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Agent for BARREL SPRINGS PROPERTIES,
8 LLC

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

11 Coordination Proceeding
Special Title (Rule 3.550 (fka Rule 1550(b))

Judicial Council Coordination Proceeding No.
4408

12 **ANTELOPE VALLEY GROUNDWATER**
13 **CASES**

Santa Clara Case No. 2005-1-CV-049053
Los Angeles Superior Court
Case Nos. BC364553 and BC391869

14 Including Consolidated Actions:

Assigned to the Hon. Jack Komar
Santa Clara Superior Court

15 REBECCA LEE WILLIS, on behalf of
herself and all others similarly situated,

16 Plaintiff,

17 v.

18 LOS ANGELES COUNTY
19 WATERWORKS DISTRICT NO. 40, et al.

20 Defendants.

NOTICE OF MOTION AND MOTION BY
THE PEOPLE CONCERN, INC. AS AGENT
FOR SMALL PUMPER CLASS MEMBER
BARREL SPRINGS PROPERTIES, LLC
FOR ACTION AND IMPLEMENTATION
OF WATERMASTER ENGINEER
RECOMMENDATION OF APPROVAL OF
BARREL SPRINGS PROPERTIES, LLC'S
SEPTEMBER 30, 2022 NEW PRODUCTION
APPLICATION

21 RICHARD A. WOOD, an individual, on
behalf of himself and all others similarly
22 situated,

23 Plaintiff,

24 v.

25 LOS ANGELES COUNTY
26 WATERWORKS DISTRICT NO. 40, et al.

27 Defendants.

*Filed concurrently with Declarations of Claire
Collins, David M. Larson, John Maceri,
Nathan A. Metcalf, Toby Waxman, and
Compendium of Evidence*

28 **AND RELATED ACTIONS**

1 TO THE HONORABLE COURT, THE ANTELOPE VALLEY WATERMASTER, ALL
2 PARTIES, AND THEIR COUNSEL OF RECORD:

3 PLEASE TAKE NOTICE THAT The People Concern, Inc., as agent for Small Pumper
4 Class Member Barrel Springs Properties, LLC, will and hereby does present Watermaster
5 Engineer's recommendations to this Court for action and implementation, pursuant to paragraph
6 18.6 of the final Judgment and Physical Solution. Pursuant to paragraph 20.3 of the Judgment and
7 Physical Solution, The People Concern moves this Court to order Antelope Valley Watermaster to
8 implement Watermaster Engineer's recommendation to approve of Barrel Springs Properties'
9 September 30, 2022 New Production Application for a new production well with a pumping
10 capacity of 150 gallons per minute for a total production of 120 acre feet per year, located on Los
11 Angeles County Assessor Parcel Nos. 3052-16-017 to service that parcel and Parcel Nos. 3052-16-
12 010, and 3052-026-050, which parcels are located north of Barrel Springs Road and east of 40th
13 Street East, south of the San Andreas Fault zone, the California Aqueduct, and within the
14 boundaries of the adjudicated Antelope Valley Ground Water Basin. The Judgment and Physical
15 Solution entered by this Court in Judicial Council Coordinated Proceeding No. 4408, styled
16 *Antelope Valley Groundwater Cases*, requires that Watermaster approve Barrel Springs Properties'
17 New Production Application, where, as here, the Watermaster Engineer has determined, in
18 accordance with paragraphs 18.5.13 and 18.5.13.2, the reasonableness of the new production and
19 made a finding that the new production will not cause material injury.

20 PLEASE TAKE FURTHER NOTICE THAT The People Concern seeks enforcement of
21 the Judgment and Physical Solution and approval of its New Production Application pursuant to
22 paragraph 18.5.13.4 – Court Review.

23 PLEASE TAKE FURTHER NOTICE THAT The People Concern moves for an Order
24 setting an evidentiary hearing on its Motion, pursuant to California Rules of Court rule 3.1306.

