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CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1390**

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**Introduced by Assembly Members Alejo, Gomez, and Perea  
(Principal coauthors: Assembly Members Bigelow, Gray, Olsen,  
and Salas)**

(Principal coauthors: Senators Cannella, Hueso, and Vidak)  
**(Coauthors: Assembly Members Cooley, Cooper, Eggman, Frazier,  
Gallagher, Ridley-Thomas, Wilk, and Wood)**  
(Coauthors: Senators Fuller, Galgiani, and Nielsen)

February 27, 2015

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An act to add Chapter 7 (commencing with Section 830) to Title 10 of Part 2 of the Code of Civil Procedure, relating to groundwater.

LEGISLATIVE COUNSEL'S DIGEST

AB 1390, as amended, Alejo. Groundwater: adjudication.

The California Constitution requires that the water resources of the State be put to beneficial use to the fullest extent of which they are capable. Under the Sustainable Groundwater Management Act, which applies to all groundwater basins in the state, all basins designated as high- or medium-priority basins by the Department of Water Resources as basins that are subject to critical conditions of overdraft, as specified, are required to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020.

This bill would establish special procedures for ~~an adjudication action,~~ *a comprehensive adjudication*, which is defined as an action filed in superior court to *comprehensively* determine the rights to extract groundwater ~~within a basin or store water from a basin, as specified:~~ *in a basin*. The bill would authorize the court to determine all rights to groundwater in a basin whether based on appropriation, overlying right, or other basis of right. The bill would require these special procedures to govern all ~~adjudication actions~~ *comprehensive adjudications* except in ~~specified~~ cases not involving *a comprehensive* allocation of a basin's groundwater ~~supply:~~ *supply or cases that can be resolved among a limited number of parties and that do not involve a comprehensive determination of rights to extract groundwater within the basin.*

This bill would require a complaint filed in an adjudication action to name certain defendants, including ~~all counties or cities that provide water service and overlie~~ *general or special districts managing or replenishing groundwater resources* in the basin in whole or in part, and to be served and published in a specified manner. The bill would require the complaint to be accompanied by a draft notice and draft form answer, as specified, and *certain disclosures related to the plaintiff's groundwater use*. The bill would require the court to hold a preliminary hearing within 180 days of the filing of the complaint to determine if the action should proceed to *comprehensively* determine ~~groundwater rights in~~ *rights to extract groundwater within* the basin in accordance with the special procedures for ~~adjudication actions:~~ *comprehensive adjudications*. If the court makes that determination, based on a finding that at least one of 4 specified conditions is met, the bill would require the court to issue an order declaring the case ~~an adjudication action~~ *a comprehensive adjudication* and authorizing the service of the landowners of the basin. After the court order authorizing service of the landowners of the basin, the bill would require the plaintiff to file an ex parte application seeking court approval of the draft notice and draft form answer filed with the complaint. If the court approves the draft notice and draft form answer, the bill would require the ~~assessor or assessors~~ *tax collector or tax collectors* of the county or counties in which the basin to be adjudicated lies to include the court-approved notice and form answer with the next *annual* property tax bill sent to each landowner ~~in the basin:~~ *identified by the plaintiff, as specified*. The bill would require the ~~plaintiff~~ *plaintiff, and other parties as may be ordered by the court,* to reimburse the ~~assessor or assessors~~ *tax collector or tax collectors* for the costs of including the court-approved notice

and form answer with the property tax bills and, after those materials have been included with the property tax bills, would require the plaintiff to file a declaration under penalty of perjury with the court attesting to a notice of the completion of the mailing. ~~By expanding the scope of an existing crime, the bill would impose a state-mandated local program. The bill~~ *The bill, on the 60th day following completion of the mailing, as described above, would deem fulfillment of the service and publication provisions as effective service of process of the complaint and notice on all interested parties of the adjudication action comprehensive adjudication for purposes of establishing in rem jurisdiction and the comprehensive effect of the adjudication action comprehensive adjudication.*

This bill would authorize the court to convene ~~an initial~~ *a case management conference within 60 days of completion of service of the complaint and notice, as described above, at such time the court deems appropriate, after which the court could divide the adjudication action comprehensive adjudication into phases: phases' based on its own discretion or the motion of a party.* The bill would require the court to define the scope of any phase of the ~~adjudication action comprehensive adjudication~~ *by written order and order. The bill would provide that the court's discretion is not limited in ordering as many phases as the court deems appropriate for the expeditious and appropriate resolution of competing claims to the groundwater basin. In a phase of an adjudication action, a comprehensive adjudication,* the bill would require discovery to be strictly limited to the scope of the phase and would authorize the court to issue a written statement of decision at the completion of each phase. In addition, the bill would require each party to make, under penalty of perjury, specified initial disclosures *to all other named parties and a special master, if one has been assigned in the action,* within 60 days after ~~the initial case management conference,~~ *appearing in the comprehensive adjudication,* except a plaintiff would be required to make the initial disclosures at the time it files the complaint. By expanding the scope of an existing crime, the bill would impose a state-mandated local program. The bill would authorize the court to appoint a special master ~~in an adjudication action, and in a comprehensive adjudication,~~ *who may be one or more individuals, to report on legal and factual issues designated under a specific order of reference. The bill would provide that the special master's duties could include, among other things, initiating a technical committee to conduct joint factfinding regarding the basin and would require the special master*

to compile a technical report of the findings, as specified. On or before January 1, 2017, the bill would require the Department of Water Resources to establish and maintain a list of individuals who may serve as special masters in ~~adjudication actions~~ *comprehensive adjudications* and would prescribe the experience needed for an individual to be placed on the list.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 7 (commencing with Section 830) is  
2 added to Title 10 of Part 2 of the Code of Civil Procedure, to read:

3

4 CHAPTER 7. ACTIONS RELATING TO GROUNDWATER RIGHTS

5

6 Article 1. General Provisions

7

8 830. (a) The Legislature finds and declares all of the following:

9 (1) Diverse economic, environmental, and social interests are  
10 implicated by sustainable groundwater management.

11 (2) Efficient resolution of conflicts concerning the right to use  
12 and manage groundwater will promote beneficial use of the waters  
13 of the state consistent with Section 2 of Article X of the California  
14 Constitution, the state water policies mandated in Chapter 1  
15 (commencing with Section 100) of Division 1 of the Water Code,  
16 and as intended by the Sustainable Groundwater Management Act  
17 (Part 2.74 (commencing with Section 10720) of Division 6 of the  
18 Water Code).

19 (3) Previous *comprehensive* groundwater adjudication actions  
20 have taken more than a decade before issuance of a final judgment  
21 by the court ~~in an adjudication~~ *the* action.

22 (4) In light of the scope and complexities of *comprehensive*  
23 groundwater adjudication actions, the state's welfare will be  
24 promoted by the development of specially tailored legal procedures

1 to efficiently process *actions to comprehensively determine rights*  
2 *to extract groundwater adjudication actions in a basin.*

3 (b) It is the intent of the Legislature to do all of the following:

4 (1) Develop procedures to provide a more ~~streamlined and~~  
5 ~~expeditious groundwater adjudication process~~, *efficient process*  
6 *to comprehensively adjudicate groundwater rights*, while at the  
7 same time fully respecting established principles of water rights  
8 law and providing participants appropriate due process.

