

1 FIND ANY DOCUMENTS WHEREIN EXECUTIVE ORDER 8450 WAS  
2 MODIFIED AFTER IT WAS ISSUED?

3 A I DON'T BELIEVE SO.

4 Q COULD YOU GO TO EXHIBIT 22, PLEASE?

5

6 (PAUSE IN THE PROCEEDINGS.)

7

8 THE WITNESS: ALL RIGHT.

9 BY MR. SHEFFIELD:

10 Q AND IS THAT PUBLIC LAND ORDER 613?

11 A 613, YES.

12 Q AND WAS THAT SUBJECT TO VALID EXISTING  
13 RIGHTS?

14 A YES.

15 Q IF YOU COULD GO TO EXHIBIT 23.

16 A ALL RIGHT.

17 Q AND THAT'S PUBLIC LAND ORDER 646?

18 A YES, IT IS.

19 Q AND WAS THAT SUBJECT TO ALL VALID EXISTING  
20 RIGHTS?

21 A IT'S SUBJECT TO VALID EXISTING RIGHTS.

22 Q IF YOU CAN GO TO EXHIBIT 24.

23 THE COURT: COUNSEL, LET ME ASK YOU IF THERE MIGHT  
24 BE A MORE EFFICIENT WAY OF DEALING WITH THIS. THIS IS  
25 REALLY YOUR ARGUMENT RATHER THAN PRESENTATION OF  
26 EVIDENCE. IF THESE DOCUMENTS ARE IN EVIDENCE AND I'VE  
27 NOT HEARD OBJECTIONS TO THEM, THEN IT SEEMS TO ME THAT  
28 THAT'S SOMETHING THAT YOU COULD SAY FOR ARGUMENT AS TO

1 THE EFFECT OF THAT LANGUAGE.

2 MR. SHEFFIELD: I UNDERSTAND, YOUR HONOR. I WAS  
3 TRYING TO CUT TO THE CHASE BY ASKING IF THEY SAID IT,  
4 AND HE SAID HE --

5 THE COURT: WELL --

6 MR. SHEFFIELD: IT GOES TO ANOTHER QUESTION I'M  
7 TRYING TO GET TO.

8 THE COURT: WELL, I THINK MOST OF THEM DO SAY IT.  
9 I THINK IT'S BEEN CONCEDED FROM THE BEGINNING THAT THAT  
10 LANGUAGE IS IN THE EXECUTIVE ORDERS, MANY OF THEM. SO  
11 GIVEN THAT FACT, WHY DON'T YOU GO TO YOUR NEXT QUESTION,  
12 WHATEVER THAT MIGHT BE, REGARDING IT.

13 MR. SHEFFIELD: WILL DO, YOUR HONOR.

14 BY MR. SHEFFIELD:

15 Q WITH REGARD TO THE VALID EXISTING RIGHTS  
16 THAT EXISTED IN THESE AREAS PRIOR TO THE PUBLIC LAND  
17 ORDERS OR EXECUTIVE ORDERS, DID YOU DO ANY RESEARCH INTO  
18 WHAT THOSE RIGHTS MAY HAVE BEEN?

19 THE COURT: THAT CALLS FOR A LEGAL CONCLUSION.

20 MR. LEININGER: OBJECTION, CALLS FOR A LEGAL  
21 CONCLUSION.

22 THE COURT: CALLS FOR A LEGAL CONCLUSION.

23 MR. SHEFFIELD: MAY I BE HEARD ON THAT, YOUR  
24 HONOR? I'M ASKING IF HE RESEARCHED WHAT RIGHTS EXISTED.  
25 IT'S --

26 THE COURT: HE'S NOT A LAWYER.

27 MR. SHEFFIELD: WELL, IT -- IT'S NOT -- IT'S NOT A  
28 CONCLUSION. I'M NOT ASKING HIM DID HE DETERMINE WHAT

1     THEY ARE.  HE'S RESEARCHED WATER RIGHTS AND WATER USAGE  
2     AND HE'S DONE ACQUISITIONS SO --

3             **THE COURT:**  WHY IS IT RELEVANT AS TO WHAT HE MAY  
4     HAVE RESEARCHED IN TERMS OF THE LAW?

5             **MR. SHEFFIELD:**  I DIDN'T ASK, HAVE YOU RESEARCHED  
6     THE LAW?  HE REVIEWED -- IN HIS DEPO TESTIMONY HE TALKED  
7     ABOUT LOOKING AT DEEDS AND FOLLOWING CHAINS OF TITLE AND  
8     THOSE THINGS; SO IN THE SEARCH OF THAT HE WOULD -- I'M  
9     ASKING IF HE DID LOOK AT ANYTHING PREEXISTING EDWARDS  
10    AIR FORCE BASE TAKING OVER -- THE GOVERNMENT TAKING OVER  
11    THESE PARCELS OF LAND.

12            **THE COURT:**  YEAH.  I'M GOING TO SUSTAIN THE  
13    OBJECTION.

14    **BY MR. SHEFFIELD:**

15            **Q**       DID YOU PERFORM ANY CHAIN OF TITLE SEARCHES  
16    ON ANY OF THE LANDS ACQUIRED FOR EDWARDS AIR FORCE BASE?

17            **A**       BY "CHAIN OF TITLE," DO YOU MEAN A FULL  
18    TITLE CHAIN FROM PATENT TO CURRENT OWNER?

19            **Q**       OR ANY PART THEREOF.  WELL, LET ME -- DID  
20    YOU DO ANY CHAIN OF TITLE PRIOR TO THE GOVERNMENT  
21    ACQUIRING THE PROPERTY?

22            **A**       NO.  WE DIDN'T DO PATENT TO TRANSACTION  
23    WITH THE GOVERNMENT.

24            **Q**       DID YOU DO ANYTHING PRIOR TO THE GOVERNMENT  
25    ACQUIRING A PROPERTY?  DID YOU CHECK ANY OF THE TITLE  
26    PRIOR TO THE GOVERNMENT COMING INTO TITLE OF THE  
27    PROPERTY?

28            **A**       OH, NO, NO.

1           Q           AND IN DOING THE WELL PLOTTING THAT YOU  
2 DID, DID YOU EVER DO A MAP THAT SHOWED WHETHER THE WELLS  
3 WERE SITTING ON RESERVE LAND OR NOT?

4           A           NO, I DIDN'T PREPARE A MAP LIKE THAT.

5           Q           OKAY. SO AS YOU SIT HERE TODAY, YOU DON'T  
6 KNOW WHETHER THE WELLS WERE ON RESERVE LAND VERSUS LAND  
7 ACQUIRED THROUGH PURCHASE OR CONDEMNATION?

8           A           BASED ON WHERE THE INFORMATION COMES FROM,  
9 MOST OF THEM WOULD HAVE BEEN ON PRIVATE LAND, BECAUSE  
10 THE WAY THAT THEY'RE RECORDED WAS THROUGH THE PURCHASE  
11 AND SO FORTH.

12          Q           YOU TESTIFIED EARLIER, USING EXHIBIT 43,  
13 THAT AERONAUTICAL COMPANIES WERE WANTING TO USE PARTS OF  
14 EDWARDS AIR FORCE BASE. AND THAT WAS THE -- 43 WAS THE  
15 LETTER FROM NORTHROP.

