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Farming Company, Lapis Land Company, LLC,
Ruby Land Company, LLC

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
SPRING STREET COURTHOUSE

* * *

BOLTHOUSE LAND COMPANY, LLC, a
California limited liability company; WM.
BOLTHOUSE FARMS, INC., a Michigan
corporation;
and
GRIMMWAY ENTERPRISES, INC., a Delaware
corporation, DIAMOND FARMING
COMPANY, a California corporation; LAPIS
LAND COMPANY, LLC, a California limited
liability company; RUBY LAND COMPANY, 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

Case No.: BCV-21-101927
Complex Action

FIRST AMENDED COMPLAINT FOR
COMPREHENSIVE GROUNDWATER
ADJUDICATION OF THE CUYAMA VALLEY
GROUNDWATER BASIN (No. 3-013), QUIET
TITLE AND PRELIMINARY INJUNCTION

(Complaint Filed: 8/17/2021)

FILED
Superior Court of California
County of Los Angeles

03/08/2022

Sherri R. Carter, Executive Officer / Clerk of Court

By: M. Tavakoli Deputy

1 UNKNOWN, CLAIMING ANY LEGAL OR
2 EQUITABLE RIGHT, TITLE, ESTATE, LIEN,
3 OR INTEREST IN THE PROPERTY
4 DESCRIBED IN THE COMPLAINT ADVERSE
5 TO PLAINTIFF'S TITLE, OR ANY CLOUD
6 UPON PLAINTIFF'S TITLE THERETO; DOES
7 1 THROUGH 5000 and THE PERSONS
8 NAMED AS DEFENDANTS IDENTIFIED ON
9 EXHIBIT D TO THIS COMPLAINT as may be
10 amended from time to time

11 Defendants.

12 Plaintiffs, BOLTHOUSE LAND COMPANY, LLC. a California limited liability company,
13 and WM. BOLTHOUSE FARMS, INC., a Michigan corporation (Bolthouse) by and through their
14 attorneys Zimmer & Melton, LLP and GRIMMWAY ENTERPRISES, INC., a Delaware corporation
15 (Grimmway), DIAMOND FARMING COMPANY, a California corporation (Diamond); LAPIS
16 LAND COMPANY, LLC, a California limited liability company (Lapis); RUBY LAND COMPANY,
17 LLC, a Delaware limited liability company (Ruby); by and through their attorneys LeBeau-Thelen,
18 LLP, (collectively Plaintiffs), allege as follows:

19 INTRODUCTION

20 1. The Cuyama Valley Groundwater Basin (Basin) as defined by the California
21 Department of Water Resources (DWR) Bulletin 118 as Basin No. 3-013, encompasses an area of
22 about 378 square miles (approximately 8,685 acres) of which about 168 square miles are within Santa
23 Barbara County, 120 square miles are within Ventura County, 77 square miles are within San Luis
24 Obispo County, and 13 square miles within Kern County. A map of the Basin is attached hereto as
25 Exhibit A and incorporated herein by reference.

26 2. Plaintiffs request that the court conduct a comprehensive groundwater adjudication
27 pursuant to Part 2, Title 10, Chapter 7 of the Code of Civil Procedure (commencing with Section 830,
28 et seq.) to determine all rights to extract and store groundwater in the Basin, whether based on
appropriation, overlying right, prescription or other basis of right, and use of storage space in the Basin
including but not limited to the relief set forth in section 834; for a preliminary injunction pursuant to
section 847, for a physical solution pursuant to section 849, for quiet title against adverse claims
pursuant to Code of Civil Procedure section 760.010 et. sec., along with all declaratory, equitable and

1 legal relief appropriate in this comprehensive adjudication and to enter judgment based upon the
2 criteria set forth in section 850 (comprehensive adjudication).

3 3. This comprehensive adjudication is necessary to protect the Basin's limited water
4 supply that is vital to the health, safety and welfare of all persons and entities that depend upon waters
5 from the Basin, to ensure that the waters of the Basin are put to maximal reasonable beneficial use
6 pursuant to Article X, section 2 of the California Constitution, and to sustainably manage the Basin
7 pursuant to the Sustainable Groundwater Management Act (Water Code §§ 10720-10737.8 et al.).

8 **JURISDICTION AND VENUE**

9 4. This court has initial subject matter jurisdiction pursuant to Code of Civil Procedure
10 section 834.

