

1 William J. Brunick, Esq. [SB No. 46289]  
2 Leland P. McElhaney, Esq. [SB No. 39257]  
3 **BRUNICK, McELHANEY & KENNEDY PLC**  
1839 Commercenter West  
San Bernardino, California 92408-3303

*Exempt from filing fee pursuant to  
Gov't. Code Section 6103*

4 MAILING:  
5 P.O. Box 13130  
San Bernardino, California 92423-3130

6 Telephone: (909) 889-8301  
7 Facsimile: (909) 388-1889  
E-Mail: bbrunick@bmklawplc.com

8 Attorneys for Cross-Complainant,  
9 ANTELOPE VALLEY-EAST KERN WATER AGENCY

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
11 **FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**  
12

13 Coordination Proceeding  
14 Special Title (Rule 1550(b))

Judicial Council Coordination Proceeding  
No. 4408

15 **ANTELOPE VALLEY**  
16 **GROUNDWATER CASES**

**Santa Clara Case No.**  
**1-05-CV-049053**  
The Honorable Jack Komar, Dept. 17

17 **Included Actions:**

18 Los Angeles County Waterworks District  
19 No. 40 vs. Diamond Farming Company, a  
20 corporation, Superior Court of California,  
County of Los Angeles, Case No. BC325201;

21 Los Angeles County Waterworks District  
22 No. 40 vs. Diamond Farming Company, a  
23 corporation., Superior Court of California,  
County of Kern, Case No. S-1500-CV-254-348;

24 Wm. Bolthouse Farms, Inc. vs. City of  
25 Lancaster, Diamond Farming Company, a  
26 corporation, vs. City of Lancaster, Diamond  
27 Farming Company, a corporation vs.  
Palmdale Water District, Superior Court of  
California, County of Riverside, Case Nos.  
RIC 353840, RIC 344436, RIC 344668.

**ANTELOPE VALLEY-EAST KERN  
WATER AGENCY'S DISCLOSURE OF  
WITNESSES AND EXHIBITS  
REGARDING PROVE-UP OF THE  
[Proposed] STIPULATED JUDGMENT  
AND PHYSICAL SOLUTION TRIAL**

Trial Date: August 3, 2015  
Time: TBD  
Room: TBD

28 Antelope Valley-East Kern Water Agency's Disclosure of Witnesses and Exhibits Regarding Prove-Up Of The  
[Proposed] Stipulated Judgment and Physical Solution Trial

1 To the extent such are needed during the prove-up of the [Proposed] Stipulated Judgment  
2 and Physical Solution Trial, Antelope Valley-East Kern Water Agency's (AVEK's) witnesses  
3 will be the following:

- 4 1. Tom Barnes (re APNs, deeds confirming AVEK ownership, water delivered in 2000-  
5 2004, 2011 and 2012 to Godde and Calandri properties now owned by AVEK, crop  
6 water duty information obtained and provided to Dr. Qiu, and records reflecting water  
7 deliveries to all customers in 2011 and 2012).
- 8 2. Dr. Hong-lie Qiu (re areal photographs; calculations re acreage farmed 2000-2004, 2011-  
9 2012, crops grown, and total water usage in those years [based upon crop duty  
10 information provided]).
- 11 3. Mike Flood (re records of amount and location of water banking in 2011 and 2012).
- 12 4. On AVEK's claim to return flows vis-a-vis non-stipulating parties, Dan Flory re State  
13 Water Project contract with DWR, AVEK's importation, treatment and sale of imported  
14 water, etc.
- 15 5. David H. Peterson, CEG, CHG, expert witness.
- 16 6. Robert Wagner, P.E., expert witness.
- 17 7. Charles Binder, expert witness.<sup>1</sup>
- 18 8. Robert G. Beeby, non-retained expert designated by Public Water Suppliers.
- 19 9. Dennis Williams, non-retained expert designated by Public Water Suppliers.

20 As needed, AVEK will offer the following documentary evidence and exhibits in support  
21 of its claimed water usage in 2000-2004, 2011 and 2012:

22 AVEK -1 Antelope Valley - East Kern Water Agency declaration in Support of [Proposed]  
23 Judgment and Physical Solution.

