EDWARD J. CASEY, SBN 119571
ed.casey@alston.com
GINA M. ANGIOLILLO, SBN 323454
gina.angiolillo@alston.com
ALSTON & BIRD LLP
350 South Grand Avenue, 51st Floor
Los Angeles, CA 90071
Telephone: 213-576-1000
Facsimile: 213-576-1100

Attorneys for Magnolia, LP

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

LASC Case No. BC325201

Santa Clara County Case No. 2005-1-CV-049053

Assigned for All Purposes to the Honorable Jack Komar, Department 17C

NOTICE OF MOTION AND MOTION TO INTERVENE IN JUDGMENT; MEMORANDUM OF POINTS AND AUTHORITIES

[Filed concurrently with Declaration of Nelson Chung; and [Proposed] Order Granting Motion to Intervene]

RESERVATION ID: 761313524759

Date: November 20, 2025
Time: 8:30 a.m.
Dept.: 17C

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

PLEASE TAKE NOTICE that on November 20, 2025 at 8:30 a.m., at the court located at 111 N. Hill Street, Los Angeles, California [or as soon as the above-entitled the Santa Clara County Superior Court may hear the matter], Moving Party MAGNOLIA, LP ("Magnolia," or Movant), a California limited partnership, will and hereby does move the Court for an order granting it leave to intervene in this Action and thereby become Party to the December 23, 2015 Judgment and Physical Solution ("Judgment") in the above-captioned Antelope Valley Groundwater Adjudication.

The general grounds for granting this Motion to Intervene are as follows:

1. Section 20.9 of the Judgment provides 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 through a noticed motion to intervene in this Judgment prior to commencing Production." This language applies to Movant because it is not presently a named Party, and it seeks to acquire Production Rights.

2. Movant has filed a New Production Application with the Antelope Valley Watermaster.

3. The Watermaster Engineer made a finding that no material injury would occur to the Basin from the new production.

4. The Board of Directors of the Antelope Valley Watermaster and unanimously approved the New Production Application and signed Resolution No. R-25-47, contingent on the Movant intervening in the Judgment.

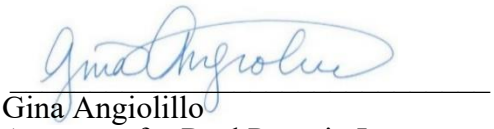
5. In addition to the above-noted reasons and procedures that were anticipated and incorporated into the Judgment itself; all of the requirements for both mandatory and permissive intervention (as set forth in Code of Civil Procedure Section 387) are also present in this case; thereby providing further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

This Motion is based on the Memorandum of Points and Authorities and the Declaration of Nelson Chung which are attached hereto; the Judgment itself (which authorizes the filing of this

Motion); all other pleadings and documents filed in this Action; together with any additional evidence and legal argument which may be presented at or prior to the hearing of this Motion.

DATED: October 20, 2025

ALSTON & BIRD LLP
EDWARD J. CASEY
GINA M. ANGIOLILLO



Gina Angiolillo
Attorneys for Real Party in Interest
MAGNOLIA, LP

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

This Motion stems from a routine "New Production Application" that has been filed with the Antelope Valley Watermaster. The Application has been approved by the Watermaster, subject to MAGNOLIA, LP ("Magnolia" or Movant) intervening into this Action and becoming a Party to the December 23, 2015 Judgment and Physical Solution ("Judgment"). [1]

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 through a noticed motion to intervene in this Judgment prior to commencing Production." The foregoing language is applicable in the instant case, because Magnolia proposes to acquire a Production Right via its approved New Production Application, placing it 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 FACT

A. Identity of the Moving Party

Magnolia is the owner of a well located at Lot 131 of TTM 60148 (APN 3023-006-067). (Chung Decl., ¶ 2.) Magnolia seeks to reactivate an existing well in connection with development planned by Pacific Communities Builder, Inc. ("PCB"). Magnolia/PCB is requesting temporary new production of approximately 93 acre-feet ("AF") to be used over the course of two years for construction water use in support of the Pacific Mesquite development. (Chung Decl., ¶ 4; *see also* Chung Decl. Exh. C, at p. 29.)

