

1 William J. Brunick, Esq. [SB No. 46289]
Leland P. McElhaney, Esq. [SB No. 39257]
2 **BRUNICK, McELHANEY & KENNEDY PLC**
1839 Commercenter West
3 San Bernardino, California 92408-3303

4 MAILING:
P.O. Box 13130
5 San Bernardino, California 92423-3130

6 Telephone: (909) 889-8301
Facsimile: (909) 388-1889
7 E-Mail: bbrunick@bmbblawoffice.com

8 Attorneys for Cross-Complainant,
9 ANTELOPE VALLEY-EAST KERN WATER AGENCY

*Exempt from filing fee pursuant to
Gov't. Code Section 6103*

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

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

Judicial Council Coordination Proceeding
No. 4408

15
16 **ANTELOPE VALLEY**
GROUNDWATER CASES

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

17
18 **Included Actions:**

ANTELOPE VALLEY-EAST KERN
WATER AGENCY'S RESPONSES TO
THE COURT'S DISCOVERY ORDER
FOR PHASE 4 TRIAL

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

Trial Date: February 11, 2013
Time: 9:00 a.m.
Dept.: 1

22 Los Angeles County Waterworks District
No. 40 vs. Diamond Farming Company, a
23 corporation., Superior Court of California,
County of Kern, Case No. S-1500-CV-254-
24 348;

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

1 _____
2 **RESPONDING PARTY:** Defendant, ANTELOPE VALLEY - EAST KERN WATER
3 AGENCY

4 COMES NOW, Defendant and Cross-Complainant, the ANTELOPE VALLEY - EAST
5 KERN WATER AGENCY, and hereby responds to the Court's Discovery Order for Phase 4
6 Trial, 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. Additionally, all of the responses contained herein are based only upon such facts,
12 information and documents as are presently available to or known to responding party or within
13 responding party's possession, custody, or control. It is anticipated that further discovery,
14 independent investigation, legal research, and analysis will supply additional facts, add meaning
15 to the known facts, as well as establish new factual conclusions and legal contentions, all of
16 which may lead to additions to, changes in, and variations from the responses herein set forth.
17 The following responses are given without prejudice to responding party's right to offer
18 evidence of any subsequently discovered fact or facts. Responding party accordingly reserves
19 the right to supplement or amend the responses herein as additional facts are ascertained,
20 analyses are made, legal research is completed, and contentions are made. The responses
21 contained herein are made in a good faith effort to supply as much factual information and as
22 much specification of legal contentions as is presently known, but are without prejudice to
23 responding party in relation to further discovery, research and analysis.

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

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

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

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

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

12 Because of the short time period between the Discovery Order and the date for response,
13 it is possible that not all of the available information has been included in this Response.
14 Responding Party responds to this Discovery Order to the best of its knowledge, information and
15 belief, with a good faith effort to be as comprehensive as possible. If additional facts or
16 documents become known to Responding Party after the date of this Response, Responding
17 Party will supplement the Response. Additinally, Responding Party does not waive the right to
18 make use of, or to introduce at the Phase 4 Trial, any information or documents responsive to
19 the Discovery Order but discovered subsequent to this Response. AVEK reserves all objections
20 as to competency, relevance, materiality, privilege or admissibility of all information provided,
21 documents produced and the contents thereof.

22 Subject to this Preliminary Statement, which is incorporated by reference in each of the
23 responses set forth below as though set forth in full, and any specific objections set forth herein,
24 responding party responds as follows:

25 ///
26 ///
27 ///
28 ///

1 II.

2 RESPONSES

3 **I. FOR ALL PARTIES CLAIMING AN OVERLYING GROUNDWATER RIGHT,**
4 **INCLUDING PUBLIC WATER AND OTHER PRODUCERS WHO ALSO CLAIM A**
5 **PRESCRIPTIVE RIGHT UNDER CATEGORY II BELOW**

6 1. For each parcel of real property the responding party owns or occupies or otherwise
7 controls in the Antelope Valley Adjudication Area, please state with particularity the following
8 information:

9 (A) The Kern County Treasurer Tax Collector's "Assessor Tax Number" or the Los
10 Angeles County Office of the Assessor "Assessor's Identification Number" of the parcel. If the
11 identifying parcel number has changed since 1999, please state both the current and previous
12 number and the date the new identifying parcel number was assigned.

13 RESPONSE: The requested information is included in Exhibit 1 (1 of 2) attached hereto.

14 (B) All record title owners of the parcel from 2000 to the present.

15 RESPONSE: See Exhibit 2 (1 of 1) attached hereto which provides the requested information,
16 and which is incorporated herein by this reference.

17 (C) Whether a groundwater well existed on the parcel in any or all of the calendar years
18 2000, 2001, 2002, 2003, 2004, 2011 or 2012.

19 RESPONSE: The requested information is set forth in Exhibit 3 (1 of 2) attached hereto, and
20 is incorporated herein by this reference.

21 (D) Whether a groundwater well operated on the parcel in any or all of calendar years
22 2000, 2001, 2002, 2003, 2004, 2011 or 2012.

23 RESPONSE: The requested information is set forth in Exhibit 3 (1 of 2) attached hereto, and
24 is incorporated herein by this reference.

25 (E) The amount of groundwater produced from the parcel for calendar years 2000, 2001,
26 2002, 2003, 2004, 2011, and/or 2012.

