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9
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

12
13 Coordination Proceeding
Special Title (Rule 1550(b))

Judicial Council Coordination Proceeding
No. 4408

14 **ANTELOPE VALLEY**
15 **GROUNDWATER CASES**

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

16 **Included Actions:**

**ANTELOPE VALLEY-EAST KERN
WATER AGENCY'S RESPONSES TO
LOS ANGELES COUNTY
WATERWORKS DISTRICT 40'S
REQUESTS FOR ADMISSION,
SET ONE**

17 Los Angeles County Waterworks District
18 No. 40 vs. Diamond Farming Company, a
corporation, Superior Court of California,
19 County of Los Angeles, Case No.
BC325201;

Trial Date: February 10, 2014
Time: 9:00 a.m.
Dept.: TBD

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

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

1 **PROPOUNDING PARTY:** Los Angeles County Waterworks District 40
2 **RESPONDING PARTY:** Antelope Valley-East Kern Water Agency
3 **SET NO:** ONE

4 COMES NOW, the ANTELOPE VALLEY-EAST KERN WATER AGENCY, and
5 hereby responds to Los Angeles County Waterworks District 40's Requests for Admission, Set
6 One, as follows:

7 **I.**

8 **PRELIMINARY STATEMENT**

9 A. Responding party has not fully completed investigation of the facts relating to this
10 case, has not fully completed discovery in this action, and has not completed preparation for
11 trial. Without waiving objections stated herein below, all of the responses contained herein are
12 based only upon such facts, information and documents as are presently available to or known
13 to responding parties or within responding party's possession, custody, or control. It is
14 anticipated that further discovery, independent investigation, legal research, and analysis will
15 supply additional facts, add meaning to the known facts, as well as establish new factual
16 conclusions and legal contentions, all of which may lead to additions to, changes in, and
17 variations from the responses herein set forth. The following responses are given without
18 prejudice to responding party's right to offer evidence of any subsequently discovered fact or
19 facts. Responding party accordingly reserves the right to supplement or amend the responses
20 herein as additional facts are ascertained, analyses are made, legal research is completed, and
21 contentions are made. The responses contained herein are made in a good faith effort to supply
22 as much factual information and as much specification of legal contentions as is presently
23 known, but are without prejudice to responding party in relation to further discovery, research
24 and analysis.

25 B. In setting forth these responses, responding party does not waive in whole or in
26 part the attorney-client privilege, work product protection, or any right of privacy or
27 confidentiality provided for by law with respect to any matter whatsoever. In responding to this
28 discovery, responding party will not undertake to provide any information protected by the

1 attorney-client privilege or work product doctrine. Responding party does not concede the
2 relevance or materiality of the discovery or the subject matter referred to therein.

3 These responses are submitted by responding party subject to, and without waiving in any
4 way or intending to waive, but on the contrary, intending to reserve and reserving:

5 1) All objections pertaining to competency, materiality, privilege and
6 admissibility as evidence for any purpose or any of the documents referred to or responses
7 given, or the subject matter thereof, in any subsequent proceeding in, or trial of, this action or
8 any other action or proceeding;

9 2) The right to object to other discovery procedures involving or relating to
10 the subject matter of the discovery herein responded to, including any discovery specifically
11 identified herein; and

12 3) The right at any time to revise, correct, add to, or clarify any of the
13 responses set forth herein.

14 Subject to this Preliminary Statement, which is incorporated by reference as though set
15 forth in full, and any specific objections set forth herein, responding party responds as follows:

16 **II.**

17 **RESPONSES**

18 **Request for Admission Number 1:**

19 Admit that AVEK owns no real property in the Antelope Valley Groundwater
20 Adjudication Area as defined by the court in this matter by order dated March 16, 2007
21 (“Basin”).

22 RESPONSE: Object: incomplete (C.C.P. § 2030.060(d)). Without waiving this objection and
23 subject to it: deny.

24 **Request for Admission Number 2:**

25 Admit that AVEK owns no groundwater pumping wells in the Basin.

26 RESPONSE: Object: incomplete (C.C.P. § 2030.060(d)). Without waiving this objection and
27 subject to it: deny.

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1 **Request for Admission Number 3:**

2 Admit that AVEK does not pump groundwater in the Basin.

3 RESPONSE: Object: incomplete (C.C.P. § 2030.060(d)), and also ambiguous as to whether this
4 request includes groundwater pumping by AVEK's predecessors or its tenants. Without waiving
5 this objection and subject to it: deny.

6 **Request for Admission Number 4:**

7 Admit that AVEK has never claimed return flow from State Water Project water as a
8 potential source of water in its Urban Water Management Plans.

9 RESPONSE: Admit because, except in case of emergency, AVEK intends to maintain nearly
10 all return flows in the groundwater to help replenish the Basin.

11 **Request for Admission Number 5:**

12 Admit that, for each year that AVEK purchased State Water Project water, AVEK only
13 purchased as much State Water Project water as AVEK's customers ordered from AVEK for
14 that year plus the amount of State Water Project water that AVEK intended to store or percolate
15 into the Basin for that year.

