

1 NOSSAMAN LLP  
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4 ALFRED E. SMITH, State Bar No. 186257  
5 asmith@nossaman.com  
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7 Los Angeles, CA 90017  
8 Telephone: (213) 612-7800  
9 Facsimile: (213) 612-7801

10 Attorneys for Main San Gabriel Basin Watermaster

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

UPPER SAN GABRIEL VALLEY  
MUNICIPAL WATER DISTRICT,

Plaintiff,

vs.

CITY OF ALHAMBRA, et al.

Defendant.

Case No: C 924 128

Assigned for all purposes to:  
Honorable Maureen Duffy-Lewis, Dept. 38

**DECLARATION OF ALFRED E. SMITH IN  
SUPPORT OF EX PARTE APPLICATION RE:  
PETITION OF MAIN SAN GABRIEL BASIN  
WATERMASTER FOR APPOINTMENT OF  
WATERMASTER MEMBERS FOR  
CALENDAR YEAR 2022 TERM**

**Hearing**

**Date: December 23, 2021**

**Time: 8:30 a.m.**

**Place: Dept. 38**

**DECLARATION OF ALFRED E. SMITH**

I, Alfred E. Smith, declare:

1. I am an attorney at law duly admitted to practice in the State of California. I am a partner at the law firm Nossaman LLP, counsel of record for Main San Gabriel Basin Watermaster (“Watermaster”). Nossaman has represented the court-appointed Watermaster for over 30 years.

2. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently thereto under oath. I make this declaration in support of Watermaster’s ex parte application for an order appointing Watermaster members for Calendar Year 2022 term (“Application”).

3. The Watermaster is the court-appointed entity responsible for managing water resources for 1.5 million people in the vast San Gabriel Groundwater Basin, which covers an area of approximately 167 square miles. The fresh water storage capacity of the Basin is estimated to be about 8.6 million acre-feet. The Watermaster was appointed by the court following a multi-party water rights litigation, where the Court entered a Judgment and retained continuing jurisdiction.

4. Part of the court-appointed Watermaster’s responsibilities under the Judgment includes filing a petition each year to the Court confirming the members nominated by the parties to serve on the Watermaster board. Pursuant to section 29(d) of the Judgment herein, Watermaster nominations may be promptly certified by the Court upon 10 calendar days’ notice.

5. I arranged for the filing and service of the Petition on November 30, 2021 (the “Petition”). Seventeen days later, on December 17, 2021, I attended the Court hearing on the Petition. During this court hearing, Judge Duffy-Lewis granted the Petition, noted there is no opposition to the Petition, and directed Watermaster counsel to give notice of the Court’s Order.

6. As my office prepared to provide notice of the Court’s ruling, we noticed the

1 Court issued a minute order stating: “The Court, upon further reflection, notes that notice was  
2 not adequate for the motion. The Court will continue the motion to allow the moving party to  
3 give proper notice.” (Exhibit “B”).

4 7. Pursuant to section 29(d) of the attached Judgment in this action, Watermaster  
5 nominations may be promptly certified by the Court upon 10 calendar days’ notice. (Exhibit  
6 “C”). During the hearing, Judge Duffy-Lewis stated she was currently in trial and the Court  
7 Clerk who regularly handles Watermaster motions suffered an injury and is on disability leave.

8 8. Nossaman has represented the court-appointed Watermaster for over 30 years  
9 and believes that under the circumstances, Department 38 simply overlooked the shortened  
10 notice requirement under the Judgment.

11 9. If the Watermaster board is not confirmed by the Court before year-end,  
12 Watermaster will be powerless to take action, thereby hamstringing water management for 1.5  
13 million people during a critical drought period.

14 10. Attached hereto as Exhibit “A” is a true and correct copy of Watermaster’s  
15 Petition to confirm Watermaster board members for 2022 that was served and filed in  
16 Department 38 on November 30, 2021.

17 11. Attached hereto as Exhibit “B” is a true and correct copy of Department 38’s  
18 minute order continuing the hearing on this matter until March 11, 2022.

19 12. Attached hereto as Exhibit “C” is a true and correct copy of excerpts from the  
20 Judgment in this action expressly authorizing the Petition to be served on 10 calendar days’  
21 notice. Section 29 of the Judgment states: “Watermaster nominations may be promptly  
22 certified by the court upon 10 calendar days’ notice thereof, plus the time prescribed by statute  
23 for service by mail, e-mail or other electronic means.”

24 13. At approximately 9:30 a.m. on December 22, 2021, this ex parte application was  
25 filed and served on all parties to this action. Pursuant to California Rules of Court 3.1202(a),  
26 the attached service list states the name, address, e-mail address, and telephone number of  
27 all parties and attorneys to this action. There was no opposition to Watermaster’s Petition filed  
28

1 in Department 38 to confirm the Watermaster board members for 2022.

