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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT

Coordination Proceeding
Special Title (Rule 1550(b))

**ANTELOPE VALLEY GROUNDWATER
CASES**

Including Consolidated Actions:

Los Angeles County Waterworks District No. 40
v. Diamond Farming Co.; Superior Court of
California, County of Los Angeles, Case No.
BC325201;

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

Wm. Bolthouse Farms, Inc. v. City of Lancaster;
Diamond Farming Co. v. City of 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
Assigned to the Honorable Jack Kumar
Department 17C**

**MOTION TO INTERVENE IN
JUDGMENT; MEMORANDUM OF
POINTS AND AUTHORITIES;
DECLARATION OF JOHN F.
BARRETT IN SUPPORT THEREOF**

**Date: 9/2/2025
Time: 9:00am
Judge: Hon. Jack Kumar**

1 TO THE HONORABLE JACK KOMAR, JUDGE OF THE SUPERIOR COURT, ALL
2 INTERESTED PARTIES, ALL PERSONS REQUESTING NOTICE, AND THEIR
3 RESPECTIVE ATTORNEYS OF RECORD:

4 Moving Party AV JOINT INVESTMENT PROPERTIES, LLC, a California limited
5 liability company ("AVJIP"), hereby moves the Court for an order granting them leave to
6 intervene in this Action and thereby become Parties to the December 23, 2015 Judgment and
7 Physical Solution ("Judgment") in the above-captioned Antelope Valley Groundwater
8 Adjudication.

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

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

15 2. Movant has applied to the Antelope Valley Watermaster Board for approval of a
16 New Production of not more than one (1) acre foot of water for domestic use.

17 3. The Watermaster Engineer has confirmed that no Material Injury will result to the
18 Basin from the new production; and that a Material Injury analysis will be conducted once a new
19 point of extraction is identified for the transfer.

20 4. The Antelope Valley Watermaster Board has unanimously approved the application
21 and has required Movant intervene and become a Party to the Judgment; and

22 5. The Watermaster has stipulated to entry of an Order granting this Motion to
23 Intervene;

24 6. In addition to the above-noted reasons and procedures that were anticipated and
25 incorporated into the Judgment itself; all of the requirements for both mandatory and permissive
26 intervention (as set forth in Code of Civil Procedure Section 387) are also present in this case;
27 thereby providing triplicate cause to grant this Motion to Intervene.


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1 This Motion is based on the Declaration of John F. Barrett, Manager of AVJIP, and the
2 Memorandum of Point and Authorities, all of which are attached hereto; the Judgment itself
3 (which specifically authorizes the filing of this Motion); all other pleadings and documents filed in
4 this Action; together with any additional evidence and legal argument which may be presented at
5 or prior to the hearing of this Motion.

6 Respectfully Submitted,

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8 DERRYBERRY & ASSOCIATES LLP

9 Dated: 8.11.2025

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11 R. STEVEN DERRYBERRY
12 KIMBERLY R. ROSE-McCASLIN
13 Attorneys for AV JOINT INVESTMENT
14 PROPERTIES, LLC, a California limited liability
15 company
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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

This Motion stems from a routine agreement for the transfer of Production Rights¹. The transfer has been approved by the Watermaster, subject to the parties intervening into this Action and becoming Parties to the Judgment.

This Motion is filed pursuant to Section 20.9 of the Judgment, which specifies that “[a]ny Person who is not a Party or successor to a Party and *who proposes to ... acquire a Production Right* ... is required to seek to become a Party subject to this Judgment though a noticed motion to intervene in this Judgment prior to commencing Production.” The foregoing language is applicable in the instant case, because AVJIP proposes to “acquire a Production Right” thereby placing them neatly into the category of persons that were specifically expected to intervene into this Action, and thereby become Parties bound by the Judgment.

II. STATEMENT OF FACTS

A. Identity of the Moving Party.

AVJIP is engaged in the business of owning and managing real property in the greater Antelope Valley located in Southern California.

B. Procedural Background.

On December 3, 2015, this Court entered Judgment in the Antelope Valley Groundwater Cases; Judicial Council Coordination Proceeding No. 4408. The Judgment incorporates by reference the “Physical Solution”; which sets forth the factual and procedural history of this case, and a comprehensive ruling for allocation and administration of water and water rights in the Antelope Valley. The Court adopted the Physical Solution “as the Court’s own physical solution” and declared that it is binding upon all parties as part of the Judgment.

