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**EXEMPT FROM FILING FEES UNDER
GOVERNMENT CODE § 6103**

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13 **IRVINE RANCH WATER DISTRICT**

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

15 **FOR THE COUNTY OF ORANGE**

16 IRVINE RANCH WATER DISTRICT, a
17 California public agency,

18 Plaintiff and Petitioner,

19 v.

20 ORANGE COUNTY WATER DISTRICT, a
21 California public agency; ALL PERSONS
22 INTERESTED IN THE MATTER OF
23 ORANGE COUNTY WATER DISTRICT
24 RESOLUTION NO. 16-4-37; and
25 DOES 1 to 20, inclusive,

26 Defendants and Respondents.

Case No.:

SUMMONS (Code of Civ. Proc. § 861.1)
(CITACIÓN JUDICIAL)

Assigned to:
Department:

Complaint Filed: June 17, 2016

27 **TO ALL PERSONS INTERESTED IN THE MATTER OF THE VALIDITY OF**
28 **ORANGE COUNTY WATER DISTRICT RESOLUTION NO. 16-4-37, THE ORANGE**
COUNTY WATER DISTRICT, AND DOES 1-20:

NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST
YOU WITHOUT YOU BEING HEARD UNLESS YOU RESPOND BY AUGUST 1,
2016. READ THE INFORMATION BELOW.

¡AVISO! LO HAN DEMANDADO. SI NO RESPONDE EN O ANTES EL DIA 1
DE AGOSTO, 2016, LA CORTE PUEDE DECIDIR EN SU CONTRA SIN ESCUCHAR
SU VERSIÓN. LEA LA INFORMACIÓN A CONTINUACIÓN.

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

5 USTED PUEDE BUSCAR LA ASESORIA DE UN ABOGADO EN CUALQUIER
6 CUESTIÓN RELACIONADA CON LA DEMANDA O ESTA CITACIÓN. DICHO
7 ABOGADO DEBE CONSULTAR RÁPIDAMENTE A FIN DE QUE SU SÚPLICA SE
8 PUEDA PRESENTAR O ENTRAR DENTRO DEL TIEMPO REQUERIDO POR
9 ESTA CITACION.

10 You have until August 1, 2016 to file a
11 typewritten response at this court.

12 Después de que le entreguen esta
13 citación judicial usted tiene hasta el día
14 1 de Agosto, 2016 para presentar una
15 respuesta escrita a maquina en esta
16 corte.

17 A letter or phone call will not protect you;
18 your typewritten response must be in
19 proper legal form if you want the court to
20 hear your case.

21 Una carta or una llamda telefónica no le
22 ofrecerá protección; su respuesta
23 escrita a máquina tiene que cumplir con
24 las formalidades legales apropiadas si
25 usted quiere que la corte escuche su
26 caso.

27 If you do not file your response on time,
28 you may lose the case. Persons who
contest the legality or validity of the
matter described in the complaint will
not be subject to punitive action, such as
wage garnishment or seizure of their real
or personal property.

Si usted no presenta su respuesta a
tiempo, puede perder el caso. Personas
quienes no contesten la legalidad o
validez del asunto descrito en el reclamo
no seran sujeto a acción punitiva tal
como un embargo de su sueldo o de su
bienes.

There are other legal requirements. You
may want to call an attorney right away.
If you do not know an attorney, you may
call an attorney referral service or a legal
aid office (listed in the phone book).

Existen otros requisitos legales. Puede
que usted quiera Hamar a un abogado
inmediatamente. Si no conoce a un
abogado, puede llamar a un servicio de
referencia de abogados o a una oficina
de ayuda legal (lea el directorio
telefónico).

