

From: [Richard Zimmer](#)
To: [Leininger, Lee \(ENRD\)](#); [Tom Bunn](#); [mfife@hatchparent.com](#); [Lynda.Kocis@bbklaw.com](#); [jeffrey.dunn@bbklaw.com](#); [Eric.Garner@bbklaw.com](#); [hweinstock@nossaman.com](#); [wayne@lemieux-oneill.com](#); [virginia.cahill@doj.ca.gov](#); [jtootle@calwater.com](#); [cms@eslawfirm.com](#); [jgoldsmith@kmtg.com](#); [enebeker@adelphia.net](#); [michael.davis@greshamsavage.com](#); [claud.brown@edwards.af.mil](#); [sorr@rwglaw.com](#); [dale.murad@pentagon.af.mil](#); [bjoyce@lebeauthelen.com](#); [bbrunick@bbmblaw.com](#); [skennedy@bbmblaw.com](#); [scott@lemeiux-oneill.com](#); [skuney@youngwooldridge.com](#); [jyu@sycr.com](#); [William Sloan \(E-mail\)](#);
CC: [Joe Scalmanini](#); [Jess Senecal](#); [Tetreault, Judy \(ENRD\)](#);
Subject: RE: AV Amended boundary order
Date: Thursday, January 11, 2007 7:35:21 PM
Attachments:

I agree with Lee's concerns. Additionally, I am not sure it is appropriate to include superfluous findings with reference to the AOA. As Lee suggests, the current AOA is only a general area being used for purposes of bringing parties into the action. The AOA can and should be tweaked as necessary to expand or contract the area depending on further hydrological analysis.

From: Leininger, Lee (ENRD) [mailto:Lee.Leininger@usdoj.gov]
Sent: Thursday, January 11, 2007 11:29 AM
To: Tom Bunn; [mfife@hatchparent.com](#); [Lynda.Kocis@bbklaw.com](#); [jeffrey.dunn@bbklaw.com](#); [Eric.Garner@bbklaw.com](#); [hweinstock@nossaman.com](#); [wayne@lemieux-oneill.com](#); [virginia.cahill@doj.ca.gov](#); [jtootle@calwater.com](#); [cms@eslawfirm.com](#); [jgoldsmith@kmtg.com](#); [enebeker@adelphia.net](#); Richard Zimmer; [michael.davis@greshamsavage.com](#); [claud.brown@edwards.af.mil](#); [sorr@rwglaw.com](#); [dale.murad@pentagon.af.mil](#); [bjoyce@lebeauthelen.com](#); [bbrunick@bbmblaw.com](#); [skennedy@bbmblaw.com](#); [scott@lemeiux-oneill.com](#); [skuney@youngwooldridge.com](#); [jyu@sycr.com](#); William Sloan (E-mail)
Cc: Joe Scalmanini; Jess Senecal; Tetreault, Judy (ENRD)
Subject: RE: AV Amended boundary order

Tom - I apologize for being a day late in responding. I have a few suggested changes to the proposed filings. On your document titled, *Jurisdictional Boundary Description Antelope Valley Groundwater Adjudication*, I suggest striking the last two sentences in the first paragraph, i.e., "Thus, that alluvium is neither significantly productive nor conductive of significant groundwater flow into the main valley. Those two locations are at the mouth of Soledad Canyon and the mouth of Leona Valley." Judge Komar's *Order After Hearing on Jurisdictional Boundaries* does not make specific findings as to groundwater contributions to the main Antelope Valley basin from adjacent valleys. Instead, he concludes that flow from unspecified adjacent valleys may impact the AV aquifer, but states that the "evidence presently before the court" indicates that such flow is nominal. *Id.* at 4. He leaves open the possibility that additional evidence "as the litigation of this case progresses" may establish connections, or exclusions.

I think this point needs to be maintained in the proposed amended order, too. I suggest we insert "generally" in the sentence describing the Court's reliance on DWR Bulletin 118-2003, e.g., "The court concludes that **generally** the alluvial basin as described in California Department of Water Resources Bulletin 118-2003 should be the basic jurisdictional boundary for purposes of the litigation." I also suggest we do not alter the sentence at the beginning of the next paragraph, i.e., do not substitute "the North Muroc area and the Leona Valley" for the judge's description that "[i]n addition to the alluvial basin, the adjacent valleys also" Again, I do not think he was making specific recommendations with regard to which adjacent valleys may or may not have impact on the AV aquifer.

