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Cross-Defendant
CITY OF PALMDALE

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SANTA CLARA**

ANTELOPE VALLEY GROUNDWATER
CASES,

Plaintiffs.

Judicial Council Coordination

**CITY OF PALMDALE'S RESPONSE TO
COURT ORDERED DISCOVERY FOR
PHASE 4 TRIAL**

**I. FOR ALL PARTIES CLAIMING AN OVERLYING GROUNDWATER
RIGHT, INCLUDING PUBLIC WATER AND OTHER PRODUCERS WHO
ALSO CLAIM A PRESCRIPTIVE RIGHT UNDER CATEGORY II BELOW**
The City of Palmdale does not claim an overlying groundwater right.

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

1 the following information:

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

6 **RESPONSE:**

7 Not applicable.

8
9 (B) All record title owners of the parcel from 2000 to the present.

10 **RESPONSE:**

11 Not applicable.

12
13 (C) Whether a groundwater well existed on the parcel in any or all of calendar years
14 2000, 2001, 2002, 2003, 2004, 2011 or 2012.

15 **RESPONSE:**

16 Not applicable.

17
18 (D) Whether a groundwater well was operated on the parcel in any or all of calendar
19 years 2000, 2001, 2002, 2003, 2004, 2011 or 2012.

20 **RESPONSE:**

21 Not applicable.

22
23 (E) The amount of groundwater produced from the parcel for calendar years 2000,
24 2001, 2002, 2003, 2004, 2011, and/or 2012.

25 **RESPONSE:**

26 Not applicable.

27
28 (F) The use(s) to which the groundwater produced from the parcel was put on said

1 parcel in any or all of calendar years 2000, 2001, 2002, 2003, 2004, 2011, or 2012.

2 **RESPONSE:**

3 Not applicable.

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

10 **RESPONSE:**

11 Not applicable.

12
13 (H) The use(s) to which the parcel was put during each of calendar years 2011, and
14 2012.

15 **RESPONSE:**

16 Not applicable.

17
18 (I) The crop type, if any, grown on the parcel during each of the calendar years
19 2000, 2001, 2002, 2003, 2004, 2011, and 2012.

20 **RESPONSE:**

21 Not applicable.

22
23 (J) If the responding party contends the parcel has groundwater rights based upon
24 something other than groundwater production or use, please state the amount of that claim
25 for each of the calendar years 2000, 2001, 2002, 2003, 2004, 2011, and 2012, and its legal
26 and factual basis therefor.

27 **RESPONSE:**

28 Not applicable.

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

3 **RESPONSE:**

4 Not applicable.

5
6 (K) At the responding party's election any other facts that the responding party
7 contends will assist the Court in determining the amount of groundwater produced from
8 each parcel of land owned or controlled by the responding party in any or all calendar years
9 2000, 2001, 2002, 2003, 2004, 2011 and 2012.

10 **RESPONSE:**

11 Not applicable.

12
13 2. For each parcel of real property the responding party owned in the Antelope
14 Valley Adjudication Area during calendar years 2000, 2001, 2002, 2003, 2004, 2011 or
15 2012, please state with particularity the following information:

16 (A) Whether the responding party leased any or all of the parcel.

17 **RESPONSE:**

18 Not applicable.

19
20 (B) The name of the lessee.

21 **RESPONSE:**

22 Not applicable.

23
24 (C) If the parcel was leased, the Kern County Treasurer Tax Collector's "Assessor
25 Tax Number" or the Los Angeles County Office of the Assessor "Assessor's Identification
26 Number" of the parcel. If the identifying parcel number has changed since 1999, please
27 state both the current and previous number and the date the new identifying parcel number
28 was assigned.

1 **RESPONSE:**

2 Not applicable.

3
4 (D) How, if at all, the lease or other written agreement allocated credits for the
5 groundwater produced by the lessee.

6 **RESPONSE:**

7 Not applicable.

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

13 **RESPONSE:**

14 Not applicable.

15
16 (F) If known, the use(s) to which groundwater was put on the leased parcel for
17 calendar years 2011 and 2012.

