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6 a California corporation, CRYSTAL ORGANIC
7 FARMS, a limited liability company, GRIMMWAY
ENTERPRISES, INC., and LAPIS LAND COMPANY, LLC

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **IN AND FOR THE COUNTY OF LOS ANGELES**

11 Coordination Proceeding Special Title
12 (Rule 1550 (b))

Judicial Council Coordination No. 4408

13 ANTELOPE VALLEY GROUNDWATER
14 CASES

Case No.: 1-05-CV-049053

14 Included actions:

15 Los Angeles County Waterworks District No.
16 40 vs. Diamond Farming Company
Los Angeles Superior Court
17 Case No. BC 325201

**RESPONSE OF DIAMOND FARMING
COMPANY, CRYSTAL ORGANIC
FARMS, GRIMMWAY ENTERPRISES,
INC. AND LAPIS LAND COMPANY,
LLC TO DISCOVERY ORDER FOR
PHASE 4 TRIAL**

18 Los Angeles County Waterworks District No.
19 40 vs. Diamond Farming Company
Kern County Superior Court
Case No. S-1500-CV 254348 NFT

20 Diamond Farming Company vs. City of
21 Lancaster
Riverside County Superior Court
22 Lead Case No. RIC 344436 [Consolidated
w/Case Nos. 344668 & 353840]

23 _____
24 **AND RELATED CROSS-ACTIONS.**

25 **RESPONDING PARTY:** DIAMOND FARMING COMPANY, CRYSTAL ORGANIC
26 FARMS, GRIMMWAY ENTERPRISES, INC. AND LAPIS
27 LAND COMPANY, LLC
28

1 Responding party makes the following responses to the Court's Discovery Order for Phase 4
2 Trial:

3 **PRELIMINARY STATEMENT**

4 It should be noted that responding party has not fully completed its investigation of the facts
5 relating to this case, has not fully completed discovery in this case, and has not completed the
6 preparation for trial. All of the answers contained herein are based upon such information and
7 documents which are presently available to and specifically known to responding party and disclose only
8 those facts and contentions which presently occur to said responding party. It is anticipated that further
9 discovery, independent investigation, legal research, and analysis will supply additional facts, add
10 meaning to the known facts, as well as establish entirely new factual conclusions and legal contentions,
11 all of which may lead to substantial additions to, changes in and variations from the contentions and
12 facts herein set forth.

13 The following responses are given without prejudice to responding party's right to produce
14 evidence of any subsequently discovered fact or facts which responding party may later recall.
15 Responding party accordingly reserves the right to change any and all answers herein as additional facts
16 are ascertained, analysis is made, legal research is completed, and contentions are made. The answers
17 contained herein are made in a good faith effort to supply as much factual information and as much
18 specification of legal contentions as is presently known, but should in no way be to the prejudice of
19 responding party in relation to further discovery, research, or analysis.

20 Responding party makes the following answers to the Discovery Order for the Phase 4 Trial.
21 These answers are made solely for the purpose of this action. All evidentiary objections shall be
22 reserved at the time of trial and no waiver of any objections are to be implied from this response. In
23 addition, each answer is subject to all objections as to competence, relevance, materiality, propriety,
24 admissibility, and any and all other objections on the grounds that would require the exclusion of any
25 statement herein if the Request were asked of or statements contained herein were made by a witness
26 present and testifying in court, all of which objections and grounds are reserved and may be interposed
27 at the time of trial.
28

1 No incidental or implied admissions are intended in these answers. The fact that responding
2 party has answered any or all of any Request should not be taken as an admission that responding party
3 accepts or admits the existence of any facts set forth or assumed by such Request or that such answer
4 constitutes admissible evidence. The fact that responding party has answered any or all of any Request
5 is not intended to and shall not be construed to be a waiver by responding party of all or any part of any
6 objection.

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

9 **RESPONSE TO NO. 1(A):**

10 See Exhibits A and F.

11 **RESPONSE TO NO. 1(B):**

12 See Exhibits A and F.

13 **RESPONSE TO NO. 1(C):**

14 Yes. See Maps A and F.

15 **RESPONSE TO NO. 1(D):**

16 Yes. See Exhibits B, C, and G.

17 **RESPONSE TO NO. 1(E):**

18 Yes. See Exhibits B, C, and G.

19 **RESPONSE TO NO. 1(F):**

20 See Exhibits E and I.

21 **RESPONSE TO NO. 1(G):**

22 See Exhibits A, C, E, F, G, and I.

23 **RESPONSE TO NO. 1(H):**

24 See Exhibits E and I.

25 **RESPONSE TO NO. 1(I):**

26 See Exhibits B, E, and I.

1 **RESPONSE TO NO. 1(J):**

2 Yes, in lieu rights. (See Exhibit J - "Basin Wide Water Use 1998 through 2012 as predecessor
3 owner and/or as lessee.")

