

AMENDED IN SENATE SEPTEMBER 1, 2015

AMENDED IN SENATE AUGUST 19, 2015

AMENDED IN SENATE AUGUST 18, 2015

AMENDED IN SENATE JULY 6, 2015

AMENDED IN ASSEMBLY MAY 18, 2015

AMENDED IN ASSEMBLY APRIL 30, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1390**

---

---

**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

---

---

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~~: *water*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1390, as amended, Alejo. ~~Groundwater~~: *Water: groundwater: comprehensive* 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 a comprehensive adjudication, which is defined as an action filed in superior court to comprehensively determine the rights to extract groundwater in a basin. The bill would authorize the court to determine all groundwater rights of a basin, whether based on appropriation, overlying right, or other basis of ~~right~~ *right, and all rights to use storage space in the basin.* The bill would provide that these special procedures governing comprehensive adjudications do not apply in certain cases that do not involve a comprehensive allocation of a basin's groundwater supply.

This bill would require ~~a complaint filed in an adjudication action to name certain defendants, including all 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 plaintiff in an adjudication action to provide notice of the comprehensive adjudication within a specified amount of time after filing the complaint to certain persons including a city, county, or city and county that overlies the basin or a portion of the basin. The bill would also require the plaintiff to publish notice of the complaint, as specified.* The bill would require a draft notice and draft form answer, as specified, to be lodged by the plaintiff with the court when filing the complaint. Within 30 days of the assignment of a judge by the Chairperson of the Judicial Council, the bill would require the plaintiff to file an ex parte application for approval of the draft notice and draft form answer. Following a court order approving the notice and form answer and authorizing service of landowners, as specified, the bill would require the plaintiff to identify the assessor parcel numbers and physical addresses of all real property in the basin and the names and addresses of all holders of fee title to real property in the basin, as specified; mail the notice, complaint, and form answer to all holders of fee title to real property in the basin, as specified; and publish the notice in one or more newspapers of general circulation, as specified. The bill would require the plaintiff to file with the court a notice of the completion of the mailing, ~~and within 60 days of the court order authorizing service of landowners, to prepare and file for recording the notice of the comprehensive adjudication in the office~~

~~of the county recorder of each county overlying the basin in whole or in part. mailing.~~ 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 comprehensive adjudication for purposes of establishing in rem jurisdiction and the comprehensive effect of the comprehensive adjudication. ~~The~~

*The bill would authorize a groundwater sustainability agency for the basin or a portion of the basin, a city, county, or city and county that overlies the basin or a portion of the basin, and certain persons, and the state persons to intervene in a comprehensive adjudication.*

This bill would authorize the court to convene a case management conference and would authorize the court to consider certain matters, including dividing the case into phases to resolve legal and factual issues, in the initial case management conference or as soon as practicable. In addition, the bill would require each party to serve within 6 months of appearing in the comprehensive adjudication, specified initial disclosures made under penalty of perjury to all other named parties and a special master, if one has been assigned in the action. 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 one or more special masters in a comprehensive adjudication, whose duties could include, among other things, investigating technical and legal issues, as directed by the court, and compiling a report of the findings, as specified. The bill would authorize the court to request the State Water Resources Control Board or the Department of Water Resources to recommend candidates for appointment as a special master or to review the qualifications of candidates.

This bill would authorize the court, upon a showing that the basin is in a condition of long-term overdraft, to issue a preliminary injunction that could include, among other things, a moratorium on new or increased appropriations of water. The bill would provide that a judgment in a comprehensive adjudication is binding on the parties to the action, their agents and employees, and all their successors in interest. The bill would also provide the court with continuing jurisdiction to modify or amend a final judgment in a comprehensive adjudication in specified instances.

*The bill would require public water systems and mutual water companies to provide a court-approved notice of the comprehensive adjudication to their customers and would require the Department of*

*Water Resources and each county and groundwater sustainability agency that overlies the basin or a portion of the basin to post and maintain the notice and form answer on their Internet Web sites, as specified. By requiring public water systems and counties to take certain actions related to the comprehensive adjudication, the bill would impose a state-mandated local program.*

~~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.~~

*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 with regard to certain mandates no reimbursement is required by this act for a specified reason.*

*With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.*

*This bill would provide that it will only become effective if SB 226 is enacted and becomes effective.*

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) This chapter establishes methods and procedures for
- 9 a comprehensive adjudication.
- 10 (b) This chapter shall be applied and interpreted consistently
- 11 with all of the following:

1 (1) Protecting water rights consistent with Section 2 of Article  
2 X of the California Constitution.

3 (2) Conducting a comprehensive adjudication in a manner that  
4 promotes efficiency, reduces unnecessary delays, and provides  
5 due process.

6 (3) Encouraging the compromise and settlement of  
7 comprehensive adjudications.

8 (4) Conducting a comprehensive adjudication in a manner that  
9 is consistent with the achievement of groundwater sustainability  
10 within the timeframes of the Sustainable Groundwater Management  
11 Act.

12 (5) Establishing procedures by which courts may conduct  
13 comprehensive determinations of all rights and priorities to  
14 groundwater in a basin.

15 (6) Providing for the conduct of a comprehensive adjudication  
16 consistent with *Winters v. United States* (1908) 207 U.S. 564, the  
17 McCarran Amendment (codified at 43 U.S.C. Sec. 666), and any  
18 other federal laws regarding the determination of federal or tribal  
19 water rights, as applicable.

20 (7) Providing notice and due process sufficient to enable a court  
21 in a comprehensive adjudication conducted pursuant to this chapter  
22 to determine and establish the priority for unexercised water rights.  
23 *The court may consider applying the principles established in In*  
24 *re Waters of Long Valley Creek Stream System* (1979) 25 Cal.3d  
25 339. *Except as provided in this paragraph, this chapter shall not*  
26 *alter groundwater rights or the law concerning groundwater rights.*

27 (c) ~~This chapter shall not alter groundwater rights or the law~~  
28 ~~concerning groundwater rights.~~ The other provisions of this code  
29 apply to procedures in a comprehensive adjudication to the extent  
30 they do not conflict with the provisions of this chapter.

