

1 Michael Duane Davis, SBN 093678  
2 Marlene L. Allen-Hammarlund, SBN 126418  
3 Derek R. Hoffman, SBN 285784  
4 **GRESHAM SAVAGE NOLAN & TILDEN, PC**  
5 550 East Hospitality Lane, Suite 300  
6 San Bernardino, CA 92408-4205  
7 Telephone: (951) 684-2171  
8 Facsimile: (951) 684-2150

9 Attorneys for Cross-Defendants/Cross-Complainants,  
10 ANTELOPE VALLEY UNITED MUTUALS GROUP;  
11 and Cross-Defendants, ADAMS BENNETT  
12 INVESTMENTS, LLC; MIRACLE IMPROVEMENT  
13 CORPORATION dba GOLDEN SANDS MOBILE  
14 HOME PARK, aka GOLDEN SANDS TRAILER  
15 PARK, named as ROE 1121; ST. ANDREW'S  
16 ABBEY, INC., named as ROE 623; SERVICE ROCK  
17 PRODUCTS, L.P.; and SHEEP CREEK WATER  
18 COMPANY, INC.

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
12 **IN AND FOR THE COUNTY OF LOS ANGELES**

13 Coordination Proceeding ) Judicial Council Coordination  
14 Special Title (Rule 1550(b)) ) Proceeding No. 4408  
15 )  
16 **ANTELOPE VALLEY** ) Santa Clara Case No. 1-05-CV-049053  
17 **GROUNDWATER CASES** ) Assigned to the Honorable Jack Komar  
18 ) Department 17C  
19 Including Consolidated Actions: )  
20 **Los Angeles County Waterworks District** ) **REPLY TO JOINT OPPOSITION OF**  
21 **No. 40 v. Diamond Farming Co.** ) **PUBLIC AND PRIVATE LANDOWNERS**  
22 Superior Court of California, County of Los ) **TO THE MUTUALS' MOTION FOR**  
23 Angeles, Case No. BC 325 201 ) **ORDER INTERPRETING JUDGMENT**  
24 ) Judge: Hon. Jack Komar, Judge  
25 **Los Angeles County Waterworks District** )  
26 **No. 40 v. Diamond Farming Co.** ) DATE: MAY 25, 2016  
27 Superior Court of California, County of ) TIME: 9:00 a.m.  
28 Kern, Case No. S-1500-CV-254-348 ) DEPT: Room 222  
Los Angeles Superior Court  
111 N. Hill Street  
Los Angeles, California  
29 **Wm. Bolthouse Farms, Inc. v. City of** )  
30 **Lancaster** )  
31 **Diamond Farming Co. v. City of** )  
32 **Lancaster** )  
33 **Diamond Farming Co. v. Palmdale** )  
34 **Water Dist.** )  
35 Superior Court of California, County of )  
36 Riverside, consolidated actions, Case Nos. )  
37 RIC 353 840, RIC 344 436, RIC 344 668 )  
38 )  
39 **AND RELATED ACTIONS.** )  
40 )

1 Cross-Defendants / Cross-Complainants, ANTELOPE VALLEY UNITED MUTUALS  
2 GROUP and Cross-Defendants, ADAMS BENNETT INVESTMENTS, LLC and SERVICE  
3 ROCK PRODUCTS, L.P. (collectively, “Moving Parties”) submit the following “Reply” to the  
4 *Joint Opposition of Public and Private Landowners’ to the Mutuals’ Motion to Interpret the*  
5 *Judgment* (“Opposition”). The “Public and Private Landowners” joining in the Opposition are  
6 AVEK, LAWA, L.A. COUNTY SANITATION DISTRICTS Nos. 14 and 20, BOLTHOUSE,  
7 DIAMOND/GRIMMWAY/CRYSTAL ORGANIC/LAPIS LAND, TEJON RANCH, GRANITE  
8 CONSTRUCTION, VAN DAMS and U.S. BORAX (“Opposing Parties”).

9 Preliminarily, Moving Parties object to the untimely submission of the Opposing Parties’  
10 Statement of Position (“Statement”). The May 4-5 emails with the Court Clerk, Rowena Walker,  
11 [see *Exhibit 26* attached hereto] expressly confirmed that the deadline to file and post the  
12 Statements, pursuant to the Court’s May 3, 2015 Minute Order regarding the Motion (“Order”)  
13 was Sunday, May 15<sup>th</sup> and not Monday, May 16<sup>th</sup>, when the Opposing Parties posted their  
14 Statement. Thus the Statement was untimely and should be disregarded. Furthermore, the  
15 Opposing Parties use their Statement as a second “opposition” to the Motion, and propose the  
16 subsequent filings of declarations in lieu of live testimony without setting forth the proposed  
17 testimony of those declarants as required by the Order. Moving Parties object to any evidence  
18 not presented with the Statement and further request that it be stricken to the extent that it  
19 amounts to a second opposition to the Motion.  
20

21 **Exhibits 20 through 25, Identified in Moving Parties’ Statement of Position**  
22 **and Additional Exhibits 26 through 29**

23 In the Moving Parties’ Statement of Position, Moving Parties identified Exhibits 20  
24 through 25 as additional evidence for the Reply Brief.

25 Based on the “briefing” in the Opposing Parties’ Statement of Position, Moving Parties  
26 now also identify Exhibits 26 through 29.  
27  
28

1 Exhibits 20 through 29 are described as follows and copies are attached, as marked, to  
2 this Reply Brief, except for Exhibits 21 and 24, which will be presented at the hearing and web-  
3 links to which follow the identification of those Exhibits:

4 **Exhibit 20.** Antelope Valley Press (avhidesert Forum), *power struggle focusing on*  
5 *which water agency will represent 11 cities and water supp...*, January 29, 2016.

6 **Exhibit 21.** Video Recording of *March 31, 2016 “Watermaster Board” Meeting*,  
7 Joyce Media, Inc., YouTube. [[https://www.youtube.com/watch?v=dvs\\_RMfwXzA](https://www.youtube.com/watch?v=dvs_RMfwXzA)]

8 **Exhibit 22.** Email from R. Nelson to J. Ukkestad dated April 4, 2016 at 8:04 AM.

9 **Exhibit 23.** Letter from R. Nelson (Willow Springs Company) dated April 13, 2016.

10 **Exhibit 24.** Video Recording of *April 13, 2016 “Watermaster Board” Meeting*, Joyce  
11 Media, Inc., YouTube. [<https://www.youtube.com/watch?v=KSCz3J0RpKw>]

12 **Exhibit 25.** *Watermaster Nears Boiling Point*, The Rosamond News, April 18, 2016.

13 **Exhibit 26.** May 4-5 emails between Gresham|Savage Legal Assistant, Dina Snider,  
14 and Court Clerk, Rowena Walker (emphasis added).

15 **Exhibit 27.** Email string between Attorneys Robert Kuhs, Richard Zimmer, Bob  
16 Joyce, Michael Fife, Michael Davis, Scott Kuney, and William Sloan on February 26, 2016 at  
17 3:30 PM and February 27, 2016 at 9:46 AM (emphasis added).

18 **Exhibit 28.** Email from Attorney Chris Sanders to Attorney Michael Davis, on May  
19 11, 2016 at 10:13 AM, with attached copies of the form for “Antelope Valley Watermaster  
20 Landowner Representative Nominations” and the “Rules and Procedures for Election of Initial  
21 Landowner Party Watermaster Representatives” (redacted and emphasis added).

