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Attorneys for Moving Party
5 DAVID LEVENTHAL, TRUSTEE OF THE ANTELOPE
VALLEY WATER TRUST DATED MARCH 23, 2021
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SUPERIOR COURT OF THE STATE OF CALIFORNIA
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 Komar
Department 17C

**SUPPLEMENTAL DECLARATION OF
DAVID LEVENTHAL RE: WATERMASTER
SIGNING OF RESOLUTION APPROVING
TRANSFER OF WATER RIGHTS TO
MOVANT**

Hearing Date:
Date: July 21, 2021
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. On June 30, 2021, the Antelope Valley Watermaster approved the transfer of Water Rights to Movant, via the execution of Resolution 21-22; a true and correct copy of which is attached hereto as Exhibit "A" and is 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 June 30, 2021, at Santa Clarita, California.

DocuSigned by:
David Leventhal
DAVID LEVENTHAL

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EXHIBIT A

RESOLUTION NO. R-21-22

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”), Calandri Farms Inc. proposes to make permanent transfer of 20 acre-feet to David Leventhal, Trustee of the Antelope Valley Water Trust Dated March 23,2021; and

WHEREAS, David Leventhal, Trustee of the Antelope Valley Water Trust Dated March 23,2021 is not a Party to the Judgment, and as such David Leventhal, Trustee of the Antelope Valley Water Trust Dated March 23,2021 may not receive a transfer of Production Rights until he successfully intervenes as Parties to the Judgment; and

WHEREAS, no point of extraction is identified by David Leventhal, Trustee of the Antelope Valley Water Trust Dated March 23,2021, 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) David Leventhal, Trustee of the Antelope Valley Water Trust Dated March 23,2021 must file a motion to intervene as Party 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 David Leventhal, Trustee of the Antelope Valley Water Trust Dated March 23,2021 has successfully intervened as a Party to the Judgment;

- (3) the Production Right to be transferred to David Leventhal, Trustee of the Antelope Valley Water Trust Dated March 23,2021 shall not be utilized by David Leventhal, Trustee of the Antelope Valley Water Trust Dated March 23,2021 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-21-22 as passed by the Board of Directors of the Antelope Valley Watermaster at its meeting held June 30, 2021, in Palmdale, California.

Date: 6/30/2021

ATTEST: Patricia Rose
Patricia Rose – Secretary

Kathy MacLaren
Kathy MacLaren, Vice- Chairman

**EXHIBIT A Attachment to
Resolution No. R-21-22
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#)
Calandri Farms Inc.	David Leventhal, Trustee of the Antelope Valley Water Trust Dated March 23,2021	Permanent	20 (AF)	Unknown	Unknown



June 11, 2021

Robert Parris, Chair
Antelope Valley Watermaster Board

Re: Transfer: Calandri Farms, Inc. to David Leventhal, Trustee of the Antelope Valley Water Trust

Watermaster Board:

Calandri Farms, Inc., an Exhibit 4 Party, would like to transfer 20 acre-feet (AF) of permanent Production Rights to David Leventhal, Trustee of the Antelope Valley Water Trust. David Leventhal is not a Party to the Judgement and will need to intervene. The transfer is being bought as an investment to be sold at a later date and consequently, the extraction location is not known at this time so no Material Injury analysis can be conducted.

Todd Groundwater recommends approval of this transfer on the condition that David Leventhal, as Trustee, intervenes successfully and that a New Point of Extraction application or a subsequent Transfer application is submitted in the future before the water is produced and that future water use is shown not to cause a Material Injury.

Sincerely,

A handwritten signature in blue ink that reads "Katherine White".

Katherine White

Todd Groundwater, Antelope Valley Watermaster Engineer

TRANSFER REQUEST FORM

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, 5022 West Ave N, Palmdale, CA 93551 Suite 102 #158 OR email to: info@avwatermaster.net

Call Watermaster Administrative staff at 661-234-8233 with questions. *Transfer Requests review could take up to 60 days.*

PERMANENT TRANSFER? Yes ~~XXXX~~ or TEMPORARY/ONE-TIME TRANSFER? ~~XXXX~~ No

IF TRANSFER DUE TO CHANGE IN LAND OWNERSHIP, PLEASE ATTACH DEED AS PROOF OF SALE OR A PRELIMINARY TITLE REPORT

Date Requested June 7, 2021 Amount Requested 20 acre-feet

If Temporary, Calendar Year(s) to be Used _____

Which Party will be paying the annual Administrative Assessment(s) for the transferred water? Buyer

Is either Party a member of the Antelope Valley United Mutuals Group? No

TRANSFER FROM (SELLER/TRANSFEROR):

Name Calandri Farms, Inc. Street Address 41228 12th Street West, Suite D

City Palmdale State California Zip Code 93551

Phone 661-946-9022 email brandon@calandrisonrisefarms.com

APN#(s) where transfer originates (i.e., production well location(s)) _____

No extraction point was identified when Seller acquired subject water rights.

APN#(s) (or water supply service area) where groundwater was used _____

No extraction point was identified when Seller acquired subject water rights.