16 RESPONSE: Objection: impermissibly compound by, among other things, requesting an
17 admission as to facts for "*each year* that AVEK purchased State Water Project water," i.e.,
18 1972, 1973, 1974, etc., through 2012; see, for example, admission requests 17 through 57 below,
19 which appropriately make separate inquiries for each year referenced.

20 **Request for Admission Number 6:**

21 Admit that in 1998, AVEK's customers ordered less State Water Project water than
22 AVEK's allocated Table A State Water Project water that were made available by California's
23 Department of Water Resources for AVEK to purchase.

24 RESPONSE: Objection: ambiguous (e.g., "for AVEK to purchase"). Without waiving this
25 objection and subject to it: Deny.

26 **Request for Admission Number 7:**

27 Admit that in 1998, AVEK participated in California's Turn-Back Water Pool Program
28 to sell its allocated Table A State Water Project water that AVEK's customers did not order.

1 RESPONSE: Deny.

2 **Request for Admission Number 8:**

3 Admit that in 1999, AVEK's customers ordered less State Water Project water than
4 AVEK's allocated Table A State Water Project water that were made available by California's
5 Department of Water Resources for AVEK to purchase.

6 RESPONSE: Objection: compound; ambiguous (e.g., "for AVEK to purchase"). Without
7 waiving these objection and subject to them: Deny.

8 **Request for Admission Number 9:**

9 Admit that in 1999, AVEK participated in California's Turn-Back Water Pool Program
10 to sell its allocated Table A State Water Project water that AVEK's customers did not order.

11 RESPONSE: Deny.

12 **Request for Admission Number 10:**

13 Admit that in 2000, AVEK's customers ordered less State Water Project water than
14 AVEK's allocated Table A State Water Project water that were made available by California's
15 Department of Water Resources for AVEK to purchase.

16 RESPONSE: Objection: ambiguous (e.g., "for AVEK to purchase"). Without waiving this
17 objection and subject to it: Deny.

18 **Request for Admission Number 11:**

19 Admit that in 2000, AVEK participated in California's Turn-Back Water Pool Program
20 to sell its allocated Table A State Water Project water that AVEK's customers did not order.

21 RESPONSE: Deny.

22 **Request for Admission Number 12:**

23 Admit that AVEK sells State Water Project Water to District No. 40 pursuant to a water
24 service agreement, dated July 17, 1970.

25 RESPONSE: Admit.

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1 **Request for Admission Number 13:**

2 Admit that the water service agreement, dated July 17, 1970 and entered into between
3 AVEK and Los Angeles County Waterworks Districts Nos. 4 and 34, does not mention return
4 flows.

5 RESPONSE: Objection: the agreement speaks for itself. Without waiving this objection and
6 subject to it: admit that the agreement does not mention return flows.

7 **Request for Admission Number 14:**

8 Admit that the water service agreement, dated July 17, 1970 and entered into between
9 AVEK and Los Angeles County Waterworks Districts Nos. 4 and 34, does not reserve AVEK's
10 right to return flows for State Water Project Water that AVEK sells.

11 RESPONSE: Objection: the agreement speaks for itself; calls for a legal conclusion. Without
12 waiving these objections and subject to them: admit that the agreement does not mention return
13 flows.

14 **Request for Admission Number 15:**

15 Admit that AVEK received payments from District No. 40 for the State Water Project
16 water that District No. 40 purchased from AVEK.

17 RESPONSE: Objection: ambiguous as to time. Without waiving this objection and subject to
18 it: admit that District 40 made payments to AVEK, which payments reimbursed AVEK for a
19 portion of the total costs AVEK incurred to be able to obtain and deliver such water to District
20 40.

21 **Request for Admission Number 16:**

22 Admit that AVEK does not always purchase all of the State Water Project water made
23 available to it by the California Department of Water Resources pursuant to Table A of AVEK's
24 contract with California's Department of Water Resources.

25 RESPONSE: Objection: irrelevant and not reasonably calculated to lead to the discovery of
26 admissible evidence; also, the term "purchase" is not defined and, accordingly, the request as
27 phrased is ambiguous. Without waiving these objection and subject to them: Admit that AVEK
28 does not "purchase" State Water Project water.

1 **Request for Admission Number 17:**

2 Admit that in 2012, AVEK did not purchase all of the available State Water Project water
3 that was allotted to AVEK by the California Department of Water Resources pursuant to Table
4 A of AVEK's contract with California's Department of Water Resources.

5 RESPONSE: Objections: incomplete (C.C.P. § 2030.060(d)); the phrase "allotted to AVEK by
6 the California Department of Water Resources" and the word "purchase" are not defined and,
7 therefore, the request as phrased is ambiguous and vague; also, irrelevant and not reasonably
8 calculated to lead to the discovery of admissible evidence. Without waiving these objections and
9 subject to them: admit that AVEK did not then "purchase" any SWP water.