2 14. No prior ex parte applications of the same character or for the same relief have  
3 been refused in whole or in part to my knowledge.

4 I declare under penalty of perjury of the laws of the State of California that the foregoing  
5 is true and correct. Executed on December 22, 2021.

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10 Alfred E. Smith  
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# **EXHIBIT A**

**EXEMPT FROM FILING FEES  
GOVERNMENT CODE § 6103**

1 NOSSAMAN LLP  
FREDERIC A. FUDACZ, State Bar No. 050546  
2 ffudacz@nossaman.com  
ALFRED E. SMITH, State Bar No. 186257  
3 asmith@nossaman.com  
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4 Los Angeles, CA 90017  
Telephone: (213) 612-7800  
5 Facsimile: (213) 612-7801

6 Attorneys for Main San Gabriel Basin Watermaster

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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 FOR THE COUNTY OF LOS ANGELES  
11

12 UPPER SAN GABRIEL VALLEY  
MUNICIPAL WATER DISTRICT,

13 Plaintiff,

14 vs.

15 CITY OF ALHAMBRA, et al.

16 Defendant.  
17

Case No: C 924 128

Assigned for all purposes to:  
Honorable Maureen Duffy-Lewis, Dept. 38

**PETITION FOR APPOINTMENT OF  
WATERMASTER MEMBERS FOR  
CALENDAR YEAR 2022 TERM**

**Hearing**

**Date: December 17, 2021**  
**Time: 9:30 a.m.**  
**Place: Dept. 38**  
**RES ID: 648277386976**

1 The Main San Gabriel Basin Watermaster (“Watermaster”) respectfully petitions this  
2 Court for Appointment of Watermaster members for Calendar Year 2022, as follows:

3 1. Pursuant to Section 29 (b) of the Amended Judgment herein, a meeting of all  
4 parties herein was held on November 3, 2021, wherein six producer representatives were  
5 elected as producer representative nominees to Watermaster for the calendar year 2022,  
6 namely, DAVID DE JESUS, GARY HOFER, DAVID MICHALKO, LYNDA NORIEGA,  
7 ANTENEH TESFAYE and MARTIN ZVIRBULIS.

8 Attached hereto, marked **Exhibit "A"** and by this reference incorporated herein and  
9 made a part hereof as though fully set forth herein, is the Certificate of Anthony Zampielo,  
10 Executive Officer of Main San Gabriel Basin Watermaster, certifying said elected producer  
11 representative nominees.

12 2. Pursuant to Section 29(c) of the Amended Judgment herein, on October 27,  
13 2021, the Board of Directors for the Upper San Gabriel Valley Municipal Water District  
14 (“Upper District”) selected two of its members, namely, CHARLES M. TREVINO and  
15 ANTHONY R. FELLOW, as public representative nominees to Watermaster for the calendar  
16 year 2022.

17 Attached hereto, marked **Exhibit “B”** and by this reference incorporated herein and  
18 made a part hereof as though fully set forth herein, is the Certification of Thomas A. Love,  
19 Upper District General Manager, certifying said public representative member nominations.

20 3. Pursuant to Section 29(c) of said Judgment, the Board of Directors of the San  
21 Gabriel Valley Municipal Water District (“SGVMWD”) has nominated existing Watermaster  
22 board member, STEVEN T. PLACIDO, DDS, as a public representative nominee to  
23 Watermaster for the calendar year 2022. The certification vote for STEVEN T. PLACIDO is  
24 scheduled for the SGVWD board meeting on December 8, 2021. Watermaster will lodge  
25 with this Court at or before the time of hearing on this matter the SGVWD Resolution  
26 certifying said public representative member nomination.

27 Pursuant to section 29(d) of the Amended Judgment herein, Watermaster  
28 nominations may be promptly certified by the Court upon 10 calendar days’ notice thereof.

1 WHEREFORE, WATERMASTER PRAYS:

2 1. For an Order of the Court confirming the appointments of DAVID DE JESUS,  
3 GARY HOFER, DAVID MICHALKO, LYNDA NORIEGA, ANTENEH TESFAYE and MARTIN  
4 ZVIRBULIS as producer representatives to Watermaster;

5 2. For an Order of the Court confirming the appointment of CHARLES M.  
6 TREVINO and ANTHONY R. FELLOW as Upper District's public representatives to  
7 Watermaster;

8 3. For an Order of the Court confirming the appointment of STEVEN T.  
9 PLACIDO, DDS as SGVMWD's public representative to Watermaster; and,

10 4. For such other and further orders as the Court deems just and proper.  
11

12 DATED: November 30, 2021

NOSSAMAN LLP  
Frederic A. Fudacz  
Alfred E. Smith, II

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15 By: \_\_\_\_\_  
16 Alfred E. Smith  
17 Attorneys for Main San Gabriel Basin Watermaster  
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# **EXHIBIT A**

