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13 Attorneys for LITTLE ROCK SAND AND GRAVEL, INC.

14
15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

17 **ANTELOPE VALLEY GROUNDWATER**
18 **CASES**

19 **INCLUDED ACTIONS:**

20 Los Angeles County Waterworks District No.
21 40 v. Diamond Farming Co., Superior Court of
22 California, County of Los Angeles, Case No.
23 BC325201;

24 Los Angeles County Waterworks District No.
25 40 v. Diamond Farming Co., Superior Court of
26 California, County of Kern, Case No. S-1500-
27 CV-254348;

28 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, Case Nos. RIC 353840, RIC
344436, RIC 344668;

Rebecca Lee Willis v. Los Angeles County
Waterworks District No. 40
Superior Court of California, County of Los
Angeles, Case No. BC364553;

Wood v. A.V. Materials, Inc., et al. v. Superior
Court of California, County of Los Angeles,
Case No. BC 509546; and

Little Rock Sand and Gravel, Inc. v. Granite
Construction Co., Superior Court of
California, County of Los Angeles, Case No.
MC026932

Judicial Counsel Coordination No. 4408

Santa Clara Case No. 1-05-CV-049053

Assigned to Honorable Jack Komar

**DECLARATION OF STEPHEN R.
ISBELL IN SUPPORT OF OPENING
BRIEF OF LITTLE ROCK SAND AND
GRAVEL, INC. RE TITLE TO
GROUNDWATER ALLOCATION
ARISING FROM LITTLE ROCK SAND
AND GRAVEL'S LAND AND GRANTED
UNDER JUDGMENT AND PHYSICAL
SOLUTION**

DATE: June 20, 2018

TIME: 9:00

DEPT: To be determined

1 DECLARATION OF STEPHEN R. ISBELL

2 I, STEPHEN R. ISBELL, hereby declare as follows:

3 1. I am an attorney at law licensed to practice in the State of California and a member
4 in good standing with the Bar of this Court. I have personal knowledge of the following facts, and
5 if called as a witness, I could and would testify competently thereto.

6 2. I am one of the attorneys of record for Little Rock Sand and Gravel, Inc. ("Little
7 Rock") in the above-entitled, coordinated litigation known as the Antelope Valley Groundwater
8 Cases ("AVG Cases").

9 3. I submit this declaration in support of Little Rock’s Opening Brief re Title to
10 Groundwater Allocation Arising from Little Rock’s Land and Granted under Judgment and
11 Physical Solution ("Opening Brief").

12 4. Before I was directly involved in the AVG Cases, in March 2017, I, on behalf of
13 Little Rock, filed an action against Granite Construction Company ("GCC") in the Los Angeles
14 County Superior Court, Antelope Valley Courthouse, Case No. MC026932 (the "Lease Action").
15 By that action, Little Rock sought resolution of the dispute with GCC over title to the annual
16 groundwater allocation (the "Allocation") granted to "Granite Construction Company (Little Rock
17 Sand and Gravel, Inc.)" by the Judgment and Physical Solution entered in the AVG Cases.
18 Specifically, Little Rock’s Lease Action requested a judgment for quiet title and declaratory relief
19 that Little Rock owns fee title to the Allocation and that GCC has no interest therein except as
20 provided in the parties’ real property Lease.

21 5. In July 2017, GCC filed an application to coordinate the Lease Action with the
22 AVG Cases on the ground that the Lease Action seeks an order interpreting, modifying or
23 enforcing the Judgment and Physical Solution entered in the AVG Cases. The Court granted
24 GCC’s application in October 2017, and as a result, Little Rock’s Lease Action is proceeding in
25 the AVG Cases on the concurrently-filed Opening Brief and all papers filed in support thereof and
26 opposition thereto.

27 6. In connection with the Lease Action proceeding in coordination with the AVG
28 Cases, I, on behalf of Little Rock, served GCC with Requests for Admission, Set One, and Special

1 Interrogatories, Set One, on December 12, 2017. True and correct copies of the Requests for
2 Admission, Set One, and Special Interrogatories, Set One, are attached hereto as Exhibits A and B,
3 respectively, and incorporated herein by this reference.

4 7. On or about January 12, 2018, GCC served my office with its Response to Little
5 Rock's Requests for Admission, Set One, and its Response to Little Rock's Special
6 Interrogatories, Set One. True and correct copies of GCC's Response to Little Rock's Requests
7 for Admission, Set One, and its Response to Little Rock's Special Interrogatories, Set One, are
8 attached hereto as Exhibits C and D, respectively, and incorporated herein by this reference.

9 8. Rather than directly responding to the questions Little Rock propounded, GCC's
10 responses to the Requests for Admission, Set One, and Special Interrogatories, Set One, referred
11 to documents that had been previously filed in the AVG Cases, including "the Declaration of
12 Steven McCracken in Lieu of Testimony at Phase 6 Trial" (the "McCracken Declaration").
13 Exhibit C, 3:22-5:16; Exhibit D, 6:24-8:17.

14 9. Accordingly, I reviewed the McCracken Declaration to determine to what extent its
15 contents were responsive to Little Rock's discovery requests. Upon my review, I found that there
16 was an ambiguity between the groundwater wells defined in Little Rock's Requests for
17 Admission, Set One, and Special Interrogatories, Set One, and the way to which the wells were
18 referred in the McCracken Declaration. For instance, Little Rock's discovery requests asked
19 questions about defined terms "WELL 1," "WELL 2" and "WELL 3," which were defined as a
20 certain wells located on a certain parcels of property (see Exhibit A, 2:17-3:8 and 3:20-4:3; see
21 also Exhibit B, 3:1-15 and 4:21-5:6), while the McCracken Declaration discussed the same wells
22 but referred to them as "Pump #1," "Pump #2" and "Pump #3". See the McCracken Declaration
23 at the Request for Judicial Notice concurrently-filed herewith, Exhibit 21, ¶¶ 3 and 5.

24 10. Due to this ambiguity, I sent GCC's counsel a meet and confer email on January
25 23, 2018, that requested GCC to reconcile (1) whether "WELL 1" defined in the discovery
26 responses refers to the same well as "Pump #1" in the McCracken Declaration; (2) whether
27 "WELL 2" defined in the discovery responses refers to the same well as "Pump #2" in the
28 McCracken Declaration; and (3) whether "WELL 3" defined in the discovery responses refers to

1 the same well as "Pump #3" in the McCracken Declaration. A true and correct copy of my
2 January 23, 2018 email is attached hereto as Exhibit E and incorporated herein by this reference.

3 11. On January 23, 2018, GCC's counsel, Bernard Barmann, Jr., Esq., responded to my
4 request by email. A true and correct copy of Mr. Barmann's January 23, 2018 email is attached
5 hereto as Exhibit F and incorporated herein by this reference. In that email, Mr. Barmann
6 confirmed that "'Pump #1' discussed and described in the McCracken declaration as being located
7 near the plant is the same as what your interrogatories label 'Well 1.' Likewise, it is obvious that
8 'Pump #2' described in the McCracken declaration as located near the Office is the same as what
9 your interrogatories label 'Well 2.' The same is true for 'Pump #3' and 'Well 3.' So we can
10 confirm that the well numbers in your interrogatories and the pump numbers in the McCracken
11 declaration correspond. See Exhibit F.

12 12. Additionally, in connection with the proceeding of the Lease Action in
13 coordination with the AVG Cases, GCC took the deposition of George Lane on November 21,
14 2017. I appeared and defended Mr. Lane at that deposition, and subsequently, my office received
15 a copy of the transcript of Mr. Lane's deposition. A true and correct copy of the portions of Mr.
16 Lane's deposition transcript that are cited in the Opening Brief (i.e., pp. 68-71 and 76 and Exhibit
17 4 thereto), the cover pages thereof, Mr. Lane's executed signature page thereto and court
18 reporter's certificate thereto are collectively attached hereto as Exhibit G and incorporated herein
19 by this reference.

20 I declare under penalty of perjury that the foregoing is true and correct. This Declaration is
21 executed this 12th day of April 2018 at Costa Mesa, California.

22
23
24 
STEPHEN R. ISBELL

EXHIBIT “A”

EXHIBIT “A”

1 **MUSICK, PEELER & GARRETT LLP**

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13 Attorneys for LITTLE ROCK SAND AND GRAVEL, INC.

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
15 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

16 **ANTELOPE VALLEY GROUNDWATER**
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18 **INCLUDED ACTIONS:**

19 Los Angeles County Waterworks District No.
20 40 v. Diamond Farming Co., Superior Court of
21 California, County of Los Angeles, Case No.
22 BC325201;

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24 40 v. Diamond Farming Co., Superior Court of
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26 CV-254348;

27 Wm. Bolthouse Farms, Inc. v. City of
28 Lancaster, Diamond Farming Co. v. Lancaster,
Diamond Farming Co. v. Palmdale Water
Dist., Superior Court of California, County of
Riverside, Case Nos. RIC 353840, RIC
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Rebecca Lee Willis v. Los Angeles County
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California, County of Los Angeles, Case No.
MC026932

Judicial Counsel Coordination No. 4408

Santa Clara Case No. 1-05-CV-049053
Assigned to Honorable Jack Komar

REQUESTS FOR ADMISSION, SET ONE,
PROPOUNDED TO GRANITE
CONSTRUCTION COMPANY

1 PROPOUNDING PARTY: LITTLE ROCK SAND AND GRAVEL, INC., a California
2 Corporation

3 RESPONDING PARTY: GRANITE CONSTRUCTION COMPANY, a California
4 Corporation

5 SET NO.: ONE

6 TO GRANITE CONSTRUCTION COMPANY AND ITS ATTORNEYS OF RECORD:
7 LITTLE ROCK SAND AND GRAVEL, INC., hereby requests that, pursuant to California
8 *Code of Civil Procedure* §2033.010 et seq., GRANITE CONSTRUCTION COMPANY (“Responding
9 Party”) respond under oath and in writing to the following Requests for Admission, Set One. Each
10 request is addressed to the personal knowledge of the Responding Party and to the knowledge and
11 information of his attorneys, investigators, employees, directors, officers, shareholders, agents,
12 representatives and all parties acting on or for his behalf.

13
14 **DEFINITIONS**

15 1. “YOU” and “YOUR” shall refer to Granite Construction Company, a California
16 corporation, and all others acting on or for its behalf.