Regarding the map, we have only one suggested change to the boundary. Your map excludes an area within Edwards AFB in township T10N, R07W that DWR has mapped as containing valley alluvium. We would like to see this area included.

Thank you for your attention to this matter. Lee Leininger

From: Tom Bunn [mailto:TomBunn@lagerlof.com]

Sent: Wednesday, December 20, 2006 1:05 PM

To: Leininger, Lee (ENRD); mfife@hatchparent.com; Lynda.Kocis@bbklaw.com; jeffrey.dunn@bbklaw.com; Eric.Garner@bbklaw.com; hweinstock@nossaman.com; wayne@lemieux-oneill.com; virginia.cahill@doj.ca.gov; jtootle@calwater.com; cms@eslawfirm.com; jgoldsmith@kmtg.com; enebeker@adelphia.net; rzimmer@clifford-brownlaw.com; michael.davis@greshamsavage.com; claude.brown@edwards.af.mil; sorr@rwglaw.com; dale.murad@pentagon.af.mil; bjoyce@lebeauthelen.com; bbrunick@bbmblaw.com; skennedy@bbmblaw.com; scott@lemeiux-oneill.com; skuney@youngwooldridge.com; jyu@sycr.com; William Sloan (E-mail)

Cc: Joe Scalmanini; Jess Senecal

Subject: AV Amended boundary order

Counsel,

Attached are a proposed amended order on jurisdictional boundaries (in blackline format), together with a map and verbal description prepared by Mr. Scalmanini. It is our intention to reflect the comments made by the court at the hearing on December 15.

As far as evidentiary support for the mapping, we believe that what's mapped is exactly consistent with the mapping that Durbin used in testimony (Exhibit 5); it is also exactly consistent with what Scalmanini used (Exhibits 17 & 18), with the obvious exception of the northern boundary on the west side (extending the "basin" beyond the Cottonwood, Willow Springs/Rosamond Fault to the boundary in Bulletin 118). As to the DWR boundary in that northwesterly area, i.e. that part of the Bulletin 118 boundary, it was included in Pierotti Exhibit 52 and discussed at great length in testimony by Durbin and Pierotti. It was also reflected in USA Exhibits 75 and 76. So there appears to be more than sufficient evidentiary support.

Please give me any objections by January 10, 2007, with a copy to all counsel. We will try to resolve objections informally. We will then file the documents with the court. If there are any remaining disputes that cannot be resolved among counsel, you can file a formal objection at that time, for resolution at a court hearing scheduled for February 14.

Happy holidays to all.

Thomas S. Bunn III
Lagerlof, Senecal, Gosney & Kruse
tel. (626) 793-9400 fax (626) 793-5900
TomBunn@lagerlof.com
www.lagerlof.com

From: Tom Bunn
To: ["Weinstock, Henry S.";](#)
CC:
Subject: RE: AV boundary order -- Tejon Ranch comments
Date: Thursday, January 11, 2007 5:45:00 PM
Attachments:

Henry,

Yes, we'll just agree to disagree. I will submit your comments to the court. At this point, we are working to resolve Lee's suggestions, so that will be several days from now.

Tom

From: Weinstock, Henry S. [mailto:HWeinstock@Nossaman.com]
Sent: Thursday, January 11, 2007 5:41 PM
To: Tom Bunn
Cc: Fudacz, Fred A.
Subject: AV boundary order -- Tejon Ranch comments

Tom

A map is a model depicting those parts of reality that are deemed important. To depict Judge Komar's boundary rulings, you need only take Bulletin 118 and delete a few bits. But you have added lots more information, including much unnecessary information, by adding a base map that you/Joe selected. Fine. We just want the map to include very important geological & topographical information -- the major faults and the Little Buttes -- information that the parties and court will need to address in this case to resolve a variety of issues.