31 ~~831. In a comprehensive adjudication of a basin required to~~  
32 ~~have a groundwater sustainability plan under the Sustainable~~  
33 ~~Groundwater Management Act, the court shall manage the~~  
34 ~~proceedings in a manner that minimizes interference with the~~  
35 ~~timely completion and implementation of a groundwater~~  
36 ~~sustainability plan, avoids redundancy and unnecessary costs in~~  
37 ~~the development of technical information and a physical solution,~~  
38 ~~and is consistent with the attainment of groundwater sustainability~~  
39 ~~within the timeframes established by the Sustainable Groundwater~~  
40 ~~Management Act.~~

1 831. *Article 6 (commencing with Section 68630) of Chapter 2*  
 2 *of Title 8 of the Government Code applies to a comprehensive*  
 3 *adjudication conducted pursuant to this chapter.*

4 832. For purposes of this chapter, the following definitions  
 5 apply:

6 (a) “Basin” means a groundwater basin or subbasin identified  
 7 pursuant to Section 841.

8 (b) “Complaint” means a complaint filed in superior court to  
 9 determine rights to extract groundwater and includes any  
 10 cross-complaint that initiates a comprehensive adjudication in  
 11 response to a plaintiff’s complaint or other cross-complaint.

12 (c) “Comprehensive adjudication” means an action filed in  
 13 superior court to comprehensively determine rights to extract  
 14 groundwater in a basin.

15 (d) “Condition of long-term overdraft” means the condition of  
 16 a groundwater basin where the average annual amount of water  
 17 extracted for a long-term period, generally 10 years or more,  
 18 exceeds the long-term average annual supply of water to the basin,  
 19 plus any temporary surplus. Overdraft during a period of drought  
 20 is not sufficient to establish a condition of long-term overdraft if  
 21 extractions and recharge are managed as necessary to ensure that  
 22 reductions in groundwater levels or storage during a period of  
 23 drought are offset by increases in groundwater levels or storage  
 24 during other periods.

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

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

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

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

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

37 (j) “Plaintiff” means the person filing the complaint initiating  
 38 a comprehensive adjudication and includes a cross-complainant  
 39 who initiates a comprehensive adjudication by cross-complaint.

1 (k) “Public water system” has the same meaning as defined in  
2 Section 116275 of the Health and Safety Code.

3 (l) “State small water system” has the same meaning as defined  
4 in Section 116275 of the Health and Safety Code.

5 (m) “Sustainable Groundwater Management Act” means the  
6 provisions of Part 2.74 (commencing with Section 10720) of  
7 Division 6 of the Water Code.

8  
9 Article 2. Scope of Action

10  
11 833. (a) Except as provided in subdivision (b), this chapter  
12 applies to actions that would comprehensively determine rights to  
13 extract groundwater in a basin, whether based on appropriation,  
14 overlying right, or other basis of right.

15 (b) This chapter does not apply to any of the following:

16 (1) An action that concerns only allegations that a groundwater  
17 extraction facility, or group of facilities, is interfering with another  
18 groundwater extraction facility or facilities and does not involve  
19 a comprehensive allocation of the basin’s groundwater supply.

20 (2) An action that concerns only claims to extract, or to prevent  
21 interference with extractions of, a specific source of groundwater  
22 recharge and does not involve a comprehensive allocation of the  
23 basin’s groundwater supply.

24 (3) An action that can be resolved among a limited number of  
25 parties and does not involve a comprehensive determination of  
26 rights to extract groundwater within the basin.

27 ~~(4) The Antelope Valley Groundwater Cases (Judicial Council  
28 Coordination Proceedings No. 4408).~~

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

38 *(4) An adjudicated area described in subdivisions (a) to (d),  
39 inclusive, of Section 10720.8 of the Water Code, unless a court  
40 with jurisdiction over a proposed expansion of the adjudicated*

1 *area orders that the proceeding be conducted in accordance with*  
2 *this chapter.*

3 834. (a) In a comprehensive adjudication conducted pursuant  
4 to this chapter, the court may determine all groundwater rights of  
5 a basin, whether based on appropriation, overlying right, or other  
6 basis of ~~right~~. *right, and all rights to use storage space in the basin.*

7 (b) The court’s final judgment in a comprehensive adjudication,  
8 for the groundwater rights of each party, may declare the priority,  
9 amount, purposes of use, extraction location, *right to use storage*  
10 *space in the basin*, and place of use of the water, together with  
11 appropriate injunctive relief, subject to terms adopted by the court  
12 to implement a physical solution in the comprehensive  
13 adjudication.

14  
15 Article 3. Notice and Service of Complaint

16  
17 ~~835. (a) Unless a court orders otherwise for good cause, the~~  
18 ~~complaint in a comprehensive adjudication shall name all of the~~  
19 ~~following persons as defendants:~~

20 (1) ~~All general or special districts managing or replenishing~~  
21 ~~groundwater resources in the basin in whole or in part.~~

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

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

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

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

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

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

38 835. (a) *The plaintiff shall provide notice of the comprehensive*  
39 *adjudication to all of the following:*

- 1     (1) A groundwater sustainability agency that overlies the basin  
2 or a portion of the basin.
- 3     (2) A city, county, or city and county that overlies the basin or  
4 a portion of the basin.
- 5     (3) A district with authority to manage or replenish groundwater  
6 resources of the basin in whole or in part.
- 7     (4) The operator of a public water system or state small water  
8 system that uses groundwater from the basin to supply water  
9 service.
- 10    (5) A California Native American tribe that is on the contact  
11 list maintained by the Native American Heritage Commission.
- 12    (6) The Attorney General, the State Water Resources Control  
13 Board, the department, and the Department of Fish and Wildlife.
- 14    (7) A federal department or agency that manages a federal  
15 reservation that overlies the basin or a portion of the basin.
- 16    (8) A person identified under Section 836.5 who is not a party  
17 to the comprehensive adjudication.
- 18    (9) A person who is on a list, maintained by a groundwater  
19 management agency, of interested parties that have requested  
20 notice under the Sustainable Groundwater Management Act.
- 21    (b) The plaintiff may provide notice under this section by first  
22 class mail or electronic mail.
- 23    (c) (1) Except as provided in paragraph (2), the plaintiff shall  
24 provide notice under this section as follows:
- 25       (A) To any person entitled to notice under paragraphs (1) to  
26 (7), inclusive, of subdivision (a) within 15 days of the filing of the  
27 complaint.
- 28       (B) To any person entitled to notice under paragraphs (8) and  
29 (9) of subdivision (a) within 30 days of receipt of the name and  
30 address of the person entitled to notice.
- 31    (2) The plaintiff may take additional time as is reasonably  
32 necessary before providing notice under this section if the plaintiff  
33 determines that additional time is necessary to identify a person  
34 entitled to notice under this section, confirm the accuracy of the  
35 names or addresses of a person, or to determine if the conditions  
36 requiring notice have been satisfied.
- 37    (d) The plaintiff is not required to provide notice under this  
38 section to a person who has already been served or intervened in  
39 the action.