16          A           OKAY.

17          Q           DO YOU RECALL THAT?

18          A           YES.

19          Q           AND IN YOUR COMMENT YOU HAD SAID  
20 AERONAUTICAL COMPANIES. WHAT OTHER COMPANIES WERE  
21 WANTING TO USE THE PROPERTY AT THAT TIME OTHER THAN  
22 NORTHROP?

23          A           OH, THIS IS THE EXAMPLE I KNOW OF. YES. I  
24 HAVE UNDERSTOOD -- I DON'T HAVE EXAMPLES, BUT I HAVE  
25 UNDERSTOOD FROM JUST GENERAL READING THAT THAT WAS THE  
26 CASE. THIS WAS AN EXAMPLE OF IT. I HAVEN'T SEEN OTHER  
27 EXAMPLES, BUT THAT'S WHAT I HAD UNDERSTOOD TO BE THE  
28 CASE.

1           Q           AND SO YOU HAVE NO DOCUMENTARY EVIDENCE OF  
2 ANY OTHER COMPANIES OTHER THAN NORTHROP?

3           A           NO.

4           Q           OKAY. YOU HAD ALSO -- I BELIEVE IT WAS  
5 EXHIBIT 28 AND 29, DEALING WITH THE EXCLUSIVE  
6 JURISDICTION.

7           A           UH-HUH.

8           Q           AND THEY ESTABLISHED THE EXCLUSIVE  
9 JURISDICTION ABOUT 1945, BASED ON YOUR TESTIMONY; IS  
10 THAT CORRECT?

11          A           BETWEEN '43 AND '45.

12          Q           AND DID YOU FIND ANY DOCUMENTS AFTER THAT  
13 DATE THAT DEALT WITH ANY EXCLUSIVE JURISDICTION OVER ANY  
14 OTHER PARTS OF THE EDWARDS AIR FORCE BASE OTHER THAN  
15 WHAT WAS LAID OUT IN THOSE TWO EXHIBITS?

16          A           THERE WERE RECORDS FROM THE STATE LANDS  
17 COMMISSION RELATED TO ITS JURISDICTION, BUT I DID NOT --  
18 I DIDN'T STUDY THOSE. COLLECTED THEM UP AND TRANSMITTED  
19 THEM ON.

20          Q           AND THEY WEREN'T PART OF YOUR TESTIMONY  
21 TODAY?

22          A           NO. THIS WAS THE MAIN -- THE MAIN THING WE  
23 WERE LOOKING AT.

24          Q           AND BASED ON EXHIBIT 28 OR 29, WERE YOU  
25 ABLE TO TELL HOW MUCH OF THE EDWARDS AIR FORCE BASE WAS  
26 SUBJECT TO EXCLUSIVE JURISDICTION?

27          MR. ZIMMER: YOUR HONOR, IS THAT QUESTION WHAT IT  
28 SAYS ON THE DOCUMENT?

1           **THE COURT:** I'M SORRY. I CAN'T HEAR YOU. SPEAK  
2 UP.

3           **MR. ZIMMER:** THERE WAS A PREVIOUSLY SUSTAINED  
4 OBJECTION TO THIS WITNESS DETERMINING ANYTHING WITH  
5 REFERENCE TO EXCLUSIVE JURISDICTION.

6           **THE COURT:** YES.

7           **MR. ZIMMER:** THE QUESTION, I SUPPOSE, IS WHAT THE  
8 DOCUMENT SAYS, THOSE WORDS ON THERE.

9           **MR. SHEFFIELD:** THE QUESTION IS THE AMOUNT OF  
10 LAND. THERE'S AMOUNT OF LAND THAT'S NOT SHOWN IN THERE,  
11 AND I WANT TO KNOW THE PERCENTAGE OF THE LAND THAT  
12 WAS -- EDWARDS AIR FORCE BASE WAS SUBJECT TO THE  
13 EXCLUSIVE JURISDICTION, BASICALLY.

14           **THE COURT:** SEE IF YOU CAN ANSWER THE QUESTION.

15           **THE WITNESS:** I UNDERSTOOD IT TO BE THE LAND  
16 CONTROLLED BY THE AIR FORCE AT THE TIME -- OR THE AIR  
17 CORPS, ARMY AIR CORPS, AT THE TIME THAT THIS EXCLUSIVE  
18 JURISDICTION WAS GRANTED.

19           **THE COURT:** OKAY.

20           **MR. SHEFFIELD:** THANK YOU.

21                   I DON'T HAVE ANY FURTHER QUESTIONS, YOUR  
22 HONOR.

23           **THE COURT:** WHO ELSE WOULD LIKE TO EXAMINE THE  
24 WITNESS?

25           **MR. ZIMMER:** I HAVE A FEW QUESTIONS, YOUR HONOR.  
26 I'LL NOT REPEAT.

27           **THE COURT:** SEE IF WE CAN DO THEM IN FIVE MINUTES.

28           **MR. ZIMMER:** WE'LL SEE WHAT WE CAN DO IN FIVE

1 MINUTES.

2

3

**RECROSS-EXAMINATION**

4

**BY MR. ZIMMER:**

5

**Q** IS THERE A DIAGRAM, SIR, THAT SHOWS WHAT

6

LANDS WERE ACQUIRED? IS THERE JUST ONE DOCUMENT THAT

7

SHOWS THE LANDS THAT WERE ACQUIRED, IN OTHER WORDS, HOW

8

MANY ACRES OR WHICH PARCELS? WE HAVE A LOT OF THOSE

9

MAPS. I'M JUST TRYING TO FIGURE OUT WHICH ONES WERE --

10

I'M SORRY. LET ME REPHRASE IT.

11

WHICH PROPERTIES WERE RESERVED? I JUST

12

WANT TO KNOW THE TOTAL NUMBER OF ACRES OR PROPERTIES

13

THAT WERE RESERVED, CONTRASTED WITH CONDEMNED OR

14

ACQUIRED.

15

**A** I THINK IF YOU LOOK AT THE LAST OF THE MAPS

16

THAT HAS -- BESIDES THE ONE THAT TAKES THE --

17

**THE COURT:** COULD YOU KEEP YOUR VOICE UP, PLEASE?

18

**THE WITNESS:** OH, I'M SORRY. I THINK IF YOU LOOK

19

AT THE SECOND TO THE LAST OF THE EDWARDS MAPS, IT HAS

20

THE MOST COMPLETE FILLING. AND AT THAT POINT THE

21

RESERVE LANDS WOULD BE SOLID BLUE. THE REST WOULD BE

22

ACQUIRED.

23

**MR. ZIMMER:** MR. LEININGER, DO YOU KNOW WHAT

24

EXHIBIT THAT IS?

25

**MR. LEININGER:** (SPOKE SOTTO VOCE.)

26

**BY MR. ZIMMER:**

27

**Q** WHILE THEY'RE LOOKING FOR THAT, SIR, DO YOU

28

KNOW IN TERMS OF ACREAGE WHAT THE TOTAL NUMBER OF

1 RESERVED ACRES IS THAT WE'RE DEALING WITH?

2           **A**           I HAVE NOT DONE THAT CALCULATION. OUR  
3 G.I.S. PERSON COULD PROBABLY DO IT, BUT I HAVEN'T ASKED  
4 HER TO DO THAT.