22 **Exhibit 29.** Email from Attorney Lee McElhaney to Attorneys Noah GoldenKrasner,  
23 Marilyn Levin, Stanley Powell, Robert Kuhs, Richard Zimmer, Bob Joyce, William Sloan, Ted  
24 Chester, Scott Kuney, Ed Casey and Bill Brunick, transmitting draft copies of a form for  
25 “Antelope Valley Watermaster Landowner Representative Nominations” and a “Draft Process  
26 for Election of Initial Landowner Watermaster Representatives” (emphasis added).

27 ///

28 ///



1 Cal.App.4<sup>th</sup> 471, 480; see also Judgment, Section 6.5]. The fact that the Judgment needs to be  
2 interpreted does not mean that it is flawed, only that it is incomplete and unclear. In fact, the  
3 Judgment expressly contemplated the future creation and judicial adoption of Watermaster Rules  
4 and Regulations. The timing is simply off, as explained below.

5 The Judgment is incomplete, as the Moving Parties pointed out in their “Catch 22”  
6 illustration, in that the Watermaster Board is being organized before the Watermaster Rules and  
7 Regulations that should contain the organizational provisions do not yet exist and, absent the  
8 relief requested in the Motion, will not exist until after the Watermaster Board has been seated  
9 and a Watermaster Engineer selected and approved by the Court.

10 The Judgment is unclear, in that Section 18.1.1 is capable of multiple interpretations, and  
11 is – in fact – being interpreted by the various parties quite differently. Moving Parties contend  
12 that the Watermaster Board has always been intended to provide for the broad representation of  
13 the diverse interests in the Basin, as indicated by the Accord (which the Court has already ruled  
14 to be admissible). In their Opposition, the Public Overliers argue that any “successor-in-interest”  
15 to any Exhibit 4 water rights holder would also receive the power to vote that right. Yet, even  
16 the same Opposing Parties are now taking different positions regarding that unclear language  
17 from the positions they took prior to the filing of the Opposition. For example, in the  
18 Opposition, Opposing Parties claim that there is no uncertainty which requires the assistance of  
19 the Court, yet in *Exhibit 27* attached hereto, it is stated “We have an important issue that needs  
20 immediate resolution[.]” and “I think that provision was intended to mean ...”

21 Furthermore, Opposing Parties adamantly argue for their interpretation of the phrase  
22 “exclusive of public agencies and members of the Non-Pumper and Small Pumper Classes” in  
23 Section 18.1.1., to mean that every Public Overlier has the right to vote for but not hold a seat on  
24 the Watermaster Board, whereas the members of the Non-Pumper and Small Pumper Classes  
25 have neither the right to vote nor hold a seat on the Watermaster Board. That inconsistent  
26 interpretation, which applies the same phrase differently to “public agencies” and to “members  
27 of the Non-Pumper and Small Pumper Classes[.]” is never explained.

1 Presently, no Non-Overlying Rights holders of Exhibit 3 water are also Overlying Rights  
2 holders of Exhibit 4 water. However, the acquisition of sufficient quantities of Exhibit 4 rights  
3 by Non-Overlying Rights holders (who are on Exhibit 3) would allow Non-Overlying Rights  
4 holders to become “successors-in-interest” to Exhibit 4 water and to effectively take control of  
5 the two Landowner Parties seats, something clearly inconsistent with the spirit of the Judgment.

6 Because the Court has not yet approved the adoption of any Watermaster Rules and  
7 Regulations regarding permitted transfers, the terms and conditions referenced in Section 16.2 of  
8 the Judgment do not exist until the Watermaster Rules and Regulations have been adopted. In  
9 this vacuum, each party seems to be unconstrained to advance its own interpretation of Section  
10 18.1.1 and to endeavor to impose that interpretation on every other party.

11 When a provision of the Judgment is acknowledged to be sufficiently unclear that it  
12 “needs immediate resolution,” that resolution MUST come from the Court, not from the Parties.

13  
14 **The Court has the Exclusive Power and Authority to Approve the Watermaster Rules**

15 The adoption of Rules and Regulations is within the sole purview of the Court. The  
16 Judgment mandates a noticed hearing thirty (30) days prior to adoption, and ensures that any  
17 party has the right to object to the proposed Rules. [Judgment, Section 18.4.2]. The first time  
18 that the Moving Parties were provided a copy of the “Antelope Valley Watermaster Landowner  
19 Representative Nominations” and “Rules and Procedures for Election of Initial Landowner Party  
20 Watermaster Representatives” was by way of an email from Attorney Chris Sanders on May 11,  
21 2016 [See *Exhibit 28* attached hereto]. Nothing in these proposed Rules and Procedures indicate  
22 that approval will be sought from the Court by way of a formal Motion.

23  
24 **The Brown Act is Currently Being Ignored**

25 Opposing Parties argue that they are endeavoring to develop a proposed set of rules and  
26 procedures for the selection of the two (2) Landowner Seats to the Watermaster Board in a fair,  
27 open and transparent manner, which affords due process. Unfortunately, the evidence indicates  
28 otherwise.

1 As illustrated in the Motion, and in particular the quotes and links to the videos of the  
2 “Watermaster Board” meetings [Moving Parties’ Statement of Position, Exhibits 21 and 24], a  
3 self-appointed committee for the selection of the two Landowner Seats is attempting to impose  
4 its interpretation of Section 18.1.1. on the vast majority of the Exhibit 4 Parties. In fact, only 9  
5 out of the 104 Exhibit 4 Parties, which hold 44.4% of the Exhibit 4 water, have come forward to  
6 oppose the Motion.

7 Further, as illustrated in *Exhibit 29* attached hereto, only the Opposing Parties and a few  
8 other Overlyers have been included in the development of a proposed form for “Antelope Valley  
9 Watermaster Landowner Representative Nominations” and a proposed set of “Rules and  
10 Procedures for Election of Initial Landowner Party Watermaster Representatives.” When  
11 confronted about being excluded from that process, the Opposing Parties’ attorneys blamed U.S.  
12 Attorney James Dubois for not having posted those proposed documents on the Court’s website  
13 for everyone to see.

14 The activities of the Watermaster under the Judgment are subject to the Brown Act.  
15 [Judgment, Section 18.4.11]. That means that all activities, including organizational / formation,  
16 must be publically noticed to all interested Parties; and all interested Parties must be given the  
17 opportunity to attend open meetings, and to speak and be heard. In short, they are entitled to  
18 meaningfully participate in the process. [See, e.g., *Frazer v. Dixon Unified School Dist.* (1993)  
19 18 Cal.App.4<sup>th</sup> 781; see also *Sacramento Newspaper Guild v. Sacramento County Board of*  
20 *Supervisors* (1968) 263 Cal.App. 2<sup>nd</sup> 41]. As noted above, any Party has the right to object to the  
21 proposed rules. [Judgment, Section 18.4.2].  
22

23 **The Moving Parties Seek Fairness, Transparency and Due Process,**

24 **Not a Seat on the Watermaster**

25 Opposing Parties argue that the Motion is an effort by the Mutuals to force a seat on the  
26 Watermaster Board. Nothing could be further from the truth. The requests for clarification that  
27 are set forth in the Motion do not seek such relief. Neither Mr. Ukkestad nor any other  
28

1 representative of any Mutual Water Company (or for that matter any other Moving Party) is  
2 either seeking or would accept a seat on the Watermaster Board under these circumstances.

3 To the contrary, Moving Parties have invested too much time, energy, money and hope in  
4 this Adjudication to allow it to fall apart at this late hour.

5  
6 **Conclusion**

7 Moving Parties challenge the Opposing Parties' arguments and reaffirm their request that  
8 the Court issue an Order interpreting the Judgment as prayed in the Motion.

9  
10 DATED: May 18, 2016.

