

1 Thomas S. Bunn III (CSB #89502)
2 LAGERLOF, SENEAL, GOSNEY & KRUSE, LLP
3 301 N. Lake Avenue, 10th Floor
4 Pasadena, CA 91101-5123
5 Telephone: (626) 793-9400
6 Facsimile: (626) 793-5900

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11 Attorneys for Defendant and Cross-Complainant,
12 Palmdale Water District

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

Coordination Proceeding
Special Title (Rule 1550 (b))

**ANTELOPE VALLEY GROUNDWATER
CASES**

LASC Case No. BC 325201

Judicial Council Coordination
Proceeding No. 4408

[Assigned to The Honorable Jack Komar, Judge
Santa Clara County Superior Court]

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

**Notice of Motion to Approve Metering
Requirements and for an Extension of Time to
Install Meters; Points and Authorities;
Declaration of Holly H. Hughes**

Date: November 17, 2017

Time: 9:00 a.m.

Place: CourtCall only

To all parties and their attorneys of record:

Please take notice that on November 17, 2017, at 9:00 a.m., via CourtCall, Palmdale Water District will move for an order approving the metering requirements attached as Exhibit A, and for a two-month extension of time for the Parties to install meters on their wells, until March 1, 2018. Palmdale Water District is filing this motion on behalf of the Watermaster (which does not yet have its

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

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3 **I. The Court should approve the metering requirements because they were prepared by the**
4 **Watermaster Engineer and adopted in accordance with the Judgment.**

5 The Judgment provides that the Court may adopt appropriate rules and regulations prepared by
6 the Watermaster Engineer and proposed by the Watermaster. (Judgment ¶18.4.2 at p. 46.) The Judgment
7 requires the Watermaster Engineer to propose, and the Watermaster to adopt and maintain, rules and
8 regulations regarding determination of Production amounts and installation of individual water meters.
9 (*Id.* ¶18.5.5 at p. 49.) The rules and regulations must set forth approved devices or methods to measure
10 or estimate production. (*Id.*)

11 In accordance with these requirements, the Watermaster Engineer proposed metering
12 requirements, which are attached as Exhibit A. A properly noticed public hearing was held to consider
13 the requirements. (Judgment ¶18.4.2; Hughes Decl.) The Watermaster adopted the metering
14 requirements by resolution, a copy of which is attached as Exhibit B.

15 Because the metering requirements were proposed and adopted in accordance with the Judgment,
16 and because they are consistent with the Judgment, the Court should approve the metering requirements.

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18 **II. The Court should extend the time for installing water meters for two months, until March**
19 **1, 2018.**

20 The Judgment requires all Parties other than the Small Pumper Class to install meters on their
21 wells for monitoring Production within two years from the entry of Judgment, i.e. by December 28,
22 2017. The court is requested to extend this deadline by two months, until March 1, 2018.

23 The contract for the Watermaster Engineer was approved April 26, 2017. The Watermaster
24 Engineer immediately got busy preparing the 2016 Annual Report, which went through several drafts
25 and reviews before it was timely filed on August 1, 2017. The next major order of business was to
26 prepare rules and regulations, especially the metering rules, because of the upcoming deadline for
27 metering. The metering rules also went through several drafts, and were reviewed by the Advisory
28 Committee and Watermaster Board at regular public meetings before being sent to the Parties.

1 Extension of the deadline will serve two purposes. First, it will give the Watermaster Engineer
2 time to pre-qualify contractors for the meter installation. The Watermaster Engineer intends to proceed
3 with this now that the metering rules have been adopted, even though they have not yet been approved
4 by the Court. Second, the extension will give the Parties enough time to install the meters following the
5 end of the growing season.

6 The downside to the extension is that 2018 is the first year in which Parties' unassessed
7 Production will be limited by the Judgment. It would be preferable to have meters operating the entire
8 year, in order to monitor compliance with these limitations. Nevertheless, the Watermaster Engineer and
9 the Watermaster Board believe the advantages to the extension outweigh this disadvantage.

10 Dated: October 6, 2017

Lagerlof, Senecal, Gosney & Kruse LLP

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12 By: /s/
13 Thomas S. Bunn III
14 Attorneys for Palmdale Water District
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