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4 BEST BEST & KRIEGER LLP
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5 San Diego, California 92101
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6 Facsimile: (619) 233-6118

7 Attorneys for Plaintiff
BORRÉGO WATER DISTRICT

Exempt from Filing Fees Pursuant to
Government Code section 6103

9
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF ORANGE

12 BORREGO WATER DISTRICT,
13
14 Plaintiff,

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

15 v.

16 ALL PERSONS WHO CLAIM A RIGHT TO
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; AGRI-EMPIRE, et al,
20
21 Defendants.

22 NOTICE OF RULING
23
24 Complaint filed: January 30, 2020
25 Trial Date: Not set
26
27
28

BEST BEST & KRIEGER LLP
ATTORNEYS AT LAW
655 WEST BROADWAY, 15TH FLOOR
SAN DIEGO, CALIFORNIA 92101

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TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

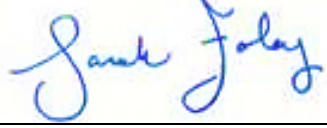
PLEASE TAKE NOTICE that the Defendant T2 Borrego LLC's *Ex Parte* Application to Advance Hearing Date For Plaintiff Borrego Water District's Motion to Approve Notice of Adjudication and Form Answer ("Plaintiff's Motion") came on for an *ex parte* hearing on July 20, 2020 at 11:00 a.m. in Dept. CX 102 before the Honorable Peter J. Wilson. The parties stated their appearances on the record. After fully considering the arguments of all parties, both written and oral, as well as the evidence presented, the Court Granted the *Ex Parte* Application and advanced the August 20, 2020 hearing date for Plaintiff's Motion to July 20, 2020.

The Court granted Plaintiff's Motion and ruled as follows:

1. The Court approved Borrego Water District's proposed notice of commencement of groundwater adjudication ("Notice") and the form answer ("Form Answer"). Borrego Water District may make final, non-substantive edits to the Notice and Form Answer as necessary. A copy of the Court's Order, entered on July 20, 2020, is attached hereto as Exhibit A.
2. The Status Conference Hearing currently scheduled for August 20, 2020, was continued to September 25, 2020, at 9:00 a.m., in Department CX102.
3. The Court instructed Plaintiff to file a Status Report in advance of the Status Conference advising the Court on the status of service and any other issues.

Dated: July 21, 2020

BEST BEST & KRIEGER LLP



By: _____
JAMES B. GILPIN
STEVE M. ANDERSON
SARAH CHRISTOPHER FOLEY
Attorneys for Plaintiff
BORREGO WATER DISTRICT

EXHIBIT A

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

Civil Complex Center
751 W. Santa Ana Blvd
Santa Ana, CA 92701

SHORT TITLE: Borrego Water District vs. All Persons Who Claim a Right to Extract Groundwater in the Borrego Valley Groundwater Subbasin No. 7.024-01

CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE

CASE NUMBER:
37-2020-00005776

I certify that I am not a party to this cause. I certify that the following document(s), Order Granting Plaintiff Borrego Water District's Motion to Approve Notice of Adjudication and Form Answer dated 07/20/20, have been transmitted electronically by Orange County Superior Court at Santa Ana, CA. The transmission originated from Orange County Superior Court email address on July 20, 2020, at 2:55:22 PM PDT. The electronically transmitted document(s) is in accordance with rule 2.251 of the California Rules of Court, addressed as shown above. The list of electronically served recipients are listed below:

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SARAH.FOLEY@BBKLAW.COM

BEST BEST & KRIEGER LLP
STEVE.ANDERSON@BBKLAW.COM

Clerk of the Court, by: V. Harting, Deputy

CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE

1 JAMES B. GILPIN, Bar No. 151466
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San Diego, California 92101
6 Telephone: (619) 525-1300
7 Facsimile: (619) 233-6118

8 Attorneys for Plaintiff
BORREGO WATER DISTRICT
9

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

JUL 20 2020

DAVID H. YAMASAKI, Clerk of the Court

BY: _____ DEPUTY

Exempt from Filing Fees Pursuant to
Government Code section 6103

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF SAN DIEGO**

13 BORREGO WATER DISTRICT,
14 Plaintiff,

15 v.

