

EXHIBIT “A”

1	SUPERIOR COURT OF THE STATE OF CALIFORNIA	
2	FOR THE COUNTY OF LOS ANGELES	
3	DEPARTMENT NO. 1	HON. JACK KOMAR, JUDGE
4	COORDINATION PROCEEDING)
5	SPECIAL TITLE (RULE 1550B))
6	ANTELOPE VALLEY GROUNDWATER CASES)	JUDICIAL COUNCIL
7	_____)	COORDINATION
8	PALMDALE WATER DISTRICT AND	NO. JCCP4408
9	QUARTZ HILL WATER DISTRICT,)
10	CROSS-COMPLAINANTS,)
11	VS.)
12	LOS ANGELES COUNTY WATERWORKS,)
13	DISTRICT NO. 40, ET AL,)
14	CROSS-DEFENDANTS.)
15	_____)	SANTA CLARA CASE NO.
16		1-05-CV-049053

14

15 REPORTER'S TRANSCRIPT OF PROCEEDINGS

16 MONDAY, MARCH 8, 2010

17

18 APPEARANCES:

19 (SEE APPEARANCE PAGES)

20

21

22

23

24

25

26

27 GINGER WELKER, CSR #5585

28 OFFICIAL REPORTER

1 IN THAT TRIAL AND HOW THEY ARE GOING TO BE ADDRESSED AS
2 WELL AS SETTING UP A TIME LINE FOR DISCLOSURE OF
3 WITNESSES AND COMPLETION OF DISCOVERY AND THE LIKE. MY
4 DESIRE TO HAVE THIS MATTER HEARD AS EARLY AS POSSIBLE --
5 I MAY HAVE BEEN OVERLY OPTIMISTIC AS TO WHAT WE COULD
6 ACCOMPLISH BETWEEN NOW AND JULY WHEN I LAST SPOKE TO YOU
7 OR -- AT OUR LAST HEARING.

8 IT SEEMS TO ME AS I'M LOOKING AT WHAT IS IN
9 PLAY HERE THE ISSUES HAVE TO BE NARROWED FOR THAT PHASE
10 OF THAT TRIAL, NUMBER ONE.

11 AND, NUMBER TWO, I THINK THAT IN ORDER TO
12 ACCOMPLISH PREPARATION IT REALLY CAN'T BE ACCOMPLISHED
13 PRIOR TO THE END OF SEPTEMBER, SO I'M REALLY THINKING
14 THIS TRIAL SHOULD OCCUR IN THE FALL ASSUMING THAT
15 EVERYTHING PROCEEDS AS I HOPE IT WILL.

16 AND I WOULD LIKE TO TALK ABOUT THE ISSUES TO
17 BE ADJUDICATED IN THAT NEXT PHASE OF THE TRIAL. IT
18 SEEMS TO ME THAT IT HAS GOT TO EVOLVE AROUND THE
19 QUESTION OF OVERDRAFT. CERTAINLY IF THE CURRENT
20 CONDITIONS -- BECAUSE IF WE ARE TALKING ABOUT ISSUES
21 RELATED TO THE MANAGEMENT OF THE AQUIFER, WE NEED TO
22 DETERMINE WHAT ITS PRESENT CONDITIONS ARE.

23 IF THERE IS NO OVERDRAFT -- AND THAT IS
24 POSSIBLE AND I DON'T KNOW WHAT THE EVIDENCE IS IN THIS
25 CASE -- THAT IS GOING TO END THAT INQUIRY.

26 THEN IT'S GOING TO BE UP TO THE INDIVIDUAL
27 DISPUTANTS AMONG THEMSELVES TO DETERMINE WHETHER OR NOT
28 THEY HAVE ANY CLAIMS THAT THEY WISH TO PURSUE AGAINST

1 EACH OTHER. AND THAT IS NOT GOING TO INVOLVE EVERYBODY
2 IN THIS CASE. THAT IS GOING TO INVOLVE THE PEOPLE WHO
3 ARE PARTIES TO THE INDIVIDUAL ACTIONS THAT HAVE BEEN--
4 WORK -- COORDINATED HERE AND OBVIOUSLY TO SOME EXTENT
5 THERE MAY BE SOME COMMON ISSUES, BUT MOSTLY NOT, I
6 THINK., THOSE ARE SEPARATE ISSUES.

