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6

Exempt from Filing Fees
Government Code § 6103

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT**

10
11 Coordination Proceeding,
Special Title (Rule 1550(b))
12

Judicial Council Coordination
Proceeding No. 4408

13 **ANTELOPE VALLEY GROUNDWATER**
14 **CASES**

LASC Case No.: BC 325201

Assigned to the Hon. Jack Komar, Judge of the
Santa Clara Superior Court

Santa Clara Court Case No. 1-05-CV-049053

15
16 **NOTICE OF MOTION AND MOTION**
17 **FOR ORDER ESTABLISHING AUGUST 1**
18 **FOR FILING OF WATERMASTER'S**
19 **ANNUAL REPORT; DECLARATIONS OF**
20 **PHYLLIS STANIN AND PATRICIA**
21 **ROSE; EXHIBITS A-C**

Date: April 30, 2018
Time: 9:00 a.m.
Dept: Courtcall

22 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

23 PLEASE TAKE NOTICE that on April 30, 2018 at 9:00 a.m., or as soon thereafter as the
24 matter may be heard by CourtCall, the Antelope Valley Watermaster (or "Moving Party") will
25 and hereby does move for an order of the Court establishing August 1 of each calendar Year as
26 the date for the filing of the Annual Report with the Court in order to administer and carry out the
27 terms of the Judgment.
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1 As this Court stated in its most recent Order in this case issued on February 5, 2018, the
2 Antelope Valley Watermaster is “an arm of the court created by the court to manage the physical
3 solution to the aquifer overdraft” in the Antelope Valley Groundwater Basin. The Antelope
4 Valley Watermaster has both the power and the duty to request that this Court “carry out this
5 Judgment and to provide for such other matters as are not contemplated by this Judgment and
6 which might occur in the future, and which if not provided for would defeat the purpose of the
7 Judgment.” (Section 6.5 of the Judgment.)

8 This motion is based on this notice, the memorandum of points and authorities in support
9 thereof, the declarations of Phyllis Stanin and Patricia Rose, Exhibits A-C, and all pleadings,
10 documents and evidence on file in this action, and on such oral and documentary evidence as may
11 be presented at the hearing on this motion, and on other matters as are properly before the Court.

12 Respectfully submitted,

13 Dated: March 9, 2018

PRICE, POSTEL & PARMA LLP

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15 By: Craig A. Parton
16 CRAIG A. PARTON
17 Attorneys for
18 Antelope Valley Watermaster
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 The Antelope Valley Watermaster (“Watermaster”), pursuant to the unanimous consent of
4 the Watermaster Board, requests that this Court make permanent the date of August 1 of each
5 calendar “Year” (as that term is defined in Section 3.5.55 of the Judgment) for the filing of the
6 Annual Report by the Watermaster required under the terms of the Judgment. The Watermaster
7 has determined that it is necessary to make permanent the August 1 filing date for the Annual
8 Report in order to carry out the terms of the Judgment and to ensure that the purposes of the
9 Judgment are not defeated. (Section 6.5 of the Judgment.)

10 If this motion was denied it would result in the Watermaster simply seeking an annual
11 request for an extension of the filing date from April 1 to August 1. In the interests of efficiency,
12 and to further administer and carry out the Judgment, establishing August 1 as the permanent date
13 for the filing of the Annual Report with this Court will help to administer and carry out the terms
14 of the Judgment.

