

1 DAVID LEVENTHAL, Esq., State Bar No. 156531
2 **LEVENTHAL LAW FIRM**
3 18565 Soledad Canyon Road, Suite 300
4 Santa Clarita, California, 91351
5 Telephone: 661-251-1000
6 leventhaldavid@gmail.com

7
8 Attorneys for Movant/Intervenor
9 COPART, INC.

10
11
12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF LOS ANGELES, CENTRAL DISTRICT

14 Coordination Proceeding
15 Special Title (Rule 1550(b))

16 **ANTELOPE VALLEY GROUNDWATER
17 CASES**

18 Including Consolidated Actions:

19 Los Angeles County Waterworks District No. 40 v.
20 Diamond Farming Co.; Superior Court of California,
21 County of Los Angeles, Case No. BC325201;

22 Los Angeles County Waterworks District No. 40 v.
23 Diamond Farming Co.; Superior Court of California,
24 County of Kern, Case No. S-1500-CV-254348;

25 Wm. Bolthouse Farms, Inc. v. City of Lancaster;
26 Diamond Farming Co. v. City of Lancaster; Diamond
27 Farming Co. V. Palmdale Water Dist.; Superior Court
28 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 STEPHEN POWERS
AND DAVID LEVENTHAL (ATTORNEY FOR
MOVANT) IN SUPPORT THEREOF**

Hearing Date:

Date: _____
TO BE SET BY COURT

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 _____, 2024, at 9:00 a.m. or as soon as
5 the Santa Clara County Superior Court [for above-entitled Court located at 111 N Hill St Los Angeles CA]
6 may hear the matter, Moving Party COPART, INC. will and hereby does move the Court for an order
7 granting it leave to intervene in this Action and thereby become a Party to the December 23, 2015
8 Judgment and Physical Solution “(Judgment”) in the above-captioned Antelope Valley Groundwater
9 Adjudication.

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

11 1. Section 20.9 of the Judgment provides that “[a]ny Person who is not a Party or successor to
12 a Party and who proposes to ... acquire a Production Right ... 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 to
15 acquire Production Rights.

16 2. Movant has filed a New Production Application with the Antelope Valley Watermaster.
17 The Watermaster Engineer made a finding that no material injury would occur, and said Application was
18 unanimously approved by the Watermaster, subject only to Movant becoming a party to the Judgment, via
19 Intervention.

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

24 This Motion is based on the Declarations of Stephen Powers and David Leventhal, and the
25 Memorandum of Point and Authorities, all of which are attached hereto; the Judgment itself (which
26 specifically authorizes the filing of this Motion); all other pleadings and documents filed in this Action;
27

1 together with any additional evidence and legal argument which may be presented at or prior to the
2 hearing of this Motion.
3

4 Respectfully submitted,
5 LEVENTHAL LAW FIRM

6 DocuSigned by:

7 *David Leventhal*

8 By DAVID LEVENTHAL, Esq.
9 Attorney for Movant/Intervenor
10 COPART, INC.
11
12
13
14
15
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 Production Application” that has been filed with the Antelope Valley Watermaster.¹ The Application has been approved by the Watermaster, subject to COPART, INC. 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 COPART, INC. (“COPART, INC.”) proposes to acquire a Production Right via its approved New Production Application; thereby placing it 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. Identity of the Moving Party.

COPART, INC. is a Delaware Corporation, with facilities across the United States, including a new facility in Palmdale, California; located at the corner of 40th Street East and Avenue L-8; previously known as Los Angeles Assessor’s Parcel Number 3170-015-007; and presently known as Los Angeles Assessor’s Parcel Number 3170-015-011 (hereinafter referred to as the “Property”). The Property consists of approximately 79.09 acres, and was acquired by COPART, INC. on March 5, 2020; for the purpose of developing and operating an automobile storage facility.

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

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.

1 “Physical Solution”; which sets forth the factual and procedural history of this case, and a
2 comprehensive ruling for allocation and administration of water and water rights in the Antelope Valley.
3 The Court adopted the Physical Solution “as the Court’s own physical solution” and declared that it is
4 binding upon all Parties as part of the Judgment.

5 The Judgment specifically contemplates that new production rights would be requested and
6 desirable for the community. In this regard, Section 18.5.13 sets forth detailed procedures and standards
7 for the application, consideration, and granting of new production rights. As set forth in detail below,
8 COPART, INC. has complied with and satisfied all of the criteria for the granting of new production
9 rights.

