NEWD’S RESPONSES TO OLL/MWC’S FIRST SET OF FORM INTERROGATORIES
North Edwards Water District (“Responding Party”) hereby responds to Form Interrogatories, Set One, propounded by Overlying Landowners and Mutual Water Companies (“Propounding Party”), as follows:

PRELIMINARY STATEMENT

Responding Party is in the process of conducting its investigation and discovery in this action. Consequently, Responding Party responds to these Form Interrogatories to the best of its knowledge, but in doing so, reserves the right to amend its response at a future date. Responding Party further reserves the right to offer, at time of trial, facts, testimony or other evidence discovered subsequent to and not included in this response, and assumes no obligation to voluntarily supplement or amend this response to reflect such facts, testimony or other evidence.

GENERAL OBJECTIONS

By responding to this set of form interrogatories, Responding Party does not concede the relevancy or materiality of any request, or of the subject to which such request refers.

Each response is made subject to all objections as to competence, relevance, materiality, propriety, admissibility, attorney-client privilege, attorney work product doctrine, and the deliberative process privilege, as well as any or all other objections and grounds which would require exclusion of evidence. Responding Party reserves the right to make any and all such objections at trial and at any other proceeding relating to this action.

The specific responses and objections given below are submitted without prejudice to, and without waiving, any of these objections even though the general objections are not expressly set forth in each response.
OBJECTIONS AND RESPONSES

Responding Party incorporates fully the foregoing Preliminary Statement and General Objections into each of the following specific objections and responses, and no specific objection or response shall be construed to waive any of the General Objections.

INTERROGATORY NO. 1.1:

State the name, ADDRESS, telephone number, and relationship to you of each PERSON who prepared or assisted in the preparation of the responses to these interrogatories.  (Do not identify anyone who simply typed or reproduced the responses.)

RESPONSE TO INTERROGATORY NO. 1.1:

W. Keith Lemieux, Lemieux & O’Neill, 2393 Townsgate Road, Suite 201, Westlake Village, California 91361; (805) 495-4770.

INTERROGATORY NO. 15.1:

Identify each denial of a material allegation and each special or affirmative defense in your pleadings and for each:

(a) state all facts upon which you base the denial or special or affirmative defense;

(b) state the names, ADDRESSES, and telephone numbers of all PERSONS who have knowledge of those facts;

(c) identify all DOCUMENTS and other tangible things which support your denial or special or affirmative defense, and state the name, ADDRESS, and telephone number of the PERSON who has each DOCUMENT.

RESPONSE TO FORM INTERROGATORY NO. 15.1:

Responding Party objects to this request to the extent it is vague and ambiguous within the context of this litigation.  By court order, the court has deemed Responding Party a cross-complainant in a uniform cross-complaint.  This interrogatory is not directed towards a cross-complaint.  The court has also deemed that Responding Party has “answered” various other cross-complaints in this case, but no written answer has been filed. Accordingly, this interrogatory is ambiguous in the context of this case as pled.

Without waiving this objection, Responding Party responds as follows:
(a) The Basin is and has been in an overdraft condition for more than five consecutive years. During these time periods, the total demand on the Basin has exceeded the supply of water from natural sources. Consequently, there is and has been a progressive and chronic decline in Basin water levels and the available natural supply is being and has been chronically depleted. Based on the present trends, the demand on the Basin will continue to exceed supply.

(b) Dollie Kostopoulos. Responding Party also believes that information relevant to this question is possessed by all parties to this case. However, at the present time, not all parties to this case have been served and, therefore, the total number of witnesses cannot be presented. Responding Party reserves the right to supplement this response as additional information is obtained.

(c) Responding party responds to this request by reference to the documents requested concurrently with this special interrogatory. These documents will be made available for inspection pursuant to Code of Civil Procedure at the District’s offices and in the manner they are ordinarily kept. Responding Party will coordinate with Propounding Party to permit inspection on the date of the inspection demand.

**INTERROGATORY NO. 17.1:**

Is your response to each request for admission served with these interrogatories an unqualified admission? If not, for each response that is not an unqualified admission:

(a) state the number of the request;

(b) state all facts upon which you base your response;

(c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have knowledge of those facts; and

(d) identify all **DOCUMENTS** and other tangible things that support your response and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.
RESPONSE TO INTERROGATORY NO. 17.1:

Responding Party objects to this request in as much as it calls for legal conclusions. Furthermore, it calls for information that is beyond the direct knowledge of Responding Party. Without waiving these objections, Responding Party responds as follows:

Response to Request for Admissions No. 1:

Responding Party objects to this request because it seeks information which is beyond the knowledge of the Responding Party. Responding Party does not have any specific knowledge of any of the individual members of the Willis Class, let alone the various property rights and interests of each member of the class. Responding Party further objects that this request has been asked and answered. Responding Party refers to its response to Willis’ First Set of Request for Admissions, Admission No. 1.

Response to Request for Admissions No. 3:

Responding Party objects to this request because it seeks information which is beyond the knowledge of the Responding Party. Responding Party does not have any specific knowledge of any of the individual members of the Willis Class, let alone the various property rights and interests of each member of the class. To the extent the question requests Responding Party to characterize groundwater rights as property rights, this question requests an expert opinion on an issue of law and is therefore improper, Summers v. A.L. Gilbert Company (1999) 69 Cal.App.4th 1155, 1178. Responding Party further objects that this request has been asked and answered. Responding Party refers to its response to Willis’ First Set of Request for Admissions, Admission No. 2.