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

21 Defendants.
22
23
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Case No. 37-2020-00005776
Judge: Peter J. Wilson, Dept. CX102

**[PROPOSED] ORDER GRANTING
PLAINTIFF BORREGO WATER
DISTRICT'S MOTION TO APPROVE
NOTICE OF ADJUDICATION AND
FORM ANSWER**

[Filed with:

1. Plaintiff Borrego Water district's Notice of Motion and Motion to Approve Notice of Adjudication and Form Answer; Memorandum of Points and Authorities; and
2. Decl. of Sarah C. Foley in support of Plaintiff Borrego Water district's Notice of Motion and Motion to Approve Notice of Adjudication and Form Answer]

Date: July 20, 2020
Time: 11:00 a.m.
Dept: CX102

Complaint filed: January 30, 2020
Trial Date: None

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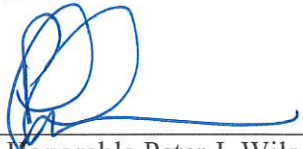
~~PROPOSED~~ ORDER

On ^{July} ~~August~~ 20, 2020, in Department CX102 of the above-entitled Court, the Motion to Approve Notice of Adjudication and Form Answer (“Motion”) by Plaintiff Borrego Water District (“District”) came on for hearing, the Honorable Peter J. Wilson, Judge presiding. The parties stated their appearances on the record.

After consideration of the papers filed in connection with the Motion and arguments of counsel, IT IS HEREBY ORDERED:

1. The District’s Motion is granted.
2. The Court approves the notice of commencement of groundwater adjudication (“Notice”) and a form answer (“Form Answer”), attached hereto. The District may make final non-substantive edits to these documents as necessary.
3. The Court authorizes service of the Notice, Form Answer, and Complaint in accordance with California Civil Procedure Code section 836.

Dated: 7/20/2020

By: 
The Honorable Peter J. Wilson
Judge of the Superior Court

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Name of Owner/Defendant/Attorney

Address

Address

Phone Number

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE

BORREGO WATER DISTRICT,
Plaintiff,

v.

ALL PERSONS WHO CLAIM A RIGHT TO
EXTRACT GROUNDWATER IN THE
BORREGO VALLEY GROUNDWATER
SUBBASIN NO. 7.024-01 WHETHER
BASED ON APPROPRIATION,
OVERLYING RIGHT, OR OTHER BASIS
OF RIGHT, AND/OR WHO CLAIM A
RIGHT TO USE OF STORAGE SPACE IN
THE SUBBASIN; AGRI-EMPIRE; RICK
AND JOAN ANSON, CO-TRUSTEES OF
THE ANSON FAMILY TRUST 08-18-08;
ANZA-BORREGO DESERT STATE PARK;
ALAN & TRACY ASCHE; GARY D. &
DARLIS A. BAILEY; DAVID AND JULI
BAUER, CO-TRUSTEES OF THE D&J
BAUER FAMILY TRUST 11-18-04;
WILLIAM M. BAUER; BORREGO AIR
RANCH MUTUAL WATER &
IMPROVEMENT CO.; BORREGO
NAZARETH, LLC; BORREGO UNIFIED
SCHOOL DISTRICT; ROLAND J. JENSEN,
TRUSTEE OF THE JENSEN FAMILY
TRUST 8-5-83; RAYMOND A. CARPENTER
AND SUSAN R. CARPENTER, CO-
TRUSTEES OF THE CARPENTER FAMILY
TRUST 12-11-07; JAMES SOMMERVILLE,
TRUSTEE OF THE SOMMERVILLE TRUST
11-22-83; ROY BRISBOIS, TRUSTEE OF
THE CONZELMAN FAMILY TRUST A 11-