17 2. “WELL 1” shall refer to the groundwater well located on the parcel of land that YOU
18 lease from Little Rock Sand and Gravel, Inc., with Assessor’s Parcel Number 3050-010-006, and as
19 shown by the numeral “1” written on the map attached as Exhibit 4 to the transcript of the November
20 21, 2017 deposition of LITTLE ROCK’s person most qualified to testify, a true and correct copy of
21 which is attached hereto as Exhibit “A”.

22 3. “WELL 2” shall refer to the groundwater well located near the northwest corner of the
23 parcel of land that YOU lease from Little Rock Sand and Gravel, Inc., with Assessor’s Parcel Number
24 3050-028-015, and as shown by the numeral “2” written on the map attached as Exhibit 4 to the
25 transcript of the November 21, 2017 deposition of LITTLE ROCK’s person most qualified to testify, a
26 true and correct copy of which is attached hereto as Exhibit “A”.

27 4. “WELL 3” shall refer to the groundwater well located near the southern boundary of
28 the parcel of land that YOU lease from Little Rock Sand and Gravel, Inc., with Assessor’s Parcel

1 Number 3050-028-015, and as shown by the numeral “3” written on the map attached as Exhibit 4 to
2 the transcript of the November 21, 2017 deposition of LITTLE ROCK’s person most qualified to
3 testify, a true and correct copy of which is attached hereto as Exhibit “A”.

4 5. “WELL 4” shall refer to the groundwater well located on the parcel of land that YOU
5 lease from Little Rock Sand and Gravel, Inc., with Assessor’s Parcel Number 3050-022-010, and as
6 shown by the numeral “4” written on the map attached as Exhibit 4 to the transcript of the November
7 21, 2017 deposition of LITTLE ROCK’s person most qualified to testify, a true and correct copy of
8 which is attached hereto as Exhibit “A”.

9 6. “ADJACENT LAND” shall refer to the parcels of land that YOU own and that are
10 located immediately south of the land that YOU lease from LITTLE ROCK and which are shown by
11 the letter “G” written on the map attached as Exhibit 4 to the transcript of the November 21, 2017
12 deposition of LITTLE ROCK’s person most qualified to testify, a true and correct copy of which is
13 attached hereto as Exhibit “A”.

14

15

REQUESTS FOR ADMISSION

16

Please admit that:

17

REQUEST FOR ADMISSION NO. 1.:

18

YOU have never extracted any groundwater from any source, well or otherwise, located on
19 the ADJACENT LAND.

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REQUEST FOR ADMISSION NO. 2.:

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From 1987 to the present, YOU have extracted more groundwater from WELL 1 than
22 WELL 2.

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REQUEST FOR ADMISSION NO. 3.:

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From 1987 to the present, YOU have extracted more groundwater from WELL 1 than
25 WELL 3.

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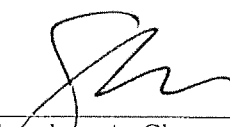
1 REQUEST FOR ADMISSION NO. 4.:

2 From 1987 to the present, YOU have extracted more groundwater from WELL 1 than
3 WELL 4.

4
5 DATED: December 12, 2017

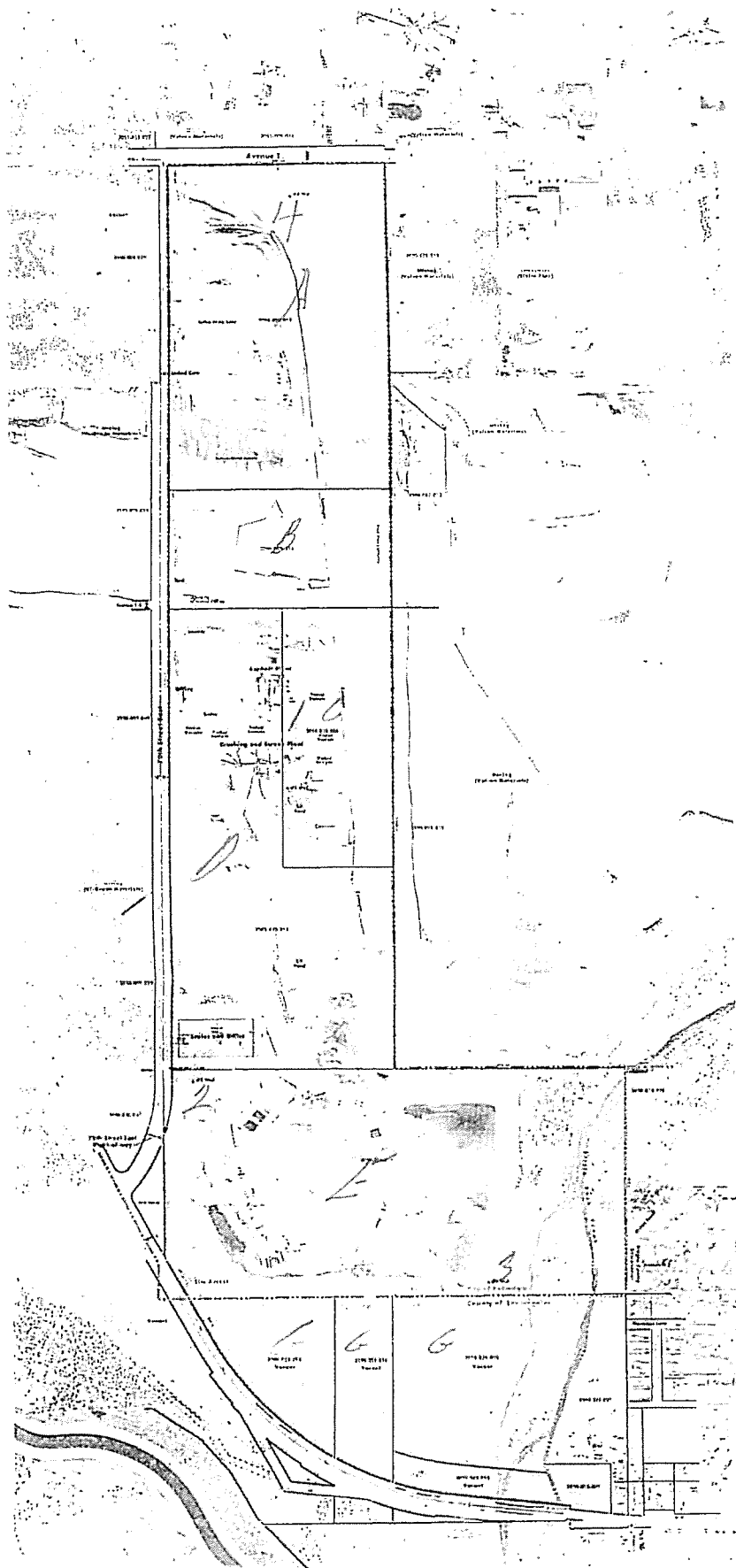
MUSICK, PEELER & GARRETT LLP

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By: 

Theodore A. Chester, Jr.
Stephen R. Isbell
Attorneys for LITTLE ROCK SAND AND
GRAVEL, INC.

EXHIBIT “A”



PLF/DEF	<u>L. W. W.</u>
EXHIBIT	<u>4</u>
DATE	<u>11.21.17</u>
Vanessa Zaragoza, CSR 13924	



--- Parcel Boundary
 --- Parcel Line
 --- Drainage Course
 --- Dirt Road
 --- Power Pole
 --- Buildings and Conveyors

Aerial - Existing Mine Conditions
 Granite Construction Inc., - Little Rock Quarry
 City of Palmdale, California

1 **PROOF OF SERVICE**

2 Antelope Valley Groundwater Cases
3 Santa Clara County Case No. 1-05-CV-049053
4 Judicial Council Coordination ("JCCP") No. 4408
5 California Court of Appeal, Fourth District, Division Two, Case No. E065512

6 At the time of service, I was over 18 years of age and not a party to this action. I am
7 employed in the County of Orange, State of California. My business address is Musick Peeler &
8 Garrett LLP, 650 Town Center Drive, Suite 1200, Costa Mesa, CA 92626-1925.

9 On December 12, 2017, I served the foregoing document described as: **REQUESTS FOR**
10 **ADMISSION, SET ONE, PROPOUNDED TO GRANITE CONSTRUCTION COMPANY** on the interested
11 parties in this action by posting the document listed above to the <http://www.avwatermaster.org>
12 website in regard to the Antelope Valley Groundwater Adjudication matter, pursuant to the
13 Electronic Filing and Service Standing Order of Judge Komar and through the TwoLegal website
14 (www.Twolegal.com).

15 The file transmission was reported as complete to all parties appearing on the
16 <http://www.avwatermaster.org> electronic service list and (www.Twolegal.com) for the Antelope
17 Valley Groundwater Cases, Case No. 2005-1-CV-049053; JCCP 4408.

18 **BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the
19 persons at the address listed below and placed the envelope for collection and mailing,
20 following our ordinary business practices. I am readily familiar with the practice of
21 Musick, Peeler & Garrett LLP for collecting and processing correspondence for mailing.
22 On the same day that correspondence is placed for collection and mailing, it is deposited in
23 the ordinary course of business with the United States Postal Service, in a sealed envelope
24 with postage fully prepaid. I am a resident or employed in the county where the mailing
25 occurred. The envelope was placed in the mail at Costa Mesa, California.

26 Attorneys for Granite Construction Company:
27 Robert G. Kuhs
28 Bernard C. Barmann, Jr.
Kuhs & Parker
1200 Truxtun Ave., Ste. 200
P.O. Box 2205
Bakersfield, CA 93303

29 I declare under penalty of perjury under the laws of the State of California that the
30 foregoing is true and correct.