Response to Request for Admission No. 6:

Responding Party objects to this request because it seeks information which is beyond the knowledge of the Responding Party. Responding Party does not have any specific knowledge of any of the individual members of the Willis Class, let alone the various property rights and interests of each member of the class. Responding Party further objects that this request has been asked and answered. Responding Party refers to its response to Willis’ First Set of Request for Admissions, Admission No. 4.
**Response to Request for Admission No. 8:**

Responding Party objects to this request because it seeks information which is beyond the knowledge of the Responding Party. Responding Party does not have any specific knowledge of any of the individual members of the Willis Class, let alone the various property rights and interests of each member of the class. Responding Party further objects on the grounds that the propounding party failed to define “superior” as required by Code of Civil Procedure Section 2033.060, subdivision (e). As such the Request for Admission is vague, ambiguous and unintelligible. Responding Party further objects that this request has been asked and answered. Responding Party refers to its response to Willis’ First Set of Request for Admissions, Admission No. 5.

**Response to Request for Admission No. 9:**

(a) No.

(b) The Wood Class members have a correlative right to pump groundwater underlying their properties if that water right has been reserved, transferred, severed or otherwise diminished by conveyance operation of law. The Willis Class members water rights are not superior to any prescriptive rights of appropriators.

(c) Not applicable.

(d) All documents produced by the District in this case including, but not limited to, the Problem Statement and supporting documents produced by the Technical Committee dated June 26, 2008.

**Response to Request for Admission No. 10:**

Responding Party objects to this request because it seeks information which is beyond the knowledge of the Responding Party. Responding Party does not have any specific knowledge of any of the individual members of the Willis Class, let alone the various property rights and interests of each member of the class. Responding Party further objects that this request has been asked and answered. Responding Party refers to its response to Willis’ First Set of Request for Admissions, Admission No. 6.

**Response to Request for Admission No. 13:**

(a) No.
(b) The District asserts that the Basin has experienced an extended and protracted overdraft for an unknown number of years, but possibly as early as 1925. The District believes that the overdraft condition has lasted for a period of more than five consecutive years preceding the filing of this action. The overdraft condition is the subject of expert witness study and/or testimony. For these reasons, the precise prescriptive period has not yet been determined, but an initial prescriptive period may have occurred as early as 1925-1929.

Pumping records indicate that the total groundwater extractions in the Basin have annually exceeded the safe yield of the Basin, causing substantial lowering of groundwater levels and associated depletion of groundwater from the aquifer storage. These pumping conditions have created a condition of overdraft. Records indicated that for several decades beginning in the 1940’s groundwater pumping was in the range of 150,000 afy to more than 350,000 afy. The production of groundwater from the Basin far exceeds the safe yield of the Basin as evidence by groundwater level decline, depleted groundwater storage and land subsidence.

Propounding parties and/or their predecessors-in-interest knew that the groundwater supply was in overdraft and propounding parties and/or their predecessor-in-interest knew that the District was using the groundwater for beneficial use by its customers for municipal, domestic and industrial uses. The District’s production of water has extended over a period of at least five consecutive years and during the five year period of overdraft. The District asserts that its production of groundwater from the Basin was adverse to any rights of the plaintiffs and/or their predecessors-in-interest, done under a claim of right, and the District distributed the water through a public waterworks system operated by the District. All of the District’s actions were open and obvious and a matter of public record. Furthermore, to carry out the public purpose of the District, the District has drilled, equipped and operated numerous wells to produce groundwater from the Basin. In addition to well construction, the District has constructed pumping plants, reservoirs and pipeline distribution systems. All of these activities have been open and obvious and a matter of public record.

The District believes that some of the plaintiffs’ properties lie within the boundaries of the Antelope Valley-East Kern Water Agency (“AVEK”), which has been charging or assessing its customers

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to pay for supplement water supply from the State Water Project since 1964. This puts the plaintiffs on notice that the Basin was in an overdraft condition. Furthermore, plaintiffs and/or their predecessors in interest should have been aware of the overdraft from public documents, newspapers, articles, observable land subsidence, reduction of groundwater elevations and published reports of such events.

(c) Joseph Scalmanini; Mark Wildermuth; William Lever; and Timothy Durbin

d) All documents produced by the District in this case including, but not limited to, the Problem Statement and supporting documents produced by the Technical Committee dated June 26, 2008.

Response to Request for Admission No. 14:

(a) No.

(b) The District asserts that the Basin has experienced an extended and protracted overdraft for an unknown number of years, but possibly as early as 1925. The District believes that the overdraft condition has lasted for a period of more than five consecutive years preceding the filing of this action. The overdraft condition is the subject of expert witness study and/or testimony. For these reasons, the precise prescriptive period has not yet been determined, but an initial prescriptive period may have occurred as early as 1925-1929.

Pumping records indicate that the total groundwater extractions in the Basin have annually exceeded the safe yield of the Basin, causing substantial lowering of groundwater levels and associated depletion of groundwater from the aquifer storage. These pumping conditions have created a condition of overdraft. Records indicated that for several decades beginning in the 1940’s groundwater pumping was in the range of 150,000 afy to more than 350,000 afy. The production of groundwater from the Basin far exceeds the safe yield of the Basin as evidence by groundwater level decline, depleted groundwater storage and land subsidence.