4 **RESPONSE TO NO. 1(K):**

5 Kotchian (Exhibit A) 200498.582 acre feet: Willow Springs (Exhibit F) 200935.520 acre feet.
6 See also Exhibit J.

7 **RESPONSE TO NO. 2(A):**

8 Yes, a portion of Kotchian leased in 2002, 270.33 acres leased to Wheeler Farms; 2004, 264.51
9 acres leased to Calandri Farms; and 2006, 495.05 acres leased to Calandri Farms.

10 **RESPONSE TO NO. 2(B):**

11 See Response to No. 2(A) above.

12 **RESPONSE TO NO. 2(C):**

13 See Exhibits A, E, F, and I.

14 **RESPONSE TO NO. 2(D):**

15 Retained by responding party.

16 **RESPONSE TO NO. 2(E):**

17 Not applicable.

18 **RESPONSE TO NO. 2(F):**

19 See Exhibits E and I.

20 **RESPONSE TO NO. 3(A):**

21 See all exhibits attached.

22 **RESPONSE TO NO. 3(B):**

23 See all exhibits attached.

24 **RESPONSE TO NO. 3(C):**

25 Not applicable.
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1 **II. FOR ALL PARTIES CLAIMING A NON-OVERLYING RIGHT, INCLUDING**
2 **APPROPRIATIVE, PRESCRIPTIVE OR OTHERWISE.**

3 In lieu rights Exhibit J.

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

5 Note in lieu rights Exhibit J.

6 **IV. FOR THE FEDERAL PARTIES.**

7 Not applicable.

8 **V. FOR ALL RESPONDING PARTIES.**

9 1. Carl Voss, one of the managers for DIAMOND FARMING COMPANY, CRYSTAL
10 ORGANIC FARMS, GRIMMWAY ENTERPRISES, INC., and LAPIS LAND COMPANY, LLC
11

12 Dated: December 21, 2012

LeBEAU • THELEN, LLP

13
14 By: 

15 BOB H. JOYCE

16 Attorneys for DIAMOND FARMING COMPANY,
17 a California corporation, CRYSTAL ORGANIC
18 FARMS, a limited liability company, GRIMMWAY
19 ENTERPRISES, INC., and LAPIS LAND
20 COMPANY, LLC
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VERIFICATION

STATE OF CALIFORNIA, COUNTY OF KERN

I have read the foregoing **RESPONSE OF DIAMOND FARMING COMPANY, CRYSTAL ORGANIC FARMS, GRIMMWAY ENTERPRISES, INC. AND LAPIS LAND COMPANY, LLC TO DISCOVERY ORDER FOR PHASE 4 TRIAL** and know its contents.

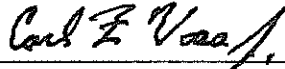
____ I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

XX I am one of the managers for Diamond Farming Company, Crystal Organic Farms, Grimmway Enterprises, Inc., and Lapis Land Company, LLC parties to this action, and am authorized to make this verification for and on their 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.

____ I am one of the attorneys for _____, a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe, and on that ground allege, that the matters stated in the foregoing document are true.

Executed on December 20, 2012, at Bakersfield, California.

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



CARL VOSS, Manager
for Diamond Farming
Company, Crystal Organic Farms,
Grimmway Enterprises, Inc. and Lapis
Land Company, LLC

PROOF OF SERVICE

ANTELOPE VALLEY GROUNDWATER CASES
JUDICIAL COUNCIL PROCEEDING NO. 4408
CASE NO.: 1-05-CV-049053


I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years and not a party to the within action; my business address is: 5001 E. Commercenter Drive, Suite 300, Bakersfield, California 93309. On December 21, 2012, I served the within **RESPONSE OF DIAMOND FARMING COMPANY, CRYSTAL ORGANIC FARMS, GRIMMWAY ENTERPRISES, INC. AND LAPIS LAND COMPANY, LLC TO DISCOVERY ORDER FOR PHASE 4 TRIAL**

■ (BY POSTING) I am "readily familiar" with the Court's Clarification Order. Electronic service and electronic posting completed through www.scefilings.org ; All papers filed in Los Angeles County Superior Court and copy sent to trial judge and Chair of Judicial Council.

Los Angeles County Superior Court
111 North Hill Street
Los Angeles, CA 90012
Attn: **Department 1**
(213) 893-1014

Chair, Judicial Council of California
Administrative Office of the Courts
Attn: Appellate & Trial Court Judicial Services
(Civil Case Coordinator)
Carlotta Tillman
455 Golden Gate Avenue
San Francisco, CA 94102-3688
Fax (415) 865-4315

■ (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct, and that the foregoing was executed on December 21, 2012, in Bakersfield, California.


LEQUETTA HANSEN