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January 10, 2022

Honorable Tani G. Cantil-Sakauye  
Chair, Judicial Council of California  
Attn: Appellate & Trial Court Judicial Services  
(Civil Case Coordinator)  
455 Golden Gate Avenue  
San Francisco, CA 94102

**Re: Antelope Valley Groundwater Cases, JCCP 4408**

Dear Justice Cantil-Sakauye:

Our law firm represents the Antelope Valley Watermaster ("Watermaster") in the Antelope Valley Groundwater Cases ("AVGC"), JCCP 4408, a coordinated proceeding arising from numerous lawsuits filed in Los Angeles, Kern and Riverside counties relating to the Antelope Valley groundwater Basin ("Basin").

This letter is in response to the request made by Michael McLachlan, counsel for the Wood Class, who are the plaintiffs in one of the coordinated cases, that the Judicial Council appoint a judicial officer to replace the Honorable Jack Komar for the coordinated proceedings. We write to request that a new judicial officer be appointed only to preside over the proceedings on remand from the court of appeal in *Wood vs. Los Angeles County Waterworks District No. 40*, F083138, and that Judge Komar be retained as the judicial officer presiding over all other AVGC proceedings under the trial court's continuing jurisdiction.

The first lawsuits that ultimately evolved into the AVGC were filed over 20 years ago. Various parties asserted that the water supply to the Basin was inadequate to meet the demands of the parties who pumped water from the Basin, creating an overdraft condition. These parties further asserted that this overdraft would continue, negatively impacting the health of the Basin, unless there was a comprehensive adjudication of all parties' rights to extract groundwater from the Basin.

In 2005 the Judicial Council coordinated all pending lawsuits relating to groundwater rights in the Basin into a single proceeding assigned to Judge Komar. Judge Komar immediately embarked on an 11-year process of resolving these claims, which were tried in six distinct phases. Phase 1 determined the boundaries of the area to be subject to the final judgment; Phase 2 determined the hydraulic connectivity within the adjudication area; Phase 3 determined the safe yield of the adjudication area, including the amount of annual overdraft; Phase 4 determined how much groundwater the various parties pumped from the Basin; Phase 5 determined the rights of the federal government and any claimed rights to use any return flows from water imported into the Basin; and Phase 6 determined a physical solution for the Basin, governing the amount of groundwater that each of the various parties could extract from the Basin. The judgment encompassing the trial court's findings and rulings over these six phases has been affirmed on appeal and is now final.

The Watermaster was created by the judgment to manage the Basin and administer the provisions of the judgment, including, among other things, imposing and collecting assessments from parties that pump water from the Basin in excess of the amounts allocated to them under the judgment. The Watermaster uses these assessments to import water into the Basin to replace the amounts extracted by these pumpers, thus keeping the Basin in hydrologic balance. The Watermaster is appointed and supervised by the trial court through the exercise of its continuing jurisdiction over the case.

Since its creation, the Watermaster has been involved in numerous proceedings with various parties to the judgment concerning their pumping rights under the judgment and payment for the water they have pumped from the Basin. These proceedings have been efficiently resolved via post-trial motions heard by Judge Komar, who is able to draw on his considerable knowledge of the Basin, the parties and the judgment gleaned over the approximately 17 years he has presided over this matter.

The Wood Class's request that Judge Komar be recused arises from a proceeding involving only two parties, the Wood Class and Los Angeles County Waterworks District No. 40, concerning the award of attorney fees. The Fifth District Court of Appeal recently issued an opinion affirming in part and reversing in part Judge Komar's ruling on the attorney fees issues, and it remanded the matter to the trial court for the further proceedings consistent with its opinion.

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In his October 4, 2021 letter to the Judicial Council, Judge Komar requested recusal from the further proceedings involving the Wood Class ordered by the Court of Appeal, but he further indicated that he was willing to continue presiding over other post-trial proceedings arising from the judgment.

The Watermaster strongly supports the retention of Judge Komar to preside over post-trial matters that do not involve the Wood Class. These matters are entirely separate from the issues on remand from the Wood Class appeal, which was severed by the Court of Appeal.

As previously mentioned, the knowledge and experience gained by Judge Komar over the many years that he has presided over this case is tremendously valuable for the efficient, consistent and equitable management of the Basin. The Watermaster accordingly urges the Judicial Council to retain Judge Komar as the judicial officer for all aspects of the AVGC except for the remanded proceedings directed by the Court of Appeal for the Wood Class.

Your attention to this matter is very much appreciated.

Very truly yours,

A handwritten signature in black ink, appearing to read 'C. Parton'.

Craig A. Parton  
for PRICE, POSTEL & PARMA LLP

cc: Counsel for all parties via GloTrans