Propounding parties and/or their predecessors-in-interest knew that the groundwater supply was in overdraft and propounding parties and/or their predecessor-in-interest knew that the District was using the groundwater for beneficial use by its customers for municipal, domestic and industrial uses. The District’s production of water has extended over a period of at least five consecutive years and during the five year period of overdraft. The District asserts that its production of groundwater from the Basin was
adverse to any rights of the plaintiffs and/or their predecessors-in-interest, done under a claim of right, and the District distributed the water through a public waterworks system operated by the District. All of the District’s actions were open and obvious and a matter of public record. Furthermore, to carry out the public purpose of the District, the District has drilled, equipped and operated numerous wells to produce groundwater from the Basin. In addition to well construction, the District has constructed pumping plants, reservoirs and pipeline distribution systems. All of these activities have been open and obvious and a matter of public record.

The District believes that some of the plaintiffs’ properties lie within the boundaries of the Antelope Valley-East Kern Water Agency (“AVEK”), which has been charging or assessing its customers to pay for supplement water supply from the State Water Project since 1964. This puts the plaintiffs on notice that the Basin was in an overdraft condition. Furthermore, plaintiffs and/or their predecessors in interest should have been aware of the overdraft from public documents, newspapers, articles, observable land subsidence, reduction of groundwater elevations and published reports of such events.

(c) Joseph Scalmanini; Mark Wildermuth; William Lever; and Timothy Durbin

(d) All documents produced by the District in this case including, but not limited to, the Problem Statement and supporting documents produced by the Technical Committee dated June 26, 2008.

Response to Request for Admission No. 15:

The Responding Party objects on the grounds that the definition of “overdraft” is predicated upon the definition of “safe yield” and said definition is not full and complete in and of itself as required by Code of Civil Procedure 2033.060(d). Additionally, the definition of “overdraft” is at variance with the definition set forth by California common law, and is therefore substantially likely to lead to confusion and the adducement of irrelevant evidence, as such the Request for Admission is vague, ambiguous and unintelligible. Responding Party further objects that this request has been asked and answered. Responding Party refers to its response to Willis’ First Set of Request for Admissions, Admission No. 10.

Response to Request for Admission No. 16:

The Responding Party objects on the grounds that the definition of “overdraft” is predicated upon the definition of “safe yield” and said definition is not full and complete in and of itself as required by...
Code of Civil Procedure 2033.060(d). Additionally, the definition of “overdraft” is at variance with the definition set forth by California common law, and is therefore substantially likely to lead to confusion and the adducement of irrelevant evidence, as such the Request for Admission is vague, ambiguous and unintelligible. Responding Party further objects that this request has been asked and answered.

Responding Party refers to its response to Willis’ First Set of Request for Admissions, Admission No. 11.

**Response to Request for Admission No. 17:**

The Responding Party objects on the grounds that the definition of “overdraft” is predicated upon the definition of “safe yield” and said definition is not full and complete in and of itself as required by Code of Civil Procedure 2033.060(d). Additionally, the definition of “overdraft” is at variance with the definition set forth by California common law, and is therefore substantially likely to lead to confusion and the adducement of irrelevant evidence, as such the Request for Admission is vague, ambiguous and unintelligible. Responding Party further objects that the phrase “harmed or injured the Basin” is ambiguous within the context of this litigation. Responding Party further objects that this request has been asked and answered. Responding Party refers to its response to Willis’ First Set of Request for Admissions, Admission No. 12.

**Response to Request for Admission No. 18:**

Responding Party objects to this request because it seeks information which is beyond the knowledge of the Responding Party. Responding Party does not have any specific knowledge of any of the individual members of the Willis Class, let alone the various property rights and interests of each member of the class.

The Responding Party further objects on the grounds that the definition of “overdraft” is predicated upon the definition of “safe yield” and said definition is not full and complete in and of itself as required by Code of Civil Procedure 2033.060(d). Additionally, the definition of “overdraft” is at variance with the definition set forth by California common law, and is therefore substantially likely to lead to confusion and the adducement of irrelevant evidence, as such the Request for Admission is vague, ambiguous and unintelligible. Responding Party further objects that this request has been asked and
answered. Responding Party refers to its response to Willis’ First Set of Request for Admissions, Admission No. 13.

Response to Request for Admission No. 19:

(a) No.

(b) The District asserts that the Basin has experienced an extended and protracted overdraft for an unknown number of years, but possibly as early as 1925. The District believes that the overdraft condition has lasted for a period of more than five consecutive years preceding the filing of this action. The overdraft condition is the subject of expert witness study and/or testimony. For these reasons, the precise prescriptive period has not yet been determined, but an initial prescriptive period may have occurred as early as 1925-1929.

Pumping records indicate that the total groundwater extractions in the Basin have annually exceeded the safe yield of the Basin, causing substantial lowering of groundwater levels and associated depletion of groundwater from the aquifer storage. These pumping conditions have created a condition of overdraft. Records indicated that for several decades beginning in the 1940’s groundwater pumping was in the range of 150,000 afy to more than 350,000 afy. The production of groundwater from the Basin far exceeds the safe yield of the Basin as evidence by groundwater level decline, depleted groundwater storage and land subsidence.

