

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SANTA BARBARA**

Dated and Entered:	03/24/2023	Time:	10:00 AM
Judicial Officer:	Donna D Geck		
Deputy Clerk:	Kristi Temple	Dept:	SB Dept 4
Deputy Sheriff:	Marco Diaz		
Court Reporter:	Shelley Cockrell	Case No:	VENCI00555357

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**OPV Coalition et al vs Fox Canyon Groundwater Management Agency**

Parties Present:

Geoff Yost	Attorney for Plaintiff (OPV Coalition)
Katie Sinclair	Attorney for Plaintiff (OPV Coalition)
Bradley Herrema	Attorney for Intervenor Defendant (Pleasant Valley County Water District and Guadalupe Mutual Water Company)
Blake Senet	Attorney for Intervenor (City of Oxnard)
Jeff Dunn	Attorney for Intervenor (City of San Buenaventura and Calleguas Municipal Water District)
Elizabeth Ewens	Attorney for Defendant (Fox Canyon Groundwater Management Agency)
William Chisum	Attorney for Intervenor Marathon Land Inc
Brian Wheeler	Attorney for Intervenor United Water Conservation District
Holly Jacobsen	Attorney for Defendant City of Camarillo
Eric Robinson	Attorney for Intervenor Marathon Land
Barbara Brenner	Attorney for Defendant Camarosa Water District

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**NATURE OF PROCEEDINGS: Demurrer**

Counsel presented argument. The Court made the following ruling:

**RULING:**

For the reasons set forth herein, the demurrer of defendant City of Camarillo and defendant-intervenor United Water Conservation District to the first amended complaint is overruled. These parties shall file and serve their respective answers to the first amended answer on or before April 24, 2023.

**Background:**

As alleged in plaintiffs' first amended complaint (FAC):

This action seeks a comprehensive adjudication pursuant to the Groundwater Adjudication Statute (Code Civ. Proc., § 830 et seq.) to determine all rights to extract groundwater in the Santa Clara River Valley – Oxnard Groundwater Subbasin and the Pleasant Valley Groundwater Subbasin (collectively, Basins). (FAC, ¶¶ 3, 41.) Plaintiffs each own land overlying the Basins, and each grows commercial crops that are irrigated with groundwater derived from the Basins. (FAC, ¶ 9.)

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Agriculture in the Basins is a key industry and dependent upon groundwater supplies. (FAC, ¶ 27.) The Basins have been in a state of overdraft, or in a state of critical overdraft, and face significant seawater intrusion. (FAC, ¶ 4.) There have been multiple efforts to address this problem: Intervenor United Water Conservation District (UWCD) manages regional water enhancement efforts, but does not have regulatory authority over pumpers or diverters. (FAC, ¶¶ 28-29.) Defendant Fox Canyon Groundwater Management Agency (FCGMA) is the groundwater sustainability agency for the Basins. (FAC, ¶ 30.) FCGMA passed an allocation ordinance in October 2019 (Allocation Ordinance). (FAC, ¶ 42.) FCGMA also adopted groundwater sustainability plans (a GSP) for the Basins in December 2019. (FAC, ¶¶ 3, 48.) Throughout this process stakeholders have negotiated among themselves and with FCGMA to reach a comprehensive resolution. (FAC, ¶¶ 39-40, 46, 54.) None of these efforts have resulted in a comprehensive resolution satisfactory to the parties as a whole, and in particular, the plaintiffs here object to the Allocation Ordinance and the GSPs. (FAC, ¶¶ 42-46.) Plaintiffs assert that a comprehensive adjudication is the only path forward to reach an equitable water rights allocation that can assist stakeholders to prepare reliably for the future and to manage the Basins. (FAC, ¶ 46.)

On June 15, 2021, plaintiffs filed their complaint in this action asserting six causes of action: (1) declaratory relief – comprehensive groundwater adjudication (Code Civ. Proc., § 830 et seq.); (2) quiet title (as to defendants other than FCGMA); (3) writ of mandate against FCGMA (Allocation Ordinance); (4) writ of mandate against FCGMA (GSP – Oxnard Subbasin); (5) writ of mandate against FCGMA (GSP – Pleasant Valley); and (6) violation of California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) (CEQA) as to Allocation Ordinance.