10 **Request for Admission Number 18:**

11 Admit that in 2011, AVEK did not purchase all the available State Water Project water
12 that was allotted to AVEK by the California Department of Water Resources pursuant to Table
13 A of AVEK's contract with California's Department of Water Resources.

14 RESPONSE: Objections: incomplete (C.C.P. § 2030.060(d)); the phrase "allotted to AVEK by
15 the California Department of Water Resources" and the word "purchase" are not defined and,
16 therefore, the request as phrased is ambiguous and vague; also, irrelevant and not reasonably
17 calculated to lead to the discovery of admissible evidence. Without waiving these objections and
18 subject to them: admit that AVEK did not then "purchase" any SWP water.

19 **Request for Admission Number 19:**

20 Admit that in 2010, AVEK did not purchase all the available State Water Project water
21 that was allotted to AVEK by the California Department of Water Resources pursuant to Table
22 A of AVEK's contract with California's Department of Water Resources.

23 RESPONSE: Objections: incomplete (C.C.P. § 2030.060(d)); the phrase "allotted to AVEK by
24 the California Department of Water Resources" and the word "purchase" are not defined and,
25 therefore, the request as phrased is ambiguous and vague; also, irrelevant and not reasonably
26 calculated to lead to the discovery of admissible evidence. Without waiving these objections and
27 subject to them: admit that AVEK did not then "purchase" any SWP water.

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1 **Request for Admission Number 20:**

2 Admit that in 2009, AVEK did not purchase all the available State Water Project water
3 that was allotted to AVEK by the California Department of Water Resources pursuant to Table
4 A of AVEK's contract with California's Department of Water Resources.

5 RESPONSE: Objections: incomplete (C.C.P. § 2030.060(d)); the phrase "allotted to AVEK by
6 the California Department of Water Resources" and the word "purchase" are not defined and,
7 therefore, the request as phrased is ambiguous and vague; also, irrelevant and not reasonably
8 calculated to lead to the discovery of admissible evidence. Without waiving these objections and
9 subject to them: admit that AVEK did not then "purchase" any SWP water.

10 **Request for Admission Number 21:**

11 Admit that in 2008, AVEK did not purchase all the available State Water Project water
12 that was allotted to AVEK by the California Department of Water Resources pursuant to Table
13 A of AVEK's contract with California's Department of Water Resources.

14 RESPONSE: Objections: incomplete (C.C.P. § 2030.060(d)); the phrase "allotted to AVEK by
15 the California Department of Water Resources" and the word "purchase" are not defined and,
16 therefore, the request as phrased is ambiguous and vague; also, irrelevant and not reasonably
17 calculated to lead to the discovery of admissible evidence. Without waiving these objections and
18 subject to them: admit that AVEK did not then "purchase" any SWP water.

19 **Request for Admission Number 22:**

20 Admit that in 2007, AVEK did not purchase all the available State Water Project water
21 that was allotted to AVEK by the California Department of Water Resources pursuant to Table
22 A of AVEK's contract with California's Department of Water Resources.

23 RESPONSE: Objections: incomplete (C.C.P. § 2030.060(d)); the phrase "allotted to AVEK by
24 the California Department of Water Resources" and the word "purchase" are not defined and,
25 therefore, the request as phrased is ambiguous and vague; also, irrelevant and not reasonably
26 calculated to lead to the discovery of admissible evidence. Without waiving these objections and
27 subject to them: admit that AVEK did not then "purchase" any SWP water.

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1 **Request for Admission Number 23:**

2 Admit that in 2006, AVEK did not purchase all the available State Water Project water
3 that was allotted to AVEK by the California Department of Water Resources pursuant to Table
4 A of AVEK's contract with California's Department of Water Resources.

5 RESPONSE: Objections: incomplete (C.C.P. § 2030.060(d)); the phrase "allotted to AVEK by
6 the California Department of Water Resources" and the word "purchase" are not defined and,
7 therefore, the request as phrased is ambiguous and vague; also, irrelevant and not reasonably
8 calculated to lead to the discovery of admissible evidence. Without waiving these objections and
9 subject to them: admit that AVEK did not then "purchase" any SWP water.

10 **Request for Admission Number 24:**

11 Admit that in 2005, AVEK did not purchase all the available State Water Project water
12 that was allotted to AVEK by the California Department of Water Resources pursuant to Table
13 A of AVEK's contract with California's Department of Water Resources.

14 RESPONSE: Objections: incomplete (C.C.P. § 2030.060(d)); the phrase "allotted to AVEK by
15 the California Department of Water Resources" and the word "purchase" are not defined and,
16 therefore, the request as phrased is ambiguous and vague; also, irrelevant and not reasonably
17 calculated to lead to the discovery of admissible evidence. Without waiving these objections and
18 subject to them: admit that AVEK did not then "purchase" any SWP water.

19 **Request for Admission Number 25:**

20 Admit that in 2004, AVEK did not purchase all the available State Water Project water
21 that was allotted to AVEK by the California Department of Water Resources pursuant to Table
22 A of AVEK's contract with California's Department of Water Resources.

