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9 Attorney for: CALIFORNIA WATER SERVICE COMPANY

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12 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
13 FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT  
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16 ANTELOPE VALLEY GROUNDWATER )  
17 CASES )  
18 )  
19 Included Actions: )  
20 )  
21 Los Angeles County Waterworks District No. )  
22 40 v. Diamond Farming Company )  
23 Superior Court of California, County of Los )  
24 Angeles, Case No. BC325201 )  
25 )  
26 Los Angeles County Waterworks District )  
27 No. 40 v. Diamond Farming Co. )  
28 Superior Court of California )  
29 County of Kern, Case No. S-1500-CV-254-348 )  
30 )  
31 Wm. Bolthouse Farms, Inc. v. City of Lancaster )  
32 Diamond Farming Co. v. City of Lancaster )  
33 Diamond Farming Co. v. Palmdale Water District )  
34 Superior Court of California )  
35 County of Riverside, Consolidated Actions )  
36 Case Nos. RIC 353840, RIC 344436, RIC 344668 )

**JUDICIAL COUNCIL  
COORDINATED PROCEEDING  
NO. 4408**

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

**CALIFORNIA WATER SERVICE  
COMPANY'S RESPONSE TO  
FORM INTERROGATORIES BY  
UNITED STATES**

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

1 California Water Service Company (Cal Water, Company or Responding Party), an investor-  
2 owned public water utility, regulated by the California Public Utilities Commission (Commission),  
3 responses to United States (Propounding Party) Form Interrogatories, propounded on the Public Water  
4 Suppliers (PWS). The Company does not intend to challenge United States' Federal Reserve Water Right  
5 claim in Phase V of the Antelope Valley Adjudication. As such, it is the Company's understanding that  
6 United States has narrowed its discovery to Request for Admissions (RFA) 3-9, Form Interrogatory 17.1,  
7 Non-Form Interrogatories 15-18, 27-30,33 and Request for Production of Documents 1-3.  
8

#### 9 PRELIMINARY STATEMENT

10 The Company is in the process of conducting its investigation and discovery in this matter. At this  
11 time, the Company has not completed its own investigation or discovery. The Company responses to the  
12 best of its knowledge to United States' Form Interrogatories, but in doing so, reserves all its rights to  
13 amend its responses at a future date if necessary. Furthermore, the Company reserves the right to offer, at  
14 the time of trial, facts, testimony or other evidence discovered subsequent to and not included in these  
15 responses.

16 By these responses, the Company makes no admission concerning the relevance or admissibility  
17 of any of the evidence cited, and reserves the right to make all pertinent evidentiary objections at trial or  
18 at any other stage of the proceedings. Furthermore, the fact that the Company has responded to any form  
19 interrogatory or request for admissions should not be taken as an acceptance or admission that the  
20 Company accepts or admits the existence of any facts set forth or assumed by such requests.  
21

#### 22 GENERAL OBJECTIONS

23  
24 The Company objects to each and every Form Interrogatory or Request for Admissions to the  
25 extent that it seeks to discover information that is protected by the attorney-client, work product,  
26 legislative thought process and/or official information privilege, or any other applicable privilege.  
27 Furthermore, the Company's response shall not constitute or be deemed a waiver, either expressed or  
28 implied, of any applicable privilege.

29 The Company also objects to each and every From Interrogatory or Request for Admissions to the  
30 extent that it seeks to discover information or materials not presently in the Company's possession or is in  
31 the public domain, equally available to all parties to this litigation. The following responses are provided  
32 without prejudice to the Company's right to produce or rely on any evidence subsequently discovered.

