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Exempt from Filing Fees
Government Code § 6103

5 Attorneys for
6 Antelope Valley Watermaster

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

10 Coordination Proceeding,
11 Special Title (Rule 1550(b))

Judicial Council Coordination
Proceeding No. 4408

12 **ANTELOPE VALLEY**
13 **GROUNDWATER CASES**

LASC Case No.: BC 325201

Assigned to the Hon. Jack Komar, Judge of
the Santa Clara Superior Court

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

15 **NOTICE OF MOTION AND MOTION**
16 **FOR APPROVAL OF AMENDMENT TO**
17 **ANTELOPE VALLEY WATERMASTER**
18 **RULES AND REGULATIONS;**
DECLARATION OF PATRICIA ROSE;
EXHIBITS A-B

Date: October 25, 2022
Time: 9:00 a.m.
Dept: 17

21 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

22 PLEASE TAKE NOTICE that on October 25, 2022 at 9:00 a.m., or as soon thereafter as
23 the matter may be heard, by Courtcall, the Antelope Valley Watermaster (“Watermaster”) will
24 and hereby does move for an order of the Court approving an amendment to Section 6 of the
25 Antelope Valley Watermaster Rules and Regulations.

26 The Watermaster has both the power and the duty to adopt rules and regulations after
27 noticed public hearings and unanimous consent of the Watermaster Board. Having now held such
28 public hearing and having obtained the unanimous consent of the Board, the Watermaster moves


1 public hearing and having obtained the unanimous consent of the Board, the Watermaster moves
2 this Court to approve the amendment to Section 6 of the Rules and Regulations as set forth in
3 Exhibit B to this motion.

4 This motion is based on the notice, the memorandum of points and authorities in support
5 thereof, the declaration of Patricia Rose and Exhibits A-B, and all pleadings, documents and
6 evidence on file in this action, and on such oral and documentary evidence as may be presented at
7 the hearing on this motion, and on other matters as are properly before the Court.

8 Respectfully submitted,

9 Dated: September 1, 2022

PRICE, POSTEL & PARMA LLP

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11 By: 
12 CRAIG A. PARTON
13 CAMERON GOODMAN
14 Attorneys for
15 Antelope Valley Watermaster
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 The Antelope Valley Watermaster (“Watermaster”) has both the power and the duty to
4 adopt rules and regulations and to obtain their approval by this Court consistent with the terms of
5 the Antelope Valley Judgment and Physical Solution (“Judgment”). The Court previously
6 approved final comprehensive Antelope Valley Watermaster Rules and Regulations (the “Rules
7 and Regulations”) by Order dated September 29, 2020.

8 The Watermaster Board properly noticed a public hearing with respect to a proposed
9 amendment to Section 6 of the Rules and Regulations to address the fact that Subarea
10 Management Advisory Committees have not yet been formed in accordance with Paragraph 19.5
11 of the Judgment, but acknowledging that the Advisory Committee has effectively filled that role,
12 and providing for procedures whereby the Advisory Committee can address the specific needs of
13 each Subarea without formation of Subarea Management Advisory Committees. The Watermaster
14 conducted such public hearing, and then voted unanimously to amend Section 6 of the Rules and
15 Regulations accordingly. (See Declaration of Patricia Rose, Exhibit B.) By this motion the
16 Watermaster seeks the Court’s approval of the aforementioned amendment to the Rules and
17 Regulations pursuant to the Judgment.

18 **II. THE AMENDMENT TO THE RULES AND REGULATIONS HAS BEEN**
19 **PROPOSED AND DISCUSSED AT A PUBLIC HEARING AND UNANIMOUSLY**
20 **ADOPTED BY THE BOARD AND IS NOW SUBJECT TO APPROVAL BY THIS**
21 **COURT**

22 Pursuant to the Judgment, the Watermaster has the express power and duty to adopt rules
23 and regulations. (See Paragraphs 18.4 and 18.4.2 of the Judgment.) The Judgment explicitly
24 provides that the Court may approve rules and regulations prepared by the Watermaster Engineer
25 and adopted by the Watermaster. (Judgment Paragraph 18.4.2.)

26 In accordance with these requirements, the proposed amendment to Section 6 of the Rules
27 and Regulations was considered at a properly noticed public hearing. (See Judgment Paragraph
28 18.4.2; Declaration of Patricia Rose, Exhibits A-B.) After the appropriate noticed public hearing,

1 and after discussion, the Watermaster unanimously adopted the proposed amendment to Section 6
2 of the Rules and Regulations. (See attached Exhibit B.)

3 Since the Rules and Regulations are critical to the functioning and sustainability of the
4 Judgment and Physical Solution, and since the proposed amendment to the Rules and Regulations
5 has been properly considered in the public forum and unanimously adopted by the Watermaster
6 Board at a public hearing on August 24, 2022, this Court should approve the amendment to the
7 Rules and Regulations contained in Exhibit B.


8 **III. CONCLUSION**

9 For all the foregoing reasons, the Watermaster’s motion requesting this Court to approve
10 the amendment to Section 6 of the Rules and Regulations should be granted.

