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7 Attorneys for Plaintiffs
DOUBLE VEE PROPERTIES, LLC; CALDERA
8 RANCH, LLC; HUNDRED ACRE LLC; and
THE HUNDRED ACRE WINE GROUP, INC.
9

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION
12

13 DOUBLE VEE PROPERTIES, LLC, a
Delaware limited liability company;
14 CALDERA RANCH, LLC, a California
limited liability company; HUNDRED ACRE
15 LLC, a Nevada limited liability company; and
THE HUNDRED ACRE WINE GROUP,
16 INC., a Delaware corporation,

17 Plaintiffs,

18 v.

19 COUNTY OF NAPA, a political subdivision
of the State of California; and BRIAN
20 BORDONA, in his official capacity as
Director of Planning, Building and
21 Environmental Services,

22 Defendants.
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Case No.

**COMPLAINT FOR TAKING OF
PROPERTY WITHOUT JUST
COMPENSATION, FOR DEPRIVATION
OF RIGHTS UNDER THE FIRST, FIFTH,
AND FOURTEENTH AMENDMENTS,
AND FOR DECLARATORY RELIEF**

DEMAND FOR JURY TRIAL

1 Plaintiffs Double Vee Properties, LLC, Caldera Ranch, LLC, Hundred Acre LLC, and The
2 Hundred Acre Wine Group, Inc. allege as follows:

3 **INTRODUCTION**

4 1. Plaintiffs grow grapes of superb quality on their land. They are able to do so because
5 of the extraordinary soils on their properties and the beneficial climate with which their properties
6 are blessed. Plaintiffs’ properties derive substantial value from the combination of those advantages.

7 2. The soil on Plaintiffs’ properties is ideally suited to produce high quality grapes. The
8 climate in Napa County is ideal for that purpose as well. And Plaintiffs have access, on their own
9 properties, to sufficient water for their agricultural needs.

10 3. The County has no authority over the quality of the soil on Plaintiffs’ properties, nor
11 does it parcel out the sunshine, rainfall, and moderate temperatures that are essential to the
12 production of Plaintiffs’ grapes. The County does, however, exercise some degree of lawful
13 authority over Plaintiffs’ access to the water that underlies their properties, and it is empowered to
14 exercise certain other regulatory functions with respect to Plaintiffs’ businesses. This action
15 concerns the County’s abuse of that authority and its unlawful deprivation of Plaintiffs’ rights to use
16 and enjoy their own land.

17 4. As set forth below, the County’s lawful authority over Plaintiffs’ access to their own
18 water is constrained by superior sources of law, as well as by its own ordinances and regulations.
19 The County has acted in disregard of those constraints, and has wielded its regulatory powers in
20 illegitimate ways, thereby causing harm to Plaintiffs, who bring this action in order to vindicate their
21 rights to use the water to which they are legally entitled.

22 **THE PARTIES**

23 5. Plaintiff Double Vee Properties, LLC (“Double Vee”) is a Delaware limited liability
24 company, engaged in the business of growing grapes on its property, which is located in the City of
25 St. Helena, California.

26 6. Plaintiff Caldera Ranch, LLC (“Caldera”) is a California limited liability company,
27 engaged in the business of growing grapes on its property, which is located in the City of St. Helena,
28 California.

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1 7. Plaintiff Hundred Acre LLC (“Hundred Acre”) is a Nevada limited liability
2 company, engaged in the business of growing grapes on its property, which is located in the City of
3 St. Helena, California.

4 8. Plaintiff The Hundred Acre Wine Group, Inc. (“Hundred Acre Wine Group”) is a
5 Delaware corporation, engaged in the business of growing grapes on its property, which is located
6 in the City of Calistoga, California.

7 9. Defendant County of Napa (the “County”) is a political subdivision of the State of
8 California.

9 10. Defendant Brian Bordona is the County’s Director of Planning, Building and
10 Environmental Services, and is named herein in his official capacity.

11 **JURISDICTION**

12 11. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C.
13 §§ 1331, 1343, 1367 and 42 U.S.C. § 1983.

14 12. This Court has personal jurisdiction over the Defendant.

15 **VENUE**

16 13. Venue is proper in this Court pursuant to 28 U.S.C. §1391 because the claims
17 contained herein arise out of actions taken in the County of Napa.

18 **DIVISIONAL ASSIGNMENT**

19 14. Pursuant to Civil Local Rule 3-5(b), assignment of this action to any division would
20 be appropriate in light of the similar proximity of each division to Napa County.