But I'm afraid we are repeating ourselves. If there is any hope that you will include this additional information, please let us know. If not, please include our e-mails in your court submission and we will discuss it with Judge Komar at the next opportunity.

Thanks for your responses. Henry

From: Tom Bunn [mailto:TomBunn@lagerlof.com]

Sent: Thursday, January 11, 2007 5:12 PM
To: Weinstock, Henry S.
Cc: Fudacz, Fred A.
Subject: RE: AV boundary order -- Tejon Ranch comments

We chose a topographic/political base map instead of a geological map so that people could locate the boundary. The only reason that Joe drew a line around some of the buttes is that Bulletin 118 does so, and Judge Komar's boundary is Bulletin 118's with some modifications.

From: Weinstock, Henry S. [mailto:HWeinstock@Nossaman.com]
Sent: Thursday, January 11, 2007 5:01 PM
To: Tom Bunn
Cc: Fudacz, Fred A.
Subject: AV boundary order -- Tejon Ranch comments

Maybe my response was insufficient. Buttes are not part of the groundwater basin and are so marked (in red) on your proposed map and other basin maps. But your map omits the Little Buttes without any explanation or justification. Also, why choose a base map that omits the faults?
Henry

From: Tom Bunn [mailto:TomBunn@lagerlof.com]
Sent: Thursday, January 11, 2007 4:22 PM
To: Weinstock, Henry S.
Subject: RE: AV boundary order -- Tejon Ranch comments

Maybe my reason was not clear. The only thing we are adding to the base map is the boundary; nothing else.

From: Weinstock, Henry S. [mailto:HWeinstock@Nossaman.com]
Sent: Thursday, January 11, 2007 4:20 PM
To: Tom Bunn
Cc: Jess Senecal; Joe Scalmanini; Fudacz, Fred A.
Subject: AV boundary order -- Tejon Ranch comments

Tom
You did not state any reason for omitting the Little Buttes, which is also a

topographic feature. But if your decision is final, please include in your court submission my 2 e-mails (January 2 & 8) copied below.
Thanks. Henry

From: Weinstock, Henry S. [mailto:HWeinstock@Nossaman.com]
Sent: Monday, January 08, 2007 9:26 AM
To: Tom Bunn
Cc: Fudacz, Fred A.
Subject: AV -- Amended Boundary Map & Order -- Tejon Ranch comments
Tom

The Little Buttes is/are a topographic feature north of the Antelope Buttes, which is/are marked on the proposed map. Also, the proposed map is full of political boundaries, street names, cities, and other non-topographic information that is less important and useful, for purposes of a groundwater adjudication, than major faults.
Henry

From: Tom Bunn [mailto:TomBunn@lagerlof.com]
Sent: Saturday, January 06, 2007 6:51 PM
To: Weinstock, Henry S.
Subject: RE: AV -- Amended Boundary Map & Order -- Tejon Ranch comments

Henry,

While I agree that certain geologic features would be useful, the point of the map was to show the location of the boundary in relation to topographic features. For that reason, a topographic base map was used, not a geologic map. I am wary of putting anything else onto this map besides the boundary. However, I am waiting to see what other comments come in before the 10th.

I also agree that the last two paragraphs of the order are moot; however, I would rather leave it to the judge whether he wants to take them out.

Tom

-----Original Message-----

From: Weinstock, Henry S. [mailto:HWeinstock@Nossaman.com]
Sent: Fri 1/5/2007 6:22 PM

To: Tom Bunn

Subject: FW: AV -- Amended Boundary Map & Order -- Tejon Ranch comments

Ok?

From: Weinstock, Henry S.

