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11 Angeles and Los Angeles World Airports

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

13 **COUNTY OF LOS ANGELES**

14 Coordination Proceeding

15 ANTELOPE VALLEY GROUNDWATER
16 CASES,

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

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

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

21 Diamond Farming Co. v. City of Lancaster

22 Diamond Farming Co. v. Palmdale Water
23 District,

24 AND RELATED ACTIONS
25
26
27
28

Judicial Council Coordination
Proceeding No. 4408

**NOTICE OF FILING OF PROPOSED
ORDER AFTER JUNE 30, 2016 HEARING
REGARDING WATERMASTER
FORMATION**

Judge: Hon. Jack Komar
Date: June 30, 2016
Time: 10:00 am
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 Cross-Defendant, the City of Los Angeles, by and through its Department of Airports, Los
2 Angeles World Airports ("LAWA"), was ordered by the Court to prepare the [Revised Proposed]
3 Order for the June 30, 2016 Hearing regarding Watermaster formation that is attached hereto as
4 Exhibit A. The [Revised Proposed] Order incorporates the following three revisions directed by the
5 court at the July 28, 2016 hearing:

- 6 • In the Court's finding and determination number 2, reference the "December 23, 2015
7 Judgment of this Court" rather than the "Landowner Procedures;"
- 8 • In the Court's finding and determination numbers 4 and 5, identify all issues as
9 "objections", with the objection concerning the landowner Alternate being sustained,
10 and the objections on staggered terms and court approval to be addressed in proposed
11 written Watermaster election rules and procedures to be provided to the Court for its
12 approval; and
- 13 • Changing the date of the next hearing on selection and approval of the Watermaster
14 Board to September 8, 2016.

15
16 Dated: July 29, 2016

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
A Professional Corporation

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19 By: 

Eric N. Robinson
Stanley C. Powell
Attorneys for Cross-Defendants
CITY OF LOS ANGELES and
LOS ANGELES WORLD AIRPORTS

EXHIBIT A

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

Coordination Proceeding
Special Title (Rule 1550(b))

Judicial Council Coordination
Proceeding No. 4408

**ANTELOPE VALLEY GROUNDWATER
CASES**

Santa Clara Case No. 105 CV 049053
Assigned to the Hon. Jack Komar

Included Actions:

**[REVISED PROPOSED] ORDER AFTER
June 30, 2016 HEARING REGARDING
WATERMASTER FORMATION**

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

DATE: June 30, 2016
TIME: 10:00 a.m.
PLACE: 111 N. Hill Street
Los Angeles, CA
DEPT: 222

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

Wm. Bolthouse Farms, Inc. v. City of
Lancaster
Diamond Farming Co. v. City of Lancaster
Diamond Farming Co. v. Palmdale Water Dist.
Superior Court of California, County of
Riverside, consolidated actions, Case Nos.
RIC 353 840, RIC 344 436, RIC 344 668.

A hearing was held on June 30, 2016, at the hour of 10:00 a.m. in Department 222 of the
above-entitled Court, the Honorable Jack Komar, Judge, presiding.

The purpose of the hearing was to report on the procedures that were used and the results of
the election for the two landowner Watermaster Seats and the Public Water Suppliers' Watermaster

1 Seat; to receive and hear objections and challenges to the conduct, procedures and/or results of the
2 election for the two landowner Watermaster Seats and the “elected” Public Water Suppliers’
3 Watermaster Seat; and to report on the status of the selection of representatives for the two
4 Watermaster Seats that are permanently held by Los Angeles County Waterworks District No. 40 and
5 Antelope Valley East Kern Water Agency (“AVEK”), all under Section 18.1.1. of the Judgment.
6 Appearances are as reflected in the Court’s Minute Order for this hearing. No court reporter was
7 present.