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

ANSWER TO ADJUDICATION
COMPLAINT

Complaint filed: January 30, 2020
Trial Date:

1 22-83; STEVEN MOHLER, TRUSTEE OF
2 THE CONZELMAN FAMILY TRUST C 11-
3 22-83; SCOTT M. CRUMRINE AND
4 STACEY L. CRUMRINE, CO-TRUSTEES
5 OF THE CRUMRINE FAMILY TRUST 04-
6 19-06; CWC CASA DEL ZORRO, LLC; DE
7 ANZA DESERT COUNTRY CLUB; JOHN
8 DOLJANIN; GENUS, L.P.; JOHN B. &
9 SILVIA H. HOGAN; JM ROADRUNNER,
10 LLC; EDWARD KITCHEN; LANCE
11 LUNDBERG, TRUSTEE OF THE
12 LUNDBERG FAMILY TRUST 10-01-98;
13 MICHAEL MAITER & JOHN SAVITTIERI;
14 MANUEL & ARACELI C. NAVARRO;
15 MONICA REAL ESTATE HOLDINGS, L.P.;
16 DOUG & PATRICIA MUNSON; RONALD
17 PECOFF; THE ROADRUNNER CLUB AT
18 BORREGO, LP; RTA BORREGO, LLC;
19 JOSE G. & MARIA E. SANCHEZ; SELEY
20 RANCHES, L.P.; SHENANDOAH
21 GROWERS, INC.; MAX SIEFKER; BRIAN
22 SIEFKER, TRUSTEE OF THE BRIAN
23 SIEFKER TRUST 12-18-01; KENT R.
24 SMITH, TRUSTEE OF THE SMITH KENT R.
25 REVOCABLE LIVING TRUST 01-04-90;
26 THE SPRINGS RV AND GOLF RESORT,
27 LP; T2 BORREGO LLC; T2 FARMS LLC; T2
28 HOLDING LLC; TROJAN CITRUS, LLC;
JOEL VANASDLN; MICHAEL C. WARD;
GAMINI D. WEERASEKERA; GABRIEL
WISDOM, TRUSTEE OF THE WISDOM
GABRIEL B&WEIS-WISDOM DIANA
FAMILY 2008 TRUST 08-01-08; WILLIAM
D. WRIGHT AND EDNA J. WRIGHT, CO-
TRUSTEES OF THE WRIGHT FAMILY
LIVING TRUST 06-19-89;

and ROES 1-5,000

Defendants.

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ANSWER TO ADJUDICATION
COMPLAINT

The undersigned denies all material allegations in the complaint or cross-complaint in this action that seeks to adjudicate rights in the Borrego Valley – Borrego Springs Groundwater Subbasin, Department of Water Resources’ Bulletin 118, Groundwater Basin No. 7.024-01 and asserts all applicable affirmative defenses to that complaint.

Date: _____

Signature

Name – Printed

Defendant Name

Mailing Address:

Street

City

State, Zip Code

Phone Number

Email Address

1 Property Address :

2 Parcel
No.(s): _____

3
4 Street _____

5 Street _____

6
7 City _____

8 State, Zip Code _____

9
10 Attorney Information (if applicable):