**ATTENTION DEFENDANT ORANGE COUNTY WATER DISTRICT ONLY: YOU
HAVE 30 CALENDAR DAYS AFTER THIS SUMMONS IS SERVED ON YOU TO
FILE A RESPONSE TO THE COMPLAINT. THE DATE ABOVE DOES NOT
EXTEND YOUR TIME TO FILE A RESPONSE.**

Plaintiff and Petitioner Irvine Ranch Water District (“IRWD”), a California public agency,
seeks a judgment invalidating the Orange County Water District’s (“OCWD”) Resolution No.
16-4-37.

**DETAILED SUMMARY OF THE MATTER PLAINTIFF AND PETITIONER SEEKS
TO INVALIDATE:**

IRWD brings this reverse validation action to challenge OCWD’s adoption of its Resolution
No. 16-4-37, which established the Basin Production Percentage and the Basin Equity
Assessments for fiscal year 2016-2017. Resolution No. 16-4-37 was adopted at a regular

1 meeting of the OCWD Board of Directors on April 20, 2016. The Basin Equity Assessment
2 is a monetary assessment levied on groundwater produced from the Orange County
3 Groundwater Basin ("Basin") in excess of the Basin Production Percentage, a groundwater
4 production limit set by OCWD. In adopting Resolution No. 16-4-37, OCWD improperly
5 excludes recycled water from consideration as a "Supplemental Source" of water in calculating
6 the Basin Production Percentage and IRWD's "total water demand," and by doing so, violates
7 the terms of the OCWD Act (Water Code-Appendix, Chap. 40). Section 31.5 of the OCWD
8 Act defines Supplemental Sources broadly to include all sources of water outside the
9 watershed, including recycled water, and is not limited to imported water from the
10 Metropolitan Water District of Southern California. Therefore, OCWD's actions have
11 arbitrarily created a penalty on the use of recycled water, which is contrary to state policy and
12 financially detrimental to IRWD's customers. Additionally, OCWD has adopted an improper
13 practice of prohibiting the "unlawful exportation" of groundwater outside the OCWD district,
14 which OCWD lacks the statutory authority to impose under the OCWD Act. Aside from
15 lacking the authority to do so under law, the methodology OCWD uses to determine when an
16 "unlawful export" occurs is flawed and also fails to allow recycled water to be considered part
17 of total water use. The inability to properly account for recycled water as part of IRWD's total
18 water use threatens to curtail pumping of groundwater to which IRWD has a vested right and
19 interferes with IRWD's ability to plan for the future needs of IRWD customers.

**You may contest the legality or validity of the above matter by appearing and filing a
written pleading in response to the complaint on or before August 1, 2016. Otherwise,
upon application of the plaintiff and petitioner, the court may enter judgment for the
relief requested in the complaint, to wit, the declaration that Resolution No. 16-4-37 may
be voided, invalidated, and set aside by Court order. Any person who contests the
legality or validity of this matter will not be subject to punitive action, such as wage
garnishment or seizure of their real or personal property.**

20 The name and address of the court is: (El nombre y dirección de la corte es)

21 Superior Court of California, County of Orange
22 Central Justice Center
23 700 Civic Center Drive West
24 Santa Ana, CA 92701

25 The name address and telephone number of plaintiff's attorney is: (El nombre, la dirección y
26 el numero de teléfono del abogado del demandante es)

27 Edward J. Casey, Esq., Roger A. Cerda, Esq., Andrew Brady, Esq.
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DATE: _____	Clerk, By _____, Deputy
(Fecha)	(Secretario) (Delegado)

[SEAL]

1 **NOTICE TO THE PERSON SERVED:** You are served either:

- 2 1. as an individual defendant.
3 2. as the person sued under the fictitious name of *(specify)*:

- 4 3. on behalf of *(specify)*: **ALL PERSONS INTERESTED IN THE MATTER OF THE
5 VALIDITY OF ORANGE COUNTY WATER DISTRICT RESOLUTION NO. 16-4-37**

6 under: CCP 416.10 (corporation) CCP 416.60 (minor)
7 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
8 CCP 416.40 (association or partnership) CCP 416.90 (individual)
9 other *(specify)*:

- 10 4. by personal delivery on *(date)*: