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9 40AA Water Holdings LLC, a Delaware limited  
10 liability company

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
12 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

13 Coordination Proceeding  
14 Special Title (Rule 1550(b))

15 **ANTELOPE VALLEY**  
16 **GROUNDWATER CASES**

17 Including Consolidated Actions:

18 Los Angeles County Waterworks District  
19 No. 40 v. Diamond Farming Co.; Superior  
20 Court of California, County of Los Angeles,  
21 Case No. BC391869 (formerly BC325201);

22 Los Angeles County Waterworks District  
23 No. 40 v. Diamond Farming Co.; Superior  
24 Court of California, County of Kern, Case  
25 No. S-1500-CV-254348;

26 Wm. Bolthouse Farms, Inc. v. City of  
27 Lancaster; Diamond Farming Co. v. City of  
28 Lancaster; Diamond Farming Co. v.  
Palmdale Water Dist.; Superior Court of  
California, County of Riverside,  
consolidated actions, Case Nos. RIC 353840,  
RIC 344436, RIC 344668;

AND RELATED ACTIONS.

Judicial Council Coordination  
Proceeding No. 4408

Santa Clara Case No. 1-05-CV-049053

**NOTICE OF MOTION AND  
MOTION TO INTERVENE IN  
JUDGMENT**

(Filed concurrently with the  
Memorandum of Points & Authorities in  
support of Motion to Intervene;  
Declarations of Veena P. Beglinger and  
Theodore A. Chester, Jr. in support of  
Motion to Intervene; and [Proposed]  
Order)

Hearing Date: To Be Set By The Court  
Time: To Be Set By The Court  
Judge: Hon. Jack Komar  
Dept. 17

[Hearing to be conducted by CourtCall]

1 TO THE HONORABLE JACK KOMAR, JUDGE OF THE SUPERIOR COURT, ALL  
2 INTERESTED PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:

3 PLEASE TAKE NOTICE that on **“To be set by the Court”** at 9:00 a.m. or as  
4 soon as the Santa Clara Superior Court for the above-entitled Court located at 161 North  
5 First Street San Jose, CA 95113, may hear the matter, Moving Party 40AA Water  
6 Holdings LLC, a Delaware limited liability company will and hereby does move the Court  
7 for an order granting it leave to intervene in this Action and thereby become a Party to the  
8 December 23, 2015 Judgment and Physical Solution (“Judgment”) in the above-captioned  
9 Antelope Valley Groundwater Adjudication.

10 The general grounds for granting this Motion are as follows:

11 1. Section 20.9 of the Judgment provides that “[a]ny Person who is not a Party  
12 or successor to a Party and who proposed to ... acquire a Production Right ... is required  
13 to seek to become a Party subject to this Judgment through a noticed motion to intervene  
14 in this Judgment prior to commencing Production.” This language applies to Movant  
15 because it is not presently a named Party subject to this Judgment, and it seeks to acquire  
16 Production Rights.

17 2. Movant has entered into an agreement to acquire Production Rights from a  
18 Party to this Action, consisting of one (1) acre-foot of Permanent Production Right and  
19 two hundred twenty (220) acre-feet of Carry Over water rights, from Bruce Burrows and  
20 300 A 40 H, LLC (which are already a Parties to the Judgment).

21 3. The Watermaster Engineer has found that no Material Injury will result to  
22 the Basin from this transaction;

23 4. The Antelope Valley Watermaster Board has unanimously approved this  
24 transaction, and has required Movant to intervene and become a Party to the Judgment;  
25 and

26 5. The Watermaster has stipulated to entry of an Order granting this Motion to  
27 Intervene.


28 6. In addition to the above-noted reasons and procedures that were anticipated

1 and incorporated into the Judgment itself; all of the requirements for both mandatory *and*  
2 permissive intervention (as set forth in Code of Civil Procedure Section 387) are also  
3 present in this case; thereby providing triplicate cause to grant this Motion to Intervene.

4 This Motion is based on the Declarations of Veena P. Beglinger and Theodore A.  
5 Chester, Jr., and the Memorandum of Points and Authorities, all of which are attached  
6 hereto; the Judgment itself (which specifically authorized the filing of this Motion); and  
7 other pleadings and documents filed in this Action; together with any additional evidence  
8 and legal argument which may be presented at or prior to the hearing of this Motion.

9 DATED: July 12, 2022

COX, CASTLE & NICHOLSON LLP

10  
11 By:   
12 Kenneth B. Bley  
13 Attorneys for Intervenor  
14 40AA Water Holdings LLC, a  
15 Delaware limited liability company  
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