

1 ERIC N. ROBINSON, State Bar No. 191781  
*erobinson@kmtg.com*

2 STANLEY C. POWELL, State Bar No. 254057  
*spowell@kmtg.com*

3 KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD  
A Professional Corporation  
4 400 Capitol Mall, 27<sup>th</sup> Floor  
Sacramento, California 95814  
5 Telephone: (916) 321-4500  
Facsimile: (916) 321-4555

6 MICHAEL N. FEUER, State Bar No. 111529

7 Los Angeles City Attorney

JOSEPH BRAJEVICH, General Counsel, Water and Power

8 RAYMOND ILGUNAS, General Counsel, Los Angeles World Airports

Attorneys for Defendant CITY OF LOS ANGELES and

9 LOS ANGELES WORLD AIRPORTS

10 Attorneys for Cross-Defendants City of Los  
Angeles and Los Angeles World Airports

11

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

13 **COUNTY OF LOS ANGELES**

14

15 Coordination Proceeding

16 ANTELOPE VALLEY GROUNDWATER  
CASES,

17 

---

Los Angeles County Waterworks District No.  
18 40 v. Diamond Farming Co.

19 Los Angeles County Waterworks District No.  
20 40 v. Diamond Farming Co.

21 Wm Bolthouse Farms, Inc. v. City of  
Lancaster

22 Diamond Farming Co. v. City of Lancaster

23 Diamond Farming Co. v. Palmdale Water  
District,

24 

---

25 AND RELATED ACTIONS

26 

---

27

28

Judicial Council Coordination  
Proceeding No. 4408

**REQUEST FOR JUDICIAL NOTICE AND  
DECLARATION OF STANLEY C.  
POWELL IN SUPPORT OF OPPOSITION  
TO MOTIONS TO INTERPRET**

Date: January 31, 2018

Time: 9:00 a.m.

Dept.: 222

The Hon. Jack Komar, Dept. 17  
Santa Clara Case No. 105 CV 049053

Riverside County Superior Court

Lead Case No. RIC 344436

Case No. RIC 344668

Case No. RIC 353840

Los Angeles Superior Court Case  
No. BC 325201

Kern County Superior Court Case  
No. S-1500-CV-254348

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

This request for judicial notice is brought in support of the responses filed in this action by the City of Los Angeles and Los Angeles World Airports, the County Sanitation Districts of Los Angeles County Nos. 14 and 20, Diamond Farming, Grimmway Enterprises, Inc., Crystal Organic Farms, Lapis Land Co., Tejon Ranchcorp and Tejon Ranch Company, Bolthouse Properties, LLC and WM Bolthouse Farms, Inc., State of California and State of California 50th District Agricultural Association (“Landowner Parties”) to: (1) “Notice and Motion under Section 6.5 of the Physical Solution for Interpretation of Judgment” by Los Angeles County Waterworks District No. 40, Palmdale Water District, Rosamond Community Services District, Quartz Hill Water District, Littlerock Creek Irrigation District, and Palm Ranch Irrigation District; and (2) “Notice of Motion and Motion for Order Interpreting the Judgment” by the Antelope Valley Watermaster.

Landowner Parties seek judicial notice of written records of proceedings before the Watermaster. **Exhibit 1** (which is provided for the convenience of the Court, and is not covered by the request for judicial notice) indexes documents included in Exhibits 2 through 6, which document the proceedings before the Watermaster with respect to Pre-Rampdown Production and Carry Over which have led directly to the two Motions for Interpretation now before the Court. Exhibits 7 through 10 are other relevant documents that have been included in Watermaster agenda packets. Under Evidence Code Section 453, the “trial court shall take judicial notice of any matter specified in Section 452 if a party: (1) requests it;” gives proper notice to each adverse party; and (3) “[f]urnishes the court with sufficient information to enable it to take judicial notice of the matter.”

Evidence Code Section 452(d) allows the court to take judicial notice of records of “any court of this state.” The Watermaster Board has been “appointed by the Court to administer the provisions of this Judgment” (Judgment Section 3.5.52), and is “[s]ubject to the continuing supervision and control of the Court” (Judgment Section 18.4), making its records those of the court. Also, Evidence Code Section 452(h) allows the court to take judicial notice of information that is “not reasonably subject to dispute and are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy.” As discussed in the Declaration of Stanley C. Powell, the sources were Watermaster agenda packets posted on the Watermaster’s website, and

1 information provided directly by the Watermaster General Counsel and identified as part of the  
2 public record, which are sources of reasonably indisputable accuracy. Accordingly, the Landowner  
3 Parties request that the court take judicial notice of the following:

4 **Exhibit 2** is a true and correct copy of portions of the agenda packet for the August 23, 2017  
5 Watermaster meeting, including both the agenda and the portion of the agenda packet dealing with  
6 Pre-Rampdown Production.