Respectfully submitted,

11 GRESHAM SAVAGE NOLAN & TILDEN, PC

12  
13 By:

  
14 MICHAEL DUANE DAVIS, ESQ.  
15 DEREK R. HOFFMAN, ESQ.  
16 Attorneys for A. V. UNITED MUTUALS GROUP,  
17 ADAMS BENNETT INVESTMENTS, LLC, and  
18 SERVICE ROCK PRODUCTS, L.P.

# EXHIBIT 20



# Local and Community News For the western Antelope Valley

To submit stories for posting  
send E-mail to: [letters@avhidesert.com](mailto:letters@avhidesert.com)

This is a News and community activities service for the western Antelope Valley, all rights reserved

[Search](#) [Member List](#) [Calendar](#) [Help](#) [Game Section](#)

Hello There, Guest! ([Login](#) — [Register](#))

Current time: 10-05-2016, 09:15 AM

[AV Hi Desert forum](#) / [Local water and farm agencies](#) / [Antelope Valley groundwater adjudication case](#) ▾ / **power struggle focusing on which water agency will represent 11 cities and water supp**

[NEW REPLY](#)

[NEW THREAD](#)

power struggle focusing on which water agency will represent 11 cities and water supp

[Threaded Mode](#) | [Linear Mode](#)

**Author**

**Message**

**Water**

Unregistered

**power struggle focusing on which water agency will represent 11 cities and water supp**

**Post: #1**

[AV Press](#)  
[1/29/2016](#)

[Another water fight surfaces](#)

[Alisha Semchuck](#)

PALMDALE - Just as one water battle ends, another might begin.

This time it could erupt into a power struggle focusing on which water agency will represent 11 cities and water suppliers on the new board created to oversee the terms of a landmark court settlement over allocation of Antelope Valley well water.

The settlement approved in December after 16 years of litigation says the five-member Antelope Valley Watermaster will have one seat representing Los Angeles County Waterworks District 40, Palmdale Water District, Quartz Hill Water District, Littlerock Creek Irrigation District, California Water Service Company, Desert Lake Community Services District, North Edwards Water District, cities of Palmdale and Lancaster, Palm Ranch Irrigation District and Rosamond Community Services District.

Although Waterworks District 40 will have its own permanent seat on the Watermaster board, the judge included the agency as a decision-maker for the shared water supplier seat. Although neither Palmdale nor Lancaster supply groundwater to their residents, they too, share in the decision-making process.

Some of the other litigants from the groundwater lawsuit said they can't recall the last time Palmdale and Lancaster agreed on anything.

So while the Antelope Valley-East Kern Water Agency, acting as the Watermaster board's temporary administrator, wants all the seats filled by March, other litigants from the lawsuit said they doubt that goal is possible.

Some described AVEK as a self-appointed temporary administrator.

In the settlement, the judge wrote: "Pursuant to duly adopted Watermaster rules, Watermaster staff and administrative functions may be accomplished by AVEK, subject to strict time and cost accounting principles so that this judgment does not subsidize, and is not subsidized by AVEK."

In a memo to the Palmdale Water District board of directors, agency General Manager Dennis LaMoreaux stated that he helped arrange a meeting of the public water supplier group on Jan. 13 at Quartz Hill Water District to begin talks about how to fill that particular Watermaster seat.

"A plan was developed to choose our representative," LaMoreaux wrote. "It was emphasized that the (public water supplier) representative must follow the direction of the (public water supply) group when making decisions on the Watermaster board."

Board members at each of the agencies will decide if they want to nominate someone from their agency for the public water supply seat.

A list of all nominees will be considered at another meeting of the public water supply group, which will make a recommendation from a majority vote.

Then the list and the recommended candidate will be presented to the boards or councils of each entity for another vote. The votes will be collected and tallied. The result will be reported to the public water supply group and to the Antelope Valley Watermaster staff, according to the LaMoreaux memo.

At Palmdale Water District's board meeting Wednesday night, directors unanimously nominated LaMoreaux as the representative to fill the public water supplier seat on the Watermaster board.

Prior to making their decision, the directors met in closed session with Attorney Tom Bunn, with the Pasadena-based law firm of Lagerlof, Senecal, Gosney & Kruse.

Bunn represented Palmdale Water District in the groundwater case that began when Bakersfield-based Diamond Farming Company filed suit against Lancaster, Palmdale Water District, Antelope Valley Water Company, Palm Ranch Irrigation District, Quartz Hill Water District, Rosamond Community Services District and Mojave Public Utility District claiming pumping by those agencies infringed on Diamond's rights to groundwater under its Valley fields.

When board members returned to open session, Bunn told them the judgment that was entered requires the five-member Watermaster board .

"That's what's before you today - whether you want to nominate someone," Bunn said.

"I would suggest it be a staff person and not a water board member."

His reasoning was that the task of the Watermaster board will be technical and best served by someone who actually works in the industry.

Board President Robert Alvarado asked for nominations from the board.

Hearing none, Alvarado nominated LaMoreaux.

Directors approved the nomination with a 5-0 vote.

Director Joe Estes asked if they needed to nominate an alternate. Not for the Watermaster board, Bunn said, but for the public water supplier group's Advisory Committee, which Bunn referred to as the steering committee, he recommended nominating a representative and an alternate.

Exactly how that committee will function is still undecided.

"There's a lot that hasn't been figured out," Bunn said.

The Advisory Committee, comprising 11 public water suppliers, "will help give guidance to the Watermaster board," LaMoreaux said.

The delegate to the committee can be either a staff member or a board member, and the same for the alternate, according to Bunn.

Palmdale agency Assistant General Manager Matt Knudson was nominated by board Vice President Vince Dino.

"Do we have to name an alternate tonight?" Estes asked.

That can be done later, Bunn said, but this group is going to meet and put all the nominations and recommendations in place, so it would be better to choose candidates for both positions at the same time.

When none of the board members named a candidate as an alternate, Alvarado recommended Director Kathy Mac Laren, the water board's immediate past president, to fill that role.

Board members approved Knudson and Mac Laren in a 5-0 vote.

[asemchuck@avpress.com](mailto:asemchuck@avpress.com)

30-01-2016 05:47 PM



<< [Next Oldest](#) | [Next Newest](#) >>



Possibly Related Threads...

|  | Thread:  | Author         | Replies: | Views: | Last Post  |
|--|--|----------------|----------|--------|--|
|  | <a href="#">Ground water 14 year fight over, judge signed off</a>                            | henry          | 0        | 504    | 02-01-2016 12:56 PM<br>Last Post: henry          |
|  | <a href="#">Antelope Valley's public water suppliers are facing big cutbacks</a>             | Larry          | 0        | 482    | 09-11-2015 12:02 PM<br>Last Post: Larry          |
|  | <a href="#">AVEC water district approved to agree on water lawsuit</a>                       | i-spy          | 0        | 1,101  | 27-01-2015 12:50 PM<br>Last Post: i-spy          |
|  | <a href="#">"Water adjudication," will mark its 15th year in October remains unresolved,</a> | i-spy          | 0        | 1,803  | 28-08-2014 06:08 PM<br>Last Post: i-spy          |
|  | <a href="#">Water Suit is getting settled "Maybe"</a>  | Wendy          | 0        | 1,707  | 10-04-2014 08:49 AM<br>Last Post: Wendy          |
|  | <a href="#">Court docs with meeting dates and times for Water Lawsuit</a>                    | shirley        | 1        | 2,217  | 24-10-2011 11:31 AM<br>Last Post: larry T        |
|  | <a href="#">STATEMENT FROM LA COUNTY WATERWORKS DISTRICTS[- on adjudication of water</a>     | dirtbag        | 0        | 3,820  | 10-05-2011 05:10 PM<br>Last Post: dirtbag        |
|  | <a href="#">AV water litigants work out accord</a>   | shirley        | 0        | 3,396  | 11-08-2010 08:20 PM<br>Last Post: shirley        |
|  | <a href="#">Little Joy in Water Hearing [8/19/09 AV Press]:</a>                              | Harleyhardtail | 0        | 2,201  | 28-08-2009 09:52 AM<br>Last Post: Harleyhardtail |
|  | <a href="#">Town Hall Meeting - Water Adjudication, April 7, 2009, 7:00pm</a>                | admiral1       | 0        | 1,877  | 17-03-2009 12:11 PM<br>Last Post: admiral1       |

