

**SUMMONS
(CITACION JUDICIAL)**

NOTICE TO DEFENDANT:

(AVISO AL DEMANDADO):

SLIPPERY ROCK RANCH, LLC, a California Limited Liability Company and DOES 1-20, Inclusive.

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

GOLETA WATER DISTRICT, a County Water District

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

FEB 13 2015

Darrel E. Parker, Executive Officer
BY Susan Donjuan, Deputy Clerk

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **(AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.)**

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):
Superior Court of California - County of Santa Barbara
1100 Anacapa Street
Santa Barbara, CA 93101

CASE NUMBER:
(Número del Caso): **1487005**

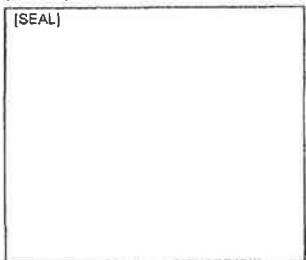
The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Frederic A. Fudacz (SBN: 050546); Alfred E. Smith (SBN: 186257), Nossaman, LLP
777 South Figueroa Street, 34th Floor
Los Angeles, CA 90017 Tel: (213) 612-7800

Darrel E. Parker, Executive Officer
Deputy
(Adjunto)

DATE:
(Fecha) **FEB 13 2015**

Clerk, by _____
(Secretario) **SUSAN DONJUAN**

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

- as an individual defendant.
- as the person sued under the fictitious name of (specify):
- on behalf of (specify):
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify):
- by personal delivery on (date):

COPY

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Attorneys for Plaintiff, GOLETA WATER DISTRICT

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA BARBARA

GOLETA WATER DISTRICT, a County Water District,

Plaintiff,

vs.

SLIPPERY ROCK RANCH, LLC, a California Limited Liability Company;
and DOES 1-20, Inclusive,

Defendants.

Case No: 1487005
COMPLAINT FOR:
(1) DECLARATORY RELIEF; AND
(2) INJUNCTION

EXEMPT FROM FILING FEES
GOVERNMENT CODE § 6103

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

FEB 13 2015
Darrel E. Parker, Executive Officer
BY: *[Signature]*
Susan Sorjano, Deputy Clerk

COMPLAINT

1 The Goleta Water District ("Water District") alleges as follows:

2 **PARTIES**

3 1. Plaintiff Water District is, and at all times mentioned herein was, a water district
4 organized under the laws of the State of California pursuant to the County Water District law,
5 section 30,000 *et seq.* of the California *Water Code*. The District's boundary lines span
6 approximately 29,000 acres within the County of Santa Barbara, State of California. Plaintiff
7 Water District was formed by a vote of the people in the District on November 17, 1944.
8 Plaintiff Water District provides water service to approximately 87,000 residents in Santa
9 Barbara County.

10 2. Defendant Slippery Rock Ranch, LLC ("Slippery Rock") is a Limited Liability
11 Company formed under the laws of the State of California. Slippery Rock owns property within
12 the County of Santa Barbara, State of California. Slippery Rock claims some right, title, or
13 interest to water that is adverse to the right, title, or interest of Plaintiff Water District.

14 3. Venue and jurisdiction are proper in this court as Slippery Rock owns property
15 within the County of Santa Barbara, State of California; and the property, acts and events
16 giving rise to the claims set forth herein occur in the County of Santa Barbara, State of
17 California.

18 4. Plaintiff Water District is informed and believes and thereon alleges that
19 Defendant Does 1 through 20 claim some right, title, or interest to water that is adverse to the
20 right, title, or interest of Plaintiff Water District. Plaintiff Water District is unaware of the true
21 names and identities of Does 1 through 20 and therefore sues them by such fictitious names
22 and will amend this pleading to reflect their true identities and capacities when they are
23 ascertained.

24 **GENERAL ALLEGATIONS**

25 5. Plaintiff Water District is the rightful owner of water rights within the Goleta
26 Groundwater Basin (the "Goleta Basin").

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1 6. All rights to water within the Goleta Basin were adjudicated pursuant to the
2 court's judgment in *Martha H. Wright, et al. v. Goleta Water District, et al.*, 1989, Amended
3 Judgment, Superior Court of Santa Barbara County Case No. SM 57969 ("Wright Judgment".)

4 7. The Wright Judgment grants Plaintiff Water District appropriative water rights to
5 extract water from the Goleta Basin, plus any temporary surplus. In addition, the Wright
6 Judgment grants Plaintiff Water District with rights to store water in the Goleta Basin.

7 8. The Wright Judgment ruled that the water supply in the Goleta Basin is fully
8 subscribed, with no surplus appropriative water supplies available.

9 9. The Wright Judgment determined that the Goleta Basin was in a condition of
10 "overdraft," i.e, the condition which exists when the total extractions from a groundwater basin
11 exceed the amount that can be extracted annually without resulting in an irreparable depletion
12 of the water supply.

