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Attorneys for Cross-Defendants

Little Rock Sand and Gravel, Inc.;
The George and Charlene Lane Family Trust;
The Frank and Yvonne Lane 1993 Family Trust,
Dated March 5, 1993, as Restated July 20, 2000;
Monte Vista Building Sites, Inc., A.V. Materials,
Inc.; Holliday Rock Co., Inc., successor in interest to
Littlerock Aggregate Co., Inc.; dba Antelope Valley Aggregate, Inc.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

Coordination Proceeding Special Title
(Rule 1550 (b))

Judicial Council Coordination No. 4408
[Assigned to Hon. Jack Komar; Dept 17]

**ANTELOPE VALLEY GROUNDWATER
CASES**

Santa Clara Case No.: 1-05-CV-049053

Included **CONSOLIDATED** Actions:

**PHASE V TRIAL BRIEF OF LITTLE
ROCK SAND AND GRAVEL, INC., THE
GEORGE AND CHARLENE LANE
FAMILY TRUST, THE FRANK AND
YVONNE LANE 1993 FAMILY TRUST,
DATED MARCH 5, 1993, AS RESTATED
JULY 20, 2000, MONTE VISTA
BUILDING SITES, INC., AND A.V.
MATERIALS, INC.,**

Los Angeles County Waterworks District No.
40 vs. Diamond Farming Company
Los Angeles Superior Court Case No.
BC325201

Los Angeles County Waterworks District No.
40 vs. Diamond Farming Company
Kern County Superior Court Case No. S-1500-
CV-254348 NFT

**Trial Date: February 10, 2014
Time: 9:00 a.m.
Dept.: Old Dept. 1-LASC-Central**

Diamond Farming Company vs. City of
Lancaster; Riverside County Superior Court
Lead Case No. RIC 344436 [Consolidated w/
Case Nos. 344668 & 353840]

1 Willis v. Los Angeles County Waterworks)
2 District No. 40; Los Angeles Superior Court)
3 Case No. BC 364553)
4 Wood v. Los Angeles County Waterworks)
5 District No. 40; Los Angeles Superior Court)
6 Case No. BC 391869)

7 **TO THE COURT AND ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

8 Cross-Defendants, Little Rock Sand and Gravel, Inc., The George and Charlene Lane
9 Family Trust, The Frank and Yvonne Lane 1993 Family Trust, Dated March 5, 1993, as Restated
10 July 20, 2000, Monte Vista Building Sites, Inc., A.V. Materials, Inc., (Collectively the “Lane
11 Entities”) hereby submit the following Trial Brief for the Phase V Trial in this matter.

12 Each of the above-referenced corporations and trusts are affiliated with George Lane and
13 his family. The real properties at issue have been owned by the Lane family for many years.
14 Over the years, various entities that are affiliated with the Lane Family have been created to hold
15 title to the real properties at-issue.

16 Attach hereto as Exhibit 1 is a matrix showing the APN Numbers of the parcels owned by
17 the Land Entities, to whom the properties are leased, the geographic areas where the properties
18 are located, and the counties the properties are located within, and the approximate size of the
19 properties.

20 This Trial Brief relates to the delivery and use of AVEK water on two of the Lane
21 Entities’ properties: (1) the “Ranch Property” also called “60th W. and L-11;” and (2) the
22 “Godde Pass Property,” both of which are described below and on Exhibit 1 hereto.

23 **The Ranch Property**

24 The “Ranch Property” is located at Avenue “L” and 60th Street West in Lancaster,
25 California, in the County of Los Angeles. The properties are several contiguous parcels that are
26 approximately 80 acres at the present time. The Lane Family purchased these properties in
27 approximately 1951.

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1 The uses of water on the Ranch Property include the growing of alfalfa and pasture grass,
2 dust control, and landscape uses. Additionally, cattle and horses are kept at the Ranch Property
3 which consume water.

4 Historically, there have existed two sources of water for use on the Ranch Property,
5 pumped groundwater and AVEK water delivered via a water turnout. Attached hereto as Exhibit
6 2 is a chart, generated from data supplied by AVEK, showing the amounts of AVEK water
7 delivered to the Ranch Property for each year for the period from 1980 through 2013. The
8 AVEK water delivered for use on the Ranch Property for that period totaled 933 acre-feet.

9 **Godde Pass Property**

10 The real properties referred to by the Lane Family as the “Godde Pass Property” have
11 been in the Lane Family since prior to the 1970s. These real properties are currently owned by
12 the George and Charlene Lane Family Trust and other family members. These real properties
13 are contiguous and are approximately 1,200 acres. They are located in the hills above Avenue
14 “N” and 70th Street West in Palmdale, California.