5/10/2016

power struggle focusing on which water agency will represent 11 cities and water supp

[View a Printable Version](#)  
[Send this Thread to a Friend](#)  
[Subscribe to this thread](#) |

[Contact Us](#) | [Antelope Valley High Desert](#) | [Return to Top](#) | [Return to Content](#) | [Lite \(Archive\) Mode](#) | [RSS Syndication](#)

Powered By [MyBB](#), © 2002-2016 [MyBB Group](#).

# EXHIBIT 21

See YouTube Video Link in Reply Brief

# EXHIBIT 22

Willow Springs/watermaster meeting

Monday, April 4, 2016 8:07 AM

**From:**

"Reserve Systems" <reserve.systems@mindspring.com>

**To:**

johnnyu40@yahoo.com

**Cc:**

"Gorrindo Bob" <bob.gorrindo@gmail.com>

John, It was good meeting you the other night at the water master meeting. Fortunately not all the people who were represented legally by AGWA are inclined to behave as we saw at the meeting.

I wanted to introduce you to Bob Gorrindo, and I have copied this to him. Bob has water rights under the adjudication, and he has told me that he is not in a hurry to sell them, but that he is looking for an appropriate place to use them. I think it possible that the Mutual water companies and Bob might have reasons to talk. Beyond this I will stay out of any communications between you.

If I can be of any help to you in the future don't hesitate to call. 661 256 2275 Richard Nelson, Willow Springs Company

# EXHIBIT 23

# Willow Springs Company

April 13, 2016

Re:

Why the large and small water users each need to select their own director.  
See chart on reverse side.

I am writing this because it will be impossible to say without interruption at the meeting.

The proposal to vote the water acreage multiple times diminishes the vote of minor water users, enabling the large water users to elect both directors. See the chart on reverse side. Given this, the way forward is for large and small water users to vote only for their own director.

The negotiations have turned ugly and have diminished our real objective, to elect suitable representation. We seem to have forgotten the purpose of the Water Master, which is to protect our aquifer and our rights; not to make one group of water users subservient to a master.

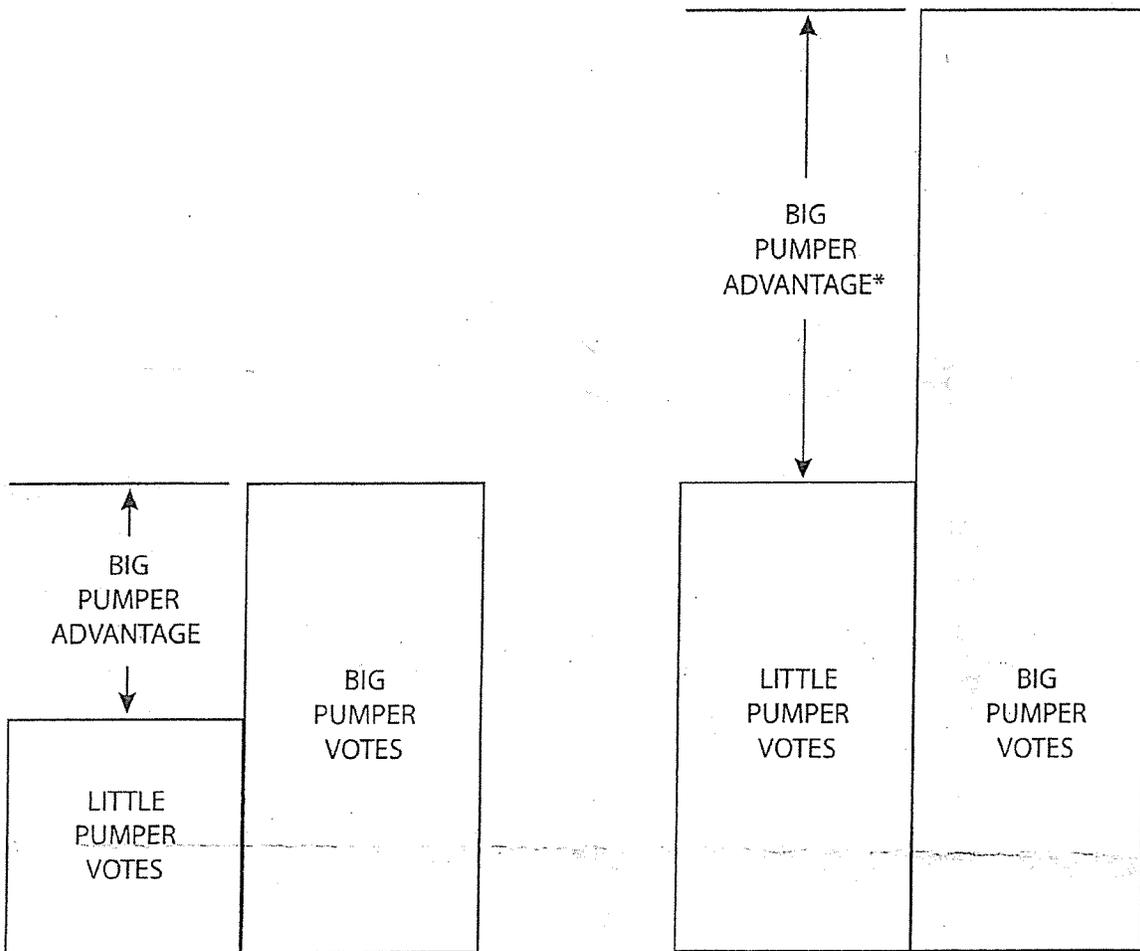
Directors have a fiduciary and moral responsibility to serve all water users equally and without a conflict of interest or prejudice. A director who serves the will of only one group violates the public trust. We must get away from the argument pitting farmers against other water users. What difference does it make?

So, in the interest of finishing the elections can we get to the business?

Richard Nelson  
Willow Springs Company, Inc.  
661 256 2275 Willow.Springs@mindspring.com

---

**Willow Springs Company, 4040 Manly Rd., Rosamond, California 93560**



COURT ORDERED  
VOTING

(1 Acre-Ft = 1 vote)

BIG PUMPER  
DOUBLE-DOWN

(1 Acre-Ft = 2 votes)

## **DOUBLING VOTE STACKS DECK AGAINST LITTLE PUMPER**

\*Ratio remains the same, big vote advantage doubles.

Example: 100 votes become 200 votes or 1,000 votes becomes 2,000 votes.

# EXHIBIT 24

See YouTube Video Link in Reply Brief

# EXHIBIT 25



This is a QR code

Your iPhone or SmartPhone can read it and will go to a website or email. When you see it: Click or Scan. It becomes "History Alive". Our YouTube movies and ads have QR codes.