31 Executed on December 12, 2017, at Costa Mesa, California.

32 /s/ Judy Jacobs
33 _____
34 Judy Jacobs

EXHIBIT “B”

EXHIBIT “B”

1 **MUSICK, PEELER & GARRETT LLP**

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28 Lancaster, Diamond Farming Co. v. Lancaster,
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MC026932

Judicial Counsel Coordination No. 4408

Santa Clara Case No. 1-05-CV-049053
Assigned to Honorable Jack Komar

SPECIAL INTERROGATORIES, SET
ONE, PROPOUNDED TO GRANITE
CONSTRUCTION COMPANY

1 PROPOUNDING PARTY: LITTLE ROCK SAND AND GRAVEL, INC., a California
2 Corporation

3 RESPONDING PARTY: GRANITE CONSTRUCTION COMPANY, a California
4 Corporation

5 SET NO.: ONE

6 TO GRANITE CONSTRUCTION COMPANY AND ITS ATTORNEYS OF RECORD:

7 In accordance with California *Code of Civil Procedure* (“*C.C.P.*”) section 2030.210, et
8 seq., you are required to provide responses under oath to each interrogatory by written answer
9 containing the information sought to be discovered, or you may exercise your option to produce
10 writings in lieu of a written answer. Each answer shall be as complete and straightforward as the
11 information reasonably available to you permits. If an interrogatory cannot be answered
12 completely, it shall be answered to the extent possible. If you do not have personal knowledge
13 sufficient to respond fully to an interrogatory, you have an obligation to make a reasonable and
14 good faith effort to obtain the information by inquiry to other persons or organizations unless that
15 information is equally available to the Propounding Party. If only a part of the interrogatory is
16 objectionable, the remainder of the interrogatory shall be answered. If an objection is made to an
17 interrogatory or to part of an interrogatory, the specific ground for the objection shall be set forth
18 clearly in the response. If an objection is based on the claim of privilege, the particular privilege
19 invoked shall be clearly stated. If an objection is based on the claim that the information sought is
20 protected work product under *C.C.P.* § 2018, each claim shall be expressly asserted. Your written
21 response signed under oath is due thirty (30) days from the date of service of these interrogatories.

22
23 **DEFINITIONS**

24 1. “YOU” and “YOUR” shall refer to Granite Construction Company, a California
25 corporation, and all others acting on or for its behalf.

26 2. “LITTLE ROCK” shall refer to Little Rock Sand and Gravel, Inc., and all others acting
27 on or for its behalf.

28 ///

1 3. “WELL 1” shall refer to the groundwater well located on the parcel of land that YOU
2 lease from Little Rock Sand and Gravel, Inc., with Assessor’s Parcel Number 3050-010-006, and as
3 shown by the numeral “1” written on the map attached as Exhibit 4 to the transcript of the November
4 21, 2017 deposition of LITTLE ROCK’s person most qualified to testify, a true and correct copy of
5 which is attached hereto as Exhibit “A”.

6 4. “WELL 2” shall refer to the groundwater well located near the northwest corner of the
7 parcel of land that YOU lease from Little Rock Sand and Gravel, Inc., with Assessor’s Parcel Number
8 3050-028-015, and as shown by the numeral “2” written on the map attached as Exhibit 4 to the
9 transcript of the November 21, 2017 deposition of LITTLE ROCK’s person most qualified to testify, a
10 true and correct copy of which is attached hereto as Exhibit “A”.

11 5. “WELL 3” shall refer to the groundwater well located near the southern boundary of
12 the parcel of land that YOU lease from Little Rock Sand and Gravel, Inc., with Assessor’s Parcel
13 Number 3050-028-015, and as shown by the numeral “3” written on the map attached as Exhibit 4 to
14 the transcript of the November 21, 2017 deposition of LITTLE ROCK’s person most qualified to
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17 lease from Little Rock Sand and Gravel, Inc., with Assessor’s Parcel Number 3050-022-010, and as
18 shown by the numeral “4” written on the map attached as Exhibit 4 to the transcript of the November
19 21, 2017 deposition of LITTLE ROCK’s person most qualified to testify, a true and correct copy of
20 which is attached hereto as Exhibit “A”.

21 7. “ADJACENT LAND” shall refer to the parcels of land that YOU own and that are
22 located immediately south of the land that YOU lease from LITTLE ROCK and which are shown by
23 the letter “G” written on the map attached as Exhibit 4 to the transcript of the November 21, 2017
24 deposition of LITTLE ROCK’s person most qualified to testify, a true and correct copy of which is
25 attached hereto as Exhibit “A”.

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SPECIAL INTERROGATORIES, SET ONE

Demand is hereby made for production of the following:

SPECIAL INTERROGATORY NO. 1.:

State the residential address of William Taylor sufficiently to enable LITTLE ROCK to determine where to notice his deposition.

SPECIAL INTERROGATORY NO. 2.:

State the residential address of Richard Zimmer sufficiently to enable LITTLE ROCK to determine where to notice his deposition.

SPECIAL INTERROGATORY NO. 3.:

State the residential address of Joseph D. Hughes sufficiently to enable LITTLE ROCK to determine where to notice his deposition.

SPECIAL INTERROGATORY NO. 4.:

State the residential address of Bob Joyce sufficiently that LITTLE ROCK sufficiently to enable LITTLE ROCK to determine where to notice his deposition.

SPECIAL INTERROGATORY NO. 5.:

State the residential address of Mike McLachlan sufficiently to enable LITTLE ROCK to determine where to notice his deposition.

SPECIAL INTERROGATORY NO. 6.:

State the residential address of Michael D. Davis sufficiently to enable LITTLE ROCK to determine where to notice his deposition.

SPECIAL INTERROGATORY NO. 7.:

State the amount of groundwater that YOU pumped from WELL 1 for each year from 1987 through 2017.

SPECIAL INTERROGATORY NO. 8.:

State the amount of groundwater that YOU pumped from WELL 2 for each year from 1987 through 2017.

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1 **SPECIAL INTERROGATORY NO. 9.:**

2 State the amount of groundwater that YOU pumped from WELL 3 for each year from
3 1987 through 2017.

4 **SPECIAL INTERROGATORY NO. 10.:**

5 State the amount of groundwater that YOU pumped from WELL 4 for each year from
6 1987 through 2017.


7 **SPECIAL INTERROGATORY NO. 11.:**

8 State the amount of groundwater that YOU pumped from any groundwater well located on
9 the ADJACENT LAND for each year that YOU have owned the ADJACENT LAND.

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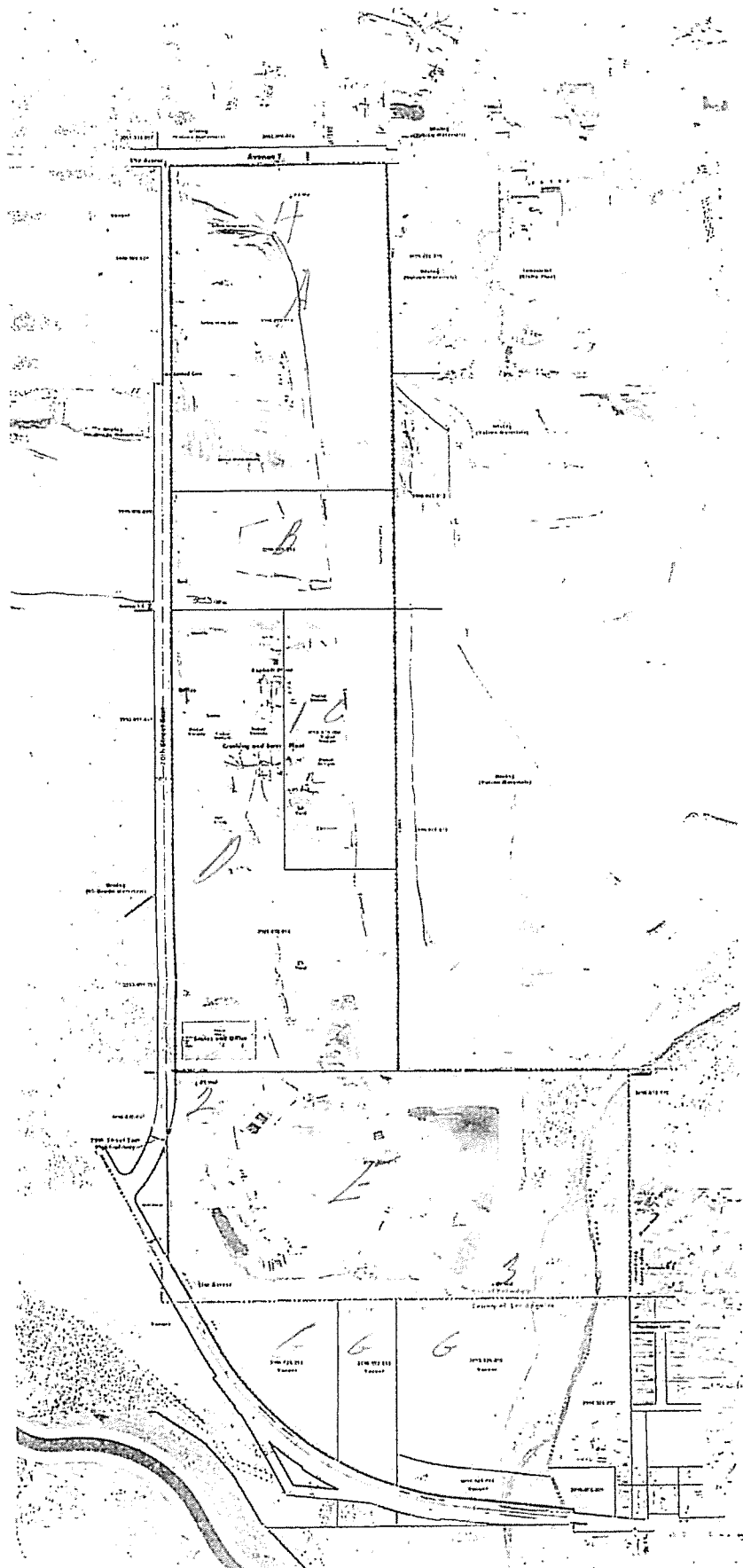
DATED: December 12, 2017

MUSICK, PEELER & GARRETT LLP

By: 

Theodore A. Chester, Jr.
Stephen R. Isbell
Attorneys for LITTLE ROCK SAND AND
GRAVEL, INC.

EXHIBIT “A”



PL/DEF	<u>J. L. N. S. E.</u>
EXHIBIT	<u>4</u>
DATE	<u>11/2/17</u>
Vanessa Zaragoza, CSR 13924	



[Symbol] Project Boundary
 [Symbol] Parcel Line
 [Symbol] Drainage Course
 [Symbol] Dirt Road
 [Symbol] Power Pole
 [Symbol] Building and Conveyors

Aerial - Existing Mine Conditions
 Granite Construction Inc. - Little Rock Quarry
 City of Fontana, California

Figure 3

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PROOF OF SERVICE

Antelope Valley Groundwater Cases
Santa Clara County Case No. 1-05-CV-049053
Judicial Council Coordination ("JCCP") No. 4408
California Court of Appeal, Fourth District, Division Two, Case No. E065512

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Orange, State of California. My business address is Musick Peeler & Garrett LLP, 650 Town Center Drive, Suite 1200, Costa Mesa, CA 92626-1925.