9 (2) Establish procedures by which courts may conduct  
10 comprehensive determinations of all rights to *extract* groundwater  
11 in a basin.

12 (3) Encourage early resolution of groundwater rights disputes.

13 (4) Substantially reduce the time and expense of *comprehensive*  
14 *groundwater adjudications*, while ensuring fair procedures to  
15 protect all parties' rights to groundwater.

16 (5) Ensure the judicial process is not used to unnecessarily delay  
17 or thwart the goal of managing groundwater in a sustainable  
18 manner.

19 (6) Reduce the burdens placed on the judiciary under the current  
20 adjudication process.

21 830.5. For purposes of this chapter, the following definitions  
22 apply:

23 (a) ~~“Adjudication action” means an action filed in superior court~~  
24 ~~to determine the rights to extract groundwater within a basin or~~  
25 ~~store water from a basin, including, but not limited to, an action~~  
26 ~~to quiet title respecting rights to extract or store groundwater or~~  
27 ~~an action brought to impose a physical solution on a basin.~~

28 (b)

29 (a) “Basin” means a groundwater basin or subbasin identified  
30 pursuant to Section 839.

31 (e)

32 (b) “Bulletin 118” means the department’s report entitled  
33 “California’s Groundwater: Bulletin 118” updated in 2003, as it  
34 may be subsequently updated or revised.

35 (d)

36 (c) “Complaint” means a complaint filed in superior court to  
37 determine rights to extract groundwater and includes any  
38 cross-complaint that initiates ~~an adjudication action~~ *a*  
39 *comprehensive adjudication* in response to a plaintiff’s complaint  
40 or other cross-complaint.

1 (d) “Comprehensive adjudication” means an action filed in  
 2 superior court to comprehensively determine rights to extract  
 3 groundwater in a basin.

4 (e) “Department” means the Department of Water Resources.

5 (f) “Groundwater” means water beneath the surface of the earth  
 6 within the zone below the water table in which the soil is  
 7 completely saturated with water, but does not include water that  
 8 flows in known and definite channels.

9 (g) “Groundwater extraction facility” means a device or method  
 10 for extracting groundwater from within a basin.

11 (h) “Groundwater recharge” means the augmentation of  
 12 groundwater, by natural or artificial means.

13 (i) “Person” includes, but is not limited to, counties, local  
 14 agencies, state agencies, federal agencies, tribes, business entities,  
 15 and individuals.

16 (j) “Plaintiff” means the person filing the complaint initiating  
 17 ~~an adjudication action~~ a comprehensive adjudication and includes  
 18 a cross-complainant who initiates ~~an adjudication action~~ a  
 19 comprehensive adjudication by cross-complaint.

20 (k) “Sustainable Groundwater Management Act” means the  
 21 provisions of Part 2.74 (commencing with Section 10720) of  
 22 Division 6 of the Water Code.

23 831. (a) ~~This~~ Except as provided in subdivision (e), this chapter  
 24 establishes special procedures for ~~an adjudication action~~ action  
 25 that would comprehensively determine rights to extract  
 26 groundwater in a basin, whether based on appropriation, overlying  
 27 right, or other basis of right. This chapter applies to an Indian  
 28 tribe and the federal government, to the extent authorized by  
 29 federal law. This chapter shall not alter groundwater rights or the  
 30 law concerning groundwater rights. The other provisions of this  
 31 code apply to procedures in ~~an adjudication action~~ a comprehensive  
 32 adjudication to the extent they do not conflict with the provisions  
 33 of this chapter.

34 (b) ~~In an adjudication action subject to this chapter, the court~~  
 35 ~~may determine, in the proceedings provided for in this chapter, all~~  
 36 ~~rights to groundwater in a basin whether based on appropriation,~~  
 37 ~~overlying right, or other basis of right.~~

38 (e)

39 (b) The court’s final judgment in ~~an adjudication action~~, a  
 40 comprehensive adjudication, as to the right to groundwater of each

1 party, may declare the priority, amount, purposes of use, extraction  
2 location, and place of use of the water, together with appropriate  
3 injunctive relief, subject to terms adopted by the court to implement  
4 a physical solution in the ~~adjudication action~~. *comprehensive*  
5 *adjudication*.

6 ~~(d)~~

7 (c) The procedures of this chapter shall govern all ~~adjudication~~  
8 ~~actions, unless the court finds either of the following, in which~~  
9 ~~case comprehensive adjudications. If the court finds any one of~~  
10 ~~the following~~, the action shall proceed in accordance with other  
11 provisions of law:

12 (1) The action concerns only claims that the operation of a  
13 party's groundwater extraction facility is interfering with the  
14 physical availability of groundwater to one or more other parties'  
15 groundwater extraction facility or facilities and does not involve  
16 ~~an a comprehensive~~ allocation of the basin's groundwater supply.

17 (2) The action concerns only claims to extract, or to prevent  
18 interference with extractions of, a specific source of groundwater  
19 recharge and does not involve ~~an a comprehensive~~ allocation of  
20 the basin's groundwater supply.

21 (3) *The action can be resolved among a limited number of*  
22 *parties and does not involve a comprehensive determination of*  
23 *rights to extract groundwater within the basin.*

24 ~~(e)~~

25 (d) In implementing this chapter and applying the other  
26 provisions of this code in ~~an adjudication action~~, *a comprehensive*  
27 *adjudication*, the court should expedite resolution of the  
28 ~~adjudication action~~ *comprehensive adjudication* and, where a  
29 groundwater sustainability plan is required pursuant to the  
30 Sustainable Groundwater Management Act, the court should  
31 encourage the parties to cooperatively develop a groundwater  
32 sustainability plan that may serve as the basis of a stipulated  
33 judgment setting forth a physical solution for management of the  
34 basin.

35 (e) *This chapter does not apply to the Antelope Valley*  
36 *Groundwater Cases (Judicial Council Coordination Proceedings*  
37 *No. 4408).*

Article 2. Commencement of Action

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832. (a) Unless a court orders otherwise for good cause, the complaint in ~~an adjudication action~~ *a comprehensive adjudication* shall name all of the following persons as defendants:

~~(1) All counties or cities that provide water service and overlie the basin in whole or in part.~~

~~(2) (1) All general or special districts empowered to manage or replenish managing or replenishing groundwater resources of in the basin in whole or in part.~~

~~(3) (2) The operator of a public water system that uses groundwater from the basin to supply water service.~~

~~(4) (3) The operator of a state small water system that uses groundwater from the basin to supply water service.~~

*(b) The complaint in a comprehensive adjudication shall identify all counties or cities that provide water service and overlie the basin in whole or in part.*

~~(b) (c) Within 30 days of the filing of the complaint, all both of the following shall occur:~~

~~(1) The plaintiff shall serve the complaint on all persons named as defendants pursuant to subdivision (a) and all counties or cities identified in the complaint pursuant to subdivision (b) in the manner prescribed by Article 3 (commencing with Section 415.10) of Chapter 4 of Title 5.~~

~~(2) The plaintiff shall publish notice of the complaint pursuant to Section 6066 of the Government Code.~~

~~(3) The plaintiff, or its representative, shall personally appear at a meeting of the board of supervisors of each county overlying the basin at least in part, and announce that the plaintiff has filed the adjudication action and where copies of the complaint may be obtained.~~

~~(4) The court shall allow any person to intervene in the adjudication action upon an ex parte application that demonstrates that the person holds fee simple ownership in a parcel in the basin. A person filing the ex parte application shall give notice to the plaintiff consistent with the California Rules of Court.~~

1 (d) The court shall allow the following persons to intervene in  
2 the comprehensive adjudication:

3 (1) A county or city identified in the complaint pursuant to  
4 subdivision (b). A county or city identified in the complaint  
5 pursuant to subdivision (b) that files an ex parte application shall  
6 give notice to the plaintiff consistent with the California Rules of  
7 Court.

