

# **EXHIBIT Z**

## Robert G. Kuhs

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**From:** Mike McLachlan <mike@mclachlanlaw.com>  
**Sent:** Wednesday, November 19, 2014 6:35 PM  
**To:** Robert G. Kuhs  
**Subject:** FW: Antelope Valley Groundwater Adjudication: Draft of Judgment/Physical Solution November 18, 2014

Since BBK and the other suppliers seem to want to be silent, I have been working on getting the Feds and a few others off the fence. The below email may look vaguely familiar.

**Mike McLachlan**  
**PLEASE NOTE NEW ADDRESS:**  
Law Offices of Michael D. McLachlan, APC  
44 Hermosa Avenue  
Hermosa Beach, CA 90254  
Office: 310-954-8270  
Fax: 310-954-8271

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**From:** Dubois, James (ENRD) [mailto:James.Dubois@usdoj.gov]  
**Sent:** Wednesday, November 19, 2014 8:28 AM  
**To:** Mike McLachlan  
**Subject:** RE: Antelope Valley Groundwater Adjudication: Draft of Judgment/Physical Solution November 18, 2014

Understood. I will dig out Tehachapi and re-read it.

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**From:** Mike McLachlan [mailto:mike@mclachlanlaw.com]  
**Sent:** Tuesday, November 18, 2014 5:38 PM  
**To:** Dubois, James (ENRD)  
**Cc:** Dan Oleary; Leiningner, Lee (ENRD)  
**Subject:** RE: Antelope Valley Groundwater Adjudication: Draft of Judgment/Physical Solution November 18, 2014

Kuhs does not care for it. I also do not like a situation where Exhibit 4 is open to modification by the Court, or the Court of Appeal. There is the potential that this spirals out to the several other sizeable clients represented by both of these lawyers, and potentially all the "Stipulating Parties."

What Ted may be missing is the "what are you trying in May of 2015?" If you look at the Tehachapi-Cummings v. Armstrong case, determining the correlative rights in equity requires trying the respective rights of all overlying parties. Right now, the entire overlying pool is allocated. The only holdout is Willis, and I think we are fine there. If Lane and/or Granite do not like the trial court ruling, and take the issue up on appeal, all of us are along for that ride, and I think we risk the result in Armstrong, depending upon how the Judge handles the trial. [REDACTED]

A deal was struck through hundreds of man hours of negotiation, and I am really troubled by this last minute re-negotiation. This is in some sense a landowner issue, but it is also a larger issue if it is going to wreck or delay the deal. So, the Class is going to object to any changes to the numbers on Exhibit 4.

**Mike McLachlan**  
**PLEASE NOTE NEW ADDRESS:**

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**From:** Dubois, James (ENRD) [<mailto:James.Dubois@usdoj.gov>]  
**Sent:** Tuesday, November 18, 2014 1:15 PM  
**To:** Mike McLachlan  
**Subject:** FW: Antelope Valley Groundwater Adjudication: Draft of Judgment/Physical Solution November 18, 2014

No resolution. Ted has a game plan, of a sort. Not sure what Kuhs thinks of this, of course.

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**From:** Ted Chester [<mailto:tchester@smilandlaw.com>]  
**Sent:** Tuesday, November 18, 2014 12:58 PM  
**To:** Dubois, James (ENRD)  
**Subject:** RE: Antelope Valley Groundwater Adjudication: Draft of Judgment/Physical Solution November 18, 2014

Jim

Granite Construction Company and Little Rock Sand and Gravel, Inc. (part of the Lane Family) have not reached agreement with respect to division of the 360 acre feet of Overlying Production Rights allocated to them jointly on Exhibit 4 of the proposed Judgment and Physical Solution. If Granite and Lane do not reach agreement by Friday, November 21, 2014 (the date the settling parties have informally set for finalization of the settlement documents), then I plan to recommend that the Lane Family sign the Stipulation (as finally agreed to by the settling parties' counsel), and also request the Court to determine the division of the 360 acre feet between Granite and Lane. I am preparing to file a Case Management Statement which will make this request and also set forth a proposed schedule for the Court to hear this limited issue. If the matter is handled this way, then I cannot see how the disagreement between Granite and Lane, or the Court's resolution of it, would adversely impact any of the other settling parties.

I welcome any thoughts you might have.

Ted

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**From:** Dubois, James (ENRD) [<mailto:James.Dubois@usdoj.gov>]

**Sent:** Tuesday, November 18, 2014 10:26 AM

**To:** Scott Kuney; Wendy Wang; 'Tom Bunn'; 'Daphne Borromeo Hall'; 'Casey, Ed'; 'jtootle@calwater.com'; 'jgoldsmith@kmtg.com'; 'franksatalino@sbcglobal.net'; 'Imcelhaney@bmblawoffice.com'; 'DEvertz@murphyevertz.com'; 'BJoyce@lebeauthelen.com'; 'mike@mclachlanlaw.com'; 'bbrunick@bmblawoffice.com'; 'Brady, Andrew'; 'wsloan@mofo.com'; 'jgreen@grimmway.com'; 'cms@eslawfirm.com'; 'keith@Lemieux-Oneill.com'; 'Brad@charltonweeks.com'; 'erenwick@hanmor.com'; 'wcarlson@herumcrabtree.com'; 'ajr@bkslawfirm.com'; 'RSB@bkslawfirm.com'; 'jlewis@walshdelaney.com'; 'Rusinek, Walter E.'; 'Wwellen@counsel.lacounty.gov'; 'Michael.Davis@greshamsavage.com'; 'rgkuhs@kuhsparkerlaw.com'; 'noah.goldenkrasner@doj.ca.gov'; Ted Chester; Jeffrey Dunn; 'marilyn.levin@doj.ca.gov'; 'rmyers@clifford-brownlaw.com'; Eric Garner; 'mfife@bhfs.com'; [Jmarkman@rwglaw.com](mailto:Jmarkman@rwglaw.com); [jim@mcmurtreyhartsock.com](mailto:jim@mcmurtreyhartsock.com); [JHughes@KleinLaw.com](mailto:JHughes@KleinLaw.com); 'Richard Zimmer ([RZimmer@clifford-brownlaw.com](mailto:RZimmer@clifford-brownlaw.com))'; Arnold K. Graham

**Cc:** Leininger, Lee (ENRD); Oyarzo Edwin ([edwin.oyarzo@us.af.mil](mailto:edwin.oyarzo@us.af.mil)); SEIDEL, WARREN A NH-04 USAF AFMC 412 TW/JA

**Subject:** RE: Antelope Valley Groundwater Adjudication: Draft of Judgment/Physical Solution November 18, 2014

Colleagues:

Attached is a revised draft of the Judgment and Physical Solution in Redline noting all changes since the November 10 CLEAN draft. There is also a CLEAN draft with a November 18 Watermark. Please suggest additional changes IF ANY, on the CLEAN draft. I can send a WORD version if needed.

I have **NOT** added the notice provision at this point, since it still seems to be up for debate. If that is the last issue we need to resolve, I will be quite pleased.

I will try to get out the Stipulation and Exhibits later today.

Jim

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