

1 DAVID LEVENTHAL, Esq., State Bar No. 156531  
2 **LEVENTHAL LAW FIRM**  
3 18565 Soledad Canyon Road, Suite 300  
4 Santa Clarita, California, 91351  
5 Telephone: 661-251-1000  
6 Facsimile: 661-251-4700

7  
8 Attorneys for Moving Parties  
9 CALANDRI FARMS, INC. and  
10 V LIONS OPERATIONS, L.P.

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

15 Coordination Proceeding  
16 Special Title (Rule 1550(b))

17 **ANTELOPE VALLEY GROUNDWATER**  
18 **CASES**

19 Including Consolidated Actions:

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

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

26 Wm. Bolthouse Farms, Inc. v. City of Lancaster;  
27 Diamond Farming Co. v. City of Lancaster; Diamond  
28 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 Komar  
Department 17C

**DECLARATION OF DAVID LEVENTHAL RE:  
WATERMASTER EXECUTION OF  
RESOLUTIONS IN SUPPORT OF MOTION  
TO INTERVENE IN JUDGMENT**

Hearing Date:  
Date: July 29, 2020  
Time: 9:00 a.m.  
Judge: Hon. Jack Komar

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

**DECLARATION OF DAVID LEVENTHAL**

I, DAVID LEVENTHAL, declare as follows:

1. I am an attorney at law duly licensed to practice before this Court, and as such, I am the attorney for Movants CALANDRI FARMS, INC. and V LIONS OPERATIONS, L.P. in this action. I have personal knowledge of the matters set forth herein, and if called as a witness, I could competently testify thereto. I make this Declaration in support of the pending Motion for an order granting Movants leave to intervene in this Action and thereby become Parties to the December 23, 2015 Judgment and Physical Solution “(Judgment”) in the above-captioned Antelope Valley Groundwater Adjudication.

2. In my initial Declaration filed herein, I noted that the Watermaster’s Resolutions (R-20-16 and R-20-17) had not yet been signed on behalf of the Watermaster Board, because the Chairman of the Board that day (Mr. Dennis Atkinson) was in Alaska, without access to any scanner or ability to transmit documents electronically, and also under “precautionary quarantine” related to the covid-19 crisis, for an unknown period of time; and that Movants would file and serve both fully-executed Resolutions before the hearing date of this Motion. Said Resolutions have been fully executed and furnished to me by the Watermaster, and are attached hereto as Exhibits “A” and “B”, respectively, and are incorporated herein by this reference.

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

Executed on July 16, 2020, at Santa Clarita, California.

DocuSigned by:  
*David Leventhal*  
DAVID LEVENTHAL

## RESOLUTION NO. R-20-16

### APPROVING APPLICATIONS FOR TRANSFERS PURSUANT TO THE TERMS OF THE JUDGMENT WITH SPECIFIED CONDITIONS; 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 transfers is set forth in the Judgment and in the Rules and Regulations unanimously adopted by the Board on June 24, 2020 pursuant to Resolution No. R-20-12; and

WHEREAS, the Watermaster Engineer is authorized under the Judgment to recommend to the Watermaster Board that applications for transfers be denied or approved and that approval may be pursuant to certain conditions; 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, pursuant to the Transfer Request Forms listed on attached Exhibit A (the “Applications”), Craig Van Dam proposes to make permanent transfers of 1 acre-foot each to Calandri Farms, Inc. (“Calandri”) and V Lions Operations, L.P. (“V Lions”); and

WHEREAS, neither Calandri nor V Lions are Parties to the Judgment, and as such neither Calandri nor V Lions may receive a transfer of Production Rights until both successfully intervene as Parties to the Judgment; and

WHEREAS, no point of extraction is identified by V Lions, which means no Material Injury analysis can be conducted at this time; and

WHEREAS, in consultation with the Watermaster General Counsel, the Watermaster Engineer has reviewed the Applications and, if the Board chooses to approve the Applications, recommends that approval be subject to the following conditions, as noted on Exhibit A:

- (1) Calandri and V Lions must each file motions intervene as Parties to the Judgment no later than thirty (30) days after the date of this Resolution;
- (2) the proposed transfers shall be of no force or effect until Calandri and V Lions have each successfully intervened as Parties to the Judgment;
- (3) the Production Right to be transferred to V Lions shall not be utilized by V Lions or any subsequent transferee until a point of extraction is identified and disclosed to the Watermaster Engineer in writing, the Watermaster Engineer has conducted a Material Injury analysis and determined that no Material Injury will occur, and such Material Injury analysis has been reviewed and approved by the Board; and

(4) nothing in this Resolution shall be construed as precedent or authority for any non-Party to receive a transfer of a Production Right without first intervening in the Judgment.

WHEREAS, the Watermaster Board has considered the findings and recommendations of the Watermaster Engineer set forth above and attached in Exhibit A, and is prepared to approve the Applications pursuant to such conditions recommended by the Watermaster Engineer.

NOW, THEREFORE, BE IT RESOLVED, that the Watermaster Board unanimously approves the applications for transfers in attached Exhibit A to this Resolution as being consistent with the terms of the Judgment and applicable Rules and Regulations, subject to the conditions set forth in the Recitals above and attached in Exhibit A.