8 (2) A person demonstrating, upon an ex parte application, that  
9 that person holds fee simple ownership in a parcel in the basin. A  
10 person filing the ex parte application shall give notice to the  
11 plaintiff consistent with the California Rules of Court.

12 832.5. (a) Within 180 days of the filing of a complaint to  
13 adjudicate groundwater rights, the court shall conduct a preliminary  
14 hearing to determine if the action should proceed to  
15 comprehensively determine ~~groundwater rights in~~ *rights to extract*  
16 *groundwater within* the basin in accordance with this chapter. At  
17 the preliminary hearing the court may hear expert or lay testimony  
18 and the plaintiff shall demonstrate one of the following:

19 (1) There is substantial evidence that declining groundwater  
20 levels may cause an undesirable result in the basin.

21 (2) The court cannot provide adequate relief among the potential  
22 claimants to a groundwater right in the basin subject to the  
23 ~~adjudication action~~ *comprehensive adjudication* unless the  
24 ~~adjudication action~~ *comprehensive adjudication* is completed.

25 (3) ~~The parties sufficient to comply with Section 847 Pursuant~~  
26 ~~to Section 847, the parties~~ have agreed to a proposed judgment in  
27 the ~~adjudication action~~ *comprehensive adjudication*.

28 (4) Consistent with Section 2 of Article X of the California  
29 Constitution, the interests of groundwater rights holders will be  
30 expeditiously and effectively served by the completion of the  
31 ~~adjudication action~~ *comprehensive adjudication*.

32 (b) If, after the preliminary hearing, the court finds that any  
33 condition described in paragraphs (1) to (4), inclusive, of  
34 subdivision (a) is met, the court shall issue an order declaring that  
35 the case is ~~an adjudication action~~ *a comprehensive adjudication*  
36 subject to this chapter and authorizing service of landowners in  
37 accordance with Section 833.

38 (c) If, after the preliminary hearing, the court finds that no  
39 condition described in ~~paragraph~~ *paragraphs* (1) to (4), inclusive,  
40 of subdivision (a) is met, the court shall either dismiss the

1 adjudication action without prejudice, or find that the action is not  
 2 subject to this chapter under Section 831 and permit the action to  
 3 proceed pursuant to the other provisions of this code.

4 (d) Before the preliminary hearing, the court may allow  
 5 expedited discovery ~~consistent with this chapter.~~ *limited to the*  
 6 *matters listed in paragraphs (1) to (4), inclusive, of subdivision*  
 7 *(a).* The court shall actively manage the expedited discovery to  
 8 *minimize the burdens on responding parties and to prevent delays*  
 9 *in order to enable, to the greatest extent possible and pursuant to*  
 10 *Section 833, service of landowners through the next annual mailing*  
 11 *of property tax bills within the basin.*

12 833. (a) ~~Together with the filing of~~ *At the same time as filing*  
 13 *the complaint, the plaintiff shall file both lodge all of the following:*  
 14 *following with the court:*

15 (1) (A) A draft notice titled “NOTICE OF COMMENCEMENT  
 16 OF GROUNDWATER BASIN ADJUDICATION” in no less than  
 17 20-point font and the following text printed immediately below  
 18 the draft notice title in no less than 14-point font:

19 “THIS NOTICE IS IMPORTANT. ANY RIGHTS YOU CLAIM  
 20 TO PUMP OR STORE GROUNDWATER FROM THE BASIN  
 21 IDENTIFIED IN THIS NOTICE MAY BE AFFECTED BY A  
 22 LAWSUIT INITIATED BY THE COMPLAINT SUMMARIZED  
 23 BELOW.

24 A copy of the complaint may be obtained by contacting the  
 25 plaintiff or the plaintiff’s attorney identified in this notice. If you  
 26 claim rights to pump or store groundwater within the basin, either  
 27 now or in the future, you may become a party to this lawsuit by  
 28 filing an answer to the lawsuit on or before the deadline specified  
 29 in this ~~notice~~ *notice. You may file an answer* by completing the  
 30 attached form ~~answer and~~ *answer*, filing it with the court indicated  
 31 in this ~~notice and by~~ *notice, and* sending a copy of the form answer  
 32 to the plaintiff or the plaintiff’s attorney.

33 Failing to participate in this lawsuit could have a significant  
 34 adverse effect on any right to pump or store groundwater that you  
 35 may have. You may seek the advice of an attorney in relation to  
 36 this lawsuit. Such attorney should be consulted promptly. A case  
 37 management conference in this groundwater basin adjudication  
 38 proceeding shall occur on the date specified in this notice. If you  
 39 intend to participate in the groundwater adjudication proceeding  
 40 to which this notice applies, you are advised to attend the initial

1 case management conference in person or have an attorney  
2 represent you at the initial case management conference.

3 Participation requires the production of all information regarding  
4 your groundwater use. You must provide this information by the  
5 date identified in this notice.

6 A form answer is provided for your convenience. You may fill  
7 out the form answer and file it with the court. Should you choose  
8 to file the form answer, it will serve as an answer to all complaints  
9 and cross-complaints filed in this case.”

10 (B) *The following information shall be provided immediately*  
11 *following the text described in subparagraph (A):*

12 (i) *The name of the basin that is the subject of the comprehensive*  
13 *adjudication.*

14 (ii) *A space to be completed with the case number assigned to*  
15 *the comprehensive adjudication, and the name and address of the*  
16 *court and department to which the action is assigned.*

17 (iii) *The name, address, telephone number, and email address*  
18 *of the plaintiff, or plaintiff’s attorney, from which the complaint*  
19 *may be obtained.*

20 (iv) *A statement advising anyone claiming the right to use*  
21 *groundwater within the basin that he or she must file an answer*  
22 *with the court within 30 days after service by mail, as provided*  
23 *for in this section.*

24 (v) *A summary of the causes of action alleged in the complaint*  
25 *and the relief sought. The summary shall not exceed 25 lines.*

26 (2) (A) A draft form answer titled “ANSWER TO  
27 ADJUDICATION COMPLAINT” in no less than 20-point font  
28 and the following text printed immediately below the draft form  
29 answer title in no less than 14-point font:

30 “The undersigned denies all material allegations in the complaint  
31 or cross-complaint in this action that seeks to adjudicate rights in  
32 the groundwater basin and asserts all applicable affirmative  
33 defenses to that complaint.”