On December 12, 2022, plaintiff filed their FAC asserting the same six causes of action.

On January 31, 2023, defendant City of Camarillo (Camarillo) and intervenor UWCD (collectively, Demurring Parties) filed their demurrer as to the first and second causes of action arguing that the Groundwater Adjudication Statute does not permit plaintiffs to combine two basins into one adjudication and that plaintiffs owning land overlaying one basin do not have standing as the adjudication of the other basin.

The demurrer is opposed by plaintiffs. The demurrer is also separately opposed by intervenors Pleasant Valley County Water District (PVCWD) and Guadalupe Mutual Water Company (collectively, Opposing Intervenor).

### **Analysis:**

“We treat the demurrer as admitting all material facts properly pleaded, but not contentions, deductions or conclusions of fact or law. ... We also consider matters which may be judicially noticed.’ ... Further, we give the complaint a reasonable interpretation, reading it as a whole and its parts in their context.” (Mathews v. Becerra (2019) 8 Cal.5th 756, 768, internal quotation marks and citations omitted.)

#### **(1) Requests for Judicial Notice**

In support of the demurrer, the Demurring Parties request that the court take judicial notice of the following facts: (Demurring Parties’ Requests for Judicial Notice, item 1) *Las Posas Valley Water Rights Coalition, et al., v. Fox Canyon Groundwater Management Agency, et al.*, Santa Barbara County Superior Court case No. VENC100509700 (*Las Posas Action*) is an active adjudication pending in Department 3 of this court; (item 2) the second amended complaint in the *Las Posas Action* seeks to adjudicate the Las Posas Valley Basin under the Groundwater Adjudication Statute; (item 3) Chapter 7 of the Department of Water Resources, Bulletin 118 (2020 Update) identifies the Pleasant Valley Basin as groundwater basin 4-006; (item 4) Chapter 7 of the Department of Water Resources, Bulletin 118 (2020

Update) identifies the Santa Clara River Valley-Oxnard Basin (“Oxnard Basin”) as groundwater basin 4-004.02; and (item 5) Chapter 7 of the Department of Water Resources, Bulletin 118 (2020 Update) identifies the Las Posas Valley Basin as groundwater basin 4-008.

With respect to items 1, 2, and 5, the Demurring Parties seek to use these facts to argue that another action is pending that seeks adjudication of a single basin rather than multiple basins. The existence or not of another trial court action addressing a different basin is not relevant to the limited issues presented in this demurrer as to whether one or more causes of action are stated or whether the court has jurisdiction over the first and second causes of action. “Although a court may judicially notice a variety of matters [citation], only relevant material may be noticed. ‘But judicial notice, since it is a substitute for proof [citation], is always confined to those matters which are relevant to the issue at hand.’ [Citation.]” (*Mangini v. R. J. Reynolds Tobacco Co.* (1994) 7 Cal.4th 1057, 1063.) These requests are denied as not relevant to the issue at hand. The court will grant the requests for judicial notice as to items 3 and 4. (See Evid. Code, § 452, subds. (b), (h).)

In opposition to the demurrer, plaintiffs request that the court take judicial notice of: (Plaintiffs’ Requests for Judicial Notice [PRJN], exhibit A) the third amended cross-complaint of City of San Buenaventura in *Santa Barbara Channelkeeper v. State Water Resources Control Board*, Los Angeles County Superior Court case No. 19STCP01176 (filed Jan. 2, 2020) (*SB Channelkeeper*); (exhibit B) the memorandum in support of City of Ojai’s motion for judgment on the pleadings in *SB Channelkeeper* (filed Dec. 21, 2021); (exhibit C) the notice of ruling denying City of Ojai’s motion for judgment on the pleadings in *SB Channelkeeper* (filed Feb. 1, 2022); (exhibit D) the stipulated judgment in *Southern California Water Company v. City of La Verne, et al.*, Los Angeles Superior Court case No. KC029152 (filed Dec. 18, 1998); (exhibit E) the California Senate Judiciary Committee Analysis of SB 226 (dated Apr. 28, 2015); (exhibit F) An Ordinance to Establish an Allocation System for the Oxnard and Pleasant Valley Groundwater Basins, adopted by FCGMA (adopted Oct. 23, 2019); and (exhibit G) chapter IX of Bulletin 46, Division of Water Resources, Water Supply of the Calleguas Basin (1933).

