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6 DISTRICT NO. 40

**EXEMPT FROM FILING FEES  
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SECTION 6103**

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COUNTY WATERWORKS DISTRICT NO. 40

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES – CENTRAL DISTRICT

15 ANTELOPE VALLEY GROUNDWATER  
16 CASES

Judicial Council Coordination Proceeding  
No. 4408

17 Included Actions:  
18 Los Angeles County Waterworks District No.  
40 v. Diamond Farming Co., Superior Court of  
19 California, County of Los Angeles, Case No.  
BC 325201;

CLASS ACTION

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

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

**DISTRICT NO. 40'S AMENDED TRIAL  
EXHIBIT LIST**

Trial Date: February 10, 2014 (Phase V)

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

26 RICHARD WOOD, on behalf of himself and  
all other similarly situated v. A.V. Materials,  
27 Inc., et al., Superior Court of California,  
County of Los Angeles, Case No. BC509546  
28

1 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE Cross-Complainant Los Angeles County Waterworks District  
3 No. 40 (“District No. 40”) hereby respectfully submits the following list of proposed exhibits for  
4 use in the Phase V trial.<sup>1</sup>

Exhibit No.	Description
5-D40-1	Invoices from Antelope Valley-East Kern Water Agency (“AVEK”) to County of Los Angeles from 1987 to 1998 and 2006 to 2012
5-D40-2	Facsimile from “Russell F.” of AVEK to “Elaine H.” to Los Angeles County Waterworks District, dated December 11, 2001
5-D40-3	Spreadsheets, titled “Waterworks District Comparative Summary for Purchases”, from 1990 to 2000
5-D40-4	Spreadsheets, generally titled “Water Activity Data”, from 2001 to 2012 for regions of 4, 24, 27, 33, 34, 35, 38 and 39 District No. 40; and summary spreadsheet from 2001 to 2012
5-D40-5	Annual Notices of Groundwater Extraction and Diversion from 1978 to 2012
5-D40-6	Spreadsheet of ad valorem taxes collected in Los Angeles County for AVEK for the fiscal year of 2012 to 2013
5-D40-7	Spreadsheet of ad valorem taxes collected in Los Angeles County for AVEK from District No. 40’s customers for the fiscal year of 2012 to 2013
5-D40-8	Spreadsheet of debt service taxes collected in Los Angeles County for AVEK for the fiscal year of 2011 to 2012
5-D40-9	Spreadsheet of debt service taxes collected in Los Angeles County for AVEK from District No. 40’s customers for the fiscal year of 2011 to 2012
5-D40-10	Spreadsheet of debt service taxes collected in Los Angeles County for AVEK for the fiscal year of 2012 to 2013
5-D40-11	Spreadsheet of debt service taxes collected in Los Angeles County for AVEK from District No. 40’s customers for the fiscal year of 2012 to 2013
5-D40-12	Water Service Agreement between AVEK and Los Angeles County Waterworks Districts Nos. 4 and 34, dated July 17, 1970

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28 <sup>1</sup> This Amended Trial Exhibit List corrects a typographical error in the description of Exhibit No. 5-D40-3 contained in the previously posted Exhibit List.

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Exhibit No.	Description
5-D40-13	Memorandum of Understanding to Secure and Firm Up Water Supplies in the Antelope Valley between District No. 40 and AVEK on December 7, 2004
5-D40-14	Water Supply Contract between the State of California Department of Water Resources (“DWR”) and AVEK, and Amendments numbered 1 through 24
5-D40-15	2005 Integrated Urban Water Management Plan for the Antelope Valley, dated December 16, 2005 (Document is available at <a href="http://avwaterplan.org/">http://avwaterplan.org/</a> .)
5-D40-16	District No. 40’s Urban Water Management Plan, dated December 2000
5-D40-17	Urban Water Management Plan for District No. 40, dated December 1995
5-D40-18	AVEK’s 2010 Urban Water Management Plan
5-D40-19	AVEK’s 2008 Urban Water Management Plan
5-D40-20	AVEK’s 2005 Urban Water Management Plan
5-D40-21	AVEK’s 2000 Urban Water Management Plan
5-D40-22	AVEK’s Responses to District No. 40’s Requests for Admission in Phase 5
5-D40-23	AVEK’s Responses to District No. 40’s Special Interrogatories in Phase 5
5-D40-24	AVEK’s Responses to the Court’s Discovery Order for Phase 4 Trial and accompanying Exhibit 7
5-D40-25	Letter, dated October 14, 1966, from Wallace G. Spinarski of AVEK to Los Angeles County Waterworks Districts No’s 4, 24, 27, 33, 34, 35, and 37
5-D40-26	Letter, dated June 13, 1980, from Wallace G. Spinarski of AVEK to “Agency Water Users”
5-D40-27	Letter, dated August 11, 1987, from Wallace G. Spinarski of AVEK to Robert Larson of Los Angeles County Department of Public Works
5-D40-28	Letter, dated August 29, 2005, from Russell E. Fuller of AVEK to John Forth of California Water Service Company
5-D40-29	Letter, dated October 24, 2012, from Dan Flory of AVEK to Adam Ariki, Los Angeles County Department of Public Works
5-D40-30	Letter, dated October 9, 2013, from Dan Flory of AVEK to “AVEK Customer”