27
28

1 RESPONSE: The amounts of water pumped from, or delivered to each parcel for agricultural
2 use in lieu of pumping, are set forth in Exhibit 3 (1 of 2) attached hereto, and such information
3 contained therein is incorporated herein by this reference.

4 (F) The use(s) to which the groundwater produced from the parcel was put on said parcel
5 in any or all of calendar years 2000, 2001, 2002, 2003, 2004, 2011 or 2012.

6 RESPONSE: Agricultural use and/or water banking, as set forth in Exhibits 4 (1 of 9) attached
7 hereto which, by this reference, are incorporated herein as thought set forth in full herein.

8 (G) If groundwater produced from another parcel was used on the parcel during any or
9 all calendar years 2000, 2001, 2002, 2003, 2004, 2011 or 2012, please state the Kern County
10 Treasurer Tax Collector's "Assessor Tax Number" or the Los Angeles County Office of the
11 Assessor "Assessor's Identification Number" of the parcel(s) from which the subject
12 groundwater was produced and identify the owner thereof.

13 RESPONSE: Water produced on one parcel may have been used on other identified contiguous
14 or related parcels then owned by Responding Party or its predecessors in interest, but so far as
15 Responding Party is presently aware produced water was not used on parcels not then owned
16 by Responding Party or its predecessors in interest. See, also, Exhibit 3 (1 of 2).

17 (H) The use(s) to which the parcel was put during each of calendar years 2011, and 2012.

18 RESPONSE: Agricultural or water banking use, as indicated in Exhibits 5 (1 of 6) and 6
19 attached hereto which, by this reference are incorporated herein as though set forth in full
20 herein.

21 (I) The crop type, if any, grown on the parcel during each of the calendar years 2000,
22 2001, 2002, 2003, 2004, 2011 and 2012.

23 RESPONSE: The requested information is complied and show in Exhibit 4 (1 of 9) attached
24 hereto, which is incorporated herein as though set forth in full herein. The property has been
25 farmed in field crops. Responding Party is attempting to obtain additional crop information from
26 prior owners, which may justify a higher allocation. Discovery is continuing.

27 (J) If the responding party contends the parcel has groundwater rights based upon
28 something other than groundwater production or use, please state the amount of that claim for

1 each of the calendar years 2000, 2001, 2002, 2003, 2004, 2011 and 2012, and its legal and
2 factual basis therefor.

3 RESPONSE: Not applicable, based on the understanding that: (1) this inquiry as to
4 “groundwater production or use” includes, in addition to actual pumping, the provision of
5 AVEK imported water to the site (a) for agricultural use in lieu of pumping, or (b) for water
6 banking; and (2) the crop duty may justify a higher yield or claimed right.

7 (K) State the amount of water rights claimed as the reasonable and beneficial use for each
8 such parcel.

9 RESPONSE: The amount of water claimed is identified in Exhibits 4, 5, 6 and 7 which indicate
10 the yearly water usage per acre APN. As noted above, however, the crop duty may justify a
11 higher yield or claimed right.

12 (L) At the responding party’s election, any other facts that the responding party contends
13 will assist the Court in determining the amount of groundwater produced from each parcel of
14 land owned or controlled by the responding party in any or all calendar years 2000, 2001, 2002,
15 2003, 2004, 2011 and 2012.

16 RESPONSE: Discovery is continuing, to include additional pumping information based on
17 diesel usage, discovery of prior owners’ pumping and power records, etc. Accordingly,
18 Responding Party reserves the right to amend and supplement these responses when additional
19 relevant information is obtained.

20 2. For each parcel of real property the responding party owned in the Antelope Valley
21 Adjudication Area during the calendar years 2000, 2001, 2002, 2003, 2004, 2011 or 2012,
22 please state with particularity the following information:

23 (A) Whether the Responding Party leased any or all of the Property.

24 RESPONSE: See Exhibits 1 and 2 attached hereto which provide the information requested, all
25 of which is incorporated herein by this reference as though set forth in full herein.

26 (B) The name of the lessee.

27 RESPONSE: See Exhibit 8 (1 of 1) attached hereto which provide the information requested, all
28 of which is incorporated herein by this reference as though set forth in full herein.

1 (C) If the parcel was leased, the Kern County Treasurer Tax Collector's "Assessor Tax
2 Number" or the Los Angeles County Office of the Assessor "Assessor's Identification Number"
3 of th parcel. If the identifying parcel number has changed since 1999, please state both the
4 current and previous number and the date the new identifying parcel number was assigned.

5 RESPONSE: See Exhibits 1, 2 and 8 attached hereto which set forth the required information,
6 and which are incorporated herein by this reference.

7 (D) How, if at all, the lease or other written agreement allocated credits for the
8 groundwater produced by the lessee.

9 RESPONSE: To the extent the requested information exists, such is all set forth in Exhibit 9 (1
10 of 1) attached hereto, which is incorporated herein by this reference as though set forth in full
11 herein.

12 (E) How much, if any, groundwater was produced by the lessee and delivered to another
13 parcel. If so, the Kern County Treasurer Tax Collector's "Assessor Tax Number" or the Los
14 Angeles County Office of the Assessor "Assessor's Identification Number" of the parcel for the
15 year(s) in which such groundwater was produced and delivered.

