

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

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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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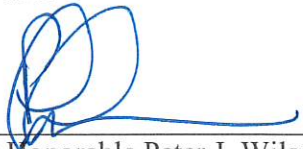
~~PROPOSED~~ ORDER

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 _____

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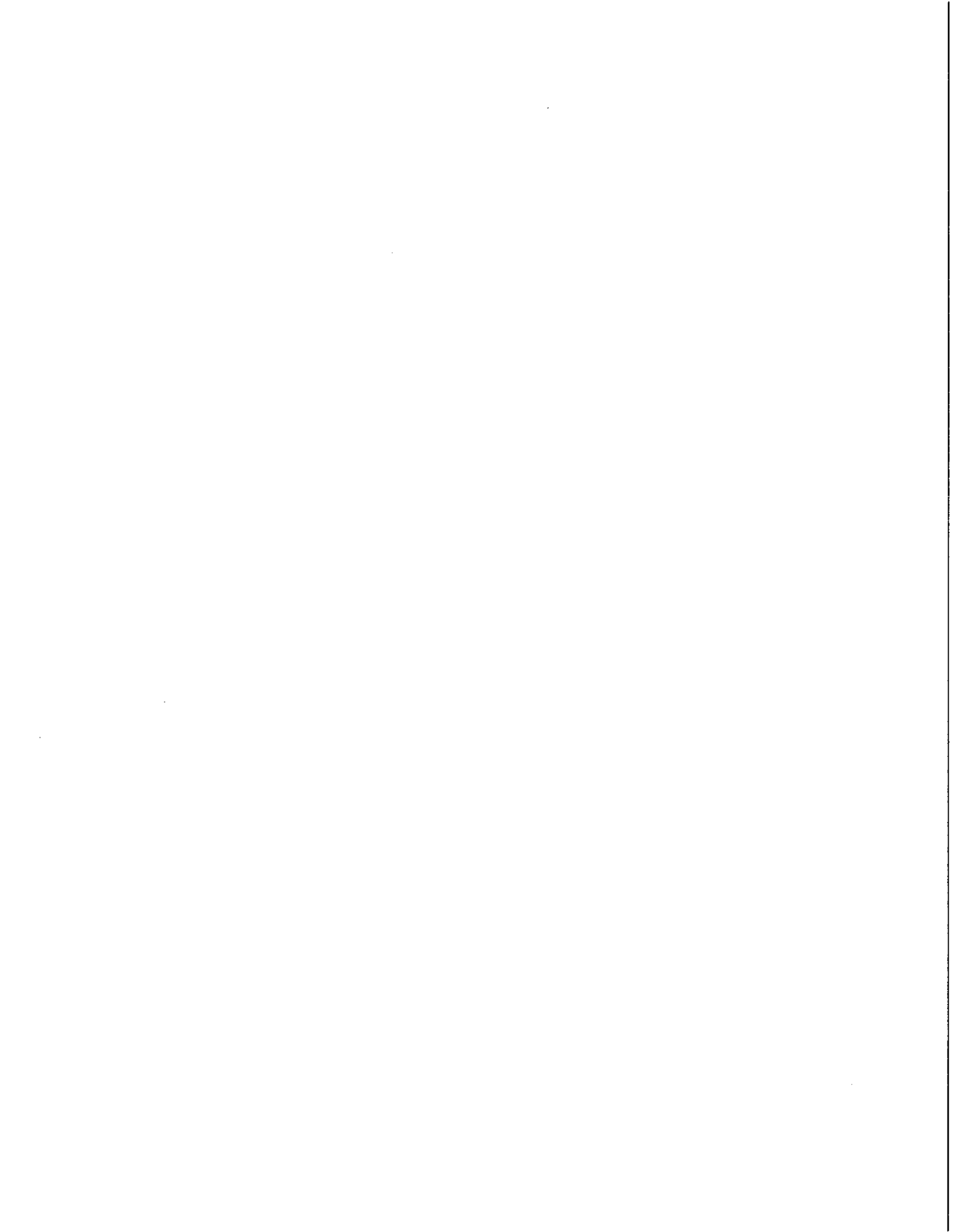
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8 Attorneys for Plaintiff
BORREGO WATER DISTRICT

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,
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14 v.

15 ALL PERSONS WHO CLAIM A RIGHT TO
EXTRACT GROUNDWATER IN THE
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SUBBASIN NO. 7.024-01 WHETHER
17 BASED ON APPROPRIATION,
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19 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 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