7 ONE OF THE PROBLEMS THAT I FORESEE HERE IS
8 THAT VARIOUS PURVEYORS HAVE STARTED PUMPING AT VARIOUS
9 TIMES. EVEN THOUGH WE HAVE A SINGLE AQUIFER, THERE ARE
10 OBVIOUSLY DIFFERENCES IN VARIOUS PORTIONS OF THE AQUIFER
11 AS TO THE EFFECT OF PUMPING.

12 AT THE TIME THAT I MADE THE DECISION
13 CONCERNING A SINGLE AQUIFER, I INDICATED THAT THERE WERE
14 DISPARITIES AND DIFFERENCES IN THE VARIOUS PORTIONS OF
15 THE AQUIFER IN TERMS OF THE EFFECT OF THE -- THE AMOUNT
16 OF CONNECTIVITY OR CONDUCTIVITY OR -- WITHOUT AN
17 UNDERSTANDING BECAUSE WE DIDN'T HAVE SUFFICIENT
18 EVIDENCE, AND IT REALLY HASN'T -- HAD NOT BEEN ADDRESSED
19 AT THAT POINT, WITHOUT AN UNDERSTANDING OF WHAT THE
20 EFFECT OF THE DIFFERENCES WERE IN CONNECTIVITY.

21 FOR EXAMPLE, IN CERTAIN PARTS OF THE
22 AQUIFER, THERE WAS FAIRLY NOMINAL CONNECTIVITY. AND
23 WHAT THE EFFECT OF THAT SHOULD BE IN TERMS OF MANAGEMENT
24 OF THE BASIN DEPENDS ON WHAT THE EFFECT IS ON PUMPING IN
25 THAT AREA, OR EVEN IF THERE WAS NO SIGNIFICANT EFFECT
26 WHAT THE CONSEQUENCES WERE OF THE PRECIPITATION OCCURRED
27 IN THAT PART OF THE VALLEY IN TERMS OF FEEDING INTO THE
28 AQUIFER.

1 INTO SOME TERMINATION OF PRESCRIPTIVE RIGHTS. SO
2 LIMITED TO THIS, THIS IS THE CORRECT STARTING POINT.

3 THE COURT: WELL, MY INTEREST RIGHT NOW IS
4 DETERMINING WHETHER OR NOT THE COURT IS GOING TO HAVE TO
5 BE INVOLVED IN THE MANAGEMENT OF THIS BASIN, TOTALLY
6 APART FROM WHAT THE RIGHTS INTER SE MAY BE BETWEEN THE
7 VARIOUS COMPLAINANTS AGAINST EACH OTHER IN TERMS OF
8 PRESCRIPTIVE RIGHTS OR APPROPRIATED RIGHTS AND THE LIKE.

9 AND SO I -- I MEAN THAT IS WHERE I'M KIND OF
10 HEADED. I REALLY DIDN'T WANT TO MAKE THIS MY LIFETIME
11 CASE.

12

13 (LAUGHTER)

14

15 THE COURT: THAT WAS NEVER MY INTENT. AND I
16 ASSURE YOU THAT I'M NOT TAKING ANY STEPS IN TRYING TO
17 STAY IN THIS CASE. I'M DOING SOMETHING THAT I FEEL IS A
18 DUTY. I HAVE OTHER THINGS THAT I COULD BE DOING RIGHT
19 NOW.

20 MR. MARKMAN: WELL, YOUR HONOR, ONE OF THE
21 BENEFITS OF STARTING WHERE THE COURT IS STARTING IS GET
22 THE SCIENTIFIC CONCLUSIONS IN FRONT OF THE COURT AND THE
23 COURT MAKE A JUDICIAL DETERMINATION ON WHAT IS THE
24 SUPPLY AND WHAT IS THE SAFE YIELD AND ELIMINATING
25 RAINFALL FACTORS, WHAT'S THE CONDITION OF THE BASIN
26 TODAY, AND ON A GO-FORWARD BASIS SO THAT YOU CAN DECIDE
27 WHETHER YOU HAVE TO MANAGE IT.