Propounding parties and/or their predecessors-in-interest knew that the groundwater supply was in overdraft and propounding parties and/or their predecessor-in-interest knew that the District was using the groundwater for beneficial use by its customers for municipal, domestic and industrial uses. The District’s production of water has extended over a period of at least five consecutive years and during the five year period of overdraft. The District asserts that its production of groundwater from the Basin was adverse to any rights of the plaintiffs and/or their predecessors-in-interest, done under a claim of right, and the District distributed the water through a public waterworks system operated by the District. All of the District’s actions were open and obvious and a matter of public record. Furthermore, to carry out the public purpose of the District, the District has drilled, equipped and operated numerous wells to produce groundwater from the Basin. In addition to well construction, the District has constructed pumping...
plants, reservoirs and pipeline distribution systems. All of these activities have been open and obvious and a matter of public record.

The District believes that some of the plaintiffs’ properties lie within the boundaries of the Antelope Valley-East Kern Water Agency (“AVEK”), which has been charging or assessing its customers to pay for supplement water supply from the State Water Project since 1964. This puts the plaintiffs on notice that the Basin was in an overdraft condition. Furthermore, plaintiffs and/or their predecessors in interest should have been aware of the overdraft from public documents, newspapers, articles, observable land subsidence, reduction of groundwater elevations and published reports of such events.

(c) Joseph Scalmanini; Mark Wildermuth; William Lever; and Timothy Durbin

d) All documents produced by the District in this case including, but not limited to, the Problem Statement and supporting documents produced by the Technical Committee dated June 26, 2008.

Response to Request for Admission No. 20:

The Responding Party objects on the grounds that the propounding party failed to define “injured” and “non-surplus” as required by Code of Civil Procedure Section 2033.060, subdivision (e). As such the Request for Admission is vague, ambiguous and unintelligible. Responding Party further objects that this request has been asked and answered. Responding Party refers to its response to Willis’ First Set of Request for Admissions, Admission No. 14.

Response to Request for Admission No. 21:

The Responding Party objects on the grounds that the propounding party failed to define “injured” and “non-surplus” as required by Code of Civil Procedure Section 2033.060, subdivision (e). As such the Request for Admission is vague, ambiguous and unintelligible. Responding Party further objects that this request has been asked and answered. Responding Party refers to its response to Willis’ First Set of Request for Admissions, Admission No. 15.

Response to Request for Admission No. 22:

(a) No.

(b) The District asserts that the Basin has experienced an extended and protracted overdraft for an unknown number of years, but possibly as early as 1925. The District believes that the overdraft

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condition has lasted for a period of more than five consecutive years preceding the filing of this action. The overdraft condition is the subject of expert witness study and/or testimony. For these reasons, the precise prescriptive period has not yet been determined, but an initial prescriptive period may have occurred as early as 1925-1929.

Pumping records indicate that the total groundwater extractions in the Basin have annually exceeded the safe yield of the Basin, causing substantial lowering of groundwater levels and associated depletion of groundwater from the aquifer storage. These pumping conditions have created a condition of overdraft. Records indicated that for several decades beginning in the 1940’s groundwater pumping was in the range of 150,000 afy to more than 350,000 afy. The production of groundwater from the Basin far exceeds the safe yield of the Basin as evidence by groundwater level decline, depleted groundwater storage and land subsidence.

Propounding parties and/or their predecessors-in-interest knew that the groundwater supply was in overdraft and propounding parties and/or their predecessor-in-interest knew that the District was using the groundwater for beneficial use by its customers for municipal, domestic and industrial uses. The District’s production of water has extended over a period of at least five consecutive years and during the five year period of overdraft. The District asserts that its production of groundwater from the Basin was adverse to any rights of the plaintiffs and/or their predecessors-in-interest, done under a claim of right, and the District distributed the water through a public waterworks system operated by the District. All of the District’s actions were open and obvious and a matter of public record. Furthermore, to carry out the public purpose of the District, the District has drilled, equipped and operated numerous wells to produce groundwater from the Basin. In addition to well construction, the District has constructed pumping plants, reservoirs and pipeline distribution systems. All of these activities have been open and obvious and a matter of public record.

The District believes that some of the plaintiffs’ properties lie within the boundaries of the Antelope Valley-East Kern Water Agency (“AVEK”), which has been charging or assessing its customers to pay for supplement water supply from the State Water Project since 1964. This puts the plaintiffs on notice that the Basin was in an overdraft condition. Furthermore, plaintiffs and/or their predecessors in interest knew that the Basin was in an overdraft condition.
interest should have been aware of the overdraft from public documents, newspapers, articles, observable
land subsidence, reduction of groundwater elevations and published reports of such events.

  (c) Joseph Scalmamini; Mark Wildermuth; William Lever; and Timothy Durbin

  (d) All documents produced by the District in this case including, but not limited to, the Problem

Response to Request for Admission No. 23:

  Responding Party objects on the grounds that the propounding party failed to define “continuous
and uninterrupted” as required by Code of Civil Procedure Section 2033.060, subdivision (e). The
Responding Party objects on the grounds that the definition of “overdraft” is predicated upon the
definition of “safe yield” and said definition is not full and complete in and of itself as required by Code
of Civil Procedure 2033.060(d). Additionally, the definition of “overdraft” is at variance with the
definition set forth by California common law, and is therefore substantially likely to lead to confusion
and the adducement of irrelevant evidence, as such the Request for Admission is vague, ambiguous and
unintelligible. Responding Party further objects that this request has been asked and answered.