1 STATE OF CALIFORNIA  
2 COUNTY OF LOS ANGELES  
3 MAIN SAN GABRIEL BASIN WATERMASTER  
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SS

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6 I, ANTHONY ZAMPIELLO, Executive Officer of the Main San Gabriel Basin  
7 Watermaster, do hereby certify that at the annual meeting of defendants in Los Angeles  
8 Superior Civil Action No. 924128, entitled *Upper San Gabriel Valley Municipal Water*  
9 *District vs. City of Alhambra, et al.*, held November 3, 2021, in accordance with  
10 Judgment therein, the following persons were elected producer representative  
11 nominees of Watermaster for the calendar year 2022.  
12

13 David DeJesus

Lynda Noriega

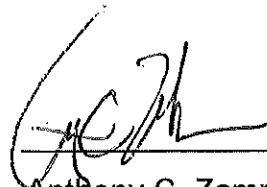
14 Garry Hofer

Anteneh Tesfaye

15 David Michalko

Martin Zvirbulis  
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18 Dated: November 3, 2021  
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21 Anthony C. Zampielo  
22 Executive Officer  
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# **EXHIBIT B**

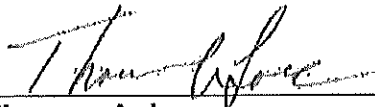
1 STATE OF CALIFORNIA )  
2 COUNTY OF LOS ANGELES )  
3 UPPER SAN GABRIEL VALLEY )  
4 MUNICIPAL WATER DISTRICT )

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I, Thomas A. Love, General Manager of Upper San Gabriel Valley Municipal Water District, do hereby certify that at a regular meeting of the Board of Directors of said District held via teleconference, pursuant to Executive Order N-29-20 issued by Governor Newsom in response to the COVID-19 pandemic, on October 27, 2021, the following action was taken:

"Director Fellow nominated Director Fellow and Treasurer Treviño, to serve as the Upper District's representatives to the Main San Gabriel Basin Watermaster for Calendar Year 2022. On motion by Vice President Santana, seconded by Director Fellow, the motion was approved by a roll call vote.

This action was taken in accordance with provisions of the Judgment in Los Angeles Superior Court Case #924128, "Upper San Gabriel Valley Municipal Water District, plaintiff, vs. City of Alhambra, et al, defendants."

  
\_\_\_\_\_  
Thomas A. Love  
General Manager

Dated this 28<sup>th</sup> day of  
October, 2021, at  
Monrovia, California

  
(SEAL)



## Make a Reservation

### UPPER SAN GABRIEL VALLEY MUNICIPAL WATER DISTRICT vs CITY OF ALHAMBRA

Case Number: C924128 Case Type: Civil Unlimited Category: Other Complaint (non-tort/non-complex)

Date Filed: 1972-01-03 Location: Stanley Mosk Courthouse - Department 38

#### Reservation

Case Name:

UPPER SAN GABRIEL VALLEY MUNICIPAL WATER DISTRICT vs CITY OF ALHAMBRA

Case Number:

C924128

Type:

Motion re: (Petition for Appointment of 2022 Watermaster Board Members)

Status:

RESERVED

Filing Party:

Main San Gabriel Basin Watermaster (Real Party in Interest)

Location:

Stanley Mosk Courthouse - Department 38

Date/Time:

12/17/2021 9:30 AM

Number of Motions:

1

Reservation ID:

648277386976

Confirmation Code:

CR-BOKHL77PH8W7ZBNVM

#### Fees

Description	Fee	Qty	Amount
Motion re: (name extension) *** Fees Exempted by Fee Waiver ***	60.00	1	0.00
TOTAL			\$0.00

#### Payment

Amount:

\$0.00

Type:

FEE\_WAIVER

Account Number:

n/a

Authorization:

n/a

Print Receipt

[Reserve Another Hearing](#)

1 NOSSAMAN LLP  
FREDERIC A. FUDACZ (SBN 50546)  
2 ffudacz@nossaman.com  
ALFRED E. SMITH, II (SBN 186257)  
3 asmith@nossaman.com  
777 S. Figueroa Street, 34th Floor  
4 Los Angeles, CA 90017  
Telephone: 213.612.7800  
5 Facsimile: 213.612.7801

**EXEMPT FROM FILING FEES  
GOVERNMENT CODE § 6103**

6 Attorneys for Main San Gabriel Basin Watermaster

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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 FOR THE COUNTY OF LOS ANGELES

11

12 UPPER SAN GABRIEL VALLEY  
MUNICIPAL WATER DISTRICT,

13 Plaintiff,

14

15 vs.

16

CITY OF ALHAMBRA,

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Defendant.

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Case No: C 924 128

Assigned for all purposes to:  
Honorable Maureen Duffy-Lewis  
Dept. 38

**PROOF OF SERVICE**

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**PROOF OF SERVICE BY E-MAIL**

The undersigned declares:

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and am not a party to the within action; my business address is Nossaman LLP, 777 S. Figueroa Street, 34<sup>th</sup> Floor, Los Angeles, California 90017.

