

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

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

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

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

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

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:**

ANTELOPE VALLEY-EAST KERN
WATER AGENCY'S REQUEST THAT
JUDICIAL NOTICE BE TAKEN

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

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

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

Trial Date: September 28, 2015
Time: 9:00 a.m.
Dept: TBA, Los Angeles Superior Court

1 Cross-Complainant, the Antelope Valley-East Kern Water Agency (AVEK), pursuant to
2 the provisions of Evidence Code sections 452 and 453, hereby requests that the Court take
3 judicial notice of the following documents:

4 1. The Antelope Valley-East Kern Water Agency Law, Water Code Appendix 98-49 et seq.,
5 which denotes various powers conferred on AVEK, including in Section 61, paragraph 13, the
6 power "To acquire, control, . . . [and] **recapture** . . . any water . . . for the beneficial use or uses
7 and protection of the agency . . ." A true copy is attached as Exhibit 1 hereto.

8 2 Cross-Complaint of Antelope Valley-East Kern Water Agency for Declaratory and
9 Injunctive Relief, dated August 30, 2006, wherein AVEK declares its intention and right to
10 recapture return flows, by alleging:

11 38. As the primary importer of supplemental State Project water into the Basin, Cross-
12 Complainant has the sole right to recapture return flows attributable to its State Project
13 water. The rights of Cross-Defendants, if any, are limited to the native supply of the
14 Basin and/or to their own imported water, and do not extend to groundwater attributable
15 to Cross-Complainant's return flows.

16 A true copy is attached as Exhibit 2 hereto.

17 3 The Court's "Amended Statement of Partial Decision For Phase IV Trial With Party
18 Name Corrections," Exhibit 3 hereto, which includes the Court's findings regarding the volume
19 of water pumped by various parties in 2011 and 2012. A true copy is attached as Exhibit 4
20 hereto.

21 Regarding the California Water Code provisions referenced in paragraph 1 above of
22 which the Court is requested to take judicial notice, Evidence Code section 451 states that,
23 "Judicial notice shall be taken of . . . (a) The . . . statutory law of this state . . ." The same also
24 may be judicially noticed under Section 452, subdivision (a).

25 Regarding the court records in this proceeding referenced in paragraphs 2 and 3 above,
26 the "[r]ecords of [] any court of this state" may also be judicially noticed (Evid. Code section
27 452, subd. (d)).

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1 By this request, AVEK gives the Court sufficient notice and information to enable it to
2 take judicial notice of the referenced documents, copies of which are attached hereto, and also
3 gives sufficient notice and information to all parties to this proceeding to enable them to prepare
4 to meet the request.


5 Dated: August 21, 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
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P. Jo Anne Quihuis