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5 Attorneys for Movant/Intervenor  
6 **ANDRAS BALOGH**

7  
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF LOS ANGELES, CENTRAL DISTRICT  
10

11 Coordination Proceeding  
12 Special Title (Rule 1550(b))

13 **ANTELOPE VALLEY GROUNDWATER**  
14 **CASES**

15 Including Consolidated Actions:

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

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

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

23 AND RELATED ACTIONS.  
24  
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Judicial Council Coordination Proceeding No. 4408

Santa Clara Case No. 1-05-CV-049053  
Assigned to the  
Honorable Jack Komar  
Department 17C

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

**MEMORANDUM OF POINTS AND  
AUTHORITIES;**

**DECLARATIONS OF ANDRAS BALOGH AND  
DAVID LEVENTHAL (ATTORNEY FOR  
MOVANT) IN SUPPORT THEREOF**

Hearing Date:

Date: \_\_\_\_\_

TO BE SET BY COURT

Time: 9:00 a.m.

Judge: Hon. Jack Komar

**[Hearing to be conducted by Courtcall]**

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

4 PLEASE TAKE NOTICE that on \_\_\_\_\_, 2024, at 9:00 a.m. or as soon as  
5 the Santa Clara County Superior Court [for above-entitled Court located at 111 N Hill St Los Angeles CA]  
6 may hear the matter, Moving Party ANDRAS BALOGH will and hereby does move the Court for an order  
7 granting it leave to intervene in this Action and thereby become a Party to the December 23, 2015  
8 Judgment and Physical Solution “(Judgment”) in the above-captioned Antelope Valley Groundwater  
9 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 or successor to  
12 a Party and who proposes to ... acquire a Production Right ... is required to seek to become a Party  
13 subject to this Judgment through a noticed motion to intervene in this Judgment prior to commencing  
14 Production.” This language applies to Movant because it is not presently a named Party, and it seeks to  
15 acquire Production Rights.

16 2. Movant has filed a New Production Application with the Antelope Valley Watermaster.  
17 The Watermaster Engineer made a finding that no material injury would occur, and said Application was  
18 unanimously approved by the Watermaster, subject only to Movant becoming a party to the Judgment, via  
19 Intervention.

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

24 This Motion is based on the Declarations of Andras Balogh and David Leventhal, and the  
25 Memorandum of Point and Authorities, all of which are attached hereto; the Judgment itself (which  
26 specifically authorizes the filing of this Motion); all other pleadings and documents filed in this Action;  
27

1 together with any additional evidence and legal argument which may be presented at or prior to the  
2 hearing of this Motion.  
3

4 Respectfully submitted,

5 LEVENTHAL LAW FIRM

6 *David Leventhal*

7 \_\_\_\_\_  
8 By DAVID LEVENTHAL, Esq.

9 Attorney for Movant

10 ANDRAS BALOGH  
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2 **MEMORANDUM OF POINTS AND AUTHORITIES**

3 **I. INTRODUCTION**

4 This Motion stems from a routine “New Production Application” that has been filed with the  
5 Antelope Valley Watermaster.<sup>1</sup> The Application has been approved by the Watermaster, subject to  
6 Andras Balogh intervening into this Action and becoming a Party to the Judgment.

7 This Motion is filed pursuant to Section 20.9 of the Judgment, which specifies that [a]ny Person  
8 who is not a Party or successor to a Party and *who proposes to ... acquire a Production Right ...* is  
9 required to seek to become a Party subject to this Judgment though a noticed motion to intervene in this  
10 Judgment prior to commencing Production.” The foregoing language is applicable in the instant case,  
11 because Andras Balogh (“ANDRAS BALOGH”) proposes to acquire a Production Right via its  
12 approved New Production Application; thereby placing it neatly into the category of persons that were  
13 specifically expected to intervene into this Action, and thereby become one of the Parties bound by the  
14 Judgment.

15 **II. STATEMENT OF FACTS**

16 **A. Identity of the Moving Party.**

17 Andras Balogh is a resident of the Antelope Valley, residing on real property commonly known  
18 as 31675 96<sup>th</sup> Street East, Juniper Hills, California, 93543 (the “Property”). Andras Balogh, the  
19 Property, and all water rights derived therefrom are subject to the terms and conditions of the  
20 Adjudiciaiton.

21  
22 **B. Procedural Background.**

23 On December 3, 2015, this Court entered Judgment in the Antelope Valley Groundwater Cases;  
24 Judicial Council Coordination Proceeding No. 4408. The Judgment incorporates by reference the  
25 “Physical Solution”; which sets forth the factual and procedural history of this case, and a  
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<sup>1</sup> 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 comprehensive ruling for allocation and administration of water and water rights in the Antelope Valley.  
2 The Court adopted the Physical Solution “as the Court’s own physical solution” and declared that it is  
3 binding upon all Parties as part of the Judgment.