Responding Party refers to its response to Willis’ First Set of Request for Admissions, Admission No. 16

Response to Request for Admission No. 24:

  (a) No.

  (b) The District asserts that the Basin has experienced an extended and protracted overdraft for
an unknown number of years, but possibly as early as 1925. The District believes that the overdraft
condition has lasted for a period of more than five consecutive years preceding the filing of this action.
The overdraft condition is the subject of expert witness study and/or testimony. For these reasons, the
precise prescriptive period has not yet been determined, but an initial prescriptive period may have
occurred as early as 1925-1929.

  Pumping records indicate that the total groundwater extractions in the Basin have annually
exceeded the safe yield of the Basin, causing substantial lowering of groundwater levels and associated
depletion of groundwater from the aquifer storage. These pumping conditions have created a condition of
overdraft. Records indicated that for several decades beginning in the 1940’s groundwater pumping was
in the range of 150,000 afy to more than 350,000 afy. The production of groundwater from the Basin far exceeds the safe yield of the Basin as evidence by groundwater level decline, depleted groundwater storage and land subsidence.

Propounding parties and/or their predecessors-in-interest knew that the groundwater supply was in overdraft and propounding parties and/or their predecessor-in-interest knew that the District was using the groundwater for beneficial use by its customers for municipal, domestic and industrial uses. The District’s production of water has extended over a period of at least five consecutive years and during the five year period of overdraft. The District asserts that its production of groundwater from the Basin was adverse to any rights of the plaintiffs and/or their predecessors-in-interest, done under a claim of right, and the District distributed the water through a public waterworks system operated by the District. All of the District’s actions were open and obvious and a matter of public record. Furthermore, to carry out the public purpose of the District, the District has drilled, equipped and operated numerous wells to produce groundwater from the Basin. In addition to well construction, the District has constructed pumping plants, reservoirs and pipeline distribution systems. All of these activities have been open and obvious and a matter of public record.

The District believes that some of the plaintiffs’ properties lie within the boundaries of the Antelope Valley-East Kern Water Agency (“AVEK”), which has been charging or assessing its customers to pay for supplement water supply from the State Water Project since 1964. This puts the plaintiffs on notice that the Basin was in an overdraft condition. Furthermore, plaintiffs and/or their predecessors in interest should have been aware of the overdraft from public documents, newspapers, articles, observable land subsidence, reduction of groundwater elevations and published reports of such events.

(c) Dollie Kostopoulos, Joseph Scalmanini; Mark Wildermuth; William Lever; and Timothy Durbin

(d) All documents produced by the District in this case including, but not limited to, the Problem Statement and supporting documents produced by the Technical Committee dated June 26, 2008.
Response to Request for Admission No. 25:

(a) No.

(b) The District asserts that the Basin has experienced an extended and protracted overdraft for an unknown number of years, but possibly as early as 1925. The District believes that the overdraft condition has lasted for a period of more than five consecutive years preceding the filing of this action. The overdraft condition is the subject of expert witness study and/or testimony. For these reasons, the precise prescriptive period has not yet been determined, but an initial prescriptive period may have occurred as early as 1925-1929.

Pumping records indicate that the total groundwater extractions in the Basin have annually exceeded the safe yield of the Basin, causing substantial lowering of groundwater levels and associated depletion of groundwater from the aquifer storage. These pumping conditions have created a condition of overdraft. Records indicated that for several decades beginning in the 1940’s groundwater pumping was in the range of 150,000 afy to more than 350,000 afy. The production of groundwater from the Basin far exceeds the safe yield of the Basin as evidence by groundwater level decline, depleted groundwater storage and land subsidence.

Propounding parties and/or their predecessors-in-interest knew that the groundwater supply was in overdraft and propounding parties and/or their predecessor-in-interest knew that the District was using the groundwater for beneficial use by its customers for municipal, domestic and industrial uses. The District’s production of water has extended over a period of at least five consecutive years and during the five year period of overdraft. The District asserts that its production of groundwater from the Basin was adverse to any rights of the plaintiffs and/or their predecessors-in-interest, done under a claim of right, and the District distributed the water through a public waterworks system operated by the District. All of the District’s actions were open and obvious and a matter of public record. Furthermore, to carry out the public purpose of the District, the District has drilled, equipped and operated numerous wells to produce groundwater from the Basin. In addition to well construction, the District has constructed pumping plants, reservoirs and pipeline distribution systems. All of these activities have been open and obvious and a matter of public record.
The District believes that some of the plaintiffs’ properties lie within the boundaries of the Antelope Valley-East Kern Water Agency (“AVEK”), which has been charging or assessing its customers to pay for supplement water supply from the State Water Project since 1964. This puts the plaintiffs on notice that the Basin was in an overdraft condition. Furthermore, plaintiffs and/or their predecessors in interest should have been aware of the overdraft from public documents, newspapers, articles, observable land subsidence, reduction of groundwater elevations and published reports of such events.

(c) Joseph Scalmanini; Mark Wildermuth; William Lever; and Timothy Durbin

(d) All documents produced by the District in this case including, but not limited to, the Problem Statement and supporting documents produced by the Technical Committee dated June 26, 2008.

Response to Request for Admission No. 26:

(a) No.

(b) The District asserts that the Basin has experienced an extended and protracted overdraft for an unknown number of years, but possibly as early as 1925. The District believes that the overdraft condition has lasted for a period of more than five consecutive years preceding the filing of this action. The overdraft condition is the subject of expert witness study and/or testimony. For these reasons, the precise prescriptive period has not yet been determined, but an initial prescriptive period may have occurred as early as 1925-1929.