25 This Motion is based on this Notice; California Rules of Court rule 3.550; the December
26 23, 2015 Judgment with the attached Judgment and Physical Solution, paragraphs 6.5, 18.5.13,
27 18.5.13.2, 18.5.13.4, 18.6, and 20.3 and Appendix C—the Wood aka Small Pumper Class Action
28 Judgment and Settlement; Barrel Springs Properties, LLC's September 30, 2022 New Production

1 Application and all records and regulatory approvals relating thereto; Watermaster Engineer's
2 January 11, 2023 determination that the New Production Application was complete, reasonable,
3 and will not cause no material injury; the appended memorandum of points and authorities; the
4 concurrently-filed Declarations of Claire Collins, David M. Larson, PE, John Maceri, Nathan A.
5 Metcalf, and Toby Waxman; The People Concern's Compendium of Evidence submitted in
6 support of the Motion; any papers filed in reply; and such further argument and evidence as may
7 be presented at hearing on the Motion.

8 DATED: July 25, 2023

Respectfully submitted,

9 HANSON BRIDGETT LLP

10
11 By: 

12 CLARE H. COLLINS

13 ROSSLYN HUMMER

DAVID C. CASARRUBIAS

14 Attorneys for The People Concern, Inc. as Agent
15 for New Production Applicant Barrel Springs
16 Properties, LLC
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1 POINTS & AUTHORITIES

2 On December 23, 2015, the Hon. Jack Komar, Santa Clara Superior Court Judge, entered
3 Judgment in the *Antelope Valley Groundwater Cases*, which Judgment adopted the Judgment and
4 Physical Solution (the "Physical Solution")¹ [¶2 at p. 1], and adjudicated rights to use groundwater
5 in the Antelope Valley Groundwater Basin ("Basin") The Physical Solution applies to several
6 categories of pumpers, including small pumper class member Barrel Springs Properties, LLC
7 ("Barrel Springs").² (See Dec. 23, 2015 Judgment at Exh. A, App. C, Exh. A at p.4.) Because the
8 Watermaster Engineer has asserted that Barrel Springs is a member of the non-pumper class, The
9 People Concern makes this Motion in both the *Wood* and *Willis* actions. For convenience of the
10 Court, all Exhibits in support of this Motion are submitted by concurrently-filed Compendium of
11 Evidence.

12 **I. INTRODUCTION**

13 The Physical Solution governs water rights of applicants like The People Concern.³
14 (Physical Solution ¶¶3.5.22, 3.5.44.) Any class member wishing to pump groundwater must apply
15 to the Antelope Valley Watermaster ("Watermaster"). (Physical Solution ¶¶6.1, 18.4.9.) Barrel
16 Springs, acting by and through its agent The People Concern, Inc. ("The People Concern"),
17 submitted its New Production Application to Watermaster on September 30, 2022 (the
18 "Application"). The People Concern is a California non-profit public benefit corporation under
19 contract to purchase Barrel Springs' property which prosecuted Barrel Springs' New Production
20 Application as Barrel Springs' agent.

21 _____
22 ¹ The Judgment and Physical Solution is divided into the Judgment: Sections I and II, Paragraphs
23 1.1 through 6.5 and Physical Solution, Section III, Paragraphs 7.1 through 20.16. For ease of
reference, The People Concern will refer to it as the "Physical Solution."

24 ² Barrel Springs believes it is a member of the small pumper class (the "*Wood Class*") based on the
25 records and proceedings in the *Antelope Valley Groundwater Cases* and records relating to its
26 previous well. The Watermaster Engineer claimed Barrel Springs was a member of the non-
pumper class, the "*Willis Class*." The basis for the Watermaster Engineer's conclusion is not
entirely clear.

27 ³ For ease of reference, this Motion refers to The People Concern's New Production Application,
28 which The People Concern made and prosecuted on Barrel Springs Properties, LLC's behalf.

