

02/23/2024

David W. Slayton, Executive Officer / Clerk of Court

By:           R. Arraiga           Deputy

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

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

BOLTHOUSE LAND COMPANY, LLC, a	)	Case No.: BCV-21-101927
California limited liability	)	
company; WM. BOLTHOUSE FARMS,	)	
INC., a Michigan corporation;	)	
	)	
and	)	STATEMENT OF DECISION
	)	(Phase 1: Basin Boundaries);
GRIMMWAY ENTERPRISES, INC., a	)	ATTACHMENT
Delaware corporation, DIAMOND	)	
FARMING COMPANY, a California	)	
corporation; LAPIS LAND	)	
COMPANY, LLC, a California	)	
limited liability company; RUBY	)	
LAND COMPANY, LLC, a Delaware	)	
limited liability company,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
ALL PERSONS CLAIMING A RIGHT TO	)	
EXTRACT OR STORE GROUNDWATER IN	)	
THE CUYAMA VALLEY GROUNDWATER	)	
BASIN (NO. 3-013); ALL PERSONS	)	
UNKNOWN, CLAIMING ANY LEGAL OR	)	
EQUITABLE RIGHT, TITLE, ESTATE,	)	
LIEN, OR INTEREST IN THE	)	
PROPERTY DESCRIBED IN THE	)	
COMPLAINT ADVERSE TO	)	

1 PLAINTIFF'S TITLE, OR ANY CLOUD )  
 2 UPON PLAINTIFF'S TITLE THERETO; )  
 3 DOES 1 THROUGH 5000 and THE )  
 4 PERSONS NAMED AS DEFENDANTS )  
 5 IDENTIFIED ON EXHIBIT D TO THIS )  
 6 COMPLAINT as may be amended )  
 7 from time to time, )  
 8 )  
 9 Defendants. )  
 10 )  
 11 )  
 12 )  
 13 )  
 14 )  
 15 )  
 16 )  
 17 )  
 18 )  
 19 )  
 20 )  
 21 )  
 22 )  
 23 )  
 24 )  
 25 )

8 Pursuant to CCP §632 and CRC Rule 3.1590, the Court issues  
 9 the following Statement of Decision after court trial (Phase 1:  
 10 Basin Boundaries):

11 1. Plaintiffs commenced this comprehensive adjudication on  
 12 August 17, 2021 pursuant to the Streamlined Adjudication Act  
 13 (Code of Civil Procedure, Section 830 et seq.) to determine all  
 14 rights to extract and store groundwater in the Cuyama Valley  
 15 Groundwater Basin, Basin No. 3-103, as mapped and described by  
 16 the California Department of Water Resources (DWR) in its  
 17 Bulletin 118. The case was filed in Kern County but transferred  
 18 to Los Angeles County Superior Court pursuant to CCP §838(a). A  
 19 First Amended Complaint was filed on March 3, 2022.

21 2. Code of Civil Procedure Section 841(a) provides that ". . .  
 22 the boundaries of the area subject to a comprehensive  
 23 adjudication shall be consistent with the boundaries of a  
 24 basin." Code of Civil Procedure Section 832(a) provides that

1 "[b]asin' has the same meaning as defined in Section 10721 of  
2 the Water Code." Water Code Section 10721 states:

3 (b) "Basin" means a groundwater basin or subbasin  
4 identified and defined in Bulletin 118 or as modified  
5 pursuant to Chapter 3 (commencing with Section 10722).

6 (c) "Bulletin 118" means the department's [DWR] report  
7 entitled "California's Groundwater: Bulletin 118"  
8 updated in 2003, as it may be subsequently updated or  
9 revised in accordance with Section 12924.

10 California Code of Regulations, Title 23, Section 341(g)(2)  
11 states that "[t]he term 'subbasin' shall refer to an area  
12 specifically defined as a subbasin or 'groundwater subbasin' in  
13 Bulletin 118, and shall refer generally to any subdivision of a  
14 basin based on geologic and hydrologic barriers or institutional  
15 boundaries, as further described or defined in Bulletin 118."  
16 The DWR Bulletin 118 describes and maps the boundaries of the  
17 Cuyama Valley Groundwater Basin at Basin No. 3-103.

18  
19 3. Code of Civil Procedure Section 840(b) provides that "[i]n  
20 an initial case management conference, or as soon as  
21 practicable, the court may consider the following in addition to  
22 other matters: (1) Determining whether to seek adjustment of  
23 the basin boundaries pursuant to Section 841."

