

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

Attorneys for Movant/Intervenor
JOSE LUIS GARCIA

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

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

**MEMORANDUM OF POINTS AND
AUTHORITIES;**

**DECLARATIONS OF JOSE LUIS GARCIA
AND DAVID LEVENTHAL (ATTORNEY FOR
MOVANT) IN SUPPORT THEREOF**

Hearing Date:

Date: January 25, 2022

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 January 25, 2022 at 9:00 a.m. or as soon as the Santa Clara
 5 County Superior Court [for above-entitled Court located at 111 N Hill St Los Angeles CA] may hear the
 6 matter, Moving Party JOSE LUIS GARCIA will and hereby does move the Court for an order granting it
 7 leave to intervene in this Action and thereby become a Party to the December 23, 2015 Judgment and
 8 Physical Solution “(Judgment”) in the above-captioned Antelope Valley Groundwater 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 successor to
 11 a Party and who proposes to ... acquire a Production Right ... is required to seek to become a Party
 12 subject to this Judgment through a noticed motion to intervene in this Judgment prior to commencing
 13 Production.” This language applies to Movant because it is not presently a named Party, and it seeks to
 14 acquire Production Rights.

15 2. Movant is the owner of a parcel of residential land, upon which he intends to construct a
 16 new single family residence. Movant proposes to construct and operate a new well, which will provide
 17 water to the residence.

18 3. Movant has filed a “New Well Application” with the Antelope Valley Watermaster. A true
 19 and correct copy of the New Well Application is attached hereto as Exhibit “A” and is incorporated herein
 20 by this reference.

21 4. In the course of its standard due diligence, the Watermaster Engineer has confirmed that no
 22 Material Injury will result to the Basin from this proposed well.

23 5. The Antelope Valley Watermaster Board has unanimously approved this Application,
 24 subject to Movant intervening and becoming a Party to the Judgment.

25 6. The Watermaster has stipulated to entry of an Order granting this Motion to Intervene.

26 7. In addition to the above-noted reasons and procedures that were anticipated and
 27 incorporated into the Judgment itself; all of the requirements for both mandatory *and* permissive
 28

1 intervention (as set forth in Code of Civil Procedure Section 387) are also present in this case; thereby
2 providing triplicate cause to grant this Motion to Intervene.

3 This Motion is based on the Declarations of JOSE LUIS GARCIA and David Leventhal, and the
4 Memorandum of Point and Authorities, all of which are attached hereto; the Judgment itself (which
5 specifically authorizes the filing of this Motion); all other pleadings and documents filed in this Action;
6 together with any additional evidence and legal argument which may be presented at or prior to the
7 hearing of this Motion.

8
9 Respectfully submitted,

10 LEVENTHAL LAW FIRM

11 DocuSigned by:

12 

13 By DAVID LEVENTHAL, Esq.
14 Attorney for Movant/Intervenor
15 JOSE LUIS GARCIA
16
17
18
19
20
21
22
23
24
25
26
27
28

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

This Motion stems from a routine New Well Application. The Application has been approved by the Watermaster Board of Directors, subject to JOSE LUIS GARCIA intervening into this Action and becoming a Party 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 JOSE LUIS GARCIA proposes to “acquire a Production Right”, via the construction and operation of a new well/point of extraction, thereby placing him neatly into the category of persons that were specifically expected to intervene into this Action, and thereby become one of the Parties bound by the Judgment.

II. STATEMENT OF FACTS

A. 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.

B. Factual Background.

Movant is the owner of a parcel of land, upon which he intends to construct a new single family residence. Movant proposes to construct and operate a new well, which will provide water to the residence.

1 Movant has filed a "New Well Application" with the Antelope Valley Watermaster. A true and
2 correct copy of the New Well Application is attached hereto as Exhibit "A" and is incorporated herein by
3 this reference.

4 In the course of its standard due diligence, the Watermaster Engineer "determined that the
5 application for New Production in the Central Antelope Subarea for domestic use is complete. The
6 applicant is requesting 3.5 acre-feet per year (AFY) for a 1,886 square foot single family home, 4,500
7 square feet of irrigated landscaping, 500 square feet of irrigated crops, and a small vegetable garden"

8 The Watermaster Engineer also determined that "the parcel is considered improved since there is a
9 small home on the property. The new home will replace the older home. The applicant purchased the
10 property from an auction and is not aware of any existing wells on the parcel. Since the property has an
11 old structure on it, it is considered an improved parcel and not part of the Willis Class. Consequently, the
12 applicant is not a Party to the Judgment and will need to intervene."