C. Factual Background.

On or around May 22, 2025, AVJIP (which was erroneously identified on the application as A.V. Joint Investment, LLC) tendered a New Production Application to the Antelope Valley Watermaster (“Watermaster”), requesting its approval of the use of a new well on the real property

¹ All capitalized terms in this Motion and supporting documents have the same meanings as those set forth in the Judgment and/or the Physical Solution.

1 known as Assessor's Parcel Number 3201-003-068 for the production of not more than one (1)
2 acre foot of domestic water supply to two single family homes.

3 During the course of its standard due diligence, the Watermaster and its Engineer
4 confirmed that that the applicant has a right to produce groundwater under the Judgment or
5 otherwise agrees to purchase replacement water, that all conditions for new production are met
6 under the Judgment and the Rules and Regulations, and that no Material Injury will result from the
7 proposed production.

8 Full and proper notice of the foregoing New Production Application was provided to all
9 Parties via: (i) email from the Watermaster to all Parties that have provided an email address, plus
10 all non-parties that have requested notice of applications and proceedings: (ii) posting the
11 Watermaster Board Agenda, which included the subject New Production Application, on the
12 Watermaster website; and (iii) posting the Watermaster Board Agenda on the bulletin board in the
13 lobby of the Watermaster offices. No objections to this New Production Application were filed by
14 any Party to the Adjudication, nor by any other member of the public.

15 On July 23, 2025, at its regular monthly meeting, the foregoing New Production
16 Application was considered and unanimously approved by the Watermaster Board. In this regard,
17 the Watermaster unanimously adopted Resolution No. R-25-40, Approving Application for New
18 Production with Requirements to Intervene Pursuant to the Terms of the Judgment.

19 As a condition of final approval, the Watermaster also requested, and AVJIP agreed, to
20 intervene as a party to the Judgment.

21 Prior to filing this Motion, AVJIP consulted with the Watermaster Engineer and sought
22 and procured the Watermaster's stipulation to this proposed intervention.

23 AVJIP has therefore filed the instant Motion to Intervene in the Judgment. As noted above,
24 the Watermaster has stipulated to AVJIP's intervention into the Judgment.

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1 **III. LEGAL ARGUMENT**

2 **A. The Judgment Specifically Provides for Intervention by Parties Who Propose**
3 **to Acquire a Production Right.**

4 When the Physical Solution was drafted and adopted, the Court anticipated that it would
5 inevitably be necessary to include additional persons as named Parties to the judgment. The Court
6 therefore provided the mechanism to achieve this result. via Section 20.9 of the Judgment, which
7 provides as follows:

8 “20.9 Intervention After Judgment. Any Person who is not a Party or successor to
9 a Party and who proposes to ... acquire a Production Right ... is required to seek to
10 become a Party subject to this Judgment though a noticed motion to intervene in this
11 Judgment prior to commencing Production. Prior to filing such a motion. a proposed
12 intervenor shall consult with the Watermaster Engineer and seek the Watermaster’s
stipulation to the proposed intervention.... Thereafter, if approved by the Court. such
intervenor shall be a Party bound by this Judgment.” (Emphasis added).

13 The foregoing language is applicable in the instant case because AVJIP proposes to
14 "acquire a Production Right"; thereby placing them neatly into the category of persons that were
15 specifically expected to intervene into this Action, and thereby become Parties bound by the
16 Judgment. Additionally, the Watermaster requires AVJIP’s intervention into this Action.

17 Intervention is proper under Section 20.9 of the Judgment, because the Watermaster Board
18 has approved the New Production Application and the new production cause no Material Injury.
19 Additionally, the Watermaster emailed notice of these New Production Applications to all Parties
20 and other interested persons and posted said Requests on its website and bulletin board, and no
21 Party nor any member of the public objected thereto.

22 Since Movants are one of the exact categories of persons that the Court and all Parties
23 expected to intervene, and their proposed transactions are proper and have been approved by the
24 Watermaster. Movants respectfully request that this Court enter an order granting this motion to
25 intervene.