On November 30, 2021, I served the document(s) entitled as follows:

- 1. **NOTICE OF HEARING ON PETITION OF WATERMASTER FOR APPOINTMENT OF WATERMASTER MEMBERS FOR CALENDAR YEAR 2022 TERM;**
- 2. **PETITION FOR APPOINTMENT OF WATERMASTER MEMBERS FOR CALENDAR YEAR 2022 TERM;**
- 3. **[PROPOSED] ORDER ON PETITION OF WATERMASTER FOR APPOINTMENT OF WATERMASTER MEMBERS FOR CALENDAR YEAR 2022 TERM; AND**
- 4. **NOTICE OF AVAILABILITY**

on parties to the within action by transmitting a true copy thereof as set forth in the **ATTACHED SERVICE LIST** as follows:

(By e-Mail) **(As indicated on the attached e-Mail Service List)** On the same date, by emailing true and correct copies of said Document(s) to the persons at the electronic notification address(es) shown on the accompanying service list. The Document(s) was/were served electronically and the transmission was reported as complete and without error.

(STATE) Executed on November 30, 2021. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



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Marlene Wiman

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**PROOF OF SERVICE BY MAIL**

The undersigned declares:

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and am not a party to the within action; my business address is Nossaman LLP, 777 S. Figueroa Street, 34<sup>th</sup> Floor, Los Angeles, California 90017.

On November 30, 2021, I served the document(s) entitled as follows:

1. **NOTICE OF HEARING ON PETITION OF WATERMASTER FOR APPOINTMENT OF WATERMASTER MEMBERS FOR CALENDAR YEAR 2022 TERM;**
2. **PETITION FOR APPOINTMENT OF WATERMASTER MEMBERS FOR CALENDAR YEAR 2022 TERM;**
3. **[PROPOSED] ORDER ON PETITION OF WATERMASTER FOR APPOINTMENT OF WATERMASTER MEMBERS FOR CALENDAR YEAR 2022 TERM; AND**
4. **NOTICE OF AVAILABILITY**

on parties to the within action by transmitting a true copy thereof as set forth in the **ATTACHED SERVICE LIST** as follows:

(By U.S. Mail) **(As indicated on the attached Mail Service List.)** On the same date, at my said place of business, said Document(s) was sealed and placed for collection and mailing following the usual business practice of my said employer. I am readily familiar with my said employer's business practice for collection and processing of correspondence for mailing with the United States Postal Service, and, pursuant to that practice, the correspondence would be deposited with the United States Postal Service, with postage thereon fully prepaid, on the same date at Los Angeles, California.

(By U.S. Mail Notification) **(As indicated on the attached Mail Service List.)** On the same date, a **Notice of Availability for Review of said Document(s)** at [www.watermaster.org](http://www.watermaster.org) was sealed and placed for collection and mailing following the usual business practice of my said employer. I am readily familiar with my said employer's business practice for collection and processing of correspondence for mailing with the United States Postal Service, and, pursuant to that practice, the correspondence would be deposited with the United States Postal Service, with postage thereon fully prepaid, on the same date at Los Angeles, California. On the same date, I personally inspected the website at [www.watermaster.org](http://www.watermaster.org) and said Document(s) was/were posted thereon and available for review.

(STATE) Executed on November 30, 2021. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

  
\_\_\_\_\_  
Tony Lewis



1 **SERVICE LIST**  
2 **(via U.S. Mail)**

3 *Upper San Gabriel Valley v. City of Alhambra*  
4 LASC Case No. C 924128

4 **The following parties were served by mail in this action:**

5 <u>PARTY NAME</u>	<u>DESIGNEE NAME &amp; ADDRESS</u>
6 HEMLOCK MUTUAL WATER CO.	ATTN: BLANCA E. BECERRA 11828 HEMLOCK STREET 7 EL MONTE, CA 91732
8 MARY KAY DAWES	MARY KAY PARTRIDGE 4311 LITTLE FAIRFIELD STREET 9 EUREKA, CA 95503
10 THE KATHRYN W. BAKER TRUST	KATHRYN W. BAKER 3890 NOBEL DR., # 1405 11 SAN DIEGO, CA 92122
12 ANDREW J. CREVOLIN 4207 CROMWELL AVENUE 13 LOS ANGELES, CA 90027-1355	CHEVRON USA 6001 BOLLINGER CANYON ROAD, T-3140 SAN RAMON, CA 94583
14 MOON VALLEY NURSEY OF CALIFORNIA 19820 N. 7 <sup>TH</sup> STREET #260 15 PHOENIX, AZ 85024	

16 **The following parties were mailed a Notice of Availability for reviewing**  
17 **Watermaster documents at [www.watermaster.org](http://www.watermaster.org):**