34 (B) Notwithstanding any other law, the filing of an answer in  
35 the form described in subparagraph (A) ~~in an adjudication action~~  
36 *a comprehensive adjudication* is sufficient to put at issue all  
37 material allegations and applicable affirmative defenses to the  
38 complaint in the ~~adjudication action~~ *comprehensive adjudication*.  
39 If a party intends to seek adjustment of the basin’s boundaries, it

1 shall disclose that intention in the form answer described in  
2 subparagraph (A).  
3 ~~(b) The draft notice described in paragraph (1) of subdivision~~  
4 ~~(a) shall include the following information immediately following~~  
5 ~~the text described in paragraph (1) of subdivision (a):~~  
6 ~~(1) The name of the basin that is the subject of the adjudication~~  
7 ~~action.~~  
8 ~~(2) A space to be completed with the case number assigned to~~  
9 ~~the adjudication action, and the name and address of the court and~~  
10 ~~department to which the action is assigned.~~  
11 ~~(3) The name, address, telephone number, and email address of~~  
12 ~~the plaintiff, or plaintiff's attorney, from which the complaint may~~  
13 ~~be obtained.~~  
14 ~~(4) A space to be completed with a date upon which the court~~  
15 ~~will hold a case management conference. The court shall determine~~  
16 ~~the date for the case management conference.~~  
17 ~~(5) The date an answer must be filed with the court.~~  
18 ~~(6) A summary of the causes of action alleged in the complaint~~  
19 ~~and the relief sought. The summary shall not exceed 25 lines.~~  
20 *(3) The initial disclosures required to be lodged by the plaintiff*  
21 *pursuant to Section 840.*  
22 ~~(e)~~  
23 *(b) Within 15 days of a court order authorizing service of*  
24 *landowners pursuant to this section, subdivision (b) of Section*  
25 *832.5, the plaintiff shall file an ex parte application that seeks the*  
26 *court's approval of plaintiff's draft notice and draft form answer*  
27 *filed pursuant to subdivision (a). The plaintiff shall give at least*  
28 *24 hours' shall provide notice of the hearing on the ex parte*  
29 *application to all parties identified in subdivision (a) of Section*  
30 *832 and any other party the plaintiff has served. in accordance*  
31 *with the California Rules of Court regarding ex parte hearings.*  
32 *Notice may be provided electronically.* The plaintiff's notice of  
33 the ex parte application shall include a copy of the draft notice and  
34 draft form answer filed pursuant to subdivision (a).  
35 ~~(d)~~  
36 *(c) Once the court approves the draft notice, the draft notice*  
37 *service of that notice in accordance with this section shall substitute*  
38 *for the summons otherwise provided for in civil actions pursuant*  
39 *to Section 412.20.*  
40 ~~(e)~~

1 (d) Following a court order authorizing service of landowners  
2 pursuant to this section, the plaintiff shall identify, as expeditiously  
3 as possible and using the records of the ~~assessor or assessors tax~~  
4 ~~collector or tax collectors~~ of the county or counties in which the  
5 basin to be adjudicated lies, the *assessor parcel numbers of all*  
6 *real property within the basin and the names and addresses of all*  
7 holders of fee title to real property within the basin. The plaintiff  
8 shall provide the court and all parties *with* notice of its acquisition  
9 of, or sufficient access to, this information. Upon receipt of the  
10 court order authorizing service of landowners pursuant to this  
11 section and the plaintiff's draft notice and draft form answer, as  
12 approved by an order of the court, the ~~assessor or assessors tax~~  
13 ~~collector or tax collectors~~ shall include the court-approved notice  
14 and form answer with the next *annual* property tax bill sent to each  
15 landowner ~~in the basin~~. *identified by the plaintiff in accordance*  
16 *with this subdivision*. The plaintiff, *and other parties as may be*  
17 *ordered by the court*, shall reimburse the ~~assessor or assessors tax~~  
18 ~~collector or tax collectors~~ for the costs of including the  
19 court-approved notice and form answer, ~~unless otherwise ordered~~  
20 ~~by the court~~. *answer*. The ~~assessor or assessors tax collector or~~  
21 ~~tax collectors~~ may appear at any court proceeding concerning the  
22 costs associated with including the court-approved notice and form  
23 answer with the property tax bills. *The court may authorize*  
24 *alternative means of service in accordance with this subdivision,*  
25 *as it deems appropriate.*

26 (f)

27 (e) After the ~~assessor or assessors tax collector or tax collectors~~  
28 include the court-approved notice and form answer with the  
29 property tax bills pursuant to subdivision ~~(e)~~; (d), the plaintiff shall  
30 file with the court a ~~declaration under penalty or perjury attesting~~  
31 ~~to~~ notice of the completion of the mailing.

32 (f) *Following a court order authorizing service of landowners*  
33 *pursuant to this section, the plaintiff shall serve any known person*  
34 *that pumps groundwater who would not otherwise be served*  
35 *pursuant to subdivision (d) of this section or noticed pursuant to*  
36 *paragraph (1) of subdivision (c) of Section 832. Service pursuant*  
37 *to this subdivision may be by personal delivery or by mail in the*  
38 *manner prescribed by Article 3 (commencing with Section 413.10)*  
39 *of Chapter 4 of Title 5.*

1 (g) Service on the United States shall be made in accordance  
 2 with Section 666 of Title 43 of the United States Code.

3 (h) The court may authorize any other procedures it finds  
 4 appropriate and necessary to provide notice to persons who may  
 5 hold groundwater rights in the basin.

6 ~~(g)~~  
 7 (i) ~~Notwithstanding~~ On the 60th day following completion of  
 8 the mailing, as set forth in this section, and notwithstanding any  
 9 other law, the fulfillment of the service provisions of this section,  
 10 the publication provisions of paragraph (2) of subdivision ~~(b)~~ (c)  
 11 of Section 832, and the remaining service and notice provisions  
 12 of this chapter shall be deemed effective service of process of the  
 13 complaint and notice on all interested parties of the ~~adjudication~~  
 14 ~~action~~ comprehensive adjudication for purposes of establishing in  
 15 rem jurisdiction and the comprehensive effect of the ~~adjudication~~  
 16 ~~action~~ comprehensive adjudication.

17 (j) The tax collector or tax collectors shall notify the plaintiff  
 18 and the court of any problems with carrying out his or her  
 19 obligations under this section. If the tax collector or tax collectors  
 20 complete the mailing based upon the best available information,  
 21 neither a county, nor an officer or employee of a county, shall be  
 22 liable for any injury caused by an act or omission in the  
 23 interpretation or application of this section, including, without  
 24 limitation, an injury arising from any defect in service arising out  
 25 of a tax collector's or tax collectors' actions or omissions in  
 26 providing the notice described in this section.

27 (k) The court may require notice to be made available in  
 28 languages other than English.

29 (l) The plaintiff shall provide the draft notice and draft answer  
 30 to the department. The department shall post the draft notice and  
 31 draft answer on the department's Internet Web site within 15 days  
 32 of receipt.

33 (m) Section 389 shall not apply to a failure to join the United  
 34 States or an Indian tribe to a comprehensive adjudication.

35 834. Within 15 days of the service of a complaint against or  
 36 by a local agency in ~~an adjudication action~~, a comprehensive  
 37 adjudication, the court may, and upon the motion of any ~~party~~,  
 38 party the court shall either transfer the adjudication action for all  
 39 purposes to a neutral county or shall, request the chairperson of  
 40 the Judicial Council to assign a disinterested judge from a neutral

1 county to hear the ~~adjudication action~~ *comprehensive adjudication*  
2 for all purposes. For purposes of this section, “local agency” has  
3 the same definition as that term is defined in subdivision (m) of  
4 Section 10721 of the Water Code.