33 The Company further objects to Form Interrogatory or Requests for Admissions because all  
34 requests, as stated, are overly broad, lack specificity and do not conform to statutes.  
35

#### 36 Form Interrogatory No. 17.1:

37 Is your response to each request for admission serve with these interrogatories an unqualified admission?

38 If not, for each response that is not an unqualified admission:

39 (a) State the number of the request;

- 1 (b)State all facts upon which you base your response;  
2 (c)State the names, addresses, and telephone numbers of all persons who have knowledge of those  
3 facts; and  
4 (d)Identify all documents and other tangible things that support your response.  
5

6 (a)and(b) Responses  
7

8 Response to Form Interrogatory No. 17.1:  
9

10 Request for Admissions No. 3:

11 Admit the BASIN was not OVERDRAFTED in 1934.

12 Response to Form Interrogatory No. 3:

13 The Company incorporates its Preliminary Statement and General Objections. Furthermore, the  
14 Request is ambiguous, states fact not in evidence, and seeks an expert opinion on an issue of law and is  
15 therefore improper, *Summers v. A.L. Gilbert Company* (1999) 69 Cal. App.4<sup>th</sup> 1155, 1178. The Company  
16 cannot admit or deny at this time. Furthermore, this Request for Admission is irrelevant, burdensome,  
17 and not likely to lead to discovery of relevant, admissible evidence.  
18

19 Request for Admissions No. 4:

20 Admit YOU pumped no groundwater from the BASIN in 1934.  
21

22 Response to Form Interrogatory No. 4:

23 The Company incorporates its Preliminary Statement and General Objections. Furthermore, the  
24 Request is ambiguous, states fact not in evidence, and seeks an expert opinion on an issue of law and is  
25 therefore improper, *Summers v. A.L. Gilbert Company* (1999) 69 Cal. App.4<sup>th</sup> 1155, 1178. The Company  
26 cannot admit or deny at this time. The Company acquired its water system within the Antelope Valley  
27 Groundwater Basin Adjudicated Boundary (Adjudicated Boundary), as previously determined by the  
28 Court, from mutual water companies (Predecessors). The Company cannot say at this time when  
29 members of Predecessors first settled within the Adjudicated Boundary and first pumped groundwater.  
30 Furthermore, this Request for Admission is irrelevant, burdensome, and not likely to lead to discovery of  
31 relevant, admissible evidence.  
32

33  
34 Request for Admissions No. 5:

35 Admit YOU owned no land in the Basin in 1934.  
36

37 Response to Form Interrogatory No. 5:

38 The Company incorporates its Preliminary Statement and General Objections. Furthermore, the  
39 Request is ambiguous, states fact not in evidence, and seeks an expert opinion on an issue of law and is

1 therefore improper, *Summers v. A.L. Gilbert Company* (1999) 69 Cal. App.4<sup>th</sup> 1155, 1178. The Company  
2 cannot admit or deny at this time. The Company acquired its water system within the Antelope Valley  
3 Groundwater Basin Adjudicated Boundary (Adjudicated Boundary), as previously determined by the  
4 Court, from mutual water companies (Predecessors). The Company cannot say when members of the  
5 Predecessors first settled within the Adjudicated Boundary. Furthermore, this Request for Admission is  
6 irrelevant, burdensome, and not likely to lead to discovery of relevant, admissible evidence.  
7  
8

9 Request for Admissions No. 6:

10 Admit you had no VALID EXISTING RIGHT or EXISTING VALID RIGHTS in the BASIN in  
11 1934.  
12

13 Response to Form Interrogatory No. 6:

14 The Company incorporates its Preliminary Statement and General Objections. Furthermore, the  
15 Request is ambiguous, states fact not in evidence, and seeks an expert opinion on an issue of law and is  
16 therefore improper, *Summers v. A.L. Gilbert Company* (1999) 69 Cal. App.4<sup>th</sup> 1155, 1178. The Company  
17 cannot admit or deny at this time. The Company acquired its water system within the Antelope Valley  
18 Groundwater Basin Adjudicated Boundary (Adjudicated Boundary), as previously determined by the  
19 Court from mutual water companies (Predecessors). The Company cannot say when members of the  
20 Predecessors first settled within the Adjudicated Boundary and first pumped groundwater. If Predecessors  
21 pumped groundwater, the Company may claim an appropriate, prescriptive or overlying water right for  
22 pumped groundwater at the time. Furthermore, this Request for Admission is irrelevant, burdensome, and  
23 not likely to lead to discovery of relevant, admissible evidence.  
24  
25