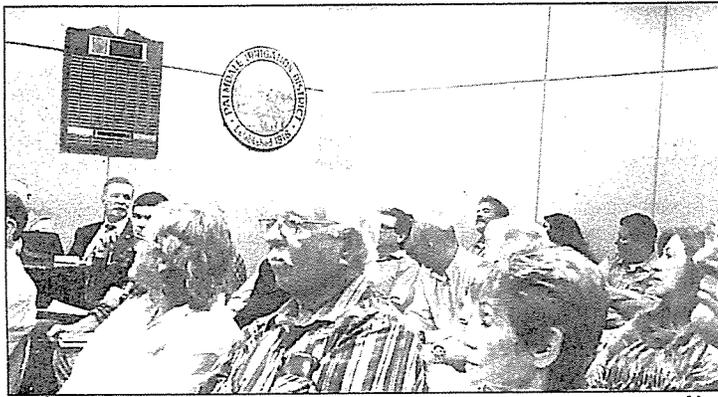
www.rosamondnews.com



Scan to view all videos

April 18, 2016

Page 1



click pic action video ROSAMOND eNEWS

AVEK - update

## WATERMASTER NEARS BOILING POINT

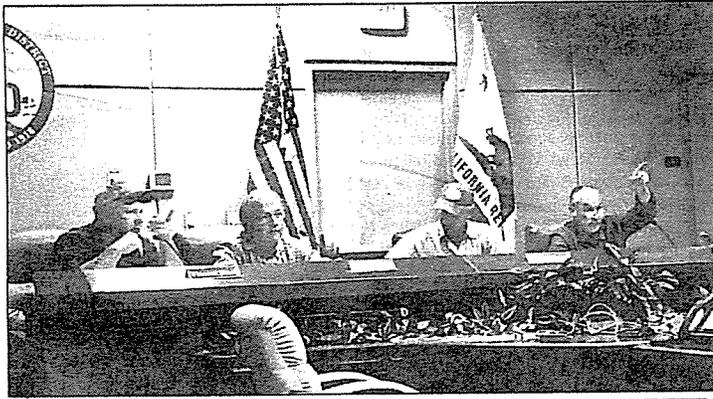


ROSAMOND, 93560 • By John Joyce



Water right holders met in the Palmdale Irrigation District board room on Wednesday afternoon at 2 pm, April 13, 2016.

They were trying to elect two representatives to fill vacant seats on the Antelope Valley Watermaster Board of Directors.



click pic action video ROSAMOND eNEWS

AVEK - update

With a vote of 14 to 10, the interim steering committee of volunteers decided to go ahead with the nominations and elections of two representatives from the list of water right holders in the December 2015 adjudication judgement. That political judgement process lasted 17 years and still isn't completely settled for many water right holders in the Antelope Valley.

Does a big water right holder get to keep voting rights to water when it buys a piece of property from a small water right holder? Should the small water right holders have one of the representatives exclusively and big water right holders have the other one? How long should each representative serve; 2 years or 4 years? These and other questions filled the room on Tuesday.

A majority of people in the room voted to move forward with nominations and elections of the two representatives, but ten others wanted to wait until they heard what the judge had to say about a "filing for clarification" submitted by one water right holder with the adjudication court earlier that week.

See page D

https://youtu.be/KSCz3J0RpKw

## WATERMASTER from page 1



click pic action video ROSAMOND eNEWS

AVEK - update

John Ukkestad (right) gets his water from White Fence Farms Mutual Water Company, and acts as a consultant to a group of mutual water companies. He filed the clarification motion with Judge Komar's court.

"I think we should wait until after the 17th of May to get the interpretation from Judge Komar.

"Could I see a show of hands of those people who voted to move forward and hold rights to 1000 acre-feet of water or more?"

"We kinda' decided before the meeting that we would just have to go forward and then, obviously, do whatever the judge dictates," said John Calandri (right) who is the lead voice on the interim steering committee for the water right holders.

"We don't have a distinction of class. But I have no objections if John wants to ask those people to raise their hands. If they want to, fine; if they don't want to, fine. Go ahead and ask the group."

No one raised their hands when Ukkestad asked for a show of hands.

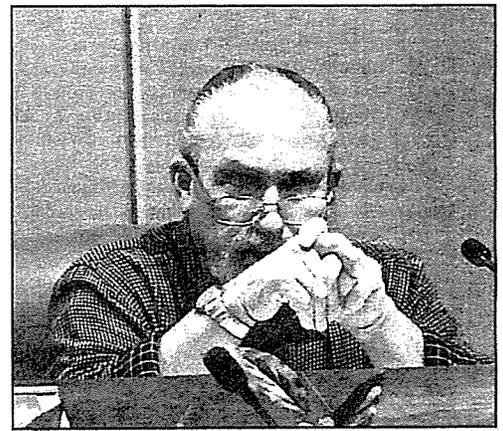
"This is exactly what's going to happen if we don't get the small land owners clarification. Why do we have to move forward with nominations and elections right now? What is the urgency right now? Why can't it be held until after the judge interprets his judgement?"

Antelope Valley East Kern Water Agency (AVEK) will send out a letter to the water right holders listed in the judgement, asking for nominations. Nominations will be returned to James Dubois of the United States Department of Justice in Denver who will serve as Inspector of Elections. Tentatively final nominations and voting for the two representatives will be conducted online and in print.

AVEK maintains a web site for information about the AV Watermaster and notices for future meetings here: [http://www.avek.org/index.cfm?fuseaction=menu&menu\\_id=5017](http://www.avek.org/index.cfm?fuseaction=menu&menu_id=5017)



<http://www.avek.org/index.cfm>



click pic action video ROSAMOND eNEWS

AVEK - update



# EXHIBIT 26

## Dina Snider

---

**From:** Dina Snider  
**Sent:** Thursday, May 05, 2016 12:09 PM  
**To:** 'Rowena Walker'  
**Subject:** RE: Minute Order dated 5-3-16 re: our Motion re Watermaster Formation (hearing on May 25, 2016)

Hi Rowena,

Thank you for the clarification. I appreciate it.

---

**From:** Rowena Walker [<mailto:RWalker@scscourt.org>]  
**Sent:** Thursday, May 05, 2016 7:47 AM  
**To:** Dina Snider  
**Subject:** Re: Minute Order dated 5-3-16 re: our Motion re Watermaster Formation (hearing on May 25, 2016)

The Court meant Sunday, May 15 - we'll be looking for documents posted by that evening so that the Court has it first thing on Monday morning.

The motion's briefing schedule is not affected by the May 15 due date for the "statement of position."

-----  
Rowena Walker  
Complex Civil Case Coordinator  
Superior Court of California, County of Santa Clara  
191 N. 1st Street, Department 1  
San Jose, CA 95113  
Direct: 408-882-2286

---

**From:** Dina Snider <[Dina.Snider@GreshamSavage.com](mailto:Dina.Snider@GreshamSavage.com)>  
**Sent:** Wednesday, May 4, 2016 8:30 AM  
**To:** Rowena Walker  
**Subject:** Minute Order dated 5-3-16 re: our Motion re Watermaster Formation (hearing on May 25, 2016)

Good morning Rowena,

I have a couple of questions regarding the Minute Order dated 5-3-16 with respect to our Motion re Watermaster Formation.

1. The date that all documents (whether in favor or opposition) are due to be filed and posted on the Court's website is no later than May 15, 2016, which is a Sunday. Does that mean all documents are due to be filed with the Court by Friday, May 13<sup>th</sup> or did the Court mean Monday, May 16, 2016?
2. Please confirm that the Motion's briefing schedule still has not changed, and that oppositions and replies will be due pursuant to the code, based on the May 25<sup>th</sup> hearing date.