11 Company/Firm Name _____

12
13 Attorney Name _____

14 Street Address _____

15
16 City _____

17 State, Zip Code _____

18
19 Phone Number _____

20 Fax Number _____

21
22 Email Address _____

23

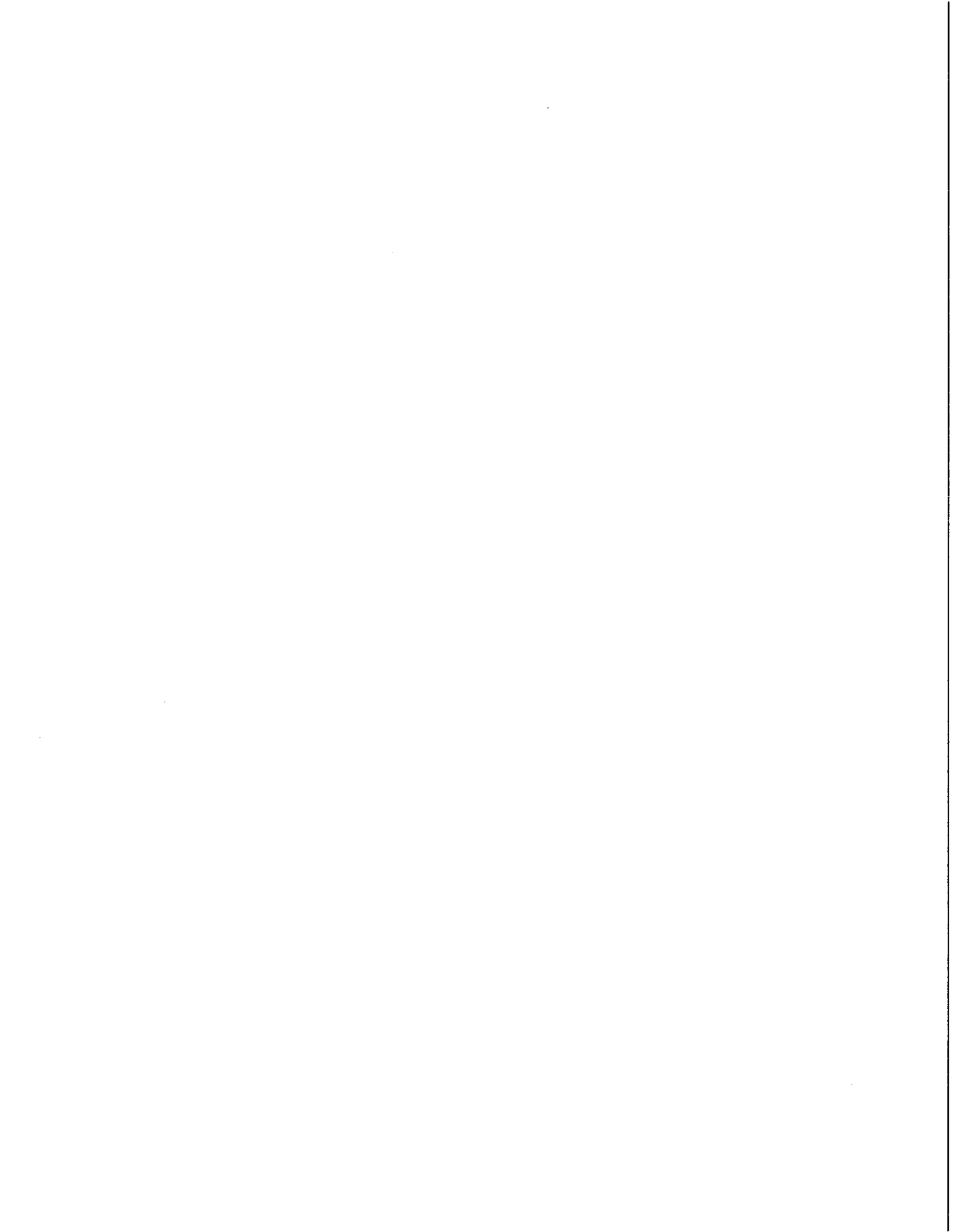
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Facsimile: (619) 233-6118
7

8 Attorneys for Plaintiff
BORREGO 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,

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,
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THE SUBBASIN; et al.

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

NOTICE OF COMMENCEMENT OF
GROUNDWATER ADJUDICATION IN
THE BORREGO VALLEY
GROUNDWATER SUBBASIN NO.
7.024-01

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

1 **NOTICE OF COMMENCEMENT OF**
2 **GROUNDWATER BASIN ADJUDICATION**

3
4 THIS NOTICE IS IMPORTANT. ANY RIGHTS YOU CLAIM TO PUMP
5 OR STORE GROUNDWATER FROM THE BASIN IDENTIFIED IN THIS
6 NOTICE MAY BE AFFECTED BY A LAWSUIT INITIATED BY THE
7 COMPLAINT SUMMARIZED BELOW.

