

**ESKRIDGE LAW**

GAYLE L. ESKRIDGE (BAR NO. 134822)  
KYMIYA ST. PIERRE (BAR NO. 276157)  
21250 Hawthorne Boulevard, Suite 450  
Torrance, CA 90503-5512  
Telephone: 310/303-3951  
Facsimile: 310/303-3952  
Website: www.eskridgelaw.net

Attorneys for Cross-defendant CAL-GOLF, INC.

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

**ANTELOPE VALLEY  
GROUNDWATER CASES**

Included Actions:  
Los Angeles County Waterworks District  
No. 40 v. Diamond Farming Co., Superior  
Court of California, County of Los Angeles,  
Case No. BC325201;

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

Wm. Bolthouse Farms, Inc. v. City of  
Lancaster, Diamond Farming Co. v. City of  
Lancaster, Diamond Farming Co. v.  
Palmdale Water District., Superior Court of  
California, County of Riverside, Case Nos.  
RIC 353 840, RIC 344 436, RIC 344 668

**Judicial Council Coordination Proceeding No. 4408**

**Case No. BC391869  
Assigned to the Hon. Jack Komar**

**(Santa Clara County Case No. 1-05-CV-049053)**

**RESPONSE OF CAL-GOLF, INC. TO THE  
COURT'S DISCOVERY ORDER FOR PHASE 4  
TRIAL**

Cross-defendant Cal-Golf, Inc., a California corporation, responds to the Court's December 12, 2012  
discovery order for the next phase of trial ("Phase 4 Trial") by providing the requested information as  
follows:

///

///

///

1 **CATEGORY 1**

2 For all parties claiming an overlying groundwater right, including the public water and other  
3 producers who also claim a prescriptive right under Category II below:  
4

5 **REQUEST NO. 1**

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

8 **Request No. 1(A)**

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

13 **Response to Request No. 1(A)**

14 Cal-Golf, Inc. owns nine (9) parcels in the Antelope Valley Adjudication Area.  
15

16 **Request No. 1(B)**

17 All record title owners of the parcels from 2 to the present.

18 **Response to Request No. 1(B)**

19 Cal-Golf, Inc. has been the record owner of all nine (9) parcels from 2000 to the present (and also  
20 prior to 2000).  
21

22 **Request No. 1(C)**

23 Whether a groundwater well existed on the parcel in any or all of calendar years 2000, 2001, 2002,  
24 2003, 2004, 2011, or 2012.

25 **Response to Request No. 1(C)**

26 A groundwater well existed on three of the parcels in 2000, 2001, 2002, 2003, 2004, 2011, or 2012  
27 (and also prior to that).  
28 ///

1 **Request No. 1(D)**

2 Whether a groundwater well was operated on the parcel in any or all of calendar years 2000, 2001,  
3 2002, 2003, 2004, 2011, or 2012.

4 **Response to Request No. 1(D)**

5 Groundwater wells were operated on three of the parcels in 2000, 2001, 2002, 2003, 2004, 2011, or  
6 2012 (and also prior to that).

7  
8 **Request No. 1(E)**

9 The amount of groundwater produced from the parcel for calendar years 2000, 2001, 2002, 2003,  
10 2004, 2011, and/or 2012.

11 **Response to Request No. 1(E)**

12 To the best of Cal-Golf's knowledge, approximately 3,000 acre feet of water per year was pumped  
13 from the three wells (combined) during 2000, 2001, 2002, and 2003 (and also prior to that).

14  
15 **Request No. 1(F)**

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

18 **Response to Request No. 1(F)**

19 The groundwater which was pumped was used for agricultural purposes.  
20

21 **Request No. 1(G)**

22 If groundwater produced from another parcel was used on the parcel during any or all calendar years  
23 2000, 2001, 2002, 2003, 2004, 2011, and/or 2012, please state the Kern County Treasurer Tax Collector's  
24 "Assessor Tax Number" or the Los Angeles County Office of the Assessor "Assessor's Identification  
25 Number" of the parcel(s) from which the subject groundwater was produced and identify the owner thereof.

26 **Response to Request No. 1(G)**

27 To the best of Cal-Golf, Inc.'s knowledge, no groundwater produced on another parcel was used on  
28 the Property during any of calendar years 2000, 2001, 2002, 2003, 2004, 2011, or 2012. Cal-Golf, Inc.

1 reserves the right to provide expert testimony on this issue, however.