Demurring Parties object to these requests for judicial notice, except as to exhibit E, as irrelevant to the issues presented in this demurrer. For the same reasons discussed above as to Demurring Parties’ request for judicial notice, the court does not find trial court orders in other California cases to be relevant. The requests will be denied as to exhibits A through D. Exhibits F and G are presented for purposes of demonstrating that the two basins at issue in this action have been managed together for hydrogeological reasons. As further discussed below, these points are not relevant to the resolution of the issues of this demurrer. The requests for judicial notice will also be denied as to exhibits F and G. The court will grant the request as to the legislative history document that is exhibit E. (See Evid. Code, § 452, subd. (c).)

In opposition to the demurrer, Opposing Intervenors request that the court take judicial notice of: (Opposing Intervenors’ Requests for Judicial Notice [OIRJN], exhibit A) An Ordinance to Establish an Allocation System for the Oxnard and Pleasant Valley Groundwater Basins, adopted by FCGMA (adopted Oct. 23, 2019, as amended Mar. 24, 2021); (exhibit B) PVCWD Ordinance No. 22-01, Establishing Supplemental Water Availability (adopted Sept. 27, 2022); (exhibit C) PVCWD Ordinance No. 23-01, Adopting the Ground Water Sustainability Improvement Project Initial Study/Mitigated Negative Declaration (SCH#2022110057) CWO 16-029 and Mitigation Monitoring and Reporting Program, and Approving the Project (adopted Jan. 24, 2023); and (exhibit D) an excerpt from the PVCWD Recycled Water Pipeline Preliminary Design Report (dated Jan. 2023). Opposing Intervenors also request that the court take judicial notice of the following facts set forth in the declaration of attorney Bradley J. Herrema, dated February 28, 2023 (OIRJN, exhibit E): (i) PVCWD holds a fee simple ownership in parcels overlying both the Pleasant Valley and Oxnard groundwater basins; (ii) PVCWD provides water to customers whose lands overlie both the Pleasant Valley and Oxnard groundwater basins; and (iii) Guadalupe relies on the hydrologically connected Pleasant Valley and Oxnard groundwater basins and

delivers water to its shareholders' lands overlying both the Pleasant Valley and Oxnard groundwater basins.

Demurring Parties object to these requests for judicial notice as irrelevant to the issues presented in this demurrer. OIRJN exhibit A is an updated document from PRJN exhibit F. The request for judicial notice is denied as to exhibit A for the same reason discussed above. Exhibits B through D are ordinances and reports of PVCWD. As with exhibit A, these ordinances are not relevant to the pleading issues of the demurrer. The request for judicial notice is denied as to exhibits B through D. The facts for which judicial notice is requested are not facts which are shown to be "not reasonably subject to dispute and are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy" by resort to counsel's declaration. (See Evid. Code, § 452, subd. (h).) The request for judicial notice of these facts is denied.

## (2) Joinder of Causes of Action

The Demurring Parties first argue that the first and second causes of action are improper because they seek to adjudicate two basins. The Demurring Parties point to the text of the Groundwater Adjudication Statute and assert that either the court has no jurisdiction to adjudicate two basins in the same action or that the first and second causes of action do not state causes of action because they seek adjudication of two basins.

Before addressing the specific textual issues raised by the Demurring Parties, the court notes that the Groundwater Adjudication Statute expressly provides that "[t]he other provisions of this code [, i.e., the Code of Civil Procedure,] apply to procedures in a comprehensive adjudication to the extent they do not conflict with the provisions of this chapter." (Code Civ. Proc., § 830, subd. (c).) Other provisions of the Code of Civil Procedure address the general issue regarding joinder of causes of action.

A general rule of pleading is that "[a] plaintiff who in a complaint, alone or with coplaintiffs, alleges a cause of action against one or more defendants may unite with such cause any other causes which he has either alone or with any coplaintiffs against any of such defendants." (Code Civ. Proc., § 427.10, subd. (a).) Thus, where a plaintiff has several causes of action, the plaintiff may alternatively bring those actions in one suit under permissive joinder provisions or may bring separate actions based upon each separate cause. (*Sawyer v. First City Financial Corp.* (1981) 124 Cal.App.3d 390, 398–399.) Plaintiffs plead unchallenged causes of action against FCGMA in the FAC. Consequently plaintiffs are permitted under the permissive joinder rules to assert multiple causes of action; absent a more specific statutory exception to the general rule, these multiple causes of action would include multiple causes of action for groundwater adjudications.