21 **APPLICABLE LAW**

22 **I. California Water Rights Law**

23 a. Overlying water rights

24 15. Water rights in California are usufructuary, meaning that rights holders possess a
25 right to the use of water. *City of Barstow v. Mojave Water Agency*, 23 Cal. 4th 1224, 1237 fn. 7
26 (2000).

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1 16. “An overlying water right . . . is the right to take water from the ground underneath
2 the land for use on the land. The right is based on the ownership of the land and is appurtenant
3 thereto.” *Tehachapi-Cummings Cnty. Water Dist., v. Armstrong*, 49 Cal.App.3d 992, 1001 (1975).

4 17. Overlying rights are not lost or diminished through non-use. Dormant or unexercised
5 overlying rights have the same priority as exercised overlying rights. *Wright v. Goleta Water Dist.*,
6 174 Cal. App. 3d 74 (1985).

7 18. Overlying water rights are correlative, meaning that the rights of each overlying
8 water user within the basin “are mutual and reciprocal.” *Tehachapi*, 49 Cal. App. 3d at 1001.
9 “[E]ach has a common right to take all that he can beneficially use on his land if the quantity is
10 sufficient; if the quantity is insufficient, each is limited to his proportionate fair share of the total
11 amount available based upon his reasonable need.” *Id.*

12 19. The determination of reasonable use requires an individualized, comparative
13 assessment of facts:

14 [W]here there is insufficient water for the current reasonable needs of
15 all the overlying owners, many factors are to be considered in
16 determining each owner’s proportionate share: the amount of water
17 available, the extent of ownership in the basin, the nature of the
18 projected use—if for agriculture, the area sought to be irrigated, the
character of the soil, the practicability of irrigation, i.e., the expense
thereof, the comparative profit of the different crops which could be
made of the water on the land—all these and many other
considerations must enter into the solution of the problem.

19 *Tehachapi*, 49 Cal. App. 3d at 1001-1002.

20 b. The Sustainable Groundwater Management Act

21 20. Effective January 1, 2015, the State of California promulgated the Sustainable
22 Groundwater Management Act (“SGMA”). Cal. Water Code §§ 10720 *et seq.* The goal of SGMA
23 is to empower local agencies to achieve “sustainable” groundwater usage throughout the state. It
24 creates a system of Groundwater Sustainability Agencies (“GSAs”) responsible for developing
25 Groundwater Sustainability Plans (“GSPs”) to achieve SGMA’s sustainability goals.

26 21. The SGMA does not alter the existing scheme of common law California water
27 rights. Cal. Water Code § 10720.5.

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1 **II. The County’s Regulation of Groundwater Use**

2 a. The County’s well permitting is ministerial

3 22. The County regulates wells through County Code Chapter 13.12. The sole purpose
4 of the chapter is to ensure that the County’s groundwater “will not be contaminated or polluted.”
5 Ord. § 13.12.010.

6 23. County Code Chapter 13.12 promulgates a permit scheme managed by Napa’s
7 Department of Planning, Building & Environmental Services (“PBES”). It requires that permits be
8 obtained from the Director of PBES prior to “construction, destruction or reconstruction of any
9 well.” Ord. § 13.12.260.

10 24. To obtain a construction permit for a new well, an applicant must demonstrate
11 entitlement to one of two classes of permits based on various factors, such as distance from property
12 and sewer lines (Ord. § 13.12.340), special construction features such as seal thickness and depth
13 (Ord. § 13.12.270.B), and findings from the Director of PBES that “no conditions exist which may
14 result in a pollution or contamination of the ground water.” Ord. §§ 13.12.270.A, 13.12.270.B.

15 25. The County well permitting process is ministerial: if an applicant meets the
16 requirements set out in the County Code, the Director is obliged to issue the permit. Ord.
17 § 13.12.280.B.

18 b. Discretionary development projects require a water availability analysis

19 26. In 2015, PBES created a “Water Availability Analysis” (the “2015 WAA”) setting
20 forth the County’s procedures for evaluating water use related to discretionary development permit
21 applications. The 2015 WAA requires that a water availability analysis be performed “for any
22 discretionary project that may utilize groundwater or will increase the intensity of groundwater use
23 of any parcel through an existing, improved, or new water supply system.”

24 27. Depending on the quantity of water proposed to be used by the groundwater permit
25 applicant, distance from other wells, and other factors, the 2015 WAA requires the applicant to
26 submit information in one of three “tiers” of informational complexity. The 2015 WAA set out

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1 “Water Use Criteria” that imposed a one acre-foot per acre per year “acceptable water use screening
2 criterion for parcels located on the Napa Valley Floor.”

