

1 LAUREN D. LAYNE #273627  
llyne@bakermanock.com  
2 DIANE E. CODERNIZ # 279458  
dcoderniz@bakermanock.com  
3 GABRIEL A. DELGADO #294233  
gdelgado@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

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2/2/2021 9:45 AM  
Superior Court of California  
County of Fresno  
By: A. Ramos, Deputy

7 Attorneys for MERCY SPRINGS WATER DISTRICT  
8

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 COUNTY OF FRESNO, CENTRAL DIVISION  
11

12 MERCY SPRINGS WATER DISTRICT, a  
California water district,

13 Plaintiff,

14 v.  
15

16 ALL PERSONS INTERESTED IN THE  
MATTER of the Authorization of the Contract  
Between the United States and Mercy Springs  
17 Water District Providing for Project Water  
Service From Delta Division and Facilities  
18 Repayment, Contract No. 14-06-200-3365A-  
LTR1-P and the Proceedings Related Thereto,

19 Defendants.  
20

Case No. 20CECG03420

**AMENDED SUMMONS**

**(CITATION JUDICIAL)**

**[Code Civ. Proc. §§ 860 et seq.]**

**[Calendar Preference per Code of Civil  
Procedure § 867]**

**Case Filed: November 19, 2020**

21 **NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU**

22 **WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND NOT LATER THAN**

23 **MARCH 26, 2021. READ THE INFORMATION BELOW.**

24 **AVISO! USTED HA SIDO DEMANDADO. EL TRIBUNAL PUEDE DECIDIR CONTRA**

25 **USTED SIN AUDIENCIA A MENOS QUE USTED RESPONDA NO MAS TARDE QUE**

26 **EL DIA 26 DE MARZO DE 2021. LEA LA INFORMACION QUE SIGUE.**

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1 **ALL PERSONS INTERESTED IN THE MATTER OF THE AUTHORIZATION OF THE**  
2 **CONTRACT BETWEEN THE UNITED STATES AND *MERCY SPRINGS* WATER**  
3 **DISTRICT PROVIDING FOR PROJECT WATER SERVICE *FROM DELTA DIVISION***  
4 **AND FACILITIES REPAYMENT, CONTRACT NO. *14-06-200-3365A-LTR1-P*, AND THE**  
5 **PROCEEDINGS RELATED THERETO (THE “CONVERSION CONTRACT”):**

6 Plaintiff has filed a civil complaint against you. You may contest the validity of the above  
7 matter by appearing and filing with the Court a written responsive pleading to the complaint not  
8 later than March 26, 2021, which is ten (10) or more days after the completion of the publication  
9 of this summons in the *Fresno Business Journal* and the *Hanford Sentinel*. Your pleading must be  
10 in the form required by the California Rules of Court. Your original pleading must be filed in this  
11 Court with proper filing fees and proof that a copy thereof was served on Plaintiff’s attorney.  
12 Unless you so respond, your default will be entered upon Plaintiff’s application, and the Plaintiff  
13 may apply to the Court for the relief demanded in the complaint. Persons who contest the validity  
14 of the matter described below and in the complaint will not be subject to punitive action, such as  
15 wage garnishment or seizure of their real or personal property.

16 **DETAILED SUMMARY OF THE MATTER THAT PLAINTIFF SEEKS TO**  
17 **VALIDATE:**

18 The Mercy Springs Water District (the “District”) is a California water district located in  
19 Fresno County, with its principal office in Firebaugh, California. Pursuant to applicable statutes  
20 and other authorities, the District is authorized to perform various duties and functions related to  
21 providing irrigation water to landowners within the District’s boundaries. As pertinent here, the  
22 District is authorized to enter into contracts with and cooperate with the United States for  
23 irrigation purposes. Beginning in 1967, the District has so contracted for water delivery with the  
24 United States Department of Interior, Bureau of Reclamation (“Reclamation”) for delivery of  
25 water through the federal Central Valley Project (“CVP”) water reclamation dams, canals, and  
26 other facilities. The District transferred a large part of its contracted CVP water to third parties for  
27 agricultural purposes and retains some amounts for its landowners within the District.

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

13 The District publicly noticed its special Board of Directors (the “Board”) meeting agenda  
14 on-site at the District and on the District’s website, notifying the public of the Board’s  
15 consideration of the Conversion Contract to be held on October 15, 2020. At the Board meeting  
16 on October 15, 2020, the District’s Board approved the Conversion Contract and authorized the  
17 execution and delivery of the Conversion Contract to Reclamation, and related actions in  
18 furtherance of executing the Conversion Contract. A copy of the Resolution is attached in the  
19 District’s complaint as Exhibit 1.

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

24 52027 W. Althea Ave., Firebaugh CA, 93622

25 <https://mercyspringswd.specialdistrict.org/>

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

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1 YOU MAY SEEK THE ADVICE OF AN ATTORNEY IN ANY MATTER CONNECTED  
2 WITH THE COMPLAINT OR THIS SUMMONS. SUCH ATTORNEY SHOULD BE  
3 CONTACTED PROMPTLY SO THAT YOUR PLEADING MAY BE FILED OR  
4 ENTERED WITHIN THE TIME REQUIRED BY THIS SUMMONS.  
5 SI USTED DESEA SOLICITAR EL CONSEJO DE UN ABOGADO EN ESTE ASUNTO,  
6 DEBERIA HACERLO IMMEDIATAMENTE. TAL ABOGADO DEBERIA SER  
7 CONSULTADO PRONTO PARA QUE SU REPUESTA ESCRITA PUEDA SER  
8 REGISTRADA DENTRO DEL TIEMPO REQUERIDO POR ESTA CITACION  
9 JUDICIAL.

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

11 Fresno County Superior Court  
12 B.F. Sisk Courthouse  
13 1130 O Street  
14 Fresno, California 93721-2220  
15 [http://www.fresno.courts.ca.gov/case\\_info/](http://www.fresno.courts.ca.gov/case_info/)

16 CASE NUMBER (Número del Caso): 20CECG03420

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: 2/2/2021  
27 (Fecha)

28 Clerk, by: A. Ramos, Deputy  
(Secretario) (Adjunto)

