

JANET K. GOLDSMITH, State Bar No. 065959  
KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD  
A Professional Corporation  
400 Capitol Mall, 27th Floor  
Sacramento, CA 95814-4416  
Telephone: (916) 321-4500  
Facsimile: (916) 321-4555

CARMEN A. TRUTANICH, Los Angeles City Attorney  
RICHARD M. BROWN, General Counsel, Water and  
Power  
RAYMOND ILGUNAS, General Counsel, Los Angeles  
World Airports  
1 World Way, Room 104  
Los Angeles, CA 90045-5803  
Attorneys for Defendant CITY OF LOS ANGELES and  
LOS ANGELES WORLD AIRPORTS

Exempt from Filing Fee Pursuant to  
Government Code Section 6103

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

Coordination Proceeding

Case No. 105 CV 049053

**ANTELOPE VALLEY  
GROUNDWATER CASES**

Judicial Council Coordination Proceeding  
No. 4408

Los Angeles County Waterworks District  
No. 40 v. Diamond Farming Co.

The Honorable Jack Komar  
Santa Clara Case No. Case No. 105 CV 049053

Los Angeles County Waterworks District  
No. 40 v. Diamond Farming Co.

**CITY OF LOS ANGELES' RESPONSE TO  
DISCOVERY ORDER FOR PHASE 4  
TRIAL**

Wm. Bolthouse Farms, Inc. v. City of  
Lancaster

Riverside County Superior Court  
Lead Case No. RIC 344436  
Case No. RIC 344668  
Case No. RIC 353840

Diamond Farming Co. v. City of  
Lancaster

Los Angeles Superior Court  
Case No. BC 325201  
Kern County Superior Court  
Case No. S-1500-CV-254348

Diamond Farming Co. v. Palmdale Water  
District

Date: December 21, 2012

City of Los Angeles, by and through its Department of Airports, Los Angeles World  
Airports ("LAWA"), Cross-Defendant herein, hereby files this response ("Response") to the

1 Court's Discovery Order for Phase 4 Trial ("Discovery Order") on the basis of the information  
2 and belief of its officers verifying these responses, as follows:

3 PRELIMINARY STATEMENT

4 LAWA owns approximately 27 square miles of land in the Antelope Valley Groundwater  
5 Basin for which it claims groundwater rights. The land is recorded on the Assessor's tax roll as  
6 over twelve hundred individual parcels designated by Assessor's Identification Numbers  
7 ("AINs"). While AINs are a convenient way to identify land owned by a specific party, they are  
8 irrelevant to a determination of whether water being applied to the land is a valid exercise of  
9 overlying groundwater rights. So long as the parcel indicated by an AIN overlies the  
10 groundwater basin, it is irrelevant whether the groundwater being applied to it is pumped from the  
11 same AIN-identified parcel.

12 All of the twelve- hundred plus AIN-identified parcels owned by LAWA are contiguous  
13 and overlie the Antelope Valley Groundwater Basin. Water may be extracted from a well on one  
14 AIN-identified parcel for use on an adjoining or nearby AIN-identified parcel. The responses of  
15 LAWA to this Discovery Order identify, on a rational basis and to the extent possible, the extent  
16 and nature of groundwater use on specific identifiable portions of the property owned by LAWA,  
17 and the well or source serving that portion of LAWA's property. The term "parcel" as used in the  
18 Court's Discovery Order will be interpreted as referring to, and as used in these Responses does  
19 refer to, the entirety of LAWA's real property in the Basin, or if so indicated, portions of  
20 LAWA's property that are operated or farmed as a unit.

21 Because of the short time period between the Discovery Order and the date for response, it  
22 is possible that not all of the available information has been included in this Response to  
23 Discovery Order. For example, correlating leased property with AINs, or determining if the  
24 Assessor has changed AINs, could not be fully accomplished by the time this Response was due.  
25 LAWA responds to this Discovery Order to the best of its knowledge, information and belief,  
26 with a good faith effort to be as comprehensive as possible. If additional facts or documents  
27 become known to LAWA after the date of this Response, LAWA will supplement the Response.

