

1 ADAM R.F. GUSTAFSON
Principal Deputy Assistant Attorney General
2 Environment and Natural Resources Division

3 DAVID W. GEHLERT (Colo. Bar No. 21852)
Attorney, U.S. Department of Justice
4 Environment and Natural Resources Division
Natural Resources Section
5 999 18th Street, South Terrace, Suite 600
Denver, CO 80202
6 Telephone: (303) 844-1364
Email: David.Gehlert@usdoj.gov

7 JUDITH E. COLEMAN (Cal. Bar No. 250123)
8 ALEXA V. PENALOSA (Ariz. Bar No. 038005)
Attorneys, U.S. Department of Justice
9 Environment and Natural Resources Division
Natural Resources Section
10 P.O. Box 7611
Washington, D.C. 20044-7611
11 Telephone: (202) 514-3553; (202) 305-0492
Email: Judith.Coleman@usdoj.gov; Alexa.Penalosa@usdoj.gov

12 Attorneys for United States of America

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **FOR THE COUNTY OF ORANGE, CIVIL COMPLEX CENTER**

15 MOJAVE PISTACHIOS, LLC; et al., Plaintiffs,

16 v.

17 INDIAN WELLS VALLEY WATER
18 DISTRICT; et al., Defendants.

19 INDIAN WELLS VALLEY WATER
20 DISTRICT, Cross-Complainant,

21 v.

22 ALL PERSONS WHO CLAIM A RIGHT TO
23 EXTRACT GROUNDWATER, et al., Cross-
Defendants.

24 SEARLES VALLEY MINERALS INC., Cross-
Complainant,

25 v.

26 ALL PERSONS WHO CLAIM A RIGHT TO
27 EXTRACT GROUNDWATER, et al., Cross-
Defendants.

Case No. 30-2021-01187275-CU-OR-CJC
Related to: 30-2021-01187589-CU-WM-CXC;
30-2021-01188089-CU-WM-CXC

Assigned For All Purposes To:
The Hon. William D. Claster, Dept. CX101

**UNITED STATES' TRIAL BRIEF FOR
THE PHASE 2 TRIAL ON SAFE YIELD**

Action Filed: November 19, 2019
Phase 2 Trial Date: June 8, 2026

TABLE OF CONTENTS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- I. INTRODUCTION 1
- II. BASIN SETTING..... 1
- III. GROUNDWATER BACKGROUND FOR THE PHASE 2 TRIAL..... 3
- IV. THE UNITED STATES’ CASE IN CHIEF.....6
- V. OTHER TESTIMONY AT TRIAL..... 8
- VI. CONCLUSION 10

1 The United States respectfully submits this brief for the Phase 2 trial, which will determine
2 the safe yield of the Indian Wells Valley Groundwater Basin (“IWV Basin” or “Basin”).

3 I. INTRODUCTION

4 Safe yield is the amount of water that can be withdrawn from a groundwater basin, in acre-
5 feet-per year (“AFY”), without causing a long-term decline in water levels and the depletion of the
6 water supply. *See City of Los Angeles v. City of San Fernando (City of San Fernando)*, 14 Cal. 3d
7 199, 278 (1979). Safe yield is, necessarily, an estimate. It involves assumptions about physical
8 features and natural processes in a groundwater basin that cannot be directly observed. When
9 choosing among competing estimates of safe yield, the Court’s task is to determine which
10 assumptions fit best with the evidence about the basin’s hydrology, geology, and climate.

11 The evidence in the Phase 2 trial will show that **7,650 AFY** is the best estimate of the IWV
12 Basin’s safe yield among those presented to the Court. The Basin is characterized by an extremely
13 arid climate, complex networks of faults, and, among other features, a clay unit that extends
14 laterally under the valley floor. These characteristics tend to limit the flow of water into and
15 through the Basin. Expert testimony will show that 7,650 AFY is a more reasonable estimate of
16 the average recharge to the Basin, and fits better with what the Basin can physically accommodate,
17 than the estimates nearly twice that amount offered by other parties. Those higher estimates must
18 be rejected because the model used to support them distorts the Basin and generates absurd results.

19 The evidence, outlined below, demonstrates that the safe yield of the IWV Basin should be
20 adjudicated as 7,650 AFY.