8
9 A copy of the complaint may be obtained by contacting the plaintiff or the
10 plaintiff’s attorney identified in this notice. If you claim rights to pump or store
11 groundwater within the basin, either now or in the future, you may become a party
12 to this lawsuit by filing an answer to the lawsuit on or before the deadline specified
13 in this notice. You may file an answer by completing the attached form answer,
14 filing it with the court indicated in this notice, and sending a copy of the form
15 answer to the plaintiff or the plaintiff’s attorney.

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

25 Participation requires the production of all information regarding your
26 groundwater use. You must provide this information by the date identified in this
27 notice.
28

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

6
7 (i) Name of Basin: Borrego Valley – Borrego Springs Groundwater
8 Subbasin, Department of Water Resources’ Bulletin 118, Groundwater Basin No.
9 7.024-01 (“Basin”).

10 Interactive maps of the Basin posted by the Department of Water
11 Resources are available at

12 <https://sgma.water.ca.gov/webgis/?appid=160718113212&subbasinid=7-024.01>

13 and

14 <https://gis.water.ca.gov/app/bbat/>

15 and

16 <https://gis.water.ca.gov/app/bp-dashboard/final/>

17 (ii) Case No. 37-2020-00005776¹

18 Name and Address of Court: Orange County Superior Court
19 Civil Complex Center
751 West Santa Ana Boulevard
20 Santa Ana, California, 92701

21 Judge: Peter J. Wilson
Department: CX102

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

25
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 Sarah Christopher Foley
2 Best Best & Krieger LLP
3 655 West Broadway, 15th Floor
4 San Diego, California 92101
5 Telephone: 619-525-1354
6 BorregoGroundwaterAdjudication@bbklaw.com

7 (iv) Plaintiff Borrego Water District (“BWD”) filed a Complaint initiating
8 an action for a comprehensive adjudication of the Borrego Valley – Borrego Springs
9 Groundwater Subbasin, Department of Water Resources’ Bulletin 118,
10 Groundwater Basin No. 7.024-01. The Complaint alleges two causes of action: (1)
11 comprehensive adjudication of the Borrego Valley – Borrego Springs Groundwater
12 Subbasin No. 7.024-01, pursuant to sections 830, *et seq.* of the Code of Civil
13 Procedure; (2) preliminary injunction pursuant to section 847 of the Code of Civil
14 Procedure. The Complaint requests the following relief: (1) a judgment to
15 comprehensively determine and adjudicate all groundwater rights in the Basin and
16 provide a physical solution for the perpetual and continuous management of the
17 Basin; (2) a preliminary injunction to provide for the management of the Basin,
18 during the pendency of this action including without limitation for the appointment
19 of an interim Watermaster; (3) entry of judgment against all defendants who fail to
20 appear in this action that they are bound by the judgment and physical solution,
21 and their water rights and storage rights in the Basin, if any, are limited to the
22 terms of the physical solution; (4) judgment against all persons who, presently or
23 in the future, own an interest in real property overlying the Basin and who fail to
24 appear in this action that they are bound by the judgment and physical solution,
25 and their water rights in the Basin, if any, are limited to the terms of the physical
26 solution; and (5) such other and further relief as the Court deems just and proper.

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

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(vi) Important documents and information regarding this comprehensive adjudication can be accessed via these links:

- a. <http://www.borregowd.org/judgment>
- b. _____

(vii) A toll-free call center has been established for this case: _____.

(viii) You may contact the Interim Borrego Springs Watermaster Executive Director for questions regarding this case at _____ or _____.