16 RESPONSE: The water produced from leased property was only used on the leased property and
17 no water was delivered to another parcel.

18 (F) If known, the use(s) to which groundwater was put on the leased parcel for calendar
19 years 2011 and 2012.

20 RESPONSE: The lessee's use of groundwater was for agriculture. See Exhibits 4, 5, 6 and 7.

21 3. For all parcels of land identified in response to Request No. 1 above, please state with
22 particularity the following information:

23 (A) All materials constituting the responding party's *prima facie* showing of the amount
24 of groundwater produced from each parcel of land owned or controlled by the responding party
25 in calendars years 2000, 2001, 2002, 2003, 2004, 2011 and 2012.

26 RESPONSE: The requested records, which include pumping records, power usage records,
27 water diversion records, records relating to quantities of water provided to each parcel for either
28 agricultural use or water banking, and other related documents, will be provided. As previously

1 noted, however, the Responding Party's investigation is incomplete and it does not yet have
2 certain documents/records necessary to provide complete and full responses (e.g., diesel fuel
3 records); accordingly, upon obtaining such additional information/documentation, Responding
4 Party reserves the right to amend and/or supplement these responses. Additionally, to the extent
5 this inquiry relates to AVEK's claims to return flows based on the water it imported into the
6 Basin and sold to its customers, AVEK relies also on the California Water Code, Appendix 98-
7 49 et seq; *City of Los Angeles v. City of San Fernando* (1975) 14 Cal.3d 199; AVEK's contracts
8 with its customers; deed demonstrated AVEK's ownership of the Property; etc. See Exhibits 3,
9 4, 5, 6 and 7.

10 (B) All materials constituting the responding party's *prima facie* showing of the use(s)
11 to which the responding party put each parcel of land controlled by the responding party in
12 calendar years 2011 and 2012.

13 RESPONSE: The requested records, which include aerial and other photographs, and records
14 relating to water deliveries to each parcel for either agricultural use or water banking, are
15 provided in Exhibits 3, 4, 5 and 7.

16 (C) At the responding party's election, any additional materials that will assist the Court
17 in determining the amount of groundwater produced from each parcel of land by the responding
18 party in any or all calendar years 2000, 2001, 2002, 2003, 2004, 2011 and 2012.

19 RESPONSE: Discovery is continuing.

20 **II. FOR ALL PARTIES CLAIMING A NON-OVERLYING RIGHT, INCLUDING**
21 **APPROPRIATIVE, PRESCRIPTIVE OR OTHERWISE**

22 1. Please state with particularity the following information:

23 (A) The amount of groundwater the responding party produced in each of the calendar
24 years 2000, 2001, 2002, 2003, 2004, 2011 and 2012 over and above any water claimed to have
25 been pumped as an overlying owner.

26 RESPONSE: To avoid any possible confusion as to what is included within the "produced" or
27 "otherwise" parts of this inquiry, please see Responding Party's prior responses herein relating
28 to its provision of water (a) in lieu of pumping, and (b) for water banking, as well as the

1 responses to Part III below relating to Responding Party's claimed entitlement to return flows,
2 all of which are incorporated herein by this reference as though set forth in full herein.

3 (B) The Kern County Treasurer Tax Collector's "Assessor Tax Number" or the Los
4 Angeles County Office of the Assessor "Assessor's Identification Number" of the parcel(s) from
5 which the subject groundwater was produced and identify the owner thereof. If the identifying
6 parcel number has changed since 1999, please state both the current and previous number of the
7 date the new identifying parcel number was assigned.

8 RESPONSE: Not applicable.

9 (C) The well identification number(s) for each well that the responding party used to
10 produce groundwater in each of the calendar years 2000, 2001, 2002, 2003, 2004, 2011 and
11 2012.

12 RESPONSE: Not applicable.

13 (D) The amount of groundwater produced from each well identified on the responding
14 party's parcels in each calendar years 2000, 2001, 2002, 2003, 2004, 2011 and 2012.

15 RESPONSE: Not applicable.

16 (E) The methodology used in determining the amount of groundwater produced on the
17 responding party's parcels in each of calendar years 2000, 2001, 2002, 2003, 2004, 2011 and
18 2012, (e.g., pump tests, meter records).

19 RESPONSE: In general, based on actual pumping records, together with records of AVEK water
20 supplied to the parcels for either agricultural use or water banking; analysis of power usage
21 records (e.g., meter readings, diesel usage, etc.); analysis of aerial photographs and other records
22 to identify particular types of crops planted, acreage planted, duration of growing periods, and
23 generally accepted and/or standard assumptions as to amounts of water normally needed to
24 successfully irrigate the identified crops. See Exhibits 3, 4, 5, 6 and 7. Discovery is continuing.

25 (F) For all groundwater pumping in each of the calendar years 2000, 2001, 2002, 2003,
26 2004, 2011 and 2012 for parcels in Los Angeles County, copies of notices of groundwater
27 extraction filed with the State Water Resources Control Board pursuant to Water Code section
28 4999 et seq., for each year filed.

1 RESPONSE: The documents/requested will be produced. AVEK reserves the right, however,
2 to submit to the State Water Resources Control Board, and to produce in this action, additional
3 filings, amendments and/or supplements to the filings previously made to the State Water
4 Resources Control Board which are pertinent to matters at issue in this action.

