

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: Craig A. Parton / Timothy E. Metzinger FIRM NAME: PRICE, POSTEL & PARMA LLP STREET ADDRESS: 200 E. Carrillo St., Ste. 400 CITY: SANTA BARBARA STATE: CA ZIP CODE: 93101 TELEPHONE NO.: (805) 962-0011 FAX NO.: (805) 965-3978 E-MAIL ADDRESS: cap@ppplaw.com / tem@ppplaw.com ATTORNEY FOR (name): Antelope Valley Watermaster	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles, 90012 BRANCH NAME: Stanley Mosk Courthouse	
PLAINTIFF/PETITIONER: ANTELOPE VALLEY GROUNDWATER CASES DEFENDANT/RESPONDENT: OTHER PARENT/PARTY:	
RESPONSE TO APPELLANT'S PROPOSED SETTLED STATEMENT (UNLIMITED CIVIL CASE) ☐ _____ Amended (If applicable, specify 1st, 2nd, 3rd, etc. amended form.) SUPERIOR COURT CASE NUMBER: BC325201 COURT OF APPEAL CASE NUMBER (if known): B348133	
Notice: Use this form to prepare a response to Appellant's Proposed Settled Statement (form APP-014). For more information, read <i>Information on Appeals Procedures for Unlimited Civil Cases</i> (form APP-001-INFO) and <i>Information Sheet for Proposed Settled Statement</i> (form APP-014-INFO). Important! Do not use this form if you elect to provide a reporter's transcript instead of proceeding with a settled statement.	

1. SUMMARY OF THE PARTIES' TESTIMONY AND OTHER EVIDENCE

- a. ☒ I do not request changes to item 3 of *Appellant's Proposed Settled Statement (Unlimited Civil Case)* (form APP-014).
- b. ☐ I request the following changes to item 3 of *Appellant's Proposed Settled Statement (Unlimited Civil Case)* (form APP-014) (specify):

- c. ☐ I request the above changes for the following reasons (specify):

☐ Attachment 1

PLAINTIFF/PETITIONER: ANTELOPE VALLEY GROUNDWATER CASES	SUPERIOR COURT CASE NUMBER: BC325201
DEFENDANT/RESPONDENT:	COURT OF APPEAL CASE NUMBER (if known): B348133
OTHER PARENT/PARTY:	

2. SUMMARY OF NONPARTY WITNESS TESTIMONY AND OTHER EVIDENCE

- a. ☒ I do not request changes to item 4 of *Appellant's Proposed Settled Statement (Unlimited Civil Case)* (form APP-014).
- b. ☐ I request the following changes to item 4 of *Appellant's Proposed Settled Statement (Unlimited Civil Case)* (form APP-014) (*specify*):

- c. ☐ I request the above changes for the following reasons (*specify*):

☐ Attachment 2

3. TRIAL COURT'S FINDINGS

- a. ☐ I do not request changes to item 5 of *Appellant's Proposed Settled Statement (Unlimited Civil Case)* (form APP-014).
- b. ☒ I request the following changes to item 5 of *Appellant's Proposed Settled Statement (Unlimited Civil Case)* (form APP-014) (*specify*):

The Court made all factual findings necessary to issue the appealed order.

- c. ☒ I request the above changes for the following reasons (*specify*):

Where, as in this case, no Statement of Decision was requested, it is presumed on appeal that the trial court made all factual findings necessary to support its ruling. In addition, the Court in this case expressly stated that it was issuing the appealed order because of "proof having been made to the satisfaction of the Court that the Motion should be granted, am finding good cause therefor."

☐ Attachment 3

PLAINTIFF/PETITIONER: ANTELOPE VALLEY GROUNDWATER CASES	SUPERIOR COURT CASE NUMBER: BC325201
DEFENDANT/RESPONDENT:	COURT OF APPEAL CASE NUMBER (if known): B348133
OTHER PARENT/PARTY:	

4. SUMMARY OF MOTIONS

- a. ☐ I do not request changes to item 6 of *Appellant's Proposed Settled Statement (Unlimited Civil Case)* (form APP-014).
- b. ☒ I request the following changes to item 6 of *Appellant's Proposed Settled Statement (Unlimited Civil Case)* (form APP-014) (*specify*):

- c. ☒ I request the above changes for the following reasons (*specify*):

☒ Attachment 4

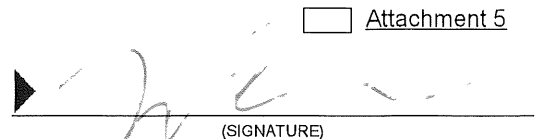
5. SUMMARY OF JURY INSTRUCTIONS

- a. ☒ I do not request changes to item 7 of *Appellant's Proposed Settled Statement (Unlimited Civil Case)* (form APP-014).
- b. ☐ I request the following changes to item 7 of *Appellant's Proposed Settled Statement (Unlimited Civil Case)* (form APP-014) (*specify*):

- c. ☐ I request the above changes for the following reasons (*specify*):

Date: October 23, 2025

Craig A. Parton / Timothy E. Metzinger
(TYPE OR PRINT NAME)

☐ Attachment 5

(SIGNATURE)

SHORT TITLE: ANTELOPE VALLEY GROUNDWATER CASES

CASE NUMBER:

BC325201 / JCCP 4408

ATTACHMENT (Number): 4b

(This Attachment may be used with any Judicial Council form.)