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Exhibit No.	Description
5-D40-31	Bulletin 132-10
5-D40-32	Bulletin 132-09
5-D40-33	Bulletin 132-08
5-D40-34	Bulletin 132-07
5-D40-35	Bulletin 132-06
5-D40-36	Bulletin 132-05
5-D40-37	Bulletin 132-04
5-D40-38	Bulletin 132-03
5-D40-39	Bulletin 132-01
5-D40-40	Bulletin 132-00
5-D40-41	Bulletin 132-99
5-D40-42	Bulletin 132-96
5-D40-43	Bulletin 132-90
5-D40-44	Bulletin 132-88
5-D40-45	Bulletin 132-86
5-D40-46	Bulletin 132-80
5-D40-47	Bulletin 132-79
5-D40-48	Bulletin 132-75
5-D40-49	Pages 30-31 of the transcript of Joseph Scalmanini's trial testimony on January 10, 2011
5-D40-50	Exhibit 12 of Joseph Scalmanini's trial testimony on January 10, 2011, titled "Sustainable Yield"
5-D40-51	Pages 283-284 and 320-398 of the transcript of Joseph Scalmanini's trial testimony on January 12, 2011
5-D40-52	Exhibit 62 of Joseph Scalmanini's trial testimony on January 12, 2011, titled

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Exhibit No.	Description
	"Historical M&I Water Requirements Antelope Valley Area of Adjudication"
5-D40-53	Exhibit 63 of Joseph Scalmanini's trial testimony on January 12, 2011, titled "Tabulated Historical M&I Water Requirements Antelope Valley Area of Adjudication"
5-D40-54	Exhibit 65 of Joseph Scalmanini's trial testimony on January 12, 2011, titled "Historical Total Water Requirements Antelope Valley of Adjudication"
5-D40-55	Exhibit 66 of Joseph Scalmanini's trial testimony on January 12, 2011, titled "Tabulated Historical Total Water Requirements Antelope Valley Area of Adjudication"
5-D40-56	Exhibit 67 of Joseph Scalmanini's trial testimony on January 12, 2011, titled "Historical Groundwater Pumping Antelope Valley Area of Adjudication"
5-D40-57	Exhibit 68 of Joseph Scalmanini's trial testimony on January 12, 2011, titled "Calculation of Agricultural Groundwater Pumpage Antelope Valley Area of Adjudication"
5-D40-58	Exhibit 70 of Joseph Scalmanini's trial testimony on January 12, 2011, titled "Boundaries of SWP Contractors with Table A Amounts Antelope Valley Area of Adjudication"
5-D40-59	Exhibit 71 of Joseph Scalmanini's trial testimony on January 12, 2011, titled "Historical Supplemental (SWP) Water Use Antelope Valley Area of Adjudication"
5-D40-60	Exhibit 72 of Joseph Scalmanini's trial testimony on January 12, 2011, titled "Historical Local and Supplemental (SWP) Water Use Antelope Valley Area of Adjudication"
5-D40-61	Exhibit 73 of Joseph Scalmanini's trial testimony on January 12, 2011, titled "Tabulated Historical Local & Supplemental (SWP) Antelope Valley Area of Adjudication"
5-D40-62	Exhibit 75 of Joseph Scalmanini's trial testimony on January 12, 2011, titled "Tabulation of Historical Recycled Water Disposition Antelope Valley Area of Adjudication"
5-D40-63	Exhibit 76 of Joseph Scalmanini's trial testimony on January 12, 2011, titled "Historical Total Water Use Antelope Valley Area of Adjudication"
5-D40-64	Exhibit 77 of Joseph Scalmanini's trial testimony on January 12, 2011, titled "Tabulation of Historical Total Water Use Antelope Valley Area of Adjudication"