2  
3 **Request No. 1(H)**

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

5 **Response to Request No. 1(H)**

6 The parcels have been fallow during calendar years 2011 and 2012.

7  
8 **Request No. 1(I)**

9 The crop type, if any, grown on the parcel during each of the calendar years 2000, 2001, 2002, 2003,  
10 2004, 2011, and 2012.

11 **Response to Request No. 1(I)**

12 During 2000, 2001, 2002, and 2003, there was a peach orchard on the parcels. During 2004, 2011,  
13 and 2012 the parcels have been fallow.

14  
15 **Request No. 1(J)**

16 If the responding party contends the parcel has groundwater rights based upon something other than  
17 groundwater production or use, please state the amount of that claim for each of the calendar years 2000,  
18 2001, 2002, 2003, 2004, and 2012, and its legal and factual basis therefor.

19 **Response to Request No. 1(J)**

20 At this time, Cal-Golf, Inc. does not contend its parcels have groundwater rights based upon  
21 something other than groundwater production or use. Cal-Golf, Inc. reserves the right to provide expert  
22 testimony on this issue, however.

23  
24 **Request No. 1(K)**

25 State the amount of water rights claimed as the reasonable and beneficial use for each such parcel.

26 **Response to Request No. 1(K)**

27 Cal-Golf, Inc. claims overlying rights for its parcels. If these rights are quantified, Cal-Golf, Inc.  
28 claims, as its overlying right, at least the amount of water used during the quantification period. Without

1 knowing what the quantification period will be determined to be, Cal-Golf, Inc. asserts that it claims water  
2 rights of at least 3,000 acre feet per year, which is what it was pumping and using in each of the years from  
3 1993 through 2003. Cal-Golf, Inc. reserves the right to provide expert testimony on this issue, however.  
4

5 **Request No. 1(L)**

6 At the responding party's election, any other facts that the responding party contends will assist the  
7 Court in determining the amount of groundwater produced from each parcel of land owned or controlled by  
8 the responding party in any or all calendar years 2000, 2001, 2002, 2003, 2004, 2011, and 2012.

9 **Response to Request No. 1(L)**

10 As stated above, Cal-Golf, Inc. maintained an orchard, and was pumping water from three wells  
11 during the years 1993 through 2003. Each of these years, Cal-Golf, Inc. pumped and used approximately  
12 3,000 acre feet of water per year. The parcels have been fallow from 2004 to the present, but Cal-Golf, Inc.  
13 believes the water wells are still capable of pumping at least 1,000 acre feet of water per year.  
14

15 **REQUEST NO. 2**

16 For each parcel of real property the responding party owned in the Antelope Valley Adjudication Area  
17 during calendar years 2000, 2001, 2002, 2003, 2004, 2011, and 2012, please state with particularity the  
18 following information:

19 **Request No. 2(A)**

20 Whether the responding party leased any or all of the parcel.

21 **Response to Request No. 2(A)**

22 The orchard which was operated on the parcels was operated by La Liebre Orchard, LLC. La Liebre  
23 Orchard, LLC and Cal-Golf, Inc. were owned by the same small group of shareholders. It is not known at  
24 this time whether there was a formal lease arrangement.  
25

26 **Request No. 2(B)**

27 The name of the lessee.

28 ///

1 **Response to Request No. 2(B)**

2 As stated above, the orchard which was operated on the parcels was operated by La Liebre Orchard,  
3 LLC. La Liebre Orchard, LLC and Cal-Golf, Inc. were owned by the same small group of shareholders. It  
4 is not known at this time whether there was a formal lease arrangement.  
5

6 **Request No. 2(C)**

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

11 **Response to Request No. 2(C)**

12 As stated above, the orchard which was operated on the parcels was operated by La Liebre Orchard,  
13 LLC. La Liebre Orchard, LLC and Cal-Golf, Inc. were owned by the same small group of shareholders. It  
14 is not known at this time whether there was a formal lease arrangement.  
15

16 **Request No. 2(D)**

17 How, if at all, the lease or other written agreement allocated credits for the groundwater produced  
18 by the lessee.

19 **Response to Request No. 2(D)**

20 As stated above, the orchard which was operated on the parcels was operated by La Liebre Orchard,  
21 LLC. La Liebre Orchard, LLC and Cal-Golf, Inc. were owned by the same small group of shareholders. It  
22 is not known at this time whether there was a formal lease arrangement. Cal-Golf, Inc. believes that, *if* there  
23 was a written lease, it was very short and did not allocate credits for the groundwater produced by the lessee.  
24

25 **Request No. 2(E)**

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

1 produced and delivered.

