

1 BRADLEY T. WEEKS, Bar No. 173745
2 CHARLTON WEEKS LLP
3 1031 West Avenue M-14, Suite A
4 Palmdale, CA 93551
5 legal@charltonweeks.com
6 (661) 265-0969

Exempt from Filing Fees
Government Code § 6103

7 Attorney for Antelope Valley Resource Conservation District
8 Intervenor

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 FOR THE COUNTY OF LOS ANGELES

11 ANTELOPE VALLEY GROUNDWATER
12 CASES

Judicial Council Coordination Proceeding No.
4408

13 Included Consolidated Actions:

Lead Case No. BC325201

14 Los Angeles County Waterworks District No.
15 40 v. Diamond Farming Co. Superior Court of
16 California County of Los Angeles, Case No.
17 BC 325 201

ANTELOPE VALLEY RESOURCE
CONSERVATION DISTRICT NOTICE OF
MOTION AND MOTION FOR LEAVE TO
INTERVENE AND SET EVIDENTIARY
HEARING REGARDING
GROUNDWATER PUMPING RIGHTS;
MEMORANDUM OF POINTS AND
AUTHORITIES

18 Los Angeles County Waterworks District No.
19 40 v. Diamond Farming Co. Superior Court of
20 California, County of Kern, Case No. S-1500-
21 CV-254-348

Date: October 25, 2022

Time: 9:00 a.m.

22 Wm. Bolthouse Farms, Inc. v. City of
23 Lancaster Diamond Farming Co. v. City of
24 Lancaster Diamond Farming Co. v. Palmdale
25 Water Dist. Superior Court of California,
26 County of Riverside, consolidated actions,
27 Case Nos. RIC 353 840, RIC 344 436, RIC 344
28 668

Location: 191 N. 1st Street, Department TBA,
San Jose, CA 95113

Assigned Judge: Hon. Jack Komar (Ret.)

Rebecca Lee Willis v. Los Angeles County
Waterworks District No. 40 Superior Court of
California, County of Los Angeles, Case No.
BC 364 553

Richard A. Wood v. Los Angeles County
Waterworks District No. 40 Superior Court of
California, County of Los Angeles, Case No.
BC 391 869

1 TO ALL PARTIES AND THEIR ATTORNEY OF RECORD HEREIN:

2
3 PLEASE TAKE NOTICE that on October 25, 2022, at 9:00 a.m., or as soon thereafter as
4 this matter may be heard at the above-entitled court located at 191 N. 1st Street, Department TBA,
5 San Jose, California, 95113, Antelope Valley Resource Conservation District, will move for an
6 order granting it leave to intervene in the case Antelope Valley Groundwater Cases, Judicial
7 Council Coordination Proceeding No. 4408, on the following grounds:

8 1. Antelope Valley Resource Conservation District has an interest relating to the
9 property that is the subject of the legal action, pursuant to Code of Civil Procedure section
10 387(d)(1)(B).

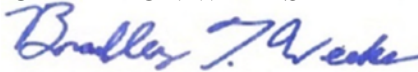
11 2. Antelope Valley Resource Conservation District owns real property in the Antelope
12 Valley Area of Adjudication, and pumped groundwater from that property prior to December 23,
13 2015.

14 PLEASE TAKE NOTICE that the Antelope Valley Resource Conservation District will
15 additionally seek an order setting an evidentiary hearing for the court to review and consider
16 evidence and objections concerning the amount of Antelope Valley Resource Conservation
17 District's groundwater pumping rights, pursuant to paragraph 5.1.10, of Exhibit A, to the
18 judgment entered December 23, 2015.

19
20 This motion is based upon this notice of motion and motion; the attached memorandum of
21 points of authorities; the pleadings, files and records in this action; all matters of which this Court
22 may or must take judicial notice; and such other argument as may be presented at the hearing of
23 this motion.

24
25 Dated: July 28, 2022

CHARLTON WEEKS LLP



Bradley T. Weeks
Attorney for Intervenor, Antelope Valley Resource
Conservation District

TABLE OF CONTENTS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I. INTRODUCTION 1

II. FACTS 1

 A. History of Resource Conservation Districts 1

 B. History of the Antelope Valley Resource Conservation District.....3

 C. History of the University of California, Antelope Valley Field Station.....3

 D. Conversion of University of California Antelope Valley Field Station to
 AVRCD Nursery4

 E. History of Groundwater Use on the Property4

 F. Purpose of AVRCD4

III. THE AVRCD HAS CONSULTED WITH THE WATERMASTER ENGINEER5

IV. THE AVRCD IS ENTITLED TO INTERVENE AND THIS COURT SHOULD
 ISSUE AN ORDER PERMITTING IT TO INTERVENE5

V. THE COURT SHOULD SET AN EVIDENTIARY HEARING TO ESTABLISH
 AVRCD’S PUMPING RIGHTS6

VI. CONCLUSION.....6

Declaration of Debra Gillis-Bradley..... Concurrently Filed

Declaration Neal Weisenberger Concurrently Filed

Declaration of Bradley T. Weeks Concurrently Filed

Exhibits in Support of Motion Concurrently Filed

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2
3 **I. INTRODUCTION**

4 Antelope Valley Resource Conservation District (hereafter “AVRCD”) is a California
5 special district organized under Division 9 of the California Public Resources Code. The AVRCD
6 pumps groundwater from land located in Antelope Valley Area of Adjudication (“Basin”).