On December 12, 2017, I served the foregoing document described as: **SPECIAL INTERROGATORIES, SET ONE, PROPOUNDED TO GRANITE CONSTRUCTION COMPANY** on the interested parties in this action by posting the document listed above to the <http://www.avwatermaster.org> website in regard to the Antelope Valley Groundwater Adjudication matter, pursuant to the Electronic Filing and Service Standing Order of Judge Komar and through the TwoLegal website (www.Twolegal.com).

The file transmission was reported as complete to all parties appearing on the <http://www.avwatermaster.org> electronic service list and (www.Twolegal.com) for the Antelope Valley Groundwater Cases, Case No. 2005-1-CV-049053; JCCP 4408.

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the address listed below and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the practice of Musick, Peeler & Garrett LLP for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred. The envelope was placed in the mail at Costa Mesa, California.

Attorneys for Granite Construction Company:
Robert G. Kuhs
Bernard C. Barmann, Jr.
Kuhs & Parker
1200 Truxtun Ave., Ste. 200
P.O. Box 2205
Bakersfield, CA 93303

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 12, 2017, at Costa Mesa, California.

/s/ Judy Jacobs

Judy Jacobs

EXHIBIT “C”

EXHIBIT “C”

1 Robert G. Kuhs, SBN 160291
Bernard C. Barmann, Jr., SBN 149890
2 Kuhs & Parker
P. O. Box 2205
3 1200 Truxtun Avenue, Suite 200
Bakersfield, CA 93303
4 Telephone: (661) 322-4004
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5 E-Mail: bbarmann@kuhsparkerlaw.com

6 Attorneys for Granite Construction Company

7
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES - CENTRAL DISTRICT**

9 **ANTELOPE VALLEY GROUNDWATER
10 CASES**

11 **INCLUDED ACTIONS:**

12 Los Angeles County Waterworks District No. 40
v. Diamond Farming Co., Superior Court of
California, County of Los Angeles, Case No. BC
13 325201;

14 Los Angeles County Waterworks District No. 40
v. Diamond Farming Co., Superior Court of
California, County of Kern, Case No. S-1500-CV-
15 254348;

16 Wm. Bolthouse Farms, Inc. v. City of Lancaster,
17 Diamond Farming Co. v. Lancaster, Diamond
Farming Co. v. Palmdale Water Dist., Superior
18 Court of California, County of Riverside, Case
No. RIC 353840, RIC 344436, RIC 344668

19 Rebecca Lee Willis v. Los Angeles County
20 Waterworks District No. 40
Superior Court of California, County of Los
21 Angeles, Case No. BC 364553

22 Wood v. A.V. Materials, Inc., et al., Superior
23 Court of California, County of Los Angeles, Case
No. BC 509546

24
25 Little Rock Sand and Gravel, Inc. v. Granite
Construction Co., Superior Court of California,
26 County of Los Angeles, North Judicial District,
Case No. MC026932
27

**Judicial Council Coordination No.
4408**

Santa Clara Case No. 1-05-CV-049053
Assigned to Honorable Jack Komar

**RESPONSE TO LITTLE ROCK
SAND AND GRAVEL, INC.'S
REQUESTS FOR ADMISSION, SET
ONE**

1 RESPONDING PARTY: GRANITE CONSTRUCTION COMPANY
2 DEMANDING PARTY: LITTLE ROCK SAND AND GRAVEL, INC.
3 SET NUMBER: ONE

4 **I. INTRODUCTION**

5 LITTLE ROCK SAND AND GRAVEL, INC. (the "Demanding Party" or "Little Rock")
6 served its Requests for Admission, Set One (the "Request") by mail on GRANITE
7 CONSTRUCTION COMPANY, (the "Responding Party" or "Granite") on December 12, 2017.
8 This is the Responding Party's responses and objections to the Request.

9 **II. DEFINITIONS**

10 The following words and phrases, in addition to the words and phrases defined in Part 1
11 hereof, shall govern the construction of these responses and objections unless the context
12 otherwise requires:

- 13 1. "Ground 1" means that the information sought is neither admissible in evidence
14 nor reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., §
15 2017.010.)
- 16 2. "Ground 2" means that the Request is not timely under Code of Civil Procedure
17 section 2024.020.
- 18 3. "Ground 3" means that the Request contains a preface or instruction not approved
19 under Chapter 17 of the Civil Discovery Act. (Code Civ. Proc., § 2033.060(d).
- 20 4. "Ground 4" means that the Request is not full and complete in and of itself.
21 (Code Civ. Proc. § 2033.060(d).)
- 22 5. "Ground 5" means that the Request includes a capitalized term but does not
23 include a definition of that term in the Request. (Code Civ. Proc., § 2033.060(e).)
- 24 6. "Ground 6" means that the Request contains subparts, or a compound,
25 conjunctive, or disjunctive request. (Code Civ. Proc., § 2033.060(f).)
- 26 7. "Ground 7" means that the Request is unduly annoying, embarrassing, oppressive,
27 harassing, burdensome and expensive. (Code Civ. Proc., § 2033.030(c).)
- 28 8. "Ground 8" means that the Request is vague, ambiguous and unintelligible.

1 9. "Ground 9" means that the information sought comes within the lawyer-client
2 privilege. (Code Civ. Proc., § 2033.230.)

3 10. "Ground 10" means that the information sought is protected work-product under
4 Code of Civil Procedure section 2018.030. (Code Civ. Proc., § 2033.230.)

5 11. "Ground 11" means that the Request is made in bad faith for an improper purpose.
6 The Demanding Party seeks to have the Responding Party admit as fact that which the
7 Demanding Party has no reasonable basis to believe is true.

8 III. GENERAL OBJECTIONS

9 The Responding Party has not fully completed investigation of the facts relating to this
10 case, has not completed discovery concerning this case, and has not completed trial preparation.
11 The responses disclose only those contentions which presently occur to the Responding Party. It
12 is anticipated that further discovery, investigation, legal research and analysis will supply
13 additional facts, add meaning to the known facts, as well as establish entirely new factual
14 contentions and legal contentions. Therefore, the following responses are given without
15 prejudice to the Responding Party's right to produce evidence of any subsequently discovered
16 fact which the Responding Party may later recall.

17 The Responding Party objects to each Request on Grounds 8 and 9 to the extent the
18 Request calls for the disclosure of information protected by these privileges.

19 IV. RESPONSES

20 Without waiving the general objections contained in Part III hereof or the specific objections
21 contained in this part, the Responding Party responds as follows:

22 **REQUEST FOR ADMISSION NO. 1:**

23 YOU have never extracted any groundwater from any source, well or otherwise, located
24 on the ADJACENT LAND.

25 **RESPONSE TO REQUEST FOR ADMISSION NO. 1:**

26 In addition to and without waiving the General Objections stated in Part III above,
27 Responding Party objects to this request on grounds 1, 3, 7 and 8. Responding Party's
28 groundwater production, whether prior to entry of judgment in the Antelope Valley Groundwater

1 Cases or after entry of judgment, is not relevant to this dispute because the parties' rights to
2 produce and store groundwater in the basin are governed by the judgment and are not based on prior
3 water use. Additionally, Responding Party's groundwater production data was previously
4 provided during the proceedings in the Antelope Valley Groundwater Cases in the Declaration of
5 Steven McCracken in Lieu of Testimony at Phase 6 Trial, Docket #10698. Responding Party
6 further objects because Responding Party, as an overlying landowner, has exercised its overlying
7 groundwater extraction rights by pumping water from wells located on other parcels, as it is
8 entitled to do.

9 **REQUEST FOR ADMISSION NO. 2:**

10 From 1987 to the present, YOU have extracted more groundwater from WELL 1 than
11 WELL 2.

12 **RESPONSE TO REQUEST FOR ADMISSION NO. 2:**

13 In addition to and without waiving the General Objections stated in Part III above,
14 Responding Party objects to this request on grounds 1, 3, 7 and 8. Responding Party's
15 groundwater production, whether prior to entry of judgment in the Antelope Valley Groundwater
16 Cases or after entry of judgment, is not relevant to this dispute because the parties' rights to
17 produce and store groundwater in the basin are governed by the judgment and are not based on prior
18 water use. Additionally, Responding Party's groundwater production data was previously
19 provided during the proceedings in the Antelope Valley Groundwater Cases in the Declaration of
20 Steven McCracken in Lieu of Testimony at Phase 6 Trial, Docket #10698.

21 **REQUEST FOR ADMISSION NO. 3:**

22 From 1987 to the present, YOU have extracted more groundwater from WELL 1 than
23 WELL 3.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 3:**

25 In addition to and without waiving the General Objections stated in Part III above,
26 Responding Party objects to this request on grounds 1, 3, 7 and 8. Responding Party's
27 groundwater production, whether prior to entry of judgment in the Antelope Valley Groundwater
28 Cases or after entry of judgment, is not relevant to this dispute because the parties' rights to

1 produce and store groundwater in the basin are governed by the judgment and are not based on prior
2 water use. Additionally, Responding Party's groundwater production data was previously
3 provided during the proceedings in the Antelope Valley Groundwater Cases in the Declaration of
4 Steven McCracken in Lieu of Testimony at Phase 6 Trial, Docket #10698.

5 **REQUEST FOR ADMISSION NO. 4:**

6 From 1987 to the present, YOU have extracted more groundwater from WELL 1 than
7 WELL 4.


8 **RESPONSE TO REQUEST FOR ADMISSION NO. 4:**

9 In addition to and without waiving the General Objections stated in Part III above,
10 Responding Party objects to this request on grounds 1, 3, 7 and 8. Responding Party's
11 groundwater production, whether prior to entry of judgment in the Antelope Valley Groundwater
12 Cases or after entry of judgment, is not relevant to this dispute because the parties' rights to
13 produce and store groundwater in the basin are governed by the judgment and are not based on prior
14 water use. Additionally, Responding Party's groundwater production data was previously
15 provided during the proceedings in the Antelope Valley Groundwater Cases in the Declaration of
16 Steven McCracken in Lieu of Testimony at Phase 6 Trial, Docket #10698.

