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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
14 Special Title (Rule 1550(b))

) Judicial Council Coordination
) Proceeding No. 4408

15 **ANTELOPE VALLEY**
16 **GROUNDWATER CASES**

) Santa Clara Case No. 1-05-CV-049053
) Assigned to the Honorable Jack Komar
) Department 17C

17 Including Consolidated Actions:

) **RESPONSE TO JOINT OPPOSITION OF**
) **PUBLIC & PRIVATE LANDOWNERS TO**
) **THE MUTUALS' OBJECTIONS AND**
) **CHALLENGES TO THE ELECTION OF**
) **LANDOWNER REPRESENTATIVES ON**
) **WATERMASTER BOARD**

18 **Los Angeles County Waterworks District**
19 **No. 40 v. Diamond Farming Co.**
20 Superior Court of California, County of Los
21 Angeles, Case No. BC 325 201

22 **Los Angeles County Waterworks District**
23 **No. 40 v. Diamond Farming Co.**
24 Superior Court of California, County of
25 Kern, Case No. S-1500-CV-254-348

) Judge: Hon. Jack Komar, Judge

26 **Wm. Bolthouse Farms, Inc. v. City of**
27 **Lancaster**
28 **Diamond Farming Co. v. City of**
29 **Lancaster**
30 **Diamond Farming Co. v. Palmdale**
31 **Water Dist.**

) DATE: June 30, 2016 [RESERVED]
) TIME: 10:00 a.m.
) DEPT: Room TBA
) Los Angeles Superior Court
) 111 N. Hill Street
) Los Angeles, California

32 Superior Court of California, County of
33 Riverside, consolidated actions, Case Nos.
34 RIC 353 840, RIC 344 436, RIC 344 668

35 **AND RELATED ACTIONS.**

1 Cross-Defendants / Cross-Complainants, **ANTELOPE VALLEY UNITED MUTUALS**
2 **GROUP** [comprised of Antelope Park Mutual Water Co., Aqua-J Mutual Water Co., Averydale
3 Mutual Water Co., Baxter Mutual Water Co., Bleich Flat Mutual Water Co., Colorado Mutual
4 Water Co., El Dorado Mutual Water Co., Evergreen Mutual Water Co., Land Projects Mutual
5 Water Co., Landale Mutual Water Co., Shadow Acres Mutual Water Co., Sundale Mutual Water
6 Co., Sunnyside Farms Mutual Water Co., Tierra Bonita Mutual Water Co., West Side Park
7 Mutual Water Co., and White Fence Farms Mutual Water Co., Inc.]; and Cross-Defendants,
8 **ADAMS BENNETT INVESTMENTS, LLC** and **SERVICE ROCK PRODUCTS, L.P.**
9 (collectively, “Challenging Parties”) submit this Response to the “*Joint Opposition of Public &*
10 *Private Landowners to the Mutuals’ Objections to the Election of Landowner Representatives on*
11 *Watermaster Board,*” (“Opposition”), and in support of the Challenging Parties’ “*Objections and*
12 *Challenges to the Election for the Two Landowner Watermaster Seats*” (“Objections”).

13 The Opposition demonstrates, yet again, the lengths to which those public and large
14 private overlying parties (“Large Overliers) will go to control the selection of the two Landowner
15 Watermaster seats. The election rules and procedures mandated by the Large Overliers, and the
16 positions taken in their Oppositions to the Challenging Parties’ April 13, 2016 *Motion* and to the
17 Objections, are designed to: (1) ignore the requirement that the Judgment must be implemented
18 in fair and impartial manner; (2) cause the two initial Landowner Watermaster seats, and the sole
19 Landowner Alternate seat, to be entirely controlled by large agricultural representatives by
20 allowing those parties to cast **all** of their already-sizeable votes for **both** Landowner
21 Watermaster seats; and (3) enable AVEK and other public agencies, **including non-Exhibit 4**
22 **parties**, to purchase Exhibit 4 water and accompanying votes and ultimately control the **entirety**
23 of the Watermaster Board. The “Golden Rule” best describes the Large Overliers’ approach to
24 this process: “he who has the gold [or, in this case, the water] makes the rules.” The designs of
25 the Large Overliers’ are not, however, and never were, the designs of the Judgment.