Sent: Tuesday, January 02, 2007 4:28 PM

To: 'Tom Bunn'; Lee.Leininger@usdoj.gov; mfife@hatchparent.com;
Lynda.Kocis@bbklaw.com; jeffrey.dunn@bbklaw.com; Eric.Garner@bbklaw.com;
wayne@lemieux-oneill.com; virginia.cahill@doj.ca.gov;
jtootle@calwater.com; cms@eslawfirm.com; jgoldsmith@kmtg.com;
enebeker@adelphia.net; rzimmer@clifford-brownlaw.com;
michael.davis@greshamsavage.com; claude.brown@edwards.af.mil;
sorr@rwglaw.com; dale.murad@pentagon.af.mil; bjoyce@lebeauthelen.com;
bbrunick@bbmblaw.com; skennedy@bbmblaw.com; scott@lemeiux-oneill.com;
skuney@youngwooldridge.com; jyu@sycr.com; William Sloan (E-mail)

Cc: Fudacz, Fred A.; Joe Scalmanini; Jess Senecal

Subject: AV -- Amended Boundary Map & Order -- Tejon Ranch comments

Tom

Thanks for putting this map and proposed order together. We have no objections to the proposed outer boundary, but we request that the map internally include 2 important geological features: (1) the major faults (Neenach, Randsburg-Mojave, etc.), and (2) the Little Buttes (north of the Antelope Buttes). These features have historically been included in practically all of the maps prepared by the USGS and other researchers. Also, the Proposed Order is fine, except that last two paragraphs of it are now superfluous.

Please let us know if these minor amendments are acceptable to you.

Henry Weinstock
Nossaman, Guthner, Knox & Elliott, LLP
445 S. Figueroa St. 31st floor
LA CA 90071-1602
Phone: 213-612-7839

From: Tom Bunn [mailto:TomBunn@lagerlof.com]
Sent: Thursday, January 11, 2007 1:28 PM
To: Weinstock, Henry S.
Cc: Jess Senecal; Joe Scalmanini
Subject: AV boundary order

Henry,

After reviewing the comments on the proposed order and map, I am going to stick with my position and submit the map without the geologic features you suggested, for the reasons stated in my prior correspondence.

Rule 3.1312(b), Cal. Rules of Court (new numbering) requires me to submit to the court a summary of responses I received on the draft order. Do you want me to submit your e-mail? Or only submit it if I can't get Bob to withdraw his objection?

Let me know ...

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tel. (626) 793-9400 fax (626) 793-5900
TomBunn@lagerlof.com
www.lagerlof.com

From: [Donna Luis](#)
To: [Tom Bunn](#);
CC: [Jess Senecal](#); scott@lemieux-oneill.com; [Michael Davis@greshamsavage.com](#);
Subject: FW: AV Amended boundary order
Date: Thursday, January 11, 2007 3:54:04 PM
Attachments:

From: Donna Luis
Sent: Thursday, January 11, 2007 3:43 PM
To: Tom Bunn
Cc: Tetreault, Judy (ENRD); 'Leininger, Lee (ENRD)'; mfife@hatchparent.com; Lynda.Kocis@bbklaw.com; jeffrey.dunn@bbklaw.com; Eric.Garner@bbklaw.com; hweinstock@nossaman.com; wayne@lemieux-oneill.com; virginia.cahill@doj.ca.gov; jtootle@calwater.com; cms@eslawfirm.com; jgoldsmith@kmtg.com; enebeker@adelphia.net; rzimmer@clifford-brownlaw.com; michael.davis@greshamsavage.com; claude.brown@edwards.af.mil; sorr@rwglaw.com; dale.murad@pentagon.af.mil; Bob Joyce; bbrunick@bbmblaw.com; skennedy@bbmblaw.com; scott@lemeiux-oneill.com; skuney@youngwooldridge.com; jyu@sycr.com; William Sloan (E-mail); Jess Senecal; Joe Scalmanini
Subject: RE: AV Amended boundary order

Please be advised that I am in receipt of your e-mail and Mr. Leininger's e-mail, and I concur with Mr. Leininger's position. Thank you.

Bob H. Joyce

From: Tom Bunn
To: bjoyce@lebeauthelen.com;
CC: [Jess Senecal](#); "Joe Scalmanini";
Subject: RE: AV Amended Boundary Order
Date: Thursday, January 11, 2007 1:14:00 PM
Attachments:

Bob,

I do remember your suggestion of a more detailed map, but that was not what I offered to provide the court.

