

SCOTT S. SLATER (State Bar No. 117317)
sslater@bhfs.com
AMY STEINFELD (State Bar No. 240175)
asteinfeld@bhfs.com
BROWNSTEIN HYATT FARBER SCHRECK, LLP
1021 Anacapa Street, 2nd Floor
Santa Barbara, California 93101
Telephone: 805.963.7000
Facsimile: 805.965.4333

Attorneys for ORO VISTA FARMS, LLC

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. 1-05-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 Declarations of
Paul Nugent and Amy Steinfeld; and
[Proposed] Order Granting Oro Vista Farms,
LLC's Motion to Intervene]

Date: To Be Assigned
Time: To Be Assigned
Judge: Hon. Jack Komar
Dept.: 17

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 the date and time above referenced, or as the Court may
5 hear the matter, Moving Party ORO VISTA FARMS, LLC, a California corporation (“ORO
6 VISTA”), hereby moves the Court for an order granting them leave to intervene in this Action
7 and thereby become Party to the December 23, 2015 Judgment and Physical Solution
8 (“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
11 successor to a Party and who proposes to ... acquire a Production Right ... is required to seek to
12 become a Party subject to this Judgment through a noticed motion to intervene in this Judgment
13 prior to commencing Production.” This language applies to Movant because it is not presently a
14 named Party, and they seek to acquire Production Rights.

15 2. Movant has entered into an agreement to acquire one (1) acre-foot of Permanent
16 Production Right from a Party to this action, RTS Orchards, LLC.

17 3. The Watermaster Engineer has confirmed that Material Injury from this
18 transaction to the Basin is negligible.

19 4. The Antelope Valley Watermaster Board has unanimously approved this
20 transaction and has required Movant intervene and become a Party to the Judgment; and

21 5. The Watermaster has stipulated to entry of an Order granting this Motion to
22 Intervene;


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

27 This Motion is based on the Declarations of Paul G. Nugent and Amy Steinfeld and the
28 Memorandum of Points and Authorities, all of which are attached hereto; the Judgment itself

(which specifically 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: February 20, 2025

BROWNSTEIN HYATT FARBER SCHRECK, LLP

By: 

Scott S. Slater
Amy Steinfeld
Attorneys for Defendant
ORO VISTA FARMS, LLC

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

This Motion stems from a routine agreement for the transfer of Production Rights.¹ The transfer has been approved by the Watermaster, subject to Oro Vista Farms, LLC (“Oro Vista”), 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 Oro Vista proposes to “acquire a Production Right” thereby placing them neatly into the category of persons that were specifically expected to intervene into this Action, and thereby become Parties bound by the Judgment.

II. STATEMENT OF FACTS

A. Identity of the Moving Party.

Oro Vista is a pistachio farming operation, growing pistachios on RTS Orchards, LLC’s lands within the Antelope Valley. (Nugent Declaration, ¶2.)

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. 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.

Among the many parties to the Judgment is RTS Orchards, LLC, which owns Overlying Production Rights as set forth in the Physical Solution, Section 5.1.1.1. Exhibit 4 (“Exhibit 4”). A record of RTS Orchards, LLC’s Overlying Production Rights is memorialized in the Antelope

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

Valley Watermaster 2023 Annual Report dated July 26, 2024. RTS Orchards, LLC, an Overlying Production Right holder, may transfer its Overlying Production Rights to Oro Vista, a non-Overlying Production Right holder, pursuant to the provisions of Paragraph 16 of the Judgment.

C. Factual Background.

In November 2024, RTS Orchards, LLC, as seller, and Oro Vista, as buyer, on the other, entered into a “Water Rights Transfer Agreement” pursuant to which RTS Orchards, LLC agreed to transfer to Oro Vista one (1) acre-foot of permanent Overlying Production Rights. (Nugent Declaration, ¶3, Exh A.) Oro Vista intends to use this water on the property owned by RTS Orchards, LLC.

On December 29, 2025, RTS Orchards, LLC and Oro Vista tendered a joint Transfer Request Form to the Antelope Valley Watermaster, requesting its approval of the proposed transaction. (Nugent Declaration, ¶3.) During the course of its standard due diligence, the Watermaster and its Engineer confirmed that the RTS Orchards, LLC possess the right to use or transfer Permitted Volume of Production Right in the amount of one thousand four hundred and ninety four (1,494) acre-feet per year. (Nugent Declaration, ¶4, Exh. B.)

