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

13 ANTELOPE VALLEY GROUNDWATER
14 CASES

15 Included Actions:

16 Los Angeles County Waterworks District No. 40
17 v. Diamond Farming Co., Superior Court of
18 California, County of Los Angeles, Case No. BC
19 325201;

20 Los Angeles County Waterworks District No. 40
21 v. Diamond Farming Co., Superior Court of
22 California, County of Kern, Case No. S-1500-CV-
23 254-348;

24 Wm. Bolthouse Farms, Inc. v. City of Lancaster,
25 Diamond Farming Co. v. Lancaster, Diamond
26 Farming Co. v. Palmdale Water Dist., Superior
27 Court of California, County of Riverside, Case
28 No. RIC 353 840, RIC 344 436, RIC 344 668

Judicial Council Coordination No. 4408

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

**PRETRIAL BRIEF OF GRANITE
CONSTRUCTION COMPANY**

Phase 4 Trial Date: May 28, 2013
Time: 1:00 p.m.
Dept.: 322, Central Civil West

GRANITE CONSTRUCTION COMPANY (Granite) submits the following Pretrial Brief
for the Phase 4 Trial. Granite's witness list is set forth in part II hereof and its list of exhibits is
attached hereto as **Exhibit A**.

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I. STATEMENT OF THE CASE

A. Phase 4 Trial Issues.

On December 12, 2012, the Court entered its Case Management Order for the Phase 4 Trial (CMO) setting for trial the following issues: (1) current groundwater production of all parties for the calendar year 2011 and January 1 through November 30, 2012, (2) proof of claimed reasonable and beneficial use of water for each parcel to be adjudicated, (3) claimed return flows from imported water, and (4) federal reserve rights. By Minute Order dated May 13, 2013, the Court excluded the third issue of claimed return flows from imported water. On May 20, 2013, the Court entered its Fifth Amendment to the CMO reducing the Phase 4 Trial to the sole issue of groundwater production for years 2011 and 2012.

B. Granite's Land Ownership Within the AVAA.

1. Littlerock Facility.

Since 1987 Granite has leased from Littlerock Sand and Gravel, Inc. about 236 acres for operation of Granite's Littlerock Facility, a sand and gravel extraction and rock processing facility, asphaltic concrete batch plant and ready-mix plant, located on the alluvial fan of Littlerock Creek. In 2008 Granite purchased about 48 acres of land immediately adjacent to the leased property for expansion of the Littlerock Facility. Granite obtained a Conditional Use Permit and amended its Mining and Reclamation Plan in 2011 to include Granite's fee ownership. A plat showing the general location of the Littlerock Facility is attached hereto as **Exhibit B**, and a table summarizing the properties that comprise the Littlerock Facility is attached hereto as **Exhibit C**.

Granite pumps groundwater from three wells located on the leased property. Granite uses the groundwater for dust control, to wash and process sand and aggregates and limited domestic use.

