

February 28, 2025

Cory Bantilan, Chair
Cuyama Basin Groundwater Sustainability Agency
Cuyama Valley Family Resource Center 4689 CA-166
New Cuyama, California 93254

Sent via email to: TBlakslee@hgcpm.com

RE: General Items for Consideration

Dear Chair Bantilan:

The UC Davis School of Law Small Farmer Water Justice Clinic (“Clinic”) submits this letter to the Cuyama Basin Groundwater Sustainability Agency (“CBGSA”) for your consideration.

The Clinic was founded in July 2024 to assist small farmers with their legal issues relating to their water use and water rights, especially those issues involving the Sustainable Groundwater Management Act (SGMA). As part of that mission, the Clinic would like to make sure CBGSA is aware of (1) the need to upload documents related to the adjudication onto the CBGSA website and (2) the need to comply with a disclosure of economic interests.

(1) Adjudication Documents Posted to the CBGSA Website

Existing law requires that “all case management orders, judgments, and interlocutory orders” in certain adjudication actions be posted on a specified groundwater sustainability agency website “in the interest of transparency and accessibility.”¹

For CBGSA, this means that all case management orders, judgments, and interlocutory orders in the matter of *Bolthouse Land Company, LLC, et al. vs All Persons Claiming a Right to Extract Or Store Groundwater in the Cuyama Valley Groundwater Basin (No. 3-013), et al.* (Case No. BCV-21-101927) should be available to the public on the CBGSA website.

Existing law specifies that the court should have appointed one party in the adjudication action to forward to CBGSA all case management orders, judgments, and interlocutory orders within 10 business days of issuance by the court. CBGSA is required to post those documents on its website within 20 business days of receipt from the appointed party.²

While it appears no party in the adjudication has been appointed by the court to forward documents to CBGSA, CBGSA is itself a party in the adjudication and should be receiving documents related to the adjudication when they are filed through CaseAnywhere.

The Clinic requests that CBGSA make efforts to post these documents to its website as quickly as possible after CBGSA receives them from the court. A commitment by CBGSA to timely upload court documents would remove a barrier to meaningful participation in the adjudication by small farmers, some of whom are unrepresented and not yet on the Case Anywhere service list. In posting adjudication information on its website, CBGSA has an opportunity not just to comply with state law, but to be an informational resource to

¹ Cal. Code of Civ. Proc. § 831.5(a).

² *Id.*

small farmers in the Cuyama Basin seeking to preserve their livelihoods. This is consistent with findings and declarations by the Legislature regarding court fees and costs in a comprehensive adjudication.³ Keeping the uploaded information current is especially important now that the adjudication is moving forward to “Phase 2” in the near future. We believe that CBGSA would incur only minimal costs to upload the documents.

As of the writing of this letter, CBGSA has maintained a webpage that contains a pulldown menu dedicated to “Adjudication Docs.”⁴ However, the most recent document is a minute order dated March 11, 2024.⁵ It is our understanding that the following case management orders, judgements, and interlocutory orders have been issued by the court since March 11, 2024:

Filed	Document
2/21/2025	Minute Order: Minute Order (Ruling on Submitted Matter)
1/29/2025	Minute Order: Minute Order (Further Status Conference Re: Expert Discovery and Notice Given)
1/23/2025	Minute Order: Minute Order (Trial Readiness Conference)
1/16/2025	Minute Order: Minute Order (Court Order Re: New Trial Readiness Conference set for January)
1/10/2025	Minute Order: Minute Order (Non-Appearance Case Review Re: Pro Hac Vice Renewal Fee for S...)
12/12/2024	Order : Phase 2 Discovery and Trial Order
12/3/2024	Minute Order: Minute Order (Further Status Conference)
10/31/2024	Minute Order: Minute Order (Hearing on Motion to Compel Discovery ; Hearing on Motion - O...)
10/24/2024	Minute Order: Minute Order (Court Order Re: Notice of Continuing October 28 hearing to Oc...)
9/12/2024	Minute Order: Minute Order (Further Status Conference Finalizing Safe Yield Jury Instruc...)
8/7/2024	Minute Order: Minute Order (Further Status Conference)
6/27/2024	Minute Order: Minute Order (Status Conference)
6/27/2024	Minute Order: Minute Order (Status Conference)
6/11/2024	Minute Order: Minute Order (Nunc Pro Tunc Order)
6/11/2024	Minute Order: Minute Order (Status Conference)
5/30/2024	Notice of Case Reassignment and Order for Plaintiff to Give Notice: Appointment Order
5/30/2024	Minute Order: Minute Order (Court Order Re: Appointment Order)
5/13/2024	Minute Order: Minute Order (Court Order Re: Notice of Taking Status Conference Off

³ Cal. Code of Civ. Proc. § 831; See also Cal. Gov. Code § 68630.