3 **FACTUAL BACKGROUND**

4 **I. The County’s Implementation of SGMA for the Napa Valley Subbasin**

5 28. The Napa Valley Subbasin (the “Basin”) sits in the watershed formed by the Napa
6 River. It underlies the cities of Calistoga, St. Helena, Yountville, and Napa, and surrounding lands.

7 29. In December 2019, the County established a GSA for the Basin as required by
8 SGMA. The Napa County Board of Supervisors (the “Board”) is the GSA for the Basin.

9 30. The Board released its GSP in January of 2022. The Board’s GSP established a
10 sustainable yield of 15,000 acre feet of groundwater for pumping annually.

11 31. On February 2, 2022, the Board met and directed the Director of PBES to revise the
12 WAA and update the County Code.

13 **II. The Governor’s Executive Order**

14 32. On March 28, 2022, Governor Newsom issued Emergency Executive Order N-7-22
15 (the “EO”). The EO imposes additional review of well permitting applications by local agencies
16 and GSAs.

17 33. Paragraph nine of the EO provides:
18 To protect health, safety, and the environment during this drought
19 emergency, a county, city, or other public agency shall not:

20 [. . .]

21 b. Issue a permit for a new groundwater well or for alteration of an
22 existing well without first determining that extraction of groundwater
23 from the proposed well is (1) not likely to interfere with the
production and functioning of existing nearby wells, and (2) not likely
to cause subsidence that would adversely impact or damage nearby
infrastructure.

24 **III. The County Imposes an Unlawful Limitation on Water Use for Ministerial Well Permit
25 Applications, and Refuses to Process Plaintiffs’ Applications**

26 34. On June 7, 2022, the PBES Director presented the Board with a memorandum (the
27 “PBES Memorandum”) analyzing methods of compliance with the EO.

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1 35. The PBES Memorandum states that “the following conditions are proposed and
2 considered responsive to the Governor’s EO for well permits for non-exempt wells located within
3 the Napa Valley Subbasin: 1. The proposed groundwater use does not exceed 0.3 acre-feet per
4 acre ; 2. The proposed well is located at least 1,500 feet from a stream; and 3. The proposed
5 well is located at least 500 feet from other existing water supply wells.” The PBES Memorandum
6 referred to these three well permitting conditions as “interim reduced water use criteria.”

7 36. The well permitting criteria set forth in the PBES Memorandum are contrary to the
8 County’s existing well and groundwater permitting schemes.

9 37. There is no scientific or rational justification for applying a 0.3 acre-foot limitation
10 with respect to new well permit applicants throughout the Basin, or with respect to Plaintiffs’
11 properties specifically.

12 38. The PBES Memorandum did not account for the top priority of unexercised
13 overlying groundwater rights, which are superior to all non-overlying rights. Nor did the PBES
14 Memorandum establish separate procedures for new well permittees taking groundwater for lower-
15 priority non-overlying uses. Moreover, the PBES Memorandum contained no findings or proposed
16 findings with respect to the reasonableness or beneficial nature of groundwater use by any individual
17 or class of individuals, as required by California water rights law.

18 39. The PBES Memorandum states that the 0.3 acre-foot limitation would apply only to
19 new permits: “The reduced water use criteria of 0.3 acre-feet per acre will be applied to new non-
20 exempt well permits. Permits for replacement wells, or permits for alterations to existing wells, will
21 require that those wells conform to water use that is no more than the current water use.” *Id.* at 9.
22 In other words, the PBES Memorandum purported to grandfather in the water consumption levels
23 by existing well permit holders while depriving new permit applicants of their coequal right to the
24 water.

25 40. On June 8, 2022, Double Vee and Caldera filed permit applications to construct new
26 wells on their properties. On June 17, 2022, Hundred Acre filed a permit application to construct a
27 new well on its property.

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1 41. Under applicable law, Plaintiffs’ existing permit applications should have been
2 processed on a ministerial basis.

3 42. Rather than processing Plaintiffs’ permit applications as required, on
4 September 23, 2022, PBES staff informed Hundred Acre that: “In order for us to issue the permit, a
5 Tier 1 water budget must be prepared for this parcel and since the proposed well appears to be
6 located within 1500’ of the Napa River a Tier 3 analysis will have to be completed.” Nearly one
7 year later, on August 29, 2023, PBES staff similarly advised Caldera that it was required to submit
8 a Tier 1 water budget and a Tier 3 analysis.