4 The Judgment specifically contemplates that new production rights would be requested and  
5 desirable for the community. In this regard, Section 18.5.13 sets forth detailed procedures and standards  
6 for the application, consideration, and granting of new production rights. As set forth in detail below,  
7 Andras Balogh has complied with and satisfied all of the criteria for the granting of new production  
8 rights.

9 **C. Factual Background.**

10 On October 14, 2023, Andras Balogh filed a New Production Application with the Watermaster.  
11 Full and proper notice of the foregoing New Production Application was provided to all Parties via: (i)  
12 email from the Watermaster to all Parties that have provided an email address, plus all non-parties that  
13 have requested notice of applications and proceedings; (ii) posting the Watermaster Board Agenda,  
14 which included the subject New Production Application, on the Watermaster website; and (iii) posting  
15 the Watermaster Board Agenda on the bulletin board in the lobby of the Watermaster offices. ***No***  
16 ***objections to this New Production Application were filed by any Party to the Judgment, nor by any***  
17 ***other member of the public.***

18 The New Production Application was processed and evaluated by the Watermaster  
19 administrators and the Watermaster Engineer, in accordance with all the requirements set forth in the  
20 Judgment. In this regard, the Watermaster administrators and the Watermaster Engineer determined and  
21 confirmed that, to the extent required under the circumstances of this particular application:

- 22 a. Andras Balogh paid the required fees;  
23 b. Andras Balogh provided a written summary describing the proposed quantity,  
24 sources of supply, season of use, purpose of use, place of use, manner of delivery, and other  
25 pertinent information;  
26 c. Andras Balogh provided the maps showing the location of the new production;  
27  
28

1 d. Andras Balogh provided details regarding the proposed new well design,  
2 estimated annual pumping, and agreed to install a meter in accordance with Watermaster Rules  
3 and Regulations; and a statement that once the well is installed, Andras Balogh will provide  
4 permits, specifications, and well-log reports, pump specifications and testing results, and water  
5 meter specifications;

6 e. Andras Balogh provided written confirmation that it has obtained all necessary  
7 entitlements and permits from federal, state, county, and local governments;

8 f. Andras Balogh provided written confirmation that it has complied with all  
9 applicable laws and regulations;

10 g. Andras Balogh provided its water conservation plan;

11 h. Andras Balogh provided an analysis of the economic impact that the new  
12 production would have on the Basin and other producers in the subarea;

13 i. Andras Balogh provided an analysis of the physical impact of the new production  
14 would have on the Basin and other producers in the subarea;

15 j. Andras Balogh provided a written statement from a licensed engineer, signed by a  
16 California licensed and registered professional civil engineer with expertise in groundwater  
17 hydrology, determining that the new production will not cause “material injury”, as defined in  
18 the Judgment.

19  
20 During its review of the foregoing, the Watermaster administrators and the Watermaster  
21 Engineer analyzed, accepted, and adopted the foregoing documents and information provided by Andras  
22 Balogh as accurate and sufficient, and therefore recommended to the Watermaster Board of Directors  
23 that the New Production Application be granted.

24 On February 28, 2024, at its regular monthly meeting, the New Production Application was  
25 considered and ***unanimously approved by the Watermaster Board.*** In this regard, the Watermaster  
26 unanimously adopted *Resolution No. R-24-15, Approving New Production Application Pursuant to the*  
27

1 *Terms of the Judgment with Specified Conditions.* Among other things, the Watermaster resolved and  
2 determined as follows:

3  
4 WHEREAS, the Watermaster Engineer has reviewed all the applications listed on  
5 attached Exhibit A [including the application of Andras Balogh] and has made the  
6 appropriate findings, including that the applicant has a right to produce groundwater  
7 under the Judgment or otherwise agrees to purchase replacement water, that all  
8 conditions for new production are met under the Judgment and the Rules and Regulations  
9 [of the Watermaster], and that no material injury will result from the proposed  
10 production; and

11  
12 WHEREAS, the Watermaster Board has considered and adopts the findings and  
13 recommendations of the Watermaster Engineer and is prepared to approve the application  
14 listed on Exhibit pursuant to any conditions recommended by the Watermaster Engineer  
15 and so noted on Exhibit A.

16  
17 NOW, THEREFORE, BE IT RESOLVED, that the Watermaster Board unanimously  
18 approves the applications for new production or new point of extraction of those Parties  
19 or Persons whose names and information are listed on attached Exhibit A to this  
20 Resolution as being consistent with the terms of the Judgment and applicable Rules and  
21 Regulations.

22  
23 As a condition of final approval, the Watermaster also requested, and ANDRAS BALOGH  
24 agreed, to intervene as a Party to the Judgment.