23 RESPONSE: Objections: incomplete (C.C.P. § 2030.060(d)); the phrase "allotted to AVEK by
24 the California Department of Water Resources" and the word "purchase" are not defined and,
25 therefore, the request as phrased is ambiguous and vague; also, irrelevant and not reasonably
26 calculated to lead to the discovery of admissible evidence. Without waiving these objections and
27 subject to them: admit that AVEK did not then "purchase" any SWP water.

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1 **Request for Admission Number 26:**

2 Admit that in 2003, AVEK did not purchase all the available State Water Project water
3 that was allotted to AVEK by the California Department of Water Resources pursuant to Table
4 A of AVEK's contract with California's Department of Water Resources.

5 RESPONSE: Objections: incomplete (C.C.P. § 2030.060(d)); the phrase "allotted to AVEK by
6 the California Department of Water Resources" and the word "purchase" are not defined and,
7 therefore, the request as phrased is ambiguous and vague; also, irrelevant and not reasonably
8 calculated to lead to the discovery of admissible evidence. Without waiving these objections and
9 subject to them: admit that AVEK did not then "purchase" any SWP water.

10 **Request for Admission Number 27:**

11 Admit that in 2002, AVEK did not purchase all the available State Water Project water
12 that was allotted to AVEK by the California Department of Water Resources pursuant to Table
13 A of AVEK's contract with California's Department of Water Resources.

14 RESPONSE: Objections: incomplete (C.C.P. § 2030.060(d)); the phrase "allotted to AVEK by
15 the California Department of Water Resources" and the word "purchase" are not defined and,
16 therefore, the request as phrased is ambiguous and vague; also, irrelevant and not reasonably
17 calculated to lead to the discovery of admissible evidence. Without waiving these objections and
18 subject to them: admit that AVEK did not then "purchase" any SWP water.

19 **Request for Admission Number 28:**

20 Admit that in 2001, AVEK did not purchase all the available State Water Project water
21 that was allotted to AVEK by the California Department of Water Resources pursuant to Table
22 A of AVEK's contract with California's Department of Water Resources.

23 RESPONSE: Objections: incomplete (C.C.P. § 2030.060(d)); the phrase "allotted to AVEK by
24 the California Department of Water Resources" and the word "purchase" are not defined and,
25 therefore, the request as phrased is ambiguous and vague; also, irrelevant and not reasonably
26 calculated to lead to the discovery of admissible evidence. Without waiving these objections and
27 subject to them: admit that AVEK did not then "purchase" any SWP water.

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1 **Request for Admission Number 29:**

2 Admit that in 2000, AVEK did not purchase all the available State Water Project water
3 that was allotted to AVEK by the California Department of Water Resources pursuant to Table
4 A of AVEK's contract with California's Department of Water Resources.

5 RESPONSE: Objections: incomplete (C.C.P. § 2030.060(d)); the phrase "allotted to AVEK by
6 the California Department of Water Resources" and the word "purchase" are not defined and,
7 therefore, the request as phrased is ambiguous and vague; also, irrelevant and not reasonably
8 calculated to lead to the discovery of admissible evidence. Without waiving these objections and
9 subject to them: admit that AVEK did not then "purchase" any SWP water.

10 **Request for Admission Number 30:**

11 Admit that in 1999, AVEK did not purchase all the available State Water Project water
12 that was allotted to AVEK by the California Department of Water Resources pursuant to Table
13 A of AVEK's contract with California's Department of Water Resources.

14 RESPONSE: Objections: incomplete (C.C.P. § 2030.060(d)); the phrase "allotted to AVEK by
15 the California Department of Water Resources" and the word "purchase" are not defined and,
16 therefore, the request as phrased is ambiguous and vague; also, irrelevant and not reasonably
17 calculated to lead to the discovery of admissible evidence. Without waiving these objections and
18 subject to them: admit that AVEK did not then "purchase" any SWP water.

19 **Request for Admission Number 31:**

20 Admit that in 1998, AVEK did not purchase all the available State Water Project water
21 that was allotted to AVEK by the California Department of Water Resources pursuant to Table
22 A of AVEK's contract with California's Department of Water Resources.

23 RESPONSE: Objections: incomplete (C.C.P. § 2030.060(d)); the phrase "allotted to AVEK by
24 the California Department of Water Resources" and the word "purchase" are not defined and,
25 therefore, the request as phrased is ambiguous and vague; also, irrelevant and not reasonably
26 calculated to lead to the discovery of admissible evidence. Without waiving these objections and
27 subject to them: admit that AVEK did not then "purchase" any SWP water.

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1 **Request for Admission Number 32:**

2 Admit that in 1997, AVEK did not purchase all the available State Water Project water
3 that was allotted to AVEK by the California Department of Water Resources pursuant to Table
4 A of AVEK's contract with California's Department of Water Resources.

5 RESPONSE: Objections: incomplete (C.C.P. § 2030.060(d)); the phrase "allotted to AVEK by
6 the California Department of Water Resources" and the word "purchase" are not defined and,
7 therefore, the request as phrased is ambiguous and vague; also, irrelevant and not reasonably
8 calculated to lead to the discovery of admissible evidence. Without waiving these objections and
9 subject to them: admit that AVEK did not then "purchase" any SWP water.