5           **Q**           BUT IT WOULD SHOW ON THAT EXHIBIT?

6           **A**           WELL, IN A GRAPHIC FORM, YEAH.

7           **Q**           HAS ANYONE TO YOUR KNOWLEDGE DONE ANY  
8 EVALUATION OF EXISTING RIGHTS DURING ANY TIME FRAME?

9           **A**           WHAT RIGHTS?

10          **Q**           OF EXISTING RIGHTS. THERE'S -- WE TALKED  
11 ABOUT THE RESERVATION BEING SUBJECT TO EXISTING RIGHTS.  
12 DO YOU KNOW OF ANYONE ON BEHALF OF THE UNITED STATES  
13 THAT HAS DONE THAT ANALYSIS AS TO WHAT EXISTING RIGHTS  
14 EXISTED AT THE TIME OF ANY OF THE RESERVATIONS?

15          **MR. LEININGER:** OBJECTION, VAGUE.

16          **THE COURT:** WELL, I THINK I UNDERSTAND THE  
17 QUESTION.

18                       DID YOU ANSWER IT? DO YOU UNDERSTAND THE  
19 QUESTION?

20          **THE WITNESS:** I'M NOT SURE THAT I DO.

21          **THE COURT:** WHY DON'T YOU REPHRASE IT.

22 **BY MR. ZIMMER:**

23          **Q**           YOU'RE ON THE UNITED STATES GOVERNMENT  
24 TEAM. I'M TRYING TO FIND OUT WHETHER YOU ARE AWARE OF  
25 WHETHER ANYBODY -- I UNDERSTAND YOU'RE NOT A TITLE GUY  
26 AND YOU'RE NOT GIVING THAT OPINION. BUT HAS ANYBODY TO  
27 YOUR KNOWLEDGE ON THE UNITED STATES TEAM DONE ANY  
28 ANALYSIS OF WHAT RIGHTS EXISTED AT ANY GIVEN TIME?



1           **A**           I'VE SEEN REFERENCES IN THE HISTORIC  
2 RECORDS TO PEOPLE TALKING ABOUT A CERTAIN PARCEL HAVING  
3 RIGHTS, YOU KNOW, LIKE A MINING RIGHT OR THE NEED TO  
4 EXTINGUISH MINING CLAIMS SO THAT THEY CAN CLEAR UP  
5 WHO -- YOU KNOW, COMPENSATION FOR TAKINGS, THINGS LIKE  
6 THAT. BUT I HAVEN'T SEEN A DISCUSSION LIKE THAT, NOT  
7 THAT I REMEMBER.

8           **Q**           THE PHOTOGRAPHS WE LOOKED AT WITH THE TENTS  
9 ON THE BASE, THAT WAS SOMEWHERE IN 1938?

10          **A**           IT WAS 1936, MARCH OF 1936, AS I RECALL.

11          **Q**           SO DID YOU HAVE ANY OTHER PHOTOGRAPHS AFTER  
12 '36 OR IS THAT WHAT WE'RE LIMITED TO, SEEING WHAT WAS  
13 THERE IN '36?

14          **A**           THAT'S AN EXAMPLE. I HAVE OTHER  
15 PHOTOGRAPHS THAT I COLLECTED.

16          **Q**           YOU HAVEN'T SUBMITTED ANY?

17          **A**           WE DIDN'T SUBMIT EVERYTHING THAT WE  
18 COLLECTED.

19          **MR. ZIMMER:** MR. OYARZO, DID YOU FIND THAT OR ARE  
20 YOU STILL LOOKING?

21          **MR. OYARZO:** I THINK THIS IS THE --

22 **BY MR. ZIMMER:**

23          **Q**           OKAY. THIS IS EXHIBIT WHAT?

24          **A**           IT'S 109.

25          **Q**           OKAY. SO ON EXHIBIT 109 IS WHAT YOU'RE  
26 SAYING THAT ALL THE FILLED-IN SQUARES, THE NONCROSSHATCH  
27 SECTIONS -- THAT IS THE ONLY LAND THAT WAS RESERVED?

28          **A**           THE BLUE AND DARK BLUE ARE THE LANDS

1 WITHDRAWN BY EXECUTIVE ORDER OR PUBLIC LAND ORDERS.

2 Q AND I CAN'T SEE BLUE OR DARK BLUE ON THIS  
3 IN PARTICULAR. IT'S ALL THE NONCROSSHATCHED GROUND;  
4 CORRECT?

5 A YES. I'M SORRY FOR THAT. YOU MIGHT WANT  
6 TO LOOK AT THE PAPER.

7 Q BUT WOULD IT BE TRUE THAT IT'S ALL THE LAND  
8 DEPICTED THAT'S NOT CROSSHATCHED?

9 A YES. BUT ON PAPER SOME OF THESE ARE SHOWN  
10 AS JUST SOLID YELLOW. I DON'T KNOW WHY THE  
11 CROSSHATCHING DOESN'T APPEAR ON THIS LIKE IT SHOULD.  
12 IT'S SORT OF FADED. BUT IT'S THE BLUE AND DARK BLUE  
13 SQUARES.

14 Q THAT ARE THE RESERVE LANDS?

15 A THEY'RE EITHER EXECUTIVE ORDER OR PUBLIC  
16 LAND ORDER.

17 Q YOU HAD A CHART UP THAT SHOWED 500 WELLS  
18 PERHAPS?

19 A THAT WAS THE MAP?

20 Q THE MAP, RIGHT.

21 A THE DOTS. THAT'S RIGHT.

22 Q WITHOUT PULLING THAT BACK UP, WAS THAT A  
23 MAP THAT WAS PREPARED OVER A PERIOD OF TIME, SHOWING ALL  
24 WELLS YOU COULD FIND DURING ANY GIVEN PERIOD OF TIME?

25 A NO. WHAT IT WAS WAS A MAP THAT I ASKED MY  
26 ASSISTANT AND MY G.I.S. PERSON TO PRODUCE BASED ON THE  
27 COLLECTION OF THE VOUCHER DATA, THE U.S.G.S. AND OTHER  
28 RECORDS THAT WE GOT, SOME OTHER INFORMATION. IT'S ALL

1 REFERENCED ON THE EXHIBIT, AND THE KARPE REPORT. I JUST  
2 WANTED TO HAVE AN IDEA OF WHERE WERE THEIR WELLS.

3 Q AT ANY TIME?

4 A AT ANY TIME.

5 Q SO THAT MAP SHOWS WHERE WELLS WERE AT ANY  
6 GIVEN TIME?

7 A YES. IT DOESN'T -- IT'S NOT BROKEN UP BY  
8 DATE.

9 Q AND IT'S NOT INTENDED TO REPRESENT THAT ALL  
10 THOSE WELLS WERE IN EXISTENCE AT ONE TIME OR PUMPING AT  
11 ANY GIVEN TIME?

12 A OH, NO.

13 Q CORRECT?

14 A THAT'S RIGHT.

15 Q THANK YOU. THERE WAS SOME INFORMATION YOU  
16 PUT UP IN TERMS OF THE WATER USE. YOU CALLED IT A WATER  
17 INVENTORY FOR GIVEN YEARS. YOU WENT THROUGH 1966.