1 Even though the Watermaster Engineer found that all requirements for New Production
2 under the Physical Solution had been met and recommended approval, one Board member, Kathy
3 MacLaren voted "no," thereby denying The People Concern's Application. Ms. MacLaren refused
4 to explain her "no" vote. Indeed, Ms. MacLaren refused to give any reason for her rejection of The
5 People Concern's Application. This refusal means there is no basis in the record to conclude that
6 Board Member MacLaren performed her duties as Watermaster. Indeed, MacLaren's flat "no" is
7 the epitome of caprice. It must be set aside.

8 **II. PROCEDURE**

9 Pursuant to paragraph 6.5 of the Physical Solution, the Court

10 retains and reserves full jurisdiction, power and authority for the
11 purpose of enabling the Court, upon a motion of a Party or Parties
12 noticed in accordance with the notice procedures of Paragraph 20.6
13 hereof, to make such further or supplemental order or directions as
14 may be necessary or appropriate to interpret, enforce, administer or
carry out this Judgment and to provide for such other matters as are
not contemplated by this Judgment and which might occur in the
future, and which if not provided for would defeat the purpose of
this Judgment.

15 Pursuant to paragraph 20.3 of the Physical Solution, the Court has jurisdiction to review actions
16 taken by the Watermaster. Request for review of Watermaster action is by motion filed within 90
17 days of the Watermaster action. (Physical Solution ¶¶20.3.2, and 20.3.3.) Court review of any
18 decision of the Watermaster is *de novo*. (Physical Solution ¶20.3.4.)

19 **III. FACTS**

20 The Watermaster took up The People Concern's Application at a noticed meeting on April
21 26, 2023. (See paragraph 3 in concurrently-filed Declaration of Nathan A. Metcalf ["Metcalf
22 Decl."] and Exhibit 3 to concurrently-filed Compendium of Evidence ["Compendium Exh. ____"].)

23 **A. Watermaster Denied The People Concern's Application on April 26, 2023** 24 **Action.**

25 The April 26, 2023 Zoom meeting was not recorded. (Metcalf Decl. ¶2.) Mr. Metcalf read
26 prepared remarks into the record. (Metcalf Decl. ¶4; Compendium Exh. 4.) On June 28, 2023, the
27 Watermaster Board approved the April 26, 2023 Meeting Minutes and posted them to its website.
28 (Metcalf Decl. ¶7.) The entire description of The People Concern's Application is,

1 Barrel Springs (120 AF)

2 This was discussed with the council as a term of conditional
3 approval, and it was determined that the amount of water that the
4 well could potentially yield is not a concern regarding the material
5 injury to the surrounding area.

6 The Board heard from a representative for Barrel Springs. Barrel
7 spring is in process of acquiring land and have been issued a permit
8 from LA County Environmental Health to do a test well. This is the
9 reason for the application with the watermaster board. They will
10 move forward with the test well once the rights to the water are
11 approved. They agree with current conditions and have submitted a
12 request for the test well condition to be added as well.

13 The board heard from Nathan McGrath⁴ on behalf of their client in
14 advocacy to approve the application.

15 A motion was made by Director Yurosek, seconded by Director
16 Knudson, and Resolution

17 No. R-23-04 New Production Application for Barrel Springs was
18 not approved.

19 Roll Call Vote:

20 Kathy MacLaren, - No

21 Russ Bryden - Yes

22 Derek Yurosek -Yes

23 Angelica Martin - Yes

24 Matthew Knudson - Yes

25 Motion does not pass.

26 (Metcalf Decl. ¶7; Compendium Exh.3.) At the April 26, 2023 meeting, the Watermaster rejected
27 the Watermaster Engineer's findings of reasonableness and no material injury and denied The
28 People Concern's Application. (Metcalf Decl. ¶6.)

29 The Physical Solution requires the Watermaster to "consider and determine whether to
30 approve applications for New Production after consideration of the recommendation of the
31 Watermaster Engineer." (Physical Solution ¶18.4.9.) The Watermaster's decision must be made by
32 unanimous vote and all members must be present in order to make any decision requiring
33 unanimous consent. (Physical Solution ¶¶18.1.2.3; 18.1.2.4.) Because Ms. MacLaren voted "no,"
34 the Application was denied.