17
18 Dated: January 12, 2018

As to objections only,

19 KUHS & PARKER

20
21 By 
22 Bernard C. Barmann, Jr., Attorneys for
23 Granite Construction Company

**PROOF OF SERVICE
STATE OF CALIFORNIA, COUNTY OF KERN**

I, Valerie Hanners, 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 January 12, 2018, I caused the foregoing document(s) described as **RESPONSE TO LITTLE ROCK SAND AND GRAVEL INC.'S REQUESTS FOR ADMISSION, SET ONE** to be served on the parties in this action, as follows:

Theodore A. Chester, Jr. (U.S. Mail)
Stephen R. Isbell
Musick, Peeler & Garrett, LLP
One Wilshire Boulevard, Suite 2000
Los Angeles, CA 90017-3383

All Parties in the Antelope Valley Groundwater Cases
(**Electronic service via Glotrans**)

(BY ELECTRONIC SERVICE) by serving the document(s) listed above via Antelope Valley Watermaster Electronic Document Service – (www.avwatermaster.org) c/o Glotrans, to all parties appearing on the electronic service list for the Antelope Valley Groundwater case. Electronic service is complete at the time of transmission. My electronic notification email address is vhanners@kuhsparkerlaw.com

(BY U.S. MAIL) on January 12, 2018, at Bakersfield, California, pursuant to C.C.P. section 1013(a), I: _____ deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.

placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

_____ (BY EMAIL TRANSMISSION) on January 12, 2018, at approximately _____ p.m. to:

_____ (BY FACSIMILE TRANSMISSION) on January 12, 2018 at approximately _____ p.m., pursuant to Rule 2008 of the California Rules of Court. The telephone number of the sending facsimile machine was 661/322-2906. A transmission report (copy attached hereto) was properly issued by the sending facsimile machine, and the transmission was reported as completed and without error.

_____ (BY PERSONAL SERVICE) on January 12, 2018 pursuant to C.C.P. section 1011, I caused such envelope to be delivered by hand personally to the addressee(s):

_____ (BY OVERNIGHT COURIER) on January 12, 2018 pursuant to C.C.P. section 1013I(d), I caused such envelope with delivery fees fully prepared to be sent by Federal Express to **Theodore A. Chester, Jr. at Musick, Peeler & Garrett, LLP.**

_____ (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct, and that the foregoing was executed on January 12, 2018, in Bakersfield, California.

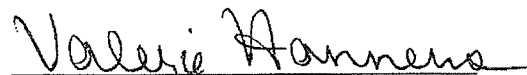

Valerie Hanners

EXHIBIT “D”

EXHIBIT “D”

1 Robert G. Kuhs, SBN 160291
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6 Attorneys for Granite Construction Company

7
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES - CENTRAL DISTRICT**

9 **ANTELOPE VALLEY GROUNDWATER
10 CASES**

11 **INCLUDED ACTIONS:**

12 Los Angeles County Waterworks District No. 40
v. Diamond Farming Co., Superior Court of
13 California, County of Los Angeles, Case No. BC
325201;

14 Los Angeles County Waterworks District No. 40
v. Diamond Farming Co., Superior Court of
15 California, County of Kern, Case No. S-1500-CV-
254348;

16 Wm. Bolthouse Farms, Inc. v. City of Lancaster,
17 Diamond Farming Co. v. Lancaster, Diamond
Farming Co. v. Palmdale Water Dist., Superior
18 Court of California, County of Riverside, Case
No. RIC 353840, RIC 344436, RIC 344668

19 Rebecca Lee Willis v. Los Angeles County
20 Waterworks District No. 40
21 Superior Court of California, County of Los
Angeles, Case No. BC 364553

22 Wood v. A.V. Materials, Inc., et al., Superior
23 Court of California, County of Los Angeles, Case
No. BC 509546

24 Little Rock Sand and Gravel, Inc. v. Granite
25 Construction Co., Superior Court of California,
26 County of Los Angeles, North Judicial District,
Case No. MC026932

**Judicial Council Coordination No.
4408**

Santa Clara Case No. 1-05-CV-049053
Assigned to Honorable Jack Komar

**RESPONSE TO LITTLE ROCK
SAND AND GRAVEL, INC.'S
SPECIAL INTERROGATORIES,
SET ONE**

1 RESPONDING PARTY: GRANITE CONSTRUCTION COMPANY
2 DEMANDING PARTY: LITTLE ROCK SAND AND GRAVEL, INC.
3 SET NUMBER: ONE

4 **I. INTRODUCTION**

5 LITTLE ROCK SAND AND GRAVEL, INC. (the "Demanding Party" or "Little
6 Rock") served its Special Interrogatories, Set One (the "Interrogatories"), on GRANITE
7 CONSTRUCTION COMPANY (the "Responding Party" or "Granite"). This is the Responding
8 Party's responses and objections to the Interrogatories.

9 **II. DEFINITIONS**

10 The following words and phrases, in addition to the words and phrases defined in Part I
11 hereof, shall govern the construction of these answers and objections unless the context
12 otherwise requires:

- 13 1. "Ground 1" means that the matter sought is neither admissible in evidence nor
14 reasonably calculated to lead to the discovery of admissible evidence. (Code Civ. Proc., §
15 2017.010.)
- 16 2. "Ground 2" means that the Interrogatories are not timely. (Code Civ. Proc., §
17 2024.020.)
- 18 3. "Ground 3" means that the Interrogatories contain a preface or instruction not
19 approved under Chapter 17 of the Civil Discovery Act. (Code Civ. Proc., § 2030.060(d).)
- 20 4. "Ground 4" means that the Interrogatory is not full and complete in and of itself.
21 (Code Civ. Proc., § 2030.060(d).)
- 22 5. "Ground 5" means that the Interrogatory contains subparts, or a compound,
23 conjunctive, or disjunctive question. (Code Civ. Proc., § 2030.060(f).)
- 24 6. "Ground 6" means that the information sought is equally available to the
25 Propounding Party. (Code Civ. Proc., § 2030.220(c).)
- 26 7. "Ground 7" means that the information sought would necessitate the preparation
27 or the making of a compilation, abstract, audit, or summary of or from the documents of the
28 Responding Party and the burden or expense of preparing or making it would be substantially the

1 same for the Propounding Party as for the Responding Party. (Code Civ. Proc., § 2030.230.)

2 8. "Ground 8" means that the information sought comes within the lawyer-client
3 privilege. (Code Civ. Proc., § 2030.240(b).)

4 9. "Ground 9" means that the information sought is protected work-product under
5 Code of Civil Procedure section 2018.030. (Code Civ. Proc., § 2030.240(b).)

6 10. "Ground 10" means that the Interrogatory is vague, ambiguous and unintelligible.

7 11. "Ground 11" means that the Interrogatory is oppressive, harassing and
8 burdensome.

9 12. "Ground 12" means that the Interrogatory is overbroad.

10 13. "Ground 13" means that the Interrogatory seeks confidential and/or trade secret
11 information.

12 14. "Ground 14" means that the information is protected by the right of privacy.

13 15. "Ground 15" means that the Interrogatory seeks matter protected from premature
14 disclosure by Code of Civil Procedure section 2034.210 et. seq.

15 16. "Ground 16" means that the excessive use of definitions and instructions makes
16 the Interrogatory vague, ambiguous and unintelligible, overly burdensome and oppressive. (See
17 e.g., *Calcor Space Facility v. Superior Court* (1997) 53 Cal.App.4th 216.)

18 III. GENERAL OBJECTIONS

19 The Responding Party objects to the Interrogatories on Ground 2 and on the grounds that
20 this action should have been filed, if at all, as a post-judgment proceeding before Judge Jack
21 Komar (Ret.), and not as a separate action in a different court. Discovery regarding the subject
22 matter of this action should be conducted only to the extent authorized by Judge Komar. In other
23 words, the improper filing of this separate action should not operate to require the Responding
24 Party to respond to discovery pertaining to the subject matter of the Antelope Valley
25 Groundwater Cases except as directed by Judge Komar.

26 The Responding Party has not fully completed an investigation of the facts relating to this
27 case, has not completed discovery concerning this case, and has not completed trial preparation.
28 The answers herein disclose only those contentions which presently occur to the Responding

1 Party. It is anticipated that further discovery, investigation, legal research and analysis will
2 supply additional facts, add meaning to the known facts, as well as establish entirely new factual
3 contentions and legal contentions. The following responses are given without prejudice to the
4 Responding Party's right to produce evidence of any subsequently discovered fact or facts which
5 the Responding Party may later recall.

6 The Responding Party objects to each of the Interrogatories on Grounds 8 and 9.

7 **IV. RESPONSES**

8 Without waiving the general objections contained in Part III hereof or the specific
9 objections contained in this part, the Responding Party responds to the Interrogatories as follows:

10 **SPECIAL INTERROGATORY NO. 1:**

11 State the residential address of William Taylor sufficiently to enable LITTLE ROCK to
12 determine where to notice his deposition.

13 **RESPONSE TO SPECIAL INTERROGATORY NO. 1:**

14 In addition to and without waiving the General Objections stated in Part III above,
15 Responding Party objects to this Interrogatory on grounds 3, 8, 9, and 14. Responding Party
16 further objects on the ground that William Taylor was previously deposed by the Demanding
17 Party in the Antelope Valley Groundwater Cases, and therefore any further deposition of Mr.
18 Taylor is unnecessary and would be harassing. To the extent Demanding Party intends to depose
19 Mr. Taylor, Mr. Taylor is accessible through counsel for the Responding Party. Without
20 consenting to Mr. Taylor's deposition being taken in this matter and without waiving any
21 objections to the taking of Mr. Taylor's deposition in this matter, if Responding Party issues a
22 notice for Mr. Taylor's deposition, Responding Party would not object to the location of the
23 deposition if it is noticed for a reasonable location in Bakersfield, California.

24 **SPECIAL INTERROGATORY NO. 2:**

25 State the residential address of Richard Zimmer sufficiently to enable LITTLE ROCK to
26 determine where to notice his deposition.

1 **RESPONSE TO SPECIAL INTERROGATORY NO. 2:**

2 In addition to and without waiving the General Objections stated in Part III above,
3 Responding Party objects to this Interrogatory on grounds 3, 6, 9, 11, and 14. Mr. Zimmer's
4 residence information is private to Mr. Zimmer and, to the extent it is publicly available, is
5 equally available to the Demanding Party. Additionally, the Demanding Party is well aware that
6 Mr. Zimmer is counsel for other parties in the Antelope Valley Groundwater Cases and his
7 business contact information is readily available to the Demanding Party and has been for several
8 years.

9 **SPECIAL INTERROGATORY NO. 3:**

10 State the residential address of Joseph D. Hughes sufficiently to enable LITTLE ROCK
11 to determine where to notice his deposition.