5 (G) State whether the groundwater produced during the identified years was used for any
6 purpose other than municipal supply. If so, state the use(s) to which such water was put in each
7 of the calendar years 2000, 2001, 2002, 2003, 2004, 2011 and 2012.

8 RESPONSE: Assuming this inquiry only applies to AVEK owned properties, and its use of
9 groundwater or AVEK imported water supplied thereto, such water was used for agricultural
10 purposes, water banking and to augment groundwater.

11 (H) The amount of groundwater produced that was used for outdoor irrigation.

12 RESPONSE: See Exhibits 3, 4, 5, 6 and 7 attached hereto which provide the information
13 requested as to both pumped and in lieu supplied water used for outdoor irrigation.

14 **III. FOR ALL PARTIES CLAIMING RETURN FLOW CREDITS**

15 1. Please state with particularity the following information:

16 (A) The amount of the responding party's groundwater pumping that constitutes the
17 production of return flows from **water imported** into the Basin.

18 RESPONSE: None. See Exhibit 7.

19 (B) The amount of return flows from **imported water** the responding party claims to
20 have had a right to pump for each of calendar years 2000, 2001, 2002, 2003, 2004, 2011 and
21 2012.

22 RESPONSE: Objection: call for opinion of expert witness. Without waiving this objection and
23 subject to it, AVEK responds further as follows: preliminary, AVEK believes the amount of its
24 claimed return flow is at least as set forth in Exhibit 7, which indicates the total return flow
25 claim based on M&I use, Agriculture use, and water banking. This is subject to review and
26 further analysis by AVEK's expert witnesses, including their review in the Summary Expert
27 Report, Joseph Scalmanini, and other relevant evidence.

28

1 (C) The methodology used for determining the amount of return flows from **imported**
2 **water** the responding party claims to have had a right to pump for each of calendar years 2000,
3 2001, 2002, 2003, 2004, 2011 and 2012.

4 RESPONSE: The method will be referenced to the technical committee that established the
5 percentages for return flow calculations based on the work of Joseph Scalmini. See also Exhibit
6 7.

7 (D) The total amount of **water imported** by the responding party in each of calendar
8 years 2000, 2001, 2002, 2003, 2004, 2011 and 2012.

9 RESPONSE: The requested information is set forth in Exhibit 7 attached hereto, which is
10 incorporated in this reference as though set forth in fully herein.

11 (E) Water quality information and water constituents for any and all **imported water** for
12 which the responding party claims a right in each of calendar years 2000, 2001, 2002, 2003,
13 2004, 2011 and 2012.

14 RESPONSE: The requested information is set forth in Exhibit 10 attached hereto, which is
15 incorporated in this reference as though set forth in fully herein.

16 (F) Identify the use(s) to which **imported water** was(were) put in each of calendar years
17 2000, 2001, 2002, 2003, 2004, 2011 and 2012.

18 RESPONSE: Except for imported water AVEK supplied to parcels owned by it for either
19 agricultural use or water banking on such parcels, the water imported by AVEK was sold to end
20 users, including agricultural, municipal and industrial users, or to other AVEK customers who
21 thereafter supplied AVEK imported water to such end users. The Property owners within the
22 Agency service area are the tax payers that pay to import into the Basin state project water.
23 Many of the property owners or tax payers do not receive water from a retail supplier.
24 Nonetheless, AVEK's property owners or tax payers, through AVEK, constructed and/or paid
25 for the capital improvements needed to "import" such foreign water into the Basin. Accordingly,
26 AVEK's property owners or tax payers are entitled to all return flow resulting from AVEK
27 imported water; otherwise, many of the property owners or tax payers would be denied the
28 benefits of the water they paid to import into the Basin (regardless of the identities of, or roles

1 played by, particular customers of AVEK who act only as intermediate suppliers or end users
2 of AVEK imported water). See Exhibits 3, 4, 5, 6 and 7.

3 (G) The date(s) on which any and all **imported water** was imported to the Basin in each
4 calendar years 2000, 2001, 2002, 2003, 2004, 2011 and 2012.

5 RESPONSE: See Exhibits 3, 4, 5, 6 and 7 attached hereto which provides the information
6 requested. By this reference, same is incorporated herein as though set forth in full herein.

7 (H) The geological conditions below the parcels for which the responding party claims
8 return flow credits/rights from **imported water** in each of calendar years 2000, 2001, 2002,
9 2003, 2004, 2011 and 2012.

10 RESPONSE: See Exhibits 11 and 14.

11 (I) The distance to the groundwater aquifer from the point any and all claimed **imported**
12 **water** was deposited and the soil types under the deposited point.

13 RESPONSE: See Exhibits 11 and 14.

14 (J) The amount of time the responding party contends the claimed return flows took to
15 reach the groundwater aquifer from the time of importation to the Antelope Valley.

16 RESPONSE: See Exhibits 11 and 14.

17 (K) Any physical evidence in the responding party's custody, control or possession that
18 return flows augmented the Basin. If such information is in the possession of others, and not
19 produced by the responding party, please provide the contact information of such party.

20 RESPONSE: See Exhibit __ attached hereto which sets forth information responsive to this
21 request, and which is incorporated herein by this reference. Discovery is continuing.

22 (L) The geographic location(s) claimed by the responding party that return flows enter
23 the groundwater aquifer.