9 43. Under the County’s revised policies, a Tier 1 water budget includes a required
10 commitment by the applicant to use no more than 0.3 acre-feet of water per acre serviced by the
11 well annually. PBES had never required such analyses as part of its ministerial well permitting
12 scheme set out in County Code Chapter 13.12.

13 44. Based on PBES’s September 23, 2022 and August 29, 2023 communications,
14 Plaintiffs are informed and believe that PBES has implemented its interim reduced water use criteria,
15 and that it will withhold new well permits unless the applicant agrees to its unlawful requirement
16 that the applicant commit to using no more than 0.3 acre-feet of water per acre serviced by the
17 proposed well annually.

18 45. Hundred Acre Wine Group would submit an application for a new well permit with
19 respect to its property but for the fact that it knows that the County would condition issuance of the
20 permit on Hundred Acre Wine Group’s acceptance of the unlawful restriction on water use.

21 46. On or about January 12, 2023, the PBES Director presented “new well permitting
22 standards” to the Board, along with an update regarding PBES’s revisions to the Water Availability
23 Analysis. The new well permitting policies did not substantially change the interim reduced water
24 use criteria. The interim reduced water use criteria and new well permitting policies are hereinafter
25 referenced collectively as the “New Well Policies.”

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1 **IV. Neither SGMA Nor the Executive Orders Authorize the County to Deny Plaintiffs the**
2 **Use of Their Property or Their Water Rights**

3 47. SGMA requires that the County establish a sustainability goal. The Governor’s
4 Executive Orders require the County to grant well permit applications only if doing so will not result
5 in overdraft. In designing a policy in conformity with this standard, the County must avoid violating
6 California water rights law, which neither SGMA nor the Executive Orders alter.

7 48. The County has implemented New Well Policies that violate California water rights
8 law by failing to take into account the senior priority of dormant overlying rights holders.

9 49. The New Well Policies only apply to new well permit applicants—i.e., overlying
10 rights holders whose rights are “dormant,” since they are not using some or all of the groundwater
11 to which they are entitled. Users with dormant rights enjoy coequal rights to those of other overlying
12 rights holders, including “active” users—that is, land owners with overlying water rights who are
13 already using their reasonable share of the water. Prior to the promulgation of the New Well
14 Policies, dormant overlying groundwater rights holders in the Basin enjoyed a right to apply for
15 ministerial well permit applications from the County, and to access their full water entitlement,
16 subject only to the limitations of reasonable and beneficial use.

17 50. By implementing the New Well Policies, the County has deprived Plaintiffs, and
18 other dormant rights holders, of access to their reasonable, correlative share of the available
19 groundwater. This action deprives Plaintiffs of their vested rights under California water rights law,
20 and constitutes a taking of property without just compensation.

21 **FIRST CLAIM FOR RELIEF**

22 (The Takings Clause of the Fifth Amendment to the United States Constitution)

23 51. Plaintiffs restate and incorporate by reference all allegations above as if fully set forth
24 herein.

25 52. Plaintiffs have a right to the reasonable and beneficial use of the groundwater beneath
26 their properties.

27 53. The Fifth Amendment to the United States Constitution prohibits the taking of
28 private property without due process, or for public use without just compensation.

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1 54. Under California water law, Plaintiffs enjoy vested private property rights to make
2 such use of the water under their land as is reasonably required for the beneficial use to be served.

3 55. As implemented, the County’s New Well Policies impair Plaintiffs’ rights to access
4 and make use of the groundwater to which they have vested rights, specifically by requiring
5 Plaintiffs to commit to a water use limitation of 0.3 acre-feet of water per acre annually as a
6 condition of any new well permit.

7 56. The County has allocated to Plaintiffs a lesser share of water relative to that used by
8 existing well permittees, who remain entitled to more than 0.3 acre-feet of water per acre annually.

9 57. Existing permit holders operating vineyards of the nature operated by Plaintiffs on
10 their land enjoy the valuable right to use up to 1.0 acre-foot of water per acre annually.

11 58. The County’s implementation of the New Well Policies constitutes a taking of
12 Plaintiffs’ groundwater rights under the Fifth Amendment to the United States Constitution.

13 59. The County’s actions have deprived Plaintiffs of the use of their groundwater rights,
14 which has substantially impaired the value of Plaintiffs’ properties.

15 **SECOND CLAIM FOR RELIEF**

16 (The Equal Protection Clause of the Fourteenth Amendment to the United States Constitution)

17 60. Plaintiffs restate and incorporate by reference all allegations above as if fully set forth
18 herein.