28 ALSO, IT MAY TURN A LIGHT ON FOR EVERYBODY

1 ISSUES.

2 MR. LEMIEUX.

3 MR. LEMIEUX: I JUST HAVE A COUPLE OF QUESTIONS TO
4 MAKE IT CLEAR TO ME WHAT WE ARE TALKING ABOUT FOR THE
5 NEXT PHASE. I UNDERSTAND THAT YOU'RE TALKING ABOUT THE
6 CURRENT SAFE YIELD AND WHETHER OR NOT THE OVERDRAFTING
7 EXISTS. MY UNDERSTANDING IS THAT IN ORDER TO PRESENT
8 EVIDENCE OF THAT, THERE WILL BE EVIDENCE, I BELIEVE,
9 PRESENTED ABOUT HISTORICAL TRENDS AND SO ON.

10 IS IT YOUR INTENTION TO ALLOW THAT EVIDENCE
11 IN?

12 THE COURT: I OBVIOUSLY -- I HAVE TO HEAR WHATEVER
13 EVIDENCE THE EXPERT MAY BASE HIS OR HER OPINION ON, BUT
14 THE ONLY FINDING OF FACT THAT I INTEND TO MAKE IS WITH
15 REGARD TO THE CURRENT STATUS OF THE AQUIFER, NOT ANY
16 HISTORICAL EVIDENCE BECAUSE THAT IS GOING TO VARY FROM,
17 I THINK, AREA TO AREA WITHIN THE AQUIFER. AND IT IS
18 GOING TO VARY WITH REGARD TO VARIOUS PERIODS OF TIME AS
19 TO WHEN VARIOUS PARTIES MAY HAVE STARTED PUMPING.

20 AND SO THAT -- I THINK IT WOULD BE
21 IMPOSSIBLE FOR THE COURT TO MAKE THAT KIND OF A
22 DETERMINATION WITHOUT HEARING A TRIAL THAT WOULD TAKE
23 FOR THAT PHASE MONTHS AS MISS MCKEITH ALLUDED TO. AND I
24 THINK SHE IS CORRECT. IT WOULD TAKE MONTHS TO DO THAT,
25 AND I DON'T THINK THAT IS NECESSARY AT THIS POINT.

26 BECAUSE MY CONCERN WITH REGARD TO THE CENTER
27 POINT OF THIS CASE IS, DOES THE COURT HAVE TO INVOLVE
28 ITSELF IN THE MANAGEMENT OF THE BASINS SINCE THAT EVEN

1 AS MR. FIFE ASKED TO DO IS THE BASIC CORE OF THIS CASE.
2 AND THEN THAT IS TOTALLY APART FROM ANY INDIVIDUAL
3 CLAIMS THAT PARTIES MAY HAVE VIS-A-VIS EACH OTHER
4 WHETHER IT BE PUBLIC WATER PROVIDERS OR LANDOWNERS OR
5 WHOEVER IT MIGHT BE. ALL RIGHT.

6 MR. LEMIEUX: THE SECOND QUESTION I HAVE -- I
7 UNDERSTAND THAT ANSWER. THE SECOND QUESTION I HAD ALONG
8 THOSE LINES YOU SAID THAT WE -- YOU ARE NOT GOING TO
9 MAKE ANY DETERMINATION OF INDIVIDUAL RIGHTS, AND YOU
10 DON'T WANT TO KNOW ABOUT INDIVIDUAL PUMPING AND HISTORY
11 AND SO ON, WHICH I UNDERSTAND.