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

3 836. (a) When the plaintiff files the complaint, the plaintiff  
4 shall also lodge with the court both of the following:

5 (1) (A) A draft notice titled “NOTICE OF COMMENCEMENT  
6 OF GROUNDWATER BASIN ADJUDICATION” in no less than  
7 20-point font and the following text printed immediately below  
8 the draft notice title in no less than 14-point font:

9 “THIS NOTICE IS IMPORTANT. ANY RIGHTS YOU CLAIM  
10 TO PUMP OR STORE GROUNDWATER FROM THE BASIN  
11 IDENTIFIED IN THIS NOTICE MAY BE AFFECTED BY A  
12 LAWSUIT INITIATED BY THE COMPLAINT SUMMARIZED  
13 BELOW.

14 A copy of the complaint may be obtained by contacting the  
15 plaintiff or the plaintiff’s attorney identified in this notice. If you  
16 claim rights to pump or store groundwater within the basin, either  
17 now or in the future, you may become a party to this lawsuit by  
18 filing an answer to the lawsuit on or before the deadline specified  
19 in this notice. You may file an answer by completing the attached  
20 form answer, filing it with the court indicated in this notice, and  
21 sending a copy of the form answer to the plaintiff or the plaintiff’s  
22 attorney.

23 Failing to participate in this lawsuit could have a significant  
24 adverse effect on any right to pump or store groundwater that you  
25 may have. You may seek the advice of an attorney in relation to  
26 this lawsuit. Such attorney should be consulted promptly. A case  
27 management conference in this groundwater basin adjudication  
28 proceeding shall occur on the date specified in this notice. If you  
29 intend to participate in the groundwater adjudication proceeding  
30 to which this notice applies, you are advised to attend the initial  
31 case management conference in person or have an attorney  
32 represent you at the initial case management conference.

33 Participation requires the production of all information regarding  
34 your groundwater use. You must provide this information by the  
35 date identified in this notice.

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

1 (B) The following information shall be provided immediately  
2 following the text described in subparagraph (A):

3 (i) The name of the basin that is the subject of the comprehensive  
4 adjudication and a link to the Internet Web site address where the  
5 department has posted a map of the basin.

6 (ii) A space to be completed with the case number assigned to  
7 the comprehensive adjudication, and the name and address of the  
8 court and department to which the action is assigned.

9 (iii) The name, address, telephone number, and email address  
10 of the plaintiff, or plaintiff’s attorney, from ~~which~~ *whom* the  
11 complaint may be obtained and to whom a copy of the form answer  
12 should be sent.

13 (iv) A summary of the causes of action alleged in the complaint  
14 and the relief sought. The summary shall not exceed 25 lines.

15 (v) A date by which persons receiving the notice must appear  
16 in the comprehensive adjudication.

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

21 “The undersigned denies all material allegations in the complaint  
22 or cross-complaint in this action that seeks to adjudicate rights in  
23 the groundwater basin and asserts all applicable affirmative  
24 defenses to that complaint.”

25 (B) Notwithstanding any other law, the filing of an answer in  
26 the form described in subparagraph (A) in a comprehensive  
27 adjudication is sufficient to put at issue all material allegations and  
28 applicable affirmative defenses to the complaint in the  
29 comprehensive adjudication. If a party intends to seek adjustment  
30 of the basin’s boundaries, it shall disclose that intention in the form  
31 answer described in subparagraph (A).

32 (b) Within 30 days of the assignment of a judge by the  
33 Chairperson of the Judicial Council, the plaintiff shall file an ex  
34 parte application for approval of the draft notice and draft form  
35 answer filed pursuant to subdivision (a). The plaintiff shall provide  
36 notice of the ex parte application to all parties in accordance with  
37 the California Rules of Court regarding ex parte hearings. Notice  
38 may be provided electronically. The plaintiff’s notice of the ex  
39 parte application shall include a copy of the draft notice and draft  
40 form answer filed pursuant to subdivision (a).

1 (c) Once the court approves the draft notice, service of that  
 2 notice in accordance with this section shall substitute for the  
 3 summons otherwise provided for in civil actions pursuant to  
 4 Section 412.20.

5 (d) (1) Following a court order approving the notice and form  
 6 answer and authorizing service of landowners pursuant to this  
 7 section, the plaintiff shall do all of the following:

8 (A) Identify the assessor parcel numbers and physical addresses  
 9 of all real property in the basin and the names and addresses of all  
 10 holders of fee title to real property in the basin using the records  
 11 of the assessor or assessors of the county or counties in which the  
 12 basin to be adjudicated lies. The plaintiff shall provide the court  
 13 and all parties with notice of its acquisition of, or sufficient access  
 14 to, this information.

15 (B) Mail, by registered mail or certified mail, return receipt  
 16 requested, the notice, complaint, and form answer to all holders  
 17 of fee title to real property in the basin. If the physical address of  
 18 the real property differs from the address of the holder of fee title,  
 19 the notice, complaint, and form answer shall be mailed by  
 20 registered or certified mail, return receipt requested, to the physical  
 21 address of the real property and the address of the holder of fee  
 22 title.

23 (C) If return receipt is not received for a parcel of real property,  
 24 the plaintiff shall post a copy of the notice, complaint, and form  
 25 answer in a conspicuous place on the real property.

26 (D) Within 20 days of the court order, publish the notice at least  
 27 once per week for four consecutive weeks in one or more  
 28 newspapers of general circulation in each county overlying the  
 29 basin in whole or in part.

30 (2) Service pursuant to this subdivision is not required if the  
 31 real property is owned by *a person in a class of water users that*  
 32 *are otherwise noticed in accordance with this chapter. If the owner*  
 33 *is part of a class of water users proposed for certification, service*  
 34 *is not required until the court acts on the proposal for certification.*

35 (e) After completing the mailing pursuant to subdivision (d),  
 36 the plaintiff shall file with the court a notice of the completion of  
 37 the mailing.