2 **Response to Request No. 2(E)**

3 At this time, Cal-Golf, Inc. believes that none of the water was delivered to any other parcel. Cal-  
4 Golf, Inc. reserves the right to provide expert testimony on this issue and reserves the right to amend this  
5 response at a later date.

7 **REQUEST NO. 3**

8 **Request No. 3(A)**

9 All materials constituting the responding party's *prima facie* showing of the amount of groundwater  
10 produced from each parcel of land owned or controlled by the responding party in calendar years 2000, 2001,  
11 2002, 2003, 2004, 2011, and 2012.

12 **Response to Request No. 3(A)**

13 Cal-Golf, Inc. intends to designate an expert to testify concerning water use on the parcels during the  
14 years 2000, 2001, 2002, and 2003 (and for 1993 through 1999, if appropriate).

15 Cal-Golf, Inc. intends to present the following materials as evidence that legal use of groundwater  
16 pursuant to Water Code section 1005.4 occurred on the parcels during the years 2000, 2001, 2002, and 2003  
17 (and for 1993 through 1999, if appropriate):

- 18 1. Deeds demonstrating Cal-Golf, Inc.'s ownership of the nine parcels during the period in  
19 question.
- 20 2. Cal-Golf, Inc. and La Liebre Orchard, LLC records regarding the amount of water pumped  
21 from the three wells.
- 22 3. Photographs of the three wells.
- 23 4. Photographs of the orchard.

24  
25 **Request No. 3(B)**

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

28 **Response to Request No. 3(B)**

1 The parcels were fallow in 2011 and 2012. If necessary, Cal-Golf, Inc. will provide testimony and  
2 photographs to prove this fact.

3  
4 **Request No. 3(C)**

5 At the responding party's election, any additional materials that will assist the Court in determining  
6 the amount of groundwater produced from each parcel of land by the responding party in any or all calendar  
7 years 2000, 2001, 2002, 2004, 2011, and 2012.

8 **Response to Request No. 3(A)**

9 Cal-Golf, Inc. will introduce the evidence described above and will provide expert testimony  
10 regarding Cal-Golf, Inc.'s usage of the water during 2000, 2001, 2002, and 2003 (and prior years, if  
11 appropriate).

12  
13 **CATEGORY 5**

14 **Request No. 1**


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

17 **Response to Request No. 1**

18 For all matters stated above, Lubor Hlavacek, and Kent Turner are the most qualified persons to  
19 testify. Cal-Golf, Inc. will also call an expert witness, of course.

20  
21 Dated: December 21, 2012

ESKRIDGE LAW

22  
23   
24 By Gayle L. Eskridge  
25 Attorneys for Cross-defendant CAL-GOLF, INC.  
26  
27  
28




## VERIFICATION

I, Gayle L. Eskridge, declare that I am the General Counsel of Cal-Golf, Inc., a California corporation. I prepared the **RESPONSE OF CAL-GOLF, INC. TO THE COURT'S DISCOVERY ORDER FOR PHASE 4 TRIAL** and know the contents thereof. The matters stated in those responses that are within my own personal knowledge are true to the best of my knowledge. As to the remainder of the matters stated in those responses, I believe them to be true based on documents I have reviewed and/or conversations I have had with the owners and operators of Cal-Golf, Inc.

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

Executed at Torrance, California on December 21, 2012.

CAL-GOLF, INC.

  
By: Gayle L. Eskridge, General Counsel

***PROOF OF SERVICE***

I, Rod Bandt, declare under penalty of perjury, that I am over the age of 18 and not a party to the within action. My business address is 21250 Hawthorne Boulevard, Suite 450, Torrance, CA 90503.

On December 21, 2012, I served the foregoing document(s) described as: **RESPONSE OF CAL-GOLF, INC. TO THE COURT'S DISCOVERY ORDER FOR PHASE 4 TRIAL** on the interested parties by **ELECTRONIC SERVICE BY POSTING** the document(s) to the Santa Clara Superior Court website in the action of the *Antelope Valley Groundwater Litigation*, Judicial Council Coordination Proceeding No. 4408, Santa Clara Case No. 1-05-CV-049053.

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 Torrance, California.

  
Rod Bandt