24 RESPONSE: Except for the aforesaid AVEK owned parcels where water was delivered for
25 agricultural use or water banking, wherever end users of AVEK imported water deposited or
26 delivered such water. See Exhibit 12. Discovery is continuing.

27 (M) The portion, if any, that the responding party claimed return flows water entered a
28 municipal sewer system.

1 RESPONSE: The Scalmanini report estimates the values of return flow entering each
2 watermaster treatment plant. See Exhibit 14. Discovery is continuing.

3 (N) The geographic location(s) that municipal wastewater from local public wastewater
4 systems augment the Basin.

5 RESPONSE: The Scalmanini report includes an exhibit of the location of municipal wastewater
6 systems and the public water systems. See Exhibit 14.


7 **V. FOR ALL RESPONDING PARTIES**

8 1. For each of the items above, please identify the person(s) most qualified to testify on
9 its behalf to the facts alleged and materials produced.

10 RESPONSE: As to the amount of water pumped from, or delivered (for agricultural or water
11 banking purposes) to AVEK owned parcels: Dan Flory, Dr. Hong-lie Qiu, Robert Wagner, Russ
12 Fuller; as to the uses made the AVEK owned parcels: Dan Flory, Dr. Qiu, Robert Wagner; as
13 to the dates and quantity of AVEK's imported water, Dan Flory; as to the geologic and related
14 conditions relating to the AVEK owned properties, Mike Flood, Ben Horn, Robert Wagner; as
15 to the beneficial uses made of the AVEK imported water and its augmentation of the Basin as
16 return flow, Mike Flood, Ben Horn, Robert Wagner, Russ Fuller; as to issues pertaining the
17 leased property, Dan Flory.

18 Dated: December 21, 2012

BRUNICK, McELHANEY & KENNEDY

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20
21 By: 
22 WILLIAM J. BRUNICK
23 Attorneys for Cross-Complainant,
24 ANTELOPE VALLEY-EAST KERN
25 WATER AGENCY
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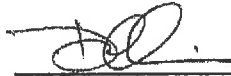
VERIFICATION

I have read the foregoing ANTELOPE VALLEY-EAST KERN WATER AGENCY'S RESPONSES TO COURT'S PHASE IV DISCOVERY ORDER 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 December 21, 2012, 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}**

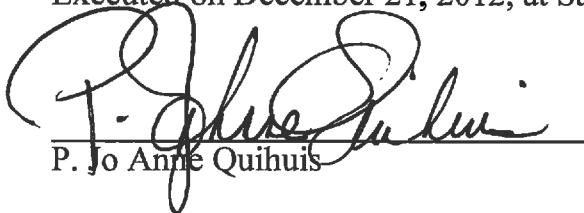
I am employed in the County of the San Bernardino, State of California. I am over the age of 18 and not a party to the within action; my business address is 1839 Commercenter West, San Bernardino, California 92408-3303.

On December 21, 2012, I served the foregoing document(s) described as: **ANTELOPE VALLEY-EAST KERN WATER AGENCY'S RESPONSES TO COURT'S PHASE IV DISCOVERY ORDER** 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 21, 2012, at San Bernardino, California.