18 A UH-HUH.

19 Q IS IT CORRECT THAT YOU DID NO ANALYSIS  
20 AFTER THAT?

21 A THAT TABLE WAS PRODUCED, AS I SAID, QUITE  
22 EARLY ON, NOT ADDED ONTO; RIGHT? SO WE PRODUCED IT HERE  
23 TO PROVIDE AN EASY WAY TO LOOK AT A LOT OF DIFFERENT  
24 DATA.

25 Q MY QUESTION, THOUGH -- I DON'T MEAN TO CUT  
26 YOU OFF. BECAUSE I WANT TO FIND OUT DID YOU DO -- HAS  
27 ANYBODY TO YOUR KNOWLEDGE, ON BEHALF OF THE UNITED  
28 STATES, DONE ANY ANALYSIS OF THE WATER USE AFTER 1966?

1           **A**           OH, I DON'T KNOW ABOUT ANYBODY ELSE.

2           **Q**           OKAY. DO YOU KNOW -- DID YOU DO ANY  
3 ANALYSIS AS TO WHY, FROM 1965 TO 1966, THE WATER USE  
4 WENT DOWN FROM 7,480 TO 6,280?

5           **A**           MY UNDERSTANDING IS THAT THE WATER USE WENT  
6 UP AND DOWN PRIMARILY BECAUSE OF THE TYPES OF TESTING  
7 THAT WAS GOING ON AT THE BASE.

8           **Q**           BUT YOU DID NO ANALYSIS OF PARTICULARLY  
9 WHY?

10          **A**           NO, NOT IN PARTICULAR.

11          **MR. ZIMMER:** THANK YOU, SIR. I HAVE NO FURTHER  
12 QUESTIONS.

13          **THE COURT:** MR. KUHS?

14          **MR. KUHS:** YES, YOUR HONOR.

15

16                           **FURTHER RECROSS-EXAMINATION**

17          **BY MR. KUHS:**

18          **Q**           GOOD AFTERNOON, MR. HERBERT. MY NAME IS  
19 ROBERT KUHS. I'M APPEARING FOR TEJON RANCH CORP. IN  
20 THIS PROCEEDING.

21                        IN TERMS OF THE EXCLUSIVE JURISDICTION  
22 ISSUE, WHAT IS THE LAST INSTANCE IN WHICH THE UNITED  
23 STATES ACCEPTED EXCLUSIVE JURISDICTION OF ANY PROPERTY  
24 AT EDWARDS AIR FORCE BASE?

25          **A**           THE LAST THAT I RECALL IS THE ONE THAT'S IN  
26 THE DOCUMENT I PROVIDED.

27          **Q**           WELL, AS I RECALL, THERE WERE TWO LETTERS.  
28 THERE WAS SORT OF A BANTER GOING BACK AND FORTH BETWEEN

1 THE GOVERNOR OF CALIFORNIA AND THE SECRETARY OF WAR;  
2 CORRECT?

3 A THAT'S RIGHT.

4 Q AND AS I RECALL THE SUBSTANCE OF THOSE  
5 LETTERS, THERE WAS AN ACCEPTANCE IN 1943 BY THE FEDERAL  
6 GOVERNMENT; CORRECT?

7 A THAT'S MY RECOLLECTION, YEP.

8 Q AND THEN FOLLOWING THAT, THERE WAS A LETTER  
9 FROM THE GOVERNOR SAYING WE DON'T UNDERSTAND WHICH LAND  
10 YOU'RE REFERRING TO; COULD YOU CLEAR THAT UP FOR US --

11 A RIGHT.

12 Q -- IN ESSENCE; CORRECT?

13 A THAT'S CORRECT.

14 Q DID YOU FIND IN YOUR INVESTIGATION ANY  
15 LETTER OR RESPONSE FROM THE FEDERAL GOVERNMENT  
16 PURPORTING TO CLEAR UP THE AMBIGUITY THAT THE GOVERNOR  
17 OF CALIFORNIA WAS CONCERNED ABOUT?

18 A THE -- NOT IN THAT FILE. AND WE HAD NOT --  
19 WE HAD ALREADY BEEN TO THE NATIONAL ARCHIVES FOR THAT  
20 KIND OF RESEARCH; SO WE DIDN'T -- WE DIDN'T GO BACK  
21 LOOKING FOR THAT PARTICULAR LETTER. WE WOULD HAVE HAD  
22 TO GO BACK TO THE RECORDS OF THE SECRETARY OF WAR AND  
23 THE NATIONAL ARCHIVES TO LOOK FOR HIS CORRESPONDENCE  
24 FILE RELATED TO THAT.

25 WE DIDN'T LOOK FOR THAT INITIALLY WHEN WE  
26 WERE THERE. GIVEN THE FACT THAT THERE WAS THE  
27 ACCEPTANCE BY THE GOVERNOR OF THE LIST, WE DIDN'T THINK  
28 IT WAS NECESSARY.

1           Q           SO IN YOUR MIND, IT'S THE OPERATIVE DATE --  
2 IF YOU HAVE IT, IS THE OPERATIVE DATE FOR THE LAST  
3 ACCEPTANCE OF JURISDICTION BY THE UNITED STATES 1943 OR  
4 1945?

5           A           THE LAST LETTER THAT WE HAVE ACCEPTING  
6 JURISDICTION IS 1945. I DON'T KNOW IF THAT ANSWERS YOUR  
7 QUESTION.

8           Q           ALL RIGHT. AND YOU HAVEN'T RENDERED AN  
9 OPINION AS TO WHETHER THE 1943 OR 1945 LETTER IS THE  
10 LAST OPERATIVE DOCUMENT IN TERMS OF ACCEPTANCE OF  
11 JURISDICTION?

12           MR. LEININGER: OBJECT. THAT CALLS FOR A LEGAL  
13 CONCLUSION.

14           MR. KUHS: YES. I'LL MOVE ON.

15           THE COURT: ALL RIGHT.

16 BY MR. KUHS:

17           Q           HOW MANY CITIES DID YOU GO TO IN SEARCH OF  
18 RECORDS FOR YOUR TESTIMONY IN THIS PROCEEDING?

19           A           HOW MANY CITIES?

20           Q           YES.

21           A           OH, LET'S SEE. WELL, FIRST OF ALL, HOW DO  
22 YOU DEFINE A CITY? IS PALMDALE -- I GUESS PALMDALE  
23 WOULD BE A CITY, BAKERSFIELD. TEN?

24           Q           YOU WENT AS FAR AS WASHINGTON, D.C.?

25           A           OH, YES, ABSOLUTELY.

26           Q           AND AS CLOSE AS YOUR OWN BACKYARD?

27           A           DAVIS, CALIFORNIA. THAT'S RIGHT.

28 RIVERSIDE, SACRAMENTO, BAKERSFIELD.

1           **Q**           OKAY. AND IN YOUR RESEARCH DID YOU FIND  
2 ANY DOCUMENTS EXPLAINING OR PURPORTING TO EXPLAIN WHAT  
3 PRESIDENT ROOSEVELT MEANT WHEN HE SAID SUBJECT TO VALID  
4 EXISTING RIGHTS IN THE EXECUTIVE ORDERS THAT YOU'VE  
5 TESTIFIED HERE TODAY?