18 **RESPONSE:**

19 Not applicable.

20
21 3. For all parcels of land identified in response to Request No. 1 above, please
22 state with particularity the following information:

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

26 **RESPONSE:**

27 Not applicable.

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

4 **RESPONSE:**

5 Not applicable.
6

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

10 **RESPONSE:**

11 Not applicable.
12

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

15 The City of Palmdale does not claim an appropriative or prescriptive right.

16 1. Please state with particularity the following information:

17 (A) The amount of groundwater the responding party produced in each of the
18 calendar years 2000, 2001, 2002, 2003, 2004, 2011, and 2012 over and above any water
19 claimed to have been pumped as an overlying owner.

20 **RESPONSE:**

21 Not applicable.
22

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

28 ///

1 **RESPONSE:**

2 Not applicable.

3 (C) The well identification number(s) for each well that the responding party used to
4 produce groundwater in each of calendar years 2000, 2001, 2002, 2003, 2004, 2011 and
5 2012.

6 **RESPONSE:**

7 Not applicable.

8
9 (D) The amount of groundwater produced from each well identified on the
10 responding party's parcels in calendar years 2000, 2001, 2002, 2003, 2004, 2011 and 2012.

11 **RESPONSE:**

12 Not applicable.

13
14 (E) The methodology used in determining the amount of groundwater produced on
15 the responding party's parcels in each of calendar years 2000, 2001, 2002, 2003, 2004,
16 2011 and 2012, e.g. pump tests, meter records).

17 **RESPONSE:**

18 Not applicable.

19
20 (F) For all groundwater pumping in each of the calendar years 2000, 2001, 2002,
21 2003, 2004, 2011 and 2012 for parcels in Los Angeles County, copies of notices of
22 groundwater extraction filed with the State Water Resources Control Board pursuant to
23 Water Code section 4999 et seq. for each year filed.

24 **RESPONSE:**

25 Not applicable.

26
27 (G) State whether the groundwater produced during the identified years was used
28 for any purpose other than municipal supply. If so, state the use(s) to which such water was

1 put in each of the calendar years 2000, 2001, 2002, 2003, 2004, 2011, and 2012.

2
3 **RESPONSE:**

4 Not applicable.

5
6 (H) The amount of groundwater produced that was used for outdoor irrigation.

7 **RESPONSE:**

8 Not applicable.

9
10 **III. FOR ALL PARTIES CLAIMING RETURN FLOW CREDITS**

11 1. Please state with particularity the following information:

12 (A) The amount of the responding party's groundwater pumping that constitutes the
13 production of return flows from **water imported** into the Basin.

14 **RESPONSE:**

15 The City of Palmdale does not presently produce groundwater that constitutes the
16 production of return flows from water imported into the Basin. It is, however, presently
17 constructing the Amargosa Creek Recharge Project which will, among other things, enable
18 the City of Palmdale and other public entities to recharge the Basin with water imported
19 from the State Water Project, among other sources. That project is expected to be
20 completed in the next two to three years. At that point, the City of Palmdale may seek to
21 produce groundwater from the Basin that it contends constitutes return flows from water
22 imported into the Basin.

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

26 **RESPONSE:**

27 Not applicable.

28 ///

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

4 **RESPONSE:**

5 Not applicable.
6

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

9 **RESPONSE:**

10 Not applicable.
11

12 (E) Water quality information and water constituents for any and all **imported**
13 **water** for which the responding party claims a right in each of calendar years 2000, 2001,
14 2002, 2003, 2004, 2011 and 2012.

15 **RESPONSE:**

16 Not applicable.
17

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

20 **RESPONSE:**

21 Not applicable.
22

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

25 **RESPONSE:**

26 Not applicable.
27

28 (H) The geological conditions below the parcels for which the responding party

1 claims return flow credits/rights from **imported water** in each of calendar years 2000,
2 2001, 2002, 2003, 2004, 2011 and 2012.

3 **RESPONSE:**

4 Not applicable.

5
6 (I) The distance to the groundwater aquifer from the point any and all claimed
7 **imported water** was deposited and the soil types under the deposition point.