38 ~~(f) Within 60 days of the court order authorizing service of~~  
 39 ~~landowners pursuant to this section, the plaintiff shall prepare and~~  
 40 ~~file for recording the notice of the comprehensive adjudication in~~

1 the office of the county recorder of each county overlying the basin  
2 in whole or in part. The notice shall be recorded in a manner so  
3 that anyone researching the title of a parcel will find the notice.

4 (f) A property owner who has received notice of the  
5 comprehensive adjudication and transfers property during the  
6 pendency of the comprehensive adjudication shall disclose, on the  
7 Real Estate Transfer Disclosure Statement, that the property is  
8 subject to a comprehensive adjudication and shall attach the  
9 court-approved notice to the Real Estate Transfer Disclosure  
10 Statement.

11 (g) Following a court order authorizing service of landowners  
12 pursuant to this section, the plaintiff shall serve any known person  
13 that pumps groundwater who would not otherwise be served  
14 pursuant to subdivision (d) of this section or noticed pursuant to  
15 paragraph (1) of subdivision (c) of Section 835. Service pursuant  
16 to this subdivision ~~may~~ shall be by personal delivery or by mail  
17 in the manner prescribed by Article 3 (commencing with Section  
18 415.10) of Chapter 4 of Title 5.

19 (h) Service on the United States shall be made in accordance  
20 with Section 666 of Title 43 of the United States Code.

21 (i) For a person whose property is connected to and receives  
22 water from a public water system or mutual water company, and  
23 does not have a well, both of the following shall apply:

24 (1) The person is not a necessary party to a comprehensive  
25 adjudication and is not required to be served.

26 (2) The person shall be provided, by his or her water supplier,  
27 court-approved notice of the comprehensive adjudication that  
28 includes notice that the person's rights may be impacted. The court  
29 shall determine the appropriate method for delivering the notice.

30 (i)

31 (j) The court may authorize any other procedures it finds  
32 appropriate and necessary to provide notice to persons who may  
33 hold groundwater rights in the basin.

34 (j)

35 (k) On the 60th day following completion of the mailing, as set  
36 forth in this section, and notwithstanding any other law, the  
37 fulfillment of the service provisions of this section, the publication  
38 provisions of ~~paragraph (2) of subdivision (e)~~ subdivision (e) of  
39 Section 835, and the remaining service and notice provisions of  
40 this chapter shall be deemed effective service of process of the

1 complaint and notice on all interested parties of the comprehensive  
 2 adjudication for purposes of establishing in rem jurisdiction and  
 3 the comprehensive effect of the comprehensive adjudication.

4 ~~(k)~~

5 (l) The court may require notice to be made available in  
 6 languages other than English.

7 ~~(l) The plaintiff shall provide the notice, complaint, and form~~  
 8 ~~answer to the department. The department shall post the notice,~~  
 9 ~~complaint, and form answer on the department’s Internet Web site~~  
 10 ~~within 15 days of receipt.~~

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

13 (m) *Within 15 days of the court order approving the notice and*  
 14 *form answer, the plaintiff shall provide the notice and form answer*  
 15 *to the department and each county and groundwater sustainability*  
 16 *agency that overlies the basin or a portion of the basin. The*  
 17 *department, and each county and groundwater sustainability*  
 18 *agency that overlies the basin or a portion of the basin and has*  
 19 *an Internet Web site shall do all of the following:*

20 (1) *Within 15 days of receiving the notice and form answer,*  
 21 *post those documents on its Internet Web site.*

22 (2) *Provide a link to the notice and form answer on the home*  
 23 *page of its Internet Web site.*

24 (3) *Maintain the posting and link described in paragraphs (1)*  
 25 *and (2) for the entire time the comprehensive adjudication is*  
 26 *pending. The plaintiff shall notify the department and each county*  
 27 *and groundwater sustainability agency when the comprehensive*  
 28 *adjudication is no longer pending.*

29 836.5. (a) *Within 15 days of the court order approving the*  
 30 *notice and form answer under Section 836, the plaintiff shall*  
 31 *request from the following entities the names and addresses of*  
 32 *persons reporting extractions within the basin under the*  
 33 *Sustainable Groundwater Management Act, or Part 5 (commencing*  
 34 *with Section 4999) or Part 5.2 (commencing with Section 5200)*  
 35 *of Division 2 of the Water Code:*

36 (1) *The State Water Resources Control Board.*

37 (2) *A local agency designated under Section 5009 of the Water*  
 38 *Code as the local agency for a board-designated local area that*  
 39 *includes the basin or a portion of the basin.*

1 (3) A groundwater sustainability agency for the basin or a  
2 portion of the basin.

3 (b) The entities described in paragraphs (1) to (3), inclusive,  
4 of subdivision (a) shall provide the plaintiff with the names, mailing  
5 addresses, and email addresses, if available, within 45 days of the  
6 plaintiff's request. The State Water Resources Control Board shall  
7 also provide the mailing address and email addresses, if available,  
8 of any person known to the board who holds a permit or license  
9 authorizing underground storage in the basin or who claims a  
10 right to divert water for underground storage in the basin.

11 (c) Upon request, the plaintiff shall reimburse the reasonable  
12 costs incurred under this section by an entity described in  
13 paragraphs (1) to (3), inclusive, of subdivision (a).

14 (d) An entity shall not be held civilly liable for complying with  
15 this section.

16

17

#### Article 4. Intervention

18

19 837. (a) A groundwater sustainability agency for the basin or  
20 a portion of the basin may intervene in a comprehensive  
21 adjudication conducted pursuant to this chapter.

22 (b) A city, county, or city and county that overlies the basin or  
23 a portion of the basin may intervene in a comprehensive  
24 adjudication conducted pursuant to this chapter.

25 (c) The court shall allow any person to intervene in a  
26 comprehensive adjudication conducted pursuant to this chapter  
27 upon an ex parte application that demonstrates that the person  
28 holds fee simple ownership in a parcel in the basin, or extracts or  
29 stores water in the basin. A person filing an ex parte application  
30 pursuant to this subdivision shall give notice to the plaintiff  
31 consistent with the California Rules of Court.