24 a. On July 22, 2022, the court issued a Status Conference  
25 Order that any party who contends that the boundaries of the

1 Cuyama Valley Groundwater Basin and the area to be adjudicated  
2 in this proceeding is not as described by DWR in Bulletin 118,  
3 shall, on or before September 2, 2022, file a statement with the  
4 Court objecting to the DWR Bulletin 118 Basin boundary.

5 b. On September 2, 2022, two groups of landowners,  
6 Highland Vineyard SB, LLC and Brodiaea, Inc. (collectively,  
7 "Highland"), and the Ventucopa Landowners Group,<sup>1</sup> collectively  
8 referred to as the "Objecting Parties," filed notices objecting  
9 to the current Bulletin 118 basin boundary and requesting that  
10 the court resolve the issue in a Phase 1 trial.

11 4. On November 4, 2022, the court set a Non-Jury Trial (Phase  
12 1 - Jurisdiction Boundaries) for August 7, 2023.

13 5. On July 31, 2023, Highland and the Ventucopa Landowners  
14 Group filed separate Trial Briefs claiming that the Basin should  
15 be subdivided into three separate subbasins.

16 6. On August 7, 2023, the trial was continued to October 9,  
17 2023.

18 7. On August 15, 2023, the trial was continued to January 5,  
19 2024.

20  
21  
22  
23 <sup>1</sup> Ventucopa Landowners include Albano Family LP; Billy Harrington as Trustee  
24 of the Harrington Family Trust; Billy L. Harrington; Ceferino Cheng as  
25 Trustee of the Cheng Family Trust; Cuyama Orchards; Historic Reyes Ranch LLC;  
James A. Wegis and Christine A. Wegis as Trustees of the James and Christine  
Wegis Family Trust; James and Dorothy Menzies as Trustees of the Menzies  
Living Trust; James and Dorothy Menzies as Trustees of the Thomas O. Menzies  
Trust; Karam Pistachio Farm, Inc.; Marvin and Christine Rahe; Silver Birch  
Partners, LLC, a Delaware limited liability company; Triangle E Farms; and JR  
Investment Properties.

1 8. On January 3, 2024, the Objecting Parties filed a  
2 withdrawal of their objections to the Bulletin 118 Basin  
3 Boundary and withdrawal of their request for modification of the  
4 Bulletin 118 Basin Boundary. Objecting Parties also moved ex  
5 parte to vacate the Phase 1 trial date.

6 9. On January 5, 2024, following oral argument, the court  
7 denied the Ex Parte Application to vacate the Phase 1 trial.  
8 Trial was continued to January 8, 2024.

9 10. On January 8, 2024, no parties objected to the boundary of  
10 the Cuyama Basin as depicted in Bulletin 118. Counsel for  
11 Objecting Parties submitted as Proposed Joint Trial Exhibit 1  
12 the Bulletin 118 map that DWR currently maintains on its website  
13 that depicts the Cuyama Groundwater Basin. Counsel for  
14 Plaintiffs agreed to the Court's admission of Joint Trial  
15 Exhibit 1. The Court admitted Joint Trial Exhibit 1, a copy of  
16 which is attached hereto, into evidence.

17 11. The court finds that the jurisdictional boundary of this  
18 comprehensive groundwater adjudication is coterminous with the  
19 boundaries of the Cuyama Valley Groundwater Basin as described  
20 and depicted in Bulletin 118, Basin No. 3-103, and that there  
21 are no subbasins within the Basin.  
22

23 12. Regarding the court's finding that there are no subbasins  
24 within the Basin, the court agrees with Intervenor Cuyama Basin  
25

1 Groundwater Sustainability Agency's Phase One (Jurisdictional  
2 Boundary) Trial Brief at p. 12:

3 . . . [This finding] would not foreclose addressing  
4 the basin management concerns of the objectors. The  
5 Court has been scrupulous to confine Phase 1 of this  
6 adjudication to the jurisdictional boundaries of the  
7 Court's in rem jurisdiction. Later phases of this  
8 adjudication may be used to determine whether  
9 management areas should be utilized (or not) and  
10 whether the basin should be differentially or  
11 homogenously managed.  
12

13 13. All future dates remain on the calendar.

14 CLERK TO GIVE NOTICE.

15 DATED: February 23, 2024



16  
17  
18 *Yvette M. Palazuelos*

19 YVETTE M. PALAZUELOS  
20 JUDGE OF THE SUPERIOR COURT

21 Yvette M. Palazuelos / Judge  
22  
23  
24  
25

# Map

## 3-013 CUYAMA VALLEY



[Map Link](#)

## References

This table contains the reference listings for the citations noted in the Summary. Each reference contains the name of the reference and the publication date. For more information, email [sgmps@water.ca.gov](mailto:sgmps@water.ca.gov).

<u>Citation</u>	<u>Pub Date</u>