15 **II. THE WATERMASTER HAS STANDING TO BRING THIS MOTION AND THIS**
16 **COURT HAS THE POWER TO GRANT IT.**

17 The Watermaster must act pursuant to the unanimous authorization of the Watermaster
18 Board. (Section 18.1.2.3.) As this Court noted in its Order after hearing on January 31, 2018:
19 “The Watermaster is an entity established in conformity to the Judgment herein to administer the
20 physical solution created by the Judgment. The Watermaster is comprised of an elected
21 representative board which employs an executive officer and technical and administrative staff. It
22 is in effect an arm of the court created by the court to manage the physical solution to the aquifer
23 overdraft.” (Order at 3:14-18). It has become evident to the Watermaster Engineer and to the
24 Watermaster Board that the present filing date for the Annual Report of April 1 (Section 18.5.17)
25 is impractical and the insistence on the filing of the Annual Report by April 1 would “defeat the
26 purpose of this Judgment” as stated in Section 6.5. Therefore the Watermaster seeks an order of
27 this Court establishing August 1 of each Year as the date for the filing of the Annual Report.

28 This Court has both the authority and the duty “to interpret, enforce, administer, or carry

1 out this Judgment and to provide for such other matters as are not contemplated by this Judgment
2 and which might occur in the future, and which if not provided for would defeat the purpose of
3 this Judgment.” (Section 6.5.) For all the reasons stated in this motion, and as explained in the
4 Memorandum of January 29, 2018 from the Watermaster Engineer to the Watermaster Board (see
5 Exhibit C), the purposes of the Judgment will be defeated unless August 1 is established as the
6 permanent date for the filing of the Annual Report by the Watermaster.

7 **III. THE WATERMASTER HAS FOLLOWED ALL PROCEDURES IN THE**
8 **JUDGMENT TO NOTICE A PUBLIC HEARING AND RECEIVED UNANIMOUS**
9 **APPROVAL OF THE BOARD TO REQUEST THAT THIS COURT ESTABLISH**
10 **AUGUST 1 AS THE PERMANENT DATE FOR THE FILING OF THE ANNUAL**
11 **REPORT.**

12 The Watermaster, pursuant to the terms of the Judgment, posted notice of the proposed
13 permanent changing of the date of the filing of the Annual Report from April 1 to August 1 (see
14 Declaration of Patricia Rose). Notice of a public hearing was given on January 29, 2018, as well
15 as the posting of the Watermaster Engineer’s Memorandum dated January 29, 2018. That public
16 hearing took place on February 28, 2018 as part of the regular Board meeting of the Antelope
17 Valley Watermaster. No public opposition was received. The Watermaster Board unanimously
18 adopted Resolution R-18-06 (Exhibit B) whereby the Board approved establishing August 1 of
19 each Year as the date of the filing of the Annual Report for all the reasons stated in the January
20 29, 2018 Memorandum from the Watermaster Engineer to the Watermaster Board. The Board
21 then unanimously directed General Counsel to bring this motion before the Court to seek the
22 Court’s approval of establishing August 1 of each year for the filing of the Annual Report (see
23 Exhibit B).

24 **IV. THERE IS GOOD CAUSE TO ESTABLISH AUGUST 1 OF EACH YEAR AS THE**
25 **DATE FOR THE FILING OF THE ANNUAL REPORT.**

26 For all the reasons stated in the Watermaster Engineer’s Memorandum to the Board dated
27 January 29, 2018 (Exhibit C), important reasons exist to make permanent August 1 as the filing
28 date for the Annual Report.

1 First it is noted that the initial Annual Report for water Year 2016 was filed on August 1,
2 2017 after an extension of time (from April 1 to August 1) was granted by this Court for the filing
3 of that report.

4 As Exhibit C explains, substantial reasons exist to make permanent August 1 as the filing
5 date for the Annual Report. Those reasons are as follows:

6 **1. Additional time is needed beyond April 1 to acquire critical hydrological data**
7 **necessary for the compilation of the Annual Report.**

8 The Judgment requires that a variety of tasks be performed by the Watermaster Engineer
9 in order to compile the Annual Report. The current due date for the Annual Report under the
10 Judgment is April 1 following the first full Year after entry of the Judgment (see Section 18.5.17).
11 The April 1 date makes impossible the completion of the following data collection activities by
12 the Watermaster Engineer:

- 13 • Receive, review and enter the production reports from the previous Year into the
14 database;
- 15 • Document imported water use by each Party and reconcile reports provided by the
16 imported water suppliers;
- 17 • Calculate the five year moving average of imported water use and determine the
18 rights to imported water return flows for the coming Year;
- 19 • Determine the amount of groundwater production to assign to each Party's account
20 (e.g. Production Right, Unused Federal Reserve Water Right, Rampdown
21 Production, Imported Water Return Flows, Carryover Water, Stored Water,
22 Transfers);
- 23 • Determine Replacement Water Assessment obligations;
- 24 • Update accounts with annual information and work with administrative staff on
25 variable administrative assessments.

