

1 EDMUND G. BROWN JR.  
Attorney General of the State of California  
2 J. MATTHEW RODRIQUEZ  
Senior Assistant Deputy Attorney General  
3 MICHAEL L. CROW  
Deputy Attorney General  
4 State Bar No. 70498  
VIRGINIA CAHILL  
5 Deputy Attorney General  
State Bar No. 099167  
6 1300 I Street  
P.O. Box 944255  
7 Sacramento, CA 94244-2550  
Telephone: (916) 327-7856  
8 Fax: (916) 327-2319  
Michael.Crow@doj.ca.gov;  
9 Virginia.Cahill@doj.ca.gov  
Attorneys for Defendants State of California; Santa  
10 Monica Mountains Conservancy; 50<sup>th</sup> District  
Agricultural Association  
11

12 SUPERIOR COURT OF CALIFORNIA  
13 COUNTY OF LOS ANGELES

14 Coordination Proceeding Special title (Rule 1550(b))  
15 **ANTELOPE VALLEY GROUNDWATER CASES:**  
16 Included Actions:  
Los Angeles County Waterworks District No. 40 v.  
17 Diamond Farming Co.  
Superior Court of California, County of Los Angeles,  
18 Case No.: BC 325 201  
19 Los Angeles County Waterworks District No. 40 v.  
Diamond Farming Co.  
20 Superior Court of California, County of Kern, Case No.:  
S-1500-CV-254-348  
21 Wm. Bolthouse Farms, Inc. v. City of Lancaster  
22 Diamond Farming Co. v. City of Lancaster  
Diamond Farming Co. v. Palmdale Water District  
23 Superior Court of California, County of Riverside,  
consolidated actions, case Nos. RIC 353 840, RIC 344  
24 436, RIC 344 668  
25 \_\_\_\_\_  
26 AND RELATED CROSS ACTIONS  
27  
28

Judicial Council Coordination  
Proceeding No.: 4408  
Los Angeles Superior Court  
Case No.: 1-05-CV-049053  
**STATE OF CALIFORNIA'S  
RESPONSE TO STATUS  
REPORT TO COURT RE  
MOTION FOR PROTECTIVE  
ORDER RE DISCLOSURE  
AND CONFIDENTIALITY OF  
WELL DATA AND OTHER  
PRIVATE INFORMATION**  
Date: February 14, 2007  
Time: 9:00 A.M.  
Dept: 1, Room 534  
Location: Los Angeles Superior  
Court, 111 North Hill Street  
Los Angeles, CA 90012

1           The State of California, the Santa Monica Mountains Conservancy, and the  
2 State of California 50<sup>th</sup> District Agricultural Association (State) submit the following  
3 response to Tejon Ranchcorp’s STATUS REPORT TO COURT RE MOTION FOR  
4 PROTECTIVE ORDER RE DISCLOSURE AND CONFIDENTIALITY OF WELL  
5 DATA AND OTHER PRIVATE INFORMATION, filed with the court on February 1,  
6 2007.

7           The State’s position continues to be the one set forth in its opposition to  
8 Tejon Ranchcorp’s motion for a protective order, which was heard by the court on  
9 December 15, 2006. The reasons for the State’s position can be summarized as follows:

10           (1) Water Code section 13752 permits the disclosure of well completion  
11 reports only to the classes of person or entities expressed in the statute: governmental  
12 agencies performing studies, persons who have obtained written authorization from the  
13 well owner, and persons performing environmental clean up projects pursuant to  
14 regulatory order.

15           (2) Water Code section 13752 should not be construed to include the court  
16 as a “governmental agency.”

17           (3) Well completion reports filed with the California Department of Water  
18 Resources (DWR) are subject to the official information privilege of Evidence Code  
19 section 1040, and because a state statute, Water Code section 13752, protects their  
20 confidentiality, and that confidentiality is absolute, and the court should not engage in a  
21 balancing of the consequences of disclosure versus non-disclosure.

22           (4) Because of the strict confidentiality of DWR’s well completion reports,  
23 less intrusive alternative should be sought, such as ordering disclosure by well owners  
24 who are existing parties, and well owners who will (and should be) named as parties.

25           Without waiving its overall objection to disclosure of well completion  
26 reports, the State’s counsel met and conferred with counsel for Tejon Ranchcorp and  
27 counsel for the United States with respect to specific language to be included in the  
28 [revised proposed] protective order submitted by Tejon Ranchcorp. The State’s

1 comments have been incorporated in the [revised proposed] protective order filed with  
2 the court on February 1, 2007.

3 Dated: February 13, 2007.

4 Respectfully submitted,

5 EDMUND G. BROWN JR.  
6 Attorney General of the State of California

7 J. MATTHEW RODRIQUEZ  
8 Senior Assistant Attorney General

9 MICHAEL L. CROW  
10 Deputy Attorney General

11 

12 VIRGINIA A. CAHILL  
13 Deputy Attorney General

14 Attorneys for Defendants  
15 State of California; Santa Monica  
16 Mountains Conservancy; 50<sup>th</sup> District  
17 Agricultural Association  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DECLARATION OF SERVICE

CASE:           **ANTELOPE VALLEY GROUNDWATER CASES,  
LOS ANGELES COUNTY SUPERIOR COURT  
JUDICIAL COUNCIL COORDINATED PROCEEDINGS NO. 4408**

I, declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is: 1300 I Street, P.O. Box 944255, Sacramento, California 94244-2550.

On February 13, I served the **State of California's Response to Status Report to Court re Motion for Protective Order re Disclosure and Confidentiality of Well Data and Other Private Information.**

- X   Posting the document(s) listed above to the Santa Clara County Superior Court web site in regard to the Antelope Valley Groundwater matter on February 13, 2007.
- X   by placing a true copy of the document(s) listed above in a sealed envelope with postage thereon fully prepaid using the overnight courier, Golden State Overnight Courier Service, addressed as follows:

**(served original via over night courier to Presiding Judge on February 13, 2007)**

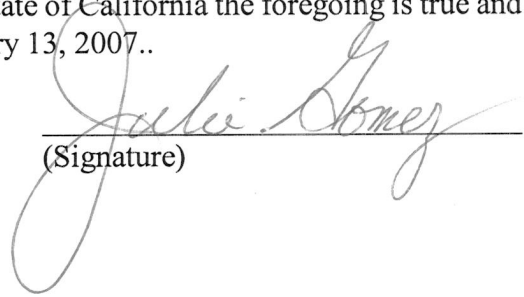
Presiding Judge of the Superior Court of California, County of Los Angeles  
County Courthouse  
111 North Hill Street  
Los Angeles, CA 90012-3014

Chair, Judicial Council of California  
Administrative office of the Courts  
Attn: Appellate and Trial Court Judicial Services (Civil Case Coordination)  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688

Honorable Jack Komar  
Santa Clara County Superior Court  
191 North First Street, Department 17C  
San Jose, Ca 95113

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on February 13, 2007..

\_\_\_\_\_  
Declarant  
Julie Gomez

  
\_\_\_\_\_  
(Signature)