1 LAWA does not waive the right to make use of, or to introduce at the Phase 4 Trial, any  
2 information or documents responsive to the Discovery Order but discovered subsequent to this  
3 Response. LAWA reserves all objections as to competency, relevance, materiality, privilege or  
4 admissibility of all information provided, documents produced and the contents thereof.

5 In addition to the land identified by the Assessor's Identification Numbers shown in  
6 Exhibit A hereto, (the Palmdale Regional Airport property), the City of Los Angeles owns parcels  
7 within the Antelope Valley on which its Los Angeles Aqueducts and related appurtenances are  
8 located. No claim of groundwater rights is made for such parcels, and they are not, therefore,  
9 enumerated in this Response.

10 This response is made on the information and belief of the LAWA officers verifying the  
11 Response.

12 These introductory comments and reservations shall be deemed incorporated into every  
13 response provided herein.

14 **I. FOR ALL PARTIES CLAIMING AN OVERLYING RIGHT . . .**

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

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

20 **Response:** All of the real property for which LAWA claims overlying rights within  
21 the Antelope Valley Groundwater Basin is located in Los Angeles County. **Exhibit A** to this  
22 Response consists of the list of Assessor's Identification Numbers of parcels for which the City of  
23 Los Angeles (LAWA) is the identified owner. **Exhibit A-1** is a list of the parcels that have  
24 changed ownership since 1999, showing both the Assessor's Identification Number for the parcel  
25 under prior ownership and what is believed to be the Assessor's Identification Number for  
26 LAWA ownership of the parcel. **Exhibit B** to this Response consists of a parcel map and Record  
27  
28

1 of Survey defining the location of the property owned by the City of Los Angeles as identified by  
2 the Assessor's Identification Numbers in Exhibit A and A-1.

3 In addition to the land identified on Exhibit A, the City of Los Angeles owns land within  
4 the Antelope Valley on which its Los Angeles Aqueducts are located. No groundwater right is  
5 claimed for such parcels, and this land is not included in Exhibits A, A-1 or B.

6 (B): "All record title owners of the parcel from 2000 to the present. "

7 Response: The record title owner of the Assessor's Identification Numbered parcels  
8 owned by LAWA has continuously been City of Los Angeles, except as reflected in Exhibit A-1.

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

11 Response: A map showing the existing groundwater wells for the years indicated is  
12 attached hereto as Exhibit C.

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

15 Groundwater wells were operated on the LAWA property in each of the years identified,  
16 though not all wells operated every year. Exhibit D to this Response identifies existing wells on  
17 the LAWA property with corresponding groundwater extraction for wells that were operated  
18 during the years identified, to the extent of available data at the time of this Response.

19 (E): "The amount of groundwater produced from the parcel for calendar years 2000,  
20 2001, 2002, 2003, 2004, 2011 or 2012."

21 Response: A table identifying each existing well and summarizing the production  
22 reported for each well for each year is Exhibit D to this Response, to the extent of available data  
23 at the time of this Response. The information is based on business records of LAWA and the  
24 Annual Notices of Groundwater Extraction and Diversion attached hereto as Exhibit E.

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

1           **Response:**     The use to which the groundwater produced was put, with the exception of  
2 the portions of the LAWA land identified below, was irrigated agriculture.

3           Groundwater was put to domestic and industrial use on approximately 307 acres of the  
4 parcel leased to Rockwell International Corporation for manufacture of aircraft or parts, pursuant  
5 to a 40-year lease effective March 14, 1981, subsequently assigned to SR Technics, which  
6 occupied approximately 155 acres within the W ½ of Section 17 and the E ½ of Section 18, T6N  
7 R11W. In January, 1998, LAWA and the lessee entered into a second lease of .2296 acres  
8 directly adjacent to the original leasehold for the drilling of a well to provide water to the  
9 leasehold for domestic and industrial uses.

10           **(G):**     "If groundwater produced from another parcel was used on the parcel during any  
11 or all of calendar years 2000, 2001, 2002, 2003, 2004, 2011 or 2012, please state the . . . Los Angeles  
12 County Office of the Assessor "Assessor's Identification Number" of the parcel(s) from which the subject  
13 groundwater was produced and identify the owner thereof."

14           **Response:**     All groundwater used on LAWA property during the years identified was  
15 pumped from the LAWA property.

