

EXHIBIT DD

Robert G. Kuhs

From: Mike McLachlan <mike@mclachlanlaw.com>
Sent: Monday, November 24, 2014 4:54 PM
To: Ted Chester
Cc: Dan Oleary
Subject: RE: Antelope Draft Judgment and Stipulation

Ted,

I understand what you are saying, but the problem is, I am not sure you understand what you are saying. You cannot just challenge that small section of the overlying landowner pie by itself; Tehachapi holds that correlative rights have to be adjudicated with examination of the claims of every other claimant. [REDACTED]

[REDACTED] The class will not agree to this, and there are a number of other large landowners who will not.

Your time to resolve this is pretty much up now. Mr. Lane either needs to be a part of this settlement, or he is likely to be entirely on the outside. The game you and your client are playing is jeopardizing this entire transaction for all of us. After all the work we have been through, the last minute hostage-taking is completely unacceptable.

Mike McLachlan
PLEASE NOTE NEW ADDRESS:
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Hermosa Beach, CA 90254
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From: Ted Chester [mailto:tchester@smilandlaw.com]
Sent: Monday, November 24, 2014 3:28 PM
To: Mike McLachlan; Dubois, James (ENRD); 'Daphne Borromeo Hall'; 'Casey, Ed'; 'jtootle@calwater.com'; 'jgoldsmith@kmtg.com'; 'franksatalino@sbcglobal.net'; 'Imcelhaney@bmblawoffice.com'; 'DEvertz@murphyeverz.com'; 'TomBunn@lagerlof.com'; 'BJoyce@lebeauthelen.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'; 'Jeffrey V. Dunn (jeffrey.dunn@bbklaw.com)'; 'marilyn.levin@doj.ca.gov'; 'rmyers@clifford-brownlaw.com'; 'eric.garner@bbklaw.com'; 'mfife@bhfs.com'; Scott Kuney; Wendy Wang (Wendy.Wang@bbklaw.com); Jmarkman@rwglaw.com; jim@mcmurtreyhartsock.com; JHughes@KleinLaw.com; 'Richard Zimmer (RZimmer@clifford-brownlaw.com)'; Arnold K. Graham; bbrunick@bmklawplc.com
Cc: Leininger, Lee (ENRD); Dan Oleary
Subject: RE: Antelope Draft Judgment and Stipulation

Mike,

Please don't misconstrue what I have said. Lane would not challenge any other settling party's allocation; it would only seek subdivision of the amount allocated jointly to Granite and Lane. We are not proposing any changes to the Stipulation, the proposed Judgment or Exhibit 4.

Ted

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From: Mike McLachlan [mailto:mike@mclachlanlaw.com]

Sent: Monday, November 24, 2014 2:20 PM

To: Dubois, James (ENRD); 'Daphne Borromeo Hall'; 'Casey, Ed'; 'jtootle@calwater.com'; 'jgoldsmith@kmtg.com'; 'franksatalino@sbcglobal.net'; 'lmcclachlan@bmbllawoffice.com'; 'DEvertz@murphyevertz.com'; 'TomBunn@lagerlof.com'; 'BJoyce@lebeauthelen.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 V. Dunn (jeffrey.dunn@bbklaw.com)'; 'marilyn.levin@doj.ca.gov'; 'rmyers@clifford-brownlaw.com'; 'eric.garner@bbklaw.com'; 'mfife@bhfs.com'; Scott Kuney; Wendy Wang (Wendy.Wang@bbklaw.com); Jmarkman@rwglaw.com; jim@mcmurtreyhartsock.com; JHughes@KleinLaw.com; 'Richard Zimmer (RZimmer@clifford-brownlaw.com)'; Arnold K. Graham; bbrunick@bmklawplc.com

Cc: Leininger, Lee (ENRD); Dan Oleary

Subject: RE: Antelope Draft Judgment and Stipulation

All,

Regarding the ongoing Lane/Granite dispute over their respective Exhibit 4 allocations, it is my understanding that the Lane parties have suggested that we consider leaving an opening of sorts in Exhibit 4 to allow Lane and Granite to litigate their dispute. That proposition is not acceptable to the Small Pumper Class. Exhibit 4 was extensively negotiated last winter and spring, to a solid conclusion. We are not interested in having to litigate that Exhibit with allegedly settling parties, either at trial or on appeal.

Lane and Granite need to immediately resolve their dispute, or the rest of us will need to quickly consider our options. The debate last Friday on this issue was not terribly productive. I would like the rest of us to address options during the conference call tomorrow.

Mike McLachlan
PLEASE NOTE NEW ADDRESS:

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

Sent: Monday, November 24, 2014 8:04 AM

To: 'Daphne Borromeo Hall'; 'Casey, Ed'; 'jtootle@calwater.com'; 'jgoldsmith@kmtg.com'; 'franksatalino@sbcglobal.net'; 'lmcclhaney@bmblawoffice.com'; 'DEvertz@murphyevertz.com'; 'TomBunn@lagerlof.com'; 'BJoyce@lebeauthelen.com'; Mike McLachlan; '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'; 'tchester@smilandlaw.com'; 'Jeffrey V. Dunn (jeffrey.dunn@bbklaw.com)'; 'marilyn.levin@doj.ca.gov'; 'rmyers@clifford-brownlaw.com'; 'eric.garner@bbklaw.com'; 'mfife@bhfs.com'; Scott Kuney; Wendy Wang (Wendy.Wang@bbklaw.com); Jmarkman@rwglaw.com; jim@mcmurtreyhartsock.com; JHughes@KleinLaw.com; 'Richard Zimmer (RZimmer@clifford-brownlaw.com)'; Arnold K. Graham; bbrunick@bmklawplc.com

Cc: Leininger, Lee (ENRD)

Subject: FW: Antelope Draft Judgment and Stipulation

From: Doug Evertz [mailto:DEvertz@murphyevertz.com]

Sent: Sunday, November 23, 2014 1:06 PM

To: Dubois, James (ENRD)

Cc: Steve A. Perez

Subject: Re: Antelope Draft Judgment and Stipulation

Jim,

Sorry I didn't catch this before. In Section 14 regarding "Storage," there is a list of parties at lines 10-12 with current banking operations. Rosamond Community Services District should be added/included on this list.

Let me know when you want to talk about the Rosamond Annex. I can talk Monday at 11am or anytime Tuesday morning.

Thanks for all your hard work.

Doug

Sent from my iPad

On Nov 21, 2014, at 4:33 PM, "Dubois, James (ENRD)" <James.Dubois@usdoj.gov> wrote:

Colleagues:

Attached are clean versions of the Judgment and Stipulation with the changes made through this afternoon. According to the 30 or so parties who were on the line, there are no more issues with the language of either the Judgment or Stipulation, subject to Mike McLachlan's review of the Service language in Paragraph 20.7.

From the United States' perspective, we are DONE with the language for both documents, and there will be no further substantive changes.

These are the documents that Lee and I will be seeking approval on. My understanding is that the other parties are also willing to seek approval on these terms.

The remaining issues that need to be resolved next week are:

- 1) Mike's review of the Service issue in 20.7.
- 2) Rosemond Annex allocations.
- 3) West Valley County Water Co. allocation and finalization of Exh. 3.
- 4) Granite/Lane dispute.

We have tentatively scheduled another call for **Tuesday at 4:00 Pacific** to find out the status of ##2-4, and then plan from there. I do not anticipate more than a half-hour call.

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