35 _____
36 ⁴ The Minutes contain an error: Nathan *Metcalf* presented on behalf of The People Concern.

1 **B. The Watermaster Engineer Determined That No Material Injury Would**
2 **Result From The People Concern's Proposed Production From the Aquifer.**

3 On January 11, 2023, Phyllis S. Stanin, P.G., C. Hg, of Todd Engineering, the Antelope
4 Valley Watermaster Engineer, submitted the Engineer's findings by letter to Rob Parris, Chair of
5 the Antelope Valley Watermaster. The People Concern's engineering consultant, David W.
6 Larson, P.E., of Red Brick Solution, LLC obtained a copy of Ms. Stanin's letter as part of the
7 Agenda Packet for the January 25, 2023 Advisory Committee Meeting. related to Barrel Springs'
8 Application to (Compendium Exh. 5.) Mr. Larson represents Barrel Springs and completed the
9 New Production Application on its behalf. (Larson Decl. ¶4.) Ms. Stanin's January 11, 2023 letter
10 report contained the following finding,

11 Because Barrel Springs Properties will be required to pay a
12 Replacement Water Assessment for production, there is no Material
13 Injury associated with groundwater storage and sustainable yield.
14 The new production is not within the historical or current areas of
15 inelastic land subsidence and no subsidence issues are expected in
16 this area. The proposed production will occur near the southeast
17 margin of the Basin along the San Andreas Fault Zone which is
18 likely a partial hydraulic barrier to groundwater flow.

19 (Compendium Exh. 5 at p. 17.)⁵ Ms. Stanin continued, writing that,

20 Due to the remote location of this project and potential
21 hydrogeologic disconnection, the risk for material injury appears to
22 be low, but given the uncertainty of the local complex
23 hydrogeology, future impacts to existing wells cannot be ruled out.

24 (Compendium Exh. 5 at p. 17.) Ms. Stanin concluded in a new (and final) paragraph that,

25 Todd Groundwater has determined that Barrel Springs Properties'
26 application for New Production is complete and is determined to
27 have negligible material injury based on the available data.
28 However, given the local hydrogeological uncertainty, Todd
 Groundwater recommends that the Watermaster require the
 applicant to conduct an aquifer test on the new well for an improved
 understanding of aquifer conditions; all well information, including
 lithological data, construction information, and test results, should
 be provided to the Watermaster. In addition to this request, the

29 ⁵ By treating Barrel Springs as a member of the non-pumper class ("*Willis Class*") rather than the
30 small pumper class ("*Wood Class*"), the Watermaster Engineer made it possible to extract
31 additional fees from and impose further unwarranted costs on The People Concern.

1 Applicant must also agree to pay Replacement Water Assessments
2 for all future production and comply with meter installation and
testing requirements.

3 (Compendium Exh. 5 at p. 17.)

4 **C. The People Concern's Application: Interactions With Watermaster Staff,**
5 **Watermaster Engineer Staff, and Advisory Committee Member.**

6 Before The People Concern submitted the Application as agent for Barrel Springs, it
7 retained a hydrogeology consultant, Geosyntec. (Compendium Exh. 12.) Geosyntec determined
8 that Barrel Springs was a member of the small pumper class, the so-called *Wood Class*, which The
9 People Concern's land use entitlements consultant confirmed. (Waxman Decl. ¶3.) Yet at some
10 point, the Watermaster Engineer started treating The People Concern as a member of the non-
11 pumper class, the so-called *Willis Class*. The record is not entirely clear as to when and how the
12 Watermaster Engineer came to this conclusion, but by the time the Watermaster Engineer finalized
13 its analysis on January 11, 2023, it had concluded The People Concern was a member of the *Willis*
14 *Class* and, in order to make the required "no material injury finding," determined that The People
15 Concern would have to pay a replacement water assessment. (Compendium Exh. 5.)