13 10. To address the condition of overdraft, the Wright Judgment implemented a
14 physical solution to manage water resources in the Goleta Basin and to achieve hydrologic
15 balance.

16 11. As part of this physical solution, the court implemented a management plan
17 which, among other things, requires Plaintiff Water District to submit annual water
18 management plans and status reports to the Court with the objective of bringing the Goleta
19 Basin into hydrologic balance, which objective was achieved in 1998.

20 12. The court retained continuing jurisdiction to monitor and enforce its judgment.
21 Among other things, the court's continuing jurisdiction includes the power to adjudicate any
22 further dispute between the parties or others properly before the court concerning their rights
23 and obligations arising out of and to the Wright Judgment; and to issue such orders as are
24 necessary and proper to enforce the Judgment, including orders to ensure that the Goleta
25 Basin remains in hydrological balance with the overdraft eliminated.

26 13. The Defendants own Slippery Rock Ranch. Slippery Rock Ranch is a private
27 ranch within the Goleta Valley foothills area of the County of Santa Barbara. Slippery Rock
28 Ranch is located in the northern section of the Goleta Basin watershed.

1 14. Slippery Rock Ranch overlays a fractured bedrock area which contains water
2 supplies which are tributary to and within the watershed of the Goleta Basin ("Bedrock Area").
3 The Bedrock Area is part of the watershed feeding the Goleta Basin. There is a natural
4 hydrologic connection between the Bedrock Area and the Goleta Basin, both through stream
5 flow recharge and direct bedrock recharge.

6 15. Because all water rights in the Goleta Basin are fully subscribed and adjudicated
7 by the Wright Judgment, and because the Bedrock Area and the Goleta Basin are part of an
8 interconnected, dependent and common water supply, there are no surplus waters available
9 for appropriation or export from the Bedrock Area to areas outside of the Goleta Basin
10 watershed.

11 16. Appropriating and exporting water from the Bedrock Area would therefore cause
12 material, irreparable injury to Plaintiff Water District and its customers in contravention of the
13 water rights adjudicated and the physical solution established under the Wright Judgment.

14 17. Defendants notified Plaintiff Water District that Defendants intend to appropriate
15 and export water from the Bedrock Area for private, commercial sale to multiple locations,
16 including areas outside of the Goleta Basin watershed.

17 18. Plaintiffs are informed and believe and thereon allege that Defendants have
18 pumped water from the Bedrock Area, which water was then transported by truck for private
19 commercial sale.

20 19. Defendants' appropriation and exportation of water from the Bedrock Area will
21 reduce the amount of water available for Plaintiff and its customers, causing material
22 irreparable injury to Plaintiff, in contravention of Plaintiff's adjudicated water rights under the
23 Wright Judgment.

24 20. Defendants' appropriation and exportation of water from the Bedrock Area will
25 adversely affect the court's physical solution and management plan to keep the Goleta Basin
26 in hydrologic balance by reducing stream flow, spring flows, groundwater recharge and
27 storage, and drawing down the water table.

28 ///

1 21. Defendants are unlawfully seeking to exploit public water resources for private
2 gain.

3 22. The harm caused by Defendants' unauthorized water appropriation for private
4 profit is magnified by prolonged drought conditions, and the critical need of this water for use
5 by Plaintiff Water District for the regional benefit of 87,000 residents.

6 23. Plaintiff Water District requests declaratory relief as to Plaintiff Water District's
7 prior and superior adjudicated rights to appropriate from and store water in the Goleta Basin
8 watershed, including a declaration that Defendants are without right to appropriate, export or
9 otherwise divert water from the Bedrock Area and the Goleta Basin watershed.

10 24. Plaintiff Water District further requests an injunction prohibiting Defendants from
11 appropriating, exporting, or otherwise diverting water from the Bedrock Area or the Goleta
12 Basin watershed.

13 **FIRST CAUSE OF ACTION**

14 **DECLARATORY RELIEF AGAINST ALL DEFENDANTS**

15 25. Plaintiff Water District realleges and incorporates by reference the allegations of
16 paragraphs 1 through 24 above.

17 26. An actual and present controversy has arisen and now exists between Plaintiff
18 Water District and Defendants concerning their respective rights to water.

19 27. Plaintiff Water District contends that it has prior and superior adjudicated rights to
20 the reasonable and beneficial use of water from the Goleta Basin.

21 28. Plaintiff's water rights were adjudicated by the court under the Wright Judgment,
22 and Plaintiff Water District has reasonably and beneficially used water from the Goleta Basin
23 ever since.

24 29. Pursuant to the Wright Judgment, Plaintiff Water District possesses appropriative
25 water rights to extract water from the Goleta Basin, as well as rights to store water in the
26 Goleta Basin.

27 30. Plaintiff Water District informed Defendants that their actual and threatened
28 unauthorized diversions from the Bedrock Area are unlawful and subordinate to Plaintiff's prior

1 and superior adjudicated water rights. Defendants dispute the contentions of Plaintiff Water
2 District; and Defendants continue their threatened unlawful, subordinate and unauthorized
3 diversions.