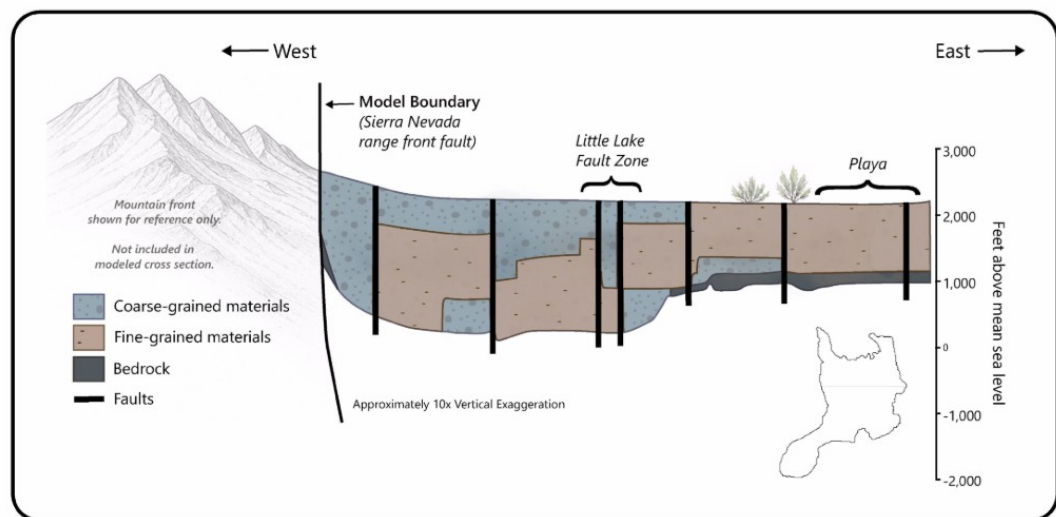
21 II. BASIN SETTING

22 The Indian Wells Valley is located in the northern Mojave Desert, east of the Sierra
23 Nevada and south of the Owens Valley. The floor of the valley is desert with little to no
24 vegetation and is underlain by deposits of sand, gravel, silt, and clay. Water has accumulated in
25 these subsurface materials over millions of years, forming a freshwater aquifer that extends into
26 the El Paso area to the south and west. The IWV Basin is the term used to describe the aquifer and
27 the impermeable or semi-impermeable rocks that surround it. This Court has adopted the
28 boundary of the IWV Basin defined by the California Department of Water Resources (“DWR”)

1 as the boundary for purposes of this adjudication. *See* Order Confirming Basin Boundary of the
2 Indian Wells Valley Groundwater Basin, Dkt. No. 1407 (entered July 8, 2024).

3 The federal government owns nearly 80% of the land overlying the Basin. *Mojave*
4 *Pistachios, LLC v. Superior Ct.*, 99 Cal. App. 5th 605, 615 (2024). A substantial portion of the
5 Basin’s land and groundwater have also been reserved by federal law for the Navy’s use at Naval
6 Air Weapons Station China Lake. *See generally* Phase 1 Statement of Decision, Dkt. No. 1837
7 (Sept. 15, 2025). Since the 1950s, the Navy has funded studies of the Basin’s groundwater supply
8 because of concerns about declining water levels. In 2013, the Navy contracted with the Desert
9 Research Institute (“DRI”), an academic research center, to create an updated computer model of
10 the IWV Basin and to evaluate rates of water-level decline and subsidence, which has the potential
11 to interfere with the Navy’s weapons research at the base. *See* TRIAL EX. 1263 (2016 Report).
12 The Navy transferred responsibility for the model to the Indian Wells Valley Groundwater
13 Authority (“Groundwater Authority”) in 2018, to support the development of a Groundwater
14 Sustainability Plan (“GSP”) for the Basin.

15 Over several iterations of its model, DRI has used data from aerial electromagnetic
16 (“AEM”) surveys and other sources to add detail to its rendering of the IWV Basin. In particular,
17 DRI has used AEM and other data to refine the representation of faults and the areas of “uplift”
18 and “down-drop” they create in the aquifer, as illustrated below:



1 See TRIAL EX. 1279. DRI has also recently used AEM data to define the extent of a fine-grained
2 silt deposit (known as the clay unit) that underlies a large portion of the Indian Wells Valley, at
3 depths ranging from 10 feet and to 1,850 feet below the surface. The clay unit has been warped
4 and faulted by seismic activity, as shown above, and operates as an impediment to groundwater
5 flow in the Basin. All of the major groundwater pumping in the IWV Basin occurs where the clay
6 layer is thin or absent.