Dated: BEST BEST & KRIEGER LLP

By: _____
JAMES B. GILPIN
STEVE M. ANDERSON
SARAH CHRISTOPHER FOLEY
Attorneys for Plaintiff
BORRÉGO WATER DISTRICT

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Borrego Water District v. All Persons Who Claim A Right To Extract Groundwater, et al,
Orange County Superior Court, Central, Case No. 37-2020-00005776

PROOF OF SERVICE

I, Eugenia Duran, declare:

I am over the age of eighteen years and not a party to the within-entitled action. My business address is 300 S. Grand Avenue, 25th Floor, Los Angeles, California 92101. On July 21, 2020, I served a copy of the within document(s):

NOTICE OF RULING

- By United States mail.** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses listed below (specify one):
 - Deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
 - Placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at San Diego, California.

- By overnight delivery.** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses listed below. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- By e-mail or electronic transmission.** Based on an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the e-mail addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

<u>PARTY</u>	<u>EMAIL ADDRESS FOR E- SERVICE</u>
DAVID AND JULI BAUER, CO-TRUSTEES OF THE D&J BAUER FAMILY TRUST 11-18-04	Borregofarms@gmail.com
WILLIAM M. BAUER	bbstraightarrow@gmail.com
BORREGO NAZARETH LLC	maboneaaj@saindustries.com (Maiser Aboneaaj, Manager)

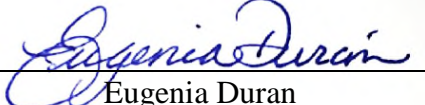
1	BORREGO UNIFIED SCHOOL DISTRICT	mstevens@bsusd.net (Mark Stevens, Superintendent)
2		
3	RONALD J. JENSEN, TRUSTEE OF THE JENSEN FAMILY TRUST 8-05-83	rjensen714@cox.net
4	JAMES SOMMERVILLE, TRUSTEE OF THE SOMMERVILLE TRUST 11-22-83	james13som@gmail.com
5		
6	ROY BRISBOIS, TRUSTEE OF THE CONZELMAN FAMILY TRUST A 11-22- 83	roybrisbois@gmail.com
7		
8	STEVEN MOHLER, TRUSTEE OF THE CONZELMAN FAMILY TRUST C 11-22- 83	stevenmohler@sbcglobal.net
9		
10	CWC CASA DEL ZORRO, LLC	jmcgrory@ljmjm.com (Jack McGrory, Manager)
11	JOHN DOLJANIN	john@wctrees.com
12	JM ROADRUNNER, LLC	jmcgrory@ljmjm.com (Jack McGrory, Manager)
13		
14	LANCE LUNDBERG, TRUSTEE OF THE LUNDBERG FAMILY TRUST 10-01-98	lancelundberg@yahoo.com
15	MONICA REAL ESTATE HOLDINGS, L.P. (other def)	Rudymonica04@yahoo.com
16		
17	THE ROADRUNNER CLUB AT BORREGO, LP	eli@BoaVidaCommunities.com (Elias Weiner, Sole Member) Rich@BoaVidaCommunities.com (Rich Pinel) Aric@theBoaVidaGroup.com (Aric Resnicke)
18		
19		
20	SELEY RANCHES, L.P.	jim@seleyco.com (James Seley) mike@seleyco.com mstaples@jacksontidus.law
21		
22	SHENANDOAH GROWERS, INC.	timothy@freshherbs.com (Tim Heydon, CEO)
23		
24	THE SPRINGS RV AND GOLF RESORT, LP	eli@BoaVidaCommunities.com (Elias Weiner, Sole Member) Rich@BoaVidaCommunities.com (Rich Pinel) Aric@theBoaVidaGroup.com (Aric Resnicke)
25		
26		
27	T2 BORREGO LLC	Shannon@ramshill.com (Shannon Smith, Vice President)
28		

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T2 FARMS LLC	Shannon@ramshill.com (Shannon Smith, Vice President)
T2 HOLDINGS LLC	Shannon@ramshill.com (Shannon Smith, Vice President)
TROJAN CITRUS, LLC	nbozick@rbipacking.com (Nicholas Bozick, Managing Member)
GAMINI D. WEERASEKERA	msorganics@yahoo.com

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

Executed on July 21, 2020, at Los Angeles, California.



Eugenia Duran