

Electronically Submitted on 07/10/2024 10:00 AM

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07/10/2024
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KAYA GONNEZ, DEPUTY

1 Valerie C. Kincaid (SBN 231815)
2 Timothy J. Wasiewski (SBN 302306)
3 Jonathan R. Marz (SBN 221188)
4 Paris Kincaid Wasiewski, LLP
5 1800 J Street
6 Sacramento, California 95811
7 Telephone: (916) 993-3962
8 Facsimile: (916) 264-2040
9 Email: ykincaid@pariskincaid.com
10 tw@pariskincaid.com
11 imarz@pariskincaid.com
12 Attorneys for Petitioners/Plaintiffs
13 KINGS COUNTY FARM BUREAU,
14 HELEN SULLIVAN, JULIE MARTELLA

FILED
BY SUPERIOR COURT OF CALIFORNIA,
COUNTY OF KINGS
07/15/2024
NOCONA SOBOLESKI, CLERK OF THE COURT
DEBRA LEE, DEPUTY

15 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
16 IN AND FOR THE COUNTY OF KINGS

17 KINGS COUNTY FARM BUREAU,
18 HELEN SULLIVAN and JULIE MARTELLA,

19 Petitioners/Plaintiffs,

20 v.

21 CALIFORNIA STATE WATER RESOURCES
22 CONTROL BOARD and DOES 1-10, inclusive,

23 Respondents/Defendants.

Case No. 24CU0198

~~PROPOSED~~ ORDER TO SHOW CAUSE
REGARDING PRELIMINARY
INJUNCTION AND TEMPORARY
RESTRAINING ORDER

Ex Parte: July 11, 2024
Time: 8:15 a.m.
Dept.: 8
Judge: Honorable Valerie Chrissakis

24 Based upon Petitioners/Plaintiffs Kings County Farm Bureau, Helen Sullivan, and Julie
25 Martella's (Petitioners) *ex parte* application for order to show cause why a preliminary injunction
26 should not be issued and for a temporary restraining order, upon the memorandum of points and
27 authorities in support thereof, upon the declarations in support thereof, upon the request for judicial
28 notice in support thereof, upon the exhibits submitted in support thereof, upon Petitioners' Petition
for Writ of Mandate and Verified Complaint for Declaratory and Injunctive Relief, and upon the

1 argument of the parties made by counsel at hearing on July 11, 2024, in Department 8 of the above-
2 entitled Court, the following are ordered by this Court:

3 **ORDER TO SHOW CAUSE**

4 To Defendant/Respondent State Water Resources Control Board (State Water Board):

5 Based upon Petitioners' Petition for Writ of Mandate and Verified Complaint for
6 Declaratory and Injunctive Relief in this action, and papers and arguments filed and offered in
7 support of Petitioners' *ex parte* application, you are ordered to appear on
8 August 20, 2024, ~~2024~~, at 1:30 pm, in Department 5 of this Court,
9 located at 1640 Kings County Drive, Hanford, CA 93230, to show cause why a preliminary
10 injunction pending trial of this action should not be issued restraining you and your agents, servants,
11 partners, and employees, and all persons acting on your behalf or in concert with such persons, from
12 enforcing State Water Board Resolution No. 2024-0012, "Designating the Tulare Lake
13 Groundwater Subbasin as Probationary Under the Sustainable Groundwater Management," by:

14 1. Requiring any person within the Tulare Lake Subbasin (as that area has been
15 defined by the California Department of Water Resources) who extracted more than 500 acre-feet
16 from the Tulare Lake Subbasin during the period of October 1, 2022, through September 30, 2023,
17 and any person who anticipates extracting more than 500 acre-feet during the period of October 1,
18 2023, and September 30, 2024, to install and use meters that meet the requirements of California
19 Code of Regulations, title 23, section 1042 on each of their production wells within the Tulare Lake
20 Subbasin before July 15, 2024; and

21 2. Requiring any person who extracts more than two acre-feet of groundwater
22 per year from the Tulare Lake Subbasin or who extracts groundwater from the Tulare Lake
23 Subbasin for purposes other than domestic uses to report their extractions made on or after July 15,
24 2024, to the State Water Board pursuant to Water Code section 5202 and pay to the State Water
25 Board the associated fee imposed pursuant to California Code of Regulations, title, 23, section
26 1040, et seq.; and

27 3. Requiring groundwater extractions reports from the Tulare Lake Subbasin to
28 be submitted by December 1, 2024; and

1 ~~4~~ Taking any actions or imposing any requirements stemming from its
2 designation of the Tulare Lake Subbasin as probationary under Water Code section 10735.6,
3 subdivision (a). KTC

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9 This Order to Show Cause and papers filed in support of Petitioners' *ex parte* application
10 shall be served on the State Water Board, through its counsel of record in this matter, no later than
11 _____, 2024. Service to be accomplished by _____
12 _____. Proof of such service shall be filed and delivered to the
13 Court no later than _____, 2024, at _____.

14 Any opposition papers shall be filed and served by the State Water Board on Petitioners,
15 through their counsel of record in this matter, no later than JULY 30, 2024
16 2024. Service to be accomplished by email.

17 Any reply papers shall be filed and served by the Petitioners on the State Water Board,
18 through its counsel of record in this matter, no later than August 13, 2024,
19 2024. Service to be accomplished by email.

20 Dated: July 15, 2024



Kathy Ciuffini
Judge of the Kings County Superior Court
KATHY CIUFFINI

21 [Continued]

TEMPORARY RESTRAINING ORDER

22 Pending hearing on the above Order to Show Cause, the State Water Board and its agents,
23 servants, partners, and employees, and all persons acting on its behalf or in concert with such
24 persons are restrained and enjoined from enforcing State Water Board Resolution No. 2024-0012,
25 "Designating the Tulare Lake Groundwater Subbasin as Probationary Under the Sustainable
26 Groundwater Management," by:
27
28

1 1. Requiring any person within the Tulare Lake Subbasin (as that area has been defined
2 by the California Department of Water Resources) who extracted more than 500 acre-feet from the
3 Tulare Lake Subbasin during the period of October 1, 2022, through September 30, 2023, and any
4 person who anticipates extracting more than 500 acre-feet during the period of October 1, 2023, and
5 September 30, 2024, to install and use meters that meet the requirements of California Code of
6 Regulations, title 23, section 1042 on each of their production wells within the Tulare Lake
7 Subbasin before July 15, 2024; and

8 2. Requiring any person who extracts more than two acre-feet of groundwater per year
9 from the Tulare Lake Subbasin or who extracts groundwater from the Tulare Lake Subbasin for
10 purposes other than domestic uses to report their extractions made on or after July 15, 2024, to the
11 State Water Board pursuant to Water Code section 5202 and pay to the State Water Board the
12 associated fee imposed pursuant to California Code of Regulations, title, 23, section 1040, et seq.;

13 and
14 3. Requiring groundwater extractions reports from the Tulare Lake Subbasin to be
15 submitted by December 1, 2024; and

16 ~~KAZ 4 Taking any actions or imposing any requirements stemming from its designation of~~
17 ~~the Tulare Lake Subbasin as probationary under Water Code section 10735.6, subdivision (a)~~

18 5. _____
19 _____
20 _____
21 _____
22 _____

23 **IT IS SO ORDERED.**

24 Dated: July 15, 2024



25 *Kathy Ciuffini*
26 Judge of the Kings County Superior Court
27 **KATHY CIUFFINI**