18 <u>PARTY NAME</u>	<u>DESIGNEE NAME &amp; ADDRESS</u>
19 CAROLYN HEINRICH	CAROLYN HEINRICH P. O. BOX 67127 20 SCOTTS VALLEY, CA 95067
21 DAVID LOUCKS	DAVID LOUCKS 964 DURFEE AVENUE 22 SOUTH EL MONTE, CA 91733
23 ERMA M. WILMOTT	ERMA M. WILMOTT 10044 E. KRATT LANE WHITTIER, CA 90601
24 FRANCES or JAMIE MARTINEZ	FRANCES or JAMIE MARTINEZ 876 NORTH DURFEE ROAD 25 EL MONTE, CA 91733
26 JEFFREY B. KIRKLEN	JEFFREY B. KIRKLEN 3762 MOUNTAIN VIEW ROAD 27 BULLHEAD CITY, AZ 86442

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NICK TOMOVICH & SONS

NICK TOMOVICH  
9611 BEVERLY BOULEVARD  
PICO RIVERA, CA 90660-2136

**e-MAIL SERVICE LIST**  
*Upper San Gabriel Valley v. City of Alhambra*  
LASC Case No. C 924128

**The following parties were served via e-mail in this action:**

<u>PARTY NAME:</u>	<u>DESIGNEE NAME AND e-MAIL:</u>
ADAMS RANCH MUTUAL WATER CO.	VICTOR YBARRA <a href="mailto:yourcrp@yahoo.com">yourcrp@yahoo.com</a>
AMARILLO MUTUAL WATER CO.	ERNEST MARTINEZ, President – Board of Directors <a href="mailto:amarillo1920@sbcglobal.net">amarillo1920@sbcglobal.net</a>
AMERICAN SHEDS, INC.	JIM DODENHOFF BRENT ANDERSON <a href="mailto:banders6@wm.com">banders6@wm.com</a>
ARCADIA RECLAMATION, INC.	ROBERT BOWCOCK <a href="mailto:bbowcock@irmwater.com">bbowcock@irmwater.com</a>
AZUSA LIGHT & WATER	JARED J. MACIAS <a href="mailto:jmacias@azusaca.gov">jmacias@azusaca.gov</a>
AZUSA VALLEY WATER COMPANY	JARED J. MACIAS <a href="mailto:jmacias@azusaca.gov">jmacias@azusaca.gov</a>
BANDEL FAMILY TRUST	c/o CANDACE GARNIER BANDEL <a href="mailto:njbinc@yahoo.com">njbinc@yahoo.com</a>
BANK OF AMERICA N.A. (U.S. TRUST) TRUSTEE OF THE WILLIAM J. KNIGHT LIVING TRUST UTD 05/11/200	BEN JERTBERG <a href="mailto:ben.jertberg@bofa.com">ben.jertberg@bofa.com</a>
BROOKS GIFFORD, JR.	H. JESS SENECA, ESQ. TIMOTHY J. GOSNEY, ESQ. <a href="mailto:tgosney@lagerlof.com">tgosney@lagerlof.com</a>
CADWAY, INC.	LYNDA NORIEGA <a href="mailto:lnoriega@caldomestic.com">lnoriega@caldomestic.com</a>
CALIFORNIA-AMERICAN WATER CO. DUARTE SYSTEM	GARRY HOFER <a href="mailto:garry.hofer@amwater.com">garry.hofer@amwater.com</a>
CALIFORNIA-AMERICAN WATER CO. SAN MARINO SYSTEM	GARRY HOFER <a href="mailto:garry.hofer@amwater.com">garry.hofer@amwater.com</a>
CALIFORNIA COUNTRY CLUB	ARA CHO, Secretary <a href="mailto:ara@golfccc.com">ara@golfccc.com</a>
CALIFORNIA DOMESTIC WATER CO.	LYNDA NORIEGA PRESIDENT <a href="mailto:lnoriega@caldomestic.com">lnoriega@caldomestic.com</a>