26 The current date of April 1 for the filing of the Annual Report is only three months after
27 the end of the accounting period and provides insufficient time to both receive and review the
28 reported production data and reconcile the numerous water accounts for each Party in the

1 Judgment. Much of the accounting cannot be conducted until final production/imported water use
2 reports are available from the Parties, including the United States Federal Government, the State
3 of California, and others who have not been able to develop complete production reports until
4 about 60 days following the end of the Year.

5 In addition, the Watermaster Engineer anticipates that the number of hydrologic data sets
6 to be monitored in the Basin will increase over time (see Exhibit C, p. 3). The analysis of
7 groundwater levels will need to incorporate an understanding of aquifer specific water levels.
8 There may be a need to add monitoring points along the key streams associated with recharge.
9 There will also be a need to document details of groundwater banking operations and inflows and
10 outflows related to that groundwater system. Finally, the amount and location of current
11 wastewater discharge needs to be documented for the Annual Report.

12 These various data sets and inputs cannot be received, reviewed and entered by April 1 of
13 each Year. (See Declaration of Phyllis Stanin and Exhibit C.)

14 **2. Monitoring of safe yield components and change of groundwater in storage**
15 **cannot be accomplished by April 1.**

16 Pursuant to the terms of the Judgment (Section 18.5.6), the Watermaster Engineer has
17 instituted a program to collect hydrologic data (including groundwater levels) in order to monitor
18 safe yield components in the Adjudication Area. To obtain cost effective monitoring of
19 groundwater levels, the Watermaster is participating in a Basin-wide monitoring program
20 conducted by the U.S. Geological Survey (USGS) (see Exhibit C, p. 3). The costs for the
21 program are shared among several groups including the Antelope Valley Watermaster and the
22 USGS.

23 This regional water level monitoring program provides the best available annual data for
24 monitoring wells with long term records. This data provides the basis for an annual calculation of
25 change in groundwater storage throughout the Adjudication Area. For purposes of this motion,
26 the critical matter is that these wells are typically monitored in March of each Year, a schedule
27 based on both technical considerations and reporting requirements for other programs. Final
28 water level data are generally available near the end of April. This schedule does not allow for

1 the inclusion of current groundwater evaluation data or the calculation of change in groundwater
2 in storage to be made in a timely manner for the Annual Report if that report is due April 1.

3 **3. The timing of Administrative Draft and public hearing requirements requires**
4 **that the Annual Report be filed on August 1.**

5 For the first Annual Report filed in 2017, the Watermaster Engineer produced an
6 Administrative Draft for the Board meeting on June 28, 2017. After incorporating comments
7 from numerous Parties and the Advisory Committee, the Watermaster Engineer revised the
8 Administrative Draft and produced a Draft 2016 Annual Report that was posted on the
9 Watermaster website on July 12, 2017 (see Exhibit C, p. 3). The Parties and the public were
10 given notice that the Draft 2016 Annual Report was available for download, review and comment.
11 Based on additional comments, a Revised Draft of the Annual Report was made available to all
12 Parties on July 24, 2017. The Watermaster Board held a public hearing on July 26, 2017 to
13 consider additional comments on both the Draft (and Revised Draft) 2016 Annual Report. After
14 the public hearing, the Watermaster Board unanimously voted to incorporate public comments
15 and recommendations received prior to and at the July 26, 2017 public hearing. The Watermaster
16 also unanimously approved the filing of the Final 2016 Annual Report with the Court by August
17 1, 2017 (Resolution No. 17-05), in compliance with the Court's previously approved time
18 extension.

19 As is reflected by this schedule, the Administrative Draft of the Annual Report requires at
20 least six weeks of preparation prior to the filing deadline. This is required in order to be reviewed
21 by the Advisory Committee and included in the Board packet in compliance with the Brown Act.
22 If the deadline remains April 1, the Administrative Draft would need to be completed in February,
23 prior to receipt of the groundwater elevation and monitoring data and prior to receipt of all the
24 Parties' production reports.

25 By establishing the filing date of August 1, the Watermaster Engineer will have time to
26 prepare the Administrative Draft by June and the Draft Annual Report by July of each Year,
27 allowing the Watermaster legal counsel, the Advisory Committee, Parties to the Judgment, and
28 the public ample time to review and comment on the Draft Annual Report, as well as allowing

1 sufficient time for a public hearing. In addition, this schedule for the filing of the Annual Report
2 is consistent with the practice of most other adjudicated basins in California. (See Declaration of
3 Phyllis Stanin.)

4 **V. CONCLUSION**

5 For all the foregoing reasons, including the collection of production data, the monitoring
6 of the safe yield components pursuant to the Judgment, and the scheduling for the production and
7 circulation of the Draft of the Annual Report and public hearing requirements, it is requested that
8 the Court make permanent August 1 as the filing date for the Annual Report.

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Respectfully submitted,

Dated: March 9, 2018

PRICE, POSTEL & PARMA LLP

By: Craig A. Parton
CRAIG A. PARTON
Attorneys for
Antelope Valley Watermaster

DECLARATION OF PHYLLIS STANIN

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I, PHYLLIS STANIN, have personal knowledge of the matters stated in this declaration and if called to testify could and would competently do so. This declaration is provided in support of the Watermaster’s motion requesting that this Court establish August 1 of each Year as the permanent date for the filing of the Watermaster’s Annual Report.

1. I am Vice-President and Principal Geologist with Todd Groundwater and have over 30 years of experience as a professional geologist. Todd Groundwater is the Watermaster Engineer for the Antelope Valley Groundwater Adjudication. On March 28, 2017 the Watermaster Board voted unanimously to negotiate a contract with Todd Groundwater and my firm was formally retained by unanimous consent of the Watermaster Board on April 17, 2017.

2. Part of the duties of the Watermaster Engineer is to draft and file the Annual Report as required by the terms of the Judgment and Physical Solution entered by this Court on December 23, 2015.

3. My firm drafted and submitted the initial Annual Report to this Court on August 1, 2017 covering water Year 2016. We required an extension for the filing date noted in the Judgment of April 1 and were granted an extension by this Court to August 1, 2017.


4. The reasons for permanently establishing August 1 as the date for the filing of the Annual Report with this Court are outlined in the January 29, 2018 Memorandum from Todd Groundwater to the Watermaster Board, a true and correct copy of which is attached to this motion as Exhibit C. There were several factors which have convinced the Watermaster Engineer that the permanent establishment of August 1 as the date for the filing of the Annual Report would help administer and carry out the terms of the Judgment. Conversely, to not permanently establish August 1 as the date for the filing of the Annual Report will, in the opinion of the Watermaster Engineer, defeat the purposes of the Judgment and Physical Solution.

5. To summarize, the fundamental reasons for making permanent August 1 as the date to file the Annual Report are as follows: (1) to allow adequate time to receive, analyze and process data from all of the applicable sources to meet the reporting requirements of the Judgment when the complete sets of such data are typically not available until March or April of each Year;

1 (2) to receive, analyze and process the data necessary to monitor the safe yield components and to
2 calculate any change in groundwater storage when such data are typically not available until the
3 end of April of each Year; and, (3) to satisfy the public input requirements under the terms of the
4 Judgment so that there can be adequate time for public comment and subsequent revision of
5 drafts, and adequate time in order to get unanimous consent from the Watermaster Board for the
6 filing of the Annual Report.

7 6. I have also reviewed the filing date for annual reports in other adjudicated basins
8 in California and found that most adjudicated basins in California have a date for the filing of
9 their annual report some six months or more after the close of the year on December 31. Thus the
10 establishing of August 1 is wholly consistent with other adjudicated basins.

11 I declare under penalty of perjury under the laws of the State of California that the
12 foregoing is true and correct. Executed this 7th day of March, at Alameda,
13 California.

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16 Phyllis Stanin
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1 DECLARATION OF PATRICIA ROSE

2 I, PATRICIA ROSE, have personal knowledge of the matters stated in this declaration and
3 if called to testify could and would competently do so. I provide this declaration in support of the
4 Watermaster's motion requesting that this Court establish August 1 as the permanent date for the
5 filing of the Annual Report.

6 1. I am employed by the Antelope Valley-East Kern Water Agency and serve as the
7 Interim Secretary to the Board of the Antelope Valley Watermaster.

8 2. On January 29, 2018, I posted to the Watermaster's website a Notice of Public
9 Hearing establishing August 1 of each Year as the filing date for the Annual Report with the
10 court. A true and correct copy of that Notice is attached to this motion as Exhibit A. That Notice
11 states that the public hearing was to take place on February 28, 2018 at 10:00 a.m. as part of the
12 regular Board meeting of the Antelope Valley Watermaster.

13 3. On January 29, 2018, I also posted on the Watermaster's website the Draft
14 Memorandum prepared by Todd Groundwater (the Watermaster Engineer) and dated January 29,
15 2018. That Memorandum contained information concerning the reasons for making August 1 of
16 each Year the permanent date for the filing of the Annual Report. A true and correct copy of that
17 January 29, 2018 Memorandum is attached to this motion as Exhibit C.

18 4. On January 29, 2018, I emailed both Exhibit A and Exhibit C to the list of Parties
19 maintained by the Watermaster in accordance with Sections 18.4.4, 20.6 and 20.7 of the
20 Judgment.

21 5. Attached to this motion as Exhibit B is a true and correct copy of Resolution No.
22 R-18-06 which is the resolution concerning establishing August 1 of each Year the permanent
23 date for the filing of the Annual Report unanimously adopted by the Board of Directors of the
24 Antelope Valley Watermaster at its regular Board meeting on February 28, 2018.

25 I declare under penalty of perjury under the laws of the State of California that the
26 foregoing is true and correct. Executed this 17th day of March, 2018, at Palmdale, California.

27 
28 Patricia Rose

Exhibit A

ANTELOPE VALLEY WATERMASTER

PUBLIC HEARING NOTICE

**WELL APPROVAL APPLICATIONS FOR
REPLACEMENT WELLS OR NEW PRODUCTION WELLS**

DATED: January 29, 2018

TO: ANTELOPE VALLEY GROUNDWATER PRODUCERS

The ANTELOPE VALLEY WATERMASTER set 10:00 a.m. on Wednesday, February 28, 2018, at Antelope Valley-East Kern Water Agency, Palmdale, CA 93551, as the time and place for a Public Hearing on Well Approval Applications for Replacement Wells or New Production Wells. The Judgment in the Antelope Valley Groundwater Cases requires the Watermaster Engineer to propose, adopt and maintain; rules and regulations regarding approving procedures for approving replacement wells and new production wells. A copy of the proposed process will be available at www.avck.org on January 29, 2018.

At that hearing, the Watermaster will consider public comments on the Final Draft of the Well Approval Applications for Replacement Wells or New Production Wells. Written/email comments may be made in advance of the public hearing to the Watermaster Engineer; *Phyllis S. Stanin*, TODD Groundwater, 2490 Mariner Square Loop Suite 215, Alameda, CA 94501 or by email at pstanin@toddgroundwater.com.