19 61. Plaintiffs, as new well permit applicants, are subject to the New Well Policies,
20 whereas existing permit holders are not subject to the restrictions of those policies.

21 62. The County has no rational basis for imposing disparate impacts on dormant
22 overlying groundwater rights holders as a subclass of overlying groundwater rights holders within
23 Napa County.

24 63. The County’s implementation of the New Well Policies violates the equal protection
25 clause of the Fourteenth Amendment to the United States Constitution.

26 64. The County’s discriminatory implementation of the New Well Policies has deprived
27 Plaintiffs of the full use of their groundwater rights, thereby substantially impairing the value of
28 Plaintiffs’ properties.

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THIRD CLAIM FOR RELIEF

(Fifth and Fourteenth Amendments to the United States Constitution and 28 U.S.C. § 1983)

65. Plaintiffs restate and incorporate by reference all allegations above as if fully set forth herein.

66. PBES Director Bordona is an official of the County of Napa. His actions, and, in particular, his refusal to process well permit applications of Plaintiffs Double Vee, Caldera, and Hundred Acre, were made under color of the law. PBES Director Bordona has implemented a policy or custom of denying dormant overlying water rights holders access to, and use of, their water rights. This custom or policy violates the Fourteenth and Fifth Amendments of the United States Constitution, as alleged above.

67. PBES Director Bordona’s refusal to process well permit applications unless the applicant accepts unlawful restrictions has deprived Plaintiffs of their constitutional rights under the Fifth and Fourteenth Amendments to the United States Constitution.

68. As a proximate consequence of the refusal to process Plaintiffs’ well permit applications, Plaintiffs have been deprived of their rights to make use of their valuable water rights.

FOURTH CLAIM FOR RELIEF

(Declaratory Relief)

69. Plaintiffs restate and incorporate by reference all allegations above as if fully set forth herein.

70. An actual controversy has arisen and now exists between the parties relating to Defendants’ refusal to process Plaintiffs’ well permit applications, and to Defendants’ announced policy to subject Plaintiffs’ current and future well permit applications to the New Well Policies.

71. Plaintiffs contend that their ownership of the Properties carries with it overlying water rights to extract groundwater drawn from the underlying aquifer and apply that water to reasonable and beneficial use on the Properties, and that their overlying groundwater rights—both active and unexercised—are correlative to all other overlying groundwater rights in the basin, and senior in priority to all appropriative rights.

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1 72. Plaintiffs further contend that the County’s implementation of the New Well Policies,
2 limiting Plaintiffs’ rights as overlying landowners to extract and use groundwater on their properties,
3 violates California law in at least four respects:

4 a. The New Well Policies are unsupported by findings regarding the
5 reasonableness or beneficial nature of use by appropriative users within the Basin;

6 b. The New Well Policies are unsupported by findings regarding the
7 reasonableness, beneficial nature, or wastefulness of use by other overlying users within the
8 neighborhood of Plaintiffs’ properties, or within the Basin as a whole;

9 c. The New Well Policies contain a blanket 0.3 acre-foot use limitation for
10 every new well permit application, without individualized, fact-based findings of reasonable and
11 beneficial use; and

12 d. By applying the 0.3 acre-foot use limitation on new well permit applicants
13 only, the New Well Policies impermissibly discriminate against dormant overlying rights holders.

14 73. Defendants contend to the contrary with respect to each of the above-described
15 issues.

16 74. A declaratory judgment is necessary in that Plaintiffs contend and Defendants deny
17 that the County’s New Well Policies violate Plaintiffs’ California water rights.

18 **FIFTH CLAIM FOR RELIEF**

19 (Declaratory Relief)

20 75. Plaintiffs restate and incorporate by reference all allegations above as if fully set forth
21 herein.

22 76. The New Well Policies purport to override the County’s well permitting laws as set
23 forth in Chapter 13.12 of the County Code, which grants the Director of PBES no authority to
24 impose a 0.3 acre-foot limitation upon new well permit applicants. Plaintiffs can only make use of
25 their water rights by drawing groundwater from wells on their properties.

26 77. Plaintiffs’ properties have diminished in value due to the County’s unlawful attempt
27 to restrict Plaintiffs’ access to their water rights.