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

20 On December 8, 2021, at its regular monthly meeting, the foregoing New Production Application
21 was considered and ***unanimously approved by the Watermaster Board.*** In this regard, the Watermaster
22 unanimously adopted *Resolution No. R-21-36, Approving Application for New Well Production*
23 *Pursuant to the Terms of the Judgment With Specified Conditions.* Among other things, the
24 Watermaster Board unanimously approved the New Production Application, as being consistent with the
25 terms of the Judgment and applicable Rules and Regulations.

26 As a condition of final approval, the Watermaster also requested, and JOSE LUIS GARCIA
27 agreed, to intervene as a Party to the Judgment.
28

1 Prior to filing this Motion, JOSE LUIS GARCIA consulted with the Watermaster Engineer and
2 sought and procured the Watermaster's stipulation to this proposed intervention.

3 JOSE LUIS GARCIA therefore filed the instant Motion to Intervene in the Judgment. As noted
4 above, *the Watermaster has stipulated to JOSE LUIS GARCIA's intervention into the Judgment.*

5 6 **III. LEGAL ARGUMENT**

7 **A. The Judgment Specifically Provides for Intervention by Parties Who Propose to** 8 **Acquire a Production Right.**

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

13 **20.9 Intervention After Judgment.** Any Person who is not a Party or successor to
14 a Party and *who proposes to ... acquire a Production Right* ... is required to seek to
15 become a Party subject to this Judgment though a noticed motion to intervene in this
16 Judgment prior to commencing Production. Prior to filing such a motion, a proposed
17 intervenor shall consult with the Watermaster Engineer and seek the Watermaster's
18 stipulation to the proposed intervention. ... Thereafter, if approved by the Court, such
19 intervenor shall be a Party bound by this Judgment." (*Emphasis added*).

20 The foregoing language is applicable in the instant case, because JOSE LUIS GARCIA proposes
21 to "acquire a Production Right", via the construction and operation of a new well/point of extraction,
22 thereby placing it neatly into the category of persons that were specifically expected to intervene into
23 this Action, and thereby become a Party bound by the Judgment.

24 Intervention is proper under Section 20.9 of the Judgment, because the Watermaster Board has
25 approved the subject transaction, and the transaction causes no Material Injury. Additionally, the
26 Watermaster emailed notice of the New Production Application to all Parties and other interested
27 persons, and posted said Requests on its website and bulletin board, and no Party nor any member of the
28 public objected thereto.

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

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

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

15 In the instant case, both of the above tests are satisfied. Mandatory intervention is applicable
 16 because: (i) JOSE LUIS GARCIA claims an interest in the water Production Rights which are the
 17 subject of the New Production Application; (ii) intervention is presently deemed necessary by the
 18 Watermaster for the parties to transfer, own, and/or use the Production Rights; and (iii) no current party
 19 represents the interests of the Movant.

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

26 The intervention statute is designed to promote fairness and to ensure maximum involvement by
 27 all responsible, interested in affected parties. *Mary R. v. B. & R. Corp* (1983) 149 Cal.App.3d 308, 314.
 28

1 The statute “should be liberally construed in favor of intervention.” *Lindelli v. Town of San Anselmo*
2 (2006) 139 Cal.App.4th 1499, 1505. The Judgment, which controls, recognizes these principles through
3 Sections 20.9, which expressly provide for intervention *after* entry of the Judgment in order to account
4 for persons who “propose to ... acquire a Production Right” after the date of the Judgment.

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

6 As required by Section 20.9 of the Judgment, Movant has consulted with the Watermaster
7 Engineer and obtained the Watermaster’s stipulation to Movant’s proposed intervention. Movant has also
8 presented evidence that it proposes to “acquire a Production Right”, via the construction and operation of
9 a new well/point of extraction, which is precisely one of the categories of persons contemplated to
10 intervene into the action and become a “Party” to the Judgment. Lastly, Movant has properly and duly
11 served this Motion in accordance with Section 20.7 of the Judgment by e-filing on the Court’s website.