5 835. In ~~an adjudication action~~ *a comprehensive adjudication*  
6 there may only be two disqualifications of judges pursuant to  
7 Section ~~170.6, notwithstanding the provisions of Section 170.6~~  
8 ~~concerning sides in an action. 170.6, and only one disqualification~~  
9 ~~by each side. For purposes of this section, in a comprehensive~~  
10 ~~adjudication the parties claiming overlying groundwater rights~~  
11 ~~will be on one side of the action and the parties claiming~~  
12 ~~appropriative groundwater rights will be on the other side of the~~  
13 ~~action. A request or motion to disqualify a judge under Section~~  
14 ~~170.6 shall be filed within 30 days of completion of service after~~  
15 ~~service is completed pursuant to Section 833, or within 30 days of~~  
16 ~~a transfer or assignment pursuant to Section 834. 833 and within~~  
17 ~~30 days of a judge being assigned.~~

18 836. (a) An ~~adjudication action~~ *comprehensive adjudication*  
19 is presumed to be a complex case within the meaning of Rule 3.400  
20 of the California Rules of Court unless a party demonstrates that  
21 the ~~adjudication action~~ *comprehensive adjudication* is not complex.

22 (b) *The presiding judge shall assign a comprehensive*  
23 *adjudication to one judge for all purposes.*

24 837. Service of pleadings and papers in ~~an adjudication action,~~  
25 ~~a comprehensive adjudication,~~ other than the complaint initiating  
26 ~~an adjudication action, a comprehensive adjudication,~~ shall occur  
27 electronically to the greatest extent possible. ~~If available, service~~  
28 ~~shall occur through a court-provided electronic service system. If~~  
29 ~~a court-provided electronic service system is unavailable, The~~  
30 ~~court may provide, or authorize the use of, an electronic service~~  
31 ~~system. If an electronic service system is not provided or authorized~~  
32 ~~by the court, the court and the parties shall serve documents by~~  
33 email or other equivalent electronic means to the greatest extent  
34 possible. To enable electronic service of ~~pleadings, pleadings and~~  
35 ~~papers,~~ the attorneys of record or parties representing themselves  
36 shall include ~~their~~ *an email address for service* in the captions of  
37 ~~all pleadings they file in the adjudication action. comprehensive~~  
38 ~~adjudication.~~

## Article 3. Conduct of Action

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838. (a) In managing ~~an adjudication action~~, *a comprehensive adjudication* the court may, notwithstanding any other law, convene a case management conference ~~within 60 days after service is completed pursuant to Section 833~~. *at such time the court deems appropriate.*

(b) After ~~the initial~~ *service is completed pursuant to Section 833 and a case management conference is held*, the court may, *based on its own discretion or the motion of a party*, divide the ~~adjudication action~~ *comprehensive adjudication* into phases. This section ~~shall~~ *does* not limit the court's discretion to order as many phases as the court deems appropriate for the expeditious and appropriate resolution of competing claims to the groundwater basin. The court shall define the scope of any phase of the ~~adjudication action~~ *comprehensive adjudication* by written order and shall revisit that definition only upon a demonstration that continuing with the phase as previously defined would substantially impede the expeditious resolution of the ~~adjudication action~~. *comprehensive adjudication.*

(c) In a phase of ~~an adjudication action~~, *a comprehensive adjudication*, discovery shall be strictly limited to the scope of the phase, as defined in the court's written order. The court may make any appropriate orders to ensure that discovery during a phase remains within the scope of the phase and, unless an injustice would otherwise result, shall impose monetary sanctions on parties, attorneys, or both parties and attorneys, who, during the phase, propound discovery outside the scope of the phase.

(d) Pursuant to Section 632, a court may issue a written statement of decision at the completion of each phase of the ~~adjudication action~~. *comprehensive adjudication.* If the court issues a written statement of decision, that written statement of decision shall be considered a resolution of the phase and shall be binding for the remainder of the ~~adjudication action~~ *comprehensive adjudication* unless reversed or modified by an appellate court. Appellate review of a court's written statement of decision that concludes a phase of the ~~adjudication action~~ *comprehensive adjudication* may be by writ only and a party may only appeal the court's final judgment.

1 (e) A court may facilitate the formation of a class or classes of  
2 overlying groundwater rights holders pursuant to the criteria  
3 specified in Section 382.

4 839. (a) Subject to subdivision (b), the initial basin boundaries  
5 for ~~an adjudication action~~ *a comprehensive adjudication* shall be  
6 the basin boundaries identified in Bulletin 118 as of the date the  
7 complaint initiating the ~~adjudication action~~ *comprehensive*  
8 *adjudication* is filed. ~~Based on these boundaries, the court and the~~  
9 ~~parties shall initiate~~ *The plaintiff shall use these boundaries in*  
10 *initiating* the procedures to serve the complaint *on landowners in*  
11 ~~an adjudication action~~ *a comprehensive adjudication* in accordance  
12 with Section 833.

13 (b) The court may consider adjusting a basin's boundaries at  
14 the initial phase of ~~an adjudication action~~ *a comprehensive*  
15 *adjudication*. The court may refer consideration of adjustment of  
16 a basin's boundaries to the department for recommendations in  
17 accordance with the procedures described in Section 10722.2 of  
18 the Water Code. The court may stay any proceedings in the  
19 ~~adjudication action~~ *comprehensive adjudication* pending the  
20 department's resolution of any boundary adjustments, ~~except the~~  
21 ~~court shall not stay the parties'~~ *adjustments. During the stay, the*  
22 *court may require the parties to make* initial disclosures ~~made~~  
23 pursuant to Section 840.

24 (c) If a court, ~~based on department~~ *following receipt of the*  
25 *department's* recommendations, ~~adjusts~~ *determines* the basin's  
26 boundaries ~~after completion of the initial phase of an adjudication~~  
27 ~~action~~, *separately and before the trial of other issues in the*  
28 *comprehensive adjudication*, the basin's ~~boundaries~~, *boundaries*  
29 as determined by the ~~court~~, *court* shall be the basin's boundaries  
30 for all purposes in all subsequent phases of the ~~adjudication action~~.  
31 *comprehensive adjudication*. Appellate review of a court's  
32 determination of the basin's boundaries ~~after completion of the~~  
33 ~~initial phase of the adjudication action~~ may be by writ only and  
34 shall not be subject to any later writ or appeal.

35 840. (a) Except as otherwise stipulated by the parties or ordered  
36 by the court, and without waiting for a discovery request, a party  
37 shall provide ~~the court or special master~~ *to all other named parties*  
38 *and, if one has been assigned in the action, the special master,*  
39 initial disclosures that include all of the following information:

1 (1) The name, address, telephone number, and email address of  
2 the party completing the *a* form developed pursuant to subdivision  
3 (b).

4 (2) The quantity of any groundwater extraction from the basin  
5 by the party, or the party’s representative or agent, during each of  
6 the 10 calendar years immediately preceding the filing of the  
7 complaint.

8 (3) *The claimed basis of the right to extract groundwater.*

9 ~~(3)~~

10 (4) The beneficial purpose of any use of groundwater from the  
11 basin or the beneficial use of any alternative water use that the  
12 party claims as its use of groundwater.