P. Jo Anne Quihuis

Summary of Water Use

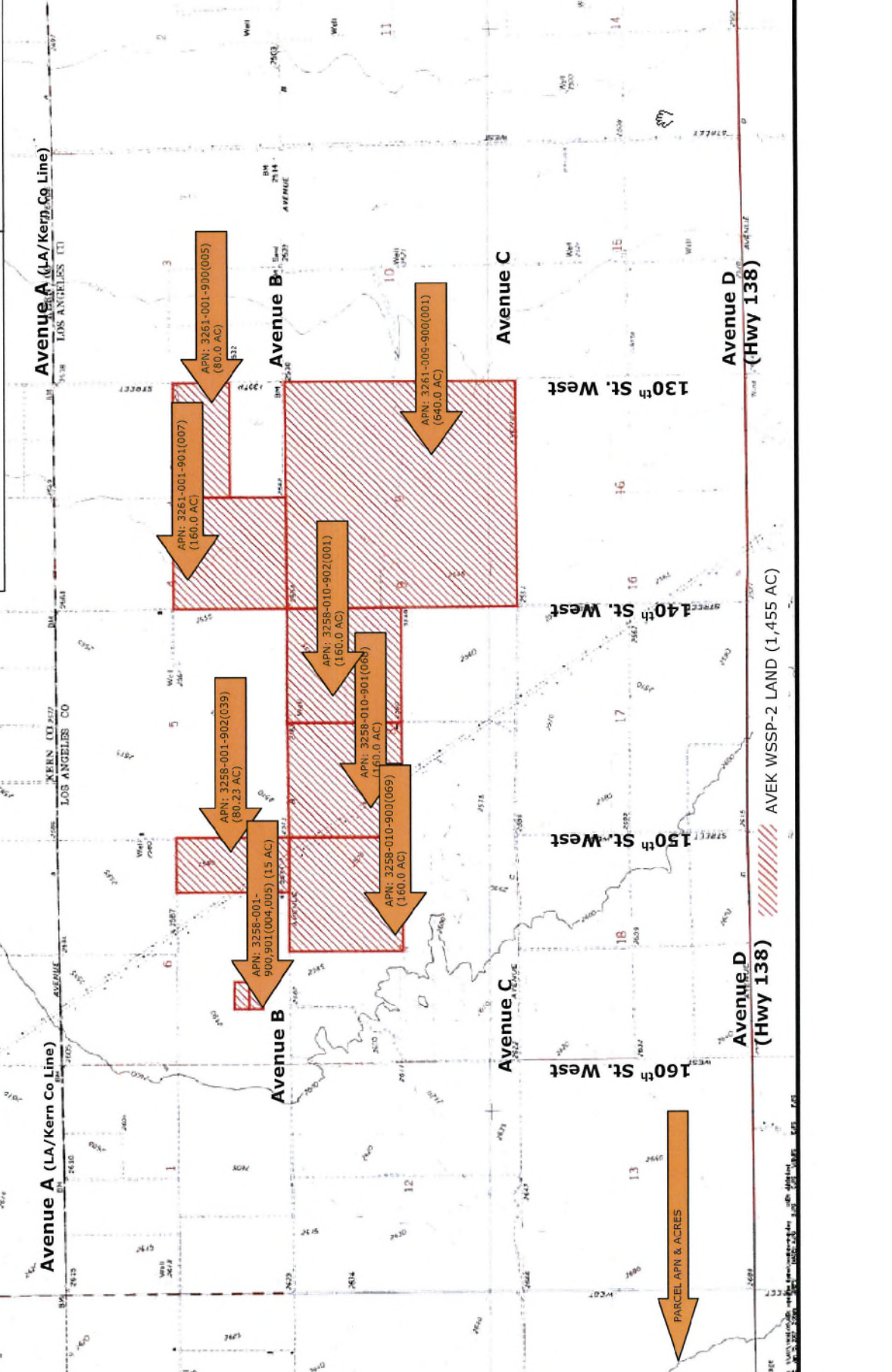
	2000	2001	2002	2003	2004	2011	2012
Aerial Photo Total Water Used AVEK Properties	16,146	13,616	13,036	15,640	11,886	17,704	6,888
Surface Water Delivered Godde/Calandrie	7,843	5,236	2,224	1,040	2,310	5,028	
Surface Water Ground Water Bank Godde/Calandrie						35,504	27,814
Ground Water Used	8,303	7,800	10,812	214,600	9,576	12,679	
AVEK Ag Customers							
AVEK M&I Customers							
Total Flow Ag	28,374	19,814	11,322	6,791	7,936	8,028	5,385
Total Flow M&I	50,641	43,682	49,488	59,974	53,353	43,979	43,189