10 **Request for Admission Number 33:**

11 Admit that in 1996, AVEK did not purchase all the available State Water Project water
12 that was allotted to AVEK by the California Department of Water Resources pursuant to Table
13 A of AVEK's contract with California's Department of Water Resources.

14 RESPONSE: Objections: incomplete (C.C.P. § 2030.060(d)); the phrase "allotted to AVEK by
15 the California Department of Water Resources" and the word "purchase" are not defined and,
16 therefore, the request as phrased is ambiguous and vague; also, irrelevant and not reasonably
17 calculated to lead to the discovery of admissible evidence. Without waiving these objections and
18 subject to them: admit that AVEK did not then "purchase" any SWP water.

19 **Request for Admission Number 34:**

20 Admit that in 1995, AVEK did not purchase all the available State Water Project water
21 that was allotted to AVEK by the California Department of Water Resources pursuant to Table
22 A of AVEK's contract with California's Department of Water Resources.

23 RESPONSE: Objections: incomplete (C.C.P. § 2030.060(d)); the phrase "allotted to AVEK by
24 the California Department of Water Resources" and the word "purchase" are not defined and,
25 therefore, the request as phrased is ambiguous and vague; also, irrelevant and not reasonably
26 calculated to lead to the discovery of admissible evidence. Without waiving these objections and
27 subject to them: admit that AVEK did not then "purchase" any SWP water.

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1 **Request for Admission Number 35:**

2 Admit that in 1994, AVEK did not purchase all the available State Water Project water
3 that was allotted to AVEK by the California Department of Water Resources pursuant to Table
4 A of AVEK's contract with California's Department of Water Resources.

5 RESPONSE: Objections: incomplete (C.C.P. § 2030.060(d)); the phrase "allotted to AVEK by
6 the California Department of Water Resources" and the word "purchase" are not defined and,
7 therefore, the request as phrased is ambiguous and vague; also, irrelevant and not reasonably
8 calculated to lead to the discovery of admissible evidence. Without waiving these objections and
9 subject to them: admit that AVEK did not then "purchase" any SWP water.

10 **Request for Admission Number 36:**

11 Admit that in 1993, AVEK did not purchase all the available State Water Project water
12 that was allotted to AVEK by the California Department of Water Resources pursuant to Table
13 A of AVEK's contract with California's Department of Water Resources.

14 RESPONSE: Objections: incomplete (C.C.P. § 2030.060(d)); the phrase "allotted to AVEK by
15 the California Department of Water Resources" and the word "purchase" are not defined and,
16 therefore, the request as phrased is ambiguous and vague; also, irrelevant and not reasonably
17 calculated to lead to the discovery of admissible evidence. Without waiving these objections and
18 subject to them: admit that AVEK did not then "purchase" any SWP water.

19 **Request for Admission Number 37:**

20 Admit that in 1992, AVEK did not purchase all the available State Water Project water
21 that was allotted to AVEK by the California Department of Water Resources pursuant to Table
22 A of AVEK's contract with California's Department of Water Resources.

23 RESPONSE: Objections: incomplete (C.C.P. § 2030.060(d)); the phrase "allotted to AVEK by
24 the California Department of Water Resources" and the word "purchase" are not defined and,
25 therefore, the request as phrased is ambiguous and vague; also, irrelevant and not reasonably
26 calculated to lead to the discovery of admissible evidence. Without waiving these objections and
27 subject to them: admit that AVEK did not then "purchase" any SWP water.

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1 **Request for Admission Number 38:**

2 Admit that in 1991, AVEK did not purchase all the available State Water Project water
3 that was allotted to AVEK by the California Department of Water Resources pursuant to Table
4 A of AVEK's contract with California's Department of Water Resources.

5 RESPONSE: Objections: incomplete (C.C.P. § 2030.060(d)); the phrase "allotted to AVEK by
6 the California Department of Water Resources" and the word "purchase" are not defined and,
7 therefore, the request as phrased is ambiguous and vague; also, irrelevant and not reasonably
8 calculated to lead to the discovery of admissible evidence. Without waiving these objections and
9 subject to them: admit that AVEK did not then "purchase" any SWP water.

10 **Request for Admission Number 39:**

11 Admit that in 1990, AVEK did not purchase all the available State Water Project water
12 that was allotted to AVEK by the California Department of Water Resources pursuant to Table
13 A of AVEK's contract with California's Department of Water Resources.

14 RESPONSE: Objections: incomplete (C.C.P. § 2030.060(d)); the phrase "allotted to AVEK by
15 the California Department of Water Resources" and the word "purchase" are not defined and,
16 therefore, the request as phrased is ambiguous and vague; also, irrelevant and not reasonably
17 calculated to lead to the discovery of admissible evidence. Without waiving these objections and
18 subject to them: admit that AVEK did not then "purchase" any SWP water.

