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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

**DECLARATION OF PAUL NUGENT
IN SUPPORT OF ORO VISTA FARMS,
LLC'S MOTION TO INTERVENE IN
JUDGMENT**

[Filed concurrently with Notice of Motion
and Motion to Intervene in Judgment;
Declaration of 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 I, Paul G. Nugent, declare as follows:

2 1. I am the Manager of Oro Vista Farms, LLC, a California limited liability
3 company, the Movant herein. I have personal knowledge of the matters set forth herein, and if
4 called as a witness, I could competently testify thereto. I hereby state that the documents attached
5 hereto constitute writings compiled and prepared in the regular and ordinary course of business.

6 2. Oro Vista is a pistachio farming operation, growing pistachios on RTS Orchards,
7 LLC's lands within the Antelope Valley.

8 3. On or about December 29, 2024, RTS Orchards, LLC tendered a Transfer Request
9 Form to the Antelope Valley Watermaster ("Watermaster"), requesting its approval of the transfer
10 of one (1) acre-foot of water to Oro Vista Farms, LLC. A true and correct copy of that Transfer
11 Request Form is attached hereto as Exhibit "A" and is incorporated herein by this reference.

12 4. I am informed and believe that during the course of its standard due diligence, the
13 Watermaster and its Engineer confirmed that RTS Orchards, LLC possesses the right to use or
14 transfer the permitted volume in the amount of one (1) acre-foot per year. A true and correct copy
15 of the Watermaster Engineer's January 8, 2025 Letter to the Watermaster Board regarding its
16 review of the Transfer Request by RTS Orchards, LLC is attached hereto as Exhibit "B" and is
17 incorporated herein by this reference.

18 5. I am informed and believe that the Transfer Request came on for hearing during
19 the course of the Watermaster Board meeting on January 22, 2025, and that after a thorough
20 discussion and consideration of the matter the Board voted unanimously to approve the transfer
21 request.

22 6. Attached hereto and incorporated by reference as Exhibit "C" is the fully executed
23 Resolution No. No. 25-7 "Approving Application for Transfer with Requirement to Intervene
24 Pursuant to the Terms of the Judgment with Specified Conditions."

25 7. I am aware that the Watermaster's approval of this transaction is conditioned upon
26 Oro Vista Farms, LLC successfully intervening as a party to the Judgment.

27 8. Oro Vista Farms, LLC desires to intervene into this Action and become a Party to
28 the Judgment herein, and I respectfully request that this Court enter an Order to that effect.

1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct. Executed this 19th day of February, 2025, at Bakersfield,
3 California.


4 
5
6 PAUL NUGENT

EXHIBIT A

TRANSFER REQUEST FORM

ANTELOPE VALLEY WATERMASTER

Please include an application fee according to the fee schedule posted on the Watermaster website:

<https://avwatermaster.net>. Make check out to: Antelope Valley Watermaster

Mail to: Antelope Valley Watermaster, 55022 West Avenue N, Suite 102, Box 195 OR email to:

info@avwatermaster.net

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

PERMANENT TRANSFER? Yes

TEMPORARY/ONE-TIME TRANSFER? no

Permanent Amount 1 acre-feet Temporary/One-time Amount 0 acre-feet

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

Date Requested 11/5/2024

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

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

Is either Party a member of the Antelope Valley United Mutuals Group? xx ~~Yes~~ NO

TRANSFER FROM (SELLER/TRANSFEROR):

Name RTS Orchards, LLC Street Address 4831 Calloway Dr Suite 102

City Bakersfield State CA Zip Code 93312

Phone 661-829-5109 email tim@orovistafarms.com

APN#(s) where transfer originates (i.e., production well location(s)) 359-031-07, 359-032-20,21,08,13,14

APN#(s) (or water supply service area) where groundwater was used 359-031-07, 359-032-20,21,08,13,14

TRANSFER TO (BUYER/TRANSFeree):

Name Oro Vista Farms, LLC Street Address 4831 Calloway Dr Suite 102

City Bakersfield, State CA Zip Code 93312

Phone 661-829-5109 email tim@orovistafarms.com

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

APN#(s) (or water supply service area) where transfer will be pumped and used 359-031-07, 359-032-20,21,08,13,14

Purpose of Transfer:

☐ Permanent Transfer resulting from Property Sale/Transfer [PLEASE ATTACH DEED OR PRELIMINARY TITLE REPORT]