8 **RESPONSE:**

9 Not applicable.

10
11 (J) The amount of time the responding party contends the claimed return flows took
12 to reach the groundwater aquifer from the time of importation to the Antelope Valley.

13 **RESPONSE:**

14 Not applicable.

15
16 (K) Any physical evidence in the responding party's custody, control or possession
17 that return flows augmented the Basin. If such information is in the possession of others,
18 and not produced by the responding party, please provide the contact information of such
19 party.

20 **RESPONSE:**

21 Not applicable.

22
23 (L) The geographic location(s) claimed by the responding party that return flows
24 enter the groundwater aquifer.

25 **RESPONSE:**

26 Not applicable.

27
28 (M) The portion, if any, that the responding party's claimed return flows water

1 entered a municipal sewer system.

2
3 **RESPONSE:**

4 Not applicable.

5
6 (N) The geographic location(s) that municipal wastewater from local public
7 wastewater systems augment the Basin?

8 **RESPONSE:**

9 Not applicable.

10
11 **IV. FOR THE FEDERAL PARTIES**

12 1. The United States shall produce a statement on its claims to water based on
13 federal law consistent with security concerns.

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

15 **RESPONSE:**

16 Not applicable.

17
18 (B) A statement containing the legal theory upon which its claims to federal
19 reserved water rights are based, including citations of pertinent legal or case authorities and
20 Congressional acts.

21 **RESPONSE:**

22 Not applicable.

23
24 (C) The factual basis for its claim including a reference to pertinent legal or case
25 authorities and Congressional acts.

26 **RESPONSE:**

27 Not applicable.

28 ///

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

4 **RESPONSE:**

5 Not applicable.
6

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

9 **RESPONSE:**

10 Not applicable.
11

12 (F) Whether the claimed reservation of groundwater by the Federal Government is
13 expressed or implied.

14 **RESPONSE:**

15 Not applicable.
16

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

21 **RESPONSE:**

22 Not applicable.
23

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

27 **RESPONSE:**

28 Not applicable.

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

3 **RESPONSE:**

4 Not applicable.

5
6 (J) The amount of surplus groundwater, if any, the Federal Government contends
7 remained in the ANTELOPE VALLEY ADJUDICATION AREA at the time of the
8 reservations of land by the Federal Government for Edwards Air Force Base and the factual
9 basis for such claim.

10 **RESPONSE:**

11 Not applicable.

12
13 (L) The amount of ground water used on he reserved lands in each of calendar years
14 2000, 2001, 2002, 2003, 2004, 2011 and 2012.

15 **RESPONSE:**

16 Not applicable.

17
18 (M) The amount of groundwater used on Edwards Air Force Base that are not part
19 of the reserved lands in each of calendar years 2000, 2001, 2002, 2003, 2004, 2011 and
20 2012.

21 **RESPONSE:**

22 Not applicable.

23
24 (N) The amount of groundwater used to irrigate and operate Muroc Lake Golf
25 Course in each of calendar years 2000, 2001, 2002, 2003, 2004, 2011 and 2012.

26 **RESPONSE:**

27 Not applicable.

28 ///

(O) The amount of water used on Edwards Air Force Base by all persons and entities other than the Federal Government in each of calendar years 2000, 2001, 2002, 2003, 2004, 2011 and 2012.

RESPONSE:

Not applicable.

V. FOR ALL RESPONDING PARTIES

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

RESPONSE:

Mike Mischel, Director of Public Works, City of Palmdale.

Dated: December 21, 2012

RICHARDS, WATSON & GERSHON
A Professional Corporation
JAMES L. MARKMAN
STEVEN R. ORR

By: 

STEVEN R. ORR
Attorneys for Defendant, Cross-
Complainant, and Cross-Defendant
CITY OF PALMDALE

VERIFICATION

STATE OF CALIFORNIA)
)
COUNTY OF LOS ANGELES) ss.

I have read the foregoing CITY OF PALMDALE'S RESPONSE TO COURT ORDERED
DISCOVERY FOR PHASE 4 TRIAL and know its contents.

I am an officer of the City of Palmdale, 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.

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

Executed on this 20th day of December, 2012, at Palmdale, California.



Mike Mischel *SPW*