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

**ANTELOPE VALLEY GROUNDWATER
CASES**

INCLUDED ACTIONS:

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

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. 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

Little Rock Sand and Gravel, Inc. v. Granite
Construction Co., Superior Court of California,
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

**DECLARATION OF ROBERT G.
KUHS IN SUPPORT OF
OPPOSITION TO "OPENING
BRIEF" OF LITTLE ROCK SAND
AND GRAVEL, INC. RE TITLE TO
GROUNDWATER ALLOCATION**

Date: June 20, 2018
Time: 9:00 a.m.
Dept.: 222

1 I, ROBERT G. KUHS, declare as follows:

2 1. I am an attorney at law duly licensed to practice in all courts of the State of
3 California and an attorney with Kuhs & Parker, counsel for Granite Construction Company
4 (**Granite**) in this proceeding.

5 2. If called as a witness I could and would competently testify to the facts set forth
6 herein.

7 3. The purpose of this declaration is to supplement my prior declarations filed in
8 opposition to the Lane Family Motion For Post-Judgment Supplemental Order and Granite's
9 recent Motion to Interpret and Enforce the Judgment and Partition the Exhibit 4 Production
10 Rights.

11 4. On or about March 18, 2014, during the global settlement discussions, I
12 negotiated an allocation on behalf of Granite of 128 AF for its Big Rock Facility. That amount
13 was subsequently reduced to 126 AF on March 31, 2014.

14 5. Attached hereto as **Exhibit U** is a true and correct copy of an August 7, 2014,
15 draft of the Exhibit 4 allocation showing a combined allocation to "Granite Construction
16 Company (Little Rock Sand and Gravel, Inc.)" of 360 AF which included 126 AF Production
17 Right allocated to Granite's Big Rock Facility.

18 6. Attached hereto as **Exhibit V** is a true and correct copy of an August 8, 2014,
19 email from Ted Chester to counsel for the United States wherein Mr. Chester states that Exhibit
20 4 must reflect the joint understanding of LS&G and Granite before his client will sign the
21 Stipulation.

22 7. On August 19, 2014, Granite representatives met face-to-face with LS&G
23 representatives. The meeting did not result in a resolution. Thereafter, on October 29, 2014, Ted
24 Chester sent a letter to James Dubois wherein Mr. Chester asked Mr. Dubois, without Granite's
25 consent, to alter Exhibit 4 and allocate the entire 234 AF to LS&G, a true and correct copy of
26 which is attached as **Exhibit W**.

27 8. Attached hereto as **Exhibit X** is a true and correct copy of my email response to
28 Mr. Chester's October 29, 2014 letter strongly objecting to Mr. Chester's last minute attempt to

1 unilaterally renegotiate the Exhibit 4 allocation. As set forth in the email, during the settlement
2 discussions all parties agreed to allocate to Granite a total of 226 AF Production Right and
3 agreed to allocate to LS&G a 134 AF Production Right.

4 9. Attached hereto as **Exhibit Y** is a true and correct copy of a November 13-14,
5 2014, email exchange between myself, Ted Chester and Jim Dubois where I reiterated the
6 previously agreed allocation for the Little Rock Quarry of 100 AF to Granite and 134 AF to
7 LS&G and requested that the 126 AF allocated to Granite's Big Rock Facility be shown
8 separately on Exhibit 4.

9 10. Attached hereto as **Exhibit Z** is a true and correct copy of a November 18-19,
10 2014, email exchange between Ted Chester, Mike McLachlan and Jim Dubois where Mr.
11 Chester indicated that he was going to recommend that the Lane Family sign the Stipulation but
12 also request that the Court determine the division of the entire 360 AF allocation between
13 Granite and Lane including water for Granite's Big Rock Quarry. In response, McLachlan took
14 exception to Mr. Chester's "last minute renegotiation" of the deal that was struck after hundreds
15 of man hours of negotiations.

16 11. Attached hereto as **Exhibit AA** is a true and correct copy of a November 18,
17 2014, email from Ted Chester to Jim Dubois and Robert Kuhs wherein Mr. Chester
18 acknowledges that the Exhibit 4 rights are "jointly owned" and then suggest that the parties agree
19 to include language in the Stipulation which reserves the issue for post-judgment judicial
20 determination. As reflected in the Stipulation and subsequent emails, Mr. Chester's request to
21 expressly reserve the issue for post judgment adjudication was rejected by the Stipulating Parties.

22 12. Attached hereto as **Exhibit BB** is a true and correct copy of a November 19,
23 2014, email from Jim Dubois to Ted Chester expressing concern over Mr. Chester's proposal to
24 reserve the right to litigate LS&G's Exhibit 4 rights, stating "I am not sure how you sign the
25 Stipulation – which includes Exhibit 4 – and then ask for a reopening Exhibit 4 without creating
26 that risk, and I don't see others being willing to allow Exhibit 4 to be 'reopened' for anyone."

27 13. Attached hereto as **Exhibit CC** is a true and correct copy of a November 21,
28 2014, email from Mike McLachlan to Ted Chester reminding Mr. Chester that on March 31,

1 2013 all parties reached a deal covering many landowner parties. "As part of that deal, we all
2 agreed to 126 AFY to Granite's Big Rock Facility and to the split Lane and Granite agreed to for
3 the Little Rock." McLachlan further states that there was no dispute until LS&G changed its
4 mind in August.

5 14. Attached hereto as **Exhibit DD** is a true and correct copy of a November 24,
6 2014, email exchange between Mike McLachlan and Ted Chester calling Mr. Lane's "last
7 minute hostage-taking" completely unacceptable.

8 15. Attached hereto as **Exhibit EE** is a true and correct copy of a November 25-26,
9 2014, email exchange between Ted Chester, Jim Dubois and myself agreeing to break out the
10 Big Rock allocation of 126 AF separately on Exhibit 4.

11 16. Attached hereto as **Exhibit FF** is a true and correct copy of a November 26, 2014,
12 email and draft of Exhibit 4 reflecting that the Big Rock Quarry rights were now separately
13 shown on Exhibit 4.

14 17. Attached hereto as **Exhibit GG** is a true and correct copy of an email from
15 Michael Fife that I received on or about December 18, 2014 generally describing the Exhibit 4
16 negotiations.

17 18. Attached hereto as **Exhibit HH** is a true and correct copy of an email from James
18 Dubois, counsel for the United States, to counsel for stipulating parties, with an attachment, that
19 I received on or about March 2, 2015. The purpose of the email was to advise all Stipulating
20 Parties regarding the status of signatures to the Stipulation. The email reflects that the United
21 States received LS&G's signature to the Stipulation, without condition.

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

24 Executed this 11th day of May, 2018, at Bakersfield, California.

25 
26 Robert G. Kuhs
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