19 **Request for Admission Number 40:**

20 Admit that in 1989, AVEK did not purchase all the available State Water Project water
21 that was allotted to AVEK by the California Department of Water Resources pursuant to Table
22 A of AVEK's contract with California's Department of Water Resources.

23 RESPONSE: Objections: incomplete (C.C.P. § 2030.060(d)); the phrase "allotted to AVEK by
24 the California Department of Water Resources" and the word "purchase" are not defined and,
25 therefore, the request as phrased is ambiguous and vague; also, irrelevant and not reasonably
26 calculated to lead to the discovery of admissible evidence. Without waiving these objections and
27 subject to them: admit that AVEK did not then "purchase" any SWP water.

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1 **Request for Admission Number 41:**

2 Admit that in 1988, AVEK did not purchase all the available State Water Project water
3 that was allotted to AVEK by the California Department of Water Resources pursuant to Table
4 A of AVEK's contract with California's Department of Water Resources.

5 RESPONSE: Objections: incomplete (C.C.P. § 2030.060(d)); the phrase "allotted to AVEK by
6 the California Department of Water Resources" and the word "purchase" are not defined and,
7 therefore, the request as phrased is ambiguous and vague; also, irrelevant and not reasonably
8 calculated to lead to the discovery of admissible evidence. Without waiving these objections and
9 subject to them: admit that AVEK did not then "purchase" any SWP water.

10 **Request for Admission Number 42:**

11 Admit that in 1987, AVEK did not purchase all the available State Water Project water
12 that was allotted to AVEK by the California Department of Water Resources pursuant to Table
13 A of AVEK's contract with California's Department of Water Resources.

14 RESPONSE: Objections: incomplete (C.C.P. § 2030.060(d)); the phrase "allotted to AVEK by
15 the California Department of Water Resources" and the word "purchase" are not defined and,
16 therefore, the request as phrased is ambiguous and vague; also, irrelevant and not reasonably
17 calculated to lead to the discovery of admissible evidence. Without waiving these objections and
18 subject to them: admit that AVEK did not then "purchase" any SWP water.

19 **Request for Admission Number 43:**

20 Admit that in 1986, AVEK did not purchase all the available State Water Project water
21 that was allotted to AVEK by the California Department of Water Resources pursuant to Table
22 A of AVEK's contract with California's Department of Water Resources.

23 RESPONSE: Objections: incomplete (C.C.P. § 2030.060(d)); the phrase "allotted to AVEK by
24 the California Department of Water Resources" and the word "purchase" are not defined and,
25 therefore, the request as phrased is ambiguous and vague; also, irrelevant and not reasonably
26 calculated to lead to the discovery of admissible evidence. Without waiving these objections and
27 subject to them: admit that AVEK did not then "purchase" any SWP water.

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1 **Request for Admission Number 44:**

2 Admit that in 1985, AVEK did not purchase all the available State Water Project water
3 that was allotted to AVEK by the California Department of Water Resources pursuant to Table
4 A of AVEK's contract with California's Department of Water Resources.

5 RESPONSE: Objections: incomplete (C.C.P. § 2030.060(d)); the phrase "allotted to AVEK by
6 the California Department of Water Resources" and the word "purchase" are not defined and,
7 therefore, the request as phrased is ambiguous and vague; also, irrelevant and not reasonably
8 calculated to lead to the discovery of admissible evidence. Without waiving these objections and
9 subject to them: admit that AVEK did not then "purchase" any SWP water.

10 **Request for Admission Number 45:**

11 Admit that in 1984, AVEK did not purchase all the available State Water Project water
12 that was allotted to AVEK by the California Department of Water Resources pursuant to Table
13 A of AVEK's contract with California's Department of Water Resources.

14 RESPONSE: Objections: incomplete (C.C.P. § 2030.060(d)); the phrase "allotted to AVEK by
15 the California Department of Water Resources" and the word "purchase" are not defined and,
16 therefore, the request as phrased is ambiguous and vague; also, irrelevant and not reasonably
17 calculated to lead to the discovery of admissible evidence. Without waiving these objections and
18 subject to them: admit that AVEK did not then "purchase" any SWP water.

19 **Request for Admission Number 46:**

20 Admit that in 1983, AVEK did not purchase all the available State Water Project water
21 that was allotted to AVEK by the California Department of Water Resources pursuant to Table
22 A of AVEK's contract with California's Department of Water Resources.

23 RESPONSE: Objections: incomplete (C.C.P. § 2030.060(d)); the phrase "allotted to AVEK by
24 the California Department of Water Resources" and the word "purchase" are not defined and,
25 therefore, the request as phrased is ambiguous and vague; also, irrelevant and not reasonably
26 calculated to lead to the discovery of admissible evidence. Without waiving these objections and
27 subject to them: admit that AVEK did not then "purchase" any SWP water.

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1 **Request for Admission Number 47:**

2 Admit that in 1982, AVEK did not purchase all the available State Water Project water
3 that was allotted to AVEK by the California Department of Water Resources pursuant to Table
4 A of AVEK's contract with California's Department of Water Resources.