32 ~~(d) Upon timely motion, the court shall permit the state to~~  
33 ~~intervene in a comprehensive adjudication conducted pursuant to~~  
34 ~~this chapter if the state claims an interest relating to the~~  
35 ~~comprehensive adjudication and the state is so situated that~~  
36 ~~disposing of the comprehensive adjudication may, as a practical~~  
37 ~~matter, impair or impede the state's ability to protect its interest.~~

38 (d) A person may apply to intervene in a comprehensive  
39 adjudication conducted pursuant to this chapter pursuant to Section  
40 387.

Article 5. Judge

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

838. (a) In a comprehensive adjudication conducted pursuant to this chapter, a judge of a superior court of a county that overlies the basin or any portion of the basin shall be disqualified. The Chairperson of the Judicial Council shall assign a judge to preside in all proceedings in the comprehensive adjudication.

(b) A comprehensive adjudication is presumed to be a complex action within the meaning of Rule 3.400 of the California Rules of Court unless a party demonstrates that the comprehensive adjudication is not complex.

(c) Sections 170.6 and 394 shall not apply in a comprehensive adjudication.

(d) Notwithstanding subdivision (b) of Section ~~10726.2~~ 10726.6 of the Water Code, an action against a groundwater sustainability agency that is located in a basin that is being adjudicated pursuant to this chapter shall be subject to transfer, coordination, and consolidation with the comprehensive adjudication, as appropriate, if the action concerns the adoption, substance, or implementation of a groundwater sustainability plan, or the groundwater sustainability agency’s compliance with the timelines in the Sustainable Groundwater Management Act.

(e) The judge assigned by the Chairperson of the Judicial Council pursuant to subdivision (a) shall determine if transfer, coordination, or consolidation is appropriate.

Article 6. Electronic Service

27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39

839. Service of pleadings and papers in a comprehensive adjudication, other than the complaint initiating a comprehensive adjudication, shall occur electronically to the greatest extent possible. The court may provide, or authorize the use of, an electronic service system. If an electronic service system is not provided or authorized by the court, the court and the parties shall serve documents by email or other equivalent electronic means to the greatest extent possible. To enable electronic service of pleadings and papers, the attorneys of record or parties representing themselves shall include an email address for service in the captions of all pleadings they file in the comprehensive adjudication.

1 Article 7. Case Management

2  
3 840. (a) In managing a comprehensive adjudication, the court  
4 shall convene a case management conference as provided by the  
5 California Rules of Court.

6 (b) In an initial case management conference, or as soon as  
7 practicable, the court may consider the following in addition to  
8 other matters:

9 (1) Determining whether to seek adjustment of the basin  
10 boundaries pursuant to Section 841.

11 (2) Staying the action pursuant to Section 848.

12 (3) Appointing a special master pursuant to Section 845.

13 (4) Scheduling a hearing on a preliminary injunction pursuant  
14 to Section 847.

15 (5) Dividing the case into phases to resolve legal and factual  
16 issues.

17 (6) Issuing orders to ensure that issues resolved in one phase  
18 are not relitigated in another phase.

19 (7) Limiting discovery to correspond to the phases.

20 (8) Scheduling early resolution of claims to prescriptive rights.

21 (9) Forming a class or classes of overlying groundwater rights  
22 holders pursuant to the criteria specified in Section 382.

23  
24 Article 8. Basin Boundaries

25  
26 841. (a) (1) Except as otherwise provided in this section, the  
27 boundaries of the area subject to a comprehensive adjudication  
28 shall be consistent with the boundaries of a basin.

29 (2) If the department revises the boundaries of a basin pursuant  
30 to Section 10722.2, or subdivision (b) of Section 12924, of the  
31 Water Code after a comprehensive adjudication has been initiated,  
32 the court may revise the boundaries of the area subject to the  
33 comprehensive adjudication as the interests of justice and the  
34 objectives of this chapter require.

35 (3) Upon a showing that a revision of the basin boundaries  
36 would further a fair and effective determination of water rights,  
37 the court may direct any of the following to submit a request to  
38 the department pursuant to Section 10722.2 of the Water Code to  
39 revise the basin boundaries:

40 (A) A party to the comprehensive adjudication.

1 (B) The State Water Resources Control Board, if the court has  
 2 made a reference pursuant to Part 3 (commencing with Section  
 3 2000) of Division 2 of the Water Code.

4 (C) A special master, if one has been appointed.

5 (4) The court shall consider the department’s response to a  
 6 request submitted pursuant to paragraph (3) and establish the area  
 7 subject to a comprehensive adjudication as the interests of justice  
 8 and the objective of this chapter require. The department shall  
 9 revise the basin boundaries to conform to the comprehensive  
 10 adjudication.

11 (b) If the court finds that including an interconnected surface  
 12 water body or subterranean stream flowing through known and  
 13 definite channels is necessary for the fair and effective  
 14 determination of the groundwater rights in a basin, the court may  
 15 require the joinder of persons who claim rights to divert and use  
 16 water from that surface water body or subterranean stream in a  
 17 comprehensive adjudication conducted pursuant to this chapter.

18 (c) If the court finds that claims of right to extract or divert only  
 19 minor quantities of water, not to exceed five acre-feet of water per  
 20 year, would not have a material effect on the groundwater rights  
 21 of other parties, the court may exempt those claimants with respect  
 22 to those claims for only minor quantities of water, but a person  
 23 who is exempted may elect to continue as a party to the  
 24 comprehensive adjudication.

25  
 26 Article 9. Initial Disclosures  
 27

28 842. (a) Except as otherwise stipulated by the parties or ordered  
 29 by the court, within six months of appearing in a comprehensive  
 30 adjudication, a party shall serve on the other parties and the special  
 31 master, if one is appointed, an initial disclosure that includes all  
 32 of the following information:

33 (1) The name, address, telephone number, and email address of  
 34 the party and, if applicable, the party’s attorney.

35 (2) The quantity of any groundwater extracted from the basin  
 36 by the party and the method of measurement used by the party or  
 37 the party’s predecessor in interest for each of the previous five  
 38 years preceding the filing of the complaint.

39 (3) The type of water right or rights claimed by the party for  
 40 the extraction of groundwater.

1 (4) A general description of the purpose to which the  
2 groundwater has been put.

3 (5) The location of each well or other source through which  
4 groundwater has been extracted.