25  
26 ANDRAS BALOGH therefore filed the instant Motion to Intervene in the Judgment.

### 27 28 **III. LEGAL ARGUMENT**

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

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

**20.9 Intervention After Judgment.** Any 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. Prior to filing such a motion, a proposed

1           intervenor shall consult with the Watermaster Engineer and seek the Watermaster’s  
2 stipulation to the proposed intervention. . . . Thereafter, if approved by the Court, such  
3 intervenor shall be a Party bound by this Judgment.” (*Emphasis added*).

4           The foregoing language is applicable in the instant case, because ANDRAS BALOGH proposes  
5 to “acquire a Production Right”; thereby placing it neatly into the category of persons that were  
6 specifically expected to intervene into this Action, and thereby become a Party bound by the Judgment.

7           Intervention is proper under Section 20.9 of the Judgment, because the Watermaster Board has  
8 approved the subject transaction, and confirmed that the transaction causes no Material Injury.  
9 Additionally, the Watermaster emailed notice of the New Production Application to all Parties and other  
10 interested persons, and posted notice of the proposed transaction on its website and bulletin board, and  
11 no Party nor any member of the public objected thereto.

12           Since Movant is one of the exact categories of persons that the Court and all Parties expected to  
13 intervene, and its proposed transaction is proper and has been approved by the Watermaster, Movant  
14 respectfully requests that this Court enter an order granting this motion to intervene.

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

16           ANDRAS BALOGH intervention is also necessary and appropriate under *California Code of*  
17 *Civil Procedure* Section 387. Section 387 provides that a Court *shall* permit a nonparty to intervene in  
18 an action or proceeding when that party claims an interest relating to the property that is the subject of  
19 the action, when the disposition of the action may impair or impede that person's ability to protect that  
20 interest, and when that interest is not adequately represented by an existing party. A Court *may* also  
21 permit intervention upon timely application by nonparty that has an interest in the subject matter of the  
22 litigation that may be affected, when the intervention will not enlarge the issues in the litigation and  
23 when the reasons for the intervention outweigh any opposition by the parties presently in the action. (Cal  
24 Code Civ. Proc. § 387 subd. (d); *US Ecology, Inc. v. State of California* (2001) 92 Cal App.4<sup>th</sup> 113, 139;  
25 *Timberidge Enterprises Inc. v. City of Santa Rosa* (1978) 86 Cal.App.3d 873, 881.)

26           In the instant case, both of the above tests are satisfied. Mandatory intervention is applicable  
27 because: (i) ANDRAS BALOGH claims an interest in the water Production Rights which are the subject  
28 of the New Production Application; (ii) intervention is presently deemed necessary by the Watermaster



1 for the parties to transfer, own, and/or use the Production Rights; and (iii) no current party represents the  
2 interests of the Movant.

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

9 The intervention statute is designed to promote fairness and to ensure maximum involvement by  
10 all responsible, interested, and affected parties. *Mary R. v. B. & R. Corp* (1983) 149 Cal.App.3d 308,  
11 314. The statute “should be liberally construed in favor of intervention.” *Lindelli v. Town of San*  
12 *Anselmo* (2006) 139 Cal.App.4<sup>th</sup> 1499, 1505. The Judgment, which controls, recognizes these principles  
13 through Sections 20.9, which expressly provide for intervention *after* entry of the Judgment in order to  
14 account for persons who “propose to ... acquire a Production Right” after the date of the Judgment.

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

16 As required by Section 20.9 of the Judgment, Movant has consulted with the Watermaster  
17 Engineer and obtained the Watermaster’s stipulation to Movant’s proposed intervention. Movant has also  
18 presented evidence that it proposes to “acquire a Production Right”; which is precisely one of the  
19 categories of persons contemplated to intervene into the action and become a “Party” to the Judgment.  
20 Lastly, Movant has properly and duly served this Motion in accordance with Section 20.7 of the Judgment  
21 by e-filing on the Court’s website.

22 *REMAINDER OF THIS PAGE IS INTENTIONALLY BLANK*

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1 **IV. PRAYER**

2 Movant respectfully requests that this Court grant its Motion to intervene and thereby become a  
3 Party bound by the Judgment, pursuant to Section 20.9 of the Judgment.  
4

5 Respectfully submitted,

6 LEVENTHAL LAW FIRM

7 *David Leventhal*

8 By DAVID LEVENTHAL, Esq.

9 Attorney for Movant

10 ANDRAS BALOGH  
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2 DECLARATION OF ANDRAS BALOGH

3 I, ANDRAS BALOGH, declare as follows:

4 1. I am ANDRAS BALOGH, the Movant herein. I have personal knowledge of the matters  
5 set forth herein, and if called as a witness, I could competently testify thereto.