6           **A**           THE ONLY THING THAT I HAVE SEEN FROM  
7 FRANKLIN ROOSEVELT WAS A COPY OF A NOTE THAT HE SENT TO  
8 THE BUREAU OF THE BUDGET, BECAUSE THE BUREAU OF THE  
9 BUDGET HAD SOME JURISDICTION OVER THESE EXECUTIVE ORDERS  
10 AND LAND WITHDRAWALS, AS I UNDERSTAND IT, ASKING IS  
11 THERE GOING TO BE -- HOW IS THIS GOING TO AFFECT PEOPLE  
12 LIVING IN THE AREA? WORDS TO THAT EFFECT. THAT'S IN  
13 OUR COLLECTION OF MATERIALS THAT WE'VE PROVIDED.

14                       THE -- THERE IS NOTHING ELSE IN THAT FILE.  
15 THAT WOULD HAVE BEEN NICE TO --

16           **Q**           YOU WERE NOT ABLE TO UNCOVER ANY EVIDENCE  
17 AS TO WHAT PRESIDENT ROOSEVELT MEANT WHEN HE USED THE  
18 PHRASE "VALID EXISTING RIGHTS" IN HIS EXECUTIVE ORDER?

19           **A**           NO.

20           **Q**           OKAY. AND THE SAME WITH RESPECT TO THE  
21 PUBLIC LANDOWNERS -- OR, EXCUSE ME, OF THE PUBLIC LAND  
22 ORDERS ISSUED BY THE SECRETARY OF THE INTERIOR, DID YOU  
23 FIND IN YOUR INVESTIGATION ANY EVIDENCE OF AN ATTEMPT OF  
24 THE SECRETARY OR ASSISTANT SECRETARY OF THE INTERIOR AS  
25 TO WHAT HE OR SHE MEANT BY THE PHRASE "VALID EXISTING  
26 RIGHTS"?

27           **A**           I HAVE NOT SEEN AN OFFICIAL EXPLANATION OF  
28 WHAT VALID EXISTING RIGHTS IS ACCORDING TO THOSE PEOPLE.

1           Q           AND IN ALL OF YOUR RESEARCH HAVE YOU SEEN  
2 ANY INSTANCE IN WHICH IT APPEARED TO BE THE INTENT  
3 EITHER OF -- OF THE FEDERAL GOVERNMENT TO TAKE PRIVATE  
4 PROPERTY RIGHTS WITHOUT COMPENSATION?

5           A           I'M NOT SURE I UNDERSTAND WHAT YOU MEAN.

6           Q           WELL, YOU'VE TESTIFIED THAT YOU  
7 INVESTIGATED A NUMBER OF CONDEMNATION FUNDS.

8           A           CORRECT.

9           Q           AND YOU UNDERSTAND THAT THE PURPOSE OF  
10 CONDEMNATION IS THAT WHEN THE GOVERNMENT COMES IN AND  
11 TAKES PRIVATE PROPERTY, THEY HAVE AN OBLIGATION TO PAY  
12 JUST COMPENSATION; CORRECT?

13          A           THAT'S RIGHT.

14          Q           AND SO DID IT APPEAR TO YOU FROM YOUR  
15 INVESTIGATION THAT THE -- WHENEVER THE GOVERNMENT WAS  
16 TAKING PRIVATE PROPERTY IN THE ANTELOPE VALLEY FOR  
17 EDWARDS AIR FORCE BASE, THAT IT WAS EITHER DOING IT BY  
18 WAY OF CONDEMNATION OR BY WAY OF PURCHASE?

19          A           WELL, THAT'S RIGHT. I HAVEN'T SEEN  
20 ANYTHING ELSE.

21          Q           YOU MENTIONED IN TWO REPORTS THAT THERE WAS  
22 EVIDENCE OF HIGH WATER USE AT EDWARDS, 1965 AND 1966, AS  
23 I RECALL. WERE YOU ABLE TO CORRELATE THE ACTIVITIES  
24 GOING ON AT THE BASE AT THAT TIME WITH THAT HIGH DEMAND  
25 FOR WATER?

26          A           ONLY IN GENERAL.

27          Q           WHAT WAS --

28          A           THE -- SORRY. GO AHEAD.



1 Q WHAT WAS YOUR GENERAL CONCLUSION?

2 A JUST THAT THERE WAS THE HIGH ACTIVITY  
3 DURING THE VIETNAM WAR, AND THERE WAS ROCKET TESTING  
4 GOING ON ON THE FACILITY THAT REQUIRED WATER. THAT'S --  
5 IT'S ONLY THE MOST -- THAT'S A GENERAL UNDERSTANDING.

6 Q WAS THERE ANY CONSTRUCTION GOING ON AT THE  
7 BASE IN 1965 TO 1966?

8 A I'M SURE THERE WAS SOME. THAT'S NOT  
9 SOMETHING WE RESEARCHED.

10 Q YOU'RE UNABLE TO EXPLAIN WHAT THE HIGH  
11 DEMAND FOR WATER WAS IN 1965 AND 1966?

12 A NOT WITH ANY CERTAINTY.

13 Q YOU'RE FAMILIAR WITH PLANT 42?

14 A GENERALLY.

15 Q OKAY. AND WHAT WAS THE ENDING DATE FOR  
16 YOUR INVESTIGATION OF PLANT 42?

17 A PRETTY MUCH THE END OF ACQUISITIONS OF  
18 LAND; SO THAT WOULD HAVE BEEN EARLY '60S.

19 Q YOU'RE AWARE THAT NASA HAS A PRESENCE ON  
20 EDWARDS AIR FORCE BASE?

21 A YES.

22 Q WHEN DID THAT PRESENCE START?

23 A WELL, IT STARTED WITH THE IMMEDIATE POST  
24 WORLD WAR II PERIOD. I DON'T BELIEVE IT WAS NASA AT THE  
25 TIME. IT WAS SOMETHING ELSE. NACA, I THINK. BUT I'M  
26 NOT SURE EXACTLY WHEN THEY STARTED THEIR ACTIVITIES.

27 Q ARE YOU AWARE THAT NASA IS A CIVILIAN  
28 ORGANIZATION?

1           **A**           YEAH. IT'S AN ARM OF THE FEDERAL  
2 GOVERNMENT.

3           **Q**           BUT IT'S NOT UNDER THE DEPARTMENT OF  
4 DEFENSE; CORRECT?

5           **A**           I DON'T -- I DON'T KNOW THAT FOR A FACT.

6           **Q**           ARE YOU AWARE THAT THE FAA HAS A PRESENCE  
7 AT EDWARDS AIR FORCE BASE?

8           **A**           I WAS NOT AWARE OF THAT.

9           **Q**           ALL RIGHT. ARE YOU AWARE THAT MUROC SCHOOL  
10 DISTRICT HAS A PRESENCE AT EDWARDS AIR FORCE BASE?

11          **A**           YES. I UNDERSTOOD THERE WAS A SCHOOL.

12          **Q**           YOU UNDERSTAND THAT THE SCHOOL DISTRICT IS  
13 NOT A DEPARTMENT OF DEFENSE; CORRECT?