TRANSFER TO (BUYER/TRANSFeree):

DAVID LEVENTHAL, TRUSTEE OF THE ANTELOPE VALLEY WATER TRUST DATED MARCH 23, 2021
Name DAVID LEVENTHAL, TRUSTEE OF THE ANTELOPE VALLEY WATER TRUST DATED MARCH 23, 2021 Street Address 18565 Soledad Canyon Road, Suite 300

City Santa Clarita State California Zip Code 91351

Phone 661-251-1000 email leventhaldavid@gmail.com

Note: Legal notices under the Judgment will be sent to the above email address. You are required to keep this information up to date. Please notify the Watermaster of any changes.

APN#(s) (or water supply service area) where transfer will be pumped and used None at this time. Buyer will comply with all laws, rules and regulations before extracting or using any water procured.

Purpose of Transfer:

- Permanent Transfer resulting from Property Sale/Transfer [PLEASE ATTACH DEED OR PRELIMINARY TITLE REPORT]
- Additional Source of Water
- Other, explain Investment

Water is to be Transferred from/to: (transferred water retains its original water type):

- Current Year Production Right: amount _____ acre-feet
- Carry Over Water: amount _____ acre-feet
- Storage: amount _____ acre-feet
- Other, explain None at this time. Buyer will comply with all laws, rules and regulations before extracting or using any water procured hereby.

(Transferred water retains its original water type – e.g., transferred Carry Over Water remains Carry Over water)

WATER QUALITY AND WATER LEVELS (not required if transfer is in association of change of land ownership)

Are Parties aware of any water quality issues that exist in either the area transferred from or to? No
If yes, please explain: n/a

Please provide groundwater elevations in the areas affected by the transfer. n/a

Are Parties aware of any water level issues that exist in either the area transferred from or to? No
If yes, please explain: n/a

MAPS

➡ Please include a map of the area where the water was used by the Transferor and a map of the area where the water is intended to be used by the Transferee. Include locations of production facilities involved in or affected by the Transfer. This map can include all possible locations of past source and use and future source and use. None at this time.

SECURITY INTEREST OR LIENHOLDERS

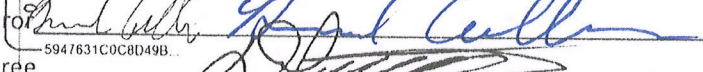
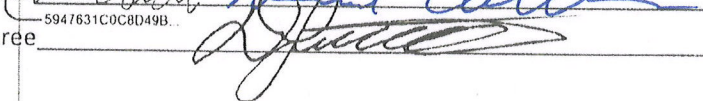
For Permanent Transfers, please provide a list of all parties with a recorded security interest, deed of trust or a lien in such real property or in crops growing or to be grown thereon, and attach copies of written notices to such parties and copies of return receipts. none

The transfer shall be conditioned upon:

1. Transferee shall succeed to the right of Transferor under the terms of the Judgment.
2. Transferee shall only use Transferred waters for reasonable and beneficial uses.
3. Any Transferee not already a Party to the Judgment must intervene and become a Party to the Judgment.
4. All applicable assessments (Administrative and Balance) and transfer fees are paid in full.
5. If the Watermaster determines that the transfer has resulted in a material injury, the parties will be required to work with the Watermaster Board to mitigate that material injury.
6. For Permanent Transfers, the Parties agree to duly record in the office of the appropriate County Recorder a document reflecting the Permanent Transfer reflected in this Transfer Form.
7. The Transfer Request Form must bear the notarized signatures of both the transferor and the transferee.

SIGNATURES

I understand and agree to abide by the terms of the Antelope Valley Adjudication Judgment. I swear under penalty of perjury that the information provided on this Transfer Request Form is correct to the best of my knowledge, that I am authorized to enter into this Transfer on behalf of the party indicated below and to bind that party on whose behalf I am signing, and that signing this Transfer Request Form is within the scope of my authority, 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 Transferor  Date 6/7/2021
 Signature of Transferee  Date 06-07-2021

To be completed by the Watermaster:

Watermaster Engineer Approval Katherine White Date 6/11/21

Watermaster Board Approval Kathy MacLaren Date 6/30/21

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Los Angeles)

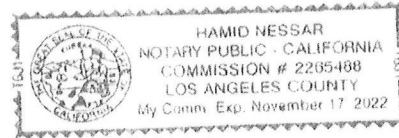
On 06/07/2021 before me, Hamid Nessar, a Notary Public
(insert name and title of the officer)

personally appeared David Leventhal
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)



Transfer Request Form.

**CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC
TRANSFER REQUEST FORM**

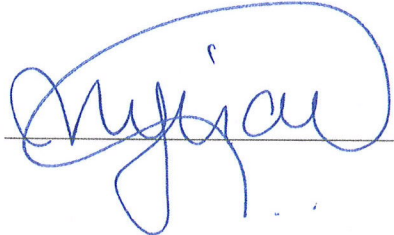
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA §
 §
COUNTY OF LOS ANGELES §

On June 8, 2021, before me, Myriam Moffitt, a Notary Public, personally appeared BRANDON CALANDRI, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that **he** executed the same in **his** authorized capacity, and that by **his** signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature 

(Seal)