6 2. On October 14, 2023, I filed a New Production Application with the Watermaster. Full  
7 and proper notice of the foregoing New Production Application was provided to all Parties via: (i) email  
8 from the Watermaster to all Parties that have provided an email address, plus all non-parties that have  
9 requested notice of applications and proceedings; (ii) posting the Watermaster Board Agenda, which  
10 included the subject New Production Application, on the Watermaster website; and (iii) posting the  
11 Watermaster Board Agenda on the bulletin board in the lobby of the Watermaster offices. **No**  
12 ***objections to this New Production Application were filed by any Party to the Judgment, nor by any***  
13 ***other member of the public.***

14 3. The New Production Application was processed and evaluated by the Watermaster  
15 administrators and the Watermaster Engineer, in accordance with all the requirements set forth in the  
16 Judgment. In this regard, the Watermaster administrators and the Watermaster Engineer determined and  
17 confirmed that, to the extent required under the circumstances of this particular application:

- 18 a. I paid the required fees;
- 19 b. I provided a written summary describing the proposed quantity, sources of supply, season  
20 of use, purpose of use, place of use, manner of delivery, and other pertinent information;
- 21 c. I provided the maps showing the location of the new production;
- 22 d. I provided details regarding the proposed new well design, estimated annual pumping,  
23 and agreed to install a meter in accordance with Watermaster Rules and Regulations; and a  
24 statement that once the well is installed, I will provide permits, specifications, and well-log  
25 reports, pump specifications and testing results, and water meter specifications;
- 26 e. I provided written confirmation that it has obtained all necessary entitlements and permits  
27 from federal, state, county, and local governments;
- 28

- 1 f. I provided written confirmation that it has complied with all applicable laws and  
2 regulations;
- 3 g. I provided its water conservation plan;
- 4 h. I provided an analysis of the economic impact that the new production would have on the  
5 Basin and other producers in the subarea;
- 6 i. I provided an analysis of the physical impact of the new production would have on the  
7 Basin and other producers in the subarea;
- 8 j. I provided a written statement from a licensed engineer, signed by a California licensed  
9 and registered professional civil engineer with expertise in groundwater hydrology,  
10 determining that the new production will not cause “material injury”, as defined in the  
11 Judgment.

12  
13 4. During its review of the foregoing, the Watermaster administrators and the Watermaster  
14 Engineer analyzed, accepted, and adopted the foregoing documents and information provided by Andras  
15 Balogh as accurate and sufficient, and therefore recommended to the Watermaster Board of Directors  
16 that the New Production Application be granted.

17 5. On February 28, 2024, at its regular monthly meeting, the New Production Application  
18 was considered and ***unanimously approved by the Watermaster Board.*** In this regard, the Watermaster  
19 unanimously adopted *Resolution No. R-24-15, Approving New Production Application Pursuant to the*  
20 *Terms of the Judgment with Specified Conditions.* Among other things, the Watermaster resolved and  
21 determined as follows:

22  
23 WHEREAS, the Watermaster Engineer has reviewed all the applications listed on  
24 attached Exhibit A [including the application of Andras Balogh] and has made the  
25 appropriate findings, including that the applicant has a right to produce groundwater  
26 under the Judgment or otherwise agrees to purchase replacement water, that all  
27 conditions for new production are met under the Judgment and the Rules and Regulations  
28 [of the Watermaster], and that no material injury will result from the proposed  
production; and

WHEREAS, the Watermaster Board has considered and adopts the findings and  
recommendations of the Watermaster Engineer and is prepared to approve the application

1 listed on Exhibit pursuant to any conditions recommended by the Watermaster Engineer  
2 and so noted on Exhibit A.


3 NOW, THEREFORE, BE IT RESOLVED, that the Watermaster Board unanimously  
4 approves the applications for new production or new point of extraction of those Parties  
5 or Persons whose names and information are listed on attached Exhibit A to this  
6 Resolution as being consistent with the terms of the Judgment and applicable Rules and  
7 Regulations.

8 6. As a condition of final approval, the Watermaster also requested, and I agreed, to  
9 intervene as a Party to the Judgment.

10 7. I desire to intervene into this Action and become a Party to the Judgment herein, and I  
11 respectfully request that this Court enter an Order to that effect.