B. Procedural Background

On December 3, 2015, this Court entered Judgment in the Antelope Valley Groundwater Cases; Judicial Council Coordination Proceeding No. 4408. The Judgment incorporates by reference the "Physical Solution"; which sets forth the factual and procedural history of this case, and a comprehensive ruling for allocation and administration of water and water rights in the Antelope Valley.

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

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.

The Judgment specifically contemplates that new production rights would be requested and desirable for the community. In this regard, Section 18.5.13 sets forth detailed procedures and standards for the application, consideration, and granting of new production rights. (*See also* Antelope Valley Watermaster Rules and Regulations, July 22, 2020, as approved by Resolution No. R-20-12.) As set forth in detail below Magnolia has complied with and satisfied all of the criteria for the granting of new production rights.

C. Factual Background

In July 2025, Magnolia filed a New Production Application with the Watermaster. A true and correct copy of the New Production Application is attached to the Chung Declaration as Exhibit A, submitted in conjunction with this Motion and incorporated herein by reference.

Full and proper notice of the foregoing New Production Application was provided to all Parties via: (i) email from the Watermaster to all Parties that have provided an email address, plus all nonparties 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 Judgment, nor by any other member of the public.***

The New Production Application was processed and evaluated by the Watermaster administrators and the Watermaster Engineer, in accordance with all the requirements set forth in the Judgment. (*See* letter from the Antelope Valley Watermaster Engineers, attached to the Chung Declaration, Exhibit C, at p. 5.) In this regard, the Watermaster administrators and the Watermaster Engineer determined and confirmed that, to the extent required under the circumstances of this particular application:

1. Magnolia paid the required fees. (Chung Decl., ¶ 6, Exh. B.)

2. Magnolia provided a 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. (Chung Decl., ¶ 5, Exh. A.)
3. Magnolia provided maps showing the location of new production. (Chung Decl., ¶ 5, Exh. A.)
4. Magnolia provided details regarding existing well, and affirmed the intent to install a water meter prior to use in accordance with Watermaster requirements. (Chung Decl., ¶ 5, Exh. A.)
5. Magnolia provided written confirmation that it has obtained all necessary entitlements and permits from federal, state, county, and local governments. (Chung Decl., ¶ 5, Exh. A.)
6. Magnolia provided written confirmation that it has complied with all applicable laws and regulations. (Chung Decl., ¶ 5, Exh. A.)
7. Magnolia provided its water conservation plan. (Chung Decl., ¶ 5, Exh. A.)
8. Magnolia provided an analysis of the economic impact that the new production would have on the Basin and other producers in the subarea. (Chung Decl., ¶ 5, Exh. A.)
9. Magnolia provided an analysis of the physical impact of the new production would have on the Basin and other producers in the subarea. (Chung Decl., ¶ 5, Exh. A.)
10. Magnolia provided a written statement from a licensed engineer, 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", as defined in the Judgment. (Chung Decl., ¶ 5, Exh. A.)
11. Magnolia provided a written statement that it agrees to pay the applicable Replacement Water Assessment for any New Production. (Chung Decl., ¶ 5, Exh. A.)

During its review of the foregoing, the Watermaster Engineer analyzed, accepted, and adopted the New Production Application and associated materials provided by Magnolia as accurate and sufficient, and therefore recommended to the Watermaster Board of Directors that the New Production Application be granted. (Chung Decl., ¶ 5, Exh. C at p. 5.)