15 The uses for water on the Godde Pass Property include stock water troughs, cow-calf
16 water, and irrigation of deciduous and conifer trees.

17 Both pumped groundwater and AVEK water delivered via turnout have historically been
18 used on the Godde Pass Property. The chart attached as Exhibit 2 (based on data from AVEK)
19 shows the amounts of AVEK water delivered to the Godde Pass Property for each year for the
20 period from 1980 through 2013. The AVEK water delivered for use on the Godde Pass Property
21 for that period totaled 421 acre-feet.

22 **Return Flows**

23 To the extent the court determines that the purchaser and user of imported water is
24 entitled to return flows, the Lane Family will be entitled to recover return flows resulting from
25 the Lane Family’s purchase and use of AVEK water over the last 35 years.

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1 Dated: January 31, 2014

Respectfully Submitted,

2 RING & TAYLOR
3 James W. Lewis

4 SMILAND CHESTER LLP
5 Theodore A. Chester, Jr.

6 By: /s/ Theodore A. Chester, Jr.
7 Theodore A. Chester, Jr.
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EXHIBIT 1

EXHIBIT "A"

<u>APN Nos.</u>	<u>Contiguous Property Leased to:</u>	<u>Owned by:</u>	<u>Geographic Area:</u>	<u>County</u>
	See Note a.	See Note 1.		
3050-028-015	Granite Construction Company	Monte Vista Building Sites, Inc.	Littlerock Area	Los Angeles
3050-010-016	Granite Construction Company	The Frank and Yvonne Lane 1993 Family Trust	Littlerock Area	Los Angeles
3050-010-006	Granite Construction Company	Little Rock Sand and Gravel, Inc.	Littlerock Area	Los Angeles
3050-022-014	Granite Construction Company	Littlerock Sand and Gravel, Inc.	Littlerock Area	Los Angeles
3050-022-010	Granite Construction Company	Littlerock Sand and Gravel, Inc.	Littlerock Area	Los Angeles

1	<u>APN Nos.</u>	<u>Contiguous</u>	<u>Owned by:</u>	<u>Geographic</u>	<u>County:</u>
2		<u>Property Leased</u>	See Note 2.	<u>Area:</u>	
3		<u>to:</u>			
4		See Note b.			
5	261-196-07-00-2	Grimmway	The Frank and	Fairmont	Kern
6		Enterprises, Inc.	Yvonne Lane		
7			1993 Family		
8			Trust.		
9	<u>APN Nos.</u>	<u>Contiguous</u>	<u>Owned by:</u>	<u>Geographic</u>	<u>County:</u>
10		<u>Property Leased</u>		<u>Area:</u>	
11		<u>to:</u>	See Note 3.		
12		Holliday Rock Co.,			
13		Inc.			
14		See Note c.			
15	3042-023-002	Holliday Rock Co.,	The Frank and	Little Rock area	Los Angeles
16		Inc.	Yvonne Lane		
17			1993 Family		
18			Trust		
19	3051-008-007	Holliday Rock Co.,	Little Rock Sand		
20		Inc.	and Gravel, Inc.		
21	3051-006-015	Holliday Rock Co.,	Little Rock Sand		
22		Inc.	and Gravel, Inc.		
23	3051-008-005	Holliday Rock Co.,	Little Rock Sand		
24		Inc.	and Gravel, Inc.		
	3051-005-029	Holliday Rock Co.,	Little Rock Sand		
		Inc.	and Gravel, Inc.		

1	3051-008-010	Holliday Rock Co.,	Little Rock Sand		
2		Inc.	and Gravel, Inc.		
3	3051-004-006	Holliday Rock Co.,	The Frank and		
4		Inc.	Yvonne Lane		
5			1993 Family		
6			Trust		
7	3051-008-011	Holliday Rock Co.,	Little Rock Sand		
8		Inc.	and Gravel, Inc.		
9	3051-007-015	Holliday Rock Co.,	Little Rock Sand		
10		Inc.	and Gravel, Inc.		
11	3051-007-008	Holliday Rock Co.,	Little Rock Sand		
12		Inc.	and Gravel, Inc.		
13	<u>APN Nos.</u>	<u>Contiguous</u>	<u>Owned by:</u>	<u>Geographic</u>	<u>County:</u>
14		<u>Property Leased</u>	See Note 4.	<u>Area:</u>	
15		<u>to:</u>			
16		See Note d.			
17	3050-011-009	Harrison Nichols	Littlerock Sand	Littlerock area	Los Angeles
18			& Gravel, Inc.		
19	<u>APN Nos.</u>	<u>Contiguous</u>	<u>Owned by:</u>	<u>Geographic</u>	<u>County:</u>
20	Information to the	<u>Property Leased</u>	The Frank and	<u>Area:</u>	Los Angeles
21	right applies to all	<u>to:</u>	Yvonne Lane	L and 60 th West	
22	of the APN	Not Leased – Used	1993 Family		
23	Numbers under	by Owner 2000 to	Trust		
24	this heading	present-	See Note 5.		
		"Ranch Property"			
	3102-027-034				

