	A11-002	
ATTORNEY OR PARTY WITHOUT ATTORNEY:  NAME: John Pinkney SBN 162586 / Shaun M. Murphy SBN 194965  FIRM NAME: Slovak Baron Empey Murphy & Pinkney  STREET ADDRESS: 1800 E. Tahquitz Canyon Way  CITY: Palm Springs  TELEPHONE NO.: 760-322-2275  E-MAIL ADDRESS: murphy@sbemp.com; pinkney@sbemp.com; calendar@sbeattorney for (name): Plaintiff/Appellant, Mission Springs Water District  SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE  STREET ADDRESS: 3255 E. Tahquitz Canyon Way  MAILING ADDRESS: 3255 E. Tahquitz Canyon Way  CITY AND ZIP CODE: Palm Springs, CA 92262  BRANCH NAME: Palm Springs Courthouse		
DEFENDANT/RESPONDENT: DESERT WATER AGENCY  X NOTICE OF APPEAL CROSS-APPEAL (UNLIMITED CIVIL CASE)	CASE NUMBER: PSC 1600676	
Notice: Please read <i>Information on Appeal Procedures for Un</i> APP-001) before completing this form. This form must be file A copy of this form must also be served on the other party of applicable Judicial Council form (such as APP-009 or APP-00 has been completed and a copy served, the original may the	d in the superior court, not in the Court of Appeal. r parties to this appeal. You may use an O9E) for the proof of service. When this document	
1. NOTICE IS HEREBY GIVEN that (name): Mission Springs Water District appeals from the following judgment or order in this case, which was entered on (date): May 5, 2022  Judgment after jury trial  X Judgment after court trial Default judgment Judgment after an order granting a summary judgment motion Judgment of dismissal under Code of Civil Procedure, §§ 581d, 583.250, 583.360, or 583.430 Judgment of dismissal after an order sustaining a demurrer An order after judgment under Code of Civil Procedure, § 904.1(a)(2) An order or judgment under Code of Civil Procedure, § 904.1(a)(3)—(13) Other (describe and specify code section that authorizes this appeal):		
2. For cross-appeals only:  a. Date notice of appeal was filed in original appeal:  b. Date superior court clerk mailed notice of original appeal:  c. Court of Appeal case number (if known):  Date: June 24, 2022  Shaun M. Murphy, Esq.  (TYPE OR PRINT NAME)	(SIGNATURE OF PARTY OR ATTORNEY)  Page 1 of 1	

1		[Exempt from filing fees, Gov. Code §6103]
2	John Pinkney (SBN 162586) Shaun M. Murphy (SBN 194965)	
3	Marguerite P. Battersby (SBN 115422) Katelyn K. Empey (SBN 292110)	
4	SLOVAK BARON EMPEY MURPHY & PIN 1800 E. Tahquitz Canyon Way, Palm Springs, Telephone: (760) 322-2275	
5 6	Facsimile: (760) 322-2107 Email: pinkney@sbemp.com; murphy@sbembattersby@sbemp.com; kempey@sbemp.com	np.com; MAY 0.5 2022
7	Attorneys for Petitioner/Plaintiff, MISSION S	17000Ga
8	WATER DISTRICT	TRINGS
9	SUPERIOR COURT OF T	THE STATE OF CALIFORNIA
10	COUNTY OF RIVERSIDE – PALM SPRINGS COURTHOUSE	
11		
12	MISSION SPRINGS WATER DISTRICT,	CASE NO.: PSC 1600676
13	a California county water district,	Case Assigned For All Purposes to Dept. PS2,
14	Petitioner and Plaintiff,	<u> </u>
15	v.	
16	DESERT WATER AGENCY, a California	
17	public agency; COACHELLA VALLEY WATER DISTRICT, a California county	militar 1 1 m etc. militar 14 0010
18	water district; CALIFORNIA DEPARTMENT OF WATER RESOURCES, an agency of the State of	Third Amended Petition Filed: June 14, 2018 Amended Petition Filed: April 12, 2016 Complaint Filed: February 16, 2016
19	California; and DOES 1 through 50,	Trial Date: July 1, 2022
20	Respondents and Defendants.	
21		
22	THE CITY OF INDIO WATER	
23	AUTHORITY, a California joint powers authority and public agency; THE CITY OF	
24	COACHELLÂ WATER AUTHORITY, a California joint powers authority and public agency; and DOES 51 through 100,	·
25	Real Parties in Interest.	,
26	Near Faithes III IIItelest.	
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Petitioner/Plaintiff MISSION SPRINGS WATER DISTRICT's (Mission Springs) Petition for Writ of Mandate came on for hearing on December 9, 2021, in Department PS2 of the above-entitled Court, the Honorable Randall White, presiding. Shaun Murphy and Katelyn Empey of Slovak Baron Empey Murphy & Pinkney, LLP appeared by video on behalf of Mission Springs Water District. Piero Dallarda, Wendy Wang, and Holland Stewart of Best Best & Krieger LLP appeared by video on behalf of Desert Water Agency. Noah Golden-Krasner of the Office of the Attorney General appeared by video on behalf of California Department of Water Resources. Following oral argument, the matter was taken under submission. Having taken the matter under submission,

