

1 CRAIG A. PARTON, State Bar No. 132759
CAMERON GOODMAN, State Bar No. 307679
2 PRICE, POSTEL & PARMA LLP
200 East Carrillo Street, Fourth Floor
3 Santa Barbara, California 93101
4 Telephone: (805) 962-0011
Facsimile: (805) 965-3978

Exempt from Filing Fees
Government Code § 6103

5 Attorneys for
6 Antelope Valley Watermaster

7
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))

Judicial Council Coordination
Proceeding No. 4408

12
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 APPROVAL OF AMENDMENT TO**
18 **ANTELOPE VALLEY WATERMASTER**
RULES AND REGULATIONS;
DECLARATION OF PATRICIA ROSE;
19 **EXHIBITS A-B**

20 Date: March 24, 2021
Time: 9:00 a.m.
21 Dept: By Courtcall

22 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

23 PLEASE TAKE NOTICE that on March 24, 2021 at 9:00 a.m., or as soon thereafter as the
24 matter may be heard, by Courtcall, the Antelope Valley Watermaster ("Watermaster") will and
25 hereby does move for an order of the Court approving an amendment to the Antelope Valley
26 Watermaster Rules and Regulations by adding new Section 19.j.

27 The Watermaster has both the power and the duty to adopt rules and regulations after
28 noticed public hearings and unanimous consent of the Watermaster Board. Having now held such

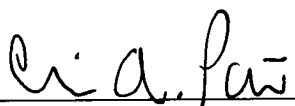
1 public hearing and having obtained the unanimous consent of the Board, the Watermaster moves
2 this Court to approve the amendment to the Rules and Regulations by adding new Section 19.j
3 contained in Exhibit B to this motion.

4 This motion is based on the notice, the memorandum of points and authorities in support
5 thereof, the declaration of Patricia Rose and Exhibits A-B, and all pleadings, documents and
6 evidence on file in this action, and on such oral and documentary evidence as may be presented at
7 the hearing on this motion, and on other matters as are properly before the Court.

8 Respectfully submitted,

9 Dated: February 22, 2021

PRICE, POSTEL & PARMA LLP

10
11 By: 
12 CRAIG A. PARTON
13 CAMERON GOODMAN
14 Attorneys for
15 Antelope Valley Watermaster
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 The Antelope Valley Watermaster (“Watermaster”) has both the power and the duty to
4 adopt rules and regulations and to obtain their approval by this Court consistent with the terms of
5 the Antelope Valley Judgment and Physical Solution (“Judgment”). The Court previously
6 approved final comprehensive Antelope Valley Watermaster Rules and Regulations (the “Rules
7 and Regulations”) by Order dated September 29, 2020.

8 The Watermaster Board properly noticed a public hearing with respect to a proposed
9 amendment to the Rules and Regulations, which would add new Section 19.j allowing the
10 Watermaster to, in its reasonable discretion, require any applicant to reimburse the Watermaster
11 for any or all of the Watermaster’s legal expenses incurred when processing an application,
12 depending upon the level of complexity of the application under consideration. The Watermaster
13 conducted such public hearing, and then voted unanimously to amend the Rules and Regulations
14 by adding new Section 19.j. (See Declaration of Patricia Rose, Exhibit B.) By this motion the
15 Watermaster seeks the Court’s approval of the aforementioned amendment to the Rules and
16 Regulations pursuant to the Judgment.

17 **II. THE AMENDMENT TO THE RULES AND REGULATIONS HAS BEEN**
18 **PROPOSED AND DISCUSSED AT A PUBLIC HEARING AND UNANIMOUSLY**
19 **ADOPTED BY THE BOARD AND IS NOW SUBJECT TO APPROVAL BY THIS**
20 **COURT**

21 Pursuant to the Judgment, the Watermaster has the express power and duty to adopt rules
22 and regulations. (See Paragraphs 18.4 and 18.4.2 of the Judgment.) The Judgment explicitly
23 provides that the Court may approve rules and regulations prepared by the Watermaster Engineer
24 and adopted by the Watermaster. (Judgment Paragraph 18.4.2.)

25 In accordance with these requirements, the proposed amendment to the Rules and
26 Regulations to add new Section 19.j was considered at a properly noticed public hearing. (See
27 Judgment Paragraph 18.4.2; Declaration of Patricia Rose, Exhibits A-B.) After the appropriate
28 noticed public hearing, and after discussion, the Watermaster unanimously adopted the proposed

1 amendment to the Rules and Regulations adding new Section 19.j. (See attached Exhibit B.)

2 Since the Rules and Regulations are critical to the functioning and sustainability of the
3 Judgment and Physical Solution, and since the proposed amendment to the Rules and Regulations
4 has been properly considered in the public forum and unanimously adopted by the Watermaster
5 Board at a public hearing on January 27, 2021, this Court should approve the amendment to the
6 Rules and Regulations contained in Exhibit B.