On September 24, 2025, at its regular monthly meeting, the New Production Application was

considered and ***unanimously approved by the Watermaster Board.*** During this meeting, the Watermaster invited public comment, and ultimately adopted Resolution No. R-25-47, *Approving Applications for New Production with Requirements to Intervene Pursuant to the Terms of the Judgment.* (Chung Decl., ¶¶ 9-10, Exh. D.) Among other things, the Watermaster resolved and determined as follows:

> 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, in consultation with the Watermaster General Counsel, the Watermaster Engineer has reviewed the Application and, if the Board chooses to approve the Applications, recommends that approval be subject to the following conditions, as noted on Exhibit A:
>
> (1) Magnolia, LP must file a motion to intervene as Party to the Judgment no later than thirty (30) days after the date of this Resolution;
> (2) Magnolia, LP must satisfy all Replacement Water Obligations
> (3) The proposed New Production Application shall be of no force or effect until Magnolia, LP has successfully intervened as a Party to the Judgment .
> (4) nothing in this Resolution shall be construed as precedent or authority for any non-Party to receive a New Production Right without first intervening in the Judgment.
>
> …
>
> NOW, THEREFORE, BE IT RESOLVED, that the Watermaster Board unanimously approves the applications for new production 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.

(Chung Decl., ¶ 10, Exh. D.) As a condition of final approval, the Watermaster also requested, and Magnolia agreed, to intervene as a Party to the Judgment. Magnolia has therefore filed the instant Motion to Intervene in the Judgment.

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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 through a noticed motion to intervene in this Judgment prior to commencing Production. Prior to filing such a motion, a proposed intervenor shall consult with the Watermaster Engineer and seek the Watermaster's stipulation to the proposed intervention . . . . Thereafter, if approved by the Court. Such intervenor shall be a Party bound by this Judgment. (Emphasis added).

The foregoing language is applicable here as Magnolia proposes to acquire a new temporary Production Right, placing it into the category of persons that were specifically expected to intervene into the above captioned Action, and thereby become Parties bound by the Judgment. Furthermore, according to the terms of Resolution No. R-25-47, the Watermaster's approval of Magnolia's New Production Application requires Magnolia to intervene in the Judgment. The Watermaster has thereby stipulated to Magnolia's intervention.

Intervention is proper under Section 20.9 of the Judgment, because the Watermaster Board has approved the subject application and the anticipated production causes no Material Injury. (Chung Decl., ¶ 8, Exh. C.) Additionally, the Watermaster emailed notice of Magnolia's New Production Application to all Parties and other interested persons and posted said Request on its website and bulletin board, and no Party nor any member of the public objected thereto.

Since Magnolia is one of the exact categories of persons that the Court and all Parties expected to intervene, and their proposed transactions are proper and have been approved by the Watermaster. Movant respectfully requests that this Court enter an order granting this motion to intervene.

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

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

Here, Magnolia meets the requirements for both mandatory and permissive intervention. Mandatory intervention is applicable because: (i) Magnolia claims an interest in the water Production Rights which are the subject of the New Production Application; (ii) intervention is presently deemed necessary by the Watermaster for Magnolia to use the Production Rights; and (iii) no current party represents the interests of Magnolia.

Permissive intervention is also applicable because: (i) Magnolia claims an interest in the water Production Rights which are the subject of the New Production Application; (ii) intervention will not enlarge, alter, impair, nor in any way affect the issues in the litigation (since the litigation is entirely resolved); and (iii) the reasons for intervention are to comply with the Judgment (which specifically contemplates that new parties would intervene), and to comply with conditions set forth by the Watermaster's Resolution No. R-25-47.

The intervention statute is designed to promote fairness and to ensure maximum involvement by all responsible, interested in affected parties. (*Mary R. v. B. & R. Corp.* (1983) 149 Cal.App.3d 308, 314.) The statute "should be liberally construed in favor of intervention." (*Lindelli v. Town of San Anselmo* (2006) 139 Cal.App.4th 1499, 1505.) The Judgment, which controls, recognizes these principles through Sections 20.9, which expressly provide for intervention after entry of the Judgment

in order to account for persons who "propose to . . . acquire a Production Right" after the date of the Judgment.