Another general rule of pleading is that a plaintiff is not required to separately state a cause of action in a complaint in order to allege facts sufficient to state a cause of action. Prior to 1972, the statutory grounds for demurrer included improper joinder of causes of action. (Former Code Civ. Proc., § 430, subd. (5) [Stats. 1970, ch. 258, § 1, pp. 522-523] ["That several causes of action have been improperly united, or not separately stated].) Former section 430 was repealed and enacted in a modified form in 1971. (Stats. 1971, ch. 244, §§ 25, 29, pp. 383-384.) The requirement to separately state causes of action was completely repealed in 1973. (Stats. 1973, ch. 828, §§ 1, 2, p. 1476.) Consequently, since 1974 it is not a ground for demurrer that causes of action are not separately stated. The complementary rule is that "[i]f the complaint states a cause of action under any theory, regardless of the title under which the factual basis for relief is stated, that aspect of the complaint is good against a demurrer." (*Quelimane Co. v. Stewart Title Guaranty Co.* (1998) 19 Cal.4th 26, 38.)

With this background law in mind, the Demurring Parties point to provisions in the Groundwater Adjudication Statute that discuss the adjudication of a basin in the singular:

“This chapter shall be applied and interpreted consistently with all of the following:

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

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

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

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

“(5) Establishing procedures by which courts may conduct comprehensive determinations of all rights and priorities to groundwater in a basin.” (Code Civ. Proc., § 830, subd. (b)(1)-(5).)

“ ‘Basin’ has the same meaning as defined in Section 10721 of the Water Code.” (Code Civ. Proc., § 832, subd. (a).)

“ ‘Comprehensive adjudication’ means an action filed in superior court to comprehensively determine rights to extract groundwater in a basin.” (Code Civ. Proc., § 832, subd. (c).)

“ ‘Adjudication action’ means an action filed in the superior or federal district court to determine the rights to extract groundwater from a basin or store water within a basin, including, but not limited to, actions to quiet title respecting rights to extract or store groundwater or an action brought to impose a physical solution on a basin.” (Wat. Code, § 10721, subd. (a).)

“ ‘Basin’ means a groundwater basin or subbasin identified and defined in Bulletin 118 or as modified pursuant to Chapter 3 (commencing with Section 10722).” (Wat. Code, § 10721, subd. (b).)

“ ‘Bulletin 118’ means the department’s report entitled ‘California’s Groundwater: Bulletin 118’ updated in 2003, as it may be subsequently updated or revised in accordance with Section 12924.” (Wat. Code, § 10721, subd. (c).)

“Except as otherwise provided in this section, the boundaries of the area subject to a comprehensive adjudication shall be consistent with the boundaries of a basin.” (Code Civ. Proc., § 841, subd. (a).) The remainder of section 841 provides a mechanism for requesting a revision to the basin boundaries. (Code Civ. Proc., § 841, subds. (b)-(d).)

From these provisions, the Demurring Parties infer not only that more than one basin may not be the subject of a comprehensive adjudication in a single action but also that the court has no jurisdiction to address either comprehensive adjudication. This inference is not warranted from the text.

“ ‘ ‘ ‘As in any case involving statutory interpretation, our fundamental task here is to determine the Legislature’s intent so as to effectuate the law’s purpose.’ [Citation.] ‘We begin with the plain language of the statute, affording the words of the provision their ordinary and usual meaning and viewing them in their statutory context, because the language employed in the Legislature’s enactment generally is the

most reliable indicator of legislative intent.’ [Citations.] The plain meaning controls if there is no ambiguity in the statutory language. [Citation.] If, however, ‘the statutory language may reasonably be given more than one interpretation, “ ‘ “courts may consider various extrinsic aids, including the purpose of the statute, the evils to be remedied, the legislative history, public policy, and the statutory scheme encompassing the statute.” ’ ’ ’ [Citation.]’ [Citation.]’ [Citation.]” (*Heckart v. A-1 Self Storage, Inc.* (2018) 4 Cal.5th 749, 757.)