16 One member of the Advisory Committee, Brandon Calandri, took it upon himself to
17 explain in greater detail what he claimed had not been clearly articulated at the January 18, 2023
18 Advisory Committee Meeting to The People Concern's engineer David Larson, who had submitted
19 the Application. Mr. Calandri made a series of interlocking claims, that, taken together, meant The
20 People Concern would have to come up with approximately \$4.3 million⁶ to purchase water rights
21 in order to satisfy a supposed new, or impending, or future-but-retroactive 20-year water rights
22 requirement. (Larson Decl. ¶¶18, 21, 23.) Thereafter, another Watermaster staffer told Mr. Larson
23 that the Watermaster was going to be revising its rules and regulations to enforce this supposed
24 20-year water rights requirement and that the rules would be retroactive. (Larson Decl. ¶21.) But
25 there is no requirement to secure water rights for 20-years under consideration by Los Angeles

26
27 ⁶ This \$4.3 million figure was based on Mr. Larson's calculation using the mid-range of the costs
28 to purchase the water rights Mr. Calandri claimed were required. (Larson Decl. ¶18.b.)

1 County, or, apparently, the Watermaster. (Larson Decl. ¶23.) Mr. Larson attended the February
2 2023 Advisory Committee Meeting to see if the "concerns" about insufficient information that had
3 held up The People Concern's Application and another one for a 300-acre foot per year well by
4 another applicant remained concerns once The People Concern was not on the agenda. (Larson
5 Decl. ¶16.) The 300-acre foot well sailed through. (Larson Decl. ¶22.)

6 Other oddities abound, including the Watermaster Engineer trying to encourage The
7 People Concern to reduce its proposed pump rate (and volume) and slowly ratchet it up over time,
8 even as she acknowledged that her proposal would require The People Concern to apply *every*
9 *year* for a New Production. (Compendium Exh. 7.)

10 Following the April 26, 2023 meeting, The People Concern, along with its consultant and
11 counsel, met with Watermaster Board Members Kathy MacLaren and Rob Parris, Matthew
12 Knudson, and Watermaster counsel Craig A. Parton. (Concurrently-filed Declarations of Claire
13 Collins ["Collins Decl."], John Maceri ["Maceri Decl."], and Toby Waxman ["Waxman Decl."], at
14 paragraphs 3, 2, and 18, respectively.)

15 **IV. ARGUMENT**

16 The standard of review for any decision of the Watermaster is *de novo*. (Physical Solution
17 ¶20.3.4.). (*Accord Stewart Enterprises, Inc. v City of Oakland* (2016) 248 Cal.App.4th 410, 420-
18 021 [citing *Duncan v. Dept. of Personnel Admin.* (2000) 77 Cal.App.4th 1155, 1173-74].) The
19 Watermaster's decision "shall have not evidentiary weight" on The People Concern's Motion.
20 (Physical Solution ¶20.3.4.) Long-standing authority in California holds that *de novo* review of
21 agency action requires this Court to give "a strong presumption of ... correctness" to the findings
22 of the Watermaster Engineer. (*Drummey v. State Bd. of Funeral Directors* (1939) 13 Cal.2d 75,
23 85.) These findings do not support the Watermaster's denial of The People Concern's Application.
24 And without any reason proffered for Ms. MacLaren's "no" vote, there is no basis for this Court to
25 conclude—on any standard—that the Watermaster's Denial of the Application comported with the
26 requirements of the Physical Solution.

27 The Watermaster abused its discretion in denying Barrel Springs' Application and, because
28 it did not proceed "in the manner required by law, [its action] is not supported by the findings, or

1 the findings are not supported by the evidence." (*Stewart, supra*, 248 Cal.App.4th at 420 [quoting
2 administrative mandamus statute].) But *de novo* review does not apply "to all factual findings
3 underlying" the Watermaster's decision. (*Id.* at 421 [quoting *Board of Admin. v. Wilson* (1997) 52
4 Cal.App.4th 1109, 1120-30].)

