

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

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE, CIVIL COMPLEX CENTER

MOJAVE PISTACHIOS, LLC; et al.,

Plaintiffs,

v.

INDIAN WELLS VALLEY WATER
DISTRICT; et al.,

Defendants.

Case No. 30-2021-01187275-CU-OR-CJC

*[Related to: 30-2021-01187589-CU-WM-CXC
& 30-2021-01188089-CU-WM-CXC]*

Assigned For All Purposes To:
The Honorable James J. Di Cesare, Dept. C16

INDIAN WELLS VALLEY WATER
DISTRICT,

Cross-Complainant,

v.

ALL PERSONS WHO CLAIM A RIGHT
TO EXTRACT GROUNDWATER IN THE
INDIAN WELLS VALLEY
GROUNDWATER BASIN NO. 6-54
WHETHER BASED ON
APPROPRIATION, OVERLYING RIGHT,
OR OTHER BASIS OF RIGHT, AND/OR
WHO CLAIM A RIGHT TO USE OF
STORAGE SPACE IN THE BASIN; et al.,

Cross-Defendants.

**NOTICE OF COMMENCEMENT OF
GROUNDWATER BASIN
ADJUDICATION OF THE INDIAN
WELLS VALLEY GROUNDWATER
BASIN, BASIN NO. 6-54**

Case Management Conference:
Date: March 15, 2022
Time: 10:00 AM
Dept.: C16

Complaint Filed: November 19, 2019
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 CROSS-COMPLAINT SUMMARIZED BELOW.

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

17 Failing to participate in this lawsuit could have a significant adverse effect
18 on any right to pump or store groundwater that you may have. You may seek the
19 advice of an attorney in relation to this lawsuit. Such attorney should be consulted
20 promptly. A case management conference in this groundwater basin adjudication
21 proceeding shall occur on the date specified in this notice. If you intend to
22 participate in the groundwater adjudication proceeding to which this notice applies,
23 you are advised to attend the initial case management conference in person or have
24 an attorney represent you at the initial case 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 Procedure
5 section 836(a)(1)(B):

6 (i) Name of Basin: Indian Wells Valley Groundwater Basin,
7 Department of Water Resources Bulletin 118 Groundwater Basin No. 6-54.
8 Interactive maps of the Indian Wells Valley Groundwater Basin are available at
9 <https://sgma.water.ca.gov/webgis/?appid=160718113212&subbasinid-4-008>

10 and

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

12 and

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

14 (ii) Case No. 30-2021-01187275-CU-OR-CJC, Superior Court of
15 California, County of Orange, Civil Complex Center located at 751 West Santa
16 Ana Boulevard, Santa Ana, California 92701. Assigned to The Honorable James J.
17 Di Cesare, Department C16, located at 700 West Civic Center Drive, Santa Ana,
18 California 92701.

19 (iii) The cross-complaint may be obtained from and a copy of the
20 form answer should be sent to cross-complainant's attorney, who may be contacted
21 at the following mailing addresses, telephone numbers, and email addresses:

22 Douglas J. Evertz

23 Murphy & Evertz LLP

24 650 Town Center Drive, Suite 550

25 Costa Mesa, CA 92626

26 (714) 277-1750

27 iwvgb@murphyevertz.com

1 (iv) Cross-Complainant’s Cross-Complaint seeks a comprehensive
2 adjudication of the Indian Wells Valley Groundwater Basin (“Basin”) and alleges
3 one cause of action. The First Cause of Action for Comprehensive Adjudication
4 and Physical Solution pursuant to Code of Civil Procedure sections 830 to 852 is
5 asserted against all cross-defendants. Cross-Complainant seeks the following
6 relief: (a) a judgment to comprehensively determine and adjudicate all
7 groundwater rights in the Basin and to provide a physical solution for the perpetual
8 and continuous management of the Basin pursuant to Code of Civil Procedure
9 sections 849 and 850; (b) a preliminary injunction to provide for the management
10 of the Basin, on an interlocutory basis, through entry of final judgment and any
11 appeal, pursuant to Code of Civil Procedure section 847; (c) entry of judgment
12 against all cross-defendants who fail to appear in this action that they be bound by
13 any judgment and physical solution, and their storage rights in the Basin, if any, be
14 limited to the terms of the judgment; (d) entry of judgment against all persons who,
15 presently or in the future, own an interest in real property overlying the Basin and
16 who fail to appear in this action that they be bound by the judgment and physical
17 solution, and their water rights in the Basin, if any, be limited to the terms of the
18 judgment; and (e) such other and further relief as the Court deems just and proper.

19 (v) Date by which persons receiving the notice must appear in the
20 comprehensive adjudication: **Within sixty (60) days of receiving this notice.**
21 The Case Management Conference in this groundwater basin adjudication
22 proceeding is set for March 15, 2022 at 10:00 AM in Department C16 of the
23 Orange County Superior Court, located at 700 West Civic Center Drive, Santa
24 Ana, California 92701.

25
26
27
28

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

Name of Owner/Cross-Defendant/Attorney

Address

Address

Phone Number

Email Address

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE, CIVIL COMPLEX CENTER

MOJAVE PISTACHIOS, LLC; et al.,

Plaintiffs,

v.

INDIAN WELLS VALLEY WATER DISTRICT; et al.,

Defendants.

Case No. 30-2021-01187275-CU-OR-CJC

[Related to: 30-2021-01187589-CU-WM-CXC & 30-2021-01188089-CU-WM-CXC]

Assigned For All Purposes To:
The Honorable James J. Di Cesare, Dept. C16

INDIAN WELLS VALLEY WATER DISTRICT,

Cross-Complainant,

v.

ALL PERSONS WHO CLAIM A RIGHT TO EXTRACT GROUNDWATER IN THE INDIAN WELLS VALLEY GROUNDWATER BASIN NO. 6-54 WHETHER BASED ON APPROPRIATION, OVERLYING RIGHT, OR OTHER BASIS OF RIGHT, AND/OR WHO CLAIM A RIGHT TO USE OF STORAGE SPACE IN THE BASIN; et al.,

Cross-Defendants.

ANSWER TO ADJUDICATION CROSS-COMPLAINT

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

ANSWER TO ADJUDICATION
CROSS-COMPLAINT

The undersigned denies all material allegations in the complaint or cross-complaint in this action that seeks to adjudicate rights in the Indian Wells Valley Groundwater Basin - Department of Water Resources Bulletin 118 Groundwater Basin No. 6-54 and asserts all applicable affirmative defenses to that complaint or cross-complaint.

Dated: _____

Signature

Name - Printed

Defendant Name

Mailing Address:

Street Address

City

State & Zip Code

Phone Number

Email Address

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

Property Address:

Parcel No.(s)

Street Address

City

State & Zip Code

Attorney Information (if applicable):

Company/Firm Name

Attorney Name

Street Address

City

State & Zip Code

Phone Number

Fax Number

Email Address