5 (6) The area in which the groundwater has been used.

6 (7) Any claims for increased or future use of groundwater.

7 (8) The quantity of any beneficial use of any alternative water  
8 use that the party claims as its use of groundwater under any  
9 applicable law, including, but not limited to, Section 1005.1,  
10 1005.2, or 1005.4 of the Water Code.

11 (9) Identification of all surface water rights and contracts that  
12 the party claims provides the basis for its water right claims in the  
13 comprehensive adjudication.

14 (10) The quantity of any replenishment of water to the basin  
15 that augmented the basin's native water supply, resulting from the  
16 intentional storage of imported or non-native water in the basin,  
17 managed recharge of surface water, or return flows resulting from  
18 the use of imported water or non-native water on lands overlying  
19 the basin by the party, or the party's representative or agent, during  
20 each of the 10 calendar years immediately preceding the filing of  
21 the complaint.

22 (11) The names, addresses, telephone numbers, and email  
23 addresses of all persons possessing information that supports the  
24 party's disclosures.

25 (12) Any other facts that tend to prove the party's claimed water  
26 right.

27 (b) The Judicial Council may develop a form for initial  
28 disclosures made pursuant to subdivision (a) to facilitate the  
29 consistent, independent, impartial, and accessible administration  
30 of comprehensive adjudications. The Judicial Council may  
31 coordinate with the department in developing the form.

32 (c) A party shall make its initial disclosures based on the  
33 information then reasonably available to it. A party is not excused  
34 from making its initial disclosures because it has not fully  
35 investigated the case, because it challenges the sufficiency of  
36 another party's disclosures, or because another party has not made  
37 its disclosures.

38 (d) A party that has made its initial disclosures, as described in  
39 subdivision (a), or that has responded to another party's discovery

1 request, shall supplement or correct a disclosure or response in all  
2 of the following situations:

3 (1) In a timely manner if the party learns that in some material  
4 respect the disclosure or response is incomplete or incorrect and  
5 the additional or corrective information has not otherwise been  
6 made known to the other parties during the disclosure or discovery  
7 process.

8 (2) If the party extracts groundwater from the basin after the  
9 complaint is filed. A supplement filed pursuant to this paragraph  
10 shall report the quantity of water extracted and be filed within 90  
11 days after the end of the calendar year.

12 (3) As ordered by the court.

13 (e) To the greatest extent possible, a party shall serve his or her  
14 initial disclosures electronically. If it is not possible for the party  
15 to serve his or her disclosures electronically, he or she shall serve  
16 the disclosures in an electronic format saved on a portable storage  
17 media device such as a compact disc or flash drive.

18 (f) A party’s obligations under this section may be enforced by  
19 a court on its own motion or the motion of a party to compel  
20 disclosure.

21 (g) A party’s disclosures under this section shall be verified  
22 under penalty of perjury as being true and correct to the best of  
23 the party’s knowledge.

24  
25 Article 10. Expert Witnesses

26  
27 843. (a) In addition to all other disclosures required by this  
28 chapter, a party shall disclose to the other parties the identity of  
29 any expert witness it may use at trial to present evidence. For  
30 purposes of this chapter, “expert witness” means a witness qualified  
31 pursuant to Section 720 of the Evidence Code.

32 (b) Unless otherwise stipulated by the parties or ordered by the  
33 court, the disclosure made pursuant to subdivision (a) shall be  
34 accompanied by a written report prepared and signed by the expert  
35 witness if the witness is retained or specially employed by the  
36 party offering the expert witness to testify as an expert in the action,  
37 or if the expert witness’s duties as the party’s employee regularly  
38 involves giving expert testimony. The report shall include all of  
39 the following:

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

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

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

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

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

11 (6) A statement of the compensation to be paid for the witness's  
12 work and testimony in the comprehensive adjudication.

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

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

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

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

26 (1) At least 30 days after the court's entry of an order  
27 establishing the scope of the relevant phase of the comprehensive  
28 adjudication.

29 (2) Except for a supplemental expert witness described in  
30 paragraph (3), at least 60 days before the date set for trial of the  
31 relevant phase of the comprehensive adjudication.

32 (3) For a supplemental expert witness who will express an  
33 opinion on a subject to be covered by another expert witness  
34 designated by an adverse party that was not among the subjects  
35 covered by an expert witness initially disclosed by the party  
36 offering the supplemental expert witness, no more than 20 days  
37 after the initial expert witness disclosure date.

38 (e) The court may modify the disclosure requirements of  
39 subdivisions (b) to (d), inclusive, for expert witnesses presented  
40 solely for purposes of impeachment or rebuttal. In modifying the

1 disclosure requirements, the court shall adopt disclosure  
2 requirements that expedite the court’s consideration of the issues  
3 presented and shall ensure that expert testimony presented solely  
4 for purposes of impeachment or rebuttal is strictly limited to the  
5 scope of the testimony that it intends to impeach or rebut.

6 (f) (1) A party whose expert witness has made a disclosure  
7 pursuant to this section shall promptly supplement or correct the  
8 expert witness’s disclosure in either of the following instances:

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

13 (B) As ordered by the court.

14 (2) A party’s duty to supplement or correct its expert witness’s  
15 disclosure includes the information included in the report and the  
16 information given during the expert witness’s deposition. Unless  
17 otherwise stipulated by the parties or ordered by the court, any  
18 supplementation or correction shall occur at least 14 days before  
19 trial of the applicable phase of the comprehensive adjudication.

20 (3) The court may authorize a supplemental deposition of an  
21 expert witness based on a supplemental disclosure made pursuant  
22 to this subdivision. The court shall appropriately condition the  
23 authorization of a supplemental deposition of an expert witness to  
24 ensure the expeditious completion of the applicable phase of the  
25 comprehensive adjudication. The court may require the party whose  
26 expert makes the supplemental disclosure to pay some or all of  
27 the costs associated with the supplemental deposition.

28 (g) To the greatest extent possible, the parties shall serve expert  
29 witness disclosures electronically through an electronic service  
30 system, an electronic document repository, email, or another  
31 method of electronic transmission. If it is not possible for the party  
32 to serve his or her expert witness disclosures electronically, he or  
33 she shall serve the expert witness disclosures in an electronic  
34 format saved on a portable storage media device such as a compact  
35 disc or flash drive.