12 **RESPONSE TO SPECIAL INTERROGATORY NO. 3:**

13 In addition to and without waiving the General Objections stated in Part III above,
14 Responding Party objects to this Interrogatory on grounds 3, 6, 9, 11, and 14. Mr. Hughes's
15 residence information is private to Mr. Hughes and, to the extent it is publicly available, is
16 equally available to the Demanding Party. Additionally, the Demanding Party is well aware that
17 Mr. Hughes is counsel for another party in the Antelope Valley Groundwater Cases and his
18 business contact information is readily available to the Demanding Party and has been for several
19 years.

20 **SPECIAL INTERROGATORY NO. 4:**

21 State the residential address of Bob Joyce sufficiently that LITTLE ROCK sufficiently
22 [sic] to enable LITTLE ROCK to determine where to notice his deposition.

23 **RESPONSE TO SPECIAL INTERROGATORY NO. 4:**

24 In addition to and without waiving the General Objections stated in Part III above,
25 Responding Party objects to this Interrogatory on grounds 3, 6, 9, 11, and 14. Mr. Joyce's
26 residence information is private to Mr. Joyce and, to the extent it is publicly available, is equally
27 available to the Demanding Party. Additionally, the Demanding Party is well aware that Mr.
28

1 Joyce is counsel for other parties in the Antelope Valley Groundwater Cases and his business
2 contact information is readily available to the Demanding Party and has been for several years.

3 **SPECIAL INTERROGATORY NO. 5:**

4 State the residential address of Mike McLachlan sufficiently to enable LITTLE ROCK to
5 determine where to notice his deposition.

6 **RESPONSE TO SPECIAL INTERROGATORY NO. 5:**

7 In addition to and without waiving the General Objections stated in Part III above,
8 Responding Party objects to this Interrogatory on grounds 3, 6, 9, 11, and 14. Mr. McLachlan's
9 residence information is private to Mr. McLachlan and, to the extent it is publicly available, is
10 equally available to the Demanding Party. Additionally, the Demanding Party is well aware that
11 Mr. McLachlan is counsel for other parties in the Antelope Valley Groundwater Cases and his
12 business contact information is readily available to the Demanding Party and has been for several
13 years.

14 **SPECIAL INTERROGATORY NO. 6:**

15 State the residential address of Michael D. Davis sufficiently to enable LITTLE ROCK to
16 determine where to notice his deposition.

17 **RESPONSE TO SPECIAL INTERROGATORY NO. 6:**

18 In addition to and without waiving the General Objections stated in Part III above,
19 Responding Party objects to this Interrogatory on grounds 3, 6, 9, 11, and 14. Mr. Davis's
20 residence information is private to Mr. Davis and, to the extent it is publicly available, is equally
21 available to the Demanding Party. Additionally, the Demanding Party is well aware that Mr.
22 Davis is counsel for other parties in the Antelope Valley Groundwater Cases and his business
23 contact information is readily available to the Demanding Party and has been for several years.

24 **SPECIAL INTERROGATORY NO. 7:**

25 State the amount of groundwater that YOU pumped from WELL 1 for each year from
26 1987 through 2017.

27

28

1 **RESPONSE TO SPECIAL INTERROGATORY NO. 7:**

2 In addition to and without waiving the General Objections stated in Part III above,
3 Responding Party objects to this Interrogatory on grounds 1, 3, 6, 7, 8, 9, 11 and 12. Responding
4 Party's groundwater production, whether prior to entry of judgment in the Antelope Valley
5 Groundwater Cases or after entry of judgment, is not relevant to this dispute because the parties'
6 rights to produce and store groundwater in the basin are governed by the judgment and are not based
7 on prior water use. Additionally, Responding Party's groundwater production data was previously
8 provided during the proceedings in the Antelope Valley Groundwater Cases in the Declaration of
9 Steven McCracken in Lieu of Testimony at Phase 6 Trial, Docket #10698.

10 **SPECIAL INTERROGATORY NO. 8:**

11 State the amount of groundwater that YOU pumped from WELL 2 for each year from
12 1987 through 2017.

13 **RESPONSE TO SPECIAL INTERROGATORY NO. 8:**

14 In addition to and without waiving the General Objections stated in Part III above,
15 Responding Party objects to this Interrogatory on grounds 1, 3, 6, 7, 8, 9, 11 and 12. Responding
16 Party's groundwater production, whether prior to entry of judgment in the Antelope Valley
17 Groundwater Cases or after entry of judgment, is not relevant to this dispute because the parties'
18 rights to produce and store groundwater in the basin are governed by the judgment and are not based
19 on prior water use. Additionally, Responding Party's groundwater production data was previously
20 provided during the proceedings in the Antelope Valley Groundwater Cases in the Declaration of
21 Steven McCracken in Lieu of Testimony at Phase 6 Trial, Docket #10698.

22 **SPECIAL INTERROGATORY NO. 9:**

23 State the amount of groundwater that YOU pumped from WELL 3 for each year from
24 1987 through 2017.

25 **RESPONSE TO SPECIAL INTERROGATORY NO. 9:**

26 In addition to and without waiving the General Objections stated in Part III above,
27 Responding Party objects to this Interrogatory on grounds 1, 3, 6, 7, 8, 9, 11 and 12. Responding
28 Party's groundwater production, whether prior to entry of judgment in the Antelope Valley

1 Groundwater Cases or after entry of judgment, is not relevant to this dispute because the parties'
2 rights to produce and store groundwater in the basin are governed by the judgment and are not based
3 on prior water use. Additionally, Responding Party's groundwater production data was previously
4 provided during the proceedings in the Antelope Valley Groundwater Cases in the Declaration of
5 Steven McCracken in Lieu of Testimony at Phase 6 Trial, Docket #10698.

6 **SPECIAL INTERROGATORY NO. 10:**

7 State the amount of groundwater that YOU pumped from WELL 4 for each year from
8 1987 through 2017.

9 **RESPONSE TO SPECIAL INTERROGATORY NO. 10:**

10 In addition to and without waiving the General Objections stated in Part III above,
11 Responding Party objects to this Interrogatory on grounds 1, 3, 6, 7, 8, 9, 11 and 12. Responding
12 Party's groundwater production, whether prior to entry of judgment in the Antelope Valley
13 Groundwater Cases or after entry of judgment, is not relevant to this dispute because the parties'
14 rights to produce and store groundwater in the basin are governed by the judgment and are not based
15 on prior water use. Additionally, Responding Party's groundwater production data was previously
16 provided during the proceedings in the Antelope Valley Groundwater Cases in the Declaration of
17 Steven McCracken in Lieu of Testimony at Phase 6 Trial, Docket #10698.

18 **SPECIAL INTERROGATORY NO. 11:**

19 State the amount of groundwater that YOU pumped from any groundwater well located
20 on the ADJACENT LAND for each year that YOU have owned the ADJACENT LAND.

21 **RESPONSE TO SPECIAL INTERROGATORY NO. 11:**

22 In addition to and without waiving the General Objections stated in Part III above,
23 Responding Party objects to this Interrogatory on grounds 1, 3, 6, 7, 8, 9, 11 and 12. Responding
24 Party's groundwater production, whether prior to entry of judgment in the Antelope Valley
25 Groundwater Cases or after entry of judgment, is not relevant to this dispute because the parties'
26 rights to produce and store groundwater in the basin are governed by the judgment and are not based
27 on prior water use. Additionally, Responding Party's groundwater production data was previously
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provided during the proceedings in the Antelope Valley Groundwater Cases in the Declaration of Steven McCracken in Lieu of Testimony at Phase 6 Trial, Docket #10698.

Dated: January 12, 2018

As to objections only,

KUHS & PARKER

By 
Bernard C. Barmann, Jr., Attorneys for
Granite Construction Company

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PROOF OF SERVICE
STATE OF CALIFORNIA, COUNTY OF KERN

I, Valerie Hanners, 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 January 12, 2018, I caused the foregoing document(s) described as **RESPONSE TO LITTLE ROCK SAND AND GRAVEL INC.'S SPECIAL INTERROGATORIES, SET ONE** to be served on the parties in this action, as follows:

Theodore A. Chester, Jr. (U.S. Mail)
Stephen R. Isbell
Musick, Peeler & Garrett, LLP
One Wilshire Boulevard, Suite 2000
Los Angeles, CA 90017-3383

All Parties in the Antelope Valley Groundwater Cases
(Electronic service via Glotrans)

(BY ELECTRONIC SERVICE) by serving the document(s) listed above via Antelope Valley Watermaster Electronic Document Service – (www.avwatermaster.org) c/o Glotrans, to all parties appearing on the electronic service list for the Antelope Valley Groundwater case. Electronic service is complete at the time of transmission. My electronic notification email address is vhanners@kuhsparkerlaw.com

(BY U.S. MAIL) on January 12, 2018, at Bakersfield, California, pursuant to C.C.P. section 1013(a), I: _____ deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.

placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is place for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

_____ (BY EMAIL TRANSMISSION) on January 12, 2018, at approximately p.m. to:

_____ (BY FACSIMILE TRANSMISSION) on January 12, 2018 at approximately _____ p.m., pursuant to Rule 2008 of the California Rules of Court. The telephone number of the sending facsimile machine was 661/322-2906. A transmission report (copy attached hereto) was properly issued by the sending facsimile machine, and the transmission was reported as completed and without error.

_____ (BY PERSONAL SERVICE) on January 12, 2018 pursuant to C.C.P. section 1011, I caused such envelope to be delivered by hand personally to the addressee(s):

_____ (BY OVERNIGHT COURIER) on January 12, 2018 pursuant to C.C.P. section 1013I(d), I caused such envelope with delivery fees fully prepared to be sent by Federal Express to **Theodore A. Chester, Jr. at Musick, Peeler & Garrett, LLP.**

_____ (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct, and that the foregoing was executed on January 12, 2018, in Bakersfield, California.

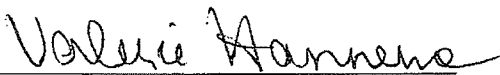

Valerie Hanners

EXHIBIT “E”

EXHIBIT “E”

Isbell, Stephen

From: Isbell, Stephen
Sent: Tuesday, January 23, 2018 12:15 PM
To: 'Bernard Barmann'
Subject: Little Rock Sand and Gravel v. Granite Construction Company - Follow Up re Discovery Responses

Bernie:

I am following up on our telephone conversation of last week regarding Granite's responses to Special Interrogatory Nos. 7-10, which reference the declaration of Mr. McCracken (rather than answering in full) and the resulting issue of whether the references to the several wells in the Interrogatories by number are consistent with the well references in Mr. McCracken's declaration. Said differently, Granite's reference to the McCracken declaration leave it unclear whether the groundwater well referred to as "WELL 1" in the Interrogatories is "Pump #1" in Mr. McCrackin's declaration. The same goes for "WELL 2" and "Pump #2" and so on.