10 **C. Factual Background.**

11 On April 7, 2020, COPART, INC. filed a New Production Application with the Watermaster. A
12 true and correct image of the New Production Application (without its Exhibits, which are voluminous)
13 is attached hereto as Exhibit “A” and is incorporated herein by this reference.

14 Full and proper notice of the foregoing New Production Application was provided to all Parties
15 via: (i) email from the Watermaster to all Parties that have provided an email address, plus all non-
16 parties that have requested notice of applications and proceedings; (ii) posting the Watermaster Board
17 Agenda, which included the subject New Production Application, on the Watermaster website; and (iii)
18 posting the Watermaster Board Agenda on the bulletin board in the lobby of the Watermaster offices.

19 ***No objections to this New Production Application were filed by any Party to the Judgment, nor by any***
20 ***other member of the public.***

21 The New Production Application was processed and evaluated by the Watermaster
22 administrators and the Watermaster Engineer, in accordance with all the requirements set forth in the
23 Judgment. In this regard, the Watermaster administrators and the Watermaster Engineer determined and
24 confirmed that, to the extent required under the circumstances of this particular application:

- 25 a. COPART, INC. paid the required fees;
- 26
- 27
- 28

1 b. COPART, INC. provided a written summary describing the proposed quantity,
2 sources of supply, season of use, purpose of use, place of use, manner of delivery, and other
3 pertinent information;

4 c. COPART, INC. provided the maps showing the location of the new production;

5 d. COPART, INC. provided details regarding the proposed new well design,
6 estimated annual pumping, and agreed to install a meter in accordance with Watermaster Rules
7 and Regulations; and a statement that once the well is installed, COPART, INC. will provide
8 permits, specifications, and well-log reports, pump specifications and testing results, and water
9 meter specifications;

10 e. COPART, INC. provided written confirmation that it has obtained all necessary
11 entitlements and permits from federal, state, county, and local governments;

12 f. COPART, INC. provided written confirmation that it has complied with all
13 applicable laws and regulations;

14 g. COPART, INC. provided its water conservation plan;

15 h. COPART, INC. provided an analysis of the economic impact that the new
16 production would have on the Basin and other producers in the subarea;

17 i. COPART, INC. provided an analysis of the physical impact of the new
18 production would have on the Basin and other producers in the subarea;

19 j. COPART, INC. provided a written statement from a licensed engineer, signed by
20 a California licensed and registered professional civil engineer with expertise in groundwater
21 hydrology, determining that the new production will not cause “material injury”, as defined in
22 the Judgment.

23
24 During its review of the foregoing, the Watermaster administrators and the Watermaster
25 Engineer analyzed, accepted, and adopted the foregoing documents and information provided by
26 COPART, INC. as accurate and sufficient, and therefore recommended to the Watermaster Board of
27 Directors that the New Production Application be granted.
28

1 On June 24, 2020, at its regular monthly meeting, the New Production Application was
2 considered and ***unanimously approved by the Watermaster Board.*** In this regard, the Watermaster
3 unanimously adopted *Resolution No. R-20-18, Approving New Production Application Pursuant to the*
4 *Terms of the Judgment with Specified Conditions.* Among other things, the Watermaster resolved and
5 determined as follows:

6
7 WHEREAS, the Watermaster Engineer has reviewed all the applications listed on
8 attached Exhibit A [including the application of COPART, INC.] and has made the
9 appropriate findings, including that the applicant has a right to produce groundwater
10 under the Judgment or otherwise agrees to purchase replacement water, that all
11 conditions for new production are met under the Judgment and the Rules and Regulations
12 [of the Watermaster], and that no material injury will result from the proposed
13 production; and

14 WHEREAS, the Watermaster Board has considered and adopts the findings and
15 recommendations of the Watermaster Engineer and is prepared to approve the application
16 listed on Exhibit pursuant to any conditions recommended by the Watermaster Engineer
17 and so noted on Exhibit A.

18 NOW, THEREFORE, BE IT RESOLVED, that the Watermaster Board unanimously
19 approves the applications for new production or new point of extraction of those Parties
20 or Persons whose names and information are listed on attached Exhibit A to this
21 Resolution as being consistent with the terms of the Judgment and applicable Rules and
22 Regulations.

23 As noted in the New Production Application (Exhibit “A”), the Application was approved and signed by
24 an authorized representative of the Watermaster.

25 As a condition of final approval, the Watermaster also requested, and COPART, INC. agreed, to
26 intervene as a Party to the Judgment.