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

14 Executed on March 8, 2024, at Lancaster, California.

15   
16 Andras Balogh



## **EXHIBIT A**

**Resolution No. R-24-15**  
**New Production**  
**Andras Balogh**  
AVWM February 28, 2024



**RESOLUTION NO. R-24-15**

**APPROVING APPLICATIONS FOR NEW PRODUCTION  
PURSUANT TO THE TERMS OF THE JUDGMENT;  
ATTACHED EXHIBIT A**

WHEREAS, the Antelope Valley Watermaster, formed by the Antelope Valley Groundwater Cases Final Judgment (“Judgment”), Santa Clara Case No. 1-05-CV-049053 signed December 23, 2015, is to administer the Judgment; and

WHEREAS, a process for considering and approving applications for new production is set forth in the Judgment and in the Rules and Regulations unanimously adopted by the Board pursuant to Resolution No. R-20-12; and

WHEREAS, the Watermaster Engineer is authorized under the Judgment to recommend to the Watermaster Board that application for new production be denied or approved, and that approval may be pursuant to certain conditions such as payment of a replacement water assessment; and

WHEREAS, pursuant to the terms of the Judgment, the Watermaster Engineer is required to make certain findings and to consider, investigate and recommend to the Watermaster Board denial or approval, or approval with certain conditions, of these applications consistent with the terms of the Judgment; and

WHEREAS, the Watermaster Engineer has reviewed all the applications listed on attached Exhibit A and has made the appropriate findings, including that the applicant has a right to produce groundwater under the Judgment or otherwise agrees to purchase replacement water, that all conditions for new production are met under the Judgment and the Rules and Regulations, and that no Material Injury will result from the proposed production; and

WHEREAS, the Watermaster Board has considered and adopts the findings and recommendations of the Watermaster Engineer and is prepared to approve the application listed on Exhibit A pursuant to any conditions recommended by the Watermaster Engineer and so noted on Exhibit A.

NOW, THEREFORE, BE IT RESOLVED, that the Watermaster Board unanimously approves the applications for new production or new point of extraction of those Parties or Persons whose names and information are listed on attached Exhibit A to this Resolution as being consistent with the terms of the Judgment and applicable Rules and Regulations.

**I certify that this is a true copy of Resolution No. R-24-15 as passed by the Board of Directors of the Antelope Valley Watermaster at its meeting held on February 28, 2024, in Palmdale, California.**

Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Patricia Rose – Secretary

\_\_\_\_\_  
Robert Parris, Chairman

**Exhibit A Attachment to  
Resolution No. R-24-15**

**APPROVING APPLICATIONS FOR NEW PRODUCTION  
PURSUANT TO THE TERMS OF THE JUDGMENT**

<b>APN#</b>	<b>Amount Requested</b>	<b>Use of Well</b>	<b>Subarea</b>	<b>Applicant/Property Owner</b>
3059-012-035	1. AF	Domestic	South East	Balogh, Andras



November 21, 2023

Robert Parris, Chair  
Antelope Valley Watermaster Board

Re: APN #3059-012-035 (Balogh, Andras) New Production Application Findings

Watermaster Board:

Todd Groundwater has determined that the above-mentioned application for New Production in the eastern portion of the South East Antelope Subarea for domestic use is complete. The applicant is requesting 1 acre-foot per year (AFY) for a 1,000 square foot single family home. Proposed landscaping includes a tree and oleander plants.

The parcel is considered improved because there are existing buildings on the property. The applicant is not aware of any existing wells on the parcel. Since the property has an old structure on it and is considered to be an improved parcel, it is not part of the Willis Class. Consequently, the applicant is not a Party to the Judgment and will need to intervene.

The information provided in the applicant's water management plan indicates that the New Production will be used in a manner consistent with California best water management practices. Given the small amount of proposed production (1 AFY) and the obligation to pay a Replacement Water Assessment, Todd Groundwater finds that the potential for Material Injury as defined in the Judgment is negligible.

Sincerely,

A handwritten signature in black ink that reads "Maureen Reilly".

Maureen Reilly, P.E.  
Todd Groundwater, Antelope Valley Watermaster Engineer

A handwritten signature in black ink that reads "Arden Wells".

Arden Wells, P.G.



**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, 500 Capitol Mall, Ste. 2350, Sacramento, CA 95814 OR email to:  
[info@avwatermaster.net](mailto:info@avwatermaster.net)

Call Watermaster Administrative staff at 661-234-8233 with questions.

Date 10-14-2023 Proposed Well Site APN 3059-012-035

Property Owner/Well Owner ANDRAS BALOGH

Property Owner/Well Owner Mailing Address 31675 96th Street East Jumper Hills, CA 93543

Contact Phone Number 661-886-8839 Contact email aaB4242@gmail.com

New Well Latitude/Longitude (or x, y) \_\_\_\_\_ Antelope Valley Subarea: AV South

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. Yes

Do other wells exist on this property? Yes/No. No If Yes, indicate if active, inactive, or abandoned and show on Site Plan.

When will a meter be installed on the well? Upon a 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. Maps<sup>1</sup> identifying the location of the proposed New Production, including Basin Subarea.
4. Well information<sup>2</sup> 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

<sup>1</sup> 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.