7 **Exhibit 3** is a true and correct copy of portions of the agenda packet for the October 25,  
8 2017 Watermaster meeting, including both the agenda and the portion of the agenda packet dealing  
9 with Pre-Rampdown Production and Carry Over.

10 **Exhibit 4** is a true and correct copy of portions of the agenda packet for the November 15,  
11 2017 Watermaster meeting, including both the agenda and the portion of the agenda packet dealing  
12 with Pre-Rampdown Production and Carry Over.

13 **Exhibit 5** is a true and correct copy of portions of the agenda packet for the December 6,  
14 2017 Watermaster meeting, including both the agenda and the portion of the agenda packet dealing  
15 with Pre-Rampdown Production and Carry Over.

16 **Exhibit 6** is a true and correct copy of an email sent on December 7, 2017 by the  
17 Watermaster General Counsel and its attached letter from Mr. Lemieux to the Watermaster dated  
18 November 22, 2017 dealing with Pre-Rampdown Production, which was not included in the agenda  
19 packet for the December 6, 2017 meeting, but which “will be [] part of the public record.”

20 **Exhibit 7** is a true and correct copy of a memorandum from Thomas S. Bunn III to the  
21 Antelope Valley Watermaster Board of Directors dated August 17, 2017 regarding “Phelan Pinon  
22 Hills Community Services District, from the agenda packet for the August 23, 2017 Watermaster  
23 meeting.

24 **Exhibit 8** is a true and correct copy of Exhibit A to the “Professional Services Agreement  
25 between Antelope Valley Watermaster and Todd Groundwater” as included in the agenda packet  
26 for the April 26, 2017 Watermaster meeting.

27 **Exhibit 9** is a true and correct copy of portions of a memorandum from Director Leo  
28 Thibault/Public Water Suppliers to the Watermaster Board of Directors dated August 10, 2016

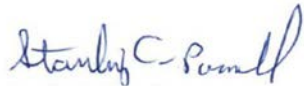
1 regarding "Draft Watermaster Rules and Regulations," from the agenda packet for the August 17,  
2 2016 Watermaster meeting.

3 **Exhibit 10** is a true and correct copy of a draft issue paper from the Watermaster Engineer  
4 to the Antelope Valley Watermaster Advisory Committee dated December 4, 2017 regarding  
5 "Distribution of Unused Federal Reserved Production Right" as included in the agenda packet for  
6 the December 6, 2017 Watermaster meeting.

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DATED: January 18, 2018

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD  
A Professional Corporation

By:   
\_\_\_\_\_  
Stanley C. Powell  
Attorneys for Cross-Defendants,  
CITY OF LOS ANGELES and  
LOS ANGELES WORLD AIRPORTS

1 **DECLARATION OF STANLEY C. POWELL**

2 1. I am an attorney at law, duly licensed to practice law before all courts of the State of  
3 California and before this Court. I am an associate with Kronick, Moskovitz, Tiedemann & Girard,  
4 and a counsel of record for the City of Los Angeles in this action. I have personal knowledge of the  
5 facts stated in this declaration and if sworn as a witness could and would competently testify thereto.

6 2. **Exhibit 1** provides an index of the documents covered by the request for judicial  
7 notice. It is provided for convenience is identifying specific documents, and is not itself covered by  
8 the request for judicial notice.

9 3. **Exhibit 2** is a true and correct copy of portions of the agenda packet for the August  
10 23, 2017 Watermaster meeting, including both the meeting agenda and the portion of the Agenda  
11 packet dealing with Pre-Rampdown Production, as obtained from the Watermaster website at  
12 [http://www.avek.org/fileLibrary/file\\_761.pdf](http://www.avek.org/fileLibrary/file_761.pdf) on January 12, 2018.

13 4. **Exhibit 3** is a true and correct copy of portions of the agenda packet for the October  
14 25, 2017 Watermaster meeting, including both the agenda and the portions of the Agenda packet  
15 dealing with Pre-Rampdown Production and Carry Over, as obtained from the Watermaster website  
16 at [http://www.avek.org/fileLibrary/file\\_801.pdf](http://www.avek.org/fileLibrary/file_801.pdf) on January 12, 2018.