7 AVRCD seeks an order from the Court allowing it to intervene in the Antelope Valley
8 Groundwater Cases.

9 AVRCD’s groundwater pumping rights are overlying production rights, and belong on
10 Exhibit 4, to Exhibit A (hereafter “Physical Solution”), of the judgment entered December 23,
11 2015. These rights are associated with the real property commonly known as 10148 West Avenue
12 I, Lancaster, California, 93536 (hereafter “Property”).

13 AVRCD seeks an order setting an evidentiary hearing to take evidence regarding
14 AVRCD’s historical groundwater pumping for the purpose of establishing its current pumping
15 rights; and to consider evidence and objections of other parties regarding this request.

16 **II. FACTS**

17 **A. History of Resource Conservation Districts**

18 The history of the Conservation District was born out of the Dust Bowl and the Great
19 Depression. The Dust Bowl was perhaps the most serious environmental catastrophe of its time,
20 and combined with the Great Depression, caused significant economic problems for the nation and
21 the nation’s farmers.

22 The United States’ response was The Soil Conservation Act of 1935. This Act established
23 the Soil Conservation Service, which made funding available to farmers who implemented
24 conservation practices on their land, such as crop rotation, creating windbreaks, the use of
25 pastures, and paying farmers to retire old farmland. This law also resulted in the creation of a
26 model State Soil Conservation District Law, which was adopted throughout the United States.
27
28

CHARLTON WEEKS LLP
1031 West Avenue M-14, Suite A
Palmdale, CA 93551

1 In urging states to create Soil Conservation Districts, President Roosevelt stated in a letter
2 to all State Governors:

3
4 The dust storms and floods of the last few years have underscored the importance
5 of programs to control soil erosion. I need not emphasize to you the seriousness of
6 the problem and the desirability of our taking effective action, as a Nation and in
7 the several States, to conserve the soil as our basic asset. The Nation that destroys
8 its soil destroys itself.

9 . . .

10 To supplement the Federal programs, and safeguard their results, State legislation
11 is needed. At the request of representatives from a number of States, and in
12 cooperation with them, the Department of Agriculture has prepared a standard
13 form of suitable State legislation for this purpose, generally referred to as the
14 Standard State Soil Conservation Districts Law. The Act provides for the
15 organization of "soil conservation districts" as governmental subdivisions of the
16 State to carry on projects for erosion control, and to enact into law land-use
17 regulations concerning soil erosion after such regulations have been approved in a
18 referendum. Such legislation is imperative to enable farmers to take the necessary
19 cooperative action.

20 Letter to all State Governors on a Uniform Soil Conservation Law, February 26,
21 1937.

22 In 1938, California adopted a modified version of this law, codified as California Resource
23 Code §§ 9400 et. seq. California created a total of ninety-eight Resource Conservations Districts,
24 which at the time were called Soil Conservation Districts.

25 In 1994, the Soil Conservation Service was renamed the Natural Resources Conservation
26 Service. It is an agency of the United States Department of Agriculture and provides technical
27 assistance to farmers and other private landowners and managers.

28 Resource Conservation Districts are an important resource to the public and to farmers.
Unlike air and water, soil does not have its own sweeping protective statute. Soil erosion is mostly
invisible to the public, and soil is often privately owned unlike air and water. Soil degradation is
incremental and therefore invisible, and it can be compensated for in the short term with
increasing applications of commercial fertilizer. Soil management techniques are considered land-

1 use decisions, which are normally regulated at the local level, rather than at the state or federal
2 level.

3
4 **B. History of the Antelope Valley Resource Conservation District**

5 The Antelope Valley Resource Conservation District, formerly known as the Antelope
6 Valley Soil Conservation District, was created in 1942. The jurisdictional boundaries of the
7 Antelope Valley Resource Conservation District include the Antelope Valley, the Santa Clarita
8 Valley, and a small portion of Ventura County.

9 Since its creation, the AVRCD had assisted the local public, farmers, and other
10 governmental agencies with using the local lands.

11
12 **C. History of the University of California, Antelope Valley Field Station**

13 The University of California Antelope Valley Field Station was established in 1949 to
14 meet research needs in California for dry-land and irrigated agriculture. In 1953, it moved to
15 10148 West Avenue I, Lancaster, California, 93536. See Exhibit One for the deed transferring the
16 Northern portion of the property and Exhibit Two for the deed transferring the southern portion of
17 the Property. This is an 80-acre parcel, which is currently owned by the AVRCD and is the basis
18 of its groundwater claim.