12 **IV. PRAYER**

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

15 Respectfully submitted,

16 LEVENTHAL LAW FIRM

17 DocuSigned by:

18 *David Leventhal*

19 By DAVID LEVENTHAL, Esq.

20 Attorney for Movant

21 JOSE LUIS GARCIA

DECLARATION OF JOSE LUIS GARCIA

I, JOSE LUIS GARCIA, declare as follows:

1. I am JOSE LUIS GARCIA, 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 am the owner of a parcel of land, upon which I intend to construct a new single family residence. I propose to construct and operate a new well, which will provide water to the residence.

3. I have filed a "New Well Application" with the Antelope Valley Watermaster. A true and correct copy of the New Well Application is attached hereto as Exhibit "A" and is incorporated herein by this reference.

4. In the course of its standard due diligence, the Watermaster Engineer "determined that the application for New Production in the Central Antelope Subarea for domestic use is complete. The applicant is requesting 3.5 acre-feet per year (AFY) for a 1,886 square foot single family home, 4,500 square feet of irrigated landscaping, 500 square feet of irrigated crops, and a small vegetable garden"

5. The Watermaster Engineer also determined that "the parcel is considered improved since there is a small home on the property. The new home will replace the older home. The applicant purchased the property from an auction and is not aware of any existing wells on the parcel. Since the property has an old structure on it, it is considered an improved parcel and not part of the Willis Class. Consequently, the applicant is not a Party to the Judgment and will need to intervene."

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

7. On December 8, 2021, at its regular monthly meeting, the foregoing New Production Application was considered and ***unanimously approved by the Watermaster Board.*** In this regard, the

1 Watermaster unanimously adopted *Resolution No. R-21-36, Approving Application for New Well*
2 *Production Pursuant to the Terms of the Judgment With Specified Conditions*. Among other things, the
3 Watermaster Board unanimously approved the New Production Application, as being consistent with the
4 terms of the Judgment and applicable Rules and Regulations.

5 8. As a condition of final approval, the Watermaster also requested, and JOSE LUIS
6 GARCIA agreed, to intervene as a Party to the Judgment.

7 9. I have therefore filed the instant Motion to Intervene in the Judgment. As noted above,
8 ***the Watermaster has stipulated to JOSE LUIS GARCIA's intervention into the Judgment.***

9 10. I am aware that the Watermaster's approval of these transactions is conditioned upon me
10 intervening to become a Party to the Judgment.

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

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

16 Executed on January 3, 2022, at Lancaster, California.

17 DocuSigned by:

18 *Jose Luis Garcia*

19 JOSE LUIS GARCIA
20
21
22
23
24
25
26
27
28

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 Movant JOSE LUIS GARCIA in this action. I have personal knowledge of the matters set forth herein, and if called as a witness, I could competently testify thereto.

2. I attended the December 8, 2021 Watermaster Board meeting via telephone conference call. After a thorough discussion and consideration of the matter, I personally heard that the foregoing New Production Application was considered and ***unanimously approved by the Watermaster Board.*** In this regard, the Watermaster unanimously adopted *Resolution No. R-21-36, Approving Application for New Production Pursuant to the Terms of the Judgment with Specified Conditions.* A true and correct copy of the unsigned Resolution R-21-36 is attached hereto as Exhibit "B" and is incorporated herein by this reference.

3. As a condition of final approval, the Watermaster also requested, and JOSE LUIS GARCIA agreed, to intervene as a Party to the Judgment.

4. On December 20, 2021, I telephoned Mr. Craig Parton, General Counsel for the Antelope Valley Watermaster. I informed Mr. Parton that I had completed this Motion and supporting documents, and I requested confirmation that he would be the person to sign the Watermaster's stipulation to this Motion. In response thereto, Mr. Parton informed me that I have his authority to represent to the Court that ***the Watermaster does hereby stipulate to entry of Orders granting JOSE LUIS GARCIA leave to intervene in this Action.*** Mr. Parton also instructed me to prepare this Declaration, and thereby inform this Court that he does stipulate, on behalf of the Watermaster, to entry of Orders granting JOSE LUIS GARCIA leave to intervene in this Action, and thereby become a named Party to the Judgment herein. ***Mr. Parton informed me that my Declaration to this effect, as an Officer of the Court, is sufficient to constitute the Watermaster's Stipulation to the relief requested herein.***

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

3 Executed on January 3, 2022, at Santa Clarita, California.

4 DocuSigned by:
5 *David Leventhal*
6 DAVID LEVENTHAL

1 **NOTICE OF NO OPPOSITION TO MOTION TO INTERVENE IN JUDGMENT**

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

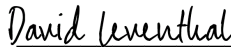
7 PLEASE TAKE NOTICE that the last day for any party to file and serve any Opposition to the
8 Motion of JOSE LUIS GARCIA for an order granting it leave to intervene in this Action and thereby
9 become a Party to the December 23, 2015 Judgment and Physical Solution in the above-captioned
10 Antelope Valley Groundwater Adjudication, was _____; and that no party has filed any Opposition
11 nor objection thereto.