27 COPART, INC. therefore filed the instant Motion to Intervene in the Judgment.

28 **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

1 therefore provided the mechanism to achieve this result, via Section 20.9 of the Judgment, which
 2 provides as follows:

3
 4 **20.9 Intervention After Judgment.** Any Person who is not a Party or successor to
 5 a Party and *who proposes to ... acquire a Production Right* ... is required to seek to
 6 become a Party subject to this Judgment though a noticed motion to intervene in this
 7 Judgment prior to commencing Production. Prior to filing such a motion, a proposed
 8 intervenor shall consult with the Watermaster Engineer and seek the Watermaster’s
 9 stipulation to the proposed intervention. ... Thereafter, if approved by the Court, such
 10 intervenor shall be a Party bound by this Judgment.” (*Emphasis added*).

11
 12 The foregoing language is applicable in the instant case, because COPART, INC. proposes to
 13 “acquire a Production Right”; thereby placing it neatly into the category of persons that were
 14 specifically expected to intervene into this Action, and thereby become a Party bound by the Judgment.

15
 16 Intervention is proper under Section 20.9 of the Judgment, because the Watermaster Board has
 17 approved the subject transaction, and confirmed that the transaction causes no Material Injury.
 18 Additionally, the Watermaster emailed notice of the New Production Application to all Parties and other
 19 interested persons, and posted notice of the proposed transaction on its website and bulletin board, and
 20 no Party nor any member of the public objected thereto.

21
 22 Since Movant is one of the exact categories of persons that the Court and all Parties expected to
 23 intervene, and its proposed transaction is proper and has been approved by the Watermaster, Movant
 24 respectfully requests that this Court enter an order granting this motion to intervene.

25
 26 **B. Intervention is Necessary and Appropriate Under C.C.P. Section 387.**

27
 28 COPART, INC. 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

1 Code Civ. Proc. § 387 subd. (d); *US Ecology, Inc. v. State of California* (2001) 92 Cal App.4th 113, 139;
2 *Timberidge Enterprises Inc. v. City of Santa Rosa* (1978) 86 Cal.App.3d 873, 881.)

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

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

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

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

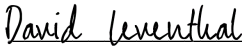
21 As required by Section 20.9 of the Judgment, Movant has consulted with the Watermaster
22 Engineer and obtained the Watermaster’s stipulation to Movant’s proposed intervention. Movant has also
23 presented evidence that it proposes to “acquire a Production Right”; which is precisely one of the
24 categories of persons contemplated to intervene into the action and become a “Party” to the Judgment.
25 Lastly, Movant has properly and duly served this Motion in accordance with Section 20.7 of the Judgment
26 by e-filing on the Court’s website.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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.

Respectfully submitted,
LEVENTHAL LAW FIRM

DocuSigned by:

By DAVID LEVENTHAL, Esq.
Attorney for Movant
COPART, INC.

1
2 DECLARATION OF STEPHEN POWERS

3 I, STEPHEN POWERS, declare as follows:

4 1. I am the Treasurer of COPART, INC., the Movant herein. I have the authority to make
5 this declaration as a Custodian of Records of COPART, INC. and hereby certify the authenticity of the
6 records attached hereto. I have personal knowledge of the matters set forth herein, and if called as a
7 witness, I could competently testify thereto.

8 2. In my employment with COPART, INC., I have custody of originals of the documents
9 attached hereto, which I have personally reviewed. In my capacity as a Custodian of Records, I hereby
10 state that the documents attached hereto constitute writings compiled or prepared in the regular and
11 ordinary course of business of COPART, INC.. As to those documents compiled by or received from
12 others, I hereby state that such records were placed in the proper files of COPART, INC. at or near the
13 time of receipt by a person employed by COPART, INC. who had a duty to so act. As to those
14 documents prepared by COPART, INC., I state from my own knowledge that each record or document
15 was prepared by a person employed by COPART, INC., at or near the time of the act or event of which
16 they are a record. I further state from my own knowledge that each such record or document prepared
17 by COPART, INC. was prepared by a person employed by COPART, INC. who had personal
18 knowledge of the event being recorded and who had a duty to so act.

19 3. On April 7, 2020, COPART, INC. filed a New Production Application with the
20 Watermaster. A true and correct image of the New Production Application (without its Exhibits, which
21 are voluminous) is attached hereto as Exhibit "A" and is incorporated herein by this reference.