26 **B. Intervention is Necessary and Appropriate Under C.C.P. Section 387.**

27 AVJIP’s intervention is also necessary and appropriate under California Code of Civil
28 Procedure Section 387. Section 387 provides that a Court shall permit a nonparty to intervene in

1 an action or proceeding when that party claims an interest relating to the property that is the
2 subject of the action, when the disposition of the action may impair or impede that person's ability
3 to protect that interest, and when that interest is not adequately represented by an existing party. A
4 Court may also permit intervention upon timely application by nonparty that has an interest in the
5 subject matter of the litigation that may be affected, when the intervention will not enlarge the
6 issues in the litigation and when the reasons for the intervention outweigh any opposition by the
7 parties presently in the action. Cal Code Civ. Proc. § 387 subd. (d); *US Ecology, Inc. v. State of*
8 *California*, 92 Cal. App. 4th 113, 139 (2001); *Timberidge Enterprises, Inc. v. City of Santa Rosa*,
9 86 Cal. App. 3d 873, 881 (Cal. Ct. App. 1978).

10 In the instant case, both of the above tests are satisfied. Mandatory intervention is
11 applicable because Movant claims an interest in the water Production Rights which are the subject
12 of the New Production Application; (ii) intervention is presently deemed necessary by the
13 Watermaster for the Movant to own, and/or use the Production Rights; and (iii) no current party
14 represents the interests of the Movant.

15 Permissive intervention is also applicable because: (i) Movant claims an interest in the
16 water Production Rights which are the subject of the New Production Application; (ii) intervention
17 will not enlarge, alter, impair, nor in any way affect the issues in the litigation (since the litigation
18 is entirely resolved); and (iii) the reasons for intervention are to comply with the Judgment (which
19 specifically contemplates that new parties would intervene), and to comply with conditions
20 required by the Watermaster (that the parties intervene).

21 The intervention statute is designed to promote fairness and to ensure maximum
22 involvement by all responsible, interested in affected parties. *Mary R. v. B. & R. Corp.*, 149 Cal.
23 App. 3d 308, 314 (Cal. Ct. App. 1983). The statute "should be liberally construed in favor of
24 intervention" *Lindelli v. Town of San Anselmo*, 139 Cal. App. 4th 1499, 1505 (2006). The
25 Judgment, which controls, recognizes these principles through Sections 20.9, which expressly
26 provide for intervention after entry of the Judgment in order to account for persons who "propose
27 to ... acquire a Production Right" after the elate of the Judgment.

C. Movant Has Complied with the Requirements of the Judgment.


As required by Section 20.9 of the Judgment, Movant has consulted with the Watermaster Engineer and obtained the Watermaster's stipulation to Movant's proposed intervention. Movant has also presented evidence that they propose to "acquire a Production Right"; which is precisely one of the categories of persons contemplated to intervene into the action and become a "Party" to the Judgment. Lastly, Movants have properly and duly served this Motion in accordance with Section 20.7 of the Judgment by e-filing on the Court's website.

IV. PRAYER

Movant respectfully requests that this Court grant its Motion to Intervene and thereby become a Party bound by the Judgment, pursuant to Section 20.9 of the Judgment.

DERRYBERRY & ASSOCIATES LLP

Dated: 8.11.2025


R. STEVEN DERRYBERRY
KIMBERLY R. ROSE-McCASLIN
Attorneys for AV JOINT INVESTMENT
PROPERTIES, LLC, a California limited liability
company

DECLARATION OF JOHN F. BARRETT

I, JOHN F. BARRETT, declare as follows:

1. I am a manager of AV JOINT INVESTMENT PROPERTIES, LLC, a California limited liability company ("AVJIP"), the Movant herein. I have personal knowledge of the matters set forth herein, and if called as a witness, I could competently testify thereto.

2. I hereby state that the documents attached hereto constitute writings complied and prepared in the regular and ordinary course of business.

3. On or about May 22, 2025, I, on behalf of AVJIP (which was erroneously identified on the application as A.V. Joint Investment, LLC) tendered a New Production Application to the Antelope Valley Watermaster ("Watermaster"), requesting the approval of the use of a new well on the real property known as Assessor's Parcel Number 3201-003-068 for the production of not more than one (1) acre foot of domestic water supply to two single family homes.

4. A true and correct copy of that New Production Application is attached hereto as Exhibit "A" and is incorporated herein by this reference.

5. I am informed and believe that the New Production Application came on for hearing during the course of the Watermaster Board meeting on July 23, 2025, at its regular monthly meeting. In this regard, the Watermaster unanimously adopted Resolution No. R-25-40, Approving Application for New Production with Requirements to Intervene Pursuant to the Terms of the Judgment.