The plain language of the Groundwater Adjudication Statute does not use the singular “basin” in a restrictive sense. “The singular number includes the plural and the plural number includes the singular.” (Code Civ. Proc., § 17, subd. (a); accord, Wat. Code, § 13.) Moreover, the Legislature has instructed that the Groundwater Adjudication Statutes be interpreted, among other things, to conduct “a comprehensive adjudication in a manner that promotes efficiency, reduces unnecessary delays, and provides due process.” (Code Civ. Proc., § 830, subd. (b)(2).) It may be that adjudicating two adjacent, potentially hydrogeologically-connected basins may be more efficient than adjudicating the two basins in separate actions. Necessarily then, it may promote efficiency to adjudicate the two basins together in a single action. To effectuate the Legislature’s instructions for interpretation, the text should not be read to preclude that more efficient approach in all cases.

The plain language of the Groundwater Adjudication Statute provides no language that addresses joinder of the adjudication action with other causes of action. Indeed, there is nothing in the plain language of the Groundwater Adjudication Statute that would preclude two separately filed comprehensive adjudications each addressing a different basin from being consolidated for all purposes or for more limited purposes including trial. (See Code Civ. Proc., § 1048, subd. (a).) (Note: In reply to the opposition of Opposing Intervenor, the Demurring Parties offer consolidation as a permissible option even in their one-basin-per-action interpretation of the Groundwater Adjudication Statute. (Reply, at p. 2.) This concession demonstrates that adjudication of two basins in a single action—such as a consolidated action—cannot be outside of the jurisdiction of the court.) The limitation in section 841, subdivision (a) as to boundary consistency is most reasonably understood as a requirement of the judgment providing the comprehensive adjudication. Nothing in the text of section 841 suggests that separate adjudications of adjacent basins, each within the Bulletin 118 boundaries of its own basin, would be precluded as part of the complete judgment in this, or any other action.

Putting these concepts together, the Groundwater Adjudication Statute expressly provides that the underlying procedural law applies unless it conflicts with the provisions of the Groundwater Adjudication Statute. Separate adjudications of multiple basins occurring within a single lawsuit are consistent with the text and intent of the Groundwater Adjudication Statute and with the underlying procedural law. Nothing in the Groundwater Adjudication Statute suggests that the court’s jurisdiction of any particular comprehensive adjudication is lost by the inclusion of a second adjudication. Finally, as discussed above, the fact that the first and second causes of action include both adjudications under the same title is neither a separate ground for demurrer nor a ground for asserting that otherwise sufficiently pleaded causes of action do not allege sufficient facts to state a cause of action.

The demurrer challenges only the sufficiency of the pleadings. Issues regarding how to manage the litigation are not matters of pleading. The demurrer will be overruled on this ground.

## (2) Standing

The Demurring Parties also demur on the ground that plaintiffs overlying one basin do not have standing to adjudicate the other basin because such plaintiffs do not have standing.

“ ‘ [A] complaint by a party lacking standing fails to state a cause of action *by the particular named plaintiff*, inasmuch as the claim belongs to somebody else. [Citation.] A more accurately stated rationale would be that there is a defect in the parties, since the party named as plaintiff is not the real party in interest.” [Citation.] “Plaintiff’s lack of standing to sue on the claim is treated as a ‘jurisdictional’ defect and is not waived by defendant’s failure to raise it by demurrer or answer: ‘[C]ontentions based on a lack of standing involve jurisdictional challenges and may be raised at any time in the proceeding.’ ” [Citation.] “Lack of standing negates existence of a cause of action and is not waived by failure to object; it can even be raised for the first time on appeal.” [Citation.] [Citation.]” (*Cummings v. Stanley* (2009) 177 Cal.App.4th 493, 501, emphasis added.)

“A demurrer lies for lack of standing when the defect appears *on the face of the pleading or from judicially noticeable matters*.” (*Qualified Patients Assn. v. City of Anaheim* (2010) 187 Cal.App.4th 734, 752, emphasis in original.) “A demurrer shall distinctly specify the grounds upon which any of the objections to the complaint, cross-complaint, or answer are taken. Unless it does so, it may be disregarded.” (Code Civ. Proc., § 430.60.) The demurrer here is to the entirety of the first and second causes of action and not as to either of these causes of action as brought by any specific plaintiff. (Notice, at p. 1.)