Posted: January 29, 2018 @ 11:45 AM.

By:

Catharine Rose

Exhibit B

RESOLUTION NO. R-18-06

MAKING AUGUST 1 OF EACH YEAR THE DATE FOR THE FILING OF THE ANNUAL REPORT WITH THE COURT IN ORDER TO ADMINISTER AND CARRY OUT THE TERMS OF THE JUDGMENT

WHEREAS, the Antelope Valley Watermaster, formed by the Antelope Valley Groundwater Cases Final Judgment (“Judgment”), Santa Clara Case No. 1-05-CV-049053 signed December 23, 2015, is to administer the Judgment; and

WHEREAS, the Judgment provides that the Watermaster Engineer shall prepare the Annual Report and file it with the Court on or by April 1 of each Year; and

WHEREAS, the first Annual Report was prepared by the Watermaster Engineer in 2017 in compliance with the terms of the Judgment and submitted to the Court on August 1, 2017 pursuant to a Court approved filing extension from April 1 to August 1, 2017; and

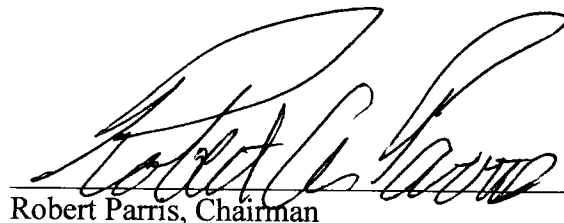
WHEREAS, important reasons exist to request that the Court make this extension permanent so that the filing date of the Annual Report will be August 1 of each Year, for the reasons expressed in the January 29, 2018 memorandum from the Watermaster Engineer to the Watermaster Board, which explains why this extension should be permanent and why that will help administer and carry out the terms of the Judgment; and

WHEREAS, the Watermaster took public comment at its monthly Board meeting on February 28, 2018 where it received and considered public comment on making permanent August 1 of each Year for the filing of the Annual Report.

NOW, THEREFORE, BE IT RESOLVED, the Watermaster Board unanimously approves that the date of the filing of the Annual Report shall be August 1 of each Year for all the reasons stated in the January 29, 2018 memorandum from the Watermaster Engineer to the Watermaster Board, and in order to help administer and carry out the terms of the Judgment, and directs General Counsel to bring a motion before the Court seeking the Court’s approval of August 1 of each Year for filing of the Annual Report.

I certify that this is a true copy of Resolution No. R-18-06 as passed by the Board of Directors of the Antelope Valley Watermaster at its meeting held February 28, 2018, in Palmdale, California.

Date: 2/28/18


Robert Parris, Chairman

ATTEST: Patricia Rose
Patricia Rose – Interim Secretary

Exhibit C



January 29, 2018

DRAFT MEMORANDUM

To: Robert Parris, Chair
Antelope Valley Watermaster Board of Directors

Craig Parton,
Price Postel & Parma LLP, Watermaster Legal Counsel

From: Phyllis Stanin, Vice President/Principal Geologist
Kate White, Senior Engineer
Todd Groundwater, Watermaster Engineer

Re: Request for Permanent Change of Filing Date to August 1 for the Annual Report

This Draft Issue Paper requests a revision of the filing date for the Antelope Valley Watermaster Annual Report with the Court. According to the Judgment, the Annual Report is due to the Court on April 1 of each year.¹ For reasons set forth in this memorandum, the Watermaster Engineer requests a permanent revision of the filing date from April 1 to August 1. It is recognized that this request is subject to legal review and must be approved by the Court.

BACKGROUND

The Final Judgment was entered December 23, 2015. The first Annual Report, *Final Antelope Valley Watermaster 2016 Annual Report*, was prepared in 2017 in compliance with the Judgment and submitted to the Court on August 1, 2017, pursuant to a Court-approved filing extension from April 1 to August 1. That filing extension was a one-time request to allow Todd Groundwater, as the newly-retained Watermaster Engineer, to develop initial data sets and complete the other Annual Report sections required by the Judgment.