10:36 12 MR. BUNN: Your Honor, I can certainly -- at the risk
13 of prolonging this even further, I can certainly submit a
14 map along with my proposed revised order. I cannot do it
15 in the level of detail that I'm hearing suggested, that
16 individual sections be shown in or out, but I can --
17 Mr. Skulinini can prepare a map. With my understanding of
18 what the Court's ordering today, it will be on the same
19 kind of scale as the maps that we've had before.

10:36 20 THE COURT: Prepare that and that will be our
21 beginning. (Page 104)

I also disagree with your recollection that the judge only ordered the exclusion of the area requested in the USA's motion.

10:31 14 THE COURT: It seems I can understand the difficulty
15 of which you're having here. It was the Court's intent to
16 exclude the north Muroc area of the north eastern boundary
17 of the basin and the Leona Valley. (Page 97)

...

10:32 9 At this point I want to exclude it subject to
10 further evidence. So if you want to prepare a modification
11 to the --

10:33 12 MR. BUNN: I would be glad to, your Honor. (Page 99)

I would ask that you withdraw your objection, to avoid an unnecessary hearing. If I do not hear from you, I will submit the proposed order along with your objection, pursuant to Rule 3.1312(b), Cal. Rules of Court (new numbering).

Tom

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TomBunn@lagerlof.com
www.lagerlof.com

From: Donna Luis [mailto:dluis@lebeauthelen.com]
Sent: Wednesday, January 10, 2007 10:30 AM
To: Tom Bunn
Cc: Jess Senecal; scott@lemieux-oneill.com; Michael.Davis@greshamsavage.com
Subject: FW: AV Amended Boundary Order

From: Donna Luis
Sent: Wednesday, January 10, 2007 10:00 AM
To: 'Tom Bunn'
Cc: Lee.Leininger@usdoj.gov; mfife@hatchparent.com; Lynda.Kocis@bbklaw.com; jeffrey.dunn@bbklaw.com; Eric.Garner@bbklaw.com; hweinstock@nossaman.com; wayne@lemieux-oneill.com; virginia.cahill@doj.ca.gov; jtootle@calwater.com; cms@eslawfirm.com; jgoldsmith@kmtg.com; enebeker@adelphia.net; rzimmer@clifford-brownlaw.com; michael.davis@greshamsavage.com; claude.brown@edwards.af.mil; sorr@rwglaw.com; dale.murad@pentagon.af.mil; bbrunick@bbmblaw.com; skennedy@bbmblaw.com; scott@lemeiux-oneill.com; skuney@youngwooldridge.com; jyu@sycr.com; William Sloan (E-mail); Jess Senecal; Joe Scalmanini
Subject: RE: AV Amended Boundary Order

Dear Mr.Bunn:

In response to your e-mail of December 20, 2006, re Amended Boundary Order, please note, and I am sure you will recall, at the hearing I suggested that a map be used which showed township and range as well as section lines so as to facilitate an identification of those sections wherein the boundary line bisected townships and sections within townships. It is my understanding that Judge Komar, at the hearing, likewise concurred that the use of a map depicting that information be provided. I would direct your attention to page 39 and 40 of the transcript of the hearing before Judge Komar.

Additionally, I note that the proposed map proffered by you with your e-mail is not consistent with Exhibit 3 to the Federal Government's Motion. Likewise, your proposed verbal description provided by Mr. Scalmanini is inconsistent with the Bulletin 118 Jurisdictional Boundary as modified by the Court's Order, in that Mr. Scalmanini's verbal description appears to excise an included portion of the Leona Valley. You will note upon a review of the transcript, that the only modification ordered by Judge Komar was the exclusion of the one area as noted by comparing the area excluded as reflected by comparing Exhibit 1 and Exhibit 3 to the U.S. Government's Motion. Any modifications beyond that singular modification as reflected by Judge Komar's Order at the time of the hearing is objected to.

If you have any questions or wish to further discuss, please advise.