☒ Additional Source of Water

Other, explain _____

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

☒ Current Year Production Right: amount 1 acre foot acre-feet

☐ Carry Over Water: amount _____ acre-feet

☐ Storage: amount _____ acre-feet

☐ Other, explain _____

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

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

Are Parties aware of any water quality issues that exist in either the area transferred from or to? No

If yes, please explain: _____

Please provide groundwater elevations in the areas affected by the transfer. _____

Are Parties aware of any water level issues that exist in either the area transferred from or to? No

If yes, please explain: _____

MAPS

➡ Please include a map of the area where the water was used by the Transferor and a map of the area where the water is intended to be used by the Transferee. Include locations of production facilities involved in or affected by the Transfer. This map can include all possible locations of past source and use and future source and use.

SECURITY INTEREST OR LIENHOLDERS

For Permanent Transfers, please provide a list of all parties with a recorded security interest, deed of trust or a lien in such real property or in crops growing or to be grown thereon, and attach copies of written notices to such parties and copies of return receipts. _____

The transfer shall be conditioned upon:

1. Transferee shall succeed to the right of Transferor under the terms of the Judgment.
2. Transferee shall only use Transferred waters for reasonable and beneficial uses.
3. Any Transferee not already a Party to the Judgment must intervene and become a Party to the Judgment.
4. All applicable assessments (Administrative and Balance) and transfer fees are paid in full.
5. If the Watermaster determines that the transfer has resulted in a material injury, the parties will be required to work with the Watermaster Board to mitigate that material injury.
6. For Permanent Transfers, the Parties agree to duly record in the office of the appropriate County Recorder a document reflecting the Permanent Transfer reflected in this Transfer Form.
7. The Transfer Request Form must bear the notarized signatures of both the transferor and the transferee.
8. The Seller/Transferor must be the owner of the water rights pursuant to the Judgment. No Party may transfer water rights held pursuant to a lease agreement or other private contract with the actual water rights owner.

SIGNATURES

I understand and agree to abide by the terms of the Antelope Valley Adjudication Judgment. I swear under penalty of perjury that the information provided on this Transfer Request Form is correct to the best of my knowledge, that I am authorized to enter into this Transfer on behalf of the party indicated below and to bind that party on whose behalf I am signing, and that signing this Transfer Request Form is within the scope of my authority, and that the signature below, whether original, electronic, or photocopied, is authorized and valid, and is affixed with the intent to be enforceable. I understand that it is my responsibility to notify the Antelope Valley Watermaster of any changes in any of the information provided on this form within 15 days. I also understand that additional information may be required if there is a suspected potential for a material injury as defined in the Judgment.

Signature of Transferor Rodney T. Strickland Date 11/7/24
Signature of Transferee Rodney T. Strickland Date 11/7/24

To be completed by the Watermaster:

Watermaster Engineer Approval _____ Date _____

Watermaster Board Approval _____ Date _____

Attached CA
Acknowledgment

ACKNOWLEDGMENT

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

State of California
County of Kern

On 11/7/2024 before me, Rebecca Lane, Notary Public
(insert name and title of the officer)

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

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

WITNESS my hand and official seal.

Signature [Signature] (Seal)



ACKNOWLEDGMENT

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

State of California
County of Kern

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subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Signature 

(Seal)



RTS Orchards

Transfer From RTS Orchards, LLC
Transfer to Oro Vista Farms, LLC

Legend

- Gaskell Rd
- Islamic Mortuary and Cemetery
- Pipe inspection point
- Untitled Path

Google Earth

Image © 2024 Airbus

Country Home Bot C57e

EXHIBIT B



January 8, 2025

Robert Parris, Chair
Antelope Valley Watermaster Board

Re: RTS Orchards, LLC, to Oro Vista Farms, LLC

Watermaster Board:

Todd Groundwater finds that the attached application for a permanent transfer of 1 AFY of Production Rights from RTS Orchards, LLC, to Oro Vista Farms, LLC (Oro Vista Farms), is complete, provided Oro Vista intervenes in the Judgment. RTS Orchards is an Exhibit 4 Party with wells in the West Antelope Subarea (**Figure 1**). Oro Vista Farms is not a Party to the Judgment but would like to buy the Production Right and to become a Party to the Judgment after intervention.

