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8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF LOS ANGELES
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11 **ANTELOPE VALLEY GROUNDWATER**
12 **CASES**

13 Included Consolidated Actions:

14 Los Angeles County Waterworks District No.
15 40 v. Diamond Farming Co.
16 Superior Court of California
County of Los Angeles, Case No. BC 325 201

17 Los Angeles County Waterworks District No.
18 40 v. Diamond Farming Co.
19 Superior Court of California, County of Kern,
Case No. S-1500-CV-254-348

20 Wm. Bolthouse Farms, Inc. v. City of Lancaster
21 Diamond Farming Co. v. City of Lancaster
22 Diamond Farming Co. v. Palmdale Water Dist.
23 Superior Court of California, County of
Riverside, consolidated actions, Case Nos.
RIC 353 840, RIC 344 436, RIC 344 668

24 Rebecca Lee Willis v. Los Angeles County
25 Waterworks District No. 40
26 Superior Court of California, County of Los
27 Angeles, Case No. BC 364 553
28

Judicial Council Coordination
Proceeding No. 4408

Lead Case No. BC 325 201

**DISCOVERY ORDER FOR PHASE
4 TRIAL**

Hearing Date(s): December 11, 2012
Time: 9:00 a.m.
Location: Department 1
Santa Clara County
Superior Court

Judge: Honorable Jack Komar

1 Richard A. Wood v. Los Angeles County
2 Waterworks District No. 40
3 Superior Court of California, County of Los
4 Angeles, Case No. BC 391 869

5 All parties claiming ground water pumping rights in the Antelope Valley Adjudication
6 Area, excepting the members of the Wood Class, are hereby ordered to provide the following
7 information and materials on or before December 21, 2012, by posting the same to the Court's
8 website (www.scefilings.org) for this matter.

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10 **I. FOR ALL PARTIES CLAIMING AN OVERLYING GROUNDWATER RIGHT,**
11 **INCLUDING PUBLIC WATER AND OTHER PRODUCERS WHO ALSO CLAIM A**
12 **PRESCRIPTIVE RIGHT UNDER CATEGORY II BELOW**

13 1. For each parcel of real property the responding party owns or occupies or
14 otherwise controls in the Antelope Valley Adjudication Area, please state with particularity the
15 following information:

16 (A) The Kern County Treasurer Tax Collector's "Assessor Tax Number" or the Los
17 Angeles County Office of the Assessor "Assessor's Identification Number" of the parcel. If the
18 identifying parcel number has changed since 1999, please state both the current and previous
19 number and the date the new identifying parcel number was assigned.

20 (B) All record title owners of the parcel from 2000 to the present.

21 (C) Whether a groundwater well existed on the parcel in any or all of calendar years
22 2000, 2001, 2002, 2003, 2004, 2011 or 2012.

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

25 (E) The amount of groundwater produced from the parcel for calendar years 2000,
26 2001, 2002, 2003, 2004, 2011, and/or 2012.

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

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

7 (H) The use(s) to which the parcel was put during each of calendar years 2011, and
8 2012.

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

11 (J) If the responding party contends the parcel has groundwater rights based upon
12 something other than groundwater production or use, please state the amount of that claim for
13 each of the calendar years 2000, 2001, 2002, 2003, 2004, 2011, and 2012, and its legal and
14 factual basis therefor.

15 (K) State the amount of water rights claimed as the reasonable and beneficial use for
16 each such parcel.

17 (K) At the responding party's election any other facts that the responding party
18 contends will assist the Court in determining the amount of groundwater produced from each
19 parcel of land owned or controlled by the responding party in any or all calendar years 2000,
20 2001, 2002, 2003, 2004, 2011 and 2012.

21 2. For each parcel of real property the responding party owned in the Antelope
22 Valley Adjudication Area during calendar years 2000, 2001, 2002, 2003, 2004, 2011 or 2012,
23 please state with particularity the following information:
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25 (A) Whether the responding party leased any or all of the parcel.

26 (B) The name of the lessee.

27 (C) If the parcel was leased, the Kern County Treasurer Tax Collector's "Assessor Tax
28 Number" or the Los Angeles County Office of the Assessor "Assessor's Identification

1 Number” of the parcel. If the identifying parcel number has changed since 1999, please state
2 both the current and previous number and the date the new identifying parcel number was
3 assigned.