Since the filing of the first Annual Report, the Watermaster Engineer has proceeded with compilation of required data sets to ensure proper water accounting and tracking of production for the Parties in the Judgment. Much of the work has involved development of key sections of the Rules and Regulations to document the process and procedures whereby the Watermaster Board, Legal Counsel, Watermaster Staff, Advisory Committee and Watermaster Engineer all work

¹ "The Watermaster Engineer shall prepare an Annual Report for filing with the Court not later than April 1 of each Year, beginning April 1 following the first full Year after entry of this Judgment." (§18.5.17).

cooperatively to ensure the successful implementation of the Judgment. Retention of Watermaster Legal Counsel in November 2017 has significantly expedited that process.

To date, the Watermaster Board has successfully adopted three annual budgets and approved Rules and Regulations for Well Metering Requirements² and Administrative Assessments³. Additional sections of Rules and Regulations are in progress; several sections have been delayed while interpretive guidance of the Judgment is being requested from the Court. Nonetheless, the Watermaster Board, Legal Counsel, Administrative Staff, Advisory Committee, and the Watermaster Engineer are all working productively to complete draft Rules and Regulations in 2018.

SCHEDULE CONSIDERATIONS FOR THE ANNUAL REPORT

Numerous procedures required for proper preparation of the Annual Report impact the schedule for the Court filing, as summarized below.

Time Needed to Reconcile Water Accounts

The current due date of April 1 is only three months after the end of the accounting period (previous calendar year). Three months is insufficient to receive and review the reported production data and reconcile the numerous water accounts for each Party in the Judgment. In order to develop the proper water accounting procedures and audit for the previous year, the Watermaster Engineer has to complete the following activities:

- receive, review, and enter the previous year production reports into the database,
- document imported water use by Party and reconcile with reports provided by the imported water suppliers,
- calculate the 5-year moving average of imported water use and determine the right to imported water return flows for the coming year,
- determine the amount of groundwater production to assign to each Party's account (e.g., Production Right, Unused Federal Water Right, Rampdown Production, Imported Water Return Flows, Carry Over Water, Stored Water, Transfers)
- determine Replacement Water Assessment obligations,
- update accounts with annual information and work with administrative staff on variable administrative assessments.

Most of this accounting cannot be conducted until final production/imported water use reports are available from the Parties. Many Parties, including the U.S. Federal Government, the State of California, and others have not been able to develop complete production reports until about 60 days following the end of the year.

² Approved by the Court on November 28, 2017.

³ The Administrative Assessments section of the Rules and Regulations will be before the Court for approval after final comments are incorporated from the Public Hearing, scheduled for February 28, 2018.

Monitoring of Safe Yield Components and Change of Groundwater in Storage

As required by the Judgment (§18.5.6), the Watermaster Engineer has instituted a program to collect hydrologic data (including groundwater levels) and monitor safe yield components in the Adjudication Area. To obtain cost-effective monitoring of groundwater levels, the Watermaster is participating in a basin-wide monitoring program conducted by the U.S. Geological Survey (USGS). Costs for the program are shared among the Antelope Valley State Water Contractors Association, the Antelope Valley Integrated Water Management Group, the Antelope Valley Watermaster, and USGS.

This regional water level monitoring program provides the best available annual data from monitoring wells with long-term records. These data provide the basis for an annual calculation of change in groundwater in storage throughout the Adjudication Area, which supports the monitoring of safe yield components. Wells are typically monitored in March of each year, a schedule based on both technical reasons and reporting requirements for other programs. Final water level data are generally available near the end of April. This schedule does not allow for the inclusion of current groundwater elevation data or the calculation of groundwater in storage change to be made in a timely manner for the Annual Report if due April 1.