**I certify that this is a true copy of Resolution No. R-20-16 as passed by the Board of Directors of the Antelope Valley Watermaster at its meeting held June 24, 2020, in Palmdale, California.**

Date: July 10, 2020

ATTEST: Patricia Rose  
Patricia Rose – Interim Secretary

Dennis Atkinson  
Dennis Atkinson, Vice-Chairman

**EXHIBIT A Attachment to  
Resolution No. R-20-16  
Approving Applications for Transfers  
Pursuant to the Terms of the Judgment**

Original Producer	Transferee	Type of Transfer	Amount	Original Parcel(s) (APN#)	Parcels Water Transferred to (APN#)
Craig and Marta Van Dam	V Lions Operations, L.P.	Permanent	1 (AF)	3220-006-097 3384-001-001 3384-001-003	Unknown
Craig and Marta Van Dam	Calandri Farms	Permanent	1 (AF)	3220-006-097 3384-001-001 3384-001-003	3307-017-959 3307-017-948 3307-017-938 3307-017-941 3307-017-937 3307-017-902 3307-017-936 3307-017-935

## RESOLUTION NO. R-20-17

### APPROVING APPLICATION FOR TRANSFER PURSUANT TO THE TERMS OF THE JUDGMENT WITH SPECIFIED CONDITIONS; 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 transfers is set forth in the Judgment and in the Rules and Regulations unanimously adopted by the Board on June 24, 2020 pursuant to Resolution No. R-20-12; and

WHEREAS, the Watermaster Engineer is authorized under the Judgment to recommend to the Watermaster Board that applications for transfers be denied or approved and that approval may be pursuant to certain conditions; 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, pursuant to the Transfer Request Form listed on attached Exhibit A (“Application”), Calandri Farms, Inc. (“Calandri”) proposes a temporary transfer of 4,152 acre-feet to V Lions Operations, L.P. (“V Lions”); and

WHEREAS, neither Calandri nor V Lions are Parties to the Judgment, and as such neither Calandri nor V Lions may be involved in a transfer of Production Rights until both successfully intervene as Parties to the Judgment; and

WHEREAS, the Production Right proposed to be transferred by Calandri belongs to County Sanitation District No. 14 of Los Angeles County (“District”), and is being transferred by Calandri on behalf of District pursuant to its authority under that certain lease agreement between Calandri and District dated November 14, 2017, as amended; and

WHEREAS, no point of extraction is identified in the Application, which means no Material Injury analysis can be conducted at this time; and

WHEREAS, the Rules and Regulations authorize the Watermaster to require any person, Party or Parties requesting a transfer to indemnify the Watermaster, as a condition for approving the transfer, for any costs and legal fees incurred by the Watermaster resulting from a challenge to that person, Party or Parties’ legal authority to enter into such transfer, or to a person’s authority to execute a Transfer Request Form on behalf of a Party thereto; and

WHEREAS, in consultation with the Watermaster General Counsel, the Watermaster Engineer has reviewed the Application and, if the Board chooses to approve the Application, recommends that approval be subject to the following conditions, as noted on Exhibit A:

**EXHIBIT B**



- (1) Calandri and V Lions must each file motions intervene as Parties to the Judgment no later than thirty (30) days after the date of this Resolution;
- (2) the proposed transfer shall be of no force or effect until Calandri and V Lions have each successfully intervened as Parties to the Judgment;
- (3) the Production Right to be transferred shall not be utilized by V Lions or any subsequent transferee until a point of extraction is identified and disclosed to the Watermaster Engineer in writing, the Watermaster Engineer has conducted a Material Injury analysis and determined that no Material Injury will occur, and such Material Injury analysis has been reviewed and approved by the Board;
- (4) notwithstanding anything to the contrary in the Application, the proposed transfer shall be a temporary transfer of a Production Right from District to V Lions, with Calandri acting as agent for District; and
- (5) nothing in this Resolution shall be construed as precedent or authority for any non-Party to transfer a Production Right that does not belong to such non-Party (regardless of the existence of a lease agreement or other private contract), and/or without first intervening in the Judgment.

WHEREAS, the Watermaster Board has considered the findings and recommendations of the Watermaster Engineer set forth above and attached in Exhibit A, and is prepared to approve the Application pursuant to such conditions recommended by the Watermaster Engineer.

NOW, THEREFORE, BE IT RESOLVED, that the Watermaster Board unanimously approves the application for transfer in attached Exhibit A to this Resolution as being consistent with the terms of the Judgment and applicable Rules and Regulations, subject to the conditions set forth in the Recitals above and attached in Exhibit A.

**I certify that this is a true copy of Resolution No. R-20-17 as passed by the Board of Directors of the Antelope Valley Watermaster at its meeting held June 24, 2020, in Palmdale, California.**

Date: July 10, 2020

Dennis Atkinson  
Dennis Atkinson, Vice-Chairman

ATTEST: Patricia Rose  
Patricia Rose – ~~Interim~~ Secretary

**EXHIBIT A Attachment to  
Resolution No. R-20-17  
Approving Applications for Transfers  
Pursuant to the Terms of the Judgment**

<b>Original Producer</b>	<b>Transferee</b>	<b>Type of Transfer</b>	<b>Amount</b>	<b>Original Parcel(s) (APN#)</b>	<b>Parcels Water Transferred to (APN#)</b>
LA County Sanitation District #14	V Lions Operations via Calandri Farms Lease	One-Time	4,152 (AF)	Unknown	Unknown