1	CANYON WATER COMPANY, INC.	WILLIAM L. McINTYRE <a href="mailto:themcintyreinc@gmail.com">themcintyreinc@gmail.com</a>
2	CHAMPION MUTUAL WATER CO.	BRYAN P. HELLEIN, WATER SYSTEMS SUPV., CITY OF EL MONTE WATER DEPT. MIKE RODRIGUEZ <a href="mailto:pwmaintenance@elmonteca.gov">pwmaintenance@elmonteca.gov</a>
3		
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5	CITRUS VALLEY MEDICAL CENTER, QUEEN OF THE VALLEY CAMPUS	JOHN RAMIREZ <a href="mailto:jramirez@mail.cvhp.org">jramirez@mail.cvhp.org</a> K. GARCIA <a href="mailto:kgarcia@mail.cvhp.org">kgarcia@mail.cvhp.org</a>
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8	CITY OF ALHAMBRA	MARTIN RAY, UTILITIES DIRECTOR <a href="mailto:mray@cityofalhambra.org">mray@cityofalhambra.org</a>
9	CITY OF ARCADIA	TOM TAIT, PUBLIC WORKS DIRECTOR <a href="mailto:ttait@arcadia.ca.gov">ttait@arcadia.ca.gov</a>
10		
11	CITY OF AZUSA	JARED J. MACIAS <a href="mailto:jmacias@cazusaca.gov">jmacias@cazusaca.gov</a>
12	CITY OF BREA	WILLIAM GALLARDO, Assistant City Manager <a href="mailto:BillGa@ci.brea.ca.us">BillGa@ci.brea.ca.us</a>
13		
14	CITY OF COVINA	CHRISTOPHER MARCARELLO, City Manager <a href="mailto:cmarcarello@covinaca.gov">cmarcarello@covinaca.gov</a>
15	CITY OF EL MONTE	GEORGE CAMBERO <a href="mailto:gcambero@elmonteca.gov">gcambero@elmonteca.gov</a>
16		
17	CITY OF GLENDORA	CHISOM G. OBEGOLU <a href="mailto:cobegolu@cityofglendora.org">cobegolu@cityofglendora.org</a>
18	CITY OF INDUSTRY WATER WORKS SYSTEM	ROY FRAUSTO, GENERAL MANAGER <a href="mailto:rfrausto@lapuentewater.com">rfrausto@lapuentewater.com</a> & J. NELSON <a href="mailto:jnelson@cityofindustry.org">jnelson@cityofindustry.org</a>
19		
20		
21	CITY OF IRWINDALE	William Tam <a href="mailto:wtam@irwindaleca.gov">wtam@irwindaleca.gov</a>
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3	CITY OF WHITTIER	KYLE CASON <a href="mailto:kcason@cityofwhittier.org">kcason@cityofwhittier.org</a>
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23	(E) LESLIE PELLISSIER; (F) HENRI F. PELLISSIER, JR.; (G) WALTER P. COOMBS REVOCABLE LIVING TRUST; (H) LINDA D. FLETCHER AS TRUSTEE OF THE JAMES D. FLETCHER AND LINDA D. FLETCHER REVOCABLE TRUST; (I) DENISE A. PELLISSIER; (J) DANIEL F. PELLISSIER; (K) RENE F. PELLISSIER; (L) ROBERT O. PELLISSIER; (M) PIERRE L. PELLISSIER AND KIMBERLY S. PELLISSIER, AS TRUSTEES OF THE PELLISSIER FAMILY REVOCABLE TRUST; (N) MARTINE P. MARTINEZ; (O) CHRISTINE P. JACKURA; (P) KOA S. BIDDLE; (Q) LEON L. PELLISSIER, JOANNE M. PELLISSIER, HENRI F. PELLISSIER, PIERRE F. PELLISSIER & FRANCOIS R. PELLISSIER AS TRUSTEES OF THE TESTAMENTARY TRUST CREATED UNDER THE LAST WILL OF LEON ALBERT PELLISSIER, DECEASED, TRUST "B"; (R) JEFF AND EMILY'S FAMILY TRUST; (S) JODY SMITH; (T) HENRI F. & DIANNE J. PELLISSIER, TRUSTEES OF HENRI F. PELLISSIER FAMILY TRUST; (U) BUD GURGESS; (V) ROANE BURGESS; (W) ANITA LOPEZ; (X) EVELYN GARCIA; (Y) ALICE MENDIA; (Z) ELISE P. CLARK; (AA) BUD	HENRY PEAUROI <a href="mailto:hpeauroi@jfp-cpas.com">hpeauroi@jfp-cpas.com</a>
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1 GURGESS; (BB) KEVIN A. BRYAN AND ROBYN M. BRYAN  
TRUST, DATED DECEMBER 28, 2007; (CC) CADWAY INC.;  
2 (DD) LARRY W. CHOATE; (EE) LEONARD A. COOMBS; (FF)  
ROBERT H. COOMBS; (GG) NEIL AND NANCY FINE  
3 DECEDENTS TRUST DATED MARCH 31, 1982; (HH) NEIL  
AND NANCY FINE SURVIVORS TRUST DATED MARCH 31,  
4 1982; (II) THE CHRISTIANSON-PELLISSIER TRUST;  
(JJ) EDMUND PELLISSIER LIVING TRUST DATED  
5 JANUARY 20, 2011;  
(KK) EMILY PELLISSIER TRUST DATED  
6 DECEMBER 4, 2007; (LL) JEFFREY PELLISSIER; (MM)  
MICHELE PELLISSIER TRUST DATED APRIL 24, 2002; (NN)  
7 SAN PASQUAL FIDUCIARY TRUST CO ROBERT E.  
PELLISSIER TRUST NO. 1 DATED APRIL 7,  
8 1967. MARITAL TRUST; (OO) SAN PASQUAL FIDUCIARY  
TRUST CO ROBERT E. PELLISSIER TRUST NO. 1 DATED  
9 APRIL 7, 1967. Q TIP TRUST; (PP) SAN PASQUAL  
FIDUCIARY TRUST CO ROBERT E. PELLISSIER TRUST  
10 NO. 1 DATED APRIL 7, 1967. RESIDUARY TRUST