4 (D) How, if at all, the lease or other written agreement allocated credits for the
5 groundwater produced by the lessee.

6 (E) How much, if any, groundwater was produced by the lessee and delivered to
7 another parcel. If so, the Kern County Treasurer Tax Collector’s “Assessor Tax Number” or
8 the Los Angeles County Office of the Assessor “Assessor’s Identification Number” of the
9 parcel for the year(s) in which such groundwater was produced and delivered.

10 (F) If known, the use(s) to which groundwater was put on the leased parcel for calendar
11 years 2011 and 2012.

12 3. For all parcels of land identified in response to Request No. 1 above, please state
13 with particularity the following information:

14 (A) All materials constituting the responding party’s *prima facie* showing of the
15 amount of groundwater produced from each parcel of land owned or controlled by the
16 responding party in calendar years 2000, 2001, 2002, 2003, 2004, 2011 and 2012.

17 (B) All materials constituting the responding party’s *prima facie* showing of the use(s)
18 to which the responding party put each parcel of land controlled by the responding party in
19 calendar years 2011 and 2012.

20 (C) At the responding party’s election, any additional materials that will assist the
21 Court in determining the amount of groundwater produced from each parcel of land by the
22 responding party in any or all calendar years 2000, 2001, 2002, 2003, 2004, 2011 and 2012.

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25 **II. FOR ALL PARTIES CLAIMING A NON-OVERLYING RIGHT, INCLUDING**
26 **APPROPRIATIVE, PRESCRIPTIVE OR OTHERWISE**

27 1. Please state with particularity the following information:
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1 (A) The amount of groundwater the responding party produced in each of the calendar
2 years 2000, 2001, 2002, 2003, 2004, 2011, and 2012 over and above any water claimed to have
3 been pumped as an overlying owner.

4 (B) The Kern County Treasurer Tax Collector's "Assessor Tax Number" or the Los
5 Angeles County Office of the Assessor "Assessor's Identification Number" of the parcel(s)
6 from which the subject groundwater was produced and identify the owner thereof. If the
7 identifying parcel number has changed since 1999, please state both the current and previous
8 number and the date the new identifying parcel number was assigned.

9 (C) The well identification number(s) for each well that the responding party used to
10 produce groundwater in each of calendar years 2000, 2001, 2002, 2003, 2004, 2011 and 2012.

11 (D) The amount of groundwater produced from each well identified on the responding
12 party's parcels in calendar years 2000, 2001, 2002, 2003, 2004, 2011 and 2012.

13 (E) The methodology used in determining the amount of groundwater produced on the
14 responding party's parcels in each of calendar years 2000, 2001, 2002, 2003, 2004, 2011 and
15 2012, e.g. pump tests, meter records).

16 (F) For all groundwater pumping in each of the calendar years 2000, 2001, 2002, 2003,
17 2004, 2011 and 2012 for parcels in Los Angeles County, copies of notices of groundwater
18 extraction filed with the State Water Resources Control Board pursuant to Water Code section
19 4999 et seq. for each year filed.

20 (G) State whether the groundwater produced during the identified years was used for
21 any purpose other than municipal supply. If so, state the use(s) to which such water was put in
22 each of the calendar years 2000, 2001, 2002, 2003, 2004, 2011, and 2012.

23 (H) The amount of groundwater produced that was used for outdoor irrigation.

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26 **III. FOR ALL PARTIES CLAIMING RETURN FLOW CREDITS**

27 1. Please state with particularity the following information:

28 (A) The amount of the responding party's groundwater pumping that constitutes the

1 production of return flows from **water imported** into the Basin.

2 (B) The amount of return flows from **imported water** the responding party claims to
3 have had a right to pump for each of calendar years 2000, 2001, 2002, 2003, 2004, 2011 and
4 2012.

5 (C) The methodology used for determining the amount of return flows from **imported**
6 **water** the responding party claims to have had a right to pump for each of calendar years 2000,
7 2001, 2002, 2003, 2004, 2011 and 2012.

8 (D) The total amount of **water imported** by the responding party in each of calendar
9 years 2000, 2001, 2002, 2003, 2004, 2011 and 2012.