Additional Collection of Hydrologic Data

We anticipate that the number of hydrologic data sets to be monitored in the basin will increase over time. The analysis of groundwater levels will need to incorporate an understanding of aquifer-specific water levels. In addition, there may be a need to add monitoring points along the key streams associated with recharge.

As groundwater banking expands across the basin, there will be a need to document details of operation and reconcile inflow and outflows to the groundwater system. Projects are currently being evaluated to increase recharge of treated wastewater and expand the use of tertiary-treated wastewater for irrigation. Also, the amounts and locations of current wastewater discharge (urban return flows) need to be documented for the Annual Report. Although all of these activities will provide a better understanding of the groundwater system and flexibility for future groundwater management, they also increase the need for data compilation and analysis in the Annual Reports.

Timing of Administrative Draft and Public Hearing Requirements

For the first Annual Report, the Watermaster Engineer produced an Administrative Draft to the Watermaster at its regular board meeting on June 28, 2017. After incorporating comments from numerous Parties and the Advisory Committee, the Watermaster Engineer revised the Administrative Draft to produce a Draft 2016 Annual Report that was posted on the Watermaster website on July 12, 2017. Parties and the public were noticed that the Draft 2016 Annual Report was available for download, review, and comment. Based on additional comments, a Revised Draft was made available to all Parties on Monday, July 24, 2017. The Watermaster Board held a public hearing on July 26, 2017 to consider additional comments on both the Draft (and Revised Draft) 2016 Annual Report. After the public hearing, the Watermaster Board unanimously voted to

incorporate public comments and recommendations received prior to and at the July 26 public hearing. The Watermaster also unanimously approved the filing of the Final 2016 Annual Report to the Court by August 1, 2017 (Resolution No. 17-05), in compliance with the Court's previously-approved time extension.

As indicted by this schedule, the Administrative Draft requires preparation more than six weeks prior to the filing deadline (in order to be reviewed by the Advisory Committee and included in the Board packet in compliance with the Brown Act). If the deadline remains at April 1, the Administrative Draft would need to be completed in February, prior to receipt of the groundwater elevation monitoring data and prior to receipt of all of the Parties' production reports. By changing the filing date to August 1, the Watermaster Engineer will have time to prepare the Administrative Draft by June and the Draft by July, allowing the Watermaster, legal counsel, the Advisory Committee, Parties to the Judgment and the public ample time for review, commenting, and the public hearing.

REQUEST

Finally, we note that three months between the end of the reporting period and the filing date of the Annual Report is a shorter deadline than all of the other adjudicated basins in the state with the exception of the much smaller Raymond and Seaside Basins. For the adjudicated basins requiring annual reports and providing those schedules on their websites, most have a six-month or longer filing period and many have a seven-month filing period, consistent with this request. For the reasons provided above, we respectfully request that the required filing date of the Antelope Valley Watermaster Annual Report be changed from April 1 to August 1 of each year beginning in 2018.

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PROOF OF SERVICE

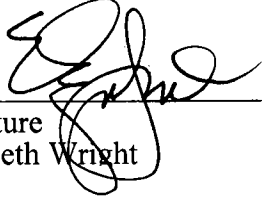
STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA

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

On March 9, 2018, I served the foregoing document described **NOTICE OF MOTION AND MOTION FOR ORDER ESTABLISHING AUGUST 1 FOR FILING OF WATERMASTER'S ANNUAL REPORT; DECLARATIONS OF PHYLLIS STANIN AND PATRICIA ROSE; EXHIBITS A-C** on all interested parties in this action by placing the original and/or true copy.

- BY ELECTRONIC SERVICE:** I posted the document(s) listed above to the Santa Clara County Superior Court Website @ www.scefiling.org and Glotrans website in the action of the Antelope Valley Groundwater Cases.
- (*STATE*) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- (*FEDERAL*) I hereby certify that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Executed on March 9, 2018, at Santa Barbara, California.



Signature
Elizabeth Wright