5 If adjudicated water rights in the Basin are vested rights, the Court exercises its
6 independent judgment regarding the factual underpinnings of the Watermaster's decision. (*Fakuda*
7 *v. City of Los Angeles* (1999) 20 Cal.4th 805, 816 n. 8 [accord *Bixby v. Pierno* (1971) 4 Cal.3d
8 130, 143].) Whether the Watermaster's "decision substantially affects a fundamental vested right
9 must be decided on a case-by-case basis." (*Goat Hill Tavern v. Cit of Costa Mesa* (1992) 6
10 Cal.App.4th 1519, 1526.) And, if so, the Watermaster Engineer's findings are afforded a strong
11 presumption of correctness. (*Fakuda* at 817.)333333

12 If Barrel Springs' right to use groundwater in the Basin is not vested, the standard of
13 review for the facts undergirding the Watermaster's decision is substantial evidence. This more
14 deferential standard requires evaluation of the Watermaster Engineer's findings in light of the
15 entire record. (*The Termo Co. v. Luther* (2008) 169 Cal.App.4th 394, 405 [quoting *Fakuda, supra*,
16 20 Cal.4th at 810-11].) Even under the substantial evidence standard, the Watermaster's decision
17 cannot stand because there is no evidence to support Ms. MacLaren's "no" vote. When Ms.
18 MacLaren

19 (1 refused to give any reasons for her "no" vote; or
20 (2) identify or articulate her concerns; and
21 (3) claimed she knew more than The People Concern knew without identifying the
22 "more she knew,"
23 the only evidence in the record supports Barrel Springs' Application.

24 **A. The Physical Solution Governs The People Concern's New Production**
25 **Application.**

26 The Physical Solution governs applications for future production from the Basin. Barrel
27 Springs is a member of the small pumper class. (Dec. 23, 2015 Judgment, App. C, Exh. A,
28 p.4.) The People Concern's application for a new production is governed by the New Production

1 Application Procedure. (Physical Solution ¶18.5.13.) The Watermaster Engineer "shall determine
2 whether" The People Concern, "established the reasonableness of the New Production in the
3 context of all other uses of Groundwater in the Basin at the time of the application[.]" (Physical
4 Solution ¶18.5.13.) The Watermaster Engineer made that determination regarding The People
5 Concern's Application and recommended approval of the Application on January 11, 2023, on
6 condition that The People Concern (1) "pay Replacement Water Assessments for all future
7 production" and (2) "comply with meter installation and testing requirements." (Larson Decl. ¶14,
8 Compendium Exh. 5.)

9 **B. The Watermaster Engineer Found the Proposed New Well Reasonable.**

10 Ms. Stanin's finding that the Application was complete and that, upon payment of the
11 Replacement Water Assessment, there would be no Material Injury to the aquifer is supported by
12 substantial evidence in the record. Accordingly, Ms. Stanin found The People Concern's
13 Application reasonable. Ms. Stanin's statement that the San Andreas Fault Zone likely functions as
14 a partial hydraulic barrier is borne out by the record and Todd Engineering's findings in
15 connection with other matters and applications. (Compendium Exh. 5.) This finding too supports
16 the conclusion that the proposed new production is reasonable as the partial hydraulic barrier of
17 the San Andreas Fault Zone makes any potential impact to other wells less likely. (Compendium
18 Exh. 5.)

19 1. *The Watermaster Engineer's Caveat That Future Impacts to Existing Wells*
20 *Cannot Be Ruled Out Is Factual But Irrelevant.*

21 Ms. Stanin's conclusion that "future impacts to existing wells cannot be ruled out" is
22 *always true, for every proposed new well.* This statement is not specific to The People Concern's
23 Application. The record shows that the nearest adjacent well is approximately a mile and a half
24 from The People Concern's proposed well location. (Compendium Exh 12.) The People Concern's
25 proposed well will pump water at a rate of 28 gallons per minute (gpm). In any event, Ms. Stanin's
26 observations about potential future impacts to existing wells did not factor in her conclusion that
27 the proposed production was reasonable and that no material injury to the aquifer would result.