16           **(H):**     "The use(s) to which the parcel was put during each of calendar years 2011 and  
17 2012."

18           **Response:**     The portion of the parcel that was in active use was devoted to irrigated  
19 agriculture, commercial and recreational use, industrial use and to effluent disposal. The balance  
20 of the parcel was open desert with native vegetation.

21           **(I):**     "The crop type, if any, grown on the parcel during each of the calendar years  
22 2000, 2001, 2002, 2003, 2004, 2011 or 2012."

23           **Response:**     The crops grown on the leased portion of the parcel were sod, vegetable  
24 crops including carrots and onions, pistachios and forage crops. Analysis of the acreage devoted  
25 annually to each crop type is ongoing, and this Response will be supplemented when that analysis  
26 is available. As of the date of this Response, the following is believed to be a representative  
27 approximation of the acreage:

1 E-Z Care aka A-G Sod Farms: 900 acres of grass (sod)

2 Diamond Farms, assignee of Giba Farms, 200 acres of vegetables including carrots and  
3 onions;

4 Harrington Farms (sublessee of Sanitation District 20): 23 acres of pistachio trees

5 McEnaney Golf aka Desert Aire Golf Course: 50 acres of grass, trees, ponds and  
6 clubhouse.

7 Wheeler-Williams Farms: 720 acres of vegetable production.

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

11 **Response:** In addition to the groundwater produced from LAWA's wells, LAWA  
12 claims groundwater rights based upon the use on its property of reclaimed water delivered by Los  
13 Angeles County Sanitation District No. 20, as provided by Water Code sections 1005.1, 1005.4,  
14 1010 and 1210. A copy of the Lease Agreement between LAWA and County Sanitation District  
15 No. 20 is attached as **Exhibit F** to this Response. A table identifying Palmdale Water  
16 Reclamation Plant historical effluent reuse for irrigation for each of the calendar years 2000,  
17 2001, 2002, 2003, 2004, 2011, and 2012 (up to and including September 2012) is **Exhibit D-1** to  
18 this Response. The information is based on Palmdale Water Reclamation Plant Annual  
19 Monitoring Reports pursuant to RWQCB Order Nos. 6-00-57, 6-00-57A01, and 6-00-57A02,  
20 Monitoring and Reporting Program Nos. 6-00-57-A01, 6-00-57-A02, and 6-00-57-A03 for  
21 calendar years 2001, 2002, 2003, 2004, as well as excerpts from Monthly Monitoring Reports  
22 pursuant to Board Order R6V-2011-0012 Monitoring and Reporting Program No. R6V-2011-  
23 0012 for 2011 and January through September 2012, attached hereto as **Exhibit I-1 through I-7**.

24 (K): "State the amount of water rights claimed as the reasonable and beneficial use  
25 for each such parcel."

26 **Response:** LAWA claims an overlying right to its full correlative share of the safe  
27 yield of the Antelope Valley Groundwater Basin, undiminished by any claim of prescription,  
28

1 including the right to potential increases in pumping that may exceed past production. The  
2 exercise of LAWA's groundwater claim, based on reasonable and beneficial use from 2000 –  
3 2011, is 14,020 acre feet per year for current uses. See **Exhibit D** to this Response.

4 **(K<sub>2</sub>):** "At the responding party's election, any other facts that the responding party contends will  
5 assist the Court in determining the amount of groundwater produced from each parcel of land owned or  
6 controlled by the responding party in any or all calendar years 2000, 2001, 2002, 2003, 2004, 2011 and  
7 2012.

8 **Response:** In 2002, a twenty-year Master Lease was approved between LAWA and  
9 Los Angeles County Sanitation District No. 20 for 2,680 acres of LAWA's land. The Master  
10 Lease is attached hereto as **Exhibit F**. County Sanitation District No. 20 reported that in 2002,  
11 under the Master Lease, it had delivered reclaimed water to Harrington Farms (23 acres of  
12 pistachio trees), Tree Mover, Inc. (40 acres for Christmas trees, gourds and landscape plants),  
13 Antelope Valley Products (20 acres for chestnut trees), and Antelope Valley Farms, LLC (320  
14 acres for livestock fodder (alfalfa hay and oats). County Sanitation District No. 20's deliveries to  
15 LAWA agricultural users are documented in its Annual Reports to the Lahontan Regional Water  
16 Quality Control Board which are publically available; its annual reports for years 2000 through  
17 2004 2011 and January through September 2012 are attached to this Response as **Exhibits I-1**  
18 **through I-7**.