14          **A**           YES. IT'S THERE TO SERVE THE DEPENDENTS OF  
15 THE AIR FORCE.

16          **Q**           OKAY. ARE YOU AWARE OF ANY OTHER  
17 FACILITIES AT EDWARDS THAT ARE NOT UNDER THE DEPARTMENT  
18 OF DEFENSE JURISDICTION?

19          **A**           I HAVEN'T STUDIED THAT. I HAVEN'T -- I  
20 HAVEN'T LOOKED AT THAT KIND OF RESEARCH.

21          **Q**           IN YOUR RESEARCH ON WATER USE AT THE BASE,  
22 DID YOU UNCOVER ANY RESEARCH AS TO HOW MUCH WATER IS  
23 USED BY THE GOLF COURSE AT EDWARDS?

24          **A**           NO. THERE MAY BE REFERENCES TO  
25 INSTALLATION OF THE GOLF COURSE IN OUR DOCUMENTS.  
26 THAT'S NOT SOMETHING I LOOKED FOR.

27          **Q**           DO YOU KNOW WHEN THE GOLF COURSE WAS  
28 INSTALLED?

1           **A**           NOT OFFHAND.

2           **Q**           ARE YOU AWARE THERE'S A RECREATIONAL POND  
3 AT EDWARDS AIR FORCE BASE?

4           **A**           I JUST HEARD THAT THE OTHER DAY.

5           **Q**           YOU DIDN'T UNCOVER THAT IN YOUR STUDIES?

6           **A**           DID NOT STUDY IT.

7           **Q**           LAST QUESTION. WE HEARD YOU TALK ABOUT THE  
8 VARIOUS INSTRUMENTS BY WHICH THE FEDERAL GOVERNMENT TOOK  
9 TITLE TO THESE LANDS. AND SO THE RECORD IS CLEAR, IN  
10 YOUR INVESTIGATION, YOU DIDN'T MAKE ANY DETERMINATION IN  
11 REVIEWING THOSE RECORDS AS TO THE QUALITY OR CHARACTER  
12 OF TITLE THAT THE FEDERAL GOVERNMENT ACQUIRED, DID YOU?

13          **A**           OH, NO, NO. I SIMPLY WAS GATHERING THE  
14 DATA TO SEE -- PARTICULARLY TO SEE WHETHER THERE WERE  
15 STATED PURPOSES FOR ACQUIRING LAND.

16          **Q**           THANK YOU, MR. HERBERT.

17          **THE COURT:** ALL RIGHT. MR. HERBERT, YOU CAN STEP  
18 DOWN. WE'RE GOING TO TAKE -- OR LEAVE YOU IN RECESS AT  
19 THIS TIME.

20          **MR. LEININGER:** YOUR HONOR, MAY I HAVE A FEW  
21 QUESTIONS ON REDIRECT?

22          **THE COURT:** HOW MANY TIME-WISE?

23          **MR. LEININGER:** FIVE MINUTES.

24          **THE COURT:** OKAY. RELUCTANTLY, NO MORE THAN FIVE  
25 MINUTES.

26          **MR. LEININGER:** THANK YOU, YOUR HONOR.

27

28

**REDIRECT EXAMINATION**

**BY MR. LEININGER:**

**Q** MAY I HAVE EXHIBIT -- WHATEVER IS NEXT.

**THE COURT:** YOU CAN ALWAYS COME BACK IN THE MORNING IF YOU HAVE FURTHER AMMUNITION.

**MR. LEININGER:** IT REALLY IS VERY LIMITED, YOUR HONOR.

**THE COURT:** THE DANGER IS ONE QUESTION LEADS TO ANOTHER. GO AHEAD.

**THE WITNESS:** 43 IS THE NORTHROP ONE, NORTHROP LETTER. IS THAT IT?

**MR. LEININGER:** NO, 33.

**THE WITNESS:** OH, I'M SORRY.

**MR. LEININGER:** CAN YOU ENLARGE THAT EASTERN SECTION, PLEASE?

**BY MR. LEININGER:**

**Q** CAN YOU READ -- DO YOU HAVE YOUR POINTER STILL?

**A** YES. WHAT PART?

**Q** SO YOU RECOGNIZE THE WRITING THERE AT THE BOTTOM, SORT OF GOING NORTH-SOUTH? MAY HAVE TO BLOW THAT UP A LITTLE MORE.

**A** ARE YOU TALKING ABOUT THE COUNTY LINE?

**Q** YES.

**A** YES, I SEE IT.

**Q** SO ON THE LEFT IT'S LOS ANGELES COUNTY, ON THE RIGHT IT'S SAN BERNARDINO COUNTY; IS THAT CORRECT?

**A** THAT'S RIGHT.

(EXHIBIT 33, IDENTIFIED: MAP.)

BY MR. LEININGER:

Q OKAY.

CAN WE JUST HAVE THE FULL SIZE OF THAT,  
PLEASE?

AND COULD YOU JUST POINT THAT OUT AGAIN  
WITH YOUR LASER POINTER.

A (INDICATING.)

MR. LEININGER: OKAY. AND NOW COULD WE PLEASE PUT  
UP 258, EXHIBIT 258?

Q CAN YOU SHOW APPROXIMATELY WHERE THAT  
COUNTY LINE IS?

A I BELIEVE IT'S RIGHT IN HERE.

Q AND WHAT DOES THIS MAP DEPICT?

A IT SHOWS THE WELLS FOR WHICH WE COLLECTED  
THE INFORMATION THAT WE DISCUSSED.

Q OKAY. LAST QUESTION. I BELIEVE YOU  
SAID -- WITH REGARD TO PHOTOS, YOU SAID WE SUBMITTED  
EVERYTHING YOU COLLECTED. AND BY REFERENCING SUBMITTING  
EVERYTHING YOU COLLECTED, IT WAS A QUESTION ON EARLY  
PHOTOS OF THE INSTALLATION.

A THAT'S RIGHT.

Q SO WHEN YOU SAY SUBMIT EVERYTHING YOU  
COLLECTED, YOU MEAN AS AN EXHIBIT OR DO YOU MEAN YOU'VE  
COLLECTED EVERYTHING AND IT WAS SUBMITTED FOR PURPOSES  
OF DISCOVERY?

1           **A**           WELL, IT'S EVERYTHING THAT I SUBMITTED TO  
2 BOTH YOUR OFFICE AND BROUGHT TO MY DEPOSITION. SO THERE  
3 ARE PHOTOGRAPHS IN BOTH OF THOSE. I'M NOT SURE THE  
4 PROPER TERMINOLOGY.

5           **Q**           RIGHT. SO EVERYTHING WAS SUBMITTED;  
6 HOWEVER, NOT EVERYTHING ENDED UP AS -- NECESSARILY AS AN  
7 EXHIBIT?

8           **A**           NO. WE'D BE HERE A LONG TIME.

9           **Q**           RIGHT. SO YOU SELECTED YOUR PHOTO BECAUSE  
10 IT WAS -- WHY? BECAUSE IT WAS REPRESENTATIVE?

