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Attorney for Defendant Tejon Ranchcorp

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES - CENTRAL DISTRICT

ANTELOPE VALLEY GROUNDWATER)
CASES)
Included Actions:)
Los Angeles County Waterworks District No. 40)
v. Diamond Farming Co.)
Superior Court of California)
County of Los Angeles, Case No. BC 325 201)
Los Angeles County Waterworks District No. 40)
v. Diamond Farming Co.)
Superior Court of California)
County of Kern, Case No. S-1500-CV-254-348)
Wm. Bolthouse Farms, Inc. v. City of Lancaster,)
Diamond Farming Co. v. Lancaster, Diamond)
Farming Co. v. Palmdale Water Dist.)
Superior Court of California, County of)
Riverside, consolidated actions Case Nos. RIC)
353 840, RIC 344 436, RIC 344 668)
_____)
TEJON RANCHCORP,)
Cross-Complainant,)
v.)

Judicial Council Coordination No. 4408
Santa Clara Case No. 1-05-CV-049053
Assigned to The Honorable Jack Komar
**PHASE 2 TRIAL BRIEF OF
TEJON RANCHCORP**
Phase 2 Trial Date: October 6, 2008

1 LOS ANGELES COUNTY WATERWORKS)
2 DISTRICT NO. 40; ROSAMOND COMMUNITY)
3 SERVICES DISTRICT; and DOES 1 through 100,)

4 Cross-Defendants.)
5)
6)
7)

8 **I. INTRODUCTION**

9 The court has scheduled a Phase 2 trial to commence on October 6, 2008 to
10 address three issues, namely (a) the characteristics of the Basin and any sub-basins,
11 (b) the safe yield of the Basin and any sub-basins, and (c) whether the Basin or any
12 sub-basin is currently in a state of overdraft. The defendant and cross-complainant
13 TEJON RANCHCORP (Tejon) plans to participate in the Phase 2 trial with particular
14 emphasis on the Finger Buttes, Neenach and West Antelope sub-basins (Western
15 Antelope Valley sub-basins).

16 Tejon owns about 33,500 acres within the adjudication boundary at the
17 westerly end of the Antelope Valley. A map of the western end of the Antelope
18 Valley showing the relationship of lands owned by Tejon to the adjudication
19 boundary, the several sub-basins, and the several faults is attached as **Exhibit A**.
20 Tejon's predecessor acquired this land and other lands by grant from the governor of
21 the Department of the Californias in 1846. The Treaty of Guadalupe Hidalgo of 1848,
22 which ended the Mexican-American war, provides in Article VIII, in part, that "the
23 property of every kind, now belonging to Mexicans . . . shall be inviolably respected."
24 (See, e.g., *City of Los Angeles v. Venice Peninsula Properties* (1988) 205 Cal.App.3d
25 1522, 1533-1534 [federally patented Mexican land grant not subject to public trust].)
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The grant was confirmed by United States patent dated June 21, 1875.

We now turn to a discussion of what Tejon intends to prove during the Phase 2 trial.

II. CHARACTERIZATION OF THE BASIN

There are several impediments to subsurface flows between Tejon's lands at the westerly end of the Antelope Valley and the cones of depression in the urban areas of Lancaster, Quartz Hill and Palmdale.

The Randsburg-Mojave Fault (see **Exhibit A**) north of the Kern-Los Angeles County line impedes subsurface flow from the West Antelope and Finger Buttes sub-basins to the Neenach sub-basin. This fault does not appear to impede subsurface flow south of the Kern-Los Angeles County line.

The most significant impediment to subsurface flow is a bedrock ridge that extends from the Antelope Buttes northeasterly to the Little Buttes. (See **Exhibit B**.)

The evidence will show that extractions or recharge within the Western Antelope Valley sub-basins has little or no effect on groundwater elevations easterly of the bedrock ridge and vice-versa.

III. SAFE YIELD

There is no need to establish the safe yield within the Western Antelope Valley sub-basins since those sub-basins are not in overdraft.

IV. OVERDRAFT

There is no overdraft in the Western Antelope Valley sub-basins. The subsurface water levels in these sub-basins have either been stable or rising for at least the last 30 years. (See, e.g., **Exhibit C**.)

V. CONCLUSION

In conclusion, the Western Antelope Valley sub-basins are not in overdraft and the subsurface flows therefrom are insignificant and have no impact on the declining water levels in the Lancaster, Quartz Hill and Palmdale areas.

Dated: August 6, 2008

Respectfully submitted,

Kuhs & Parker

By William C. Kuhs
William C. Kuhs, Attorney for Tejon

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PROOF OF SERVICE

I, Lidia E. Luna, declare:

I am employed in the County of Kern, State of California. I am over the age of 18 and am not a party to the within action; my business address is Kuhs & Parker, 1200 Truxtun Avenue, Suite 200, Bakersfield, California 93301.

On August 6, 2008, I caused the foregoing document(s) described as: **PHASE 2 TRIAL BRIEF OF TEJON RANHCORP** to be served on the parties in this action, as follows::

(X) (BY ELECTRONIC SERVICE) by posting the document(s) listed above to the Santa Clara County Superior Court website: www.scefiling.org regarding the Antelope Valley Groundwater matter.

() (BY U.S. MAIL) I am readily familiar with the firm's practice of collection and processing of documents for mailing. Under that practice, the above-referenced document(s) were placed in seal envelope(s) addressed to the parties as noted above, with postage thereon fully prepaid and deposited such envelope(s) with the United States Postal Service on the same date at Bakersfield, California, addressed to:

() (BY FEDERAL EXPRESS) I served a true and correct copy by Federal Express or other overnight delivery service, for delivery on the next business day. Each copy was enclosed in an envelope or package designated by the express service carrier; deposited in a facility regularly maintained by the express service carrier or delivered to a courier or driver authorized to receive documents on its behalf; with delivery fees paid or provided for; addressed as shown on the accompanying service list.

() (BY FACSIMILE TRANSMISSION) I am "readily familiar" with the firm's practice of facsimile transmission of documents. It is transmitted to the recipient on the same day in the ordinary course of business.

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

() (FEDERAL) I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.


Lidia E. Luna

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