Pumping records indicate that the total groundwater extractions in the Basin have annually exceeded the safe yield of the Basin, causing substantial lowering of groundwater levels and associated depletion of groundwater from the aquifer storage. These pumping conditions have created a condition of overdraft. Records indicated that for several decades beginning in the 1940’s groundwater pumping was in the range of 150,000 afy to more than 350,000 afy. The production of groundwater from the Basin far exceeds the safe yield of the Basin as evidence by groundwater level decline, depleted groundwater storage and land subsidence.

Propounding parties and/or their predecessors-in-interest knew that the groundwater supply was in overdraft and propounding parties and/or their predecessor-in-interest knew that the District was using the groundwater for beneficial use by its customers for municipal, domestic and industrial uses. The
District’s production of water has extended over a period of at least five consecutive years and during the five year period of overdraft. The District asserts that its production of groundwater from the Basin was adverse to any rights of the plaintiffs and/or their predecessors-in-interest, done under a claim of right, and the District distributed the water through a public waterworks system operated by the District. All of the District’s actions were open and obvious and a matter of public record. Furthermore, to carry out the public purpose of the District, the District has drilled, equipped and operated numerous wells to produce groundwater from the Basin. In addition to well construction, the District has constructed pumping plants, reservoirs and pipeline distribution systems. All of these activities have been open and obvious and a matter of public record.

The District believes that some of the plaintiffs’ properties lie within the boundaries of the Antelope Valley-East Kern Water Agency (“AVEK”), which has been charging or assessing its customers to pay for supplement water supply from the State Water Project since 1964. This puts the plaintiffs on notice that the Basin was in an overdraft condition. Furthermore, plaintiffs and/or their predecessors in interest should have been aware of the overdraft from public documents, newspapers, articles, observable land subsidence, reduction of groundwater elevations and published reports of such events.

(c) Dollie Kostopoulos, Joseph Scalmanini; Mark Wildermuth; William Lever; and Timothy Durbin

(d) All documents produced by the District in this case including, but not limited to, the Problem Statement and supporting documents produced by the Technical Committee dated June 26, 2008.

Response to Request for Admission No. 27:

(a) No.

(b) The District asserts that the Basin has experienced an extended and protracted overdraft for an unknown number of years, but possibly as early as 1925. The District believes that the overdraft condition has lasted for a period of more than five consecutive years preceding the filing of this action. The overdraft condition is the subject of expert witness study and/or testimony. For these reasons, the precise prescriptive period has not yet been determined, but an initial prescriptive period may have occurred as early as 1925-1929.
Pumping records indicate that the total groundwater extractions in the Basin have annually exceeded the safe yield of the Basin, causing substantial lowering of groundwater levels and associated depletion of groundwater from the aquifer storage. These pumping conditions have created a condition of overdraft. Records indicated that for several decades beginning in the 1940’s groundwater pumping was in the range of 150,000 afy to more than 350,000 afy. The production of groundwater from the Basin far exceeds the safe yield of the Basin as evidence by groundwater level decline, depleted groundwater storage and land subsidence.

Propounding parties and/or their predecessors-in-interest knew that the groundwater supply was in overdraft and propounding parties and/or their predecessor-in-interest knew that the District was using the groundwater for beneficial use by its customers for municipal, domestic and industrial uses. The District’s production of water has extended over a period of at least five consecutive years and during the five year period of overdraft. The District asserts that its production of groundwater from the Basin was adverse to any rights of the plaintiffs and/or their predecessors-in-interest, done under a claim of right, and the District distributed the water through a public waterworks system operated by the District. All of the District’s actions were open and obvious and a matter of public record. Furthermore, to carry out the public purpose of the District, the District has drilled, equipped and operated numerous wells to produce groundwater from the Basin. In addition to well construction, the District has constructed pumping plants, reservoirs and pipeline distribution systems. All of these activities have been open and obvious and a matter of public record.

The District believes that some of the plaintiffs’ properties lie within the boundaries of the Antelope Valley-East Kern Water Agency (“AVEK”), which has been charging or assessing its customers to pay for supplement water supply from the State Water Project since 1964. This puts the plaintiffs on notice that the Basin was in an overdraft condition. Furthermore, plaintiffs and/or their predecessors in interest should have been aware of the overdraft from public documents, newspapers, articles, observable land subsidence, reduction of groundwater elevations and published reports of such events.

(c) Joseph Scalmanini; Mark Wildermuth; William Lever; and Timothy Durbin
(d) All documents produced by the District in this case including, but not limited to, the Problem Statement and supporting documents produced by the Technical Committee dated June 26, 2008.

Response to Request for Admission No. 28:

(a) No.

(b) The District asserts that the Basin has experienced an extended and protracted overdraft for an unknown number of years, but possibly as early as 1925. The District believes that the overdraft condition has lasted for a period of more than five consecutive years preceding the filing of this action. The overdraft condition is the subject of expert witness study and/or testimony. For these reasons, the precise prescriptive period has not yet been determined, but an initial prescriptive period may have occurred as early as 1925-1929.

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(c) Joseph Scalmanini; Mark Wildermuth; William Lever; and Timothy Durbin

(d) All documents produced by the District in this case including, but not limited to, the Problem Statement and supporting documents produced by the Technical Committee dated June 26, 2008.