36

37

Article 11. Written Testimony

38

39 844. (a) A court may require the parties in a comprehensive  
40 adjudication to submit written testimony of relevant witnesses in

1 the forms of affidavits or declarations under penalty of perjury in  
2 lieu of presenting live testimony. The required written testimony  
3 may include, but is not limited to, expert witness opinions and  
4 testimony that authenticates documentary evidence. The court may  
5 order that the written testimony constitutes the entirety of the  
6 witness's direct testimony, require the written testimony to include  
7 any exhibits offered in support of the written testimony, and, in  
8 the case of written testimony of an expert witness, require a  
9 statement of the witness's qualifications.

10 (b) If the court requires the submission of written testimony  
11 pursuant to subdivision (a), a complete copy of the direct testimony  
12 shall be served at least 21 days before trial. A complete copy of  
13 any rebuttal testimony shall be served no later than the first day  
14 of trial.

15 (c) If the contents of the written testimony would have been  
16 admissible if the witness testified orally, the written testimony  
17 shall be received by the court as a documentary exhibit if the  
18 witness whose written testimony is being offered is made available  
19 for cross-examination by all parties.

20

21

#### Article 12. Special Master

22

23 845. (a) The court may appoint one or more special masters  
24 whose duties may include the following:

25 (1) Investigating technical and legal issues, as directed by the  
26 court. The special master shall compile a report of findings in  
27 accordance with Section 846.

28 (2) Conducting joint factfinding with the parties, their designees,  
29 or both.

30 (3) Investigating the need for, and developing a proposal for, a  
31 preliminary injunction pursuant to Article 13 (commencing with  
32 Section 847).

33 (4) Performing other tasks the court may deem appropriate.

34 (b) The court shall fix the special master's compensation on the  
35 basis and terms stated in the appointing order, and the court may  
36 set a new basis and new terms after giving the parties notice and  
37 an opportunity to be heard. The court shall allocate payment of  
38 the special master's compensation among the parties in an amount  
39 and a manner that the court deems equitable. The court may waive

1 a party’s obligations to pay the special master’s compensation  
2 upon a showing of good cause.

3 (c) The court may request the State Water Resources Control  
4 Board or the department to recommend candidates for appointment  
5 as a special master or to review the qualifications of candidates.

6 (d) This section does not limit the authority of the court to make  
7 a reference pursuant to Chapter 1 (commencing with Section 2000)  
8 of Part 3 of Division 2 of the Water Code.

9 (e) This section does not limit the authority to appoint a  
10 watermaster pursuant to Chapter 3 (commencing with Section  
11 4050) of Part 4 of Division 2 of the Water Code or any other law.

12 846. (a) The special master shall make a draft report available  
13 to the parties and provide at least 60 days for the parties to submit  
14 written objections to the draft report.

15 (b) An objection to the draft report shall identify the specific  
16 grounds and evidence on which the objection is based.

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

20 (d) The special master shall consider the objections to the draft  
21 report and develop a final report that shall be filed with the court,  
22 together with supporting evidence.

23

24 Article 13. Preliminary Injunction

25

26 847. (a) Upon a showing that the basin is in a condition of  
27 long-term overdraft, the court may, upon notice and hearing, issue  
28 a preliminary injunction.

29 (b) Bulletins and other reports of the department, ~~or~~ a report of  
30 a special master indicating that a condition of long-term overdraft  
31 exists in the basin, *and any other evidence the court finds relevant*  
32 shall be admissible and shall constitute prima facie evidence of a  
33 condition of long-term overdraft.

34 (c) The preliminary injunction may include any of the following  
35 terms:

36 (1) A moratorium on new or increased appropriations of water.

37 (2) A limitation on, or reduction in, the diversion or extraction  
38 of water.

1 (3) An allocation among the parties establishing amounts of  
2 extraction allowed during the pendency of the comprehensive  
3 adjudication.

4 (4) Procedures for voluntary transfers.

5 (d) The court shall issue a preliminary injunction upon  
6 determining all of the following:

7 (1) The basin is in a condition of long-term overdraft.

8 (2) The basin has been designated as a probationary basin or  
9 the planning deadlines in subdivision (a) of Section 10720.7 of  
10 the Water Code are not being complied with.

11 (3) There is no interim plan in effect under Section 10735.8 of  
12 the Water Code.

13 (e) The court may provide a schedule for further reductions in  
14 extractions over a period of years if it finds that doing so appears  
15 reasonably necessary to achieve groundwater sustainability within  
16 the timelines provided in subdivision (b) of Section 10727.2 of  
17 the Water Code.

18 (f) The terms of a preliminary injunction shall not determine  
19 the rights in a final judgment of the comprehensive adjudication.

20 (g) A bond or undertaking shall not be required for the issuance  
21 of a preliminary injunction pursuant to this section.

22 (h) The court may appoint a watermaster to oversee enforcement  
23 of the preliminary injunction.

24

#### 25 Article 14. Stay

26

27 848. (a) Upon the motion of any party to a comprehensive  
28 adjudication, a court may stay a comprehensive adjudication for  
29 a period of up to one year, subject to renewal in the court's  
30 discretion upon a showing of good cause, in order to facilitate any  
31 of the following:

32 (1) Adoption of a groundwater sustainability plan that provides  
33 for a physical solution or otherwise addresses issues in the  
34 comprehensive adjudication.

35 (2) The development of technical studies that may be useful to  
36 the parties in the comprehensive adjudication.

37 (3) Voluntary mediation or participation in a settlement  
38 conference on all, or a portion of, the subject matters or legal  
39 questions identified in the comprehensive adjudication.

1 (4) Compromise and settlement of the comprehensive  
2 adjudication or issues in the comprehensive adjudication.

3 (b) If a party opposes an extension of a stay, a stay may only  
4 be granted after a showing that there is good progress being made  
5 on the issues that were identified as the reasons for the stay and  
6 that no rights or interest would be impaired by the stay.

7 (c) A stay pursuant to this section shall not stay, or otherwise  
8 delay, the parties’ obligations to provide initial disclosures pursuant  
9 to Section 842 unless the court determines the initial disclosures  
10 will not benefit resolution of the comprehensive adjudication.

11  
12 Article 15. Physical Solution

13  
14 849. (a) The court shall have the authority and the duty to  
15 impose a physical solution on the parties in a comprehensive  
16 adjudication where necessary and consistent with Article 2 of  
17 Section X of the California Constitution.

