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7 By: Timothy A. De Walt, State Bar No. 134348
8 Attorneys for ANTELOPE VALLEY EAST KERN WATER AGENCY

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

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

Judicial Council Coordination Proceeding
No. 4408

15 **ANTELOPE VALLEY GROUNDWATER**
16 **CASES**

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

18 **AMENDED RESPONSES TO SPECIALLY**
19 **PREPARED INTERROGATORIES (SET**
20 **ONE)**

21 Propounding Parties: CITY OF PALMDALE, ET AL.

22 Responding Parties: ANTELOPE VALLEY EAST-KERN WATER AGENCY

23 Set No.: Set One

24 Responding Party and Defendant, ANTELOPE VALLEY EAST-KERN WATER AGENCY,
25 has not completed its investigation of the facts in this case and has not initiated formal discovery. The
26 responses to this First Set of Specially Prepared Interrogatories are therefore preliminary and may not
27 be complete. The responses contained herein are based upon such information and documents
28 presently available to and specifically known to the Responding Party and are given without prejudice
to their rights to produce evidence of any subsequently discovered facts.

SPECIAL INTERROGATORY NUMBER 1:

If you have asserted an affirmative defense in response to any complaint or cross-complaint in these proceedings that alleges that the complaining party has failed to join an indispensable party, please IDENTIFY any such indispensable party.

1 **RESPONSE TO SPECIAL INTERROGATORY NUMBER 1:**

2 Responding Agency has, by the acquisition of certain real estate, acquired the groundwater
3 rights incident to ownership in addition to several wells. Agency currently knows of no additional
4 parties than those already named. Discovery, investigation and analysis are continuing.

5 **SPECIAL INTERROGATORY NUMBER 2:**

6 If you have asserted an affirmative defense in response to any complaint or cross-complaint in
7 these proceedings that alleges that the complaining party has failed to join a necessary party, please
8 IDENTIFY any such necessary party.

9 **RESPONSE TO SPECIAL INTERROGATORY NUMBER 2:**

10 Responding Agency has, by the acquisition of certain real estate, acquired the groundwater
11 rights incident to ownership in addition to several wells. Agency currently knows of no additional
12 parties than those already named. Discovery, investigation and analysis are continuing.

13 **SPECIAL INTERROGATORY NUMBER 3:**

14 Are you aware of any PROPERTY within the BASIN for which the PROPERTY OWNER has
15 not been named as a party to these proceedings?

16 **RESPONSE TO SPECIAL INTERROGATORY NUMBER 3:**

17 Responding Agency has, by the acquisition of certain real estate, acquired the groundwater
18 rights incident to ownership in addition to several wells. Agency currently knows of no additional
19 parties than those already named. Discovery, investigation and analysis are continuing.

20 **SPECIAL INTERROGATORY NUMBER 4:**

21 If your response to Interrogatory No. 3 is affirmative, please IDENTIFY the PROPERTY.

22 **RESPONSE TO SPECIAL INTERROGATORY NUMBER 4:**

23 Please see Response to Interrogatory No. 3, above.

24 **SPECIAL INTERROGATORY NUMBER 5:**

25 If your response to Interrogatory No. 3 is affirmative, please IDENTIFY the PROPERTY
26 OWNER.

27 **RESPONSE TO SPECIAL INTERROGATORY NUMBER 5:**

28 Please see Response to Interrogatory No. 3, above.

1 **SPECIAL INTERROGATORY NUMBER 6:**

2 If your response to Interrogatory No. 3 is affirmative, please state whether you believe that
3 groundwater has been pumped from the PROPERTY.

4 **RESPONSE TO SPECIAL INTERROGATORY NUMBER 6:**

5 Yes. Discovery, investigation and analysis are continuing.

6 **SPECIAL INTERROGATORY NUMBER 7:**

7 If your response to Interrogatory No. 3 is affirmative, please state whether you believe that
8 groundwater is currently being pumped from that PROPERTY.

9 **RESPONSE TO SPECIAL INTERROGATORY NUMBER 7:**

10 Yes. Discovery, investigation and analysis are continuing.

11 **SPECIAL INTERROGATORY NUMBER 8:**

12 Please state the name of any other person or entity you believe is an indispensable party to
13 these proceedings.

14 **RESPONSE TO SPECIAL INTERROGATORY NUMBER 8:**

15 Agency currently knows of no additional parties than those already named. Discovery,
16 investigation and analysis are continuing.

17 **SPECIAL INTERROGATORY NUMBER 9:**

18 Please state the name of any other person or entity you believe is a necessary party to these
19 proceedings.

20 **RESPONSE TO SPECIAL INTERROGATORY NUMBER 9:**

21 Agency currently knows of no additional parties than those already named. Discovery,
22 investigation and analysis are continuing.

23 DATED: October 8, 2007

BRUNICK, McELHANEY & BECKETT

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25
26 Timothy A. DeWalt
Attorneys for ANTELOPE VALLEY EAST-KERN
27 WATER AGENCY
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VERIFICATION

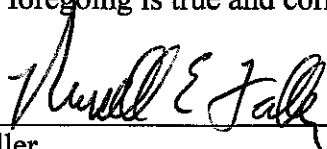
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES:

I have read the foregoing **AMENDED RESPONSES TO SPECIAL INTERROGATORIES, SET ONE**, and know its contents.

 I am a party to this action. 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.

 X I am the General Manager of the Antelope Valley East Kern Water Agency, a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true; or 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 October 9 , 2007, at Palmdale, California. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



Russell Fuller

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PROOF OF SERVICE

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

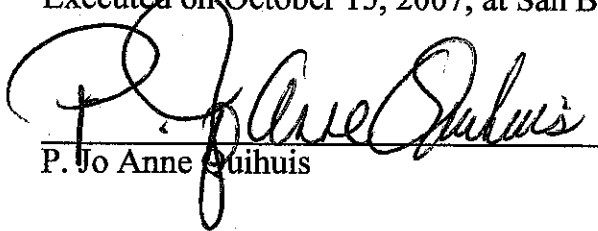
I am employed in the County of the San Bernardino, State of California. I am over the age of 18 and not a party to the within action; my business address is 1839 Commercenter West, San Bernardino, California.

On October 15, 2007, I served the foregoing document(s) described as: **AMENDED RESPONSES TO SPECIALLY PREPARED INTERROGATORIES (SET ONE)** on the interested parties in this action served in the following manner:

XX 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 October 15, 2007, at San Bernardino, California.


P. Jo Anne Quihuis