-in-interest, with regard to  
5 pumping of water from wells within the ANTELOPE VALLEY  
6 GROUNDWATER BASIN under CLAIM OF RIGHT during all times where  
7 DEFENDANT, or its predecessors-in-interest, pumped water from  
8 wells within the ANTELOPE VALLEY GROUNDWATER BASIN.

9 The above-described documents and things are believed to be in  
10 the possession, custody or control of DEFENDANT, DEFENDANT'S  
11 attorneys or their investigators and are calculated to lead to  
12 admissible and relevant evidence. Original copies of documents and  
13 things previously identified in discovery shall be produced at  
14 deposition for examination and discussion with plaintiff during the  
15 deposition.

16 The deposition will be taken upon oral examination before a  
17 certified shorthand reporter with the intention to record the  
18 testimony by stenographic method. The deposition will continue  
19 from day to day thereafter, Sundays and holidays excepted, until  
20 completed.

21 DATED: February 22, 2002

22 CLIFFORD & BROWN

23  
24 By   
25 RICHARD G. ZIMMER, ESQ.  
26 Attorneys for Plaintiff,  
W. M. BOLTHOUSE FARMS, INC.

26 BL/BOLTHOUSE/depo notice.001...

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1 PROOF OF SERVICE

2 STATE OF CALIFORNIA COUNTY OF KERN:

3 I am a resident of the County aforesaid; I am over the age of  
4 eighteen years and not a party to the within entitled action; my  
5 business address is 1430 Truxtun Avenue, Suite 900, Bakersfield,  
6 California 93301.

7 On February 22, 2002, I served the within NOTICE OF TAKING  
8 DEPOSITION OF PERSON(S) MOST KNOWLEDGEABLE OF LOS ANGELES COUNTY  
9 WATER WORKS DIST. 40 WITH REQUEST FOR PRODUCTION OF DOCUMENTS on the  
10 interested parties in said action, as listed below:

11 \*\*\*\*\*SEE ATTACHED SERVICE LIST

12 () VIA FACSIMILE


13 () VIA OVERNIGHT DELIVERY on the date below stated, pursuant to CCP  
14 §1013(c)(d), I deposited such envelope with delivery fees fully  
15 prepaid with \_\_\_\_\_.

16 (XX) BY MAIL I am readily familiar with the business' practice for  
17 collection and processing of correspondence and documents for  
18 mailing with the United States Postal Service. Under that  
19 practice, the correspondence and documents would be deposited  
20 with the United States Postal Service that same day, with  
21 postage thereon fully prepaid, in the ordinary course of  
22 business at Bakersfield, California.

23 () BY PERSONAL SERVICE I caused such envelope to be delivered by  
24 hand to the offices of the addressee.

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

Executed on February 22, 2002, at Bakersfield, California.

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28 \_\_\_\_\_  
29 KATHLEEN BETTES

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Bob H. Joyce, Esq.  
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City of Lancaster

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Antelope Valley Water Co.

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Quartz Hill Water District

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(909) 686-1450  
(909) 686-3083 fax

Rosamond Community Services Dist.

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Mojave Public Utility District

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