13 ~~(4)~~

14 (5) The location of any extraction of groundwater from the basin  
15 by the party, or the party’s representative or agent.

16 ~~(5)~~

17 (6) The location of any beneficial use of groundwater from the  
18 basin or beneficial use of any alternative water use that the party  
19 claims as its use of groundwater.

20 ~~(6)~~

21 (7) The quantity of any beneficial use of any alternative water  
22 use that the party claims as its use of groundwater under any  
23 applicable law, including, but not limited to, Section 1005.1,  
24 1005.2, or 1005.4 of the Water Code.

25 ~~(7)~~

26 (8) Identification of all surface water rights and contracts that  
27 the party claims provides the basis for its water right claims in the  
28 ~~adjudication action~~: *comprehensive adjudication*.

29 ~~(8)~~

30 (9) The quantity of any replenishment of water to the basin that  
31 augmented the basin’s native water supply, resulting from the  
32 intentional storage of imported or non-native water in the basin,  
33 managed recharge of surface water, or return flows resulting from  
34 the use of imported water or non-native water on lands overlying  
35 the basin by the party, or the party’s representative or agent, during  
36 each of the 10 calendar years immediately preceding the filing of  
37 the complaint.

38 ~~(9)~~

1 (10) The names, addresses, telephone numbers, and email  
2 addresses of all persons possessing information that supports the  
3 party's disclosures.

4 ~~(10)~~

5 (11) Any other information deemed appropriate by the court  
6 for initial disclosure in ~~an adjudication action~~; *a comprehensive*  
7 *adjudication*.

8 (b) The Judicial Council ~~shall~~ *may* develop a form for initial  
9 disclosures made pursuant to subdivision (a) to facilitate the  
10 consistent, independent, impartial, and accessible administration  
11 of ~~adjudication actions~~; *comprehensive adjudications*. *The Judicial*  
12 *Council may coordinate with the department in developing the*  
13 *form*.

14 (c) (1) Unless otherwise stipulated by the parties or ordered by  
15 the court, and not including the plaintiff that initiates the  
16 ~~adjudication action~~; *comprehensive adjudication*, a party shall  
17 make the initial disclosures described in subdivision (a) within 60  
18 days after ~~the initial case management conference in the~~  
19 ~~adjudication action~~; *appearing in the comprehensive adjudication*.

20 (2) A plaintiff that initiates ~~the adjudication action~~ *a*  
21 *comprehensive adjudication* shall make the initial disclosures  
22 described in subdivision (a) at the time it files the complaint by  
23 lodging the required information with the court in an electronic  
24 format. The plaintiff shall serve the required information on the  
25 defendants or cross-defendants that it names when it serves the  
26 complaint.

27 (3) The court may order, after the initial case management  
28 conference, any supplemental disclosures, other than those  
29 described in subdivision (a), that may expedite resolution of the  
30 ~~adjudication action~~; *comprehensive adjudication*.

31 (d) Unless otherwise ordered by the court, a party that is first  
32 served, or otherwise joined to the ~~adjudication action~~;  
33 *comprehensive adjudication*, after the initial case management  
34 conference shall make the disclosures described in subdivision (a)  
35 within 30 days after being served or joined, unless a different time  
36 is set by stipulation of the parties or an order of the court. The  
37 court shall liberally consider any motions or applications to extend  
38 the time for a newly-served or -joined party to make the disclosures  
39 described in subdivision (a).

1 (e) A party shall make its initial disclosures based on the  
2 information then reasonably available to it. A party is not excused  
3 from making its initial disclosures because it has not fully  
4 investigated the case, because it challenges the sufficiency of  
5 another party's disclosures, or because another party has not made  
6 its disclosures.

7 (f) A party that has made its initial disclosures, as described in  
8 subdivision (a), or that has responded to another party's discovery  
9 request, shall supplement or correct a disclosure or response in  
10 either of the following situations:

11 (1) In a timely manner if the party learns that in some material  
12 respect the disclosure or response is incomplete or incorrect and  
13 the additional or corrective information has not otherwise been  
14 made known to the other parties during the disclosure or discovery  
15 process.

16 (2) As ordered by the court.

17 (g) To the greatest extent possible, a party shall serve his or her  
18 initial disclosures electronically through ~~a court-provided~~ *an*  
19 electronic service system, *an electronic document repository*,  
20 email, or another method of electronic transmission. If it is not  
21 possible for the party to serve his or her disclosures electronically,  
22 he or she shall serve the disclosures in an electronic format saved  
23 on a portable storage media device such as a compact disc or flash  
24 drive.

25 (h) A party's obligations under this section may be enforced by  
26 a court on its own motion or the motion of a party pursuant to  
27 Section 2030.300.

28 (i) A party's disclosures under this section shall be verified  
29 under penalty of perjury as being true and correct to the best of  
30 the party's knowledge.

31 841. (a) In addition to all other disclosures required by this  
32 chapter, a party shall disclose to the other parties the identity of  
33 any expert witness it may use at trial to present evidence. For  
34 purposes of this chapter, "expert witness" means a witness qualified  
35 pursuant to Section 720 of the Evidence Code.

36 (b) Unless otherwise stipulated by the parties or ordered by the  
37 court, the disclosure made pursuant to subdivision (a) shall be  
38 accompanied by a written report prepared and signed by the expert  
39 witness if the witness is retained or specially employed by the  
40 party offering the expert witness to testify as an expert in the action,

1 or if the expert witness's duties as the party's employee regularly  
2 involves giving expert testimony. The report shall include all of  
3 the following:

4 (1) A complete statement of all opinions the witness will express  
5 and the basis and reasons for those opinions.

6 (2) The facts or data considered by the witness in forming his  
7 or her opinions.

8 (3) Any exhibits the witness will use to summarize or support  
9 his or her opinions.

10 (4) The witness's qualifications, including a list of all  
11 publications authored by the witness in the previous 10 years.

12 (5) A list of all other cases in which the witness testified as an  
13 expert at trial or by deposition in the last five years.

14 (6) A statement of the compensation to be paid for the witness's  
15 work and testimony in the ~~adjudication action~~. *comprehensive*  
16 *adjudication*.

17 (c) If subdivision (b) does not apply to an expert witness because  
18 of a stipulation by the parties or an order of the court, the witness's  
19 disclosure shall include both of the following:

20 (1) The subject matter on which the witness is expected to  
21 present evidence.

22 (2) A summary of the witness's opinions, and the facts or data  
23 considered by the witness in forming his or her opinions.

24 (d) Unless otherwise stipulated by the parties, a party shall make  
25 the disclosures of any expert witness it intends to present at trial,  
26 except for an expert witness presented solely for purposes of  
27 impeachment or rebuttal, at the times and in the sequence ordered  
28 by the court. If there is no stipulation or court order, the disclosures  
29 of an expert witness shall be made as follows:

30 (1) At least 30 days after the court's entry of an order  
31 establishing the scope of the relevant phase of the ~~adjudication~~  
32 ~~action~~. *comprehensive adjudication*.

33 (2) Except for a supplemental expert witness described in  
34 paragraph (3), at least 60 days before the date set for trial of the  
35 relevant phase of the ~~adjudication action~~. *comprehensive*  
36 *adjudication*.