6. I am aware that the Watermaster's approval of the new production is conditioned upon AVJIP successfully intervening as a party to the Judgment.

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1 7. AVJIP desires to intervene into this Action and become a Party to the Judgment
2 herein, and I respectfully request that this Court enter an Order to that effect.

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

5
6 Dated: 08/11/2025



JOHN F. BARRETT

NEW PRODUCTION APPLICATION

ANTELOPE VALLEY WATERMASTER

Please include an application fee according to the fee schedule posted on the Watermaster website:
<https://avwatermaster.net>. Make check out to: Antelope Valley Watermaster

Mail to: Antelope Valley Watermaster, P.O. Box 3025, Quartz Hill, California 93586 OR email to: info@avwatermaster.net
 Call Watermaster Administrative staff at 661-234-8233 with questions.

Date 05/22/2025 Proposed Well Site APN 3201-003-068
 Property Owner/Well Owner A.V. Joint Investment LLC
 Property Owner/Well Owner Mailing Address 45431 23rd Street West, Lancaster, CA. 93536
 Contact Phone Number 661-816-1661 Contact email barrettservicesinc@gmail.com
 New Well Latitude/Longitude (or x, y) 34.773863 - 118.253220 Antelope Valley Subarea: _____
 Use of New Well (Agricultural, Domestic, Industrial, Municipal, Monitoring, etc.) Domestic
 If Domestic well, will well be used to supply one single family household only? Yes/No. New well will supply 2 existing homes
 Do other wells exist on this property? Yes/No. If Yes, indicate if active, inactive, or abandoned and show on Site Plan.
 When will a meter be installed on the well? At time of well completion

New Production requests are to include the following (Section 18.5.13 of the Judgment):

1. Payment of an application fee sufficient to recover all costs of application review, field investigation, reporting, and hearing, and other associated costs, incurred by the Watermaster and Watermaster Engineer in processing the application for New Production. Please attach a check to this application submittal for the fee associated with a New Production application as per the fee schedule posted on the Watermaster website. Check can be made out to Antelope Valley Watermaster.
2. Written summary describing the proposed quantity, sources of supply, season of use, purpose of use, place of use, manner of delivery, and other pertinent information regarding the New Production.
3. Maps¹ identifying the location of the proposed New Production, including Basin Subarea.
4. Well information² including proposed well design, estimated annual pumping, and agreement to install a meter in accordance with the Rules & Regulations. Plus, a statement that once the well is installed, the applicant will provide water well permits, specifications and well-log reports, pump specifications and testing results, and water meter specifications associated with the New Production.
5. Written confirmation that applicant has obtained all necessary entitlements and permits including all applicable Federal, State, County, and local land use entitlements and other permits necessary to commence the New Production.
6. Written confirmation that applicant has complied with applicable laws and regulations including all applicable Federal, State, County, and local laws, rules and regulations, including but not limited to, the California Environmental Quality Act (Public Resources Code §§ 21000, et. seq.).
7. Preparation of a water conservation plan, approved and stamped by a California licensed and registered professional civil engineer with expertise in groundwater hydrology, demonstrating that the New Production will be designed, constructed and implemented consistent with California best water management practices.
8. Preparation of an analysis of the economic impact of the New Production on the Basin and other Producers in the Subarea of the Basin.
9. Preparation of an analysis of the physical impact of the New Production on the Basin and other Producers in the Subarea of the Basin.
10. A written statement, signed by a California licensed and registered professional civil engineer with expertise in groundwater hydrology, determining that the New Production will not cause Material Injury. Material injury could be in the form of significant and unreasonable 1. Chronic lowering of groundwater levels, 2. Reduction of groundwater storage, 3. Degraded

¹ Maps are to include North arrow and scale, location of proposed well with dimensions in feet from well to nearest cross streets, and location of site features, including major buildings, landscaped areas, all existing wells, roads, etc.

² Please attach a diagram showing proposed well construction, including maximum well depth, casing diameter and materials, ground surface elevation, screen intervals, and estimated pumping capacity. A completed DWR Well Completion Report is required to be submitted to the Antelope Valley Watermaster upon completion of well.

water quality, 4. Land subsidence, 5. Depletions of interconnected surface water such that beneficial uses are impacted.

11. Written confirmation that the applicant agrees to pay the applicable Replacement Water Assessment for any New Production.
12. Other pertinent information which the Watermaster Engineer may require.