7 **III. CONCLUSION**

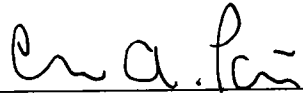
8 For all the foregoing reasons, the Watermaster’s motion requesting this Court to approve
9 the amendment to the Rules and Regulations by adding new Section 19.j should be granted.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Respectfully submitted,

Dated: February 22, 2021

PRICE, POSTEL & PARMA LLP

By: 
CRAIG A. PARTON
CAMERON GOODMAN
Attorneys for
Antelope Valley Watermaster

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

DECLARATION OF PATRICIA ROSE

I, PATRICIA ROSE, have personal knowledge of the matters stated in this declaration and if called to testify could and would competently do so.

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

2. At a special meeting on December 2, 2020, the Watermaster Board considered a proposed amendment to the Watermaster Rules and Regulations which would add new Section 19.j, allowing the Watermaster to recover its legal expenses incurred in processing applications that raise unique or complex legal issues, thereby necessitating more Watermaster General Counsel time and involvement than is typical during review and analysis of such applications.

3. At its special meeting on December 2, 2020, the Watermaster Board directed that the proposed amendment to the Rules and Regulations adding new Section 19.j be circulated for public comment ahead of its next regular meeting for consideration and adoption.

4. On December 21, 2020, I posted on the Watermaster’s website the language of the proposed amendment to the Rules and Regulations adding new Section 19.j for a 30-day public comment period, and also a notice of a public hearing on adoption of said amendment to occur on January 27, 2021. A true and correct copy of the notice of public hearing is attached hereto as Exhibit A.

5. At the January 27, 2021 public hearing, after a presentation by the Watermaster Staff and Watermaster General Counsel, and comments by the Advisory Committee and the public, the Watermaster Board voted unanimously to approve the proposed amendment to the Rules and Regulations adding new Section 19.j.

6. Attached hereto as Exhibit B is a true and correct copy of Resolution No. R-21-01, which is the resolution adopted by the Watermaster Board at its January 27, 2021 meeting to unanimously adopt the proposed amendment to the Rules and Regulations by adding new Section 19.j.

///
///

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

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 19th day of February 2021, at Palmdale, California.

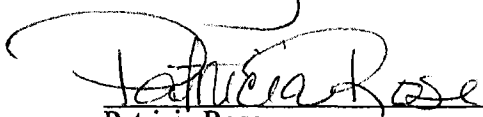

Patricia Rose

Exhibit A

ANTELOPE VALLEY WATERMASTER

Notice of Continuation

PUBLIC HEARING

Antelope Valley Watermaster Rules and Regulations

TO: ANTELOPE VALLEY GROUNDWATER PRODUCERS

Notice is hereby given that the Board of Directors of the Antelope Valley Watermaster (“Board”) will be holding a regular Board meeting at 10:00 a.m. on Wednesday, January 27, 2021, via Zoom teleconference.

Website: <https://zoom.us/j/687127281> **Access Code: 687 127 281**

Teleconference: (669) 900-6833

At that meeting, the Board will consider possible action to adopt a proposed new Section 19.j to the Watermaster Rules and Regulations, a copy of which is provided hereinbelow for a minimum 30-day public comment period as required by Paragraph 18.4.2 of the Judgment.

Written comments on the proposed Antelope Valley Watermaster Rules and Regulations may be made in advance of the public hearing to the Watermaster Administrator; Matthew Knudson at mknudson@avek.org or to the Watermaster Secretary, Patti Rose at prose@avwatermaster.net or by mail at Antelope Valley Watermaster, PO Box 3025, Quartz Hill, CA 93586.

“j. Recovery of Watermaster Legal Expenses When Processing Unique or Complex Applications

The Watermaster may, in its reasonable discretion, require that any Party submitting an application under Sections 9 (Storage Agreements), 13 (Transfers) or 14 (New or Replacement Well Applications, Applications for New Production, and Small Pumper Qualification Applications) of these R&Rs, reimburse any or all of the Watermaster’s legal expenses incurred when processing such application. The Watermaster’s determination as to whether and how much a Party must reimburse the Watermaster for such legal expenses shall be evaluated on a case-by-case basis, upon recommendation from Watermaster Staff, based upon the complexity of the application under consideration and whether the application raises unique or complex legal issues necessitating more Watermaster General Counsel time and involvement than is typical in review and analysis of such an application. Reimbursement of all such Watermaster legal expenses shall be a prerequisite to Watermaster approval of the application.”