<sup>2</sup> 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.



significant and unreasonable 1. Chronic lowering of groundwater levels, 2. Reduction of groundwater storage, 3. Degraded water quality, 4. Land subsidence, 5. Depletions of interconnected surface water such that beneficial uses are impacted.

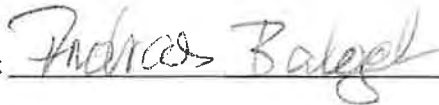
11. Written confirmation that the applicant agrees to pay the applicable Replacement Water Assessment for any New Production.
12. Other pertinent information which the Watermaster Engineer may require.

In addition, all New Production applicants who are not Parties to the Judgment<sup>3</sup> 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

Under penalty of perjury, 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. I further understand and agree that the purpose, place and quantity of New Production, if any, approved by the Watermaster pursuant to this application shall be the only purpose and place, and the maximum amount, of New Production that I can Produce in any given Year. I certify that I will comply with the restrictions set forth in Section 14.n of the Watermaster Rules and Regulations setting forth limitations on New Production, and that my failure to comply with these restrictions may result in a revocation of my New Production rights.

Signature of Applicant



Date

10-14-2023

<sup>3</sup> 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.

**To be completed by the Watermaster:**

Watermaster Engineer Approval Maureen Reilly Date 11/21/23

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.

**Andras Balogh**

**APN: 3059-012-035**

**5 Acres land in Juniper Hills**

**Application Fee:**

**Payment will be made with application.**

**New well will be used to supply single-family home with approx. 1000 sq. ft.**

**Maps**

**Maps included in the attachment.**

**Well information**

**Please see attachment well desing. Estimatiwed water pumping is 1.5 AFY.**

**Well permit will be optained, drilling will be per specifications required.**

**Well Permit**

**My well permit will be obtained after getting the water master's permission to the new production. Once approved, I will obtain a well permit from the county and retain a qualified well driller with the California License C57.**



## **Preparation**

**The new production will be put to a reasonable and beneficial use in my property where the well be located. It will only be used for a Single-Family Domestic use.**