12
13 Dated: 1/3/2022

Respectfully submitted,

LEVENTHAL LAW FIRM

DocuSigned by:



By DAVID LEVENTHAL, Esq.

Attorney for Movants
JOSE LUIS GARCIA

EXHIBIT A**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, 5022 West Avenue N, Palmdale, CA 93551 Suite 102 #158 OR email to: info@avwatermaster.net
 Call Watermaster Administrative staff at 661-234-8233 with questions.

Date 10/01/2021 Proposed Well Site APN 3382-017-029
 Property Owner/Well Owner Jose Luis Garcia
 Property Owner/Well Owner Mailing Address 5450 N. Paramount Blvd. Spc. 169; Long Beach, CA 90805
 Contact Phone Number 562-282-3065 Contact email silverlakeconstructioninc@gmail.com
 New Well Latitude/Longitude (or x, y) 34.7181128, -118.004040 Antelope Valley Subarea: Lancaster
 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 If Yes, indicate if active, inactive, or abandoned and show on Site Plan.
 When will a meter be installed on the well? Meter will be installed after well is completed and before use.

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  _____ Date _____

To be completed by the Watermaster:

Watermaster Engineer Approval _____ Date _____

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.

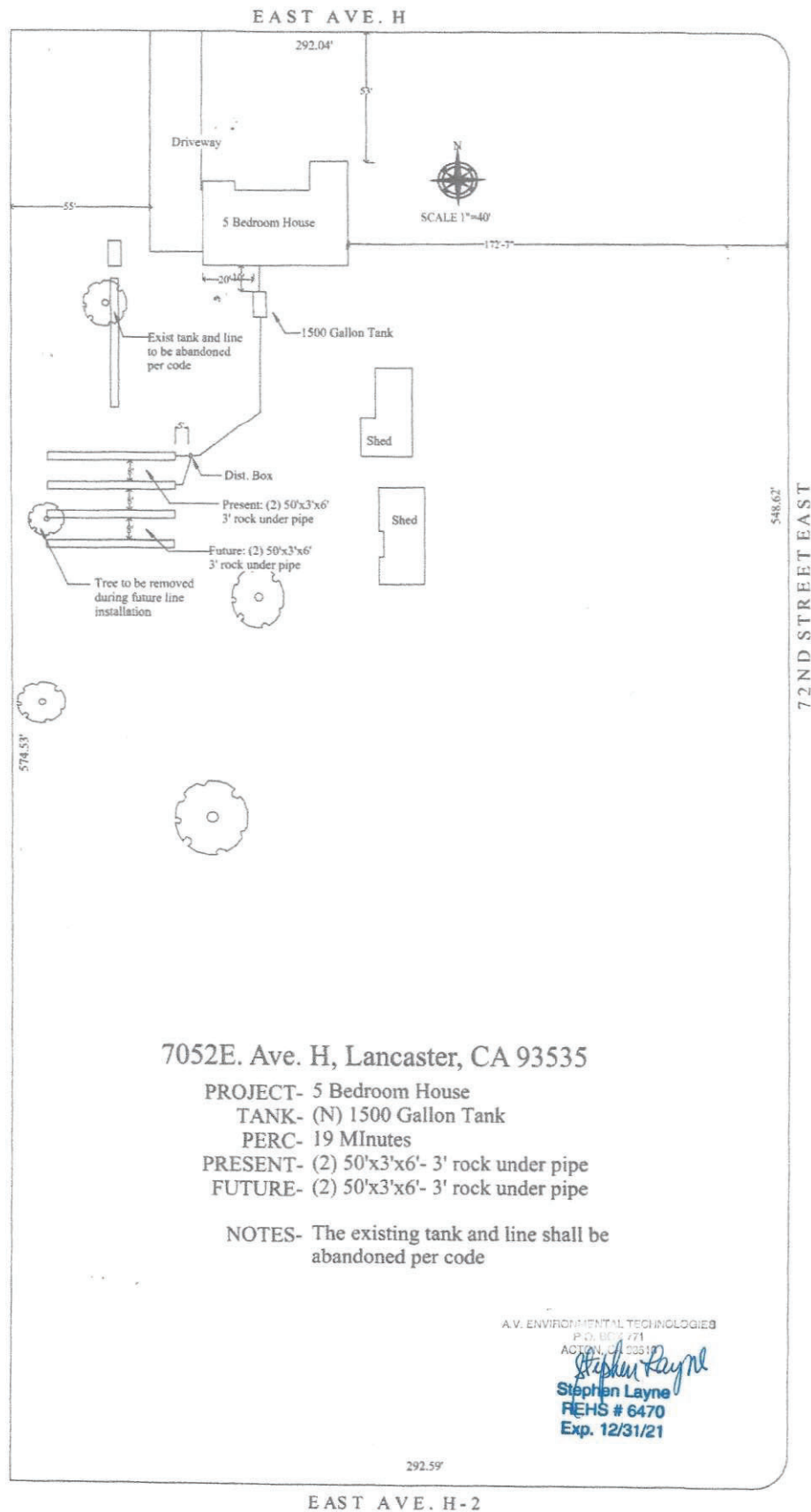
Jose Luis Garcia

APN: 3382 – 017 – 029

1. Payment mailed 10/26/2021 – ck# 4306
2. The new production well will be used to support 1 – 1,886 sq.ft. single family residence. 4,500 sq.ft. of irrigated landscaping and 500 square feet of irrigated crops, small vegetable garden in the future.
3. See Attached
4. Well Information
 - Proposed well design – see attached
 - Estimated annual pumping – 3.5 AFY