11 5. Portions of the Basin lie within four counties: San Luis Obispo County, Santa Barbara
12 County, Ventura County and Kern County. Venue is initially proper in this court because a portion of
13 the lands, water rights and other real property that are the subject of this action are located within the
14 County of Kern. (Code Civ. Proc., § 392 (a)(1).)

15 6. All judges of the Superior Courts of San Luis Obispo County, Santa Barbara County,
16 Ventura County, and Kern County are disqualified from hearing this action, and Plaintiffs request that
17 the chairperson of the Judicial Council assign a judge to preside over this comprehensive adjudication.
18 (Code Civ. Proc. § 838(a)(1).)

19 7. This comprehensive adjudication is presumed to be a complex action under Rule 3.400
20 of the California Rules of Court. (Code Civ. Proc., § 838(b).) Code of Civil Procedure sections 170.6
21 and 394 do not apply to this proceeding. (Code Civ. Proc., § 838(c).)

22 **PARTIES**

23 8. At all times relevant herein, Plaintiff Bolthouse Land Company, LLC owned and
24 continues to own lands within the Basin described in Exhibit B attached hereto and incorporated
25 herein by reference; and Plaintiff Wm. Bolthouse Farms, Inc. produces and applies groundwater for
26 beneficial use on the lands described in Exhibit B and incorporated herein by reference, which lands
27 are dependent on a safe, secure and sustainably managed groundwater supply.

1 **PRAYER FOR RELIEF**

2 WHEREFORE, PLAINTIFFS PRAY FOR JUDGMENT AS FOLLOWS:

- 3 1. For judgment fixing the respective rights and relative priorities of the parties, and their
4 respective successors in interest, to the extraction and use of groundwater from the
5 Basin and the right to use the storage space of the Basin, among all users of such
6 groundwater and quieting title to all such rights (Code Civ. Proc., §§ 834, 850);
- 7 2. For a determination of all adverse claims, if any, that Defendants may have against
8 Plaintiffs' right, title or interest in the properties identified on Exhibits "B" and "C"
9 (Code Civ. Proc., §§760.010 et. sec.);
- 10 3. For a preliminary injunction to provide for management of the Basin, on an
11 interlocutory basis, during the pendency of this action through entry of judgment and
12 any appeal thereof (Code Civ. Proc., § 847);
- 13 4. For the imposition of a physical solution consistent with Article X, section 2 of the
14 California Constitution and SGMA (Code Civ. Proc., § 849);
- 15 5. For this Court to retain jurisdiction over the parties and matters at issue for the purpose
16 of enforcing the injunction, physical solution, judgment and quiet title declaration
17 which will issue in this matter (Code Civ. Proc., § 852);
- 18 6. For costs of suit; and
- 19 7. For such other and further relief as the court deems just and proper.

20 Dated: February 11, 2022

ZIMMER & MELTON LLP

21 

22 By: _____

23 RICHARD G. ZIMMER, ESQ.
24 WILLIAM T. ZIMMER, ESQ.
25 Attorneys for Plaintiffs, Bolthouse Land
26 Company, LLC and Wm. Bolthouse Farms, Inc.

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Dated: February 11, 2022

LEBEAU-THELEN LLP

By: 
ROBERT G. KUHS, ESQ.
ANDREW K. SHEFFIELD, ESQ.
Attorneys for Plaintiffs, Grimmway
Enterprises, Inc., Diamond Farming
Company; Lapis Land Company, LLC;
Ruby Land Company, LLC

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VERIFICATION TO COMPLAINT

I, **RICHARD G. ZIMMER**, am the attorney representing the Plaintiffs BOLTHOUSE LAND COMPANY, LLC, a California limited liability company; WM. BOLTHOUSE FARMS, INC., a Michigan corporation in the above-entitled action. In accordance with California Code of Civil Procedure §446, I have read the foregoing **COMPLAINT FOR COMPREHENSIVE GROUNDWATER ADJUDICATION OF THE CUYAMA VALLEY GROUNDWATER BASIN (NO. 3-013) QUIET TITLE AND PRELIMINARY INJUNCTION** and know the contents thereof. The same is true of my own knowledge, except as to those matters stated on information and belief, and as to those matters, I believe it to be true.

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

EXECUTED this 11 day of February, 2022, at Bakersfield, California.