4 31. Plaintiff Water District desires and is entitled to a judicial declaration of its prior
5 and superior adjudicated water rights, and of the unlawful and subordinate nature of
6 Defendants' water right claims. Such declaratory relief is necessary and appropriate at this
7 time.

8 32. Plaintiff Water District is informed and believes and thereon alleges that
9 Defendants have pumped water from the Bedrock Area, which water was then transported by
10 truck for private commercial sale.

11 33. Defendants have stated their intent to appropriate and export additional water
12 from the Bedrock Area for private, commercial sale in violation of Plaintiff's prior and superior
13 adjudicated water rights, in contravention of the Wright Judgment and its physical solution.

14 34. A declaration of Plaintiff's superior water rights is therefore necessary to protect
15 Plaintiff Water District from this continuing unlawful infringement and injury; and to protect
16 87,000 residents and the Santa Barbara region from the exploitation of public water resources
17 for private gain during a time of drought.

18 SECOND CAUSE OF ACTION

19 **INJUNCTIVE RELIEF AGAINST ALL DEFENDANTS**

20 35. Plaintiff Water District realleges and incorporates by reference the allegations of
21 paragraphs 1 through 34 above.

22 36. Plaintiff Water District is informed and believes and thereon alleges that
23 Defendants claim the right to use water from the Bedrock Area.

24 37. Plaintiff Water District is informed and believes and thereon alleges that
25 Defendants claim the right to use water from the Bedrock Area for private commercial gain
26 without regard to the adjudicated water rights of Plaintiff, and without regard to the Wright
27 Judgment's physical solution and management plan to keep the Goleta Basin in hydrologic
28 balance.

1 38. Plaintiff Water District is informed and believes and thereon alleges that
2 Defendants have pumped water from the Bedrock Area, which water was then transported by
3 truck for private commercial sale.

4 39. Defendants have stated their intent to appropriate and export additional water
5 from the Bedrock Area in violation of Plaintiff's prior and superior adjudicated water rights, in
6 contravention of the Wright Judgment and its physical solution.

7 40. Plaintiff Water District is informed and believes and thereon alleges that
8 Defendants' unlawful appropriation and export of water from the Bedrock Area will cause
9 material, irreparable injury to water resources in the Goleta Basin by reducing stream flow,
10 spring flows, groundwater recharge and storage, and drawing down the water table.

11 41. Plaintiff Water District has demanded that Defendants stop their unlawful,
12 subordinate and unauthorized water diversions. Defendants, and each of them, have refused
13 and still refuse to discontinue their threatened unlawful, unauthorized and injurious water right
14 diversions.

15 42. Plaintiff Water District has no adequate remedy at law for the injuries currently
16 being suffered, and to be suffered in the future, as a result of Defendants' threatened unlawful
17 water diversions.

18 43. It will be impossible for Plaintiff Water District to determine the precise amount of
19 damage that it will suffer if Defendants' conduct is not restrained by order of this Court, and
20 Plaintiff Water District will be forced to institute a multiplicity of suits to obtain adequate
21 compensation.

22 44. Unless restrained by order of this Court, Defendants will continue to unlawfully
23 divert water, thereby causing irreparable damage and injury to Plaintiff; the Goleta Basin
24 watershed; and the 87,000 residents that rely on the Goleta Basin and Plaintiff Water District
25 for their water supply.

26 45. In order to prevent irreparable injury, it is necessary and appropriate that the
27 Court enjoin Defendants from further unauthorized use and diversion of water from the
28 Bedrock Area and the Goleta Basin watershed, in contravention of the Wright Judgment and

1 Plaintiff's adjudicated water rights; and to protect the sustainability of water resources within
2 Santa Barbara County from the exploitation of public water resources for private gain,
3 particularly during a drought.

4 **PRAYER FOR RELIEF**

5 Wherefore, Plaintiff Water District prays for judgment as follows:

- 6 1. For a declaration of Plaintiff Water District's prior and superior rights to
7 appropriate from and store water in the Goleta Basin watershed;
- 8 2. For a declaration that Defendants cannot appropriate or export water from the
9 Bedrock Area or the Goleta Basin watershed;
- 10 3. For a preliminary and permanent injunction prohibiting Defendants from
11 appropriating, exporting, or otherwise diverting water from the Bedrock Area or the Goleta
12 Basin watershed;
- 13 4. For such monetary relief as the Court deems appropriate, whether in the form of
14 damages, restitution, or contribution;
- 15 5. For prejudgment interest;
- 16 6. For attorneys' fees, expert witness fees, and costs incurred in this action; and,
17 7. For such other and further relief as the Court may deem just and proper.

18
19 Dated: February 12, 2015

NOSSAMAN LLP
Frederic A. Fudacz
Alfred E. Smith

20
21
22 By: _____

Frederic A. Fudacz
Attorneys for Plaintiff, GOLETA WATER
DISTRICT