Have you been able to reconcile this issue since we talked last? If so, will you agree to amend/supplement Granite's responses to the Special Interrogatories by explaining which "Pumps" identified in Mr. McCrackin's declaration refer to which "WELLS" defined in the Special Interrogatories?

I am going to need Granite to reconcile this issue ASAP or, at least, represent in writing that it will do so soon. Otherwise, Little Rock will have to file a discovery motion, which I hope to avoid.

Please email me back or call to further discuss.

Thanks,

Steve

Stephen R. Isbell
Attorney

| MUSICK PEELER

Musick, Peeler & Garrett LLP
650 Town Center Drive, Suite 1200
Costa Mesa, CA 92626

[Download V-Card](#)
s.isbell@mpglaw.com
www.musickpeeler.com

T: 714.668.2432
F: 714.668.2490

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An international
member of **AillyLaw**

EXHIBIT “F”

EXHIBIT “F”

Isbell, Stephen

From: Bernard Barmann <barmann@kuhsparserlaw.com>
Sent: Tuesday, January 23, 2018 5:39 PM
To: Isbell, Stephen
Cc: Robert G. Kuhs; Valerie Hanners
Subject: RE: Little Rock Sand and Gravel v. Granite Construction Company - Follow Up re Discovery Responses

Follow Up Flag: Follow up
Flag Status: Completed

Steve,

In response to your inquiry, we believe the McCracken declaration is self-explanatory. The declaration identifies the three pumps and their locations. Little Rock's special interrogatories also identify the wells by location in reference to a map of the facility. It is obvious that "Pump #1" discussed and described in the McCracken declaration as being located near the plant is the same as what your interrogatories label "Well 1." Likewise, it is obvious that "Pump #2" described in the McCracken declaration as located near the Office is the same as what your interrogatories label "Well 2." The same is true for "Pump #3" and "Well 3." So we can confirm that the well numbers in your interrogatories and the pump numbers in the McCracken declaration correspond.

Based on our objections to the interrogatory, we decline to supplement the response. Among other things, we firmly believe that the information this interrogatory seeks is not relevant to this dispute because the parties' rights to produce and store groundwater in the basin are governed by the judgment and are not based on prior water use.

Regards,
Bernie

From: Isbell, Stephen [<mailto:S.Isbell@MPGLAW.com>]
Sent: Tuesday, January 23, 2018 12:15 PM
To: Bernard Barmann <barmann@kuhsparserlaw.com>
Subject: Little Rock Sand and Gravel v. Granite Construction Company - Follow Up re Discovery Responses

Bernie:

I am following up on our telephone conversation of last week regarding Granite's responses to Special Interrogatory Nos. 7-10, which reference the declaration of Mr. McCracken (rather than answering in full) and the resulting issue of whether the references to the several wells in the Interrogatories by number are consistent with the well references in Mr. McCracken's declaration. Said differently, Granite's reference to the McCracken declaration leave it unclear whether the groundwater well referred to as "WELL 1" in the Interrogatories is "Pump #1" in Mr. McCrackin's declaration. The same goes for "WELL 2" and "Pump #2" and so on.

Have you been able to reconcile this issue since we talked last? If so, will you agree to amend/supplement Granite's responses to the Special Interrogatories by explaining which "Pumps" identified in Mr. McCrackin's declaration refer to which "WELLS" defined in the Special Interrogatories?

I am going to need Granite to reconcile this issue ASAP or, at least, represent in writing that it will do so soon. Otherwise, Little Rock will have to file a discovery motion, which I hope to avoid.

Please email me back or call to further discuss.

Thanks,

Steve

Stephen R. Isbell
Attorney

| MUSICK PEELER

Musick, Peeler & Garrett LLP
650 Town Center Drive, Suite 1200
Costa Mesa, CA 92626

[Download V-Card](#)
s.isbell@mpglaw.com
www.musickpeeler.com

T: 714.668.2432
F: 714.668.2490

The information contained in this communication is protected by the attorney-client and/or the attorney/work product privilege. It is intended only for the use of the addressee, and the privileges are not waived by virtue of this having been sent by e-mail. If the person actually receiving this communication or any other reader of the communication is not the named recipient, or the employee or agent responsible to deliver it to the recipient, any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by return e-mail or by e-mail to administrator@mpglaw.com, and destroy this communication and all copies thereof, including all attachments.

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member of **AllyLaw**

The information contained in this communication is protected by the attorney-client and/or the attorney/work product privilege. It is intended only for the use of the addressee, and the privileges are not waived by virtue of this having been sent by e-mail. If the person actually receiving this communication or any other reader of the communication is not the named recipient, or the employee or agent responsible to deliver it to the recipient, any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by return e-mail or by e-mail to administrator@mpglaw.com, and destroy this communication and all copies thereof, including all attachments.

EXHIBIT “G”

EXHIBIT “G”

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

ANTELOPE VALLEY GROUNDWATER)
 CASES)
)
 INCLUDED ACTIONS:) No. 1-05-CV-049053
 Los Angeles County)
 Waterworks District No. 40)
 v. Diamond Farming Co.,)
 Superior Court of)
 California, County of Los)
 Angeles, Case No. BC)
 3252014;)
)
 Los Angeles County)
 Waterworks District No. 40)
 v. Diamond Farming Co.,)
 Superior Court of)
 California, County of Kern,)
 Case No. S-1500-CV-254348;)
)
 Wm. Bolthouse Farms, Inc. v.)
 City of Lancaster, Diamond)
 Farming Co. v. Palmdale)
 Water Dist., Superior Court)
 of California, County of)
 Riverside, Case No. RIC)
 353840, RIC 344436, RIC)
 344668)
)
 Rebecca Lee Willis v. Los)
 Angeles County Waterworks)
 District No. 40 Superior)
 Court of California, County)
 of Los Angeles, Case No. BC)
 364553)
)
 Wood v. A.V. Materials,)
 Inc., et al., Superior Court)
 of California, County of Los)
 Angeles Case No. BC 509546)
)

(Continued)

Little Rock Sand and Gravel,)
Inc. v. Granite Construction)
Co., Superior Court of)
California, County of Los)
Angeles, North Judicial)
District, Case No. MC026932)

)

DEPOSITION OF GEORGE LANE

Tuesday, November 21, 2017

Lancaster, California

Reported by: Vanessa Zaragoza, CSR No. 13924

ANTELOPE VALLEY COURT REPORTERS

*** (661 949-9350) ***

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APPEARANCES

For Plaintiff:

Musick, Peeler & Garrett
BY MR. STEPHEN ISBELL
Attorney at Law
One Wilshire Boulevard
Suite 2000
Los Angeles, California 90017
(213 629-7600
S.isbell@mplaw.com

For Defendant Granite
Construction Company:

Kuhs & Parker
BY MR. ROBERT KUHS
Attorney at Law
1200 Truxtun Avenue
Suite 200
Bakersfield, California 93303
(661) 322-4004
Rgkush@kuhsparkerlaw.comh

1 that we had, we produced.

2 BY MR. KUHS:

3 Q. Okay.

4 A. We're going back decades.

5 Q. Has there been a transfer of any of these
6 parcels -- one, two, three, or four -- in your complaint
7 within the last two years?

8 A. No.

9 MR. KUHS: Okay. 4.

10 (Defendants' Exhibit Number 4
11 marked for identification.)

12 BY MR. KUHS:

13 Q. Mr. Lane, let me show you what's been marked as
14 Exhibit 4, which I'll represent to you comes out of
15 Granite's mining permit as amended. Take a look at
16 Exhibit 4 and tell me whether you recognize the parcels
17 shown here as part of the Little Rock quarry.

18 A. Yes.

19 Q. Okay. And do you believe that the parcel lines
20 shown generally represent the size and shape of the
21 parcels owned by Little Rock and others?

22 A. Yes.

23 Q. Okay. Taking a -- and why don't we do it this
24 way so we've got an accurate record. I'll give you a
25 red pen, and let's start at the top of the page which I

1 understand would be the south; correct? Right?

2 A. Yes.

3 Q. The orientation is to the south, and let's
4 label that top parcel as Parcel A. Okay? Just write
5 with the pen an A at the top parcel, and let's label the
6 next parcel down as Parcel B, and then the next parcel,
7 the smaller of the two, let's call that C; and the
8 larger, we'll call it D. And then the next parcel down,
9 the rectangular parcel, we'll call E, and then the
10 parcels under that, there's a group of five parcels,
11 which you understand to be owned by Granite; correct?

12 A. Yes.

13 Q. And let's put a G in each of those parcels.

14 Now, the parcel we've called Parcel A is owned
15 by who?

16 A. It is my understanding all of these parcels,
17 until you get into parcel E, are owned by Little Rock
18 Sand and Gravel. My dad was the one who negotiated in
19 the leases. I believe that to be true. Parcel E is
20 Monte Vista Building Sites. I did not negotiate the
21 lease.

22 MR. ISBELL: No question pending.

23 BY MR. KUHS:

24 Q. We're not there yet.

25 Taking a look at Parcel E, can you see in the

1 upper left-hand corner in very small print it says
2 "Number 2 Well"?

3 A. I can't see it, but I take your word for it.

4 Q. All right. Is it your understanding there's a
5 well in the -- that approximate location?

6 A. It's very close.

7 Q. Let's put the number 2 next to that location.

8 A. Let's what?

9 Q. Write the number 2 next to that location so
10 it's visible.

11 Then if you go to the lower right hand of
12 Parcel E, you'll see a designation Number 3 Well. Do
13 you see that? It's right on the edge of the mined area.

14 A. The lower -- explain that again.

15 Q. Yeah. You see this area right -- right there?

16 A. Okay.

17 Q. That says Number 3 Well. Would you write a 3
18 in that location?

19 A. Okay.

20 Q. Do you have an understanding of whether or not
21 there are two water wells on Parcel E?

22 A. Repeat that.

23 Q. Do you have a recollection that there are two
24 water wells on Parcel E?

25 A. Two logs?

1 Q. Two wells?

2 A. Oh, very close.

3 Q. Do you know how many wells are actually on that
4 Little Rock quarry site, the five parcels?

5 A. We have a well in Number A, and that was taken
6 out.

7 Q. Okay. And that appears to be designated
8 Number 4.

9 A. Yeah.

10 Q. And let's put a number 4 up there at that well.
11 And that was removed?

12 A. Yes.

13 Q. Okay.

14 A. When it was quarried, that was removed.

15 Q. Okay. And I think you should see -- and it's
16 very difficult, but just on parcel -- it appears to be
17 shown on Parcel C just above the pond, there should be a
18 designation of Number 1 Well.