Very truly yours,

Bob H. Joyce
BHJ:dml

From: [Leininger, Lee \(ENRD\)](#)

To: [Tom Bunn; mfife@hatchparent.com; Lynda.Kocis@bbklaw.com; jeffrey.dunn@bbklaw.com; Eric.Garner@bbklaw.com; hweinstock@nossaman.com; wayne@lemieux-oneill.com; virginia.cahill@doj.ca.gov; jtootle@calwater.com; cms@eslawfirm.com; jgoldsmith@kmtg.com; enebeker@adelphia.net; rzimmer@clifford-brownlaw.com; michael.davis@greshamsavage.com; claude.brown@edwards.af.mil; sorr@rwglaw.com; dale.murad@pentagon.af.mil; bjoyce@lebeauthelen.com; bbrunick@bbmblaw.com; skennedy@bbmblaw.com; scott@lemeiux-oneill.com; skuney@youngwooldridge.com; jyu@sycr.com; William Sloan \(E-mail\);](#)

CC: [Joe Scalmanini; Jess Senecal; Tetreault, Judy \(ENRD\);](#)

Subject: RE: AV Amended boundary order

Date: Thursday, January 11, 2007 11:31:52 AM

Attachments:

Tom - I apologize for being a day late in responding. I have a few suggested changes to the proposed filings. On your document titled, *Jurisdictional Boundary Description Antelope Valley Groundwater Adjudication*, I suggest striking the last two sentences in the first paragraph, i.e., "Thus, that alluvium is neither significantly productive nor conductive of significant groundwater flow into the main valley. Those two locations are at the mouth of Soledad Canyon and the mouth of Leona Valley." Judge Komar's *Order After Hearing on Jurisdictional Boundaries* does not make specific findings as to groundwater contributions to the main Antelope Valley basin from adjacent valleys. Instead, he concludes that flow from unspecified adjacent valleys may impact the AV aquifer, but states that the "evidence presently before the court" indicates that such flow is nominal. *Id.* at 4. He leaves open the possibility that additional evidence "as the litigation of this case progresses" may establish connections, or exclusions.

I think this point needs to be maintained in the proposed amended order, too. I suggest we insert "generally" in the sentence describing the Court's reliance on

DWR Bulletin 118-2003, e.g., "The court concludes that **generally** the alluvial basin as described in California Department of Water Resources Bulletin 118-2003 should be the basic jurisdictional boundary for purposes of the litigation." I also suggest we do not alter the sentence at the beginning of the next paragraph, i. e., do not substitute "the North Muroc area and the Leona Valley" for the judge's description that "[i]n addition to the alluvial basin, the adjacent valleys also" Again, I do not think he was making specific recommendations with regard to which adjacent valleys may or may not have impact on the AV aquifer.

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Thank you for your attention to this matter. Lee Leininger

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Sent: Wednesday, December 20, 2006 1:05 PM
To: Leininger, Lee (ENRD); mfife@hatchparent.com; Lynda.Kocis@bbklaw.com; jeffrey.dunn@bbklaw.com; Eric.Garner@bbklaw.com; hweinstock@nossaman.com; wayne@lemieux-oneill.com; virginia.cahill@doj.ca.gov; jtootle@calwater.com; cms@eslawfirm.com; jgoldsmith@kmtg.com; enebeker@adelphia.net; rzimmer@clifford-brownlaw.com; michael.davis@greshamsavage.com; claude.brown@edwards.af.mil; sorr@rwglaw.com; dale.murad@pentagon.af.mil; bjoyce@lebeauthelen.com; bbrunick@bbmblaw.com; skennedy@bbmblaw.com; scott@lemeiux-oneill.com; skuney@youngwooldridge.com; jyu@sycr.com; William Sloan (E-mail)
Cc: Joe Scalmanini; Jess Senecal
Subject: AV Amended boundary order

Counsel,

Attached are a proposed amended order on jurisdictional boundaries (in blackline format), together with a map and verbal description prepared by Mr. Scalmanini. It is our intention to reflect the comments made by the court at the hearing on December 15.

As far as evidentiary support for the mapping, we believe that what's mapped is

exactly consistent with the mapping that Durbin used in testimony (Exhibit 5); it is also exactly consistent with what Scalmanini used (Exhibits 17 & 18), with the obvious exception of the northern boundary on the west side (extending the "basin" beyond the Cottonwood, Willow Springs/Rosamond Fault to the boundary in Bulletin 118). As to the DWR boundary in that northwesterly area, i.e. that part of the Bulletin 118 boundary, it was included in Pierotti Exhibit 52 and discussed at great length in testimony by Durbin and Pierotti. It was also reflected in USA Exhibits 75 and 76. So there appears to be more than sufficient evidentiary support.

