

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  
**NOTICE OF COMMENCEMENT OF**  
**GROUNDWATER BASIN ADJUDICATION**

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

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.: 37-2020-00005776<sup>1</sup>  
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 <sup>1</sup> 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

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


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