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11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
12 **COUNTY OF LOS ANGELES - CENTRAL DISTRICT**

13 ANTELOPE VALLEY GROUNDWATER  
14 CASES

15 Included Actions:

16 Los Angeles County Waterworks District No. 40  
17 v. Diamond Farming Co., Superior Court of  
18 California, County of Los Angeles, Case No. BC  
19 325201;

20 Los Angeles County Waterworks District No. 40  
21 v. Diamond Farming Co., Superior Court of  
22 California, County of Kern, Case No. S-1500-CV-  
23 254-348;

24 Wm. Bolthouse Farms, Inc. v. City of Lancaster,  
25 Diamond Farming Co. v. Lancaster, Diamond  
26 Farming Co. v. Palmdale Water Dist., Superior  
27 Court of California, County of Riverside, Case  
28 No. RIC 353 840, RIC 344 436, RIC 344 668

Judicial Council Coordination No. 4408

Santa Clara Case No. 1-05-CV-049053  
Assigned to Hon. Jack Komar

**TEJON RANCHCORP'S  
STATEMENT OF NON-  
OPPOSITION TO MOTION OF  
ANTELOPE VALLEY-EAST KERN  
WATER AGENCY FOR SUMMARY  
ADJUDICATION RE: OWNERSHIP  
OF RETURN FLOWS**

Date: January 27, 2014

Time: 9:00 a.m.

Dept: TBD

Phase 5 Trial Date: February 10, 2014

23 COMES NOW TEJON RANCHCORP and TEJON RANCH COMPANY ("Tejon") and  
24 files this Statement of Non-Opposition to the motion of ANTELOPE VALLEY-EAST KERN  
25 WATER AGENCY ("AVEK") for summary adjudication of all causes of action relating to  
26 AVEK's ownership of return flows attributable to AVEK's imported Table A SWP water.  
27  
28

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## I. INTRODUCTION


1 On November 11, 2013 AVEK filed a motion to summarily adjudicate the Public Water  
2 Suppliers' purported sixth cause of action claiming the right to return flows from State Water  
3 Project ("SWP") water purchased from AVEK and AVEK's purported fourth cause of action for  
4 declaratory relief regarding the right to return flows from AVEK's SWP table A entitlement.  
5

6 AVEK's motion, the statement of undisputed material facts, and the supporting evidence  
7 are directed to the dispute between the so-called Public Water Suppliers and AVEK regarding  
8 the right to recapture return flows for imported water sold by AVEK to the Public Water  
9 Suppliers. Accordingly, Tejon does not oppose AVEK's motion.  
10

11 Tejon purchases water from AVEK and also imports and banks additional supplies in the  
12 AVAA. For example, Tejon has banked water in the AVAA, and purchased and imported SWP  
13 water from other agencies such as Tulare Lake Basin Water Storage District and Dudley Ridge  
14 Water District. Tejon claims return flows from these imported supplies. There is no evidence in  
15 the motion regarding the contractual relationships between Tejon and AVEK. To the extent  
16 AVEK seeks to adjudicate issues between Tejon and AVEK, AVEK's motion must be denied  
17 because (1) AVEK has not put in any evidence regarding the contracts between Tejon and  
18 AVEK and therefore has failed to meet its burden of persuasion as to Tejon (*Aguilar v. Atlantic*  
19 *Richfield Co.* (2001) Cal.4th 826, 850) and (2) AVEK has not addressed Tejon's Cross-  
20 Complaint in which Tejon seeks adjudication of its right to return flows from imported water  
21 (Cross-Complaint dated Nov. 23, 2005 and amended Feb. 9, 2007 at ¶ 14.)  
22

23 Dated: December 27, 2013

KUHS & PARKER

24  
25 By   
26 Robert G. Kuhs, Attorneys for  
27 Tejon Ranchcorp and Tejon Ranch Company

28 FM1291.01 - Tejon Ranch - Antelope Valley/Phase 5 Federal Reserve Rights - Return Flows/Statement of Non-Opposition of Tejon Ranchcorp.docx