19 **2.** For each parcel of real property the responding party owned in the Antelope Valley  
20 Adjudication Area during calendar years 2000, 2001, 2002, 2003, 2004, 2011 and 2012, please state with  
21 particularity the following information:

22 **(A):** "Whether the responding party leased any or all of the parcel."

23 **Response:** On land outside of the boundaries of the premises leased by Los Angeles  
24 County Sanitation District No. 20, LAWA continues to lease land to tenants for the pursuit of  
25 irrigated agriculture, commercial, recreation and industrial uses. LAWA leased portions of the  
26 parcel in each of those years.

27 **(B):** "The name of the lessee."  
28



1       **Response: Exhibit G** attached to this Response is a spreadsheet that shows the leases for  
2 use of LAWA's parcel, including the name of the lessee, the effective date of the lease, the  
3 acreage leased, and the use to which the leased land is put.

4               **(C):** "If the parcel was leased, . . . the Los Angeles County Office of the Assessor  
5 "Assessor's Identification Number" of the parcel. If the identifying parcel number has changed since 1999,  
6 please state both the current and previous number and the date the new identifying number was  
7 assigned."

8       **Response:** Due to the number of Assessor Identification Numbered parcels involved,  
9 and the large area covered by the leases, it has not been possible as of the date of this Response to  
10 provide the Assessor's Identification Numbers associated with each lease. However, a  
11 Preliminary Draft Master Lease Index Map has been attached as **Exhibit H** to this Response,  
12 showing the lessees and the areas occupied under the leases. While Exhibit H may not depict  
13 comprehensively all past and current lessees, it is the most comprehensive listing that could be  
14 developed in the time available. One lessee not shown on Exhibit H is SR Technics of America,  
15 Inc., successor to a lease to Rockwell International Corp. SR Technics occupied approximately  
16 155 acres of land, plus an immediately adjacent wellsite with a well, as shown on **Exhibit H-1** to  
17 this Response.

18               **(D):** "How, if at all, the lease or other written agreement allocated credits for the  
19 groundwater produced by the lessee."

20       **Response:** None of the leases expressly provided for allocation of "credits" for the  
21 groundwater produced by the lessee. No lease provided for assignment of groundwater rights to  
22 the lessee, however, and Section 673(b) of the Los Angeles City's Charter prohibits such an  
23 assignment.

24               **(E):** "How much, if any, groundwater was produced by the lessee and delivered to another  
25 parcel. If so, . . . the Los Angeles County Office of the Assessor "Assessor's Identification Number" of the  
26 parcel for the year(s) in which such groundwater was produced and delivered."  
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1           **Response:**     Palmdale Water District produced groundwater from wells located on  
2     LAWA's property as a source of municipal water for residents within the City of Palmdale. The  
3     water produced is not claimed by Palmdale Water District under an overlying right, and the  
4     amounts pumped are separately reported by Palmdale Water District to the State Water Resources  
5     Control Board. It is LAWA's understanding that Palmdale Water District will be producing its  
6     records of the production and use of such groundwater. LAWA does not claim any overlying  
7     right as to the water pumped by Palmdale Water District. Other than the water pumped by  
8     Palmdale Water District, no groundwater produced by a lessee was delivered to any property  
9     other than the leased premises.

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

12           **Response:**     The water pumped by Palmdale Water District from wells on land leased  
13     from LAWA was not used on the leasehold, but was used for municipal supply within the City of  
14     Palmdale, to the best of LAWA's knowledge and belief.

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

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

20           **Response:**     Records of groundwater extraction filed with the State Water Resources  
21     Control Board for the producing wells on the parcel are summarized in **Exhibit D** and collected  
22     in **Exhibit E** to this Response. In addition, aerial photographs included in the Annual Reports  
23     submitted by County Sanitation District No. 20 to the Lahontan Regional Water Quality Control  
24     Board show the extent of irrigated land on LAWA property for each year.

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

1           **Response:**     The response to this question is the same as the immediately preceding  
2 response.

