

Antelope Valley Watermaster Board
Minutes of the Special Meeting
Wednesday, December 6, 2017 – 10:00 a.m.
Location: Antelope Valley – East Kern Water Agency
6500 West Avenue N, Palmdale, CA 93551

1) Meeting was called to order at 10:10 a.m.

2) Roll Call

Robert Parris, AVEK Water Agency – Chairperson

Dennis Atkinson, Landowners – Vice Chairperson

Adam Ariki, Los Angeles County Waterworks District 40

John Calandri, Landowners

Leo Thibault, Public Water Suppliers

Phyllis Stanin, Todd Groundwater – Watermaster Engineer

Craig Parton, Price Postel & Parma LLP – General Counsel

3) **Adoption of Agenda**

A motion was made by Director **Calandri**, seconded by Director **Thibault** and unanimously carried to adopt the agenda.

4) **Public comments for non-agenda items.**

No public comment was heard from the floor

5) **Consent Agenda**

A. Payment of the bills through November 30, 2017

B. Financial report ending October 31, 2017

C. Accounts Receivable Aging Summary

A motion was made by Director **Ariki**, seconded by Director **Calandri** and unanimously carried to approve the Consent Agenda.

6) **Advisory Committee Report** – No report

7) **Action Items**

A. Discussion and possible action on publishing for public review and comment the proposed process and procedures for levying administrative assessments for 30 days and scheduling the public hearing to consider approval of same

A motion was made by Director **Ariki**, seconded by Director **Atkinson** and unanimously carried to approve the proposed process and procedures for levying administrative assessments and to set the hearing date for January 24, 2018.

B. Discussion and possible action on Resolution No. R-17-08 approving filing by the Watermaster of a motion with the Superior Court of Los Angeles seeking interpretive guidance as to Pre-Rampdown Production Rights under the Judgment and Physical Solution.

A motion was made by Director **Atkinson**, seconded by Director **Ariki** to approve Resolution No. R-17-08 filing a motion with the Superior Court of Los Angeles seeking interpretive guidance as to Pre-Rampdown Production Rights under the Judgment and Physical Solution.

Ayes: Atkinson, Ariki, Calandri, Parris

Nay: Thibault

Motion Failed

- C. Discussion and possible action on Resolution No. R-17-09 approving filing by the Watermaster of a motion with the Superior Court of Los Angeles seeking interpretive guidance as to Carry Over Water Rights under the Judgment and Physical Solution.

The Board and those present discussed both Resolutions R-17-08 and R-17-09; it was the consensus of the Board that Mr. Parton would file a motion for interpretive guidance on Rampdown Production Rights and Carry Over Water Rights under the Judgment and Physical Solution. Mr. Parton will set forth positions from both sides not giving his opinion, however, if the Judge asks Mr. Parton his opinion the Board approves that he gives his opinion as stated in his memorandum to the Board.

A motion was made by Director **Ariki**, seconded by Director **Atkinson** and unanimously carried directing general counsel to file a motion with the court concerning pre-rampdown production and carryover setting forth positions of both sides but not giving his opinion. However, if asked by the court and subject to any objections that might be raised, counsel will provide his opinion

- D. Discussion and possible action on well approval process and applications for new well applications by parties within the Adjudicated Boundaries, but not a party to the Judgment.

The Board requested that general counsel review the proposed process and applications and bring back to the Board at the next meeting.

- E. Discussion on Distribution of Unused Federal Production Rights.

Phyllis Stanin reviewed information on the distribution of the unused Federal Reserved Production Rights; inquiries include the application of 2015 Federal Reserve Right being carried over to 2016 and if non-overlying producers can carry over their portion of the unused Federal Reserved Production Rights to future years.

1:30 p.m Director Thibault excused himself from the meeting, alternate Kathy MacLaren took his him.

- F. Discussion on Imported Water Return Flows for 2016 and 2017 – Appendix H
Noted

- G. Discussion and possible action on proposal to perform 2016 and 2017 Financial Audit Services.
A proposal was received from Burkey Cox Evans & Bradford Accounting Corporation to perform the 2016 and 2017.

A motion was made by Director **Calandri**, seconded by Director **MacLaren** and unanimously carried to approve the proposal from Burkey Cox Evans & Bradford Accounting Corporation for the 2016 and 2017 annual audits in the not-to-exceed amount of \$7,000.

- H. Presentation and discussion on Replacement Water Assessments
This item was tabled

8) Engineer's Report

9) Attorney's Report

Mr. Parton reported that Judge Komar granted the motion to approve the metering requirements and to extend the time for the Parties to install meters on their wells to March 1, 2018.

10) Staff Report's

Staff is preparing the draft budget and assessments to be presented at the next meeting.

11) Adjournment

Meeting adjourned at 2:00 p.m.

Next meeting date: January 28, 2018, at 10:00 a.m.

APPROVED BY THE BOARD OF DIRECTORS:



Robert Parris – Chairman

Date

 2/28/18

Patricia Rose – Interim Secretary