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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

LASC Case No. BC325201

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

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

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

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

RESERVATION ID: 761313524759

Date: November 20, 2025

Time: 8:30 a.m.

Dept.: 17C

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

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

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

11 1. 20.9 of the Judgment provides that “[a]ny Person who is not a Party or successor to a Party
12 and who proposes to Produce Groundwater from the Basin . . . is required to seek to become a Party
13 subject to this Judgment through a noticed motion to intervene in this Judgment prior to commencing
14 Production.” This language applies to Movant because it is not presently a named Party, and it seeks
15 to acquire New Production.

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

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

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

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

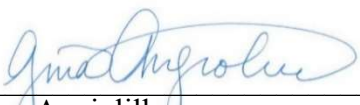
26 6. Magnolia, LP filed a Notice of Motion and Motion to Intervene in the Judgment on October
27 20, 2025. On October 24, 2025, counsel for the Antelope Valley Watermaster (“Watermaster”) noted
28 that clarification was required to identify that Magnolia seeks “New Production,” and not a

1 “Production Right” as defined by Sections 3.5.20 and 3.5.32 of Judgment, respectively. This Amended
2 Notice of Motion and Motion to Intervene in the Judgment along with the Amended Memorandum
3 and Points of Authorities provide the necessary corrections and clarifications.

4 This Amended Motion is based on the Amended Memorandum of Points and Authorities and
5 the Declaration of Nelson Chung which are attached hereto; the Judgment itself (which authorizes the
6 filing of this Motion); all other pleadings and documents filed in this Action; together with any
7 additional evidence and legal argument which may be presented at or prior to the hearing of this
8 Amended Motion.

9
10 DATED: October 24, 2025

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

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12 
13 _____
Gina Angiolillo
14 Attorneys for Real Party in Interest
MAGNOLIA, LP
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1 **AMENDED MEMORANDUM OF POINTS AND AUTHORITIES¹**

2 **I. INTRODUCTION**

3 This Amended Motion stems from a routine “New Production Application” that has been filed
4 with the Antelope Valley Watermaster. The Application has been approved by the Watermaster,
5 subject to MAGNOLIA, LP (“Magnolia” or Movant) intervening into this Action and becoming a
6 Party to the December 23, 2015 Judgment and Physical Solution (“Judgment”).²

7 This Amended Motion is filed pursuant to Section 20.9 of the Judgment, which specifies that
8 [a]ny Person who is not a Party or successor to a Party and who proposes to Produce Groundwater
9 from the Basin . . . is required to seek to become a Party subject to this Judgment through a noticed
10 motion to intervene in this Judgment prior to commencing Production.” In addition, Sections 18.4.9
11 and 18.5.13 specifically consider applications for New Production. The foregoing language is applicable
12 in the instant case, because Magnolia proposes to acquire New Production via its approved New
13 Production Application, placing it into the category of persons that were specifically expected to
14 intervene into this Action and thereby become one of the Parties bound by the Judgment.

15 **II. STATEMENT OF FACT**

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

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

23 ///

24 ///

25 ¹ Magnolia’s Motion to Intervene was filed on October 20, 2025. On October 24, 2025, counsel
26 for the Watermaster noted that clarification was required to confirm that Magnolia seeks “New
27 Production,” and not a “Production Right” as defined by Sections 3.5.20 and 3.5.32 of the Judgment,
28 respectively. This Amended Notice of Motion and Motion to Intervene in the Judgment along with the
Amended Memorandum and Points of Authorities provide the necessary corrections and clarifications.

² All capitalized terms in this Motion and supporting documents have the same meanings as
those set forth in the Judgment and Physical Solution.

1 **B. Procedural Background**

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

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

14 **C. Factual Background**

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

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

25 The New Production Application was processed and evaluated by the Watermaster
26 administrators and the Watermaster Engineer, in accordance with all the requirements set forth in the
27 Judgment. (*See* letter from the Antelope Valley Watermaster Engineers, attached to the Chung
28 Declaration, Exhibit C, at p. 5.) In this regard, the Watermaster administrators and the Watermaster

1 Engineer determined and confirmed that, to the extent required under the circumstances of this
2 particular application:

- 3 1. Magnolia paid the required fees. (Chung Decl., ¶ 6, Exh. B.)
- 4 2. Magnolia provided a written summary describing the proposed quantity, sources of supply,
5 season of use, purpose of use, place of use, manner of delivery, and other pertinent
6 information. (Chung Decl., ¶ 5, Exh. A.)
- 7 3. Magnolia provided maps showing the location of new production. (Chung Decl., ¶ 5, Exh.
8 A.)
- 9 4. Magnolia provided details regarding existing well, and affirmed the intent to install a water
10 meter prior to use in accordance with Watermaster requirements. (Chung Decl., ¶ 5, Exh.
11 A.)
- 12 5. Magnolia provided written confirmation that it has obtained all necessary entitlements and
13 permits from federal, state, county, and local governments. (Chung Decl., ¶ 5, Exh. A.)
- 14 6. Magnolia provided written confirmation that it has complied with all applicable laws and
15 regulations. (Chung Decl., ¶ 5, Exh. A.)
- 16 7. Magnolia provided its water conservation plan. (Chung Decl., ¶ 5, Exh. A.)
- 17 8. Magnolia provided an analysis of the economic impact that the new production would have
18 on the Basin and other producers in the subarea. (Chung Decl., ¶ 5, Exh. A.)
- 19 9. Magnolia provided an analysis of the physical impact of the new production would have
20 on the Basin and other producers in the subarea. (Chung Decl., ¶ 5, Exh. A.)
- 21 10. Magnolia provided a written statement from a licensed engineer, signed by a California
22 licensed and registered professional civil engineer with expertise in groundwater
23 hydrology, determining that the new production will not cause “material injury”, as defined
24 in the Judgment. (Chung Decl., ¶ 5, Exh. A.)
- 25 11. Magnolia provided a written statement that it agrees to pay the applicable Replacement
26 Water Assessment for any New Production. (Chung Decl., ¶ 5, Exh. A.)