8 Prior to the hearing, Cross-Defendants/Cross-Complainants, Antelope Valley United Mutuals
9 Group [comprised of Antelope Park Mutual Water Co., Aqua-J Mutual Water Co., Averydale Mutual
10 Water Co., Baxter Mutual Water Co., Bleich Flat Mutual Water Co., Colorado Mutual Water Co., El
11 Dorado Mutual Water Co., Evergreen Mutual Water Co., Land Projects Mutual Water Co., Landale
12 Mutual Water Co., Shadow Acres Mutual Water Co., Sundale Mutual Water Co., Sunnyside Farms
13 Mutual Water Co., Tierra Bonita Mutual Water Co., West Side Park Mutual Water Co., and White
14 Fence Farms Mutual Water Co., Inc.]; and Cross-Defendants, Adams Bennett Investments, LLC and
15 Service Rock Products, L.P. (collectively, “Challenging Parties”) had filed objections and challenges
16 (“Objections”) to the “*Rules and Procedures of Election of Initial Landowner Party Watermaster*
17 *Representatives*” (“Landowner Procedures”) that were used in the election of the representatives for
18 the two landowner Watermaster Seats, which were posted to the Court’s website. Cross-Defendants,
19 the City of Los Angeles, by and through its Department of Airports, Los Angeles World Airports
20 (LAWA), the County Sanitation Districts of Los Angeles County Nos. 14 and 20 (LA County
21 Sanitation), AVEK, Bolthouse Properties, LLC, Wm. Bolthouse Farms, Inc., Crystal Organic farms
22 LLC, Diamond Farming Company, Granite Construction Company, Grimmway Enterprises, Inc., the
23 Antelope Valley Ground Water Agreement Association (AGWA), Lapis Land company, LLC, Tejon
24 Ranchcorp, Craig Van Dam, Delmar D. Van Dam, Gary Van Dam, Gertrude J. Van Dam (collectively
25 “Responding Parties”), filed a joint opposition (“Opposition”) to the Objections. The Challenging
26 Parties filed a response (“Response”) to the Opposition. No other moving or opposing papers were
27 filed in advance of the hearing.

28 On the evening of June 29, 2016, counsel for the United States Department of Defense, acting

1 in the capacity of “Inspector of Elections” pursuant to the Landowner Procedures, posted to the Court
2 website, a “*Notice of Results of Election of Landowner Parties’ Representatives to the Watermaster*
3 *Board*,” which memorialized the results of the tally of the associated ballots as follows: Dennis J.
4 Atkinson – 39,721 votes; John A. Calandri – 31,406 votes; Derek Yurosek – 13,744 votes; and
5 Randall Scott – 5,031 votes.

6 In the Objections and at the hearing, counsel for the Challenging Parties did not object to the
7 results of the election of the representatives for the two landowner Watermaster Seats. The
8 Challenging Parties did, however, object that certain provisions of the Landowner Procedures were
9 neither authorized by nor consistent with the Stipulation for Entry of Judgment and the Judgment, and
10 did not satisfy the Court’s mandate in the Statement of Decision that the rules and procedures be fair,
11 equitable, necessary and equally applied to all overlying landowners. The Challenging Parties
12 specifically objected to provisions in the Landowner Procedures: (1) that authorized the voting parties
13 to cast the entirety of their votes for each of the two landowner Watermaster Seats; (2) that allowed
14 the Public Overliers on Exhibit 4 to cast votes in the election of the landowner Watermaster Seats; (3)
15 that elected a single “Landowner Alternate,” as the third-highest vote-getter; (4) that provided for
16 initial two and four year terms and the subsequent staggering of terms for the landowner Watermaster
17 Seats; and (5) that fail to expressly require that the Landowner Procedures and any other Watermaster
18 formation rules and procedures must be approved by the Court and cannot be unilaterally imposed by
19 any party or group of parties.

20 At the hearing, reports were given that the following individuals had been selected to fill the
21 respective Watermaster Seats:

22 1. Attorney Jeffrey Dunn, counsel for Los Angeles County Waterworks District No. 40
23 (“District 40”) reported that District 40 had selected Adam Arika to the District 40 Watermaster Seat.

24 2. Attorney Keith Lemieux, counsel for Littlerock Creek Irrigation District, reported that
25 the Public Water Suppliers had elected Leo Thibault to the “Elected” Public Water Supplier
26 Watermaster Seat.

27 3. Attorney Leland McElhaney, counsel for AVEK, reported that AVEK had selected
28 Robert Parris to the AVEK Seat.

1 4. Attorney Thomas Bunn, counsel for Palmdale Water District, reported that Cathy Mac
2 Laren had been selected as an alternate to the “elected” Public Water Supplier Seat, to which no
3 objections were raised either prior to or at the hearing.

4 5. U.S. Attorney James DuBois, counsel for the United States Department of Justice,
5 reported that Gerald Boetsch had been selected as the United States Department of Defense Liaison
6 representative to the Watermaster Board (“DoD Liaison”), to which no objections were raised at the
7 hearing.