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

6           **Response:**     LAWA continues to collect supporting documentation of water use, and  
7 will provide it through expert testimony at the trial.

8       **V.     FOR ALL RESPONDING PARTIES**

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

11           **Response:**     The persons most qualified to testify to the foregoing questions are Vivian  
12 D. Howell and Robert D. Freeman, as to the questions identified in their verifications attached to  
13 this Response.

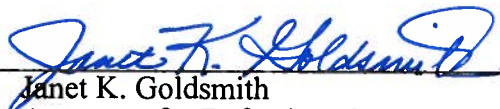
14           2.     "The responding party's responses must be accompanied by an executed verification by  
15 an individual authorized to do so."

16       Dated: December 21, 2012.

17  
18                               CARMEN A. TRUTANICH, City Attorney  
19                               Richard M. Brown, General Counsel, Water and Power  
20                               Raymond Ilgunas, General Counsel, Los Angeles World  
21                               Airports

22                               KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD  
23                               A Professional Corporation

24       By

25                                 
26                               Janet K. Goldsmith

27                               Attorneys for Defendant CITY OF LOS ANGELES  
28                               and LOS ANGELES WORLD AIRPORTS

1 Case Name: Antelope Valley Groundwater Cases.  
2 Case No.: Superior Court of California, County of Los Angeles Lead Case No. BC 325 201

3 **VERIFICATION**

4 I, Robert D. Freeman, declare:

5 I am an Airport Environmental Manager II for the City of Los Angeles which is a Party in  
6 the above-entitled action, and I have been authorized to make this verification on its behalf  
7 subject to the limitations below.

8 I have read the foregoing **CITY OF LOS ANGELES' RESPONSE TO DISCOVERY**  
9 **ORDER**, as it pertains to the City's responses to Sections 1.1 (C - K), 1.2 (D - F) and 1.3 and  
10 know the contents thereof. The same is true of my own knowledge, except as to those matters  
11 which are therein stated on information and belief, and, as to those matters, I believe them to be  
12 true.

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

15 Executed at Los Angeles, California on December 21, 2012.

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28  
  
ROBERT D. FREEMAN

1 Case Name: Antelope Valley Groundwater Cases.  
2 Case No.: Superior Court of California, County of Los Angeles Lead Case No. BC 325 201

3 **VERIFICATION**

4 I, Vivian D. Howell, declare:

5 I am the Manager of the Commercial Development Real Estate and Property Management – LAX  
6 Non-Airfield and Palmdale with the City of Los Angeles which is a party in the above-entitled action,  
7 and I have been authorized to make this verification on its behalf subject to the limitations below.

8 I have read the foregoing **CITY OF LOS ANGELES' RESPONSE TO DISCOVERY**  
9 **ORDER**, as it pertains to the City's responses to Sections 1.1.(A - B); 2.(A - D) and know the  
10 contents thereof. The same is true of my own knowledge, except as to those matters which are  
11 therein stated on information and belief, and, as to those matters, I believe them to be true.

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

14 Executed at Los Angeles, California on December 19, 2012.

15   
16 VIVIAN D. HOWELL

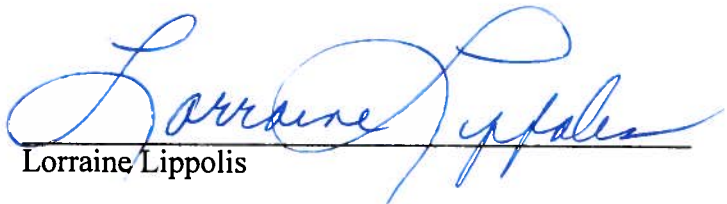
PROOF OF SERVICE

I DECLARE THAT:

I am employed in the County of Sacramento, State of California. I am over the age of eighteen years and not a party to the within action. My business address is 400 Capitol Mall, 27<sup>th</sup> Floor, Sacramento, California 95814.

On December 21, 2012, I served the attached CITY OF LOS ANGELES' RESPONSE TO DISCOVERY ORDER by posting the document to the Santa Clara Superior Court website [www.scefiling.org](http://www.scefiling.org) in regard to the Antelope Valley Groundwater matter.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that this document was executed on December 21, 2012.

  
Lorraine Lippolis