 - Meter Installation – we agree to install a meter in accordance with the rules & regulations.
 - The applicant will provide well permit, specifications and well-log reports, pump specifications and test results and any other specifications necessary.
5. I will obtain all necessary permits for new well production; County permit will be obtained after getting Watermaster permission for New Production.
6. I have complied with all applicable laws and regulations. Domestic well qualifies for a categorical exemption under CEQA.
7. New production will be used for single-family domestic uses. I have attached a completed Water Conservation practices form.
8. Economic impact will be minimis since production will be approximately 3.5 AFY and I will be paying a replacement water assessment to have an equal amount of water imported and recharged into the basin.
9. Physical impact will be minimis since production will be approximately 3.5 AFY and I will be paying a replacement water assessment to have an equal amount of water imported and recharged into the basin
10. See Attached
11. I agree to pay the replacement water assessment for the new production.
12. If there is any other pertinent information which the Watermaster engineer may need, I agree to provide that information.



* well site
34.71181128
-118.004040



ABUNDANT WATER WELLS, INC.

Lic.# 981850

P.O. BOX 700

LEONA VALLEY CA 93551

(661) 713-3443

PROPOSED WORK:

DRILL 12 " BORE HOLE

APPROX 400 ' deep

SET 5 " SDR 17

CASING WITH MILL

CERT PERFORATION .032

CENTRALIZERS PLACED AT 6' AND

51' BGS

#5 BIRDS EYE PEA GRAVEL

FROM BOTTOM TO 50' BGS

CASING SHALL EXTEND 18" ABOVE

CEMENT SLAB

TREMIE PUMP 10.3 SAC CEMENT BGS

SEAL 50' - 0' WITH 7' X 7' X 6"