1	3102-027-041				
2	3102-027-040				
3	3102-027-042				
4	3102-027-043				
5	3102-027-044				
6	3102-027-045				
7	3102-027-037				
8	3102-027-035				
9	3102-027-036				
10	<u>APN Nos.</u>	<u>Contiguous</u>	<u>Owned by:</u>	<u>Geographic</u>	<u>County:</u>
11	The information to	<u>Property Leased</u>	George and	<u>Area:</u>	Los Angeles
12	the right is	<u>to:</u> Not currently	Charlene Lane	"85 th and K-8	
13	applicable for all	leased	Family Trust	Property"	
14	APN Numbers	See Note e.	See Note 6.		
15	3248-024-007				
16	3248-024-008				
17	3248-024-031				
18	3248-024-032				
19	<u>APN Nos.</u>	<u>Contiguous</u>	<u>Owned by:</u>	<u>Geographic</u>	<u>County:</u>
20		<u>Property Leased</u>	George and	<u>Area:</u>	Los Angeles
21		<u>to:</u> Not leased.	Charlene Lane	N and 70 th Street	
22			Family Trust	West - "Godde	
23			See Note 7.	Pass Property"	
24	3205-001-056				
	3205-001-057				
	3205-001-059				

1	3205-001-060				
2	3205-001-077				
3	3205-001-078				
4	3205-001-079				
5	3205-001-080				
6	3205-001-081				
7	3205-001-082				
8	3205-001-085				
9	3205-001-071				
10	3205-001-073				
11	3205-001-074				
12	3205-001-075				
13	3205-001-076				
14	3205-001-068				
15	3205-001-069				
16	3205-001-072				
17	3205-001-073				

1. The properties have been owned as reflected on Exhibit A between 2000 and the present.
2. The Frank And Yvonne Lane 1993 Family Trust, Dated March 5, 1993, As Restated July 20, 2000, (2000 to 2001), George M. Lane (2001 to 2007), and The George and Charlene Lane Family Trust (2007 to the present).
3. All Holliday Rock Co., Inc. properties have been under the same ownership from 2000 to the present.
4. Under the same ownership from 2000 to the present.
5. The Ranch Property has been under the same ownership since 2000 to the present.

1 6. George M. Lane held title to the K-8 properties from 2000 to 2007. The ownership was
2 transferred to the George and Charlene Lane Family Trust in 2007.

3 7. George M. Lane Held title to the Godde Pass properties from 2000 to 2008. The ownership
4 was transferred to the George and Charlene Lane Family Trust in 2008.

5
6 a. Granite Construction has been the lessee of the properties at all times between 2000 and the
7 present.

8 b. The lessees have been John Calandri Farms, Inc. 2000-2002; Son Rise Farms 2003 to 2007;
9 Grimmway Enterprises, Inc. 2008 to 2012.

10 c. Holliday Rock Co., Inc. has been the only lessee of the property from 2000 to the present.

11 d. Harrison Nichols has been the only lessee of the property from 2000 to the present.

12 e. The property was leased to Southern California Edison from approximately 2006 to 2008 for
13 water usage.
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EXHIBIT "B"

<u>APN Nos.</u>	<u>Contiguous Property Leased to:</u>	<u>Approx. Size in Acres</u>	<u>Geographic Area:</u>	<u>County</u>
3050-028-015	Granite Construction Company	80	Littlerock Area	Los Angeles
3050-010-016	Granite Construction Company	60	Littlerock Area	Los Angeles
3050-010-006	Granite Construction Company	20	Littlerock Area	Los Angeles
3050-022-014	Granite Construction Company	20	Littlerock Area	Los Angeles
3050-022-010	Granite Construction Company	60	Littlerock Area	Los Angeles