37 (3) For a supplemental expert witness who will express an  
38 opinion on a subject to be covered by another expert witness  
39 designated by an adverse party that was not among the subjects  
40 covered by an expert witness initially disclosed by the party

1 offering the supplemental expert witness, no more than 20 days  
2 after the initial expert witness disclosure date.

3 (e) The court may modify the disclosure requirements of  
4 subdivisions (b) to (d), inclusive, for expert witnesses presented  
5 solely for purposes of impeachment or rebuttal. In modifying the  
6 disclosure requirements, the court shall adopt disclosure  
7 requirements that expedite the court's consideration of the issues  
8 presented and shall ensure that expert testimony presented solely  
9 for purposes of impeachment or rebuttal is strictly limited to the  
10 scope of the testimony that it intends to impeach or rebut.

11 (f) (1) A party whose expert witness has made a disclosure  
12 pursuant to this section shall promptly supplement or correct the  
13 expert witness's disclosure in either of the following instances:

14 (A) In a timely manner if the party learns that in some material  
15 respect the disclosure is incomplete or incorrect, if the additional  
16 or corrective information has not otherwise been made known to  
17 the other parties during the disclosure or discovery process.

18 (B) As ordered by the court.

19 (2) A party's duty to supplement or correct its expert witness's  
20 disclosure includes the information included in the report and the  
21 information given during the expert witness's deposition. Unless  
22 otherwise stipulated by the parties or ordered by the court, any  
23 supplementation or correction shall occur at least 14 days before  
24 trial of the applicable phase of the ~~adjudication action~~.  
25 *comprehensive adjudication*.

26 (3) The court may authorize a supplemental deposition of an  
27 expert witness based on a supplemental disclosure made pursuant  
28 to this subdivision. The court shall appropriately condition the  
29 authorization of a supplemental deposition of an expert witness to  
30 ensure the expeditious completion of the applicable phase of the  
31 ~~adjudication action~~. *comprehensive adjudication*. The court may  
32 require the party whose expert makes the supplemental disclosure  
33 to pay some or all of the costs associated with the supplemental  
34 deposition.

35 (g) To the greatest extent possible, the parties shall serve expert  
36 witness disclosures electronically through ~~a court-provided~~ *an*  
37 *electronic service system, an electronic document repository,*  
38 *email, or another method of electronic transmission.* If it is not  
39 possible for the party to serve his or her expert witness disclosures  
40 electronically, he or she shall serve the expert witness disclosures

1 in an electronic format saved on a portable storage media device  
2 such as a compact disc or flash drive.

3 (h) If a party or its expert witness fails to comply with this  
4 section, the court may exclude the expert witness's testimony from  
5 trial, authorize additional depositions of the expert witness at the  
6 party's expense, or take other appropriate action upon the noticed  
7 motion, or ex parte application, of a party.

8 842. (a) A court in ~~an adjudication action~~ *comprehensive*  
9 *adjudication* may require the parties to submit written testimony  
10 of relevant witnesses in the forms of affidavits or declarations  
11 under penalty ~~or~~ of perjury in lieu of presenting live testimony.  
12 The required written testimony may include, but is not limited to,  
13 expert witness opinions and testimony that authenticates  
14 documentary evidence. The court may order that the written  
15 testimony constitutes the entirety of the witness's direct testimony,  
16 require the written testimony to include any exhibits offered in  
17 support of the written testimony, and, in the case of written  
18 testimony of an expert witness, require a statement of the witness's  
19 qualifications.

20 (b) If the court requires the submission of written testimony  
21 pursuant to subdivision (a), a complete copy of the direct testimony  
22 shall be served at least 21 days before trial of the applicable phase  
23 of the ~~adjudication action~~ *comprehensive adjudication*. A complete  
24 copy of any rebuttal testimony shall be served no later than the  
25 first day of trial of the applicable phase of the ~~adjudication action~~.  
26 *comprehensive adjudication*. The court shall ensure the rebuttal  
27 testimony is strictly limited to the scope of the direct testimony to  
28 which it responds.

29 (c) If the contents of the written testimony would have been  
30 admissible if the witness testified orally, the written testimony  
31 shall be received by the court as a documentary exhibit if, at the  
32 trial of the applicable phase of the ~~adjudication action~~,  
33 *comprehensive adjudication*, the witness whose written testimony  
34 is being offered is made available for cross-examination by all  
35 parties.

36 843. (a) In ~~an adjudication action~~, *comprehensive adjudication*,  
37 the court may appoint a special master ~~whose~~ *to report on legal*  
38 *and factual issues designated under a specific order of reference*.  
39 *A special master's duties may include the following:*

1 (1) Initiating a technical committee consisting of the parties,  
2 the parties' designated representatives, or both, to conduct joint  
3 factfinding as to the basin's safe yield of groundwater, water  
4 demand, and any other technical issues, as directed by the court.  
5 The special master shall compile a technical report of the findings  
6 in accordance with Section 844.

7 ~~(2) Conducting or facilitating mediation or~~ *Overseeing*  
8 settlement discussions.

9 (3) Performing other tasks the court may deem appropriate.

10 (b) The special master may be *one or more individuals* employed  
11 by the court as ~~a full-time or part-time employee, employees, or~~  
12 retained as ~~an independent contractor.~~ *contractors*. A special  
13 master's compensation and other expenses related to the conduct  
14 ~~of an adjudication action~~ *a comprehensive adjudication* shall be  
15 fixed by the court, apportioned pro rata to the extent reasonably  
16 feasible to do so, and paid by all parties unless the parties agree  
17 to another allocation or the court determines that, in the interests  
18 of justice, another allocation is necessary. The court may provide  
19 for the collection and disbursement of special master fees as it  
20 deems appropriate.

21 (c) (1) To assist trial courts in selecting special masters the  
22 department shall, on or before January 1, 2017, establish and  
23 maintain a list of individuals who may serve as special masters in  
24 ~~adjudication actions.~~ *comprehensive adjudications*. To be placed  
25 on the list, an individual shall have at least 10 years experience as  
26 either of the following:

27 (A) A licensed professional engineer, professional hydrologist,  
28 or professional geologist.

29 (B) An attorney licensed to practice law in the state.

30 (2) The department shall establish any other qualifications that  
31 may be appropriate to ensure that individuals placed on the list are  
32 qualified to assist a court in ~~an adjudication action.~~ *a*  
33 *comprehensive adjudication*.

34 844. (a) If a technical committee is established pursuant to  
35 Section 843, the special master shall provide all parties with a copy  
36 of a draft technical report he or she prepares and a notice setting  
37 a day at least 60 days after the draft technical report has been  
38 provided to all parties before which the parties may submit to the  
39 special master written objections to the draft technical report.

1 (b) An objection to the draft technical report shall identify the  
2 specific grounds and evidence on which the objection is based.  
3 Within 10 days after the close of the period for filing objections,  
4 the special master shall provide copies of the objections to all  
5 parties.

6 (c) The special master may notice and hold hearings, as he or  
7 she deems appropriate, to gather information or address issues  
8 raised in the objections to the draft technical report.

