

1 JAMES B. GILPIN, Bar No. 151466
james.gilpin@bbklaw.com
2 STEVE M. ANDERSON, Bar No. 186700
steve.anderson@bbklaw.com
3 SARAH CHRISTOPHER FOLEY, Bar No. 277223
sarah.foley@bbklaw.com
4 BEST BEST & KRIEGER LLP
655 West Broadway
5 15th Floor
San Diego, California 92101
6 Telephone: (619) 525-1300
Facsimile: (619) 233-6118
7

8 Attorneys for Plaintiff
BORRÉGO WATER DISTRICT

Exempt from Filing Fees Pursuant to
Government Code Section 6103

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF ORANGE

11
12 BORREGO WATER DISTRICT,
13 Plaintiff,

Case No. 37-2020-00005776
Judge: Peter J. Wilson
Dept. CX102

14 v.

15 ALL PERSONS WHO CLAIM A RIGHT TO
16 EXTRACT GROUNDWATER IN THE
BORREGO VALLEY GROUNDWATER
17 SUBBASIN NO. 7.024-01 WHETHER
BASED ON APPROPRIATION,
18 OVERLYING RIGHT, OR OTHER BASIS
OF RIGHT, AND/OR WHO CLAIM A
19 RIGHT TO USE OF STORAGE SPACE IN
THE SUBBASIN; et al.

NOTICE OF COMMENCEMENT OF
GROUNDWATER ADJUDICATION IN
THE BORREGO VALLEY
GROUNDWATER SUBBASIN NO. 7-
024.01

CMC: September 25, 2020
Time: 9:00 a.m.

20 Defendants.

Complaint filed: January 30, 2020
Trial Date: None Set

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

NOTICE OF COMMENCEMENT OF GROUNDWATER BASIN ADJUDICATION

THIS NOTICE IS IMPORTANT. ANY RIGHTS YOU CLAIM TO PUMP OR STORE GROUNDWATER FROM THE BASIN IDENTIFIED IN THIS NOTICE MAY BE AFFECTED BY A LAWSUIT INITIATED BY THE COMPLAINT SUMMARIZED BELOW.

A copy of the complaint may be obtained by contacting the plaintiff or the plaintiff's attorney identified in this notice. If you claim rights to pump or store groundwater within the basin, either now or in the future, you may become a party to this lawsuit by filing an answer to the lawsuit on or before the deadline specified in this notice. You may file an answer by completing the attached form answer, filing it with the court indicated in this notice, and sending a copy of the form answer to the plaintiff or the plaintiff's attorney.

Failing to participate in this lawsuit could have a significant adverse effect on any right to pump or store groundwater that you may have. You may seek the advice of an attorney in relation to this lawsuit. Such attorney should be consulted promptly. A case management conference ("CMC") in this groundwater basin adjudication proceeding shall occur on the date specified in the cover page of this notice. If you intend to participate in the groundwater adjudication proceeding to which this notice applies, you are advised to attend the initial case management conference in person or have an attorney represent you at the initial case management conference.

Participation requires the production of all information regarding your groundwater use. You must provide this information by the date identified in this notice.

1 A form answer is provided for your convenience. You may fill out the form
2 answer and file it with the court. Should you choose to file the form answer, it will
3 serve as an answer to all complaints and cross-complaints filed in this case.
4

5 The following information is provided pursuant to Code of Civil
6 Procedure section 836(a)(1)(B):
7

8 (i) Name of Basin: Borrego Valley – Borrego Springs Groundwater
9 Subbasin, Department of Water Resources’ Bulletin 118, Groundwater Basin No.
10 7-024.01 (“Basin”).
11