10 (E) Water quality information and water constituents for any and all **imported water**
11 for which the responding party claims a right in each of calendar years 2000, 2001, 2002, 2003,
12 2004, 2011 and 2012.

13 (F) Identify the use(s) to which **imported water** was(were) put in each of calendar
14 years 2000, 2001, 2002, 2003, 2004, 2011 and 2012.

15 (G) The date(s) on which any and all **imported water** was imported to the Basin in
16 each of calendar years 2000, 2001, 2002, 2003, 2004, 2011 and 2012.

17 (H) The geological conditions below the parcels for which the responding party claims
18 return flow credits/rights from **imported water** in each of calendar years 2000, 2001, 2002,
19 2003, 2004, 2011 and 2012.

20 (I) The distance to the groundwater aquifer from the point any and all claimed
21 **imported water** was deposited and the soil types under the deposition point.

22 (J) The amount of time the responding party contends the claimed return flows took to
23 reach the groundwater aquifer from the time of importation to the Antelope Valley.

24 (K) Any physical evidence in the responding party's custody, control or possession that
25 return flows augmented the Basin. If such information is in the possession of others, and not
26 produced by the responding party, please provide the contact information of such party.

27 (L) The geographic location(s) claimed by the responding party that return flows enter
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1 the groundwater aquifer.

2 (M) The portion, if any, that the responding party's claimed return flows water entered
3 a municipal sewer system.

4 (N) The geographic location(s) that municipal wastewater from local public wastewater
5 systems augment the Basin?
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7 **IV. FOR THE FEDERAL PARTIES**
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9 1. The United States shall produce a statement on its claims to water based on federal
10 law consistent with security concerns.

11 A. The amount of its claimed Federal Reserved Right in acre feet of water per year.

12 B. A statement containing the legal theory upon which its claims to federal reserved water
13 rights are based, including citations of pertinent legal or case authorities and Congressional
14 acts.

15 C. The factual basis for its claim including a reference to pertinent reservation documents.

16 D. For lands within Edwards Air Force Base and Air Force Plant 42 that were purchased or
17 otherwise acquired from non-federal sources, the United States will provide detailed
18 information on the acquisitions.

19 E. A statement on the quantity of water reserved necessary to satisfy the purpose(s) of the
20 reservation.

21 F. Whether the claimed reservation of groundwater by the Federal Government is expressed or
22 implied.

23 G. The identity of all lands set aside for the reservation by the Federal Government, including
24 the Kern County Treasurer Tax Collector's "Assessor Tax Number" or the Los Angeles County
25 Office of the Assessor "Assessor's Identification Number" of the parcel(s).

26 H. Whether the Federal Government claims any portion of Edwards Air Force Base is an
27 original reservation of land that never entered the public domain. If so, describe such
28 portion(s) and why it (they) never entered the public domain.

1 I. Please provide specific acquisitions of property and the dates of such acquisitions.

2 J. The amount of surplus groundwater, if any, the Federal Government contends remained in
3 the ANTELOPE VALLEY ADJUDICATION AREA at the time of the reservations of land by
4 the Federal Government for Edwards Air Force Base and the factual basis for such claim.

5 L. The amount of ground water used on he reserved lands in each of calendar years 2000,
6 2001, 2002, 2003, 2004, 2011 and 2012.

7 M. The amount of groundwater used on Edwards Air Force Base that are not part of the
8 reserved lands in each of calendar years 2000, 2001, 2002, 2003, 2004, 2011 and 2012.

9 N. The amount of groundwater used to irrigate and operate Muroc Lake Golf Course in each of
10 calendar years 2000, 2001, 2002, 2003, 2004, 2011 and 2012.

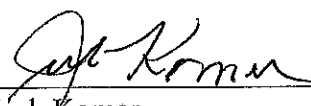
11 O. The amount of water used on Edwards Air Force Base by all persons and entities other than
12 the Federal Government in each of calendar years 2000, 2001, 2002, 2003, 2004, 2011 and
13 2012.
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16 **V. FOR ALL RESPONDING PARTIES**

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

20 8. The responding party's responses must be accompanied by an executed
21 verification by an individual authorized to do so.
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23 Dated: DEC 12 2012

24 
25 Hon. Jack Komar
26 Judge of the Superior Court
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