28 ///

1 2. *The Watermaster Engineer's Concerns About Hydrogeological Uncertainty*
2 *Are Another General Statement of Fact Irrelevant to the Application.*

3 The hydrogeology of the entire Basin is uncertain. Indeed, all of California's hydrogeology
4 is uncertain because underground conditions can only be identified at discrete locations—wells.
5 The Physical Solution does not permit the Watermaster Engineer to raise irrelevant but true
6 general information about hydrogeology everywhere as cover to require The People Concern to
7 dig a well before the Watermaster approves it. Yet this is what the Watermaster Engineer's
8 caveating language suggests.

9 In any event, the Watermaster Engineer's musings about uncertainty have no bearing on
10 her finding that the Application is reasonable and no material injury to the aquifer will result from
11 the proposed new well. The Watermaster Engineer's suggested that The People Concern drill first
12 to obtain approval to drill is just silly.

13 **C. The Watermaster Has Violated Its Obligation to Carry Out Its Duties Without**
14 **Favor or Prejudice to any Party of Purpose of Use.**

15 The Physical Solution requires Watermaster, its Board members, and Ms. MacLaren to
16 perform and carry out their duties, powers, and responsibilities impartially, "without favor or
17 prejudice to any ... Party, or Purpose of Use." (Physical Solution ¶18.2.) Ms. MacLaren "failed to
18 act in the manner consistent with the provisions set forth in this [Physical Solution]" when she
19 overruled the Watermaster Engineer's recommendation. (Physical Solution ¶¶18.3, 18.4.9.) Her
20 failure to articulate any reason for her "no" vote, coupled with irrelevant inquiries—after the
21 fact—into the proposed use of the water and the types of people who would be using it hints at
22 prejudice. (Waxman Decl. ¶19.) At bottom, the unexplained "no" means that the record of the
23 Watermaster's action contains nothing contrary to the Watermaster Engineer's finding The People
24 Concern's proposed new production is reasonable. (Physical Solution ¶18.5.13.2.) Ms. MacLaren's
25 hinted at depths of unspoken knowledge, unknown to The People Concern do not add to this
26 incomplete factual record (Waxman Decl. ¶22; Maceri Decl. ¶13.) In order to find reasonableness,
27 the Engineer first must find no material injury to the Basin would result from the proposed new
28 production. The Watermaster Engineer made this finding, as well as a reasonableness finding.

1 **V. CONCLUSION**

2 The People Concern's Application should have been approved. The Watermaster Engineer
3 made the necessary findings supporting approval. The Watermaster's denial of the Application was
4 based on no reason at all and is, by definition, arbitrary and capricious. Accordingly, The People
5 Concern requests this Court approve The People Concern New Production Application and enter
6 an Order accordingly.

7
8 DATED: July 25, 2023

Respectfully submitted,

9 HANSON BRIDGETT LLP

10
11 By: 

12 _____
13 CLAIRE H. COLLINS
14 ROSSLYN HUMMER
15 DAVID C. CASARRUBIAS
16 Attorneys for BARREL SPRINGS PROPERTIES,
17 LLC
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STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

On July 25, 2023, I served true copies of the following document(s) described as **NOTICE OF MOTION AND MOTION BY THE PEOPLE CONCERN, INC. AS AGENT FOR SMALL PUMPER CLASS MEMBER BARREL SPRINGS PROPERTIES, LLC FOR ACTION AND IMPLEMENTATION OF WATERMASTER ENGINEER RECOMMENDATION OF APPROVAL OF BARREL SPRINGS PROPERTIES, LLC'S SEPTEMBER 30, 2022 NEW PRODUCTION APPLICATION** on the interested parties in this action as follows:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.


Linda M. DeRosa