1	<u>APN Nos.</u>	<u>Contiguous</u>	<u>Approx. Size in</u>	<u>Geographic</u>	<u>County:</u>
2		<u>Property Leased</u>	<u>Acres:</u>	<u>Area:</u>	
3		<u>to:</u>			
4	261-196-07-00-2	Grimmway	320	Fairmont	Kern
5		Enterprises, Inc.			
6	<u>APN Nos.</u>	<u>Contiguous</u>	<u>Approx. Size in</u>	<u>Geographic</u>	<u>County:</u>
7		<u>Property Leased</u>	<u>Acres:</u>	<u>Area:</u>	
8		<u>to:</u>			
9		Holliday Rock Co.,			
10		Inc.			
11	3042-023-002	Holliday Rock Co.,	40	Little Rock area	Los Angeles
12		Inc.			
13	3051-008-007	Holliday Rock Co.,	40		
14		Inc.			
15	3051-006-015	Holliday Rock Co.,	40		
16		Inc.			
17	3051-008-005	Holliday Rock Co.,	40		
18		Inc.			
19	3051-005-029	Holliday Rock Co.,	20		
20		Inc.			
21	3051-008-010	Holliday Rock Co.,	30.8		
22		Inc.			
23	3051-004-006	Holliday Rock Co.,	10		
24		Inc.			
	3051-008-011	Holliday Rock Co.,	49.2		
		Inc.			

1	3051-007-015	Holliday Rock Co.,	40		
2		Inc.			
3	3051-007-008	Holliday Rock Co.,	10		
4		Inc.			
5	<u>APN Nos.</u>	<u>Contiguous</u>	<u>Approx. Size in</u>	<u>Geographic</u>	<u>County:</u>
6		<u>Property Leased</u>	<u>Acres:</u>	<u>Area:</u>	
7		<u>to:</u>			
8	3050-011-009	Harrison Nichols	5	Littlerock area	Los Angeles
9	<u>APN Nos.</u>	<u>Contiguous</u>	<u>Approx. Size in</u>	<u>Geographic</u>	<u>County:</u>
10	Information to the	<u>Property Leased</u>	<u>Acres:</u>	<u>Area:</u>	Los Angeles
11	right applies to all	<u>to:</u>	The Ranch	L and 60 th West	
12	of the APN	Not Leased – Used	parcels total		
13	Numbers under	by Owner-	approximately 65		
14	this heading	“Ranch Property”	acres		
15	3102-027-034				
16	3102-027-041				
17	3102-027-040				
18	3102-027-042				
19	3102-027-043				
20	3102-027-044				
21	3102-027-045				
22	3102-027-037				
23	3102-027-035				
24	3102-027-036				

1	<u>APN Nos.</u>	<u>Contiguous</u>	<u>Approximate</u>	<u>Geographic</u>	<u>County:</u>
2	The information to	<u>Property Leased</u>	<u>Size in Acres:</u>	<u>Area:</u>	Los Angeles
3	the right is	<u>to:</u> Not currently		"85 th and K-8	
4	applicable for all	leased		Property"	
5	APN Numbers				
6	3248-024-007		4.54		
7	3248-024-008		4.07		
8	3248-024-031		4.29		
9	3248-024-032		4.76		
10	<u>APN Nos.</u>	<u>Contiguous</u>	<u>Approximate</u>	<u>Geographic</u>	<u>County:</u>
11		<u>Property Leased</u>	<u>Size in Acres:</u>	<u>Area:</u>	Los Angeles
12		<u>to:</u> Not currently	The Godde Pass	N and 70 th Street	
13		leased.	Properties Total	West - "Godde	
14			approximately	Pass Property"	
15			1120 acres.		
16			They are		
17			contiguous		
18			parcels.		
19	3205-001-056				
20	3205-001-059				
21	3205-001-060				
22	3205-001-077				
23	3205-001-078				
24	3205-001-079				
	3205-001-080				
	3205-001-081				

1	3205-001-082				
2	3205-001-085				
3	3205-001-071				
4	3205-001-073				
5	3205-001-074				
6	3205-001-075				
7	3205-001-076				
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10	3205-001-069				
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12	3205-001-073				

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EXHIBIT 2

Exhibit 2

Year	AVEK Water Delivered to Ranch Prop. 60thW&L-11 acre-feet	AVEK Water Delivered to Godde Pass Property acre-feet	Total acre-feet
1980	12	5	17
1981	24	4	28
1982	22	7	29
1983	29	8	37
1984	32	9	41
1985	35	7	42
1986	40	8	48
1987	47	6	53
1988	69	7	76
1989	63	11	74
1990	62	11	73
1991	27	7	34
1992	21	10	31
1993	22	21	43
1994	35	23	58
1995	22	17	39
1996	28	17	45
1997	26	15	41
1998	23	9	32
1999	38	13	51
2000	45	16	61
2001	17	15	32
2002	26	18	44
2003	30	18	48
2004	48	12	60
2005	42	16	58
2006	6	17	23
2007	6	15	21
2008	6	9	15
2009	6	13	19
2010	6	15	21
2011	6	13	19
2012	6	13	19
2013	6	16	22
	933	421	1354

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I, Felicia Herbstreith am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 601 West Fifth Street, Suite 1100, Los Angeles, California 90071.

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

/s/ Felicia Herbstreith
Felicia Herbstreith