26 The primary impetus for the *Motion* and the Challenging Parties’ Objections has been to
27 seek the establishment of rules and procedures for the election of the initial Landowner
28 Watermaster seats that are fair and in conformity with the Court’s Judgment—and for the Court

1 to make that determination. The problem (aka “Catch-22”) is that the Judgment is silent with
2 respect to those procedures. Consequently, representatives of the Large Overliers, and
3 particularly large agricultural parties within that group, attempted to fill that void by
4 commandeering the meetings, discussions, and processes by which the two Landowner
5 Watermaster seats would be filled (as detailed in the *Motion*). The Opposition indicates that “a
6 majority of the overlying landowners participating in the process agreed to the use of a steering
7 committee to help define election procedures for the landowner representatives.” (Opposition,
8 5:2-4.) In reality, as demonstrated in the videos, declarations and other evidence provided in
9 support of the *Motion*, it was the large agricultural parties who usurped control of a self-declared
10 “steering committee” that took “votes” on important issues by “raise of hands”. The Challenging
11 Parties’ proposed representative, Mr. Scott, was not included in that steering committee until
12 long after the agricultural representatives had already decided virtually every issue.
13 Unfortunately, it was not until after the Court ordered the parties to meet and confer that the
14 Challenging Parties were afforded a meaningful opportunity to participate in the process.

15 Nevertheless, the Large Overliers insisted upon including objectionable provisions in the
16 “Rules and Procedures for Election of Initial Landowner Party Watermaster Representatives”
17 (“Rules and Procedures”) prepared during the meet and confer process. Incredibly, the Large
18 Overliers now assert that a lack of fairness is not a legally sufficient justification for the Court to
19 alter or overturn the results of an election that proceeds according to very rules and procedures
20 mandated by the Large Overliers and crafted to achieve the Large Overliers’ designs.
21 (Opposition, 3:9-11.)

22 The Opposition flies in the face of the Judgment. In the Court’s December 23, 2015
23 Statement of Decision (“Statement of Decision”), the Court expressly determined that “... [T]he
24 Court must impose a [Judgment] that ... is **fair and equitable to all parties** ... provides
25 management structure that will protect the Basin ... **by management rules that are fair,**
26 **equitable, necessary and equally applied to all overlying landowners.**” (emphasis added)
27 [Statement of Decision, page 15, lines 4-9]. Indeed, given the lack of specific procedures in the
28 Judgment for the selection of the initial Landowner Watermaster seats, **fairness** is the primary

1 barometer by which the process should be evaluated, and the Court—not the Large Overliers—
2 should determine whether and to what extent the Rules and Procedures are consistent with the
3 Judgment.

4 Challenging Parties respectfully urge that the Court:

- 5 1. Find the “Challenged Provisions” of the Rules and Procedures (as described in the
6 Challenging Parties’ Objections) to be inconsistent and incompatible with the
7 Judgment, including Section 18.1.1., and lacking in fundamental fairness;
- 8 2. Decline to confirm the Landowner Watermaster Board Members and Alternate;
9 or,
10 Confirm the two highest vote-getters based upon only one (1) vote for each acre
11 foot of Overlying Production Right on Exhibit 4 of the Judgment; and
- 12 3. Modify the Rules and Procedures to bring them into conformity with the
13 Judgment and Physical Solution and re-conduct the Election.

14
15 DATED: June 27, 2016.

Respectfully submitted,

16 GRESHAM SAVAGE NOLAN & TILDEN, PC

17
18 By: 

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ROCK PRODUCTS, LP

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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 June 27, 2016, I served the foregoing document(s) described **RESPONSE TO JOINT OPPOSITION OF PUBLIC & PRIVATE LANDOWNERS TO THE MUTUALS' OBJECTIONS AND CHALLENGES TO THE ELECTION OF LANDOWNER REPRESENTATIVES ON WATERMASTER BOARD** 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 June 27, 2016 at San Bernardino, California.



MARLENE RAMIREZ