11
12 Respectfully submitted,

13 Dated: September 1, 2022

PRICE, POSTEL & PARMA LLP

14
15 By: 
16 CRAIG A. PARTON
17 CAMERON GOODMAN
18 Attorneys for
19 Antelope Valley Watermaster
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1 **DECLARATION OF PATRICIA ROSE**

2 I, PATRICIA ROSE, have personal knowledge of the matters stated in this declaration and
3 if called to testify could and would competently do so.

4 1. I am employed by the Antelope Valley East Kern Water Agency and serve as the
5 Interim Secretary to the Board of the Antelope Valley Watermaster.

6 2. At a meeting on July 27, 2022, the Watermaster Board considered a proposed
7 amendment to Section 6 of the Watermaster Rules and Regulations to address the fact that
8 Subarea Management Advisory Committees have not yet been formed in accordance with
9 Paragraph 19.5 of the Judgment, but acknowledging that the Advisory Committee has effectively
10 filled that role, and providing for procedures whereby the Advisory Committee can address the
11 specific needs of each Subarea without formation of Subarea Management Advisory Committees.

12 3. At its meeting on July 27, 2022, the Watermaster Board directed that the proposed
13 amendment to Section 6 of the Rules and Regulations be circulated for public comment ahead of
14 its next regular meeting for consideration and adoption. I posted on the Watermaster’s website the
15 language of the proposed amendment to Section 6 of the Rules and Regulations for a 30-day
16 public comment period, and also a notice of a public hearing on adoption of said amendment to
17 occur on August 24, 2022, a true and correct copy of which is attached hereto as Exhibit A.

18 5. At the August 24, 2022 public hearing, after a presentation by the Watermaster
19 Staff and Watermaster General Counsel, and comments by the Advisory Committee and the
20 public, the Watermaster Board voted unanimously to approve the proposed amendment to Section
21 6 of the Rules and Regulations.

22 6. Attached hereto as Exhibit B is a true and correct copy of Resolution No. R-22-52,
23 which is the resolution adopted by the Watermaster Board at its August 24, 2022 meeting to
24 unanimously adopt the proposed amendment to Section 6 of the Rules and Regulations.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 1st day of September, 2022, at Palmdale, California.


Patricia Rose

Exhibit A

ANTELOPE VALLEY WATERMASTER

PUBLIC HEARING NOTICE

Amendment to Rules & Regulations

TO: ANTELOPE VALLEY GROUNDWATER PRODUCERS

Notice is hereby given that the Board of directors of the Antelope Valley Watermaster (“Board”) will be holding a regular Board meeting at 10:00 a.m. on Wednesday, August 24, 2022, via Zoom teleconference.

Website: <https://zoom.us/j/687127281> **Access Code:** 687 127 281

Teleconference: (669)900-6833

At that meeting, the Board will consider possible action to adopt a proposed amendment to Section 6 of the Watermaster Rules and Regulations, a copy of the proposed amendment is attached for a minimum 30-day public comment period as required by Paragraph 18.4.2 of the Judgment.

Written comments on the proposed Antelope Valley Watermaster Rules and Regulations may be made in advance of the public hearing to the Watermaster Administrator; Matthew Knudson at mknudson@avek.org or to the Watermaster Secretary, Patti Rose at prose@avwatermaster.net or by mail at Antelope Valley Watermaster, 5022 West Avenue N, Suite 102 #158, Palmdale, CA 93551.

6. SUBAREA MANAGEMENT ADVISORY COMMITTEES

a. ~~Authorization~~

Paragraph 19.5 of the Judgment requires the creation of Subarea Management Advisory Committees upon entry of Judgment. Since the Advisory Committee is working well and allows Parties a platform for direct participation in Watermaster decision making, formation of the Subarea Management Advisory Committees is deferred until an interest in, or need for, formation arises. All Subarea concerns and requests may still be raised before the Watermaster Advisory Committee or to the Watermaster Board in accordance with these Rules and Regulations. In addition, in order to allocate time specifically for the purpose of addressing Subarea-specific concerns, the Advisory Committee shall allocate time during two regular meetings per years, spaced six (6) months apart, during which Parties from the Subareas can raise and discuss concerns related to their respective Subareas. The Watermaster Engineer shall be present and available for comment at each such bi-annual meeting, and notice of such bi-annual meetings shall be mailed to all Parties who have requested advance notice of such meetings. Any Party may request formation of the Subarea Management Advisory Committees at any time in the future and without Watermaster approval.