The Demurring Parties argue that the only person with standing to bring a comprehensive adjudication action is a party owning land overlying the basin for which the adjudication is sought, citing Code of Civil Procedure section 832, subdivisions (b), (c), and (k). (Demurrer, at p. 11.) Section 832 is the section providing definitions for the Groundwater Adjudication Statute:

“ ‘Complaint’ means a complaint filed in superior court to determine rights to extract groundwater and includes any cross-complaint that initiates a comprehensive adjudication in response to a plaintiff’s complaint or other cross-complaint.” (Code Civ. Proc., § 832, subd. (b).)

“ ‘Comprehensive adjudication’ means an action filed in superior court to comprehensively determine rights to extract groundwater in a basin.” (Code Civ. Proc., § 832, subd. (c).)

“ ‘Plaintiff’ means the person filing the complaint initiating a comprehensive adjudication and includes a cross-complainant who initiates a comprehensive adjudication by cross-complaint.” (Code Civ. Proc., § 832, subd. (k).)

Assuming without deciding that ownership of overlying land is necessary to confer standing to initiate an action as to a basin, plaintiffs have sufficiently alleged such ownership. The list of individual plaintiffs alleges that “each own land overlying the Basins, and each one grows commercial crops that are irrigated with groundwater derived from the Basins.” (FAC, ¶ 9.) The plaintiffs further allege that “[e]ach Plaintiff, including each member of the OPV Coalition, owns groundwater rights related to the parcels they own overlying the Basins.” (FAC, ¶ 10.) A reasonable construction of these allegations is that at least one plaintiff owns land with associated groundwater rights overlying each of the two Basins. Consequently, the first and second causes of action sufficiently allege standing (even assuming standing is limited to ownership of overlying land) to initiate a comprehensive adjudication as to each Basin.

“If the complaint states a cause of action in equity for any one of the plaintiffs, it is sufficient against a general demurrer.” (*Erro v. City of Santa Barbara* (1932) 123 Cal.App. 508, 511–512.) Accordingly, the demurrer will be overruled on the ground of lack of standing.

It is important to note that even if the demurrer had been directed at particular plaintiffs, standing to participate in a comprehensive adjudication is not as limited as the Demurring Parties assert.

“The court shall allow any person to intervene in a comprehensive adjudication conducted pursuant to this chapter upon an ex parte application that demonstrates that the person holds fee simple ownership in a parcel in the basin, or extracts or stores water in the basin. A person filing an ex parte application pursuant to this subdivision shall give notice to the plaintiff consistent with the California Rules of Court.” (Code Civ. Proc., § 837, subd. (c).) “A person may apply to intervene in a comprehensive adjudication conducted pursuant to this chapter pursuant to Section 387.” (Code Civ. Proc., § 837, subd. (d).)

“The court shall, upon timely application, permit a nonparty to intervene in the action or proceeding if either of the following conditions is satisfied:

“(A) A provision of law confers an unconditional right to intervene.

“(B) The person seeking intervention claims an interest relating to the property or transaction that is the subject of the action and that person is so situated that the disposition of the action may impair or impede that person’s ability to protect that interest, unless that person’s interest is adequately represented by one or more of the existing parties.” (Code Civ. Proc., § 387, subd. (d)(1).)

Section 837, subdivision (c) confers an unconditional right to intervene where a person either holds a fee simple ownership in an overlying parcel or extracts or stores water in the basin. Section subdivision (d) expressly permits intervention by other persons claiming an interest in the comprehensive adjudication where general principles of intervention are otherwise met. So, even if some of the plaintiffs own land overlying one basin but not another, those plaintiffs are not categorically excluded from participation in the comprehensive adjudication of the other basin. For the same reason, the participation of those persons *as plaintiffs* as to the comprehensive adjudication of the other basin would not mean that the complaint fails to state a cause of action as to a comprehensive adjudication as to either basin.

DARREL E. PARKER, EXECUTIVE OFFICER

Minutes Prepared by:

\_\_\_\_\_ Kristi Temple \_\_\_\_\_, Deputy