RICHARD G. ZIMMER

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VERIFICATION TO COMPLAINT

I, **ROBERT G. KUHS**, am the attorney representing the Plaintiffs GRIMMWAY ENTERPRISES, INC., a 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; in the above-entitled action. In accordance with California Code of Civil Procedure §446, I have read the foregoing **COMPLAINT FOR COMPREHENSIVE GROUNDWATER ADJUDICATION OF THE CUYAMA VALLEY GROUNDWATER BASIN (NO. 3-013) QUIET TITLE AND PRELIMINARY INJUNCTION** and know the contents thereof. The same is true of my own knowledge, except as to those matters stated on information and belief, and as to those matters, I believe it to be true.

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

EXECUTED this 11 day of February, 2022, at Bakersfield, California.



ROBERT G. KUHS

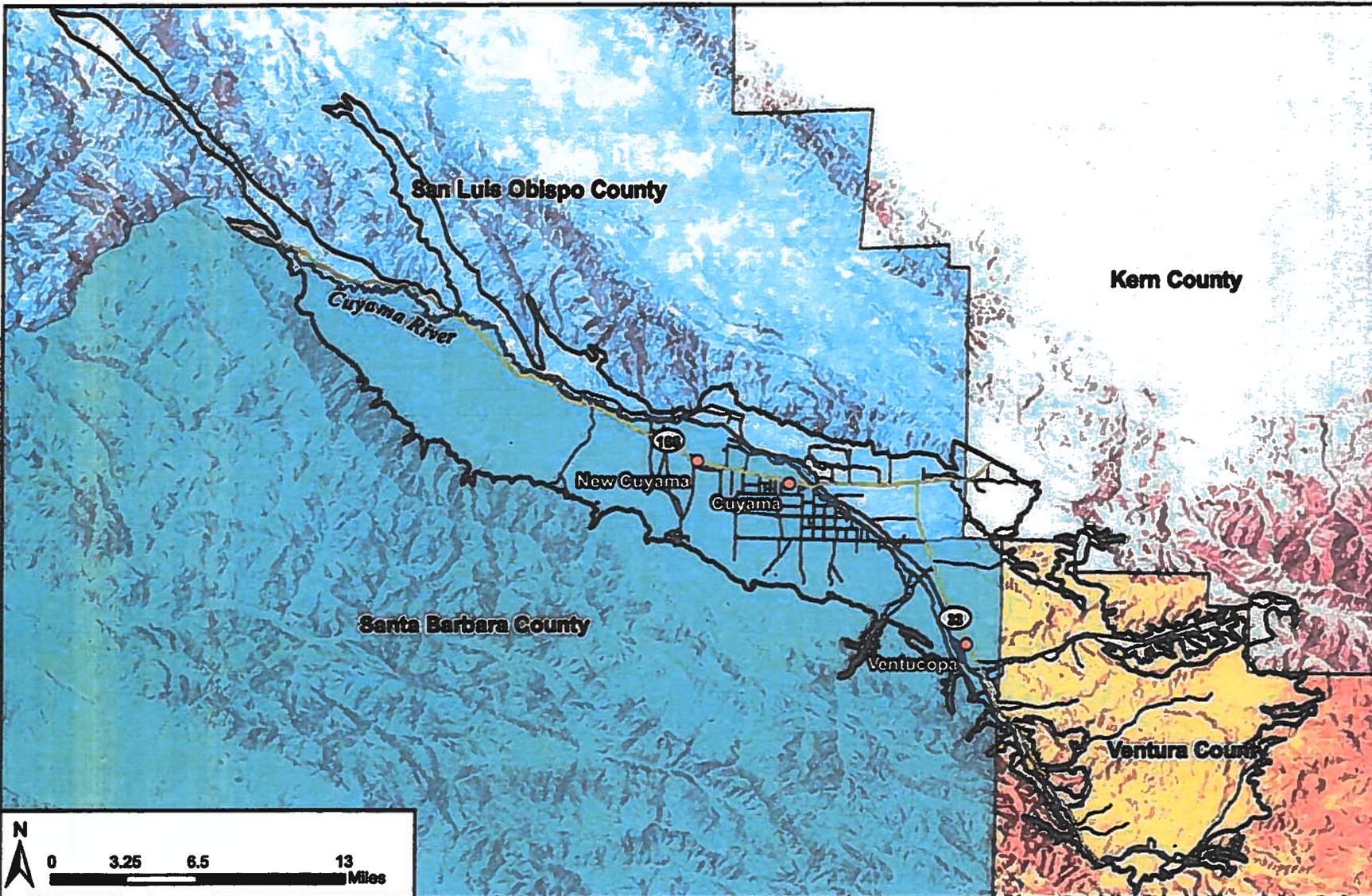


Figure 1-4 - Counties Overlying Cuyama Basin

Cuyama Basin Groundwater Sustainability Agency

Cuyama Valley Groundwater Basin Groundwater Sustainability Plan

April 2019



Legend

- | | | |
|--------------|----------------|------------------------|
| Towns | Local Roads | County |
| Cuyama Basin | Cuyama River | Kern County |
| Highways | Streams/Creeks | San Luis Obispo County |
| | | Santa Barbara County |
| | | Ventura County |