11          **A**           IT WAS A NICE DEMONSTRATIVE PHOTOGRAPH AND  
12 SHOWED A LARGE AREA. WE DID HAVE PHOTOGRAPHS FROM THE  
13 GROUND THAT SHOWED THE BARRACKS BUILDING AND SOME OTHER  
14 STRUCTURES, BUT THAT PHOTOGRAPH WAS NICE BECAUSE IT  
15 SHOWED BOTH WHERE THEY WERE PARKING THE AIRCRAFT, THE  
16 TENTS, THE WELL, SOME OF THE MAJOR FEATURES OF THAT VERY  
17 EARLY CAMP.

18          **Q**           THANK YOU.

19          **MR. LEININGER:** I HAVE NO FURTHER QUESTIONS, YOUR  
20 HONOR.

21          **THE COURT:** ALL RIGHT. YOU MAY STEP DOWN, SIR.  
22 THANK YOU.

23          **THE WITNESS:** THANK YOU.

24          **THE COURT:** IS THERE GOING TO BE ANY EXAMINATION  
25 OF THE WITNESS TOMORROW?

26                        OKAY. THE WITNESS IS EXCUSED. THANK YOU.

27                        ALL RIGHT. LET'S TALK ABOUT TOMORROW. HOW  
28 MANY ADDITIONAL WITNESSES ARE YOU GOING TO BE PRESENTING

1 TOMORROW? AND TELL ME BASICALLY WHAT THEY ARE.

2 **MR. LEININGER:** OKAY, YOUR HONOR. WE'LL BEGIN  
3 TOMORROW WITH DR. HALLION. DR. HALLION HAS SOME --  
4 AGAIN, HE'S THE FORMER AIR FORCE HISTORIAN, AND HE HAS  
5 LIMITED AMOUNT OF TESTIMONY WHICH IS GOING TO  
6 DEMONSTRATE MILITARY USES AND MILITARY PURPOSES ON  
7 EDWARDS THROUGH TIME. HE HAD ACTUALLY BEEN STATIONED AT  
8 EDWARDS AIR FORCE BASE FOR A NUMBER OF YEARS.

9 WE'RE THEN GOING TO PUT IN -- PUT UP  
10 GENERAL BREWER. GENERAL BREWER IS GOING TO BE TALKING  
11 ABOUT THE MISSION, AND HE'LL BE ABLE TO ESTABLISH SOME  
12 OF THE UNIQUE CHARACTERISTICS WHICH ARE VERY IMPORTANT  
13 IN OUR QUALIFICATION FOR FUTURE PURPOSES.

14 WE'RE THEN GOING TO PUT ON CIVIL ENGINEER,  
15 JUDKINS.

16 **THE COURT:** WHO?

17 **MR. LEININGER:** CIVIL ENGINEER JUDKINS, JAMES  
18 JUDKINS. AND HE WILL TALK ABOUT WATER CONSUMPTIVE  
19 NEEDS, AND HE WILL QUANTIFY -- PROVIDE THE VALUES FOR  
20 THE QUANTIFICATION FOR THE FEDERAL RESERVE WATER RIGHT.  
21 THAT WILL BE IT FOR EDWARDS AIR FORCE BASE.

22 **THE COURT:** WHEN YOU SAY WATER RIGHTS, YOU'RE  
23 TALKING ABOUT THE EXISTING PUMPING OR YOU'RE TALKING  
24 ABOUT FUTURE USES?

25 **MR. LEININGER:** BOTH. YES, YOUR HONOR --

26 **THE COURT:** OKAY.

27 **MR. LEININGER:** -- PRESENT AND FUTURE.

28 **THE COURT:** ALL RIGHT.

1           **MR. LEININGER:** AND THAT WILL CONCLUDE TESTIMONY  
2 WITH REGARD TO EDWARDS AIR FORCE BASE AND FEDERAL  
3 RESERVE WATER RIGHTS FOR EDWARDS AIR FORCE BASE.

4           THEN WE HAVE TWO WITNESSES FOR AIR FORCE  
5 PLANT 42. WE HAVE THE COMMANDING OFFICER THERE, AND WE  
6 HAVE THE CIVIL ENGINEER IN CHARGE OF THAT FACILITY.

7           SO WITH REGARD TO LENGTH OF TESTIMONY, I  
8 THINK MR. HALLION SHOULD GO FAIRLY QUICKLY. GENERAL  
9 BREWER, PERHAPS AN HOUR OF DIRECT, AND THEN MR. JUDKINS,  
10 PERHAPS AN HOUR OF DIRECT.

11          **THE COURT:** OKAY. ASIDE FROM CROSS-EXAMINATION,  
12 DO ANY OF THE OTHER PARTIES INTEND TO CALL WITNESSES FOR  
13 THIS PHASE IN REGARD TO THE FEDERAL RESERVE RIGHT?

14          **MR. KUHS:** YOUR HONOR, I HAD ONE WITNESS LISTED,  
15 AND THAT WAS ONE OF THE LAND PEOPLE AT TEJON, SIMPLY TO  
16 ESTABLISH TITLE TO THE RANCHO LANDS. IF WE CAN GET,  
17 EITHER BY JUDICIAL NOTICE OR STIPULATION, THAT FACT  
18 ESTABLISHED FOR THIS PHASE, I DON'T NEED TO --

19          **THE COURT:** COURT TOOK JUDICIAL NOTICE OF THE  
20 PATENT AND THE DECISION OF THE COURT.

21          **MR. KUHS:** I THINK THAT'S PROBABLY ALL WE NEED FOR  
22 THIS WITNESS.

23          **THE COURT:** MR. FIFE.

24          **MR. FIFE:** YOUR HONOR, WE STILL HAVE THE ISSUE OF  
25 MS. OBERDORFER, THAT I MENTIONED AT THE BEGINNING.  
26 WE'VE PROPOSED TO THE U.S. ATTORNEYS THAT PERHAPS WE  
27 COULD JUST READ A PORTION OF HER DEPOSITION TRANSCRIPT  
28 OR SOMETHING OF THAT NATURE IN ORDER TO SPEED THINGS UP.



1 WE HAVEN'T RESOLVED THAT YET. BUT SHE'S AN ISSUE IN  
2 THIS.

3 **THE COURT:** MAYBE YOU CAN WORK ON THAT THIS  
4 EVENING.

5 **MR. ZIMMER:** MR. ZIMMER.

6 **MR. ZIMMER:** RICHARD ZIMMER, BOLTHOUSE. TWO  
7 ITEMS: ONE, WE'RE JUST DEALING WITH THE FEDERAL RESERVE  
8 RIGHT ISSUE, NOT WHAT RIGHTS THE FEDERAL GOVERNMENT MAY  
9 HAVE AS AN OVERLYING LANDOWNER.

10 **THE COURT:** THOSE ARE GOING TO BE LEGAL ISSUES.

11 **MR. ZIMMER:** RIGHT. WE'RE ONLY DEALING WITH THE  
12 FEDERAL RESERVE RIGHT, NOT OVERLYING LANDOWNER RIGHTS.

13 **THE COURT:** THAT'S RIGHT.