12 Information and interactive maps of the Basin posted by the
13 Department of Water Resources are available at
14 [https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-](https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Bulletin-118/Files/2016-Basin-Boundary-Descriptions/7_024_01_BorregoSprings.pdf)
15 [Management/Bulletin-118/Files/2016-Basin-Boundary-](https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Bulletin-118/Files/2016-Basin-Boundary-Descriptions/7_024_01_BorregoSprings.pdf)
16 [Descriptions/7_024_01_BorregoSprings.pdf](https://water.ca.gov/-/media/DWR-Website/Web-Pages/Programs/Groundwater-Management/Bulletin-118/Files/2016-Basin-Boundary-Descriptions/7_024_01_BorregoSprings.pdf) and <https://gis.water.ca.gov/app/bbat/>
17 and <https://gis.water.ca.gov/app/bp-dashboard/final/>.
18

19 (ii) Case No.: 37-2020-00005776¹
20 Name and Address of Court: Orange County Superior Court
21 Civil Complex Center
22 751 West Santa Ana Boulevard
23 Santa Ana, California, 92701
24 Judge: Peter J. Wilson
25 Department: CX102
26

27 ¹ This case was originally filed in San Diego Superior Court. All San Diego Superior Court
28 Judges are disqualified from this case. Accordingly, Orange County Superior Court Judge Peter
J. Wilson has been assigned to sit as Judge of San Diego Superior Court for this matter per Order
for Reassignment of Case to Orange County Superior Court Judge Peter J. Wilson, dated June 16,
2020. The San Diego Case Number has been retained for this matter.

1 (iii) Form answers should be sent to and a copy of the complaint may be
2 obtained from Plaintiff’s attorney, who may be contacted at the following mailing
3 address, telephone number, and email address:

4 Sarah Christopher Foley
5 Best Best & Krieger LLP
6 655 West Broadway, 15th Floor
7 San Diego, California 92101
8 Telephone: 619-525-1354
9 BorregoGroundwaterAdjudication@bbklaw.com

10 (iv) Plaintiff Borrego Water District (“BWD”) filed a Complaint initiating
11 an action for a comprehensive adjudication of the Borrego Valley – Borrego Springs
12 Groundwater Subbasin, Department of Water Resources’ Bulletin 118,
13 Groundwater Basin No. 7-024.01. The Complaint alleges two causes of action: (1)
14 comprehensive adjudication of the Borrego Valley – Borrego Springs Groundwater
15 Subbasin No. 7-024.01, pursuant to sections 830, *et seq.* of the Code of Civil
16 Procedure; (2) preliminary injunction pursuant to section 847 of the Code of Civil
17 Procedure. The Complaint requests the following relief: (1) a judgment to
18 comprehensively determine and adjudicate all groundwater rights in the Basin and
19 provide a physical solution for the perpetual and continuous management of the
20 Basin; (2) a preliminary injunction to provide for the management of the Basin,
21 during the pendency of this action including without limitation for the appointment
22 of an interim Watermaster; (3) entry of judgment against all defendants who fail to
23 appear in this action that they are bound by the judgment and physical solution,
24 and their water rights and storage rights in the Basin, if any, are limited to the
25 terms of the physical solution; (4) judgment against all persons who, presently or
26 in the future, own an interest in real property overlying the Basin and who fail to
27 appear in this action that they are bound by the judgment and physical solution,
28 and their water rights in the Basin, if any, are limited to the terms of the physical
solution; and (5) such other and further relief as the Court deems just and proper.

1 (v) Date by which persons receiving this notice must appear in the
2 comprehensive adjudication: within sixty (60) days of receipt of this notice.

3
4 (vi) Important documents and information regarding this case are available
5 on the case website at: <http://www.BorregoWaterLawsuit.com>.

6
7 (vii) A toll-free call center will be established for this case, and the number
8 will be posted on the case website.

9
10 Dated: August 4, 2020

BEST BEST & KRIEGER LLP

11
12 By:



13 JAMES B. GILPIN
14 STEVE M. ANDERSON
15 SARAH CHRISTOPHER FOLEY
16 Attorneys for Plaintiff
17 BORRÉGO WATER DISTRICT