*Dina Snider, Legal Assistant to*

*Michael Duane Davis  
Shareholder*

Gresham Savage Nolan & Tilden, PC  
550 East Hospitality Lane, Suite 300  
San Bernardino, CA 92408-4205  
Office: (909) 890-4499 / Fax: (909) 890-0687  
[Dina.snider@greshamsavage.com](mailto:Dina.snider@greshamsavage.com)  
[www.GreshamSavage.com](http://www.GreshamSavage.com)

- 
1. **Privileged and Confidential Communication.** The information contained in this email and any attachments may be confidential or subject to the attorney client privilege or attorney work product doctrine. If you are not the intended recipient of this communication, you may not use, disclose, print, copy or disseminate the same. If you have received this in error, please notify the sender and destroy all copies of this message.
  2. **Notice re Tax Advice.** Any tax advice contained in this email, including any attachments, is not intended or written to be used, and cannot be used, by you or any other recipient for the purpose of (a) avoiding penalties that may otherwise be imposed by the IRS, or (b) supporting, promoting, marketing, or recommending any transaction or matter to any third party.
  3. **Transmission of Viruses.** Although this communication, and any attached documents or files, are believed to be free of any virus or other defect, it is the responsibility of the recipient to ensure that it is virus free, and the sender does not accept any responsibility for any loss or damage arising in any way from its use.
  4. **Security of Email.** Electronic mail is sent over the public internet and may not be secure. Thus, we cannot guarantee the privacy or confidentiality of such information.

---

This email has been scanned for email related threats and delivered safely by Mimecast.  
For more information please visit <http://www.mimecast.com>

---

# EXHIBIT 27

## Dina Snider

---

**From:** Richard Zimmer <RZimmer@clifford-brownlaw.com>  
**Sent:** Saturday, February 27, 2016 9:46 AM  
**To:** Robert G. Kuhs; Bob Joyce; MFife@bhfs.com; Michael Duane Davis; skuney@youngwooldridge.com; WSloan@mofo.com  
**Subject:** RE: Watermaster Voting Article 18.1.1

I think that provision was intended to mean a successor in interest landowner.

---

**From:** Robert G. Kuhs [<mailto:rgkuhs@kuhsparkerlaw.com>]  
**Sent:** Friday, February 26, 2016 3:30 PM  
**To:** Richard Zimmer; Bob Joyce; Fife, Michael ([MFife@bhfs.com](mailto:MFife@bhfs.com)); Michael Duane Davis ([Michael.Davis@greshamsavage.com](mailto:Michael.Davis@greshamsavage.com)); Scott Kuney ([skuney@youngwooldridge.com](mailto:skuney@youngwooldridge.com)); Sloan, William M. ([WSloan@mofo.com](mailto:WSloan@mofo.com))  
**Subject:** Watermaster Voting Article 18.1.1

We have an important issue that needs immediate resolution:

Article 18.1.1 provides that the two landowner seats will be selected by majority vote of the landowners on Exhibit 4 (or their successors in interest). We need to decide whether we are going to take the position that when landowner rights are transferred to a PWS, the landowner votes are retired. Otherwise, the PWS's will be voting to select landowner seats. The spirit of this article was that the landowners, not PWS's would select their representatives.

What are your thoughts? We need this sorted out before the next landowner meeting.

Robert Kuhs



NOTICE: This communication and any accompanying documents are confidential and privileged. If you receive this transmission in error, please delete immediately. Unauthorized disclosure, copying, or distribution, of this communication is strictly prohibited.

# EXHIBIT 28

## Michael Duane Davis

---

**From:** Christopher Sanders <cms@eslawfirm.com>  
**Sent:** Wednesday, May 11, 2016 10:13 AM  
**To:** Michael Duane Davis  
**Cc:** Robert G. Kuhs  
**Subject:** Antelope Valley Groundwater Adjudication  
**Attachments:** RulesAndProceduresForElection.pdf; NominationForm2.pdf

Mike,

Here are the documents we spoke about. Please let us know whether you have any questions/comments.

~~I have reached out to the public overlying entities regarding our question about being capped. We will not be able to get any answers until next week at the earliest. Speaking solely for my client, they already have concerns about being capped because their position is that is not what is in the stipulation (i.e. it is a principle issue).~~

cms

**Christopher M. Sanders**  
Ellison, Schneider & Harris L.L.P.  
2600 Capitol Avenue, Suite 400  
Sacramento, CA 95816  
(916) 447-2166  
<mailto:cms@eslawfirm.com>  
[www.eslawfirm.com](http://www.eslawfirm.com)

CONFIDENTIALITY NOTICE: This communication and any accompanying document(s) may be confidential and privileged. They are intended for the sole use of the addressee. If you receive this transmission in error, you are advised that any disclosure, copying, distribution, or the taking of any action in reliance upon the communication is strictly prohibited. Moreover, any such inadvertent disclosure shall not compromise or waive the attorney-client privilege as to this communication or otherwise. If you have received this communication in error, please contact the sender at the internet address indicated or by telephone at (916)447-2166, delete this e-mail and destroy all copies. Thank you.

## **RULES AND PROCEDURES FOR ELECTION OF INITIAL LANDOWNER PARTY WATERMASTER REPRESENTATIVES**

### **A. Introduction**

All capitalized terms have the same meaning as defined in the Judgment and Physical Solution ("Judgment") for the Antelope Valley Groundwater Cases. "Exhibit 4" refers to Exhibit 4 to the Judgment. Section 18.1.1 of the Judgment provides for the composition of the Watermaster Board, which is to include:

[T]wo (2) landowner Parties, exclusive of public agencies and members of the Non-Pumper and Small Pumper Classes, selected by majority vote of the landowners identified on Exhibit 4 (or their successors in interest) based on their proportionate share of the total Production Rights identified in Exhibit 4.

This document sets forth the rules and procedures for electing the two initial landowner Party Watermaster Board members.

### **B. Scope**

These rules and procedures shall apply only to the initial selection of the two (2) landowner Parties' representatives on the Watermaster Board. None of the rules and procedures established herein shall be precedent for or binding on the Parties, except for the initial selection.

### **C. Notices**

All notices shall be transmitted by email, to the addresses of the landowner Parties' designated representatives, and their attorneys of record, and by posting on the Court's website. The initial email list for such notice shall be that list, a copy of which is attached, that was compiled by the U.S. DOJ. Corrections and additions to the initial email list shall be transmitted to the Inspector of Elections, along with verification therefore. Postings shall not be directed and email notice shall not be transmitted to non-Parties or Parties not entitled to vote for the two (2) landowner Parties' representatives under Section 18.1.1 of the Judgment. All notices shall be transmitted and posted at the earliest practical time, and at least three (3) court days in advance of any event or deadline for action.

### **D. Inspector of Elections**

James Dubois of the United States Department of Justice [James.Dubois @usdoj.gov] is designated and has agreed to serve as the initial Inspector of Elections. Emails directed to the Inspector of Elections shall contain the applicable subject line of 'Inspector of Elections – Nominations' or 'Inspector of Elections – Ballots' or 'Inspector of Elections – Challenges.' Once established, the Watermaster shall succeed the initial Inspector of Elections. Pending the establishment of the Watermaster, Mr. Dubois may designate a successor Inspector of Elections, which designation shall become effective upon seven (7) days' notice given in accordance with

the foregoing provisions unless, within that time, greater than fifty percent ( $\geq 50\%$ ) of the eligible votes are cast against that designee.

#### **E. Landowner Terms**

The initial term for one of the landowner Watermaster seats shall be two (2) years, and the initial term for the other landowner Watermaster seat shall be four (4) years. The terms shall commence on the date following the election when the Watermaster Board is fully constituted and shall terminate at 5:00 p.m. PST on the second and fourth anniversary of the commencement date.