17 5. **Exhibit 4** is a true and correct copy of portions of the agenda packet for the  
18 November 15, 2017 Watermaster meeting, including both the agenda and the portions of the Agenda  
19 packet dealing with Pre-Rampdown Production and Carry Over, as obtained from the Watermaster  
20 website at [http://www.avek.org/fileLibrary/file\\_816.pdf](http://www.avek.org/fileLibrary/file_816.pdf) on January 12, 2018.

21 6. **Exhibit 5** is a true and correct copy of portions of the agenda packet for the December  
22 6, 2017 Watermaster meeting, including both the agenda, and the portions of the Agenda packet  
23 dealing with Pre-Rampdown Production and Carry Over, as obtained from the Watermaster website  
24 at [http://www.avek.org/fileLibrary/file\\_825.pdf](http://www.avek.org/fileLibrary/file_825.pdf) on January 12, 2018.

25 7. **Exhibit 6** is a true and correct copy of an email that Mr. Parton sent to me on  
26 December 7, 2017 and the attachment to that email, which is a letter from Mr. Lemieux to the  
27 Watermaster dated November 22, 2017. That letter was not included in the agenda packet for the  
28 December 6, 2017 Watermaster meeting, but is part of the public record pursuant to Mr. Parton's

1 email.

2 8. **Exhibit 7** is a true and correct copy of the memorandum from Thomas S. Bunn III  
3 to the Antelope Valley Watermaster Board of Directors dated August 17, 2017 regarding “Phelan  
4 Pinon Hills Community Services District,” included in the agenda packet for the August 23, 2017  
5 Watermaster meeting, available online at [http://www.avek.org/fileLibrary/file\\_761.pdf](http://www.avek.org/fileLibrary/file_761.pdf), accessed on  
6 January 12, 2018.

7 9. **Exhibit 8** is a true and correct copy of Exhibit A to the “Professional Services  
8 Agreement between Antelope Valley Watermaster and Todd Groundwater” included in the agenda  
9 packet for the April 26, 2017 Watermaster meeting, available online at  
10 [http://www.avek.org/fileLibrary/file\\_683.pdf](http://www.avek.org/fileLibrary/file_683.pdf), accessed on January 12, 2018.

11 10. **Exhibit 9** is a true and correct copy of portions of a memorandum from Director Leo  
12 Thibault/Public Water Suppliers to the Watermaster Board of Directors dated August 10, 2016  
13 regarding “Draft Watermaster Rules and Regulations” included in the agenda packet for the August  
14 17, 2016 Watermaster meeting, available online at [http://www.avek.org/fileLibrary/file\\_513.pdf](http://www.avek.org/fileLibrary/file_513.pdf),  
15 accessed on January 12, 2018.

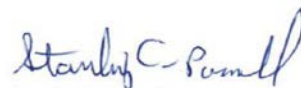
16 11. **Exhibit 10** is a true and correct copy of a draft issue paper from the Watermaster  
17 Engineer to the Antelope Valley Watermaster Advisory Committee dated December 4, 2017  
18 regarding “Distribution of Unused Federal Reserved Production Right” as included in the agenda  
19 packet for the December 6, 2017 Watermaster meeting, available online at  
20 [http://www.avek.org/fileLibrary/file\\_825.pdf](http://www.avek.org/fileLibrary/file_825.pdf), accessed on January 12, 2018.

21 12. Bates numbers have been added to Exhibits 2 through 6.

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

24 Executed this 18th day of January, 2018 in Sacramento, California.

25  
26  
27  
28



Stanley C. Powell

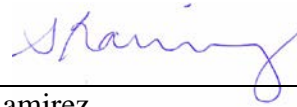
3 **PROOF OF SERVICE**

4 I, Sherry Ramirez, declare:

5 I am a citizen of the United States and employed in Sacramento County, California. I am  
6 over the age of eighteen years and not a party to the within-entitled action. My business address is  
7 400 Capitol Mall, 27th Floor, Sacramento, California 95814. On January 18, 2018, I submitted a  
8 copy of the within document(s): **REQUEST FOR JUDICIAL NOTICE AND DECLARATION**  
9 **OF STANLEY C. POWELL IN SUPPORT OF OPPOSITION TO MOTIONS TO**  
10 **INTERPRET** to [www.avwatermaster.org](http://www.avwatermaster.org) for email submission to all parties appearing on the  
11 electronic service list for the Antelope Valley Groundwater case. Electronic service is complete at  
12 the time of transmission.

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

15 Executed on January 18, 2018 at Sacramento, California.

16  
17 

18 \_\_\_\_\_  
Sherry Ramirez