APN	COUNTY	OWNER
096-441-051	SAN LUIS OBISPO	BOLTHOUSE LAND COMPANY, LLC
096-441-040	SAN LUIS OBISPO	BOLTHOUSE LAND COMPANY, LLC
096-441-039	SAN LUIS OBISPO	BOLTHOUSE LAND COMPANY, LLC
096-441-050	SAN LUIS OBISPO	BOLTHOUSE LAND COMPANY, LLC
096-211-016	SAN LUIS OBISPO	BOLTHOUSE LAND COMPANY, LLC
096-211-026	SAN LUIS OBISPO	BOLTHOUSE LAND COMPANY, LLC
096-211-028	SAN LUIS OBISPO	BOLTHOUSE LAND COMPANY, LLC
096-211-029	SAN LUIS OBISPO	BOLTHOUSE LAND COMPANY, LLC
096-211-048	SAN LUIS OBISPO	BOLTHOUSE LAND COMPANY, LLC
096-211-058	SAN LUIS OBISPO	BOLTHOUSE LAND COMPANY, LLC
096-211-060	SAN LUIS OBISPO	BOLTHOUSE LAND COMPANY, LLC
096-211-062	SAN LUIS OBISPO	BOLTHOUSE LAND COMPANY, LLC
096-441-005	SAN LUIS OBISPO	BOLTHOUSE LAND COMPANY, LLC
096-441-006	SAN LUIS OBISPO	BOLTHOUSE LAND COMPANY, LLC
096-441-026	SAN LUIS OBISPO	BOLTHOUSE LAND COMPANY, LLC
096-441-042	SAN LUIS OBISPO	BOLTHOUSE LAND COMPANY, LLC
096-441-055	SAN LUIS OBISPO	BOLTHOUSE LAND COMPANY, LLC
096-441-058	SAN LUIS OBISPO	BOLTHOUSE LAND COMPANY, LLC
096-211-061	SAN LUIS OBISPO	BOLTHOUSE LAND COMPANY, LLC
096-211-063	SAN LUIS OBISPO	BOLTHOUSE LAND COMPANY, LLC
096-441-056	SAN LUIS OBISPO	BOLTHOUSE LAND COMPANY, LLC
096-441-065	SAN LUIS OBISPO	BOLTHOUSE LAND COMPANY, LLC
096-211-015	SAN LUIS OBISPO	BOLTHOUSE LAND COMPANY, LLC
149-010-082	SANTA BARBARA	BOLTHOUSE LAND COMPANY, LLC
149-010-083	SANTA BARBARA	BOLTHOUSE LAND COMPANY, LLC
149-010-050	SANTA BARBARA	BOLTHOUSE LAND COMPANY, LLC
149-140-041	SANTA BARBARA	BOLTHOUSE LAND COMPANY, LLC
149-140-042	SANTA BARBARA	BOLTHOUSE LAND COMPANY, LLC
149-140-047	SANTA BARBARA	BOLTHOUSE LAND COMPANY, LLC
149-140-100	SANTA BARBARA	BOLTHOUSE LAND COMPANY, LLC
149-150-002	SANTA BARBARA	BOLTHOUSE LAND COMPANY, LLC
149-150-006	SANTA BARBARA	BOLTHOUSE LAND COMPANY, LLC
149-150-016	SANTA BARBARA	BOLTHOUSE LAND COMPANY, LLC
149-150-039	SANTA BARBARA	BOLTHOUSE LAND COMPANY, LLC
149-330-014	SANTA BARBARA	BOLTHOUSE LAND COMPANY, LLC
149-330-002	SANTA BARBARA	BOLTHOUSE LAND COMPANY, LLC
149-330-010	SANTA BARBARA	BOLTHOUSE LAND COMPANY, LLC
149-160-029	SANTA BARBARA	BOLTHOUSE LAND COMPANY, LLC
149-140-090	SANTA BARBARA	BOLTHOUSE LAND COMPANY, LLC
149-160-009	SANTA BARBARA	BOLTHOUSE LAND COMPANY, LLC
149-140-098	SANTA BARBARA	BOLTHOUSE LAND COMPANY, LLC
149-330-013	SANTA BARBARA	BOLTHOUSE LAND COMPANY, LLC
149-160-036	SANTA BARBARA	BOLTHOUSE LAND COMPANY, LLC