Return Ag @ 33%	9,363	6,539	3,736	2,241	2,619	2,649	1,744
Return M&I @ 39%	19,750	17,036	19,300	21,440	20,808	17,152	16,844
Return Banking @ 90%	4,501					31,953	25,032
Return In-Lieu @ 90%						5,038	3,249

Antelope Valley-East Kern Water Agency Water Supply Stabilization Program, Project 2 (WSSP-2) AVEK Property, Well Locations, AVEK Turnouts

WATER SUPPLY STABILIZATION PROGRAM
NORTH BUTTES WSSP
CONCEPT LAYOUT
FIGURE C-6



SCALE 1" = 1000'
7500 5000 2500 0



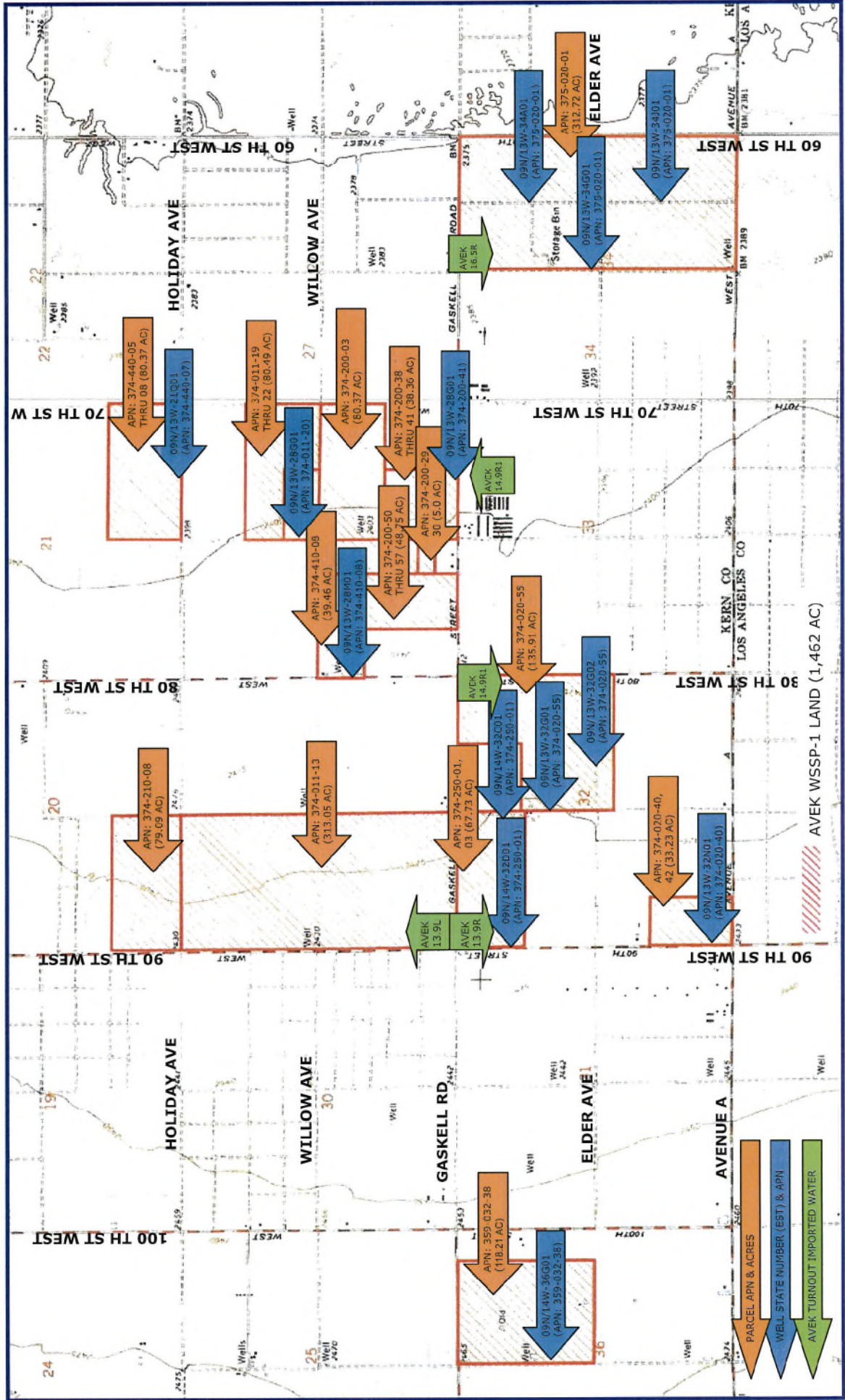
160th St. West
150th St. West
140th St. West
130th St. West