19 The University of California field station was a dry-land research station that included
20 cultural and rotation studies, weed control, fertilizer studies, and testing in cereals. Field,
21 vegetable, and horticultural crops were involved in the irrigated land program. Both dry-land and
22 irrigation problems were researched. The Antelope Valley Station was used primarily for research
23 conducted by the University's Departments of Agronomy, Water Science and Engineering,
24 Pomology, and Soils and Plant Nutrition.

25 Attached hereto as Exhibit Three is an article from California Agriculture from 1963,
26 which includes pictures of the property. The article describes the Antelope Valley Station work in
27 both dryland and irrigated agriculture, such as oats, barley, wheat, and rye.

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

D. Conversion of University of California Antelope Valley Field Station to AVRCD Nursery

Perhaps earlier, but not later than, September 10, 1969, the Property was leased from the University of California to the AVRCD. The lease amended June 12, 1972 is attached hereto as Exhibit Four.

In 1979, the AVRCD purchased the property, see Exhibit Five. The AVRCD has used this property since no later than September 10, 1969 and owned the property since 1979.

E. History of Groundwater Use on the Property

The Property has one groundwater well, and it was drilled by the University of California when the station moved in 1953. This well is one of the groundwater monitoring well used by the United States Geological Survey. Exhibit Six is static and pumping groundwater levels as monitored. The surface elevation of the well is 2,467 feet.

The only source of water for the property is the groundwater well on the property. There is no water utility service, nor has water been delivered to the property from adjoining properties or other locations.

The water use on the Property was for the nursery and for two residences located on the property. The residences were for use by District employees, who worked at the property. Since the time the District leased the property, it has been used as a nursery.

F. Purpose of AVRCD

The purpose of the nursery is to grow species of plants native to the Antelope Valley and to contract grow drought tolerant plants in greenhouses for primarily governmental organizations. Local plants prosper in the High Desert climate of the Antelope Valley. By nature, these plants use a very small amount of water.

The AVRCD only offers drought tolerant and native plants for sale. The AVRCD also assists the public regarding landscape design using native and drought tolerant plants. The

1 AVRCD encourages the public to use drought tolerant and native plants for landscaping,
2 roadways, and public spaces.

3
4 **III. THE AVRCD HAS CONSULTED WITH THE WATERMASTER
ENGINEER**

5 Paragraph 20.9 of the Physical Solution required AVRCD consult with the Watermaster
6 Engineer and seek the Watermaster's stipulation to the proposed intervention. The AVRCD has
7 consulted with the Watermaster Engineer and sought the Watermaster's stipulation to the proposed
8 intervention. The Watermaster has stipulated to this intervention. See Declaration of Bradley T.
9 Weeks.

10
11 **IV. THE AVRCD IS ENTITLED TO INTERVENE AND THIS COURT
SHOULD ISSUE AN ORDER PERMITTING IT TO INTERVENE**

12
13 The AVRCD owns the Property, which is located in the Basin. The AVRCD and its
14 predecessor the University of California has pumped groundwater from the Basin since 1953. This
15 groundwater has been exclusively used on the Property.

16 Accordingly, the AVRCD has an interest relating to groundwater in the Basin. The Basin
17 is subject to this litigation, and intervention is proper, pursuant to Code of Civil Procedure section
18 387(d)(1)(B).

19 As defined by the Physical Solution: AVRCD is a Person who was not a Party or successor
20 to a Party; AVRCD proposes to Produce Groundwater from the Basin; and seeks to acquire a
21 Production Right that may affect the Basin's Groundwater; AVRCD seeks to become a Party
22 subject to the Judgment. Accordingly, intervention is proper pursuant to paragraph 20.9 of the
23 Physical Solution.

24
25 The Court should issue an order permitting the AVRCD to intervene.
26
27
28

1 **V. THE COURT SHOULD SET AN EVIDENTIARY HEARING TO**
2 **ESTABLISH AVRCD'S PUMPING RIGHTS**

3 The AVRCD is overlying property owner and seeks overlying groundwater pumping rights
4 pursuant to paragraph 5.1.10 of the Physical Solution. AVRCD seeks to be added to Exhibit 4 of
5 the Physical Solution regarding the Property.

6 The AVRCD anticipates seeking pumping rights equal to 17.94 acre feet per year, see
7 Exhibit Seven.


8 AVRCD requests the Court set an evidentiary hearing to receive evidence and hear
9 argument regarding this claim. The Court is requested establish the procedures for this hearing,
10 presentation of evidence, and to allow discovery as is reasonable.

11 This motion does not seek to limit the due process right of any party to object to this claim
12 or offer evidence regarding this claim.

13 **VI. CONCLUSION**

14 For all the foregoing reasons, the AVRCD respectfully requests this court grant its motion
15 for an order permitting it to intervene. The AVRCD also request the Court set an evidentiary
16 hearing to establish the AVRCD's pumping rights pursuant to paragraph 5.1.10 of the Physical
17 Solution.

18
19 CHARLTON WEEKS LLP

20 

21 Dated: July 28, 2022

22 Bradley T. Weeks
23 Attorney for Antelope Valley Resource Conservation
24 District, Intervenor
25
26
27
28