In addition, all New Production applicants who are not Parties to the Judgment³ are to comply with Section 20.9 of the Judgment, consult with the Watermaster Engineer, and seek the Watermaster's stipulation to allow them to intervene to become bound by the Judgment prior to commencing Production. The non-Party applicant must file a motion to intervene with the court that includes reference to their effort to obtain the Watermaster's stipulation to the intervention. It is strongly recommended that the non-Party applicant consult with a lawyer to assist them with compliance with Section 20.9 of the Judgment. If applicant believes they are part of the Non-Pumper Class (see footnote below) and therefore does not need to intervene in the Judgment, please provide supporting documents or statements demonstrating adherence to items 1-6 in the footnote.

SIGNATURES

I understand and agree to be bound by the terms of the Antelope Valley Adjudication Judgment and to pay the applicable Replacement Water Assessment for any New Production. I certify that the information provided on this Request for New Production is correct to the best of my knowledge and that the signature below, whether original, electronic, or photocopied, is authorized and valid, and is affixed with the intent to be enforceable. I understand that it is my responsibility to notify the Antelope Valley Watermaster of any changes in any of the information provided on this form within 15 days. I also understand that additional information may be required if there is a suspected potential for a material injury as defined in the Judgment.

Signature of Applicant

John L. Barrett

Date

06/26/25

To be completed by the Watermaster:

Watermaster Engineer Approval

Maureen Reilly

Date *7/9/2025*

Watermaster Board Approval

Date

NOTE: This application is not for a well construction permit; a completed and approved application must be submitted to the appropriate well permitting agency (e.g., Kern or Los Angeles Counties) for a well construction permit, if the well is to be installed within the Antelope Valley Adjudicated Area.

³ An applicant may already be a Party to the Judgment if they are part of the Non-Pumper Class (Willis Class) and meet the criteria described in Section 3.5.22 of the Judgment, as follows:

1. They are a private party and not a "governmental" entity.
2. They (or their successor in interest—see no.4 below) own real property within the Adjudicated Area and were not pumping water at the time of the Judgment being entered as of December 2015.
3. They (or their successor in interest—see no. 4 below) did not pump water on their property "at any time during the five Years preceding January 18, 2006."
4. Non-Pumper class status applies to those who are successors in title or interest (via gift or purchase or inheritance or otherwise) to a Non-Pumper Class member's land that meets the above criteria.
5. Note the term "Non-Pumper Class Member" does not apply to those who opted out or to those connected to a municipal water system, public utility, or mutual water company from which they receive water service. Also, their land cannot be considered "improved" by the Assessor's Office of Los Angeles or Kern County, unless the person declares under penalty of perjury that they do not pump and have never pumped water on those properties.
6. Finally, the Non-Pumper Class does not include anyone individually named in the Public Water Suppliers' cross-complaint unless those persons opted into the Non-Pumper Class.

REGARDING SUBJECT PROPERTY LOCATED AT:

06/18/2025

49020 70TH STREET WEST, LANCASTER, CA. 93536

APN 3201-003-068

NEW PRODUCTION WELL REQUEST ANSWERS:

1. Payment included.
2. The purpose of the well is to services APN 3201-003-068 & 3201-003-069.
3. See attached map.
4. See attached diagram of well construction.
5. The permit will be obtained after getting Water Master approval. I will obtain a Well Permit form the County and will retain a qualified driller with a California License C-27, who will secure permits and obtain all necessary water testing reports or logs, including the completion of a dept. of Water Resources Well Completion Report.
6. I have complied with all applicable rules and regulations. I understand that my well qualifies for Categorical Exemption under CEQA.
7. The New Well Production will be put to beneficial uses on my property where the Water Conservation Practices for Single Family Home Form.
8. The economic impact will be minimal, being production will be less than 1AFY and I will be paying a water assessment to recharge the Basin.
9. The Physical impact on the Basin will be minimal, being production will be less than 1AFY and I will be paying a water assessment to recharge the Basin.
10. The production will be less than 1 AFY. It will not cause material injury to the Basin since a water assessment will be paid to have an equal amount of water imported to recharge the Basin.
11. I agree to pay applicable Replacement water Assessment for any new production.
12. I agree to provide all pertinent information in which Water Master Engineer may require.

John F. Barrett

John F. Barrett – Property Owner
Cell 661-816-1661