**The economic impact will be minimal since production would be 1.5 AFY.**

**I will be paying a replacement water assessment.**

**Per the (SGMA) sustainable groundwater management act requires.**

**Applicant agrees to provide any additional information which the Water Master Engineer requests.**



ART KEARIN SURVEYING  
 44615 18TH STREET WEST  
 LANCASTER, CA. 93534  
 PH: 661-816-7988

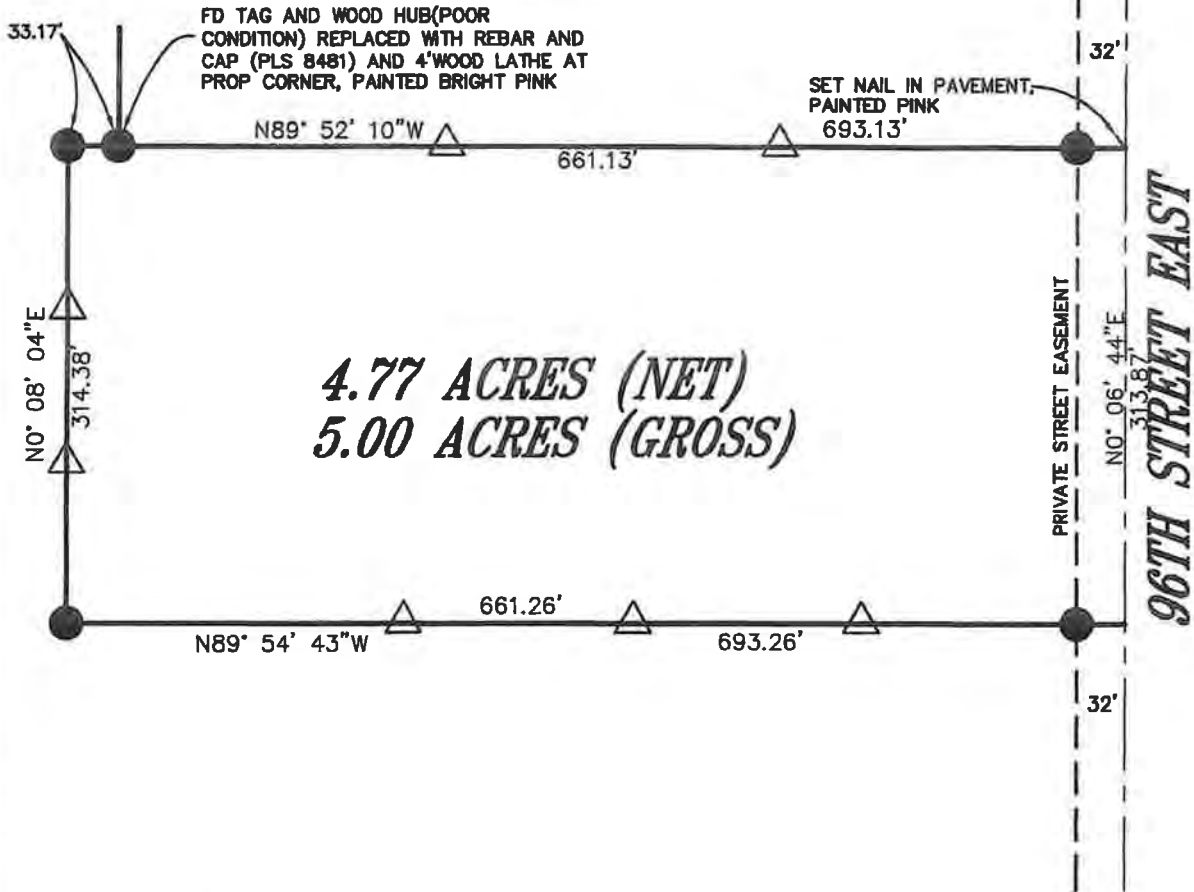
# SURVEY MAP

## APN 3059-012-035

### 31675 96TH ST E



*Art Kearin*  
 NOVEMBER 4, 2019



**4.77 ACRES (NET)**  
**5.00 ACRES (GROSS)**

- △ — SET NAIL, FEATHER AND 2FT LATHE ON PROPERTY LINE
- — SET REBAR AND CAP (PLS 8481) AND 4'WOOD LATHE AT PROP CORNER, PAINTED BRIGHT PINK