### IT IS HEREBY ORDERED, ADJUDGED AND DECREED that

- Mission Springs' Petition for Administrative Mandamus (CCP § 1094.5) is 1. denied. Judgment is entered in favor of Desert Water Agency and against Mission Springs on its First Cause of Action for Administrative Mandamus.
- Mission Springs' Petition for Traditional Mandate (CCP § 1085) is denied. 2. Judgment is entered in favor of Desert Water Agency and the Department of Water Resources and against Mission Springs on its Second Cause of Action for Traditional Mandate.
- Judgment is entered in favor of Desert Water Agency and against Mission Springs 3. on its Fifth Cause of Action for Declaratory Relief-SGMA.
- 4. The remaining causes of action in the Third Amended Petition and Complaint in this case have been voluntarily dismissed with prejudice pursuant to a stipulation of the parties so no causes of action remain pending.
- Mission Springs' Petition for Administrative Mandamus (CCP § 1094.5) against 5. Department of Water Resources was previously dismissed without prejudice and is hereby dismissed with prejudice.

JUDGE OF THE SUPERIOR COURT

Ronald L. Johnson

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## PROOF OF SERVICE CCP §§ 1011, 1013, 1013a STATE OF CALIFORNIA COUNTY OF RIVERSIDE

I, the undersigned, am employed in the County of Riverside, California, am over the age of 18 years and not a party to this lawsuit. My business address is 1800 East Tahquitz Canyon Way, Palm Springs, California 92262.

On June 24, 2022, I served or caused to be served the foregoing documents described as: **APPELLANT'S NOTICE OF APPEAL** on all interested parties in this action as follows:

### SEE MAILING LIST ATTACHED

- BY MAIL: I deposited such document in a sealed envelope with postage fully prepaid, in the mail at Palm Springs, California.
- BY OVERNIGHT DELIVERY: I caused such document to be delivered overnight from Palm Springs, California, to the business address maintained by the above person(s) as last indicated by that person on a document that he or she has filed in the above-entitled cause and served on this party.
- VIA ELECTRONIC MAIL: Service by electronic mail was made either pursuant to a California Code of Civil Procedure section 1010.6, to an agreement between the parties permitting the same, or as a professional courtesy in addition to other proper service. The electronic mail was sent to an electronic mail address maintained by the person(s) on whom the document(s) is/are served as last given by that/those person(s). I personally requested a "read receipt" for this electronic mail message, and, unless disallowed by the recipient, received the same.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on June 24, 2022 at Palm Springs, California.

# Slovak Baron Empey Murphy & Pinkney LLP 1800 E. Tahquitz Canyon Way Palm Springs, CA 92262

# **MAILING LIST**

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