

EXHIBIT 10

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January 12, 2016

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Re: Antelope Valley Groundwater Cases

Dear Bill:

I trust you had a nice Christmas and New Year.

We are looking forward to working with AVEK and the other watermaster board members, as well as the advisory committee, with respect to implementing and enforcing the judgment signed by Judge Komar on December 23, 2015. I write to share some of our team's initial thoughts about how we might proceed with respect to watermaster concerns.

The watermaster provisions of the judgment mandate that we follow a particular sequence of events.

First, the revolving watermaster board seats must be filled. The parties on Exhibit 4 will select the two landowner spots and the public water suppliers listed in section 18.1.1 will select the one public water supplier spot. Concurrently, the producers need to select the advisory committee members pursuant to section 19.1.

Once the watermaster board and advisory committee members are determined, the watermaster board will select the watermaster engineer by unanimous vote with the advice of the advisory committee. (Sections 18.1.2.1 and 18.4.1.)

Once the watermaster board and watermaster engineer are in place, the watermaster board must determine by unanimous vote, after consulting with the

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watermaster engineer, the voting protocol for the watermaster board. (Section 18.1.2.2.)

Next, the Court may adopt watermaster rules and regulations as prepared by the watermaster engineer and proposed by the watermaster board.

Thus, we cannot get down to the business of proposing watermaster rules and regulations to the Court until a number of events have taken place.

In light of the sequence of events required by the judgment, we suggest the January 21 meeting focus on selecting the advisory committee. We do not believe it would be appropriate or consistent with the judgment for any other watermaster related topics to be discussed at the January 21 meeting, other than the process and timing involved in filling the open watermaster board and advisory committee slots. The parties on Exhibit 4 need to meet to select the two landowner spots. The public water supplier group has a meeting set this week to work on selecting the PWS spot.

Please note that my client cannot formally vote on the advisory committee members or the PWS spot until the Board of Supervisors approves the recommendation of my office and Public Works. We presume AVEK will have a similar approval process.

I also note that we need the watermaster board and engineer in place before we can consider whether the watermaster rules and regulations should include provisions under which AVEK may accomplish watermaster staff and administrative functions. (Section 18.1.4.)

The judgment mandates that the watermaster carry out its duties, powers and responsibilities in an impartial manner without favor or prejudice to any subarea, producer, party, or purpose of use. (Section 18.2.) This is consistent with the underlying legal concept that the watermaster acts as the arm of the court in implementing and enforcing the judgment. Moreover, the judgment mandates that the watermaster rely on and use the best available science and data in implementing the judgment. (Section 18.5.16.) The judgment goes so far as to include a process which may be initiated by the court or a party to remove a watermaster member that performs in a manner inconsistent with the judgement or in a biased fashion. (Section 18.3.)

I mention these provisions because, based on the history of how the adjudication was litigated and the tactics we saw employed by various other parties, my client is seriously concerned that other members of the watermaster

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board and advisory committee may advocate positions inconsistent with the judgment and science, possibly aimed at improperly benefitting a party or parties. For example, we are aware that, incredibly, certain landowners continue to assert that the native safe yield is far in excess of what the best available science and, importantly, the Court, have determined.

We welcome your thoughts and suggestions as to how District 40 and AVEK can work together to ensure the judgment is followed to the letter and the groundwater basin is managed in a reasonable and scientifically based manner as required by the Court.

I look forward to seeing you soon.

Very truly yours,

MARY C. WICKHAM
County Counsel

By



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