Exhibit C			
No.	Owner	County	APN Number
1	Diamond Farming Company	San Luis Obispo	096-441-036
2	Diamond Farming Company	San Luis Obispo	096-441-060
3	Diamond Farming Company	San Luis Obispo	096-441-061
4	Diamond Farming Company	San Luis Obispo	096-441-062
5	Diamond Farming Company	San Luis Obispo	096-451-010
6	Diamond Farming Company	Santa Barbara	149-010-030
7	Ruby Land Company, LLC	San Luis Obispo	096-441-059
8	Ruby Land Company, LLC	San Luis Obispo	096-451-004
9	Ruby Land Company, LLC	San Luis Obispo	096-451-005
10	Ruby Land Company, LLC	San Luis Obispo	096-451-006
11	Ruby Land Company, LLC	San Luis Obispo	096-451-013
12	Ruby Land Company, LLC	San Luis Obispo	096-451-014
13	Ruby Land Company, LLC	San Luis Obispo	096-451-015
14	Ruby Land Company, LLC	San Luis Obispo	096-451-016
15	Ruby Land Company, LLC	San Luis Obispo	096-451-017
16	Ruby Land Company, LLC	San Luis Obispo	096-451-018
17	Ruby Land Company, LLC	San Luis Obispo	096-451-019
18	Ruby Land Company, LLC	San Luis Obispo	096-451-020
19	Ruby Land Company, LLC	San Luis Obispo	096-451-021
20	Ruby Land Company, LLC	San Luis Obispo	096-451-022
21	Ruby Land Company, LLC	San Luis Obispo	096-451-023
22	Ruby Land Company, LLC	Santa Barbara	149-310-003
23	Ruby Land Company, LLC	Santa Barbara	149-310-005
24	Ruby Land Company, LLC	San Luis Obispo	096-111-001
25	Ruby Land Company, LLC	Santa Barbara	149-330-011
26	Lapis Land Company, LLC	San Luis Obispo	096-441-012
27	Lapis Land Company, LLC	San Luis Obispo	096-441-013
28	Lapis Land Company, LLC	San Luis Obispo	096-441-014
29	Lapis Land Company, LLC	San Luis Obispo	096-441-015
30	Lapis Land Company, LLC	San Luis Obispo	096-441-025
31	Lapis Land Company, LLC	San Luis Obispo	096-441-064

EXHIBIT C

EXHIBIT D DEFENDANTS

1	BRODIAEA, INC., a Delaware corporation
2	CHANG CEFERINO, an individual
3	CUYAMA COMMUNITY SERVICES DISTRICT, a California community services district
4	CUYAMA DAIRY LAND, LLC, a California limited liability company
5	CUYAMA MUTUAL WATER COMPANY, a California corporation
6	CUYAMA ORCHARDS, INC., a California corporation
7	DAVID LEWIS, an individual
8	E & B NATURAL RESOURCES MANAGEMENT CORPORATION, a California corporation
9	EL RANCHO ESPANOL DE CUYAMA NO. 1, a California corporation
10	FEINSTEIN INVESTMENTS, entity unknown
11	THE H. LIMA COMPANY, INC., a California corporation
12	HARRINGTON FARMS LLC, a California limited liability company
13	JHP GLOBAL, INC., a California corporation
14	KERN RIDGE GROWERS, INC., a California corporation
15	LUCKY DOG RANCH, LLC, a California limited liability company
16	NORTH FORK CATTLE COMPANY, LLC, a California limited liability company
17	PAL RANCH, INC., a California corporation
18	PINE MOUNTAIN BUDDHIST TEMPLE, a California corporation
19	ROY HARRINGTON, an individual
20	SANTA BARBARA HIGHLANDS VINEYARD, INC., a California corporation
21	SUNRIDGE NURSERIES, INC., a California corporation
22	SUNRISE OLIVE RANCH, LLC, a California limited liability company
23	TRIANGLE E FARMS, a California general partnership
24	SANTA BARBARA PISTACHIO COMPANY, INC., a California corporation
25	450 TO CUYAMA, LLC, a California limited liability company