

HATCH AND PARENT
21 East Carrillo Street
Santa Barbara, CA 93101

1 **MICHAEL T. FIFE (State Bar No. 203025)**
2 **BRADLEY J. HERREMA (State Bar No. 228976)**
3 **HATCH & PARENT, A LAW CORPORATION**
4 **21 East Carrillo Street**
5 **Santa Barbara, CA 93101**
6 **Telephone No: (805) 963-7000**
7 **Facsimile No: (805) 965-4333**

8 **Attorneys for:** B.J. Calandri, John Calandri, John Calandri as Trustee of the John and B.J. Calandri
9 2001 Trust, Forrest G. Godde, Forrest G. Godde as Trustee of the Forrest G. Godde Trust, Lawrence
10 A. Godde, Lawrence A. Godde and Godde Trust, Kootenai Properties, Inc., Gailen Kyle, Gailen
11 Kyle as Trustee of the Kyle Trust, James W. Kyle, James W. Kyle as Trustee of the Kyle Family
12 Trust, Julia Kyle, Wanda E. Kyle, Eugene B. Nebeker, R and M Ranch, Edgar C. Ritter, Paula E.
13 Ritter, Paula E. Ritter as Trustee of the Ritter Family Trust, Trust, , Hines Family Trust , Malloy
14 Family Partners, Consolidated Rock Products, Calmat Land Company, Marygrace H. Santoro as
15 Trustee for the Marygrace H. Santoro Rev Trust, Marygrace H. Santoro, Helen Stathatos, Savas
16 Stathatos, Savas Stathatos as Trustee for the Stathatos Family Trust, Dennis L. & Majorie E. Groven
17 Trust, Scott S. & Kay B. Harter, Habod Javadi, Eugene V., Beverly A., & Paul S. Kindig, Paul S. &
18 Sharon R. Kindig, Jose Maritorena Living Trust, Richard H. Miner, Jeffrey L. & Nancee J. Siebert,
19 **collectively known as the Antelope Valley Ground Water Agreement Association (“AGWA”)**¹

12
13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **FOR THE COUNTY OF SANTA CLARA**

15 **ANTELOPE VALLEY**)
16 **GROUNDWATER CASES**)
17 Included Actions:)
18 Los Angeles County Waterworks District No.)
19 40 v. Diamond Farming Co. Superior Court of)
20 California County of Los Angeles, Case No. BC)
21 325 201 Los Angeles County Waterworks)
22 District No. 40 v. Diamond Farming Co.)
23 Superior Court of California, County of Kern,)
24 Case No. S-1500-CV-254-348 Wm. Bolthouse)
25 Farms, Inc. v. City of Lancaster Diamond)
26 Farming Co. v. City of Lancaster Diamond)
27 Farming Co. v. Palmdale Water Dist. Superior)
28 Court of California, County of Riverside,)
consolidated actions, Case No. RIC 353 840,)
RIC 344 436, RIC 344 668)

Judicial Council Coordination Proceeding No. 4408
Santa Clara Case No. 1-05-CV-049053
Assigned to The Honorable Jack Komar
RESPONSE TO MOTION BY TEJON RANCHCORP FOR PROTECTIVE ORDER RE: DISCLOSURE AND CONFIDENTIALITY OF WELL DATA AND OTHER PRIVATE INFORMATION

Date: December 15, 2006
Time: 9:00 A.M.
Dept: 1

///

1 In its response letter to Mr. Weinstock dated November 2, 2006 (attached as Exhibit 2 to
2 Tejon Ranchcorp's Motion), the State of California succinctly stated the issue before the Court:

3 " . . . releasing all the well reports for the entire Antelope Valley would involve the disclosure
4 of proprietary information of many persons who are not parties to the litigation and who have not
5 given their consent. Under the statute, those parties have the right to consent, or not to consent, to the
6 disclosure of their information to entities other than those specified in the statute."

7 (November 2, 2006 Letter, p.2.)

8 In that same letter, the State gave an accounting of the parties which have received such
9 information to date. (November 2, 2006 Letter, pp. 3-4.) These parties include the United States
10 Geological Survey ("USGS"), the Palmdale Water District, and the Boron Community Services
11 District. The USGS received the information in order to update its groundwater flow model. The
12 Palmdale Water District received the information for use in connection with its recycled water
13 recharge project. According to the State of California, no party has received this information for use
14 in this litigation. Such a use would therefore be a violation of Water Code § 13752.

15 The State of California has expressed the position that the disclosure of the well reports or
16 the purpose of the litigation is not authorized by Water Code § 13752. The Court should defer to the
17 interpretation given to this statute by the Department of Water Resources. Courts have long
18 recognized that the construction of a statute by officials charged with its administration, including
19 their interpretation of the authority invested in them to implement and carry out its provisions, is
20 entitled to great weight. (*Coca-Cola Co. v. State Bd. of Equalization* (1945) 25 Cal.2d 918; *Yamaha*
21 *Corp of America v. State Bd. of Equalization* (1998) 19 Cal.4th 1.)

22 Such deference is especially appropriate since the issue raised by Tejon Ranchcorp's Motion
23 has a simple and direct solution: when landowner parties are brought in to the litigation, their well
24 completion reports may be obtained through the normal discovery process.

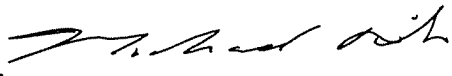
25 The current motion and all of the legal issues associated with it have been raised solely out of
26 a desire to obtain information without the input of the landowners against whom that information
27 will be used. The existing parties to this litigation have consistently sought to avoid involving the
28

1 landowners and have sought to advance the litigation as far as possible prior to pursuing such
2 involvement.

3 The Court should deny Tejon Ranchcorp's motion because any party desiring well
4 completion reports from landowners may utilize the simple expedient of obtaining such reports
5 through the normal discovery process. If the Court is not willing to deny the motion, then it should at
6 least defer ruling until the landowners as a whole have been named and served so that they may have
7 notice of the issue and an opportunity to be heard.

11 Dated: December 1, 2006

HATCH & PARENT, A LAW CORPORATION

13 By: 
14 MICHAEL T. FIFE
15 BRADLEY J. HERREMA
16 ATTORNEYS FOR AGWA

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 SANTA BARBARA**

I am employed in the County of Santa Barbara, State of California. I am over the age of 18 and not a party to the within action; my business address is: 21 E. Carrillo Street, Santa Barbara, California 93101.

On December 1, 2006, I served the foregoing document described as:

**RESPONSE TO MOTION BY TEJON RANCHCORP AND OTHER PARTIES FOR
PROTECTIVE ORDER RE: DISCLOSURE AND CONFIDENTIALITY OF WELL DATA
AND OTHER PRIVATE INFORMATION**

on the interested parties in this action.

By posting it on the website to the party's e-mail address listed on the attached service list at 2:00 p.m./a.m. on December 1, 2006. This electronic transmission was reported as complete and without error.

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

Executed at Santa Barbara, California, on December 1, 2006.

Rachel ROBLEDO Rachel Robledo
TYPE OR PRINT NAME SIGNATURE