RTS Orchards, LLC, currently has a Production right of 1,494 AFY. It produced 1,156.86 AF in 2023.

Oro Vista Farms intends to use this water on the property owned by RTS Orchards. If Oro Vista received a transfer and plans to produce more than 1 AFY on RTS Orchards' property, a Material Injury analysis will be conducted that considers the cumulative planned production by both Oro Vista and RTS Orchards. If Oro Vista Farms and RTS Orchards produce from the same well, the two Parties must coordinate their metering and production reports so that the total water produced is reported and appropriately designated to each Party.

This transfer does not represent a change in location of the Production Right. Due to the low volume of water, Todd Groundwater finds the potential for Material Injury to be negligible. Todd Groundwater recommends the approval of this application on the condition that Oro Vista Farms intervenes.

Sincerely,

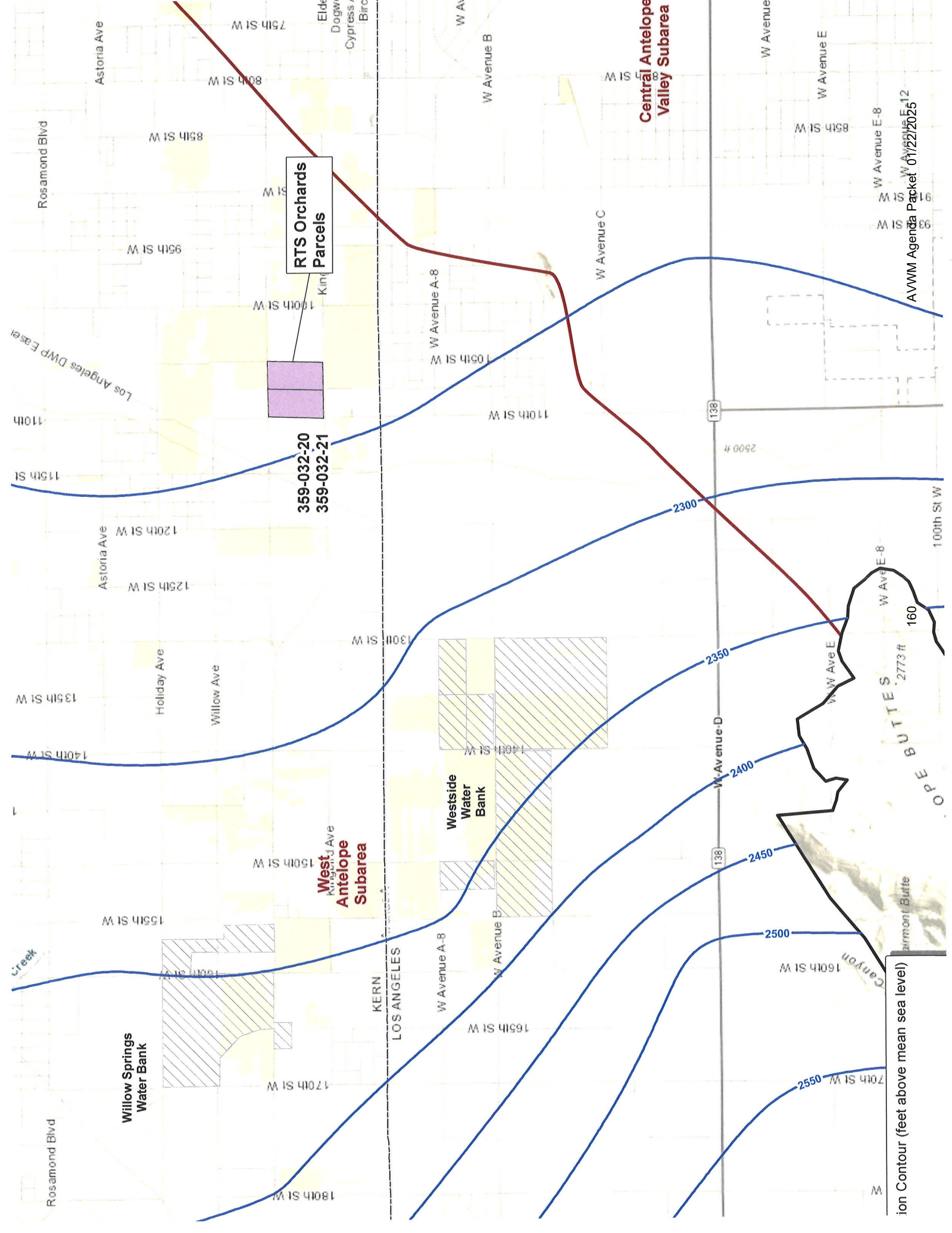
A handwritten signature in black ink that reads "Maureen Reilly".