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# **EXHIBIT B**

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Civil Division**

Central District, Stanley Mosk Courthouse, Department 38

**C924128**

December 17, 2021

**UPPER SAN GABRIEL VALLEY MUNICIPAL WATER**

9:30 AM

**DISTRICT vs CITY OF ALHAMBRA**

Judge: Honorable Maureen Duffy-Lewis

CSR: None

Judicial Assistant: J. Jimenez

ERM: None

Courtroom Assistant: R. Lomeli

Deputy Sheriff: None

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**APPEARANCES:**

For Plaintiff(s): Frederic A. Fudacz (Telephonic)

For Defendant(s): No Appearances

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**NATURE OF PROCEEDINGS:** Hearing on Motion - Other Petition for Appointment of 2022 Watermaster Board Members / (By Plaintiff)

The matter is called for hearing.

The Court, having read and considered all papers filed, comes on now and orders as follows:

There being no opposition, the Court intends to sign and file the order.

**LATER, OFF THE RECORD, THE COURT ORDERS AS FOLLOWS:**

The Court, upon further reflection, notes that notice was not adequate for the motion.

The Court will continue the motion to allow the moving party to give proper notice.

On the Court's own motion, the Hearing on Motion - Other Petition for Appointment of 2022 Watermaster Board Members / (By Plaintiff) scheduled for 12/17/2021 is continued to 03/11/22 at 09:30 AM in Department 38 at Stanley Mosk Courthouse.

Clerk to give notice.

Certificate of Mailing is attached.

# **EXHIBIT C**

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10 Attorneys for Main San Gabriel Basin Watermaster

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
12 FOR THE COUNTY OF LOS ANGELES

13 Upper San Gabriel Valley )  
14 Municipal Water District, )  
15 Plaintiff, )  
16 vs. )  
17 City of Alhambra, et al, )  
18 Defendants )

Case No.: 924128

**AMENDED JUDGMENT**  
(And Exhibits Thereto)

21 HONORABLE MAUREEN DUFFY-LEWIS

22 Assigned Judge Presiding

23 DEPARTMENT 38

24 June 21, 2012

25 (This version includes prior Amendments  
26 and updated Exhibits through June 21, 2012.)  
27  
28

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11 SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

12 Upper San Gabriel Valley  
13 Municipal Water District,  
14 Plaintiff,  
15 vs.  
16 City of Alhambra, et al,  
17 Defendant

Case No.: 924128

**AMENDED JUDGMENT**

Hearing: June 21, 2012  
Department 38, 9:30 A.M.

18 The Petition of the MAIN SAN GABRIEL BASIN WATERMASTER for this  
19 AMENDED JUDGMENT herein, came on regularly for hearing in this Court before the  
20 **HONORABLE MAUREEN DUFFY-LEWIS**, ASSIGNED JUDGE PRESIDING, on June 21,  
21 2012; Frederic A. Fudacz appeared as attorney for Watermaster - Petitioner; and good cause  
22 appearing, the following **ORDER** and **AMENDED JUDGMENT** are, hereby, made:

23 **I. INTRODUCTION**

24 1. Pleadings, Parties, and Jurisdiction. The complaint herein was filed on January 2,  
25 1968, seeking an adjudication of water rights. By amendment of said complaint and dismissals  
26 of certain parties, said adjudication was limited to the Main San Gabriel Basin and its Relevant  
27 Watershed. Substantially all defendants and the cross-defendant have appeared herein, certain  
28 defaults have been entered, and other defendants dismissed. By the pleadings herein and by

1 with Watermaster Rules and Regulations respecting Basin storage and export. (Amended  
2 6/21/12)

3 **D. CONTINUING JURISDICTION**

4 27. Jurisdiction Reserved. (Prior Judgment Section 19) Full jurisdiction, power and  
5 authority are retained by and reserved to the Court for purposes of enabling the Court upon  
6 application of any party or of the Watermaster, by motion and upon at least thirty (30) days  
7 notice thereof, and after hearing thereon, to make such further or supplemental orders or  
8 directions as may be necessary or appropriate for interim operation before the Physical Solution  
9 is fully operative, or for interpretation, enforcement or carrying out of this Judgment, and to  
10 modify, amend or amplify any of the provisions of this Judgment or to add to the provisions  
11 thereof consistent with the rights herein decreed. Provided, that nothing in this paragraph shall  
12 authorize:

13 (1) modification or amendment of the quantities specified in the declared rights  
14 of any party;

15 (2) modification or amendment of the manner of exercise of the Base Annual  
16 Diversion Right or Integrated Production Right of any party; or

17 (3) the imposition of an injunction prohibiting transportation outside the  
18 Relevant Watershed or Basin as against any Transporting Party transporting in  
19 accordance with the provisions of this Judgment or against MWD as to its Special  
20 Category Rights.