14 **MR. ZIMMER:** OKAY. THE ONLY OTHER COMMENT I HAD  
15 WAS THAT I INHERITED MR. HALLION FROM MR. JOYCE. I  
16 WOULD -- I THINK THAT THE TESTIMONY IS FAIRLY LIMITED.  
17 GIVEN THE TESTIMONY OF THIS WITNESS TODAY, I'M NOT SURE  
18 HOW MUCH IT IS NECESSARY. BUT I WOULD OFFER TO  
19 STIPULATE WITH MR. LEININGER CERTAIN PORTIONS OF THIS.  
20 IF WE CAN GET ANY PORTIONS WE WANT --

21 **THE COURT:** WHY DON'T YOU TALK ABOUT THAT. WHAT  
22 I'M TRYING TO DO IS DETERMINE WHAT WE'RE GOING TO BE  
23 DOING TOMORROW AND FOR HOW LONG, BECAUSE I'M THINKING  
24 WE'RE PROBABLY GOING TO HAVE TO RECESS TOMORROW AROUND  
25 2:30; SO I'D LIKE TO PICK UP THE PACE A LITTLE BIT.

26 AND I DON'T WANT TO SHORTCHANGE ANYBODY OR  
27 EXCLUDE ANY APPROPRIATE TESTIMONY OR EVIDENCE, BUT I  
28 WANT YOU TO KIND OF BEAR THAT IN MIND, BECAUSE IF WE

1 DON'T FINISH WITH THE TESTIMONY TOMORROW, THEN WE'LL  
2 HAVE TO COME BACK ON TUESDAY TO FINISH IT, AND THAT WILL  
3 EAT INTO THE RETURN FLOW PORTIONS OF TRIAL, AND WE'LL  
4 HAVE TO SLOW PEOPLE DOWN THERE. ALL RIGHT. JUST BEAR  
5 THAT IN MIND.

6 HAVE A PLEASANT EVENING, AND I WILL SEE YOU  
7 TOMORROW MORNING AT 9:00 O'CLOCK.

8 **COUNSEL:** "THANK YOU, YOUR HONOR."

9 **THE COURT:** AND YOU CAN LEAVE YOUR PAPERS. THE  
10 COURTROOM WILL BE LOCKED. AND YOU'LL HAVE TO LEAVE AND  
11 GET OUT OF HERE SO THAT MY CLERK AND STAFF CAN LEAVE,  
12 OKAY?

13  
14 (THE PROCEEDINGS WERE ADJOURNED  
15 UNTIL FEBRUARY 11, 2014, AT 9:00  
16 A.M.)  
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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT 3

IN RE

IN RE

ANTELOPE VALLEY GROUNDWATER CASES.

)  
)  
)  
)  
) REPORTER'S  
) CERTIFICATE  
)  
) CASE JCCP4408  
)

I, RHONA S. REDDIX, OFFICIAL REPORTER OF  
THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE  
COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT THE  
FOREGOING PAGES, 1 THROUGH 182, COMPRISE A FULL, TRUE  
AND CORRECT TRANSCRIPT OF THE PROCEEDINGS TAKEN IN THE  
ABOVE ENTITLED CAUSE ON FEBRUARY 10, 2014.

DATED THIS 18TH OF FEBRUARY, 2014.

Rhona Reddix, CSR, RPR, RMR, CRR #10807  
OFFICIAL REPORTER

\$	127 [1] 5/28 12TH [2] 71/28 87/9 13 [2] 3/1 33/1 130 [2] 5/8 5/9 132 [1] 5/10 133 [1] 5/25 135 [1] 120/11 136 [1] 5/11 137 [1] 5/12 139 [1] 5/21 14 [6] 39/5 130/20 130/22 130/23 131/3 131/4 140 [1] 5/22 140S [1] 128/3 141 [1] 5/23 142 [4] 5/24 5/25 133/2 133/9 143 [1] 3/4 15 [8] 3/15 75/19 77/12 77/19 77/27 117/23 126/4 126/21 15-MINUTE [1] 37/12 15TH [7] 79/12 81/2 88/11 93/11 113/1 137/7 141/16 16 [5] 3/16 79/9 79/14 120/20 126/21 163 [1] 3/4 1656 [1] 78/2 1658 [1] 87/18 1661 [1] 110/8 1666 [1] 113/15 16661-W.B [2] 114/15 117/10 168 [1] 3/5 16TH [1] 96/23 17 [7] 3/17 2/28 14/11 83/17 83/20 83/25 121/17 17 GIGABYTES [1] 14/10 177 [1] 4/1 17TH [2] 93/3 121/10 18 [12] 3/18 73/14 73/21 87/18 87/25 88/18 88/19 88/20 90/23 104/25 156/13 156/15 182 [1] 183/15 18TH [3] 61/1 61/7 183/18 19 [8] 3/19 89/16 93/24 94/1 94/2 94/16 109/2 131/20 1914 [1] 56/6 1928 [1] 40/26 1930S [2] 65/22 134/10 1934 [5] 67/18 68/3 70/28 71/5 88/9 1935 [3] 72/16 87/8 87/9 1936 [5] 71/28 72/3 81/1 165/10 165/10 1937 [5] 77/16 79/12 81/2 88/10 88/11 1938 [6] 83/21 83/26 84/4 124/5 125/20 165/9 1939 [3] 85/7 85/12 85/28 1940 [8] 89/17 89/18 90/12 93/3 93/8 93/11 94/8 95/7 1941 [1] 94/21 1943 [8] 96/23 96/28 97/21 98/11 103/18 169/5 170/3 170/9 1945 [7] 98/3 98/7 103/18 161/9 170/4 170/6 170/9 1946 [1] 106/10 1947 [9] 104/27 111/15 111/19 127/28 127/28 147/3 147/8 148/13 148/19 1948 [8] 105/25 108/25 109/3 147/3 147/3 147/9 149/24 150/16 1949 [3] 109/23 112/18 136/18 1950 [3] 110/17 110/21 142/11 1950S [2] 114/5 154/12 1952 [5] 86/22 111/15 111/19 136/19 139/6 1953 [7] 116/23 116/26 117/5 127/15 137/7 139/12 139/15 1953-58 [1] 139/19 1953S [1] 94/3 1954 [2] 71/25 139/26	1955 [3] 113/1 113/4 114/3 1956 [1] 140/14 1956-58 [1] 140/17 1958 [13] 100/12 101/6 101/14 116/23 116/27 117/5 139/13 139/15 140/14 141/21 141/25 142/1 142/6 1959 [1] 141/16 1960S [1] 147/27 1961 [1] 118/12 1962 [7] 121/11 121/17 128/20 128/23 128/24 142/2 142/6 1963 [5] 128/25 128/27 128/28 142/11 142/12 1964 [6] 129/3 129/4 129/18 130/14 130/17 130/25 1965 [13] 129/1 129/5 129/7 129/8 129/28 130/5 130/13 131/6 131/21 168/3 172/22 173/7 173/11 1966 [13] 129/10 129/11 129/12 129/13 131/26 132/1 132/23 167/17 167/28 168/3 172/22 173/7 173/11 1967 [4] 129/13 145/14 146/9 146/11 1973 [1] 54/23 1977 [1] 54/25 1980 [2] 131/17 146/17 1980S [1] 131/18 1981 [1] 55/22 19TH [1] 109/22 1:30 [2] 61/18 61/21 1ST [4] 93/11 106/10 129/1 139/6
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