Maureen Reilly, P.E.

Todd Groundwater, Antelope Valley Watermaster Engineer

A handwritten signature in black ink that reads "Arden Wells".

Arden Wells, PG, CHG



RTS Orchards
Parcels

359-032-20
359-032-21

West
Antelope
Subarea

Central Antelope
Valley Subarea

ion Contour (feet above mean sea level)

AVWM Agenda Packet 01/22/2025

EXHIBIT C

RESOLUTION NO. R-25-07

APPROVING APPLICATION FOR TRANSFER WITH REQUIREMENT TO INTERVENE PURSUANT TO THE TERMS OF THE JUDGMENT WITH SPECIFIED CONDITIONS; ATTACHED EXHIBIT A

WHEREAS, the Antelope Valley Watermaster, formed by the Antelope Valley Groundwater Cases Final Judgment (“Judgment”), Santa Clara Case No. 1-05-CV-049053 signed December 23, 2015, is to administer the Judgment; and

WHEREAS, a process for considering and approving applications for transfers is set forth in the Judgment and in the Rules and Regulations unanimously adopted by the Board on June 24, 2020 pursuant to Resolution No. R-20-12; and

WHEREAS, the Watermaster Engineer is authorized under the Judgment to recommend to the Watermaster Board that applications for transfers be denied or approved and that approval may be pursuant to certain conditions; and

WHEREAS, pursuant to the terms of the Judgment, the Watermaster Engineer is required to make certain findings and to consider, investigate and recommend to the Watermaster Board denial or approval, or approval with certain conditions, of these applications consistent with the terms of the Judgment; and

WHEREAS, pursuant to the Transfer Request Form listed on attached Exhibit A, RTS Orchards, LLC proposes to make permanent transfers of 1 acre-foot to Oro Vista Farms, LLC; and

WHEREAS, Oro Vista Farms, LLC is not a Party to the Judgment, and as such Oro Vista Farms, LLC may not receive a transfer of Production Right until they successfully intervene as Parties to the Judgment; and

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

- (1) Oro Vista Farms, LLC must file a motion to intervene as a Party to the Judgment no later than thirty (30) days after the date of this Resolution;
- (2) the proposed transfer shall be of no force or effect until Oro Vista Farms, LLC has successfully intervened as a Party to the Judgment;
- (3) nothing in this Resolution shall be construed as precedent or authority for any non-Party to receive a transfer of a Production Right without first intervening in the Judgment.

WHEREAS, the Watermaster Board has considered the findings and recommendations of the Watermaster Engineer set forth above and attached in Exhibit A and is prepared to approve the Application pursuant to such conditions recommended by the Watermaster Engineer.

NOW, THEREFORE, BE IT RESOLVED, that the Watermaster Board unanimously approves the application for transfer 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-25-07 as passed by the Board of Directors of the Antelope Valley Watermaster at its meeting held January 22, 2025, in Palmdale, California.

Date: _____

1/22/25

ATTEST: _____



Patricia Rose – Secretary


Robert Parris, Chairman

**EXHIBIT A Attachment to
Resolution No. R-25-07
Approving Applications for Transfer with Requirement to Intervene
Pursuant to the Terms of the Judgment**

Original Producer	Transferee	Type of Transfer	Amount	Original Parcel(s) (APN#)	Parcels Water Transferred to (APN#)
RTS Orchards, LLC	Oro Vista Farms, LLC	Permanent	1 (AF)	359-031-07; 359-032-20; 359-032-21; 359-032-08; 359-032-013; 359-032-014	359-031-07; 359-032-20; 359-032-21; 359-032-08; 359-032-013; 359-032-014

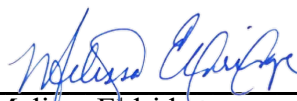
PROOF OF SERVICE

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:

DECLARATION OF PAUL NUGENT IN SUPPORT OF ORO VISTA FARS, LLC'S MOTION TO INTERVENE IN JUDGMENT

[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