21 **E. WATERMASTER**

22 28. Watermaster to Administer Judgment. (Prior Judgment Section 20) A  
23 Watermaster comprised of nine (9) persons, to be nominated as hereinafter provided and  
24 appointed by the Court, shall administer and enforce the provisions of this Judgment and any  
25 subsequent instructions or orders of the Court thereunder.

26 29. Qualification, Nomination and Appointment. (Prior Judgment Section 21) The  
27 nine (9) member Watermaster shall be composed of six (6) Producer representatives and three  
28 (3) public representatives qualified, nominated and appointed as follows:



1 (a) Qualification. Any adult citizen of the State of California shall be eligible to  
2 serve as Watermaster; provided, however, that no officer, director, employee or agent of  
3 Upper District or San Gabriel District shall be qualified as a Producer member of  
4 Watermaster.

5 (b) Nomination of Producer Representatives. A meeting of all parties shall be  
6 held at the regular meeting of Watermaster in November of each year, at the offices of  
7 Watermaster. Nomination of the six (6) Producer representatives shall be by cumulative  
8 voting, in person or by proxy, with each Producer entitled to one (1) vote for each one  
9 hundred (100) acre-feet, or portion thereof, of Base Annual Diversion Right or  
10 Prescriptive Pumping Right or Integrated Production Right.

11 (c) Nomination of Public Representatives. On or before the regular meeting of  
12 Watermaster in November of each year, the three (3) public representatives shall be  
13 nominated by the boards of directors of Upper District (which shall select two [2]) and  
14 San Gabriel District (which shall select one [1]). Said nominees shall be members of the  
15 board of directors of said public districts.

16 (d) Appointment. All Watermaster nominations shall be promptly certified to  
17 the Court, which will in ordinary course confirm the same by an appropriate order  
18 appointing said Watermaster; provided, however, that the Court at all times reserves the  
19 right and power to refuse to appoint, or to remove, any member of Watermaster.  
20 Notwithstanding section 27 herein, Watermaster nominations may be promptly certified  
21 by the Court upon 10 calendar days' notice thereof, plus the time prescribed by statute  
22 for service by mail, e-mail or other electronic means. (Amended 6/21/12)

23 30. Term and Vacancies. (Prior Judgment Section 22) Each member of Watermaster  
24 shall serve for a one (1) year term commencing on January 1, following his appointment, or until  
25 his successor is appointed. In the event of a vacancy on Watermaster, a successor shall be  
26 nominated at a special meeting to be called by Watermaster within ninety (90) days (in the case  
27 of a Producer representative) or by action of the appropriate district board of directors (in the  
28 case of a public representative).

1 Court.

2 57. Intervention After Judgment. (Prior Judgment Section 49) Any person who is  
3 not a party or successor to a party and who proposes to Produce water from the Basin or  
4 Relevant Watershed, may seek to become a party to this Judgment through a Stipulation For  
5 Intervention entered into with Watermaster. Watermaster may execute said Stipulation on  
6 behalf of the other parties herein but such Stipulation shall not preclude a party from opposing  
7 such Intervention at the time of the Court hearing thereon. Said Stipulation For Intervention  
8 must thereupon be filed with the Court, which will consider an order confirming said  
9 Intervention following thirty (30) days' notice to the parties. Thereafter, if approved by the  
10 Court, such Intervenor shall be a party bound by this Judgment and entitled to the rights and  
11 privileges accorded under the Physical Solution herein.

12 58. Judgment Binding on Successors, etc. (Prior Judgment Section 50) Subject to  
13 specific provisions hereinbefore contained, this Judgment and all provisions thereof are  
14 applicable to and binding upon and inure to the benefit of not only the parties to this action, but  
15 as well to their respective heirs, executors, administrators, successors, assigns, lessees, licensees  
16 and to the agents, employees and attorneys in fact of any such persons.

17 59. Water Rights Permits. (Prior Judgment Section 51) Nothing herein shall be  
18 construed as affecting the relative rights and priorities between MWD and San Gabriel Valley  
19 Protective Association under State Water Rights Permits Nos. 7174 and 7175, respectively.

20 60. Costs. (Prior Judgment Section 52) No party shall recover any costs in this  
21 proceeding from any other party.

22 61. Entry of Judgment. (New) The Clerk shall enter this Judgment.

23  
24 DATED: June 21, 2012

25 s/ Maureen Duffy-Lewis  
26 Maureen Duffy-Lewis, Judge  
27 Specially Assigned