⁴ Cuyama Basin GSA “Resources” <https://cuyamabasin.org/resources#adjudication>

⁵ *Id.* (24.03.11-Minute-Order-following-OSC-re-Surface-Rights-and-Case-Management-Conference).

	Calendar;)
5/2/2024	Minute Order: Minute Order (Non-Appearance Case Review Re: Submitting of [Proposed] Case ...)

The following case management orders, judgements, and interlocutory orders dated prior to March 11, 2024 are not available on the CBGSA website:

Filed	Document
1/9/2024	Minute Order: (Non-Appearance Case Review Re: Pro Hac Vice Renewal Fee for S...)
12/26/2023	Minute Order: (Non-Appearance Case Review Re: Filing of Objections and Brief...)
10/11/2023	Minute Order: (Status Conference Re: Status of Service;)
6/29/2023	Order : Amended Order Re Phase 1 Discovery and Trial Order
3/10/2023	Order : Compliance Order Re: Initial Disclosures and Phase 1 Trial Order
9/13/2022	Minute Order: (Non-Appearance Case Review Re: Objections to Jurisdictional B...)
7/7/2022	Order on Media Request to Permit Coverage
3/22/2022	Case Management Order: Joint Case Management Order on Initial Status Conference and Plaintiffs's Motion for Approval of Notice of Commencement and Form Answer
3/22/2022	Minute Order: (Court Order Re: Notice of Issuing Order Authorizing Electroni...)
3/10/2022	Minute Order: (Court Order Re: Notice of Vacating Non-Appearance Case Review...)
3/8/2022	Order : FINAL RULINGS/ORDERS
3/8/2022	Minute Order: (Initial Status Conference; Hearing on Motion - Other for Appr...)
1/14/2022	Minute Order: (Court Order Re: Notice of Setting Hearing for Motion for Appr...)
1/6/2022	Initial Status Conference Order
1/6/2022	Minute Order: (Court Order Setting Initial Status Conference)
8/31/2021	Order : Letter Re: Order Granting Ex Parte Application
8/31/2021	Order : Granting Ex Parte Application Referring Action to Judicial Counsel for Judicial Assignment
8/31/2021	Minute Order

(2) Disclosure of Economic Interests

Existing law requires “members of the board of directors and the executive of a groundwater sustainability agency [to] file statements of economic interests in accordance with [the Political Reform Act of 1974] with the [Fair Political Practices Commission (“Commission”)] using the Commission’s online system for filing statements of economic interests.”⁶

The Clinic is informed that only three of the eighteen individuals identified by the Commission as required to file a statement of economic interests were issued an initial notice by the Commission. That initial notice was issued January 31, 2025. The annual deadline to file a statement of economic interest for all individuals is April 1st.⁷ We urge CBGSA to confirm that all appropriate individuals have received notice to make a filing. The failure to file on time can result in a financial penalty.⁸

The Clinic believes an update during the next CBGSA regular meeting regarding compliance with filing statements of economic interests would be valuable to the public. This would be an opportunity for CBGSA to demonstrate its commitment to transparency.

The Clinic would also like to notify CBGSA that a newly introduced bill, AB 293, would require CBGSA to publish the location where the statements of economic interests filed by CBGSA individuals can be viewed.⁹ While it is uncertain whether this bill will be enacted, the Clinic suggests that CBGSA be aware of the progress of this legislation and consider it when addressing compliance with existing law.

Recommended Actions for CBGSA

The Clinic recommends that CBGSA consider the following actions:

1. Upload the court documents listed in this letter to the CBGSA website;
2. Adopt an internal policy for staff to upload all case management orders, judgments, and interlocutory orders related to the basin’s adjudication to the CBGSA website in a timely manner;
3. Provide an update to the public regarding compliance with existing law governing disclosure of economic interests at the CBGSA meeting on March 5th, 2025.

We appreciate your consideration of our recommendations. If you have any questions, please reach out to David Sandino at (530) 754-2067 or Christopher Mouawad at cjmouawad-clinic@law.ucdavis.edu.

Sincerely,

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CC: Grace Bianchi

⁶ Cal. Gov. Code § 87200.5(a).

⁷ Cal. Code Regs Tit. 2, § 18723(b)(3).

⁸ Cal. Gov. Code § 91013.

⁹ Assm. Bill 293 (Bennett), California Leg. 2025-2026 Reg. Session.