The Parties listed on Exhibit 4 shall also select one alternate Watermaster Board member that shall represent the Parties listed on Exhibit 4 if one of the elected Watermaster representatives is unable to attend a Watermaster Board meeting or to complete his or her term. The initial term for the alternate member shall be four (4) years. The alternate member shall serve under the same rules as the selected landowner Watermaster Board members.

#### **F. Nominations**

Any Party identified on Exhibit 4 shall be entitled to nominate one individual to serve on the Watermaster Board. Each nominee must be a natural persons and either be a Party listed on Exhibit 4, or be an officer, director or managing agent of a Party listed on Exhibit 4. Nominations shall be made by posting the nomination on the Court's website or by email to all Parties on the then most current email list, and by emailing the Inspector of Elections as provided above. The nomination shall include the following information:

1. Name of Nominating Party as listed on Exhibit 4;
2. Name of natural person representing the Nominating Party as listed on Exhibit 4;
3. Name of person being nominated;
4. Address of person being nominated;
5. Name of Party on Exhibit 4 that the nominee represents;
6. Brief statement of qualifications that discloses the nominee's official capacity with an Exhibit 4 Party, and confirmation that the nominee is willing to serve, whether the nominee is willing to serve for a two (2) year or four (4) year seat; and
7. Date and signature of the nominating Party.

Nominations shall commence on the date on which the "opening" of nominations is posted to the Court's website by the Inspector of Elections, and shall remain open for a period of not less than fourteen (14) days from the "opening date" posted on the Court website by the Inspector of Elections USDOJ, which posting shall also designate the date and time that nominations will be deemed closed.

## **G. Ballots**

Within five (5) court days of the close of nominations, the Inspector of Elections shall post the Ballot on the Court website and transmit the same by email to the Parties and/or their attorneys as designated on the attached email list. The Ballot shall state the deadline for receipt of the cast Ballot by the Inspector of Elections that will provide a fourteen (14) day voting period, and shall be accompanied by a Statement of Qualification for each nominee. Ballots shall be cast confidentially, and transmitted by email to the Inspector of Elections.

Information to be provided on the Ballot include:

1. Name of Party as listed in Exhibit 4;
2. Name of person representing the Party listed on Exhibit 4;
3. Names of up to two nominees for which the Party casts its votes;
4. Date and signature of person representing the Party casting the Ballot.

In tabulating the votes, the Inspector of Elections shall weigh the votes based on each voting Party's proportionate share of the total Production Rights identified on Exhibit 4, as further discussed in the "Voting Rights" section below.

The Inspector of Elections shall report the results of the election by posting the names of the three (3) Nominees receiving the highest number of votes to the Court's website. Unless otherwise agreed to by the top two vote-getters, the highest vote-getter is elected to the seat with a four (4) year term, and the second-highest vote-getter is elected to the seat with a two (2) year term. The third-highest vote-getter is elected as the alternate member.

## **H. Voting Rights**

Each Party on Exhibit 4 shall have one (1) vote for each acre foot of water set forth in the Overlying Production Rights column. Commonly held Exhibit 4 rights such as that held by "Diamond Farming Co. LLC/Crystal Organic LLC/Grimmway/Lapis" shall be deemed a single Overlying Production Right exercisable by the common ownership. The voting right shall be exactly as reflected on Exhibit 4, rounded up or down to the nearest acre foot. Only those Overlying Parties on Exhibit 4 shall be entitled to cast votes for the two (2) landowner Parties' representatives on the Watermaster Board.

## ANTELOPE VALLEY WATERMASTER LANDOWNER REPRESENTATIVE NOMINATIONS

Any Party identified on Exhibit 4 shall be entitled to nominate one individual to serve as a Landowner Representative on the Watermaster Board. Each nominee must be a natural person and either be a Party listed on Exhibit 4, or be an officer, director or managing agent of a Party listed on Exhibit 4.

*PLEASE PRINT CLEARLY*

Nominating Party \_\_\_\_\_  
*(as listed on Exhibit 4)*

Name of natural person representing the Nominating Party

\_\_\_\_\_

Name of nominee \_\_\_\_\_

Address of nominee \_\_\_\_\_

\_\_\_\_\_

Nominee Represents \_\_\_\_\_  
*(as listed on Exhibit 4)*

Please give a brief statement of qualifications that discloses the nominee's official capacity with an Exhibit 4 Party, and confirmation that the nominee is willing to serve, whether the nominee is willing to serve for a two (2) year or four (4) year seat.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_  
*(Signature of Nominating Party)*

**Please return your nomination no later than \_\_\_\_\_ in the enclosed envelope or by e-mail to James Dubois at [James.Dubois@usdoj.gov](mailto:James.Dubois@usdoj.gov) with "Inspector of Elections – Nominations" in the subject line.**

# EXHIBIT 29

> Sent: Tuesday, April 26, 2016 10:54 AM

> To: 'cms@eslawfirm.com' <cms@eslawfirm.com>; Noah GoldenKrasner  
> <Noah.GoldenKrasner@doj.ca.gov>; 'Marilyn Levin  
> (Marilyn.Levin@doj.ca.gov)'  
> <Marilyn.Levin@doj.ca.gov>;  
> spowell@kmtg.com;  
> Robert G. Kuhs <rgkuhs@kuhsparkerlaw.com>; 'Richard Zimmer  
> (RZimmer@clifford-brownlaw.com)'  
> <RZimmer@clifford-brownlaw.com>;  
> Bob Joyce <bjoyce@lebeauthelen.com>;  
> 'wsloan@mofo.com' <wsloan@mofo.com>;  
> 'tchester@smilandlaw.com' <tchester@smilandlaw.com>;  
> skuney@youngwooldridge.com; 'Casey, Ed (Ed.Casey@alston.com)'  
> <Ed.Casey@alston.com>

> Cc: Bill Brunick <bbrunick@bmklawplc.com>

> Subject: Nomination Form for Landowner Seats on Watermaster ALL:

> Attached is the Nomination Form, with Robert's edits. Assuming it  
> meets with everyone's approval, all that needs to be added to the Form  
> is the date by which the Form is to be returned to the Inspector of  
> Elections, i.e., 14 days after posting and mailing of the statement of  
> Process for Election of Initial Landowner Watermaster  
> Representatives. You should have all received the draft of the  
> statement of Process as well (an additional copy is also enclosed  
> herewith). Are we ready now to send the entire packet to the  
> Inspector of Elections (Mr. Dubois) with a request that he post on the  
> Court's website the "opening" of nominations and mail the Statement  
> and the Nomination Form to each person listed on Exhibit 4 – or  
> authorize AVEK to do so? Is there anything else that needs to be done  
> before making that request of Mr. Dubois?

> Lee McElhaney Attorney  
> Brunick, McElhaney & Kennedy  
> 1839 Commercenter West  
> San Bernardino, Ca 92408  
> Phone: 909-889-8301  
> Fax: 909-388-1889  
> Email: [lmcelhaney@bmklawplc.com](mailto:lmcelhaney@bmklawplc.com)

# ANTELOPE VALLEY WATERMASTER LANDOWNER REPRESENTATIVE NOMINATIONS

Any Party identified on Exhibit 4 shall be entitled to nominate one individual to serve as a Landowner Representative on the Watermaster Board. Each nominee must be a natural person and either be a Party listed on Exhibit 4, or be an officer, director or managing agent of a Party listed on Exhibit 4.