Exhibit B

RESOLUTION NO. R-22-52

AMENDING RULES AND REGULATIONS SECTION 6 RELATING TO SUBAREA MANAGEMENT ADVISORY COMMITTEES

WHEREAS, the Antelope Valley Watermaster, formed by the Antelope Valley Groundwater Cases Final Judgment (“Judgment”), Santa Clara Case No. 1-05-CV-049053 signed December 23, 2015, is to administer the Judgment; and

WHEREAS, the Judgment provides that the Watermaster Engineer shall prepare rules and regulations on various subjects in order to further the objectives of the Judgment; and

WHEREAS, at its regular meeting on June 24, 2020, the Watermaster Board unanimously adopted the final comprehensive rules and regulations reflected in the April 27, 2020 draft posted on the Watermaster website with modifications, with the exception of Section 9 relating to Storage Agreements, which was subsequently unanimously adopted by the Watermaster Board at its July 23, 2020 regular meeting; and

WHEREAS, the final comprehensive rules and regulations were approved by order of the Court dated September 29, 2020; and

WHEREAS, at its June 2022 regular meeting, the Watermaster Board directed General Counsel to provide proposed revisions to Section 6 of the Rules and Regulations to address the fact that Subarea Management Advisory Committees have not yet been formed in accordance with Paragraph 19.5 of the Judgment, but acknowledging that the Advisory Committee has effectively filled that role, and providing for procedures whereby the Advisory Committee can address the specific needs of each Subarea without formation of Subarea Management Advisory Committees; and

WHEREAS, the Watermaster General Counsel developed language to implement the aforementioned directive from the Watermaster Board, and after consideration thereof at the July 2022 regular meeting, the Watermaster Board directed the Watermaster General Counsel to incorporate one update to the proposed amendment to Section 6, and directed that the proposed amendment, as revised, be circulated for public comment ahead of its next regular meeting for consideration and adoption; and

WHEREAS, in accordance with the aforementioned direction of the Watermaster Board, the Watermaster General Counsel proposes amending Section 6 of the Rules and Regulations as follows:

“6. SUBAREA MANAGEMENT ADVISORY COMMITTEES

a. ~~Authorization~~

Paragraph 19.5 of the Judgment requires the creation of Subarea Management Advisory Committees upon entry of Judgment. Since the Advisory Committee is working well and allows Parties a platform for direct participation in Watermaster decision making, formation of the Subarea Management Advisory Committees is deferred until an interest in formation arises. All Subarea concerns and requests may still be raised before the Watermaster Advisory Committee or to the Watermaster Board in accordance with these Rules and Regulations. **In addition, in order to allocate time specifically for the purpose of addressing Subarea-specific concerns,**

the Advisory Committee shall allocate time during two regular meetings per years, spaced six (6) months apart, during which Parties from the Subareas can raise and discuss concerns related to their respective Subareas. The Watermaster Engineer shall be present and available for comment at each such bi-annual meeting, and notice of such bi-annual meetings shall be mailed to all Parties who have requested advance notice of such meetings. Any Party may request formation of the Subarea Management Advisory Committees at any time in the future and without Watermaster approval.”

WHEREAS, the proposed language amending Section 6 set forth above was posted on the Watermaster website on July 22, 2022 for public comment ahead of the Watermaster Board’s consideration and approval thereof at its regular meeting on August 24, 2022; and

WHEREAS, the Watermaster Board held a public hearing at its regular meeting on August 24, 2022, where it received and considered public comment on the proposed amendment to Section 6 set forth above, and wishes now to adopt said amendment to Section 6 into the previously adopted Rules and Regulations, and to seek approval by the Court of such addition to the rules and regulations pursuant to the terms of the Judgment.

NOW, THEREFORE, BE IT RESOLVED, the Watermaster Board unanimously adopts the amendment to Section 6 of the Rules and Regulations as set forth above, with modifications, if any, as directed by the Board after the public hearing, and directs the Watermaster General Counsel to bring a motion before the Court, seeking the Court’s approval of said amendment to the Rules and Regulations pursuant to the terms of the Judgment.

I certify that this is a true copy of Resolution No. R-22-52 as passed by the Board of Directors of the Antelope Valley Watermaster at its meeting held on August 24, 2022, in Palmdale, California.

Date: 8/24/22



Robert Parris, Chairman

ATTEST: Patricia Rose
Patricia Rose – Secretary

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PROOF OF SERVICE

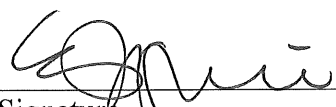
STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA

I am employed in the County of Santa Barbara, State of California. I am over the age of eighteen (18) and not a party to the within action. My business address is 200 East Carrillo Street, Fourth Floor, Santa Barbara, California 93101.

On September 1, 2022, I served the foregoing document described **NOTICE OF MOTION AND MOTION FOR APPROVAL OF AMENDMENT TO ANTELOPE VALLEY WATERMASTER RULES AND REGULATIONS; DECLARATION OF PATRICIA ROSE, EXHIBITS A-B** on all interested parties in this action by placing the original and/or true copy.

- BY ELECTRONIC SERVICE:** I posted the document(s) listed above to the Santa Clara County Superior Court Website @ www.scefiling.org and Glotrans website in the action of the Antelope Valley Groundwater Cases.
- (*STATE*) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- (*FEDERAL*) I hereby certify that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Executed on September 1, 2022, at Santa Barbara, California.



Signature
Elizabeth Wright