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11  
12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
13 **IN AND FOR THE COUNTY OF LOS ANGELES**

14 Coordination Proceeding ) Judicial Council Coordination  
15 Special Title (Rule 1550(b)) ) Proceeding No. 4408  
16 ANTELOPE VALLEY )  
17 GROUNDWATER CASES ) Santa Clara Case No. 1-05-CV-049053  
18 ) Assigned to the Honorable Jack Komar  
19 Including Consolidated Actions: ) Department 17C  
20 ) **DECLARATION OF CHRIS CARRILLO IN**  
21 ) **SUPPORT OF MALWA'S MOTION FOR**  
22 ) **LEAVE TO INTERVENE IN JUDGMENT**  
23 ) [Notice of Motion and Motion for Leave to  
24 ) Intervene; Declaration of Manoj Hariya; and  
25 ) [Proposed] Order filed concurrently]  
26 )  
27 ) Date: September 29, 2020  
28 ) Time: 9:00 a.m.  
29 ) Dept.: 1 - Appearance by CourtCall  
30 ) Judge: Hon. Jack Komar, Judge  
31 ) **[Hearing to be conducted by CourtCall]**  
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1 I, Chris Carrillo, declare as follows:

2 1. I am an attorney at law duly admitted to practice before all the courts of the State  
3 of California, and am an associate attorney in the law firm of Gresham Savage Nolan & Tilden, a  
4 Professional Corporation (“Gresham|Savage”). I give this Declaration in Support of Malwa 165  
5 Street LLC, (“Malwa”) Motion for Leave to Intervene in Judgment (“Motion”) filed concurrently  
6 herewith. If called and sworn as a witness, I could and would competently testify to the  
7 following facts, having personal knowledge thereof.

8 2. Gresham|Savage is counsel for Malwa for which this Motion is filed. Malwa  
9 seeks to intervene in and become a party to the December 23, 2015 Judgment and Physical  
10 Solution entered by this Court (“Judgment”) in the above-encaptioned Antelope Valley  
11 Groundwater Adjudication (“Adjudication”), specifically to memorialize its right to produce  
12 groundwater as New Production under the Judgment.

13 3. Malwa owns approximately thirteen (13) acres of land located at the northeast  
14 corner of Pearblossom Highway (Highway 138) and 165<sup>th</sup> Street East in the unincorporated  
15 community of Llano, CA 93544 which bears Los Angeles County Assessor’s Parcel Number  
16 3036-011-033 (“Property”). Malwa plans to construct a gas station and convenience store  
17 (“Project”) that will consist of 4,800 total square feet with a convenience store and a sandwich  
18 shop which will consist of approximately 2,000 square feet.

19 4. Water demands for the Project will include commercial usage (including  
20 handwashing/sanitation, food preparation, restrooms), slight landscaping, cooling and fire  
21 protection. The amount of New Production is estimated to be 3.53 acre-feet per year (2.97 acre-  
22 feet proposed for commercial use and .56 acre-feet per year for irrigation). There is an existing  
23 well on the property that Malwa plans to use for irrigation of the Project landscaping. Malwa will  
24 construct a new well for the commercial water usage for the building and improvements.

25 5. On May 28, 2020, Malwa’s engineer, Antelope Valley Engineering, Inc.,  
26 submitted an Estimate of Annual Water Demands for the Project, which demands are projected  
27 to be 3.53 acre feet per year. A true and correct copy of the Estimate of Annual Water Demands  
28 for the Project submitted to the Antelope Valley Watermaster (“Watermaster”) Engineer on May

1 28, 2020 by Malwa’s engineer, Antelope Valley Engineering, Inc. is attached as **Exhibit “A”** to  
2 the Declaration of Harjit Singh.

3 6. Malwa submitted a *New Production Application* (“Application”) to the Antelope  
4 Valley Watermaster on June 8, 2020. A true and correct copy of Malwa’s New Production  
5 Application is attached as **Exhibit “A”** to the Declaration of Harjit Singh.