27 During its review of the foregoing, the Watermaster Engineer analyzed, accepted, and adopted
28 the New Production Application and associated materials provided by Magnolia as accurate and

1 sufficient, and therefore recommended to the Watermaster Board of Directors that the New Production
2 Application be granted. (Chung Decl., ¶ 5, Exh. C at p. 5.)

3 On September 24, 2025, at its regular monthly meeting, the New Production Application was
4 considered and ***unanimously approved by the Watermaster Board.*** During this meeting, the
5 Watermaster invited public comment, and ultimately adopted Resolution No. R-25-47, *Approving*
6 *Applications for New Production with Requirements to Intervene Pursuant to the Terms of the*
7 *Judgment.* (Chung Decl., ¶¶ 9-10, Exh. D.) Among other things, the Watermaster resolved and
8 determined as follows:

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

13 ...

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

- 18 (1) Magnolia, LP must file a motion to intervene as Party to the Judgment
19 no later than thirty (30) days after the date of this Resolution;
20 (2) Magnolia, LP must satisfy all Replacement Water Obligations
21 (3) The proposed New Production Application shall be of no force or effect
22 until Magnolia, LP has successfully intervened as a Party to the Judgment .
23 (4) nothing in this Resolution shall be construed as precedent or authority
24 for any non-Party to receive a New Production Right without first
25 intervening in the Judgment.

21 ...

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

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

///

1 **III. LEGAL ARGUMENT**

2 **A. The Judgment Specifically Provides for Intervention by Parties Who Propose to**
3 **Acquire New Production.**

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

8 **20.9 Intervention After Judgment.** Any Person who is not a Party or successor to
9 a Party and *who proposes to Produce Groundwater from the Basin*. . . is required
10 to seek to become a Party subject to this Judgment through a noticed motion to
11 intervene in this Judgment prior to commencing Production. Prior to filing such a
12 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).

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

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

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

27 ///

28 ///

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

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

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

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

24 The intervention statute is designed to promote fairness and to ensure maximum involvement
25 by all responsible, interested in affected parties. (*Mary R. v. B. & R. Corp.* (1983) 149 Cal.App.3d
26 308, 314.) The statute "should be liberally construed in favor of intervention." (*Lindelli v. Town of*
27 *San Anselmo* (2006) 139 Cal.App.4th 1499, 1505.) The Judgment, which controls, recognizes these
28 principles through Sections 20.9, which expressly provide for intervention after entry of the Judgment

1 in order to account for persons who “proposes to Produce Groundwater from the Basin” after the date
2 of the Judgment.

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

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

11 **IV. PRAYER**

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

14
15 Dated: October 24, 2025

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

17
18 By: 
19 Gina Angiolillo
20 Attorneys for Real Party in Interest
21 MAGNOLIA, LP.
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1 **PROOF OF SERVICE**

2 I, Dana Camacho, declare:

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

5 On October 24, 2025, I served the document(s) described as **AMENDED NOTICE OF**
6 **MOTION AND MOTION TO INTERVENE IN JUDGMENT; MEMORANDUM OF POINTS**
7 **AND AUTHORITIES** on the interested parties in this action by enclosing the document(s) in a
sealed envelope addressed as follows:

8 **See Attached Service List**

- 9 ☐ BY MAIL: I am "readily familiar" with this firm's practice for the collection and the
10 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
11 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
12 mailing with the United States Postal Service such envelope at Alston & Bird LLP, 350 S.
Grand Avenue, 51st Floor, Los Angeles, CA 90071.
- 13 ☐ ☐ UPS NEXT DAY AIR ☐ OVERNIGHT DELIVERY: I deposited such envelope in a
14 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
15 ☐ OVERNIGHT DELIVERY [specify name of service:] authorized to receive documents at
Alston & Bird LLP, 350 S. Grand Avenue, 51st Floor, Los Angeles, CA 90071.
- 16 ☒ BY ELECTRONIC SERVICE: by posting the document(s) listed above to the Antelope
17 Valley Groundwater Cases to all parties listed on the Santa Clara Superior Court Service
List as maintained via Glotrans. Electronic service completed through
18 <http://www.avwatermaster.org>.
- 19 ☒ [State] I declare under penalty of perjury under the laws of the State of CA that the above is
true and correct.
- 20 ☐ [Federal] I declare under penalty of perjury under the laws of the United States of America
21 that the foregoing is true and correct.

22 Executed on October 24, 2025, at Los Angeles, California.

23 */s/ Dana Camacho*

24 _____
25 Dana Camacho



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