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

1 5. The New Production Application was processed and evaluated by the Watermaster
2 administrators and the Watermaster Engineer, in accordance with all the requirements set forth in the
3 Judgment. In this regard, the Watermaster administrators and the Watermaster Engineer determined and
4 confirmed that, to the extent required under the circumstances of this particular application:

5 A. COPART, INC. paid the required fees;

6 B. COPART, INC. provided a written summary describing the proposed quantity,
7 sources of supply, season of use, purpose of use, place of use, manner of delivery, and other
8 pertinent information;

9 C. COPART, INC. provided the maps showing the location of the new production;

10 D. COPART, INC. provided details regarding the proposed new well design,
11 estimated annual pumping, and agreed to install a meter in accordance with Watermaster Rules
12 and Regulations; and a statement that once the well is installed, COPART, INC. will provide
13 permits, specifications, and well-log reports, pump specifications and testing results, and water
14 meter specifications;

15 E. COPART, INC. provided written confirmation that it has obtained all necessary
16 entitlements and permits from federal, state, county, and local governments;

17 F. COPART, INC. provided written confirmation that it has complied with all
18 applicable laws and regulations;

19 G. COPART, INC. provided its water conservation plan;

20 H. COPART, INC. provided an analysis of the economic impact that the new
21 production would have on the Basin and other producers in the subarea;

22 I. COPART, INC. provided an analysis of the physical impact of the new
23 production would have on the Basin and other producers in the subarea;

24 J. COPART, INC. provided a written statement from a licensed engineer, signed by
25 a California licensed and registered professional civil engineer with expertise in groundwater
26 hydrology, determining that the new production will not cause “material injury”, as defined in
27 the Judgment.
28

1
2
3 6. During its review of the foregoing, the Watermaster administrators and the Watermaster
4 Engineer analyzed, accepted, and adopted the foregoing documents and information provided by
5 COPART, INC. as accurate and sufficient, and therefore recommended to the Watermaster Board of
6 Directors that the New Production Application be granted.

7 7. On June 24, 2020, at its regular monthly meeting, the New Production Application was
8 considered and ***unanimously approved by the Watermaster Board.*** In this regard, the Watermaster
9 unanimously adopted *Resolution No. R-20-18, Approving New Production Application Pursuant to the*
10 *Terms of the Judgment with Specified Conditions.* A true and correct copy of the fully executed
11 Resolution R-20-18 is attached hereto as Exhibit “B” and is incorporated herein by this reference.
12 Among other things, the Watermaster resolved and determined as follows:

13 WHEREAS, the Watermaster Engineer has reviewed all the applications listed on
14 attached Exhibit A [including the application of COPART, INC.] and has made the
15 appropriate findings, including that the applicant has a right to produce groundwater
16 under the Judgment or otherwise agrees to purchase replacement water, that all
17 conditions for new production are met under the Judgment and the Rules and Regulations
18 [of the Watermaster], and that no material injury will result from the proposed
19 production; and

20 WHEREAS, the Watermaster Board has considered and adopts the findings and
21 recommendations of the Watermaster Engineer and is prepared to approve the application
22 listed on Exhibit pursuant to any conditions recommended by the Watermaster Engineer
23 and so noted on Exhibit A.

24 NOW, THEREFORE, BE IT RESOLVED, that the Watermaster Board unanimously
25 approves the applications for new production or new point of extraction of those Parties
26 or Persons whose names and information are listed on attached Exhibit A to this
27 Resolution as being consistent with the terms of the Judgment and applicable Rules and
28 Regulations.

8. As noted in the New Production Application (Exhibit “A”), the Application was
approved and signed by an authorized representative of the Watermaster.

9. I am aware that the Watermaster’s approval of these transactions is conditioned upon
COPART, INC. intervening to become a Party to the Judgment.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

10. COPART, INC. desires to intervene into this Action and become a Party to the Judgment herein, and I respectfully request that this Court enter an Order to that effect.

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

Executed on July 30, 2024, at Lancaster, California.

DocuSigned by:
Stephen Powers
Stephen Powers

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 COPART, INC. 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. On July 29, 2024, I reviewed the website of the Antelope Valley Watermaster, which includes the Agenda Packet for the June 24, 2020 Watermaster Board Meeting. Within that Agenda Packet are the documents presented and considered by the Watermaster Engineer and the Watermaster Board, and its findings and related Resolutions in connection with COPART, INC.’s New Production Application. Among other things, the Watermaster Board Resolution states that:

WHEREAS, the Watermaster Engineer has reviewed all the applications listed on attached Exhibit A [including the application of COPART, INC.] 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 [of the Watermaster], and that no material injury will result from the proposed production; and

WHEREAS, the Watermaster Board has considered and adopts the findings and recommendations of the Watermaster Engineer and is prepared to approve the application listed on Exhibit pursuant to any conditions recommended by the Watermaster Engineer and so noted on Exhibit A.