5 RESPONSE: Objections: incomplete (C.C.P. § 2030.060(d)); the phrase "allotted to AVEK by
6 the California Department of Water Resources" and the word "purchase" are not defined and,
7 therefore, the request as phrased is ambiguous and vague; also, irrelevant and not reasonably
8 calculated to lead to the discovery of admissible evidence. Without waiving these objections and
9 subject to them: admit that AVEK did not then "purchase" any SWP water.

10 **Request for Admission Number 48:**

11 Admit that in 1981, AVEK did not purchase all the available State Water Project water
12 that was allotted to AVEK by the California Department of Water Resources pursuant to Table
13 A of AVEK's contract with California's Department of Water Resources.

14 RESPONSE: Objections: incomplete (C.C.P. § 2030.060(d)); the phrase "allotted to AVEK by
15 the California Department of Water Resources" and the word "purchase" are not defined and,
16 therefore, the request as phrased is ambiguous and vague; also, irrelevant and not reasonably
17 calculated to lead to the discovery of admissible evidence. Without waiving these objections and
18 subject to them: admit that AVEK did not then "purchase" any SWP water.

19 **Request for Admission Number 49:**

20 Admit that in 1980, AVEK did not purchase all the available State Water Project water
21 that was allotted to AVEK by the California Department of Water Resources pursuant to Table
22 A of AVEK's contract with California's Department of Water Resources.

23 RESPONSE: Objections: incomplete (C.C.P. § 2030.060(d)); the phrase "allotted to AVEK by
24 the California Department of Water Resources" and the word "purchase" are not defined and,
25 therefore, the request as phrased is ambiguous and vague; also, irrelevant and not reasonably
26 calculated to lead to the discovery of admissible evidence. Without waiving these objections and
27 subject to them: admit that AVEK did not then "purchase" any SWP water.

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1 **Request for Admission Number 50:**

2 Admit that in 1979, AVEK did not purchase all the available State Water Project water
3 that was allotted to AVEK by the California Department of Water Resources pursuant to Table
4 A of AVEK's contract with California's Department of Water Resources.

5 RESPONSE: Objections: incomplete (C.C.P. § 2030.060(d)); the phrase "allotted to AVEK by
6 the California Department of Water Resources" and the word "purchase" are not defined and,
7 therefore, the request as phrased is ambiguous and vague; also, irrelevant and not reasonably
8 calculated to lead to the discovery of admissible evidence. Without waiving these objections and
9 subject to them: admit that AVEK did not then "purchase" any SWP water.

10 **Request for Admission Number 51:**

11 Admit that in 1978, AVEK did not purchase all the available State Water Project water
12 that was allotted to AVEK by the California Department of Water Resources pursuant to Table
13 A of AVEK's contract with California's Department of Water Resources.

14 RESPONSE: Objections: incomplete (C.C.P. § 2030.060(d)); the phrase "allotted to AVEK by
15 the California Department of Water Resources" and the word "purchase" are not defined and,
16 therefore, the request as phrased is ambiguous and vague; also, irrelevant and not reasonably
17 calculated to lead to the discovery of admissible evidence. Without waiving these objections and
18 subject to them: admit that AVEK did not then "purchase" any SWP water.

19 **Request for Admission Number 52:**

20 Admit that in 1977, AVEK did not purchase all the available State Water Project water
21 that was allotted to AVEK by the California Department of Water Resources pursuant to Table
22 A of AVEK's contract with California's Department of Water Resources.

23 RESPONSE: Objections: incomplete (C.C.P. § 2030.060(d)); the phrase "allotted to AVEK by
24 the California Department of Water Resources" and the word "purchase" are not defined and,
25 therefore, the request as phrased is ambiguous and vague; also, irrelevant and not reasonably
26 calculated to lead to the discovery of admissible evidence. Without waiving these objections and
27 subject to them: admit that AVEK did not then "purchase" any SWP water.

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1 **Request for Admission Number 53:**

2 Admit that in 1976, AVEK did not purchase all the available State Water Project water
3 that was allotted to AVEK by the California Department of Water Resources pursuant to Table
4 A of AVEK's contract with California's Department of Water Resources.

5 RESPONSE: Objections: incomplete (C.C.P. § 2030.060(d)); the phrase "allotted to AVEK by
6 the California Department of Water Resources" and the word "purchase" are not defined and,
7 therefore, the request as phrased is ambiguous and vague; also, irrelevant and not reasonably
8 calculated to lead to the discovery of admissible evidence. Without waiving these objections and
9 subject to them: admit that AVEK did not then "purchase" any SWP water.

10 **Request for Admission Number 54:**

11 Admit that in 1975, AVEK did not purchase all the available State Water Project water
12 that was allotted to AVEK by the California Department of Water Resources pursuant to Table
13 A of AVEK's contract with California's Department of Water Resources.