18 (b) Before adopting a physical solution presented by a party, or  
19 considered on the court’s own motion, the court shall consider  
20 whether the elements of any existing groundwater sustainability  
21 plan should be incorporated into the court’s physical solution.

22  
23 Article 16. ~~Stipulated~~ Judgment

24  
25 850. (a) ~~If a party or group of parties submits a proposed~~  
26 ~~stipulated judgment, the court may adopt the stipulated~~ *The court*  
27 *may enter a judgment* if the court finds that ~~it~~ *the judgment* meets  
28 all of the following criteria:

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

33 (2) It is consistent with ~~all~~ *the* water right priorities *of all*  
34 *non-stipulating parties* in the basin.

35 (3) It treats all objecting parties and any persons who have  
36 claims that are exempted pursuant to Section 841 equitably as  
37 compared to the stipulating parties.

38 (b) If a party or group of parties submits a proposed stipulated  
39 judgment that is supported by more than 50 percent of all  
40 groundwater extractors in the basin and groundwater extractors

1 responsible for at least 75 percent of the groundwater extracted in  
 2 the basin during the five calendar years before the filing of the  
 3 complaint, the court may adopt the proposed stipulated judgment,  
 4 as applied to the stipulating parties, if the proposed stipulated  
 5 judgment meets the criteria described in subdivision (a). A party  
 6 objecting to a proposed stipulated judgment shall demonstrate, by  
 7 a preponderance of evidence, that the proposed stipulated judgment  
 8 does not satisfy one or more criteria described in subdivision (a)  
 9 or that it substantially violates the water rights of the objecting  
 10 party. If the objecting party is unable to make this showing, the  
 11 court may impose the proposed stipulated judgment on the  
 12 objecting party. An objecting party may be subject to a preliminary  
 13 injunction issued pursuant to Section 847 while his or her  
 14 objections are being resolved.

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

19  
 20  
 21

Article 17. Judgment Binding on Successors

22 851. The judgment in a comprehensive adjudication conducted  
 23 pursuant to this chapter shall be binding on the parties to the action  
 24 and all their successors in interest, including, but not limited to,  
 25 heirs, executors, administrators, assigns, lessees, licensees, the  
 26 agents and employees of the parties to the action and all their  
 27 successors in interest, and all landowners or other persons claiming  
 28 rights to extract groundwater from the basin.

29  
 30  
 31

Article 18. Continuing Jurisdiction

32 852. ~~(a)~~ The court shall have continuing jurisdiction to modify  
 33 or amend a final judgment in a comprehensive adjudication in  
 34 response to new information, changed circumstances, the interests  
 35 of justice, or to ensure that the criteria of subdivision (a) of Section  
 36 850 are met. When feasible, the judge who heard the original action  
 37 shall preside over actions or motions to modify or amend the  
 38 judgment.

39 ~~(b)~~ ~~If the court has approved a stipulated judgment pursuant to~~  
 40 ~~subdivision (b) of Section 850, the department shall submit to the~~

1 court the assessments and any recommended corrective actions  
2 the department issues pursuant to Section 10733.8 of the Water  
3 Code. The court, after notice and hearing, shall determine whether  
4 to amend the judgment or adopt the department's recommended  
5 corrective actions.

6 853. ~~(a) Before the court issues a final judgment in the~~  
7 ~~comprehensive adjudication, a party may file a motion for an order~~  
8 ~~determining that the judgment is consistent with groundwater~~  
9 ~~sustainability, as established by the Sustainable Groundwater~~  
10 ~~Management Act.~~

11 ~~(b) For any basin required to develop a groundwater~~  
12 ~~sustainability plan under the Sustainable Groundwater Management~~  
13 ~~Act, the department shall provide a report to the court evaluating~~  
14 ~~if the judgment is consistent with groundwater sustainability, as~~  
15 ~~established by the Sustainable Groundwater Management Act.~~

16 ~~(c) If the court determines that the judgment will achieve~~  
17 ~~groundwater sustainability for the basin, as established by the~~  
18 ~~Sustainable Groundwater Management Act, the judgment shall be~~  
19 ~~considered an alternative to a groundwater sustainability plan and~~  
20 ~~shall be deemed to satisfy the objectives of the Sustainable~~  
21 ~~Groundwater Management Act.~~

22 ~~(d) The court shall have sole jurisdiction to determine if the~~  
23 ~~judgment complies with the Sustainable Groundwater Management~~  
24 ~~Act.~~

25 ~~(e) The court may consider a motion made pursuant to~~  
26 ~~subdivision (a) for a proposed judgment before the court enters~~  
27 ~~the judgment.~~

28 ~~(f) For purposes of this section, "judgment" means a judgment,~~  
29 ~~settlement, or other final order concluding proceedings in the~~  
30 ~~comprehensive adjudication in the superior court.~~

31 ~~(g) Nothing in this section is intended to undermine the goals~~  
32 ~~and outcomes of the Sustainable Groundwater Management Act~~  
33 ~~to the extent water rights, as determined by the court, are not~~  
34 ~~impaired.~~

35 854. The court may appoint a groundwater sustainability agency  
36 to serve as the watermaster in any judgment entered in a  
37 comprehensive adjudication.

38 SEC. 2. No reimbursement is required by this act pursuant to  
39 Section 6 of Article XIII B of the California Constitution because  
40 the only costs that may be incurred by a local agency or school

1 ~~district will be incurred because this act creates a new crime or~~  
2 ~~infraction, eliminates a crime or infraction, or changes the penalty~~  
3 ~~for a crime or infraction, within the meaning of Section 17556 of~~  
4 ~~the Government Code, or changes the definition of a crime within~~  
5 ~~the meaning of Section 6 of Article XIII B of the California~~  
6 ~~Constitution.~~

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

16 *However, if the Commission on State Mandates determines that*  
17 *this act contains other costs mandated by the state, reimbursement*  
18 *to local agencies and school districts for those costs shall be made*  
19 *pursuant to Part 7 (commencing with Section 17500) of Division*  
20 *4 of Title 2 of the Government Code.*

21 *SEC. 3. This act shall only become effective if Senate Bill 226*  
22 *of the 2014–15 Regular Session is enacted and becomes effective.*