24 AVEK-2 List of properties owned by AVEK.

25 AVEK-3 Summary of Water Use on AVEK's properties 2000-2004, 2011, 2012.

---

27 1 AVEK designates Messrs. Peterson, Wagner and Binder jointly on behalf of AVEK and any other party  
28 who joins in this designation.

- 1 AVEK-4 Declaration of Dan Flory in lieu of deposition testimony for Phase 4 trial;
- 2 AVEK-5 Declaration of Dwayne Chisam in lieu of deposition testimony for Phase 4 trial;
- 3 AVEK-6 Declaration of Michael Flood in lieu of deposition testimony for Phase 4 trial;
- 4 AVEK-7 Declaration of Thomas Barnes in lieu of deposition testimony for Phase 4 trial;
- 5 AVEK-8 Supplemental declaration of Thomas Barnes for Phase 4 trial;
- 6 AVEK-9 Declaration of Hong lie Qiu in lieu of deposition testimony for Phase 4 trial; and
- 7 AVEK-10 [AVEK] correction of exhibit attached to declaration of Dr. Hong-li Qiu, for
- 8 Phase 4 trial.
- 9 AVEK-11 Antelope Valley East Kern Water Agency Aerial Crop Information for Beneficial
- 10 Uses prepare by Dr. Qiu.
- 11 AVEK-12 Record of water deliveries to AVEK owned properties.
- 12 AVEK-13 Deeds to AVEK owned properties.
- 13 AVEK-14 AVEK's Exhibit List and Exhibits - Phase IV Trial.
- 14 As needed, AVEK will submit the following documentary evidence and exhibits in
- 15 support of its return flow claim against non-stipulating parties:
- 16 AVEK-15 AVEK's Water Supply Contract with the State
- 17 AVEK-16 Map depicting AVEK's facilities
- 18 AVEK-17 California Water Code Appendix 98-1, et seq.
- 19 AVEK-18 AVEK's cross-complaint filed in this coordinated proceeding
- 20 AVEK-19 Records relating to AVEK's delivery of State Water Project water to its
- 21 customers.
- 22 AVEK-20 AVEK's water banking records
- 23 AVEK-21 AVEK's Customer Water Use Reports for 2011 and 2012.
- 24 AVEK-22 Declaration of Dan Flory in Support of Antelope Valley - East Kern Water
- 25 Agency's Motion for Summary Adjudication
- 26 AVEK-23 AVEK's State Water Board filings.
- 27
- 28

1 AVEK believes this statement fairly discloses the witnesses and exhibits it will rely upon  
2 for the trial scheduled to commence in August, 2015. AVEK reserves the right to amend this  
3 disclosure statement as appropriate and based upon discovery of additional evidence.  
4

5 Dated: April 27, 2015

**BRUNICK, McELHANEY & KENNEDY**

6  
7 By: 

8 WILLIAM J. BRUNICK  
9 LELAND P. McELHANEY  
10 Attorneys for Cross-Complainant,  
11 ANTELOPE VALLEY-EAST KERN  
12 WATER AGENCY  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**PROOF OF SERVICE**

STATE OF CALIFORNIA }  
COUNTY OF SAN BERNARDINO }

I am employed in the County of the San Bernardino, State of California. I am over the age of 18 and not a party to the within action; my business address is 1839 Commercenter West, San Bernardino, California 92408-3303.

On April 27, 2015, I served the foregoing document(s) described as: **ANTELOPE VALLEY-EAST KERN WATER AGENCY'S DISCLOSURE OF WITNESSES AND EXHIBITS REGARDING PROVE-UP OF THE [Proposed] STIPULATED JUDGMENT AND PHYSICAL SOLUTION TRIAL** in the following manner:

■ **BY ELECTRONIC SERVICE AS FOLLOWS** by posting the document(s) listed above to the Santa Clara website in the action of the *Antelope Valley Groundwater Litigation*, Judicial Council Coordination Proceeding No. 4408, Santa Clara Case No. 1-05-CV-049053.

X (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on April 27, 2015, at San Bernardino, California.

  
P. Jo Anne Quihuis