

1 LAUREN D. LAYNE #273627
llyayne@bakermanock.com
2 DIANE E. CODERNIZ # 279458
dcoderniz@bakermanock.com
3 JESSICA S. JOHNSON #328222
jsjohnson@bakermanock.com
4 Baker Manock & Jensen, PC
5260 North Palm Avenue, Fourth Floor
5 Fresno, California 93704
Telephone: 559.432.5400
6 Facsimile: 559.432.5620

E-FILED
2/1/2021 5:59 PM
Superior Court of California
County of Fresno
By: M. Sanchez, Deputy

7 PHILIP A. WILLIAMS #296683
pwilliams@weltyweaver.com
8 141 North Street, Suite A
Healdsburg, CA 95448
9 Telephone: 707.483.4842
Facsimile: 707.473.9778

10 Attorneys for PANOCHÉ WATER DISTRICT

11
12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF FRESNO, CENTRAL DIVISION
14

15 PANOCHÉ WATER DISTRICT, a California
16 water district,
17 Plaintiff,
18 v.
19 ALL PERSONS INTERESTED IN THE
20 MATTER of the Authorization of the Contract
Between the United States and Panoche Water
21 District Providing for Project Water Service
From San Luis Unit and Delta Division and
22 Facilities Repayment, Contract No. 14-06-200-
7864A-IR1-P, and the Proceedings Related
23 Thereto,
24 Defendants.

Case No. [21CECG00288](#)

SUMMONS
(CITATION JUDICIAL)

[Code Civ. Proc. §§ 860 *et seq.*]

[Calendar Preference per Code of Civil
Procedure § 867]

Case Filed:

25 **NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU**
26 **WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND NOT LATER THAN**
27 **MARCH 31, 2021. READ THE INFORMATION BELOW.**
28

1 **AVISO! USTED HA SIDO DEMANDADO. EL TRIBUNAL PUEDE DECIDIR CONTRA**
2 **USTED SIN AUDIENCIA A MENOS QUE USTED RESPONDA NO MAS TARDE QUE**
3 **EL DIA 31 DE MARZO DE 2021. LEA LA INFORMACION QUE SIGUE.**

4 **ALL PERSONS INTERESTED IN THE MATTER OF THE AUTHORIZATION OF THE**
5 **CONTRACT BETWEEN THE UNITED STATES AND PANOCHE WATER DISTRICT**
6 **PROVIDING FOR PROJECT WATER SERVICE FROM SAN LUIS UNIT AND DELTA**
7 **DIVISION AND FACILITIES REPAYMENT, CONTRACT NO. 14-06-200-7864A-IR1-P**
8 **AND THE PROCEEDINGS RELATED THERETO (THE “CONVERSION**
9 **CONTRACT”):**

10 Plaintiff has filed a civil complaint against you. You may contest the validity of the above
11 matter by appearing and filing with the Court a written responsive pleading to the complaint not
12 later than March 31, 2021, which is ten (10) or more days after the completion of the publication
13 of this summons in the *Fresno Business Journal* and the *Merced County Times*. Your pleading
14 must be in the form required by the California Rules of Court. Your original pleading must be
15 filed in this Court with proper filing fees and proof that a copy thereof was served on Plaintiff’s
16 attorney. Unless you so respond, your default will be entered upon Plaintiff’s application, and the
17 Plaintiff may apply to the Court for the relief demanded in the complaint. Persons who contest the
18 validity of the matter described below and in the complaint will not be subject to punitive action,
19 such as wage garnishment or seizure of their real or personal property.

20 **DETAILED SUMMARY OF MATTER THAT PLAINTIFF SEEKS TO VALIDATE:**

21 The Panoche Water District (the “District”) is a California water district located primarily
22 in Fresno County, California, with a small portion located in Merced County. Pursuant to
23 applicable statutes and other authorities, the District is authorized to perform various duties and
24 functions related to providing irrigation water to landowners within the District’s boundaries. As
25 pertinent here, the District is authorized to enter into contracts with and cooperate with the United
26 States for irrigation purposes. Beginning in 1955, the District has so contracted for water delivery
27 with the United States Department of Interior, Bureau of Reclamation (“United States”) for
28 delivery of water through the federal Central Valley Project (“CVP”) water reclamation dams,

1 canals, and other facilities. The District uses the contracted CVP water to provide irrigation and
2 municipal and industrial water to its customers in the District.