NOW, THEREFORE, BE IT RESOLVED, that the Watermaster Board unanimously approves the applications for new production or new point of extraction of those Parties or Persons whose names and information are listed on attached Exhibit A to this Resolution as being consistent with the terms of the Judgment and applicable Rules and Regulations.

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

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on July 30, 2024, at Santa Clarita, California.

DocuSigned by:
David Leventhal
DAVID LEVENTHAL

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, P.O. Box 3025, Quartz Hill, California 93586 OR email to: info@avwatermaster.net
Call Watermaster Administrative staff at 661-234-8233 with questions.**

Date April 7, 2020 Proposed Well Site APN 3170-015-007

Property Owner/Well Owner Copart Inc/ Copart Inc

Property Owner/Well Owner Mailing Address 14185 Dallas Parkway, Suite 300, Dallas, TX 75254

Contact Phone Number (469) 479-6915 Contact email matthew.strother@copart.com

New Well Latitude/Longitude (or x, y) 34deg.39'12.46"N, 118deg.03'33"W Antelope Valley Subarea: Central Antelope

Use of New Well (Agricultural, Domestic, Industrial, Municipal, Monitoring, etc.) Landscape Irrigation/Fire Flow/Domestic

If Domestic well, will well be used to supply one single family household only? Yes/No. NA

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? Upon installation of the permanent pump and motor and contemporaneous with installation of the wellhead piping

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.


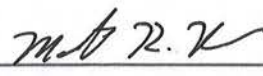
In addition, all New Production applicants who are not Parties to the Judgment³ are to comply with Section 20.9 of the Judgment, consult with the Watermaster Engineer, and seek the Watermaster's stipulation to allow them to intervene to become bound by the Judgment prior to commencing Production. The 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 04/23/2020

Electronically signed by: Sean Eldridge
Date: 2020-04-23 13:37:27-05:00

To be completed by the Watermaster:	
Watermaster Engineer Approval <u></u>	Date <u>6/11/20</u>
Watermaster Board Approval <u></u>	Date <u>6/24/20</u>

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.

RESOLUTION NO. R-20-18

**APPROVING APPLICATIONS FOR NEW PRODUCTION, REPLACEMENT AND
NEW POINT OF EXTRACTION PURSUANT TO THE TERMS OF THE JUDGMENT;
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 and new point of extraction is set forth in the Judgment and in the Rules and Regulations relating to new production and new point of extraction contained in the Memorandum from Todd Groundwater to the Watermaster Board dated March 2, 2018 and unanimously adopted by the Board pursuant to Resolution No. R-18-05; and

WHEREAS, the Watermaster Engineer is authorized under the Judgment to recommend to the Watermaster Board that applications for new production or new point of extraction be denied or approved, and that approval may be pursuant to certain conditions such as payment of a replacement water assessment; 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, 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 or new point of extraction are met under the Judgment and the Rules and Regulations, and that no Material Injury will result from the proposed production; and

WHEREAS, the Watermaster Board has considered and adopts the findings and recommendations of the Watermaster Engineer and is prepared to approve the applications listed on Exhibit A pursuant to any conditions recommended by the Watermaster Engineer and so noted on Exhibit A.

NOW, THEREFORE, BE IT RESOLVED, that the Watermaster Board unanimously approves the applications for new production or new point of extraction of those Parties or Persons whose names and information are listed on attached Exhibit A to this Resolution as being consistent with the terms of the Judgment and applicable Rules and Regulations.

I certify that this is a true copy of Resolution No. R-20-18 as passed by the Board of Directors of the Antelope Valley Watermaster at its meeting held on June 24, 2020, in Palmdale, California.

Date: July 10, 2020

Dennis Atkinson
Dennis Atkinson, Vice-Chairman

ATTEST: Patricia Rose
Patricia Rose – Secretary

**Exhibit A Attachment to
Resolution No. R-20-18**

**APPROVING APPLICATIONS FOR NEW PRODUCTION, REPLACEMENT AND
NEW POINT OF EXTRACTION PURSUANT TO THE TERMS OF THE JUDGMENT**

APN#	Request Type	Use of Well	Subarea	Applicant/Property Owner
3170-015-007	New Production	Industrial	Central AV	Copart, Inc