28

1 78. Plaintiffs Double Vee, Caldera and Hundred Acre applied for well permits to access
 2 their water rights, and Plaintiff Hundred Acre Wine Group would do so but for the County's policy
 3 of withholding such permits unless the applicant accepts unlawful restrictions on water use. The
 4 well permit applications submitted by Plaintiffs Double Vee, Caldera and Hundred Acre met the
 5 ministerial requirements of approval, and the well permit application that Hundred Acre wine Group
 6 would submit would meet those ministerial requirements of approval as well.

7 79. A declaratory judgment is necessary in that Plaintiffs contend, and the County denies,
 8 that the County's refusal to issue well permits unless the applicant accepts unlawful restrictions on
 9 their use of water is unlawful.

10 SIXTH CLAIM FOR RELIEF

11 (First Amendment to the United States Constitution and 28 U.S.C. § 1983)

12 80. On October 6, 2022, Plaintiff Hundred Acre Wine Group filed a complaint in Napa
 13 County Superior Court against the County. *Hundred Acre Wine Group v. County of Napa*, Napa
 14 County Sup. Ct. No. 22CV001166. The complaint sought declaratory relief regarding the County's
 15 application of its conservation regulations to Hundred Acre Wine Group's removal of burned trees
 16 and vegetation following a wildfire that scorched its property.

17 81. On November 28, 2022, the County filed a cross-complaint against Hundred Acre
 18 Wine Group. The County's cross-complaint asserted claims against Hundred Acre Wine Group for
 19 minor alleged code violations that the County has routinely ignored on nearby properties, and that
 20 are rarely the subject of any level of County enforcement actions, much less formal litigation. For
 21 example, the County claimed that Plaintiff Hundred Acre Wine Group had engaged in "unpermitted
 22 earthmoving" when removing the dead trees. It further accused Hundred Acre Wine Group of
 23 "maintaining a partially constructed building or structure that was not completed within a reasonable
 24 time," "maintaining an electrical entry gate that was erected without a permit," "maintaining a
 25 garage that has been converted to habitable space without a permit," and "maintaining three stone
 26 retaining walls that were installed without a permit."

27 82. On information and belief, the County asserted its cross-claims against Hundred Acre
 28 Wine Group in retaliation for Hundred Acre Wine Group's declaratory relief lawsuit, and with the

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1 goal of chilling the exercise of Hundred Acre Wine Group’s First Amendment Rights to challenge
2 the County’s application of its conservation regulations.

3 83. Plaintiff Hundred Acre Wine Group’s filing of its lawsuit against the County was a
4 constitutionally-protected activity and a lawful exercise of its First Amendment rights.

5 84. The County has acted in a manner calculated to retaliate against Plaintiff Hundred
6 Acre Wine Group, and to deter it, and other landowners, from challenging the County’s arbitrary
7 exercise of its regulatory authority.

8 85. The County’s actions, taken under color of law, have deprived Plaintiff Hundred
9 Acre Wine Group of rights, privileges, and immunities secured by the Constitution and laws.

10 86. The County’s retaliatory acts have caused Plaintiff Hundred Acre Wine Group to
11 suffer an injury of a nature and severity that would likely chill a person of ordinary firmness from
12 continuing to engage in its protected activity, and the County should be enjoined from continuing
13 to engage in such retaliation.

14 87. As a direct and proximate result of the County’s actions, Plaintiff Hundred Acre
15 Wine Group has suffered and will continue to suffer damages in an amount to be proven at trial.

16
17 **PRAYER FOR RELIEF**

18 WHEREFORE, Plaintiffs pray for relief and judgment as follows:

- 19 1. For damages in the amount proven at trial;
- 20 2. For injunctive relief;
- 21 3. For a declaration that the County’s implementation of the New Well Policies is in
- 22 violation of the California law of groundwater rights, the California Government Code, and the
- 23 United States Constitution;

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4. For reasonable attorneys’ fees and costs in the prosecution of this action pursuant to law, including 42 U.S.C. § 1988 and California Code of Civil Procedure section 1021.5; and

5. For such other and further relief as this Court may deem just and proper.

DATED: September 5, 2023

COBLENTZ PATCH DUFFY & BASS LLP

By: /s/ Jonathan R. Bass
JONATHAN R. BASS
Attorneys for Plaintiffs
DOUBLE VEE PROPERTIES, LLC, CALDERA RANCH, LLC, HUNDRED ACRE LLC and THE HUNDRED ACRE WINE GROUP, INC.

DEMAND FOR JURY TRIAL

Plaintiffs demand a trial by jury on all issues so triable.

DATED: September 5, 2023

COBLENTZ PATCH DUFFY & BASS LLP

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