3 On December 16, 2016, the United States Congress enacted the Water Infrastructure
4 Improvements for the Nation Act, Pub.L. 114-322 (2016) (the “WIIN Act”). Pursuant to Section
5 4011(a) of the WIIN Act, in 2019, the District requested that the United States convert its existing
6 water supply contract to a repayment contract under Section 9(d) of the 1939 Reclamation Project
7 Act (53 Stat. 1187) (the “1939 Act”). The District and the United States entered into negotiations
8 for the Conversion Contract beginning in May 2019. On or around August 7, 2020, the United
9 States posted the unexecuted negotiated Conversion Contract on its internet website for a public
10 comment period. After the comment period ended on October 6, 2020, the United States provided
11 the unexecuted Conversion Contract to the District for the approval of the District’s Board of
12 Directors and authorization for signature. The Conversion Contract will provide continued water
13 delivery to the District and its customers and shall remain in force unless or until the District does
14 not make the annual payments for the delivered water. A copy of the Conversion Contract is
15 attached to the District’s complaint as Exhibit 2.

16 In compliance with the Ralph M. Brown Act and in accordance with the Governor’s
17 Executive Order N-29-20, the District publicly noticed its special Board of Directors (the “Board”)
18 meeting agenda on-site at the District and on the District’s website, notifying the public of the
19 Board’s consideration of the Conversion Contract on December 28, 2020. At the December 28,
20 2020, Board meeting, the District’s Board approved the Conversion Contract and authorized the
21 execution and delivery of the Conversion Contract to the United States, and related actions in
22 furtherance of executing the Conversion Contract. A copy of the Resolution is attached in the
23 District’s complaint as Exhibit 1.

24 The District brought this validation action to confirm the validity of the Conversion
25 Contract and the proceedings related thereto. The validation complaint, the accompanying
26 exhibits, and a copy of this Summons are available upon request at the District’s offices and
27 publicly available on the District’s website at:

28 52027 W. Althea Ave., Firebaugh CA, 93622; <https://panochewd.specialdistrict.org/>

1 Attorneys for the District, identified below, may also be contacted to obtain these documents.

2 **YOU MAY SEEK THE ADVICE OF AN ATTORNEY IN ANY MATTER CONNECTED**
3 **WITH THE COMPLAINT OR THIS SUMMONS. SUCH ATTORNEY SHOULD BE**
4 **CONTACTED PROMPTLY SO THAT YOUR PLEADING MAY BE FILED OR**
5 **ENTERED WITHIN THE TIME REQUIRED BY THIS SUMMONS.**

6 **SI USTED DESEA SOLICITAR EL CONSEJO DE UN ABOGADO EN ESTE ASUNTO,**
7 **DEBERIA HACERLO IMMEDIATAMENTE. TAL ABOGADO DEBERIA SER**
8 **CONSULTADO PRONTO PARA QUE SU REPUESTA ESCRITA PUEDA SER**
9 **REGISTRADA DENTRO DEL TIEMPO REQUERIDO POR ESTA CITACION**
10 **JUDICIAL.**

11 The name and address of the Court is (el nombre y dirección del Tribunal es):

12 Fresno County Superior Court
13 B.F. Sisk Courthouse
14 1130 O Street
15 Fresno, California 93721-2220

16 CASE NUMBER (Número del Caso): 21CECG00288

17 The name, address, and telephone number of Plaintiff's attorneys are (El nombre, la
18 dirección y el número de teléfono del abogado del demandante es):

19 Lauren D. Layne
20 Diane E. Coderniz
21 Baker Manock & Jensen, PC
22 5260 North Palm Avenue, Fourth Floor
23 Fresno, California 93704
24 Telephone: 559.432.5400
25 Facsimile: 559.432.5620

26 Dated: 2/01/2021
27 (Fecha)

28 Clerk, by: M. Sanchez, Deputy
(Secretario) (Adjunto)

[SEAL]

[SELLO]