12 BUT I ALSO UNDERSTAND THAT THAT PUMPING, FOR
13 EXAMPLE, IN THE AGGREGATE WILL GO INTO THE QUESTION OF
14 WHETHER OR NOT THERE IS AN OVERDRAFT TODAY. SO JUST TO
15 MAKE IT CLEAR SO YOU -- YOU ARE PREPARED TO HEAR
16 AGGREGATE EVIDENCE ABOUT THOSE THINGS EVEN IF YOU ARE
17 NOT GOING TO MAKE A PARTICULAR DETERMINATION AT THE END
18 OF THE TRIAL.

19 THE COURT: WELL, I WANT TO HEAR AGGREGATE, BUT I
20 ALSO WANT TO HEAR INDIVIDUAL AREAS AS TO THE BASIN AND
21 WHAT'S HAPPENING IN THOSE PARTICULAR AREAS IN TERMS OF
22 WHAT THE IMPACT IS. I KNOW THERE IS CONDUCTIVITY AND
23 CONNECTIVITY, BUT I WANT TO KNOW THE EXTENT OF IT WITH
24 REGARD TO THE VARIOUS PORTIONS OF IT IN THE VALLEY NOW.

25 MR. LEMIEUX: OKAY. THAT IS CLEAR TO ME, YOUR
26 HONOR. THANK YOU.

27 THE COURT: OKAY. ALL RIGHT.

28 MR. WILLIAM KUHS: YOUR HONOR, WILLIAM KUHS ON

1 BEHALF OF TEJON RANCH CORP.

2 THE COURT: YES, MR. KUHS.

3 MR. WILLIAM KUHS: HOW ARE OUR EXPERTS GOING TO
4 HANDLE THE CLAIMS TO RETURN FLOW OR -- OR IMPORTED
5 WATER?

6 THE COURT: IN TERMS OF WHAT, MR. KUHS?

7 MR. WILLIAM KUHS: IN TERMS OF THERE ARE VARIOUS
8 PUBLIC WATER PURVEYORS, IF I RECALL THE PLEADINGS, ARE
9 CLAIMING RETURN FLOWS FROM IMPORTED WATER SUPPLIES.

10 THE COURT: WELL, THAT CERTAINLY IS PART OF THE
11 EVIDENCE AS TO WHETHER OR NOT THERE IS AN OVERDRAFT,
12 ISN'T IT?

13 MR. WILLIAM KUHS: WELL, IT DEPENDS ON WHETHER OR
14 NOT THEIR CLAIMS ARE LEGITIMATE OR WHETHER THOSE WATERS
15 HAVE BEEN ABANDONED TO THE BASIN.

16 THE COURT: WELL, THAT IS A LEGAL QUESTION THE
17 COURT WILL HAVE TO DECIDE BASED UPON THE EVIDENCE THAT
18 IS PRESENTED.

19 MR. WILLIAM KUHS: WELL, MY QUESTION IS WILL THAT
20 BE PART OF THE NEXT PHASE OF THE TRIAL?

21 THE COURT: AS IT RELATES TO WHETHER OR NOT THE
22 BASIN IS IN OVERDRAFT, THE ANSWER IS YES.

23 MR. WILLIAM KUHS: OKAY. SO THE CLAIMANTS OF
24 THOSE RETURN FLOWS WILL NEED TO PRESENT EVIDENCE TO --
25 IF THERE ARE CLAIMS, IS THAT ACCURATE?

26 THE COURT: YES. AND THE MOVING PARTIES HERE --
27 THE PARTIES ARE GOING FORWARD. THE PARTIES WHO HAVE THE
28 BURDEN OF PROOF IN THIS CASE ARE THE PURVEYORS WHO BY

1 THEIR CROSS-COMPLAINT HAVE SET UP THE ISSUE OF OVERDRAFT
2 AND A NEED FOR THE COURT TO PROVIDE A PHYSICAL SOLUTION
3 TO AN OVERDRAFT. IF THERE IS NO OVERDRAFT, THERE IS NO
4 PHYSICAL SOLUTION.

5 ALL RIGHT. MR. ZIMMER.

6 MR. ZIMMER: MR. ZIMMER ON BEHALF OF BOLTHOUSE. I
7 APPLAUD THE COURT FOR TAKING A DEEP BREATH ON THIS CASE
8 AND CONSIDERING SOME OF THESE ISSUES THAT ARE, I THINK,
9 ARE IMPORTANT TO EVERYBODY.

10 I THINK IT IS FUNDAMENTAL THAT EVERYBODY
11 NEEDS TO BE IN THE CASE. I UNDERSTAND THE COURT'S
12 POSITION REGARDING THAT YOU CAN'T BE THE POLICEMAN AS
13 FAR AS KNOWING EXACTLY WHO HAS BEEN SERVED, BUT I THINK
14 NONETHELESS MAYBE WITH MR. DUNN'S FILING IT, IT IS GOING
15 TO BE A LITTLE MORE APPARENT THAT ALL THE LANDOWNERS OUT
16 THERE HAVE BEEN SERVED, SO I THINK THAT IS IMPORTANT.

17 THE NEXT THING I WOULD LIKE TO DISCUSS IS I
18 THINK IT IS A GOOD IDEA TO -- NOTWITHSTANDING HOW LONG
19 WE HAVE BEEN IN THIS CASE, I STILL THINK WE NEED TO BE
20 CAREFUL ABOUT PROCEEDING AND DOING IT CORRECTLY. BUT I
21 THINK THAT WE ARE GOING TO NEED SOME FURTHER DISCUSSION,
22 MAYBE SOME BRIEFING IN MORE DETAIL, ON EXACTLY WHAT
23 ISSUES EVERYBODY UNDERSTANDS ARE GOING TO BE TRIED IN
24 THIS NEXT PHASE.

25 THE COURT GAVE US AN INDICATION OF WHAT YOU
26 ARE THINKING IN TERMS OF THE NEXT PHASE, AND I TAKE THAT
27 AS A GENERAL IDEA OF WHAT IS GOING TO BE TRIED. BUT
28 MR. KUHS' RESPONSE ON THE TELEPHONE KIND OF GIVES ONE

1 EXAMPLE OF MANY EXAMPLES OF DIFFERENT THINGS THAT WE --
2 THAT MIGHT BE BEING TRIED OR NOT BEING TRIED, AND I
3 THINK IT IS IMPORTANT THAT EVERYBODY UNDERSTANDS WHAT IS
4 BEING TRIED AND WHAT EVIDENCE WE ARE GOING TO BE
5 ADMITTING FOR WHAT PURPOSES RATHER THAN HAVE A BUNCH OF
6 EVIDENCE COME IN AND NOT KNOWING WHETHER IT IS GOING TO
7 BE USED IN THIS PHASE OR THE NEXT PHASE OR WHATEVER.

8 IN A ADDITION TO THAT, THERE ARE
9 DEFINITIONAL ISSUES THAT I DON'T THINK EVEN THE PARTIES
10 IN THE ROOM WOULD ALL AGREE TO IN TERMS OF WHAT DOES
11 OVERDRAFT MEAN, WHAT'S THE DEFINITION WE ARE GOING TO BE
12 OPERATING UNDER, AND THOSE SORT OF THINGS THAT I THINK
13 MAY NEED TO BE BRIEFED.

14 AND I THINK THAT IT WOULD BE HELPFUL TO BOTH
15 THE COURT AND THE COUNSEL TO KNOW WHAT DEFINITIONS WE'RE
16 USING AND WHAT CASE LAW WE ARE RELYING ON AND EXACTLY
17 HOW FAR OUT THIS -- THIS ADJUDICATION IS MEANT TO COVER.

18 THE COURT: WELL, LET ME TALK ABOUT DEFINITIONS
19 FIRST. I DON'T THINK THAT EVERYBODY IS GOING TO AGREE
20 ON WHAT EVERY WORD AND PHRASE MEANS.

21 MY EXPERIENCE IN HEARING GROUNDWATER CASES
22 TELLS ME THAT VARIOUS EXPERTS HAVE SLIGHTLY VARYING
23 DEFINITIONS AS TO WHAT OVERDRAFT IS. THE LAW, I THINK,
24 IS PRETTY CLEAR AS TO WHAT IT IS. AND THAT -- THE
25 DEFINITIONAL ISSUE THAT THE COURT WILL DECIDE WILL BE
26 BASED UPON THE EVIDENCE, AND I DON'T THINK I AM PREPARED
27 AT THIS POINT TO TELL YOU THAT ANY PARTICULAR LANGUAGE
28 MEANS ANY PARTICULAR THING.

1 BUT I DO EXPECT TRIAL BRIEFS, AND I EXPECT
2 PARTIES TO PRESENT THEIR POSITIONS WITH REGARD TO WHAT
3 CONSTITUTES OVERDRAFT IF THERE IS GOING TO BE ANY
4 DIFFERENCE OF OPINION. VARIOUS EXPERTS THAT I HAVE
5 HEARD TESTIFY IN THESE MATTERS IN THE PAST -- AND THAT
6 HAS NOTHING TO DO WITH WHAT THE ULTIMATE DECISIONS ARE
7 GOING TO BE IN THIS CASE -- BUT WHAT I HAVE HEARD IN THE
8 PAST, THERE IS A LOT OF VARIABILITY AS TO WHEN PARTIES
9 THINK THAT SOMETHING IS IN OVERDRAFT AND WHAT THAT
10 OVERDRAFT MEANS AND WHAT SAFE YIELD IS AND THE LIKE.

11 THE CASE LAW IS FAIRLY CLEAR WITH REGARD TO
12 PARTICULAR CASES. BUT, REMEMBER, YOU KNOW, IN MY
13 OPINION EVERY CASE STANDS ON ITS OWN, AND I CAN'T MAKE
14 ANY DETERMINATION AHEAD OF TIME AS TO WHAT IS GOING TO
15 CONSTITUTE OVERDRAFT OR SAFE YIELD OR ANYTHING ELSE
16 OTHER THAN THE CONCLUSION THAT IT IS IN OVERDRAFT IF
17 RECHARGE DOESN'T EQUAL PRODUCTION THAT LEADS TO AN
18 ULTIMATE DEGRADATION OF THE AQUIFER ON A PERMANENT
19 BASIS.

20 AND THAT IS STATING IT ALMOST IN LAY TERMS
21 AND NOT IN TERMS OF PRECISE LANGUAGE THAT THE VARIOUS
22 DECISIONS HAVE USED. SO AT THIS POINT I UNDERSTAND YOUR
23 CONCERN, BUT I THINK THAT -- THAT IS GOING TO GET SHAKEN
24 OUT DURING THE COURSE OF THE PREPARATION, DURING THE
25 COURSE OF THE DEPOSITIONS. AND I CERTAINLY EXPECT
26 ARGUMENT FIRST IN TRIAL BRIEFS AND ULTIMATELY AT THE
27 TIME OF TRIAL.

28 MR. ZIMMER: I GUESS WHAT I MIGHT SUGGEST THAT WE

1 SHAKE SOME OF THAT OUT EARLIER RATHER THAN BEFORE WE GET
2 TO THE EXPERT DEPOSITION PHASE. I KNOW IN THE LAST
3 TRIAL WE ENDED UP IN A BIG FLURRY AT THE END. AND
4 EVERYBODY HAD A DIFFERENT IDEA WHAT WE WERE TRYING, AND
5 I WOULD LIKE TO SEE, I GUESS, IS SOME KIND OF PRETRIAL
6 ORDER THAT ISSUES FAIRLY EARLY ON WITH SOME COMMENT BY
7 ALL COUNSEL AS TO WHAT WE THINK WE ARE TRYING, AND THEN
8 WE COULD COME UP WITH A PRETRIAL ORDER AS TO WHAT WE --
9 AN ACCOUNTING BY ALL AS TO WHAT WE WILL BE TRYING.

10 A PRETRIAL ORDER I WOULD VISION ISSUING FROM
11 THAT AS TO WHAT WE ARE TRYING, AND THEN WE CAN DO THE
12 DEPOSITIONS AND DISCOVERY, WHATEVER IS GOING TO BE DONE
13 AND --

14 THE COURT: I'M CERTAINLY NOT ADVERSE TO THAT, AND
15 I WOULD EXPECT COUNSEL TO MAKE PROPOSALS AS TO THAT.
16 AND WE CAN TAKE THAT UP VERY EARLY ON IN TERMS OF A CASE
17 MANAGEMENT CONFERENCE AS WE GET SET FOR TRIAL. SO WE
18 WILL TALK ABOUT THOSE PROPOSALS.

19 MR. ZIMMER: THE LAST ITEM I WANTED TO DISCUSS
20 WITH THE COURT IS JUST TO MAKE SURE THAT WE HAVE
21 FLEXIBILITY ON THE TRIAL DATE TO MAKE SURE OUR EXPERTS
22 ARE AVAILABLE. MY EXPERT WAS ONE THAT GOT EXCLUDED LAST
23 TIME. AND I JUST WANT TO BE SURE IF HE'S NOT AVAILABLE
24 IN OCTOBER AND I HAVE A VACATION ONE WEEK IN THE
25 BEGINNING OF NOVEMBER, BUT I -- SO I WOULD LIKE SOME
26 ACCOMMODATION ON OUR EXPERTS IF WE CAN GET THAT.

27 THE COURT: HERE IS WHAT I WOULD LIKE TO DO: I
28 WOULD LIKE TO SET A TENTATIVE TRIAL DATE, AND I -- THEN

1 INDIVIDUAL ACTIONS THAT ARE GOING TO -- THAT WILL
2 PROCEED THAT MAY OR MAY NOT BE COMBINED WITH OTHER
3 INDIVIDUAL ACTIONS. TO THE EXTENT THAT THE COURT FINDS
4 THAT THERE IS AN OVERDRAFT HERE AND THE DEALING WITH THE
5 MANAGEMENT OF THE BASIN, THAT IS GOING TO TAKE PLACE
6 SEPARATELY FROM THE CLAIMS VIS-A-VIS EACH OTHER AS TO
7 WHETHER OR NOT THERE IS A CLAIM -- A RIGHT OF
8 PRESCRIPTION OR SOME OF THESE APPROPRIATORS SHOULD BE
9 ENJOINED FROM FURTHER PUMPING WITH REGARD TO THAT
10 PARTICULAR PORTION OF THE AQUIFER OR NOT.

11 BUT I -- YOU KNOW, I THINK THAT -- MAYBE
12 THERE'S A LACK OF CLARITY HERE IN TERMS OF WHAT THE
13 COURT HAS INTENDED, BUT WHAT YOU HAVE DESCRIBED IS NOT
14 WHAT THE COURT HAS INTENDED BY ANY ORDER THAT I HAVE
15 MADE IN THIS CASE. AND SO I THINK THAT -- WHAT IS
16 HAPPENING HERE IS FAILURE TO RECOGNIZE IT IN A
17 COORDINATED ACTION.

18 THE REASON FOR COORDINATION IS TO AVOID
19 DUPLICATION OF PRESENTATION OF EVIDENCE AND CONFLICTING
20 ISSUES OF LAW. YOU -- AND DETERMINATIONS OF LAW.

21 AND YOU CAN'T DO THAT UNLESS YOU HAVE THE
22 ABILITY TO RELATE THE JUDGMENT AS TO ONE PART OF THE
23 CASE TO ANOTHER. IT REALLY HAS TO COME DOWN AS A SINGLE
24 JUDGMENT EVEN THOUGH EVERYBODY IS NOT INVOLVED IN
25 EVERYBODY ELSE'S FIGHT, BUT THERE IS ONE FIGHT THAT
26 EVERYBODY IS INVOLVED IN. AND THAT IS WHAT IS THE
27 STATUS OF THIS BASIN IN TERMS OF THE NEED FOR THE COURT
28 TO EXERCISE MANAGEMENT IN EQUITY.