19 Do you see that? Is that about the location of
20 one of the wells?

21 A. Close.

22 Q. Okay. So how many wells are currently existing
23 on Parcels A through E?

24 A. I believe -- I haven't been on the site
25 recently. I believe there's three existing.

1 daylighting, I can't answer on that. Those are subject
2 to the agreements with the adjoining lessor.

3 Q. Okay.

4 A. Or the lessees.

5 Q. Other than the five properties shown on
6 Exhibit 4, A through E, do either you individually or
7 through any of your various entities have an ownership
8 interest in any other properties shown on Exhibit 4?

9 A. The property to the east.

10 Q. Which property is that? The Vulcan properties?

11 A. Yes.

12 Q. Okay. And what's -- I guess that would be to
13 the west; right? Because the orientation is reversed
14 here; is that accurate?

15 A. It would be to the -- yeah. Vulcan -- it's not
16 east -- okay. Excuse me. Maybe I've got that -- Vulcan
17 is to the east.

18 Q. Well, should -- remember this is -- the
19 orientation of this figure is upside down.

20 MR. ISBELL: Is it, though? There's an N on
21 the bottom left-hand corner of the document indicating
22 to me that the top is north.

23 MR. KUHS: Okay. Maybe I'm backwards.

24 MR. ISBELL: How about we just say on the right
25 of this picture?

1 (3:47 p.m.)

2 ---ooOoo---

3 STATE OF CALIFORNIA)
4 COUNTY OF KERN) ss.

5
6 I, GEORGE LANE, do hereby certify:

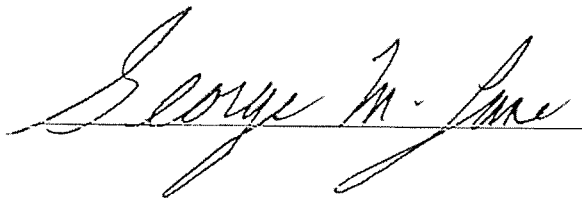
7 That I have read the foregoing
8 deposition;

9 That I have made such changes in form and/or
10 substance to the within deposition as might be necessary
11 to render the same true and correct;

12 That having made such changes thereon, I hereby
13 subscribe my name to the deposition.

14 I declare, under penalty of perjury, that the
15 foregoing is true and correct.

16 Executed this 22 day of Dec., 2017,
17 at L. ANGELES, California.

18
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20 

21
22 To the best of my knowledge. I hope
23 I didn't miss anything.
24
25

1 STATE OF CALIFORNIA)
) ss.
 2 COUNTY OF KERN)

3
 4

5 I, Vanessa Zaragoza, a Certified Shorthand
 6 Reporter in the State of California, holding Certificate
 7 No. 13924, do hereby certify that GEORGE LANE, the
 8 witness named in the foregoing deposition, was by me
 9 duly sworn; that said deposition was taken Tuesday,
 10 November 21, 2017 at the time and place set forth on the
 11 first page hereof.

12 That upon the taking of the deposition, the
 13 words of the witness were written down by me in
 14 stenotypy and thereafter transcribed by computer under
 15 my supervision; that the foregoing is a true and correct
 16 transcript of the testimony given by the witness.

17 I further certify that I am neither counsel for
 18 nor in any way related to any party to said action, nor
 19 in any way interested in the result or outcome thereof.

20 Dated this 5th day of December, 2017, at
 21 Bakersfield, California.

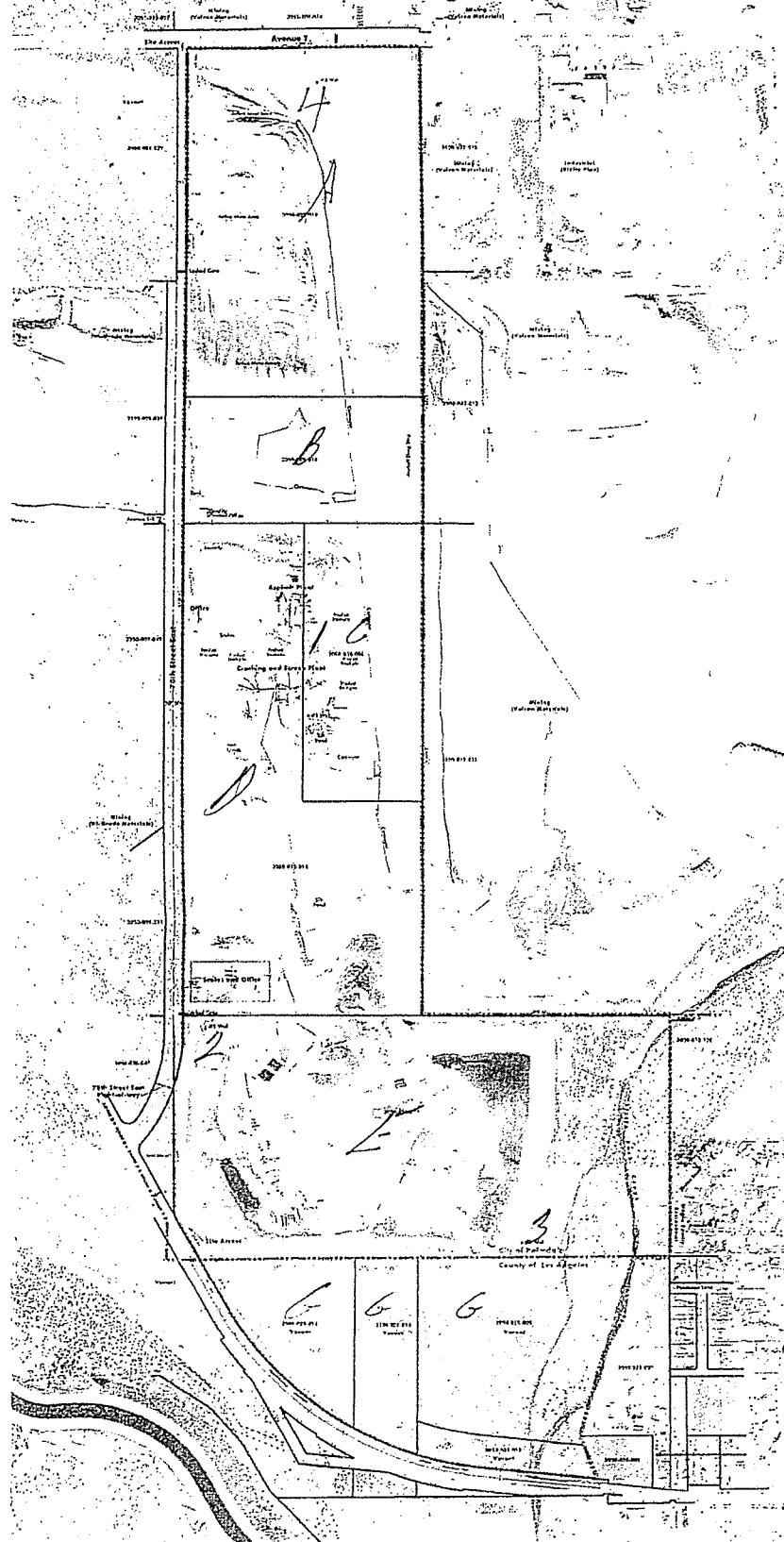
22
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 24
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Vanessa Zaragoza

 Vanessa Zaragoza, CSR No. 13924

DEFENDANT'S EXHIBIT

NO. 4



PLF/DEF	<u>Line</u>
EXHIBIT	<u>4</u>
DATE	<u>11.21.17</u>
Vanessa Zaragoza, CSR 13924	

Aerial - Existing Mine Conditions
 Granite Construction Inc., - Little Rock Quarry
 City of Palmdale, California

Figure 3

200
 11/12/2012
 URM
 Project Boundary
 Parcel Lines
 Drainage Course
 Dirt Road
 Power Poles
 Building and Conveyors

1 **PROOF OF SERVICE**

2 Antelope Valley Groundwater Cases
3 Santa Clara County Case No. 1-05-CV-049053
4 Judicial Council Coordination (“JCCP”) No. 4408
5 California Court of Appeal, Fourth District, Division Two, Case No. E065512

6 At the time of service, I was over 18 years of age and not a party to this action. I am
7 employed in the County of Orange, State of California. My business address is Musick Peeler &
8 Garrett LLP, 650 Town Center Drive, Suite 1200, Costa Mesa, CA 92626-1925.

9 On April 13, 2018, I served the foregoing document described as: **DECLARATION OF
10 STEPHEN R. ISBELL IN SUPPORT OF OPENING BRIEF OF LITTLE ROCK SAND
11 AND GRAVEL, INC. RE TITLE TO GROUNDWATER ALLOCATION ARISING FROM
12 LITTLE ROCK SAND AND GRAVEL’S LAND AND GRANTED UNDER JUDGMENT
13 AND PHYSICAL SOLUTION** on the interested parties in this action by posting the document
14 listed above to the <http://www.avwatermaster.org> website in regard to the Antelope Valley
15 Groundwater Adjudication matter, pursuant to the Electronic Filing and Service Standing Order of
16 Judge Komar and through the OneLegal website (www.onelegal.com).

17 The file transmission was reported as complete to all parties appearing on the
18 <http://www.avwatermaster.org> electronic service list and (www.onelegal.com)for the Antelope
19 Valley Groundwater Cases, Case No. 2005-1-CV-049053; JCCP 4408.

20 **BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the
21 persons at the address listed below and placed the envelope for collection and mailing,
22 following our ordinary business practices. I am readily familiar with the practice of
23 Musick, Peeler & Garrett LLP for collecting and processing correspondence for mailing.
24 On the same day that correspondence is placed for collection and mailing, it is deposited in
25 the ordinary course of business with the United States Postal Service, in a sealed envelope
26 with postage fully prepaid. I am a resident or employed in the county where the mailing
27 occurred. The envelope was placed in the mail at Costa Mesa, California.

28 Attorneys for Granite Construction Company:
Robert G. Kuhs
Bernard C. Barmann, Jr.
Kuhs & Parker
1200 Truxtun Ave., Ste. 200
P.O. Box 2205
Bakersfield, CA 93303

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on April 13, 2018, at Costa Mesa, California.

/s/ Judy Jacobs

Judy Jacobs

1098593.1