9 (d) The special master shall consider the objections to the draft  
10 technical report and develop a final certified copy of the technical  
11 report that shall be filed with the court, together with a certified  
12 copy of all evidence considered by the special master in preparing  
13 the draft technical report, all evidence identified in the objections  
14 to the draft technical report, and all evidence considered by the  
15 special master in preparing the final technical report.

16 845. Chapter 2 (commencing with Section 1115) of Division  
17 9 of the Evidence Code shall apply to all mediations, settlement  
18 conferences, and other similar out-of-court negotiations in  
19 ~~adjudications~~ ~~actions~~ *comprehensive adjudications* subject to this  
20 chapter.

21 846. (a) It is the policy of the state to encourage the  
22 compromise and settlement of ~~adjudication actions~~: *comprehensive*  
23 *adjudications*.

24 (b) Upon the motion of any party to ~~an adjudication action~~, *a*  
25 *comprehensive adjudication*, a court may do any of the following:

26 (1) Stay ~~an adjudication action~~ *a comprehensive adjudication*  
27 for a period of up to one year, subject to renewal in the court's  
28 discretion upon a showing of good cause, in order to facilitate any  
29 of the following:

30 (A) (i) Timely development of a groundwater sustainability  
31 plan under the Sustainable Groundwater Management Act that  
32 may serve as the basis of a stipulated judgment setting forth a  
33 physical solution for management of the basin.

34 (ii) If the court stays ~~an adjudication action~~ *a comprehensive*  
35 *adjudication* for purposes of facilitating timely progress on a  
36 groundwater sustainability plan, the court may direct the parties  
37 to provide the court with regular updates on the progress in  
38 developing the groundwater sustainability plan.

39 (B) Technical studies that may be useful to the parties in  
40 developing a stipulated judgment or physical solution.

1 (C) Voluntary mediation on all, or a portion of, the subject  
2 matters or legal questions identified in the ~~adjudication action~~  
3 *comprehensive adjudication* or any phase of the ~~adjudication~~  
4 ~~action~~. *comprehensive adjudication*.

5 (D) Compromise and settlement of the ~~adjudication action~~,  
6 *comprehensive adjudication*, a phase of the ~~adjudication action~~,  
7 *comprehensive adjudication*, or any subject matter of the  
8 ~~adjudication action~~ *comprehensive adjudication* or a phase of the  
9 ~~adjudication action~~. *comprehensive adjudication*.

10 (2) Schedule mandatory mediation and appointment of a neutral  
11 mediator concerning the ~~adjudication action~~, *comprehensive*  
12 *adjudication*, a phase of the ~~adjudication action~~, *comprehensive*  
13 *adjudication*, or any subject matter of the ~~adjudication action~~  
14 *comprehensive adjudication* or a phase of the ~~adjudication action~~.  
15 *comprehensive adjudication*.

16 (3) Schedule phases of trial in combination with mandatory  
17 mediation for purposes of fostering compromise concerning the  
18 ~~adjudication action~~, *comprehensive adjudication*, a phase of the  
19 ~~adjudication action~~, *comprehensive adjudication*, or any subject  
20 matter of the ~~adjudication action~~ *comprehensive adjudication* or  
21 a phase of the ~~adjudication action~~. *comprehensive adjudication*.

22 (c) A stay may be extended for up to one year at a time. If a  
23 party opposes an extension of a stay, a stay may only be granted  
24 after a showing that there is good progress being made on the  
25 issues that were identified as the reasons for the ~~stay~~. *stay and that*  
26 *no rights or interest would be impaired by the stay*. The total time  
27 period ~~an adjudication action~~ *a comprehensive adjudication* may  
28 be stayed shall not exceed 3 5 years.

29 (d) A stay pursuant to this section shall not stay, or otherwise  
30 delay, the parties' obligations to provide initial disclosures pursuant  
31 to Section 840 unless the court determines the initial disclosures  
32 will not benefit resolution of the ~~adjudication action~~.  
33 *comprehensive adjudication*.

34 847. (a) If a party, or a group of parties, submits a proposed  
35 stipulated judgment that is supported by (1) more than 50 percent  
36 of all named parties in the ~~adjudication action~~ and (2) groundwater  
37 rights holders holding title to at least 75 percent of the groundwater  
38 production during the past 10 years in the basin, the court shall A  
39 party or parties may submit a proposed stipulated judgment to the  
40 court. The court may impose any physical solution that is part of

1 the stipulated judgment as a component of the final judgment in  
2 the adjudication action *comprehensive adjudication* if the physical  
3 solution satisfies all of the following criteria:

4 (1) It furthers the interests of the state in ensuring that the water  
5 resources of the state are put to beneficial use to the fullest extent  
6 that they are capable, as required by Section 2 of Article X of the  
7 California Constitution.

8 (2) It is consistent with all water right priorities in the basin.

9 (3) It treats all objecting parties equitably as compared to the  
10 stipulating parties.

11 ~~(b) A party objecting to a proposed stipulated judgment shall~~  
12 ~~demonstrate, by a preponderance of the evidence, that the proposed~~  
13 ~~stipulated judgment does not satisfy the criteria described in~~  
14 ~~paragraphs (1) to (3), inclusive, of subdivision (a). If the objecting~~  
15 ~~party is unable to make this showing, the court may impose the~~  
16 ~~proposed stipulated judgment on all parties.~~

17 *(b) A party may object to a stipulated judgment proposed*  
18 *pursuant to this section on the basis that it does not satisfy the*  
19 *criteria described in subdivision (a). The stipulated judgment may*  
20 *be in effect while any objections are being resolved.*

21 848. *(a) Before the court issues a final judgment in the*  
22 *comprehensive adjudication, a party may file a motion for an order*  
23 *determining that the judgment is consistent with the sustainability*  
24 *goal of the Sustainable Groundwater Management Act.*

25 *(b) The department may provide a report to the court evaluating*  
26 *if the judgment is consistent with the sustainability goal of the*  
27 *Sustainable Groundwater Management Act.*

28 *(c) If the court determines that the judgment will achieve the*  
29 *sustainability goal for the basin established by the Sustainable*  
30 *Groundwater Management Act, the judgment shall be considered*  
31 *an alternative to a groundwater sustainability plan and shall be*  
32 *deemed to satisfy the objectives of the Sustainable Groundwater*  
33 *Management Act.*

34 *(d) The court shall have sole jurisdiction to determine if the*  
35 *judgment complies with the Sustainable Groundwater Management*  
36 *Act.*

37 *(e) The court may consider a motion made pursuant to*  
38 *subdivision (a) for a proposed judgment before the court enters*  
39 *the judgment.*

1 (f) For purposes of this section, “judgment” means a judgment,  
2 settlement, or other final order concluding proceedings in the  
3 comprehensive adjudication in the superior court.

4 849. The court may appoint a groundwater sustainability  
5 agency may be appointed by the court to serve as the watermaster  
6 in any judgment entered in a comprehensive adjudication.

7 SEC. 2. No reimbursement is required by this act pursuant to  
8 Section 6 of Article XIII B of the California Constitution because  
9 the only costs that may be incurred by a local agency or school  
10 district will be incurred because this act creates a new crime or  
11 infraction, eliminates a crime or infraction, or changes the penalty  
12 for a crime or infraction, within the meaning of Section 17556 of  
13 the Government Code, or changes the definition of a crime within  
14 the meaning of Section 6 of Article XIII B of the California  
15 Constitution.