6 7. In order to ensure that this Project does not cause a Material Injury to the Basin,  
7 Malwa agreed to meter the wells, pay Replacement Assessments, and abide by the terms of the  
8 Judgment applicable to the Property and the Project.

9 8. On July 1, 2020 Todd Groundwater, the Watermaster Engineer, found and informed  
10 the Watermaster that the Project’s potential for Material Injury as defined by the Judgment is  
11 negligible. A true and correct copy of the July 1, 2020 Watermaster Engineer’s letter to the  
12 AVWB is attached as **Exhibit “B”** to the Declaration of Harjit Singh.

13 9. The Watermaster approved Malwa’s Application on July 22, 2020, through  
14 Watermaster Resolution No. R-20-23. A true and correct copy of the signed Watermaster  
15 Resolution No. R-23-20 is attached as **Exhibit “C”** to the Declaration of Harjit Singh.

16 10. Intervention is appropriate under the Judgment because Malwa has acquired  
17 property that is within the jurisdiction boundaries of the Judgment, has applied for and obtained the  
18 Engineer’s recommendation and the Watermaster’s approval for intervention in accordance with  
19 Judgment Sections 18.4.9 and 18.5.13, and seeks an order of the Court making it an intervenor  
20 under and subject to the Judgment in accordance with Judgment Section 20.9. Malwa’s  
21 intervention will not cause a Material Injury to the Basin.

22 11. As required by Sections 18.4.9, 18.5.13 and 20.9 of the Judgment, and the  
23 applicable Watermaster Rules and Regulations, Malwa applied to and secured the approval of the  
24 Engineer and Watermaster for Malwa’s New Production. The Engineer and Watermaster made  
25 findings that Malwa’s projected groundwater production would not cause a Material Injury to the  
26 Basin as defined by Section 3.5.18 of the Judgment, and that it is appropriate to allow Malwa to  
27 intervene in the Judgment.

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12. Malwa’s intervention is necessary to protect its Property and its ability to produce groundwater in accordance with the Judgment. Having acquired all of the rights to the Property within the jurisdiction of the Judgment, Malwa’s interests are not now represented by an existing party to the Judgment. Malwa requires water for the Project and intervention is necessary to develop and operate the Project and to accomplish its objectives for the use of the Property overlying the Basin.

13. Malwa does not seek to modify the Judgment, except to reflect Malwa as a party intervenor to the Judgment for approved New Production.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Dated this 19<sup>th</sup> day of August, 2020 at San Bernardino, CA.



Chris Carrillo

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**PROOF OF SERVICE**  
**STATE OF CALIFORNIA, COUNTY OF SAN BERNARDINO**

Re: *ANTELOPE VALLEY GROUNDWATER CASES*  
Los Angeles County Superior Court Judicial Council Coordinated  
Proceedings No. 4408; Santa Clara County Superior Court Case No. 1-05-CV-049053

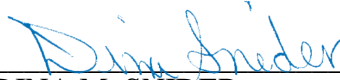
I am employed in the County of San Bernardino, State of California. I am over the age of 18 years and not a party to the within action; my business address is: 550 East Hospitality Lane, Suite 300, San Bernardino, CA 92408-4205.

On August 19, 2020, I served the foregoing document(s) described **DECLARATION OF CHRIS CARRILLO IN SUPPORT OF MALWA'S MOTION FOR LEAVE TO INTERVENE IN JUDGMENT** on the interested parties in this action in the following manner:

( X ) **BY ELECTRONIC SERVICE** – I caused such document(s) listed above to be electronically served, via One Legal, to all parties appearing on the Santa Clara County Superior Court website, <http://www.scefiling.org>, in the action of the Antelope Valley Groundwater Cases; proof of electronic-filing through One Legal is then printed and maintained with the original documents in our office. Electronic service is complete at the time of transmission. My electronic notification email address is [dina.snider@greshamsavage.com](mailto:dina.snider@greshamsavage.com),

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

Executed on August 19, 2020 at San Bernardino, California.

  
\_\_\_\_\_  
DINA M. SNIDER