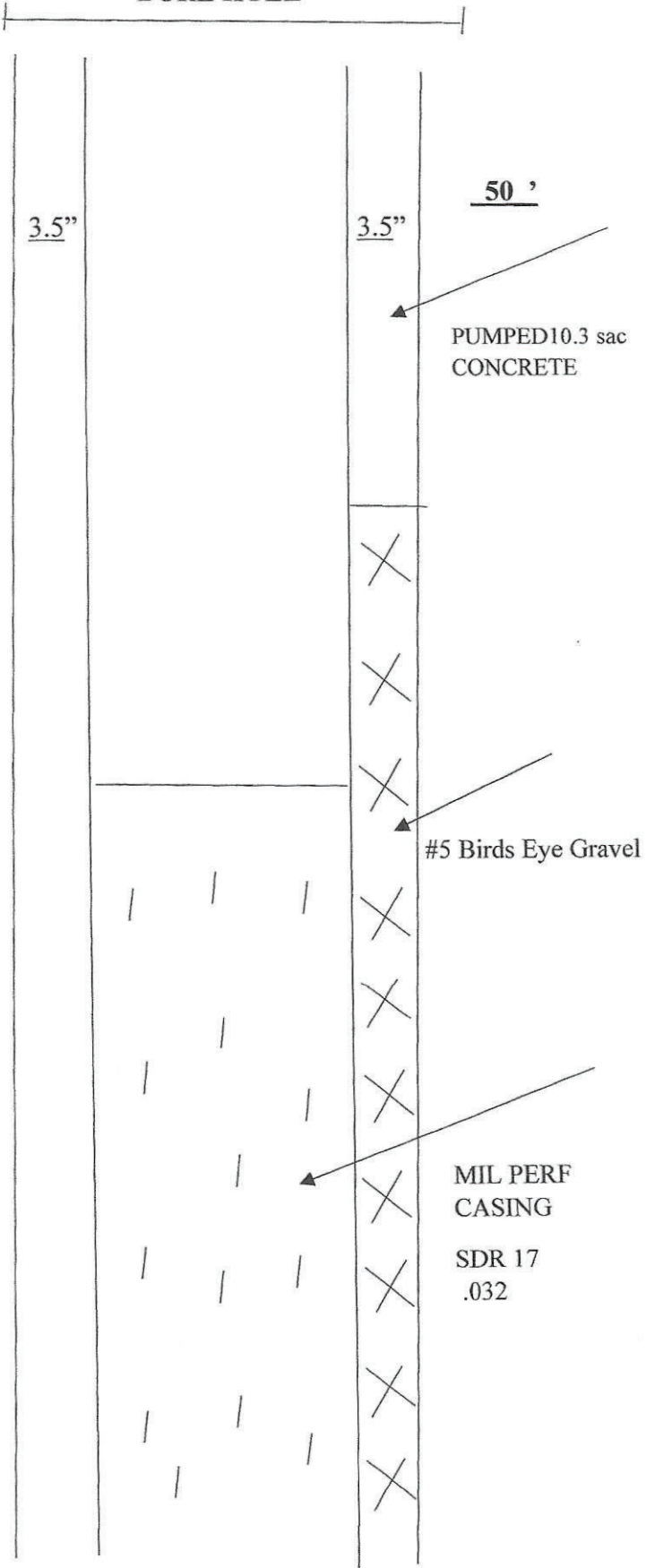
AIRLIFT WELL MINIMUM

OF TWO HOURS

NAME: **JOSE GARCIA**

APN **3382-017-029**

BORE HOLE



Water Conservation Practices**ANTELOPE VALLEY WATERMASTER**

☒ Domestic ☐ Agricultural ☐ Commercial/Industrial ☐ Municipal ☐ Monitoring

Date 10/01/2021 Proposed Well Site APN 3382-017-029

Property Owner/Well Owner Jose Luis Garcia

Property Owner/Well Owner Mailing Address 5450 N. Paramount Blvd. Spc. 169; Long Beach, CA 90805

Contact Phone Number 562-282-3065 Contact email silverlakeconstructioninc@gmail.com

Estimated annual pumping from New Well 3.5 acre-feet/year Well capacity 5-10 gallons/minute

Describe the proposed use of the New Well (attach back up information as necessary) Well will be used to support single family dwelling.

Lot/Parcel Size 6 (acres)

Proposed Structure(s) (e.g. home, office, barn, etc.) and size (square feet) Single family home - 1,886 sq. ft.

Number of full bathrooms 2 Number of half bathrooms _____

Is there (or will there be) a pool? No Size of pool N/A (gallons)

Is there (or will there be) a spa/hot tub? No Size of spa/hot tube N/A (gallons)

Area to contain irrigated landscaping 4,500 square-feet

Describe all proposed landscaping (type and how many) small grass area and desert landscaping around house with approximately 5 shade trees

Area to contain irrigated crops or fruit trees 500 square-feet

Describe all proposed crops and fruit trees (type and how many) Possibly small vegetable garden in the future.

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

None

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 _____

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 _____

Date 10-1-21



October 19, 2021

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

Subject: New Production Application

Applicant: Jose Luis Garcia
APN: 3382-017-029
Address: 5450 N. Paramount Blvd. Spc 169, Long Beach, CA 90805
Contact: 562-282-3065

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) 1,886 SF Single Family Residence with 4,500 SF of Outdoor Irrigation. In addition, the residence will have approximately 5 shade trees and a small garden. The applicant has provided an Estimate Annual Water Demand of 3.5 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", is written over a horizontal line.