*PLEASE PRINT CLEARLY*

Nominating Party \_\_\_\_\_  
*(as listed on Exhibit 4)*

Name of natural person representing the Nominating Party  
\_\_\_\_\_

Name of nominee \_\_\_\_\_

Address of nominee \_\_\_\_\_  
\_\_\_\_\_

Nominee Represents \_\_\_\_\_  
*(as listed on Exhibit 4)*

Please give a brief statement of qualifications that discloses the nominee's official capacity with an Exhibit 4 Party, and confirmation that the nominee is willing to serve, whether the nominee is willing to serve for a two (2) year or four (4) year seat.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_  
*(Signature of Nominating Party)*

**Please return your nomination no later than \_\_\_\_\_ in the enclosed envelope or by e-mail to James Dubois at James.Dubois@usdoj.gov with "Inspector of Elections – Nominations" in the subject line.**

## **DRAFT PROCESS FOR ELECTION OF INITIAL LANDOWNER WATERMASTER REPRESENTATIVES**

Section 18.1.1 of the Judgment and Physical Solution for the Antelope Valley Groundwater Cases provides for the composition of the Watermaster board, which is to include:

[T]wo (2) landowner Parties, exclusive of public agencies and members of the Non-Pumper and Small Pumper Classes, selected by majority vote of the landowners identified on Exhibit 4 (or their successors in interest) based on their proportionate share of the total Production Rights identified in Exhibit 4.

This election process provides the procedures to elect the two initial landowner Watermaster Board members.

### **Duration**

These procedures and process shall apply to the initial selection of the two (2) Landowner Parties' representatives on the Watermaster Board, only. Nothing agreed to comprise these initial procedures and process shall be precedent for or binding on the Stipulating Parties except for the initial selections.

### **Notices**

All notifications for the process of selecting the two (2) Landowner Parties' representatives on the Watermaster Board shall be transmitted by email, to the addresses of the Landowner Parties' designated representatives, and their attorneys if they are of record, and by posting on the Court's website. The initial email list for such notifications shall be that list, a copy of which is attached, that was compiled by the U.S. DOJ. Corrections and additions to the initial email list shall be transmitted to the Inspector of Elections, along with verification therefor. Postings shall not be directed and email notifications shall not be transmitted to non-Parties or Parties not entitled to vote for the two (2) Landowner Parties' representatives under Section 18.1.1 of the Judgment. All notices shall be transmitted and posted at the earliest practical time, and at least three (3) court days in advance of any event or deadline for action.

### **Inspector of Elections**

James Dubois of the United States Department of Justice [James.Dubois @usdoj.gov] is designated and has agreed to serve as the initial Inspector of Elections. Emails directed to the Inspector of Elections shall contain the applicable subject line of 'Inspector of Elections – Nominations' or 'Inspector of Elections – Ballots' or 'Inspector of Elections – Challenges.' Once established, the Watermaster shall succeed the initial Inspector of Elections. Pending the establishment of the Watermaster, Mr. Dubois may designate a successor Inspector of Elections, which designation shall become effective upon seven (7) days' notice given in accordance with the foregoing provisions unless, within that time, greater than fifty percent ( $\geq 50\%$ ) of the eligible votes are cast against that designee.

### **Landowner Seats**

The initial term for one of the landowner Watermaster seats shall be two (2) years, and the initial term for the other landowner Watermaster seat shall be four (4) years.

The Parties listed on Exhibit 4 shall also select one alternate member that shall represent the Parties listed on Exhibit 4 if one of the regular Watermaster representatives is unable to attend a Watermaster Board meeting. The initial term for the alternate member shall be four (4) years. The alternate member shall serve under the same terms and conditions as the selected landowner Watermaster Board members.

### **Nominations**

Any Party identified on Exhibit 4 shall be entitled to nominate an individual to serve on the Watermaster Board. Nominees must be natural individuals, and not unnamed representatives of an entity named on Exhibit 4. Nominations shall be made by posting the nomination on the Court's website or by email to all parties on the then most current email list, and by emailing the Inspector of Elections as provided above. The nomination shall include the following information:

1. Name of Party as listed on Exhibit 4;
2. Name of person representing the Party as listed on Exhibit 4;
3. Name of person being nominated;
4. Address of person being nominated;
5. Name of Party on Exhibit 4 that the nominee represents;
6. Brief statement of qualifications that discloses the nominee's official capacity with an Exhibit 4 Party, and confirmation that the nominee is willing to serve; and
7. Date and signature of the nominating Party.

Nominations shall commence on the date on which the "opening" of nominations is posted to the Court's website by the Inspector of Elections, and shall will remain open for a period of not less than fourteen (14) days from the "opening date" posted on the Court website by the Inspector of Elections USDOJ, which posting shall also designate the date and time that nominations will be deemed closed.

### **Ballots**

Within five (5) days of the close of nominations, the Inspector of Elections shall post the Ballot on the Court website and transmit the same by email to the parties and/or their attorneys as designated on the attached email list. The Ballot shall state the deadline for receipt of the cast ballot by the Inspector of Elections that will provide a fourteen (14) day voting period, and shall be accompanied by a Statement of Qualification for each nominee. Ballots shall be cast confidentially, and transmitted by email to the Inspector of Elections.

Information to be provided on the ballot include:

1. Name of Party as listed in Exhibit 4;
2. Name of person representing the Party listed on Exhibit 4;
3. Names of up to two nominees for which the Party casts its votes;
4. Date and signature of person representing the Party casting the ballot.

In tabulating the votes, the Inspector of Elections shall weight the votes based on the voting Parties proportionate share of the total Production Rights identified on Exhibit 4, as further discussed in the "Voting Rights" section below.

The Inspector of Elections shall report the results of the election by posting the names of the three (3) Nominees receiving the highest number of votes to the Court's website. The highest vote-getter is elected to the seat with a four (4) year term, the second-highest vote-getter is elected to the seat with a two (2) year term, and the third-highest vote-getter is elected as the alternate member.

### **Voting Rights**

Each voting Party on Exhibit 4 to the Judgment shall have one (1) vote for each acre foot of water set forth in the Overlying Production Rights column. Commonly held Exhibit 4 rights such as that held by "Diamond Farming Co. LLC/Crystal Organic LLC/Grimmway/Lapis" shall be deemed a single Overlying Production Right exercisable by the common ownership. The voting right shall be exactly as reflected on Exhibit 4, rounded to the nearest acre foot. Only those Overlying Parties on Exhibit 4 shall be entitled to cast votes for the two (2) Landowner Parties' representatives on the Watermaster Board.

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

**PROOF OF SERVICE**  
**STATE OF CALIFORNIA, COUNTY OF SAN BERNARDINO**

Re: *ANTELOPE VALLEY GROUNDWATER CASES*  
Los Angeles County Superior Court Judicial Council Coordinated  
Proceedings No. 4408; Santa Clara County Superior Court Case No. 1-05-CV-049053

I am employed in the County of San Bernardino, State of California. I am over the age of 18 years and not a party to the within action; my business address is: 550 East Hospitality Lane, Suite 300, San Bernardino, CA 92408-4205.

On May 18, 2016, I served the foregoing document(s) described **REPLY TO JOINT OPPOSITION OF PUBLIC AND PRIVATE LANDOWNERS TO THE MUTUALS' MOTION FOR ORDER INTERPRETING JUDGMENT** on the interested parties in this action in the following manner:

( X ) **BY ELECTRONIC SERVICE** – I posted the document(s) listed above to the Santa Clara County Superior Court website, <http://www.scefiling.org>, in the action of the Antelope Valley Groundwater Cases,

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

Executed on May 18, 2016 at San Bernardino, California.



DINA M. SNIDER