7 On May 28, 2026, the Groundwater Authority submitted a Technical Report to the Court
8 pursuant to Code of Civil Procedure section 845(d), including detailed information about the
9 Basin, its setting and characteristics, and rates of groundwater pumping.

10 **III. GROUNDWATER BACKGROUND FOR THE PHASE 2 TRIAL**

11 The Court set the Phase 2 trial to determine the safe yield of the IWV Basin. See Tentative
12 Ruling Adopted by Minute Order of Aug. 5, 2024, Dkt. No. 1465 (“Phasing Ruling”). The trial is
13 expected to include the testimony of at least ten witnesses and at least four different estimates of
14 the Basin’s safe yield. The testimony will focus on two groundwater models and a calculation
15 method that does not directly involve a model.

16 **A. Safe Yield in Groundwater Adjudications**

17 Safe yield is the maximum amount of water that can be withdrawn annually from a
18 groundwater basin without causing a long-term decline in water levels and the depletion of the
19 ground water supply. *City of San Fernando*, 14 Cal. 3d at 278; see also *Antelope Valley*
20 *Groundwater Cases*, 59 Cal. App. 5th 241, 252 n.1 (2020) (collecting cases). In groundwater
21 adjudications, courts have quantified safe yield in order to evaluate claims for prescriptive water
22 rights, which arise when a basin is in overdraft. See, e.g., *City of Pasadena v. City of Alhambra*,
23 33 Cal. 2d 908, 929-930 (1949). Courts have also used safe yield, or variations of it, to set a cap
24 on total groundwater pumping as part of a “physical solution” to limit pumping to sustainable
25 levels. See, e.g., *id.* at 937; *Las Posas Valley Water Rights Coal. v. Ventura Waterworks Dist. No.*
26 *1*, 118 Cal. App. 5th 1170, 1198 (2026), *reh'g denied* (Apr. 1, 2026), *review filed* (Apr. 14, 2026).

27 Safe yield is largely determined by the amount of recharge that a basin receives. In a basin
28 without water imports or artificial recharge projects, safe yield may not be higher than “the long-

1 term, average, natural replenishment” to the aquifer on an annual basis. *Tehachapi–Cummings*
2 *County Water Dist. v. Armstrong*, 49 Cal. App. 3d 992, 996 n.3 (1975). The calculation of safe
3 yield is typically based on a period of time that is long enough to be representative of the full
4 range of hydrologic conditions in a basin. *See, e.g., City of San Fernando*, 14 Cal. 3d at 278 (29-
5 year base period used to “eliminate the effect” of short-term fluctuations).

6 **B. The Use of Models in Evaluating Safe Yield**

7 A numerical model of a groundwater basin can be used to test hypotheses about recharge
8 and discharge, and, thus, safe yield. Development of a numerical model typically begins with the
9 creation of a conceptual model (or conceptual framework) that characterizes the physical attributes
10 of the basin. Those attributes include areas of recharge and discharge, the composition of the
11 aquifer materials, and any relevant features, like faults. A numerical model is then developed to
12 represent the conceptual model mathematically. *See generally* TRIAL EX. 1241 (USGS Report,
13 “Guidelines for Evaluating Groundwater Models”).

14 The numerical models at issue here are based on a programming code called MODFLOW.
15 Using MODFLOW, the modeler creates virtual building blocks, called cells, which are arrayed in
16 a grid to scale with the basin aquifer. Because groundwater typically moves from areas of higher
17 pressure to areas of lower pressure, the modeler assigns each cell a set of hydraulic properties
18 consistent with the properties of the materials (sand, gravel, silt, or clay) found in the
19 corresponding part of the basin aquifer. The modeler also assigns “boundary conditions” that
20 include rates of recharge or discharge. Once the assignments are made, the model is “run” so that
21 it calculates the change in water level in each cell at defined time intervals.