Full and proper notice of the foregoing Transfer Request was provided to all 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 Transfer Request, 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 Transfer Request were filed by any Party to the Adjudication, nor by any other member of the public.**

On January 22, 2025, at its regular monthly meeting, the foregoing Transfer Request was considered and **unanimously approved** by the Watermaster Board. (Nugent Declaration, ¶5.) In this regard, the Watermaster unanimously adopted Resolution No. 25-7, Approving Application for Transfer with Requirement to Intervene Pursuant to the Terms of the Judgment with Specified Conditions. Among other things, the Watermaster Engineer determined in its review of the Transfer Request that: (i) RTS Orchards, LLC has at least one thousand four hundred and ninety

four (1,494) acre-feet of unused Production Rights available for use or transfer: (ii) RTS Orchards, LLC possesses the right and power to transfer the Production Rights; (iii) Oro Vista Farms intends to use this water on the property owned by RTS Orchards; and (iv) due to the low volume of water, the potential for Material Injury to the Basin is negligible. (Nugent Declaration, ¶6, Exh. C.)

As a condition of final approval, the Watermaster also requested, and Oro Vista agreed, to intervene as a party to the Judgment within thirty (30) days after the date of this Resolution. (Nugent Declaration, ¶7.)

Prior to filing this Motion, Oro Vista consulted with the Watermaster Engineer and sought and procured the Watermaster's stipulation to this proposed intervention. (Steinfeld Declaration, ¶2).

Oro Vista has therefore filed the instant Motion to Intervene in the Judgment. As noted above, the Watermaster has stipulated to Oro Vista's intervention into the Judgment.

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 though 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 in the instant case because Oro Vista proposes to "acquire a Production Right"; thereby placing them neatly into the category of persons that were specifically expected to intervene into this Action, and thereby become Parties bound by the

Judgment. Additionally, the Watermaster requires Oro Vista's intervention into this Action.

Intervention is proper under Section 20.9 of the Judgment, because the Watermaster Board has approved the subject transaction and the transaction causes no Material Injury. Additionally, the Watermaster emailed notice of this Transfer Request 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 Movants are 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. Movants respectfully request that this Court enter an order granting this motion to intervene.

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

Oro Vista's intervention is also necessary and appropriate 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. 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.)

In the instant case, both of the above tests are satisfied. Mandatory intervention is applicable because: (i) both parties claim an interest in the water Production Rights which are the subject of the Transfer Requests; (ii) intervention is presently deemed necessary by the Watermaster for the parties to transfer, own, and/or use the Production Rights; and (iii) no current party represents the interests of the Movant.

Permissive intervention is also applicable because: (i) both parties claim an interest in the

1 water Production Rights which are the subject of the Transfer Requests; (ii) intervention will not
2 enlarge, alter, impair, nor in any way affect the issues in the litigation (since the litigation is
3 entirely resolved); and (iii) the reasons for intervention are to comply with the Judgment (which
4 specifically contemplates that new parties would intervene), and to comply with conditions
5 required by the Watermaster (that the parties intervene).

6 The intervention statute is designed to promote fairness and to ensure maximum
7 involvement by all responsible, interested in affected parties. (*Mary R. v. B. & R. Corp.* (1983)
8 149 Cal.App. 3d 308, 314. The statute "should be liberally construed in favor of intervention."
9 (*Lindelli v. Town of San Anselmo* (2006) 139 Cal.App. 4th 1499, 1505. The Judgment, which
10 controls, recognizes these principles through Sections 20.9, which expressly provide for
11 intervention after entry of the Judgment in order to account for persons who "propose to ...
12 acquire a Production Right" after the date of the Judgment.

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

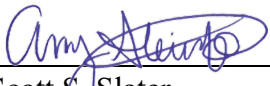
14 As required by Section 20.9 of the Judgment, Movant has consulted with the Watermaster
15 Engineer and obtained the Watermaster's stipulation to Movant's proposed intervention. Movant
16 has also presented evidence that they propose to "acquire a Production Right"; which is precisely
17 one of the categories of persons contemplated to intervene into the action and become a "Party" to
18 the Judgment. Lastly, Movants have properly and duly served this Motion in accordance with
19 Section 20.7 of the Judgment by e-filing on the Court's website.

20 **IV. PRAYER**

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

23 Dated: February 20, 2025

BROWNSTEIN HYATT FARBER SCHRECK, LLP

24
25 By: 
26 Scott S. Slater
27 Amy Steinfeld
28 Attorneys for Defendant
ORO VISTA FARMS, LLC

PROOF OF SERVICE


I am a resident of the United States and employed in Santa Barbara County. I am over the age of eighteen years and not a party to the within entitled action. My business address is 1021 Anacapa Street, Second Floor, Santa Barbara, CA 93101. My electronic service address is meldridge@bhfs.com. On February 20, 2025, I served the following documents on the parties in this action described as follows:

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

[X] **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>.

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

Executed on February 20, 2025, at Santa Barbara, California.


Melissa Eldridge