26 Request for Admissions No. 7:

27 Admit YOU pumped no groundwater from the BASIN in 1955.  
28

29 Response to Form Interrogatory No. 7:

30 The Company incorporates its Preliminary Statement and General Objections. Furthermore, the  
31 Request is ambiguous, states fact not in evidence, and seeks an expert opinion on an issue of law and is  
32 therefore improper, *Summers v. A.L. Gilbert Company* (1999) 69 Cal. App.4<sup>th</sup> 1155, 1178. The Company  
33 cannot admit or deny at this time. The Company acquired its water system within the Antelope Valley  
34 Groundwater Basin Adjudicated Boundary (Adjudicated Boundary), as previously determined by the  
35 Court, from mutual water companies (Predecessors). The Company cannot say when members of  
36 Predecessors first settled within the Adjudicated Boundary and first pumped groundwater. Furthermore,  
37 this Request for Admission is irrelevant, burdensome, and not likely to lead to discovery of relevant,  
38 admissible evidence.  
39

1 Request for Admissions No. 8:

2 Admit YOU owned no land in the Basin in 1955.

3  
4 Response to Form Interrogatory No. 8:

5 The Company incorporates its Preliminary Statement and General Objections. Furthermore, the  
6 Request is ambiguous, states fact not in evidence, and seeks an expert opinion on an issue of law and is  
7 therefore improper, *Summers v. A.L. Gilbert Company* (1999) 69 Cal. App.4<sup>th</sup> 1155, 1178. The Company  
8 cannot admit or deny at this time. The Company acquired its water system within the Antelope Valley  
9 Groundwater Basin Adjudicated Boundary (Adjudicated Boundary), as previously determined by the  
10 Court, from mutual water companies (Predecessors). The Company cannot say when members of the  
11 Predecessors first settled within the Adjudicated Boundary. Furthermore, this Request for Admission is  
12 irrelevant, burdensome, and not likely to lead to discovery of relevant, admissible evidence.  
13

14 Request for Admissions No. 9:

15 Admit you had no VALID EXISTING RIGHT or EXISTING VALID RIGHTS in the BASIN in  
16 1934.

17  
18 Response to Form Interrogatory No. 9:

19 The Company incorporates its Preliminary Statement and General Objections. Furthermore, the  
20 Request is ambiguous, states fact not in evidence, and seeks an expert opinion on an issue of law and is  
21 therefore improper, *Summers v. A.L. Gilbert Company* (1999) 69 Cal. App.4<sup>th</sup> 1155, 1178. The Company  
22 cannot admit or deny at this time. The Company acquired its water system within the Antelope Valley  
23 Groundwater Basin Adjudicated Boundary (Adjudicated Boundary), as previously determined by the  
24 Court from mutual water companies (Predecessors). The Company cannot say when members of the  
25 Predecessors first settled within the Adjudicated Boundary and first pumped groundwater. If Predecessors  
26 pumped groundwater, the Company may claim an appropriate, prescriptive, overlying water right for  
27 pumped groundwater at the time. Furthermore, this Request for Admission is irrelevant, burdensome, and  
28 not likely to lead to discovery of relevant, admissible evidence.  
29  
30

31 (c) Response

32  
33 See designation of percipient witness Phase V Trial.

34  
35 (d) Response

36  
37 See Discovery Phase III and Phase IV Trial  
38  
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1 DATED: October 23, 2013

CALIFORNIA WATER SERVICE COMPANY

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3  
4 By: John S. Tootle  
5 John S. Tootle  
6 Attorney for California Water Service Company  
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**PROOF OF SERVICE**

I am employed in Los Angeles County, State of California; I am over eighteen years of age and not a party to the ANTELOPE VALLEY GROUNDWATER BASIN ADJUDICATION. My business address is 2632 West 237<sup>th</sup> Street, Torrance, California 90505.


On November 12, 2013 at my place of business at 2632 West 237<sup>th</sup> Street, Torrance, California 90505, a copy of the following documents(s):

CALIFORNIA WATER SERVICE COMPANY'S RESPONSE TO FORM INTERROGATORIES BY UNITED STATES

By posting the documents listed above to the Santa Clara Superior Court website in regard to the Antelope Valley Groundwater Adjudication matter;

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

Executed on November 12, 2013

  
\_\_\_\_\_  
Michael Duque