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

As required by Section 20.9 of the Judgment, Magnolia has consulted with the Watermaster Engineer and the Watermaster adopted Resolution No. R-25-47 thereby stipulating to the Movant's proposed intervention as required by Section 20.9. Movant has also presented evidence that it proposes to "acquire a Production Right"; which is precisely one of the categories of persons contemplated to intervene into the action and become a Party to the Judgment. Lastly, Movant has properly and duly served this Motion in accordance with Section 20.7 of the Judgment by e-filing on the Court's website.

IV. PRAYER

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

Dated: October 20, 2025

ALSTON & BIRD LLP
EDWARD J. CASEY
GINA M. ANGIOLILLO

By: _____
Gina Angiolillo
Attorneys for Real Party in Interest
MAGNOLIA, LP.

PROOF OF SERVICE

I, Lisa M. Guerrero, declare:

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is Alston & Bird LLP, 350 S. Grand Avenue, 51st Floor, Los Angeles, CA 90071.

On October 20, 2025, I served the document(s) described as **NOTICE OF MOTION AND MOTION TO INTERVENE IN JUDGMENT; MEMORANDUM OF POINTS AND AUTHORITIES** on the interested parties in this action by enclosing the document(s) in a sealed envelope addressed as follows:

See Attached Service List

☐ BY MAIL: I am "readily familiar" with this firm's practice for the collection and the processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, the correspondence would be deposited with the United States Postal Service at 350 S. Grand Avenue, 51st Floor, Los Angeles, CA 90071. with postage thereon fully prepaid the same day on which the correspondence was placed for collection and mailing at the firm. Following ordinary business practices, I placed for collection and mailing with the United States Postal Service such envelope at Alston & Bird LLP, 350 S. Grand Avenue, 51st Floor, Los Angeles, CA 90071.

☐ ☐ UPS NEXT DAY AIR ☐ OVERNIGHT DELIVERY: I deposited such envelope in a facility regularly maintained by ☐ UPS ☐ Overnight Delivery [specify name of service:] with delivery fees fully provided for or delivered the envelope to a courier or driver of ☐ UPS ☐ OVERNIGHT DELIVERY [specify name of service:] authorized to receive documents at Alston & Bird LLP, 350 S. Grand Avenue, 51st Floor, Los Angeles, CA 90071.

☒ BY ELECTRONIC SERVICE: by posting the document(s) listed above to the Antelope Valley Groundwater Cases to all parties listed on the Santa Clara Superior Court Service List as maintained via Glotrans. Electronic service completed through http://www.avwatermaster.org.

☒ [State] I declare under penalty of perjury under the laws of the State of CA that the above is true and correct.

☐ [Federal] I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on October 20, 2025, at Los Angeles, California.

/s/ Lisa M. Guerrero

Lisa M. Guerrero

Make a Reservation

L A COUNTY WATERWORKS DISTRICT VS DIAMOND FARMING COMPANY ET

Case Number: BC325201 Case Type: Civil Unlimited Category: Declaratory Relief Only
Date Filed: 2004-11-29 Location: Stanley Mosk Courthouse - Legacy

Reservation

Case Name: L A COUNTY WATERWORKS DISTRICT VS DIAMOND FARMING COMPANY ET	Case Number: BC325201
Type: Motion re: (Motion to Intervene Judgment)	Status: RESERVED
Filing Party: Magnolia, LP (Party Role to be determined)	Location: Stanley Mosk Courthouse - Department 17
Date/Time: 11/20/2025 8:30 AM	Number of Motions: 1
Reservation ID: 761313524759	Confirmation Code: CR-ZP6OSOYMBEBPIMTIA

Fees

Description	Fee	Qty	Amount
Motion re: (name extension)	0.00	1	0.00
TOTAL			$0.00

Payment

Amount: $0.00	Type: NOFEE
Account Number: n/a	Authorization: n/a
Payment Date: n/a	

Print Receipt | + Reserve Another Hearing | View My Reservations