8 Having considered the Objections, Opposition, Response and other relevant papers filed, and
9 the arguments and reports of counsel,

10 **The Court makes the following findings and determinations:**

- 11 1. The party representatives who will serve on the Watermaster Board, and all rules and
12 procedures used to elect or appoint representatives to the Watermaster Board,
13 including any Alternates and the DoD Liaison, are subject to the Court’s final
14 approval.
- 15 2. The Inspector of Elections conducted the election of the landowner Watermaster Seats
16 fairly, openly and in accordance with the December 23, 2016 Judgment of this Court,
17 and afforded sufficient notice and due process to all parties who wished to participate.
- 18 3. The Challenging Parties’ objections to those Landowner Procedures: (1) that
19 authorized the voting parties to cast the entirety of their votes for each of the two
20 landowner Watermaster Seats; and (2) that allowed the Public Overliers on Exhibit 4
21 to cast votes in the election of the landowner Watermaster Seats are overruled.
- 22 4. The Challenging Parties’ objection to the Landowner Procedure: (3) that called for the
23 election of a single “Landowner Alternate,” as the third-highest vote-getter is
24 sustained.
- 25 5. The Challenging Parties’ objections to the Landowner Procedures: (4) that provided
26 for initial two and four year terms and the subsequent staggering of terms for the
27 landowner Watermaster Seats; and (5) that fail to expressly require that the Landowner
28 Procedures and any other Watermaster formation rules and procedures must be

1 approved by the Court and cannot be unilaterally imposed by any party or group of
2 parties are subject to further meet and confer between the parties, and shall be
3 addressed in proposed written Watermaster Election Rules and Procedures to be
4 provided to the Court for its approval.

5 6. The Court approves an *interim* Watermaster Board (“*Interim* Watermaster”) composed
6 as follows:

- 7 a. District 40 Seat – Adam Ariki
- 8 b. “Elected” Public Water Supplier Seat – Leo Thibault
- 9 c. AVEK Seat – Robert Parris
- 10 d. Landowner Seat – Dennis Atkinson
- 11 e. Landowner Seat – John Calandri

12 7. The Watermaster is further subject to the Court’s approval of all rules and procedures
13 used to elect or appoint representatives to the Watermaster Board, including any
14 Alternates and the DoD Liaison (“Watermaster Election Rules and Procedures”) to be
15 prepared by the parties and submitted to the Court for final approval in accordance
16 with this Order.

17 8. The *interim* Watermaster is hereby authorized to develop and publish a “Request for
18 Proposals” (“RFP”) for the position of Watermaster Engineer.

19 9. The Court expresses its sincere appreciation to U.S. Attorney James DuBois for his
20 services as the Inspector of Elections and hereby relieves Mr. DuBois from that
21 service.

22 **IT IS HEREBY ORDERED** that all parties seeking or appointing representatives on the
23 Watermaster Board, including Los Angeles Waterworks District No. 40, the Public Water Suppliers,
24 AVEK and the Overliers listed on Exhibit 4 to the Judgment, shall meet and confer and develop
25 proposed Watermaster Election Rules and Procedures consistent with this Order. The parties shall
26 submit the proposed Watermaster Election Rules and Procedures to the Court prior to September 8,
27 2016. On September 8, 2016, at 10:00 am in Los Angeles, at a department to be determined, a hearing
28 shall be held to review and consider the proposed Watermaster Election Rules and Procedures, to hear

1 any objections to the proposed Watermaster Election Rules and Procedures, and to consider final
2 approval of the proposed Watermaster Election Rules and Procedures and the Watermaster Board.

3 **IT IS FURTHER ORDERED** that a detailed statement of the proposed Watermaster Board
4 member's background, education, job history and other qualifying attributes shall be posted on the
5 Court's website prior to the September 8, 2016 hearing, for each interim Watermaster Board member,
6 for the provisionally approved "Elected" Public Water Supplier Watermaster Seat Alternate
7 representative, for the DoD Liaison representative, and for any proposed Landowner Alternate
8 representative, for the Court's approval.

9 DATED: _____

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12 HON. JACK KOMAR
13 JUDGE OF THE SUPERIOR COURT
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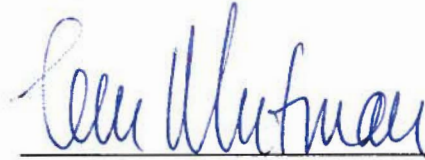
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3 **PROOF OF SERVICE**

4 I, Terri Whitman, 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 July 29, 2016, I served a copy of
8 the within document: **NOTICE OF FILING OF PROPOSED ORDER AFTER JUNE 30,**
9 **2016 HEARING REGARDING WATERMASTER FORMATION** via electronic posting to
10 Odyssey eFileCA, including electronic filing with the Santa Clara Superior Court.

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

13 Executed on July 29, 2016 at Sacramento, California.

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15 

16 _____
Terri Whitman