On October 28, 2024, the Antelope Valley Watermaster filed a Motion for Monetary, Declaratory and Injunctive Relief Against Annette Moore and Bennie Moore ("Motion") arguing that the Moores were included in the lists of "Non Appearing Parties" at Exhibits B and D to the Judgment and Physical Solution entered on December 23, 2015 and, as such, are parties under the Judgment; and that the Moores had been producing and selling water derived from the Antelope Valley Adjudicated Basin without paying assessments under the Judgment. The Motion sought declaratory and injunctive relief to prohibit the Moores and anyone acting on their behalf from producing any further groundwater from the Basin until the Moores: (1) submit Annual Water Production Reports for years 2016 through 2023; (2) pay delinquent Assessments with interest thereon and Watermaster's attorneys' fees; (3) install approved water flow meters on all of their wells; and (iv) submit, and the Watermaster approves, an Application for "New Production" filed with the Watermaster by the Moores.

On March 17, 2025, the Moores filed an Opposition to the Motion ("Opposition") in which they asserted federally reserved water rights arising from their claim that the property at issue derives its title directly from a federal land patent. The Opposition also asserted that the Moores have long used the groundwater for domestic and irrigation uses on their overlying property, and they were denied due process because they allegedly did not receive notice of the trial or the judgment. In conjunction with the Opposition, the Moores alleged that their land was deeded by the Southern Pacific Railroad to a predecessor owner who then deeded the land to Bitticks, who deeded it to Hunter, who deeded it to Moore. The Opposition additionally addressed why the address and assessor's parcel number changed because of highway construction. The Opposition contained an exhibit which the Moores claimed was a certified copy of the land patent and a certified copy of the original land deed. The Opposition also contained an exhibit which the Moores claimed was a transcription of the land patent and deed.

On March 28, 2025, Judge Jack Komar held a telephonic hearing on the Motion using Courtcall. Craig Parton appeared for the Watermaster, and Marc Appell appeared for the Moores. Bennie and Annette Moore were also on the Courtcall. At the hearing, Mr. Parton argued that the documentation provided by the Moores related to their federal land patent was, among other things, illegible and for multiple grounds should not be considered by the Court. Mr. Parton additionally claimed that the assessor's parcel number and address noted in the land patent documentation was different than those at issue. Mr. Appell referred the Court to the land patent documentation provided with the Opposition. The Judge issued an order on May 2, 2025, granting the Watermaster's Motion.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

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(Add pages as required)

SHORT TITLE: ANTELOPE VALLEY GROUNDWATER CASES

CASE NUMBER:

BC325201 / JCCP 4408

ATTACHMENT (Number): 4c

(This Attachment may be used with any Judicial Council form.)

1. Reasons for changes to first paragraph of the Moores' settled statement:
The Watermaster's proposed changes to this paragraph are minor and for clarity only.
2. Reasons for changes to second paragraph of the Moores' settled statement:
The Moore's description of their opposition to the Watermaster's motion improperly states that various matters alleged by the Moores in their opposition are in fact true. Without changing the substance of the Moore's description of their opposition papers, the Watermaster's proposed changes make clear that factual assertions made in the Moore's opposition were alleged facts, not established facts.
3. Reasons for changes to third paragraph of the Moores' settled statement:
At the March 28, 2025 hearing, the Watermaster argued that the land patent attached to the Moore's opposition should not be accepted by the Court for multiple reasons, including because federal reserved water rights are not transferable to private parties. The settled statement accordingly should not list illegibility as the sole ground asserted by the Watermaster for not accepting the land patent submitted by the Moores. In addition, the Court did not state at the hearing that it "refused to consider the certified documents" as stated in the Moores' proposed settled statement, nor did the Court make such an evidentiary ruling in its written order. The statement in the Moore's proposed settled statement that the Court refused to consider these documents should therefore be deleted. Finally, the assertion in the Moore's proposed settled statement that "the Judge questioned how the Watermaster could know how much water had been used for purposes of charging the Moores, and expressed an intent to rule against the Watermaster on that particular issue" does not accurately reflect the Court's statements at the hearing and hence should be deleted from the settled statement.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

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(Add pages as required)

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA

3 I am employed in the County of Santa Barbara, State of California. I am over the age of
4 eighteen (18) and not a party to the within action. My business address is 200 East Carrillo Street,
Fourth Floor, Santa Barbara, California 93101.

5 On October 23, 2025, I served the foregoing document described **RESPONSE TO**
6 **APPELLANT'S PROPOSED SETTLED STATEMENT** on all interested parties in this action
by placing the original and/or true copy.

7
8 ☒ **BY ELECTRONIC SERVICE:** I posted the document(s) listed above to the Santa Clara
County Superior Court Website @ www.scefilng.org and Glotrans website in the action of
9 the Antelope Valley Groundwater Cases.

10 ☒ (*STATE*) I declare under penalty of perjury under the laws of the State of California that
the foregoing is true and correct.

11 ☐ (*FEDERAL*) I hereby certify that I am employed in the office of a member of the Bar of
12 this Court at whose direction the service was made.

13
14 Executed on October 23, 2025, at Santa Barbara, California.

15 
16 _____
Signature
Elizabeth Wright