Response to Request for Admission No. 29:

(a) No.

(b) The District asserts that the Basin has experienced an extended and protracted overdraft for an unknown number of years, but possibly as early as 1925. The District believes that the overdraft condition has lasted for a period of more than five consecutive years preceding the filing of this action. The overdraft condition is the subject of expert witness study and/or testimony. For these reasons, the precise prescriptive period has not yet been determined, but an initial prescriptive period may have occurred as early as 1925-1929.

Pumping records indicate that the total groundwater extractions in the Basin have annually exceeded the safe yield of the Basin, causing substantial lowering of groundwater levels and associated depletion of groundwater from the aquifer storage. These pumping conditions have created a condition of overdraft. Records indicated that for several decades beginning in the 1940’s groundwater pumping was in the range of 150,000 afy to more than 350,000 afy. The production of groundwater from the Basin far exceeds the safe yield of the Basin as evidence by groundwater level decline, depleted groundwater storage and land subsidence.
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overdraft and propounding parties and/or their predecessor-in-interest knew that the District was using the
groundwater for beneficial use by its customers for municipal, domestic and industrial uses. The
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land subsidence, reduction of groundwater elevations and published reports of such events.

(c) Joseph Scalmanini; Mark Wildermuth; William Lever; and Timothy Durbin
(d) All documents produced by the District in this case including, but not limited to, the Problem

Response to Request for Admission No. 30:

(a) No.

(b) The District asserts that the Basin has experienced an extended and protracted overdraft for
an unknown number of years, but possibly as early as 1925. The District believes that the overdraft
condition has lasted for a period of more than five consecutive years preceding the filing of this action.

The overdraft condition is the subject of expert witness study and/or testimony. For these reasons, the
precise prescriptive period has not yet been determined, but an initial prescriptive period may have
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land subsidence, reduction of groundwater elevations and published reports of such events.
(c) Dollie Kostopoulos, Joseph Scalmanini; Mark Wildermuth; William Lever; and Timothy Durbin

(d) All documents produced by the District in this case including, but not limited to, the Problem Statement and supporting documents produced by the Technical Committee dated June 26, 2008.

Response to Request for Admission No. 31:

(a) No.

(b) The District asserts that the Basin has experienced an extended and protracted overdraft for an unknown number of years, but possibly as early as 1925. The District believes that the overdraft condition has lasted for a period of more than five consecutive years preceding the filing of this action. The overdraft condition is the subject of expert witness study and/or testimony. For these reasons, the precise prescriptive period has not yet been determined, but an initial prescriptive period may have occurred as early as 1925-1929.

Pumping records indicate that the total groundwater extractions in the Basin have annually exceeded the safe yield of the Basin, causing substantial lowering of groundwater levels and associated depletion of groundwater from the aquifer storage. These pumping conditions have created a condition of overdraft. Records indicated that for several decades beginning in the 1940’s groundwater pumping was in the range of 150,000 afy to more than 350,000 afy. The production of groundwater from the Basin far exceeds the safe yield of the Basin as evidence by groundwater level decline, depleted groundwater storage and land subsidence.

Propounding parties and/or their predecessors-in-interest knew that the groundwater supply was in overdraft and propounding parties and/or their predecessor-in-interest knew that the District was using the groundwater for beneficial use by its customers for municipal, domestic and industrial uses. The District’s production of water has extended over a period of at least five consecutive years and during the five year period of overdraft. The District asserts that its production of groundwater from the Basin was adverse to any rights of the plaintiffs and/or their predecessors-in-interest, done under a claim of right, and the District distributed the water through a public waterworks system operated by the District. All of the District’s actions were open and obvious and a matter of public record. Furthermore, to carry out the
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land subsidence, reduction of groundwater elevations and published reports of such events.

(c) Dollie Kostopoulos, Joseph Scalmanini; Mark Wildermuth; William Lever; and Timothy
Durbin

(d) All documents produced by the District in this case including, but not limited to, the Problem

Response to Request for Admission No. 32:

(a) No.

(b) The District asserts that the Basin has experienced an extended and protracted overdraft for
an unknown number of years, but possibly as early as 1925. The District believes that the overdraft
condition has lasted for a period of more than five consecutive years preceding the filing of this action.
The overdraft condition is the subject of expert witness study and/or testimony. For these reasons, the
precise prescriptive period has not yet been determined, but an initial prescriptive period may have
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Pumping records indicate that the total groundwater extractions in the Basin have annually
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Propounding parties and/or their predecessors-in-interest knew that the groundwater supply was in
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(c) Dollie Kostopoulos, Joseph Scalmanini; Mark Wildermuth; William Lever; and Timothy
Durbin

(d) All documents produced by the District in this case including, but not limited to, the Problem

Response to Request for Admission No. 33:

(a) No.
(b) The District asserts that the Basin has experienced an extended and protracted overdraft for an unknown number of years, but possibly as early as 1925. The District believes that the overdraft condition has lasted for a period of more than five consecutive years preceding the filing of this action. The overdraft condition is the subject of expert witness study and/or testimony. For these reasons, the precise prescriptive period has not yet been determined, but an initial prescriptive period may have occurred as early as 1925-1929.