Ryan Duke P.E.
RCE 79729
Principle Engineer





MARK PESTRELLA, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

September 8, 2021

IN REPLY PLEASE

REFER TO FILE: **WW-3**

Mr. Jose Luis Garcia
c/o Mr. Alejandro J. Gonzalez
3939 Van Horne Avenue
Los Angeles, CA 90032

Dear Mr. Garcia:

**LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40, ANTELOPE VALLEY
WATER SERVICE TO 7052 EAST AVENUE H, LANCASTER, CALIFORNIA 93535
ASSESSOR PARCEL NO. 3382-017-029**

This is in response to your recent correspondence regarding water service from the Los Angeles County Waterworks District No. 40, Antelope Valley, to Assessor Parcel No. 3382-017-029. The District is unable to provide water service for your project at this time as your parcel is more than 2,000 feet from one of the District's existing water mains, which would pose operational concerns that might result in deterioration of water quality.

You may propose a conceptual plan to extend the public water system to your property, while mitigating these concerns, and submit the plan to the District for consideration. If the District accepts the conceptual plan, the applicant must finance the design and agree, in writing, to finance the construction of the new water system facilities in order for the District to issue a Will-Serve Letter for your parcel.

If you have any questions, please contact Ms. Aracely Jaramillo, Waterworks Division, at (626) 300-3353 or at ajaramillo@pw.lacounty.gov.

Very truly yours,

MARK PESTRELLA, PE
Director of Public Works

A handwritten signature in black ink, appearing to read "Russ Bryden".

RUSS BRYDEN
Assistant Deputy Director
Waterworks Division

AJ:lb
H:\WWW\HOME\ADMIN\LETTERS\2021\LR382.DOCX

EXHIBIT B

RESOLUTION NO. R-21-36

APPROVING APPLICATION FOR NEW PRODUCTION 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 new production 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 new production 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 New Production Application listed on attached Exhibit A (the “Application”), Jose Luis Garcia (“Garcia”) is requesting 3.5 acre-feet per year (AFY) for a 1,886 square foot single-family home, 4,500 square feet of irrigated landscaping, 500 square feet of irrigated crops, and a small vegetable garden; and

WHEREAS, Garcia is not a Party to the Judgment, and as such Garcia’s Application may not be finally approved until he successfully intervenes in the Judgment; and

WHEREAS, the Watermaster Engineer has reviewed the Application and, if the Board chooses to approve the Application, recommends that approval be subject to the conditions noted on Exhibit A, including but not limited to the requirement that Garcia intervene 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 New Production Application 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-21-36 as passed by the Board of Directors of the Antelope Valley Watermaster at its meeting held December 8, 2021, in Palmdale, California.

Date: _____

Robert Parris, Chairman

ATTEST: _____
Patricia Rose – Secretary

**EXHIBIT A Attachment to
Resolution No. R-21-36
Approving Application for New Production
Pursuant to the Terms of the Judgment
With Specified Conditions**

APN#	Amount Requested	Use of Well	Subarea	Applicant/Property Owner
3382-017-029	3.5 Ac. Ft.	Domestic	Central	Jose Luis Garcia



November 17, 2021

Robert Parris, Chair
Antelope Valley Watermaster Board

Re: APN# 3382-017-029 (Garcia, Jose Luis) New Production Application Findings

Watermaster Board:

Todd Groundwater has determined that the above-mentioned application for New Production in the Central Antelope Subarea for domestic use is complete. The applicant is requesting 3.5 acre-feet per year (AFY) for a 1,886 square foot single-family home, 4,500 square feet of irrigated landscaping, 500 square feet of irrigated crops, and a small vegetable garden.

The parcel is considered improved since there is a small home on the property. The new home will replace the older home. The applicant purchased the property from an auction and is not aware of any existing wells on the parcel. Since the property has an old structure on it, it is considered an improved parcel and not part of the Willis Class. Consequently, the applicant is not a Party to the Judgment and will need to intervene.

The information provided 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 (3.5 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 cursive script that reads "Katherine White".

Katherine White, P.E.

Todd Groundwater, Antelope Valley Watermaster Engineer