Exhibit No.	Description
5-D40-65	Exhibit 78 of Joseph Scalmanini’s trial testimony on January 12, 2011, titled “Native Sustainable Yield”
5-D40-66	Exhibit 79 of Joseph Scalmanini’s trial testimony on January 12, 2011, titled “Native and Supplemental Sustainable Yield”
5-D40-67	Pages 418-419 and 500-516 of the transcript of Joseph Scalmanini’s trial testimony on January 13, 2011
5-D40-68	Exhibit 93 of Joseph Scalmanini’s trial testimony on January 13, 2011, titled “Native Safe Yield”
5-D40-69	Exhibit 95 of Joseph Scalmanini’s trial testimony on January 13, 2011, titled “Supplemental Safe Yield”
5-D40-70	Pages 79-85 and 154-156 of the transcript of Mark J. Wildermuth’s trial testimony on January 4, 2011
5-D40-71	Pages 24-46 and 116-119 of the transcript of Mark J. Wildermuth’s trial testimony on January 5, 2011
5-D40-72	Pages 39-42 and 64-67 of the transcript of Mark J. Wildermuth’s trial testimony on January 31, 2011
5-D40-73	Pages 16-18, 25-27, 56-69, 125-129 and 166-169 of the transcript of Mark J. Wildermuth’s trial testimony on February 1, 2011
5-D40-74	Pages 90-94 of the transcript of Mark J. Wildermuth’s trial testimony on March 25, 2011
5-D40-75	Pages 121-168 of the transcript of Joel E. Kimmelshue’s trial testimony on March 15, 2011
5-D40-76	Exhibit A-94 of Joel E. Kimmelshue’s trial testimony on March 15, 2011, titled “Annual Return Flow”
5-D40-77	Exhibit A-95 of Joel E. Kimmelshue’s trial testimony on March 15, 2011, titled “Annual Urban Applied Water and Return Flow”

This Exhibit List does not include any documents that may be presented for rebuttal and impeachment purposes, if any, and does not include any demonstrative exhibits that the experts may present. District No. 40 reserves the right to present evidence not identified on this list for

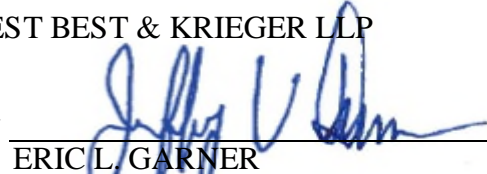
1 such purposes. Additionally, District No. 40 reserves the right to use any trial testimony and/or  
2 exhibits that were used and/or presented during the Phase 3 trial. Furthermore, District No. 40  
3 reserves the right to amend or supplement this Exhibit List and will amend or modify the Exhibit  
4 List to the extent necessary.

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Dated: February 3, 2014

BEST BEST & KRIEGER LLP

By



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DISTRICT NO. 40

LAW OFFICES OF  
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**PROOF OF SERVICE**

I, Sandra K. Sandoval, declare:

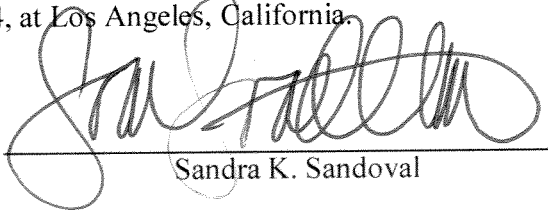
I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is Best Best & Krieger LLP, 300 South Grand Avenue, 25th Floor, Los Angeles, CA 90071. On February 3, 2014, I served the within document(s):

**DISTRICT NO. 40'S AMENDED TRIAL EXHIBIT LIST**

- by posting the document(s) listed above to the Santa Clara County Superior Court website in regard to the Antelope Valley Groundwater matter.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Irvine, California addressed as set forth below.
- by causing personal delivery by ASAP Corporate Services of the document(s) listed above to the person(s) at the address(es) set forth below.
- by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on February 3, 2014, at Los Angeles, California.




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Sandra K. Sandoval

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