Pumping records indicate that the total groundwater extractions in the Basin have annually exceeded the safe yield of the Basin, causing substantial lowering of groundwater levels and associated depletion of groundwater from the aquifer storage. These pumping conditions have created a condition of overdraft. Records indicated that for several decades beginning in the 1940’s groundwater pumping was in the range of 150,000 afy to more than 350,000 afy. The production of groundwater from the Basin far exceeds the safe yield of the Basin as evidence by groundwater level decline, depleted groundwater storage and land subsidence.

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(c) Dollie Kostopoulos, Joseph Scalmanini; Mark Wildermuth; William Lever; and Timothy Durbin

(d) All documents produced by the District in this case including, but not limited to, the Problem Statement and supporting documents produced by the Technical Committee dated June 26, 2008.

Response to Request for Admission No. 34:

(a) No.

(b) The District asserts that the Basin has experienced an extended and protracted overdraft for an unknown number of years, but possibly as early as 1925. The District believes that the overdraft condition has lasted for a period of more than five consecutive years preceding the filing of this action. The overdraft condition is the subject of expert witness study and/or testimony. For these reasons, the precise prescriptive period has not yet been determined, but an initial prescriptive period may have occurred as early as 1925-1929.

Pumping records indicate that the total groundwater extractions in the Basin have annually exceeded the safe yield of the Basin, causing substantial lowering of groundwater levels and associated depletion of groundwater from the aquifer storage. These pumping conditions have created a condition of overdraft. Records indicated that for several decades beginning in the 1940’s groundwater pumping was in the range of 150,000 afy to more than 350,000 afy. The production of groundwater from the Basin far exceeds the safe yield of the Basin as evidence by groundwater level decline, depleted groundwater storage and land subsidence.

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NEWD’S RESPONSES TO OLL/MWC’S FIRST SET OF FORM INTERROGATORIES
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land subsidence, reduction of groundwater elevations and published reports of such events.

(c) Joseph Scalmanini; Mark Wildermuth; William Lever; and Timothy Durbin
(d) All documents produced by the District in this case including, but not limited to, the Problem

Response to Request for Admission No. 35:

(a) No.
(b) The District asserts that the Basin has experienced an extended and protracted overdraft for
an unknown number of years, but possibly as early as 1925. The District believes that the overdraft
condition has lasted for a period of more than five consecutive years preceding the filing of this action.
The overdraft condition is the subject of expert witness study and/or testimony. For these reasons, the
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NEWD’S RESPONSES TO OLL/MWC’S FIRST SET OF FORM INTERROGATORIES
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(c) Joseph Scalmanini; Mark Wildermuth; William Lever; and Timothy Durbin

(d) All documents produced by the District in this case including, but not limited to, the Problem Statement and supporting documents produced by the Technical Committee dated June 26, 2008.

Response to Request for Admission No. 35:
(a) No.

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(c) Joseph Scelmanini; Mark Wildermuth; William Lever; and Timothy Durbin

(d) All documents produced by the District in this case including, but not limited to, the Problem Statement and supporting documents produced by the Technical Committee dated June 26, 2008.

Response to Request for Admission Nos. 36 - 143:

Responding Party objects to these requests because it exceeds the statutory number permitted for such requests and has not been accompanied by a declaration of necessity. (Code of Civil Procedure § 2033.030(b).) Accordingly, pursuant to the Code of Civil Procedure, Responding Party has responded to the first 35 requests and will not respond to any further requests.

DATED: June 9, 2009

LEMIEUX & O’NEILL

/s/

By: ________________________________

W. KEITH LEMIEUX
Attorneys for NORTH EDWARDS
PROOF OF SERVICE

STATE OF CALIFORNIA, )
 ) ss.
COUNTY OF VENTURA )

I am employed in the County of Ventura, State of California. I am over the age of 18 and not a party to the within action. My business address is 2393 Townsgate Road, Suite 201, Westlake Village, California 91361.

On June 9, 2009, I posted the following document(s) to the website http://www.sce filing.org, a dedicated link to the Antelope Valley Groundwater Cases:

NORTH EDWARDS WATER DISTRICT’S RESPONSES TO OVERLYING LANDOWNERS’ AND MUTUAL WATER COMPANIES’ UNIFORM FORM INTERROGATORIES, SET ONE

I declare under penalty of perjury under the laws of the United State of America that the above is true and correct.

Executed on June 9, 2009, in Westlake Village, California.

/s/

KATHI MIERS
<table>
<thead>
<tr>
<th>Service List</th>
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<tr>
<td>Antelope Valley Groundwater Cases: Case No. 1: 05-CV-049053</td>
</tr>
<tr>
<td>Eduardo Angeles, Esq.</td>
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<tr>
<td>William Brunick, Esq.</td>
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<tr>
<td>Thomas Bunn, Esq.</td>
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<tr>
<td>Marvin G. Burns, Esq.</td>
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<td>Edward J. Casey, Esq.</td>
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<td>Julie A. Conboy, Deputy City Attorney</td>
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<td>Wm. Matthew Ditzhazy, Esq.</td>
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Stephanie Osler Hastings
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R&M Ranch, Inc., Forrest G. Godde and Steve
Godde, Gailen Kyle on behalf of Kyle & Kyle
Ranch, Inc., and John Calandri on behalf of
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the Antelope Valley Groundwater Association
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Tel: 805/963-7000
Fax: 805/965-4333
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Tel: 661/325-8962

NEWD’S RESPONSES TO OLL/MWC’S FIRST SET OF FORM INTERROGATORIES
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