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Happy holidays to all.

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From: [Sloan, William M.](#)
To: [Tom Bunn](#); Lee.Leininger@usdoj.gov; mfife@hatchparent.com; [Lynda.Kocis@bbklaw.com](#); jeffrey.dunn@bbklaw.com; Eric.Garner@bbklaw.com; hweinstock@nossaman.com; wayne@lemieux-oneill.com; virginia.cahill@doj.ca.gov; jtootle@calwater.com; cms@eslawfirm.com; jgoldsmith@kmtg.com; enebeker@adelphia.net; rzimmer@clifford-brownlaw.com; michael.davis@greshamsavage.com; claude.brown@edwards.af.mil; sorr@rwglaw.com; dale.murad@pentagon.af.mil; bjoyce@lebeauthelen.com; bbrunick@bbmblaw.com; skennedy@bbmblaw.com; scott@lemeiux-oneill.com; skuney@youngwooldridge.com; jyu@sycr.com;
CC: [Joe Scalmanini](#); [Jess Senecal](#);
Subject: RE: AV Amended boundary order
Date: Wednesday, January 10, 2007 11:31:20 AM
Attachments:

[U.S. Borax requests that you please revise the redline "Amended Order After Hearing" at page 4, line 11, to read "A portion of the North Muroc area..." Thank you.](#)

William M. Sloan
Morrison & Foerster
425 Market Street
San Francisco, CA 94105
(415) 268-7209
wsloan@mofo.com
www.mofo.com

-----Original Message-----

From: Tom Bunn [mailto:TomBunn@lagerlof.com]
Sent: Wednesday, December 20, 2006 12:05 PM
To: Lee.Leininger@usdoj.gov; mfife@hatchparent.com; Lynda.Kocis@bbklaw.com; jeffrey.dunn@bbklaw.com; Eric.Garner@bbklaw.com; hweinstock@nossaman.com; wayne@lemieux-oneill.com; virginia.cahill@doj.ca.gov; jtootle@calwater.com; cms@eslawfirm.com; jgoldsmith@kmtg.com; enebeker@adelphia.net; rzimmer@clifford-brownlaw.com; michael.davis@greshamsavage.com; claude.brown@edwards.af.mil; sorr@rwglaw.com; dale.murad@pentagon.af.mil; bjoyce@lebeauthelen.com; bbrunick@bbmblaw.com; skennedy@bbmblaw.com; scott@lemeiux-oneill.com; skuney@youngwooldridge.com; jyu@sycr.com; Sloan, William M.
Cc: Joe Scalmanini; Jess Senecal
Subject: AV Amended boundary order

Counsel,

Attached are a proposed amended order on jurisdictional boundaries (in blackline format), together with a map and verbal description prepared by Mr. Scalmanini. It is our intention to reflect the comments made by the court at the hearing on December 15.

As far as evidentiary support for the mapping, we believe that what's mapped is exactly consistent with the mapping that Durbin used in testimony (Exhibit 5); it is also exactly consistent with what Scalmanini used (Exhibits 17 & 18), with the obvious exception of the northern boundary on the west side (extending the "basin" beyond the Cottonwood, Willow Springs/ Rosamond Fault to the boundary in Bulletin 118). As to the DWR boundary in that northwesterly area, i.e. that part of the Bulletin 118 boundary, it was included in Pierotti Exhibit 52 and discussed at great length in testimony by Durbin and Pierotti. It was also reflected in USA Exhibits 75 and 76. So there appears to be more than sufficient evidentiary support.

Please give me any objections by January 10, 2007, with a copy to all counsel. We will try to resolve objections informally. We will then file the documents with the court. If there are any remaining disputes that cannot be resolved among counsel, you can file a formal objection at that time, for resolution at a court hearing scheduled for February 14.

Happy holidays to all.

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