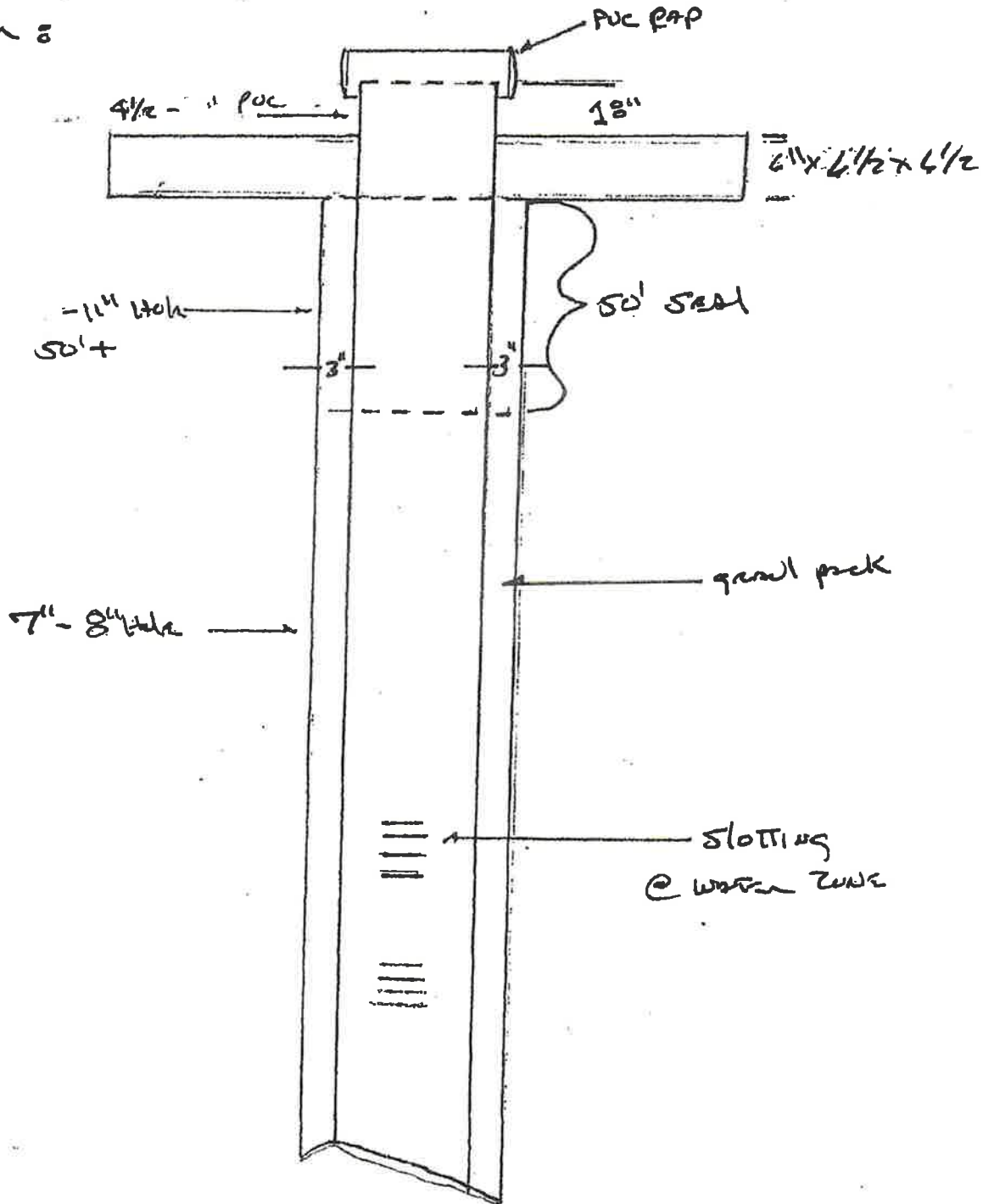
JN: 19-295

LUNDIGAN DRILLING  
10850 SUNRISE DRIVE  
JUNIPER HILLS, CA 93543

DATE:

PROJECT:

OWNER:



# Water Conservation Practices

## ANTELOPE VALLEY WATERMASTER

Domestic       Agricultural       Commercial/Industrial       Municipal       Monitoring

Date 10-14-2023 Proposed Well Site APN 3059-012-035

Property Owner/Well Owner ANDRAS BALOGH

Property Owner/Well Owner Mailing Address 31675 96th Street East Juniper Hills, CA. 93543

Contact Phone Number 661-886-8839 Contact email aab4242@gmail.com

Estimated annual pumping from New Well 1.5 AFY acre-feet/year Well capacity \_\_\_\_\_ gallons/minute

Describe the proposed use of the New Well (attach back up information as necessary) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Lot/Parcel Size 5 (acres)

Proposed Structure(s) (e.g. home, office, barn, etc.) and size (square feet) \_\_\_\_\_

Home 1000 square feet

Number of full bathrooms 1 Number of half bathrooms NO

Is there (or will there be) a pool? NO Size of pool \_\_\_\_\_ (gallons)

Is there (or will there be) a spa/hot tub? NO Size of spa/hot tube \_\_\_\_\_ (gallons)

Area to contain irrigated landscaping \_\_\_\_\_ square-feet

Describe all proposed landscaping (type and how many) \_\_\_\_\_

1 pine tree / 5 oleander plant

Area to contain irrigated crops or fruit trees NO square-feet

Describe all proposed crops and fruit trees (type and how many) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please provide details on potential water use not mentioned above (e.g. farm animals, etc.)

Dog

**Water Conservation Checklist**

Please indicate which of the following measures will be used:

- ENERGY STAR® water-conserving appliances installed, e.g., dishwasher, washing machine appl.
- Water-efficient showerhead using conventional aerator or venturi technology for flow rate < 2.5 gpm fixture
- Water-efficient sink faucets/aerators < 2.2 gallons/minute
- Ultra-low flow (< 1.6 gpm/flush) toilets installed
- Low-volume, non-spray irrigation system installed, e.g., drip irrigation, bubblers, drip emitters, soaker hose, stream-rotator spray heads
- Weather-based irrigation controllers, e.g., computer-based weather record
- Collect and use rainwater as permitted by local code
- Separate and re-use greywater as permitted by local code
- Composting or waterless toilet as permitted by local code
- Drought-resistant, native plants (site-appropriate)
- Xeriscape landscaping
- Evapotranspiration-based irrigation controller with a rain sensor
- Soil moisture sensor-based irrigation controller

Please provide additional details here Use any water to double purpose

**SIGNATURES**

I understand and agree to abide by the terms of the Antelope Valley Adjudication Judgment. I certify that the information provided on this Water Conservation Practices for Single Family Home form 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.

Signature of Applicant Do Balogh Date 10-14-2023



October 17, 2023

Todd Groundwater  
2490 Mariner Square Loop, Suite 215  
Alameda, Ca 94501

**Subject: New Production Application**

**Applicant: Andras Balogh**  
**APN: 3059-012-035**  
**Address: 31675 96<sup>th</sup> Street East, Juniper Hills, CA 93543**  
**Contact: 661-886-8839**

Duke Engineering has reviewed the above-mentioned application, and it is of our opinion that the application for a New Production well will not cause Material Injury to the water supply. The water demand is for Domestic use which will be used for (1) 1,000 SF Single Family Home with a few trees indicated but no irrigated landscaping. The applicant has provided an Estimate Annual Water Demand of 1 AFY as shown on the Water Conservation Practices Form.

If you should have any questions regarding this letter, please contact our office at 661-952-7918.

Thanks,

A handwritten signature in black ink, appearing to be "Ryan Duke", written over a horizontal line.

Ryan Duke P.E.  
RCE 79729  
Principle Engineer