Exhibit B

RESOLUTION NO. R-21-01

**ADOPTING RULES AND REGULATIONS SECTION 19.j
RELATING TO RECOVERY OF WATERMASTER LEGAL EXPENSES
WHEN PROCESSING UNIQUE OR COMPLEX APPLICATIONS**

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 rules and regulations on various subjects in order to further the objectives of the Judgment; and

WHEREAS, at its regular meeting on June 24, 2020, the Watermaster Board unanimously adopted the final comprehensive rules and regulations reflected in the April 27, 2020 draft posted on the Watermaster website with modifications, with the exception of Section 9 relating to Storage Agreements, which was subsequently unanimously adopted by the Watermaster Board at its July 23, 2020 regular meeting; and

WHEREAS, the final comprehensive rules and regulations were approved by order of the Court dated September 29, 2020; and

WHEREAS, at its October 28, 2020 regular meeting, the Watermaster Board directed Watermaster Staff and the Watermaster General Counsel to develop an amendment to the rules and regulations that will allow the Watermaster to recover its legal expenses incurred when processing applications that raise unique or complex legal issues, thereby necessitating more Watermaster General Counsel time and involvement than is typical during review and analysis of such applications; and

WHEREAS, the Watermaster General Counsel and Watermaster Staff have developed language to implement the aforementioned directive from the Watermaster Board, and have proposed adding a new Section 19.j to the rules and regulations as follows:

“j. Recovery of Watermaster Legal Expenses When Processing Unique or Complex Applications

The Watermaster may, in its reasonable discretion, require that any Party submitting an application under Sections 9 (Storage Agreements), 13 (Transfers) or 14 (New or Replacement Well Applications, Applications for New Production, and Small Pumper Qualification Applications) of these R&Rs, reimburse any or all of the Watermaster’s legal expenses incurred when processing such application. The Watermaster’s determination as to whether and how much a Party must reimburse the Watermaster for such legal expenses shall be evaluated on a case-by-case basis, upon recommendation from Watermaster Staff, based upon the complexity of the application under consideration and whether the application raises unique or complex legal issues necessitating more Watermaster General Counsel time and involvement than is typical in review and analysis of such an application. Reimbursement of all such Watermaster legal expenses shall be a prerequisite to Watermaster approval of the application.”; and

Memo to: Antelope Valley Watermaster Board
Re: Update to Rules and Regulations – Recovery of Legal Expenses
December 2, 2020
Page 2

the application under consideration. Reimbursement of all such Watermaster legal expenses shall be a prerequisite to Watermaster approval of the application.”

The Watermaster General Counsel requests that the Board review and provide comments on the above proposed addition to the Rules and Regulations. Once the language, as revised, is acceptable, the Board should direct Watermaster Staff to post this proposed addition to the Rules and Regulations online for a 30-day public review period ahead of a public hearing on adoption at the next regular Board meeting.

WHEREAS, the proposed language of Section 19.j set forth above was considered by the Watermaster Board at a special meeting on December 2, 2020, and the Watermaster Board directed that the proposed additions be circulated for public comment ahead of its next regular meeting for consideration and adoption; and

WHEREAS, the proposed language of Section 19.j set forth above was posted on the Watermaster website on December 21, 2020 for review during a 30-day public comment period and for consideration and approval at the Watermaster Board's regular meeting on January 27, 2021; and

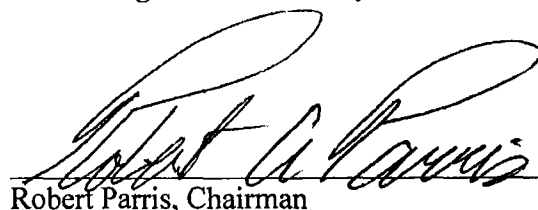
WHEREAS, the Watermaster Board held a public hearing at its regular meeting on January 27, 2021, where it received and considered public comment on the proposed addition of Section 19.j as set forth above, and wishes now to adopt said Section 19.j of the rules and regulations into the previously adopted rules and regulations, and to seek approval by the Court of such addition to the rules and regulations pursuant to the terms of the Judgment; and

WHEREAS, the purpose and intent of the addition of Section 19.j to the rules and regulations is to prevent non-applicant Parties from carrying the economic burden of Watermaster legal expenses incurred when processing uniquely complex applications in which approval of such applications will only benefit a single Party.

NOW, THEREFORE, BE IT RESOLVED, the Watermaster Board unanimously adopts the new Section 19.j of the rules and regulations as set forth above, with modifications, if any, as directed by the Board after the public hearing, and directs the Watermaster General Counsel to bring a motion before the Court, seeking the Court's approval of said addition to the rules and regulations pursuant to the terms of the Judgment.

I certify that this is a true copy of Resolution No. R-21-01 as passed by the Board of Directors of the Antelope Valley Watermaster at its meeting held on January 27, 2021, in Palmdale, California.

Date January 27, 2021


Robert Parris, Chairman

ATTEST: Patricia Rose
Patricia Rose – Secretary

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

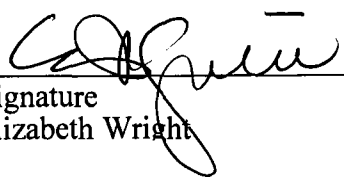
STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA

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 February 23, 2021, I served the foregoing document described as **NOTICE OF MOTION AND MOTION FOR APPROVAL OF AMENDMENT TO ANTELOPE VALLEY WATERMASTER RULES AND REGULATIONS; DECLARATION OF PATERICIA ROSE; EXHIBITS A-B** 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.scefilings.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 February 23, 2021, at Santa Barbara, California.



Signature
Elizabeth Wright