

# EXHIBIT D

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9 and Cross-Defendant CITY OF PALMDALE

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **COUNTY OF SANTA CLARA**

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

14 **Included Actions:**

15 Los Angeles County Waterworks District  
16 No. 40 v. Diamond Farming Co.  
17 Superior Court of California  
18 County of Los Angeles, Case No. BC 325201

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

23 Wm. Bolthouse Farms, Inc. v. City of  
24 Lancaster

25 Diamond Farming Co. v. City of Lancaster

26 Diamond Farming Co. v. Palmdale Water  
27 District

28 Superior Court of California, County of  
Riverside, consolidated actions, Case Nos.  
RIC 353840, RIC 344436, RIC 344668

Judicial Council Coordination  
Proceeding No. 4408

Santa Clara Case No. 1-05-CV-049053

(Hon. Jack Komar)

**RESPONSE TO SPECIAL  
INTERROGATORIES [SET ONE]**

26 **PROPOUNDING PARTY: DIAMOND FARMING COMPANY**

27 **RESPONDING PARTY: CITY OF PALMDALE**

28 **SET NO. ONE**



1     **RESPONSE TO INTERROGATORY NO. 4:**

2             Objection. The request is premature, burdensome and oppressive. This request  
3 seeks information concerning class members and the court has not yet completed its class  
4 certification process. No class representative has yet been approved by the court.

5     **INTERROGATORY NO. 5:**

6             If YOU contend that any property owner had constructive notice that your use of  
7 groundwater was adverse to their overlying right, please state precisely all facts which  
8 supports that contention.

9     **RESPONSE TO INTERROGATORY NO. 5:**

10            Objection. The request is premature, burdensome and oppressive. This request  
11 seeks information concerning class members and the court has not yet completed its class  
12 certification process. No class representative has yet been approved by the court.

13     **INTERROGATORY NO. 6:**

14            If YOU contend that any property owner had constructive notice that your use of  
15 groundwater was adverse to their overlying right, please describe each WRITING which  
16 supports that contention.

17     **RESPONSE TO INTERROGATORY NO. 6:**

18            Objection. The request is premature, burdensome and oppressive. This request  
19 seeks information concerning class members and the court has not yet completed its class  
20 certification process. No class representative has yet been approved by the court.

21     **INTERROGATORY NO. 7:**

22            If you contend that YOU have acquired a prescriptive right to use groundwater  
23 within the BASIN, when was that prescriptive right acquired?

24     **RESPONSE TO INTERROGATORY NO. 7:**

25            Objection. The request is premature, burdensome and oppressive. This request  
26 seeks information concerning class members and the court has not yet completed its class  
27 certification process. No class representative has yet been approved by the court.

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1 **INTERROGATORY NO. 8:**

2 If in the last fifteen (15) years you have denied an application for new water  
3 service within the BASIN on the basis that the available water supply was inadequate to  
4 serve the water supply needs of the applicant, please describe each WRITING which  
5 evidences said denial.

6 **RESPONSE TO INTERROGATORY NO. 8:**

7 Objection. The request is premature, burdensome and oppressive. This request  
8 seeks information concerning class members and the court has not yet completed its class  
9 certification process. No class representative has yet been approved by the court.

10 **INTERROGATORY NO. 9:**

11 If YOU contend that all groundwater you have pumped from within the BASIN  
12 has been put to a reasonable and beneficial use, please describe all uses of that  
13 groundwater.

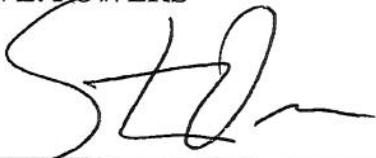
14 **RESPONSE TO INTERROGATORY NO. 9:**

15 Objection. The request is premature, burdensome and oppressive. This request  
16 seeks information concerning class members and the court has not yet completed its class  
17 certification process. No class representative has yet been approved by the court.

18 Dated: June 26, 2007

WM. MATTHEW DITZHAZY  
City Attorney  
City of Palmdale

RICHARDS, WATSON & GERSHON  
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25  
26 By:   
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CITY OF PALMDALE

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**PROOF OF SERVICE**

I, Kelley Herrington, declare:

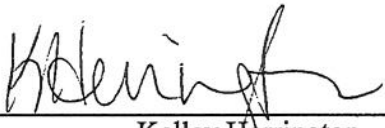
I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is Richards, Watson & Gershon, 355 South Grand Avenue, 40<sup>th</sup> Floor, Los Angeles, California 90071. On June 26, 2007, I served the within documents:

**RESPONSE TO SPECIAL INTERROGATORIES [SET ONE]**

- by causing facsimile transmission of the document(s) listed above from (213) 626-0078 to the person(s) and facsimile number(s) set forth below on this date before 5:00 P.M. This transmission was reported as complete and without error. A copy of the transmission report(s), which was properly issued by the transmitting facsimile machine, is attached. Service by facsimile has been made pursuant to a prior written agreement between the parties.
- 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 and affixing a pre-paid air bill, and causing the envelope to be delivered to an agent for delivery, or deposited in a box or other facility regularly maintained by , in an envelope or package designated by the express service carrier, with delivery fees paid or provided for, addressed 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.
- by causing personal delivery by First Legal Support Services, 1511 West Beverly Boulevard, Los Angeles, California 90026 of the document(s) listed above to the person(s) at the address(es) set forth below.

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

Executed on June 26, 2007.

  
\_\_\_\_\_  
Kelley Herrington