Avenue A (LA/Kern Co Line)
Avenue B
Avenue C
Avenue D (Hwy 138)

AVEK WSSP-2 LAND (1,455 AC)

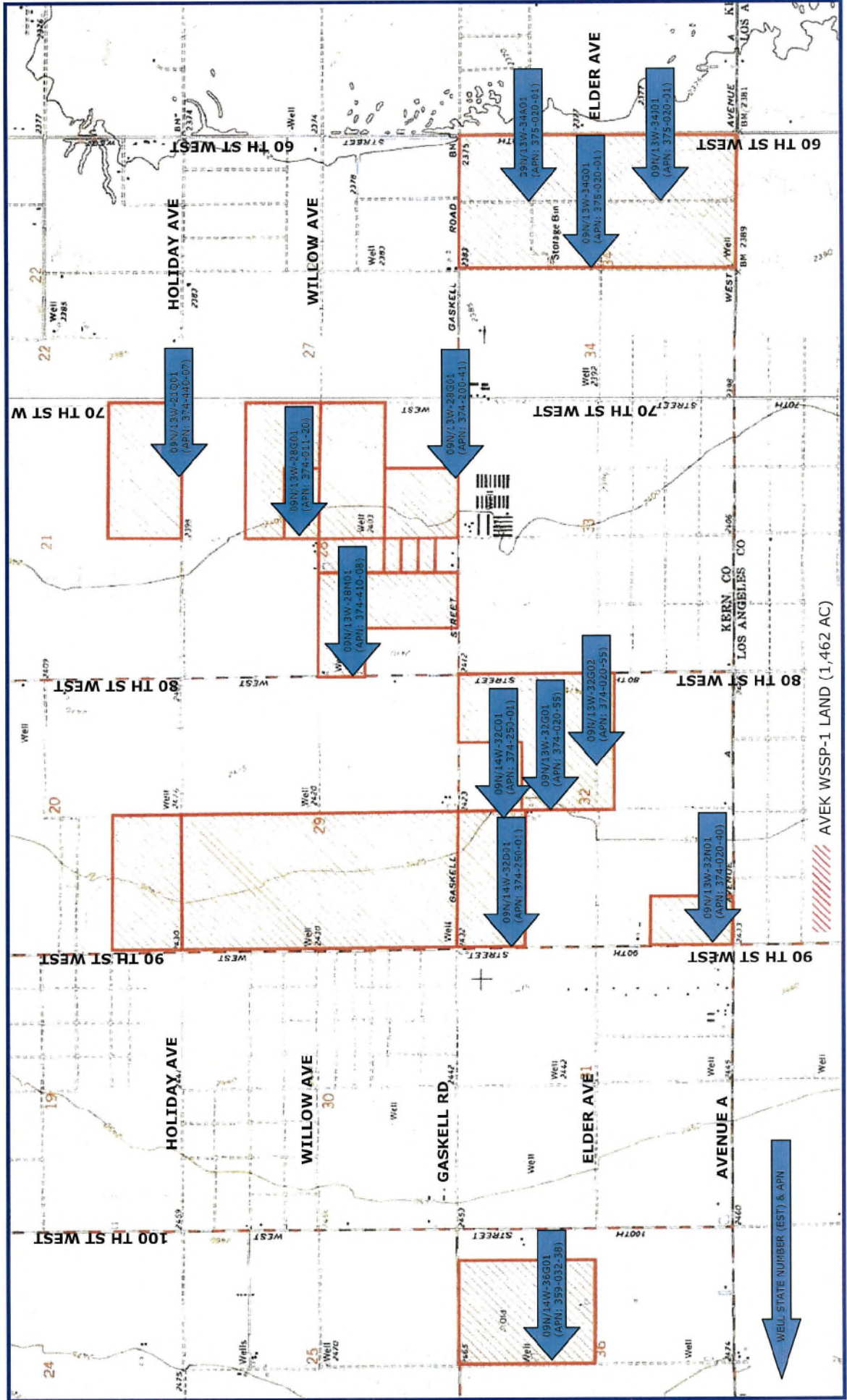
PARCEL APN & ACRES

Antelope Valley-East Kern Water Agency (AVEK) Water Supply Stabilization Program, Project 1 (WSSP-1) AVEK Property, Well Locations, Turnout Locations



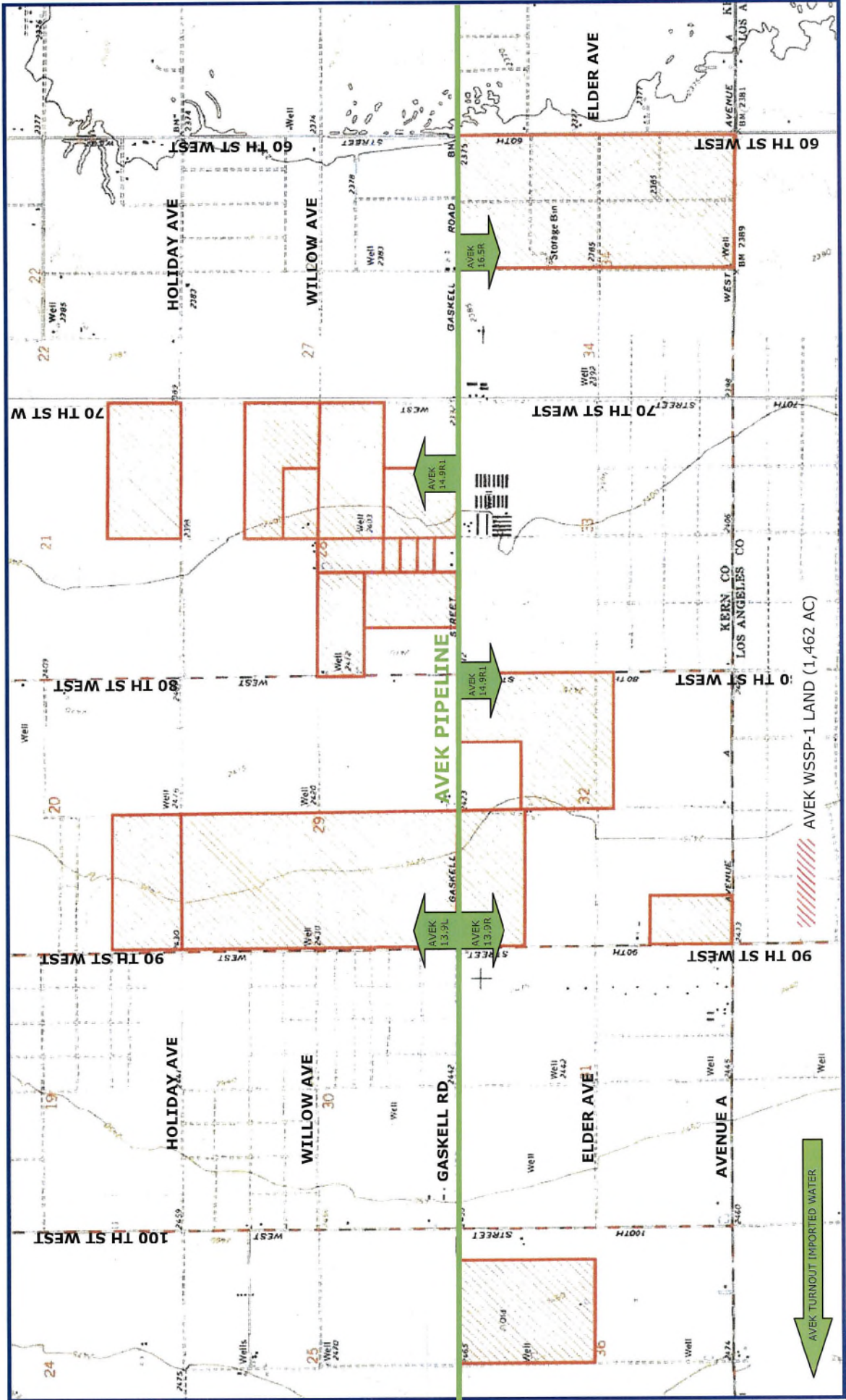
12/20/2012

Antelope Valley-East Kern Water Agency (AVEK) Water Supply Stabilization Program, Project 1 (WSSP-1) AVEK Property, Well Locations



12/20/2012

**Antelope Valley-East Kern Water Agency (AVEK)
Water Supply Stabilization Program, Project 1 (WSSP-1)
AVEK Property, AVEK Turnout Locations**



VERIFICATION

I have read the foregoing **ANTELOPE VALLEY-EAST KERN WATER AGENCY'S RESPONSES TO COURT'S PHASE IV DISCOVERY ORDER** 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 December 21, 2012, 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