14 RESPONSE: Objections: incomplete (C.C.P. § 2030.060(d)); the phrase "allotted to AVEK by
15 the California Department of Water Resources" and the word "purchase" are not defined and,
16 therefore, the request as phrased is ambiguous and vague; also, irrelevant and not reasonably
17 calculated to lead to the discovery of admissible evidence. Without waiving these objections and
18 subject to them: admit that AVEK did not then "purchase" any SWP water.

19 **Request for Admission Number 55:**

20 Admit that in 1974, AVEK did not purchase all the available State Water Project water
21 that was allotted to AVEK by the California Department of Water Resources pursuant to Table
22 A of AVEK's contract with California's Department of Water Resources.

23 RESPONSE: Objections: incomplete (C.C.P. § 2030.060(d)); the phrase "allotted to AVEK by
24 the California Department of Water Resources" and the word "purchase" are not defined and,
25 therefore, the request as phrased is ambiguous and vague; also, irrelevant and not reasonably
26 calculated to lead to the discovery of admissible evidence. Without waiving these objections and
27 subject to them: admit that AVEK did not then "purchase" any SWP water.

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1 **Request for Admission Number 56:**

2 Admit that in 1973, AVEK did not purchase all the available State Water Project water
3 that was allotted to AVEK by the California Department of Water Resources pursuant to Table
4 A of AVEK's contract with California's Department of Water Resources.

5 RESPONSE: Objections: incomplete (C.C.P. § 2030.060(d)); the phrase "allotted to AVEK by
6 the California Department of Water Resources" and the word "purchase" are not defined and,
7 therefore, the request as phrased is ambiguous and vague; also, irrelevant and not reasonably
8 calculated to lead to the discovery of admissible evidence. Without waiving these objections and
9 subject to them: admit that AVEK did not then "purchase" any SWP water.

10 **Request for Admission Number 57:**

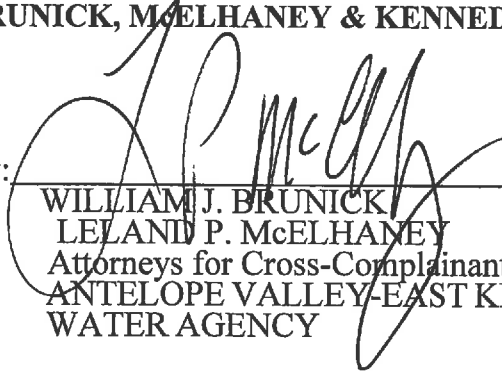
11 Admit that in 1972, AVEK did not purchase all the available State Water Project water
12 that was allotted to AVEK by the California Department of Water Resources pursuant to Table
13 A of AVEK's contract with California's Department of Water Resources.

14 RESPONSE: Objections: incomplete (C.C.P. § 2030.060(d)); the phrase "allotted to AVEK by
15 the California Department of Water Resources" and the word "purchase" are not defined and,
16 therefore, the request as phrased is ambiguous and vague; also, irrelevant and not reasonably
17 calculated to lead to the discovery of admissible evidence. Without waiving these objections and
18 subject to them: admit that AVEK did not then "purchase" any SWP water.

19 Dated: December 9, 2013

BRUNICK, McELHANEY & KENNEDY

20
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22 By:


WILLIAM J. BRUNICK
LELAND P. McELHANEY
Attorneys for Cross-Complainant,
ANTELOPE VALLEY-EAST KERN
WATER AGENCY

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VERIFICATION

I have read the foregoing ANTELOPE VALLEY-EAST KERN WATER AGENCY'S RESPONSES TO LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40'S REQUESTS FOR ADMISSION, SET ONE and know the contents thereof.

The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

Executed on 10/9/13, 2013, at PALMDALE, California.

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



Dwayne Chisam, Assistant General Manager,
Antelope Valley-East Kern Water Agency

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PROOF OF SERVICE

**STATE OF CALIFORNIA }
COUNTY OF SAN BERNARDINO }**

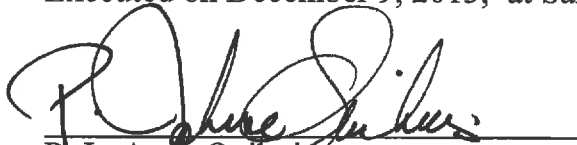
I am employed in the County of the San Bernardino, State of California. I am over the age of 18 and not a party to the within action; my business address is 1839 Commercenter West, San Bernardino, California 92408-3303.

On December 9, 2013, I served the foregoing document(s) described as: **ANTELOPE VALLEY-EAST KERN WATER AGENCY'S RESPONSES TO LOS ANGELES COUNTY WATERWORKS DISTRICT 40'S REQUESTS FOR ADMISSION, SET ONE** on the interested parties in this action served in the following manner:

■ **BY ELECTRONIC SERVICE AS FOLLOWS** by posting the document(s) listed above to the Santa Clara website in the action of the *Antelope Valley Groundwater Litigation*, Judicial Council Coordination Proceeding No. 4408, Santa Clara Case No. 1-05-CV-049053.

X (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on December 9, 2013, at San Bernardino, California.


P: Jo Anne Quhuis