

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

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Government Code § 6103

5 Attorneys for
6 Antelope Valley Watermaster

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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))

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 ~~PROPOSED~~ **ORDER APPROVING**
17 **AMENDMENT TO RULES AND**
REGULATIONS

18 Date: March 24, 2021
19 Time: 9:00 a.m.
Dept: By Courtcall

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22 On March 24, 2021 at 9:00 a.m., the motion of the Antelope Valley Watermaster
23 requesting this Court to approve an amendment to the Antelope Valley Watermaster Rules and
24 Regulations by adding new Section 19.j came on for hearing. Appearances are as shown in the
25 Court record. Due cause being shown and having considered the objections, if any, to the
26 proposed amendment to the Rules and Regulations, the Court orders as follows:

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The amendment to the Rules and Regulations adding new Section 19.j submitted to the Court with the motion as Exhibit B is hereby approved.

DATED: March 24, 2021

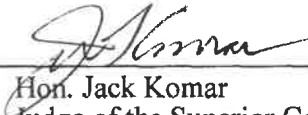
By: 
Hon. Jack Komar
Judge of the Superior Court

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

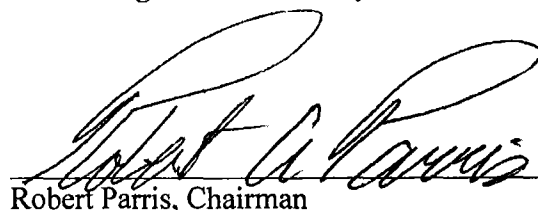
WHEREAS, the Watermaster Board held a public hearing at its regular meeting on January 27, 2021, where it received and considered public comment on the proposed addition of Section 19.j as set forth above, and wishes now to adopt said Section 19.j of the rules and regulations into the previously adopted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

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PROOF OF SERVICE

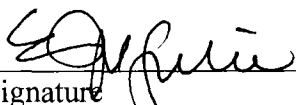
STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA

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 25, 2021, I served the foregoing document described as **ORDER APPROVING AMENDMENT TO RULES AND REGULATIONS** 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.scefilng.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 25, 2021, at Santa Barbara, California.



Signature
Elizabeth Wright