

Antelope Valley Watermaster Board
Minutes of the Regular Meeting
Wednesday, January 24, 2018 – 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 10:04 a.m.

2) **Roll Call**

Robert Parris, AVEK Water Agency – Chairperson

Dennis Atkinson, Landowners – Vice Chairperson

Richard Gomez, Alternate - 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 **Thibault**, seconded by Director **Atkinson** 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 January 17, 2018

B. Approval of the minutes of the special meeting of October 5, 2017, the regular meeting of October 25, 2017 and the special meeting of November 15, 2017.

C. Correspondences

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

6) **Advisory Committee Report**

7) **Action Items**

A. Public Hearing to consider the proposed process and procedures for levying Administrative Assessments.

Chairperson **Parris** opened the public hearing at 10:05 a.m.

Phyllis Stanin reviewed the proposed process and procedures; Administrative Assessments are charged by the Watermaster to cover costs to be incurred by the Watermaster in administering the Judgment. Administrative Assessments are levied on an annual basis against each acre-foot of (1) party's Production Right, (2) party's right to produce Imported Water Return Flows, (3) party's production subject to Replacement Water Assessment and (4) party's production in excess of the sum of amounts in (1) through (3) above during the Rampdown period.

Assessments on Small Pumper Class Members has not been finalized.

Chairperson **Parris** open the floor for comments from the public and there were no comments.

Chairperson **Parris** closed the hearing at 10:08 a.m.

B. Consideration and possible action approving Resolution No. R-18-01 being a Resolution approving the process and procedures for levying Administrative Assessments.

A motion was made by Director **Calandri**, seconded by Director **Thibault** and unanimously carried to adopt Resolution No. R-18-01 being a Resolution approving the process and

procedures for levying Administrative Assessments and directed Mr. Parton to file the resolution with the court.

C. Public Hearing to consider proposed CY 2018 Administrative Budget and Administrative Assessments.

Chairperson **Parris** opened the public hearing at 10:09 a.m.

Matthew Knudson reviewed the proposed 2018 budget. The 2018 budget is based on the Administrative Assessment of \$5/ac. ft. on the Production Right and \$5/ac. ft. on the actual production above the Production Right reported for 2017. Expenses included; engineering, legal, USGS, administrative support and administrative stabilization fund.

Projected Revenues \$688,774

Projected Expenses \$682,708

Chairperson **Parris** opened the floor for comments from the public.

Dennis LaMoreaux stated that the Advisory Committee memo to Mr. Knudson states that the Advisory Committee agrees with the assessment amounts and they recommend that the chain of command between the engineer, attorney and public be tightened up.

Derek Yurosek – commented on the cost being occurred by the attorney and that we need to be fiscally responsible.

Chairperson **Parris** closed the hearing at 10:53 a.m.

D. Consideration and possible action on Resolution No. R-18-02 being a Resolution of the Watermaster approving the CY 2018 Administrative Budget and Assessments.

A motion was by Director **Atkinson**, seconded by Director **Calandri** and unanimously carried to adopt Resolution No. R-18-02 being a Resolution of the Watermaster approving the CY 2018 Administrative Budget and Assessments as presented.

E. Discussion relating to approving at special meeting on December 6, 2017, of the 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.

F. Discussion relating to approving at special meeting on December 6, 2017, of the 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.

Items E & F

Craig Parton reported that on January 2, 2018, he filed a motion with the court seeking interpretive guidance on Pre-Rampdown Production Rights and Carry Over Water Rights and directed by the Board at the December 6, 2017, meeting. The hearing date has been set for January 31, 2018.

G. Discussion and possible action to approve Resolution No. R-18-03 the January 17, 2018, memorandum of Watermaster General Counsel relating to well approval applications for replacement wells or new production wells.

Craig Parton reviewed the memorandum and the three categories being addressed by the well approval application; unknown small pumpers, applicants not identified in the judgment drilling wells for new production on parcels with no production history and shared wells.

Phyllis Stanin reviewed the well approval applications, context from the judgment and criteria for material injury. The Board agreed that the wording in the resolution should reflect that shared well parties will both have small pumper class rights when one party splits off an existing well.

