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

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

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF KINGS

KINGS COUNTY FARM BUREAU, HELEN SULLIVAN and JULIE MARTELLA,

Petitioners/Plaintiffs,

v.

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

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

Based upon Petitioners/Plaintiffs Kings County Farm Bureau, Helen Sullivan, and Julie Martella's (Petitioners) *ex parte* application for order to show cause why a preliminary injunction should not be issued and for a temporary restraining order, upon the memorandum of points and authorities in support thereof, upon the declarations in support thereof, upon the request for judicial 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

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

ORDER TO SHOW CAUSE

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

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

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

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

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

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

5. _____

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

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

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

Dated: July 15, 2024

Kathy Ciuffini
Judge of the Kings County Superior Court
KATHY CIUFFINI

SUPERIOR COURT KINGS COUNTY STATE OF CALIFORNIA

[Continued]

TEMPORARY RESTRAINING ORDER

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

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

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

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

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

5. _____.

IT IS SO ORDERED.

Dated: July 15, 2024

SUPERIOR COURT KINGS COUNTY STATE OF CALIFORNIA

Kathy Ciuffini
Judge of the Kings County Superior Court
KATHY CIUFFINI