22 Over successive runs, the model is calibrated so that it eventually generates water levels
23 consistent with measured or target water levels at particular locations. Calibration might involve
24 changing hydraulic properties or boundary conditions or both. But calibration is not enough, on its
25 own, to make one model more accurate than another. For example, a model with high recharge,
26 high discharge, and high hydraulic conductivity may result in the same water levels as a model
27 with low recharge, low discharge, and low hydraulic conductivity. This principle has been called
28 “non-uniqueness.” When two very different models are calibrated to generate the same water

1 levels, the model that more accurately represents the known characteristics of a basin will be the
2 more useful one.

3 **C. The DRI Model**

4 The testimony in the Phase 2 Trial will focus on two groundwater models. The first is the
5 model developed by DRI, with initial funding from the Navy. DRI is an academic research center
6 within the State of Nevada higher education system, and it has particular expertise in the
7 hydrogeology and tectonics of the Basin and Range Physiographic Province, the desert region that
8 extends east from the Sierra Nevada. DRI first completed a three-dimensional model of the IWV
9 Basin model in 2016. *See* TRIAL EX. 1263. DRI updated the model in 2017, to include
10 additional faults, and in 2025, DRI updated the model again to incorporate AEM survey data,
11 observations from new monitoring wells, and other new information. The 2025 version of the
12 model (hereafter, “DRI Model”) is the one that will be the basis for expert opinions offered by the
13 United States’ witness.¹

14 The DRI Model uses recharge values distributed to match a long-term average annual
15 recharge of 7,650 AFY. This figure was calculated initially by DRI in 2016, using precipitation
16 data for the 30-year period 1981-2010, and estimate of subsurface inflow from the adjacent Rose
17 Valley Basin.

18 **D. The Ramboll Model**

19 The second model at issue is one developed by Ramboll, a company that has been engaged
20 in AEM survey work in California. Ramboll was retained by the Indian Wells Valley Water
21 District (“District”) and has been advised by consultants hired by the District, Searles Valley
22 Minerals (“Searles”), Meadowbrook Dairy Real Estate (“Meadowbrook”) and Mojave Pistachios.
23 These consultants and parties refer to themselves as the “Technical Working Group” or “TWG.”

24 The Ramboll Model was completed in April 2025, after a delay caused by the resignation
25 of Ramboll’s lead modeler. The Ramboll Model assumes mountain-front recharge, recharge from
26

27 ¹ The DRI Model has also been called “the GSP Model” because the Groundwater
28 Authority used the 2017 version of the DRI Model to create scenarios for the GSP and used the
2025 version of the model to prepare its Periodic Update to the GSP.

1 runoff, subsurface flows from Rose Valley, and recharge from so-called “anthropogenic” sources
2 including irrigation returns, water-system leakage, and emergency releases from the Los Angeles
3 Aqueduct. The Ramboll Model’s values for mountain-front recharge and runoff were generated
4 from the USGS’s Basin Characterization Model version 8 (“BCMv8”), using data from the period
5 1980-2023. Other values were assigned or assumed.

6 **E. Thiessen Polygon Method**

7 Meadowbrook’s position on safe yield is based on using “Thiessen Polygons” to estimate
8 the change in storage in defined areas. In this method, the space in the Basin is partitioned into
9 areas around representative monitoring wells. Changes in the water level in the monitoring well
10 for the polygon are then multiplied by the area of the polygon and the specific yield, which is the
11 percentage of water released from the aquifer through gravity drainage. Meadowbrook’s expert
12 uses the specific yield values from the Ramboll Model to make these estimates but does not rely
13 upon the model itself or its recharge estimates.

14 **IV. THE UNITED STATES’ CASE IN CHIEF**

15 At trial, the United States will show that 7,650 AFY is the best estimate of the safe yield of
16 the IWV Basin because it is a reasonable estimate of the long-term average annual recharge to the
17 Basin. It is also the value employed in the DRI Model, which is vastly more accurate and
18 plausible as a representation of the Basin than the Ramboll Model. Among other things, the DRI
19 Model’s specific yield assumptions are consistent with published literature and empirical
20 measurements, while the assumptions used by Ramboll and Meadowbrook’s expert are not. And,
21 unlike the Ramboll Model, the DRI Model is capable of representing the Basin in a state of
22 equilibrium, as it was before pumping began. When pumping is removed from the Ramboll
23 Model, it generates a lake where one has not existed for thousands of years.

24 **A. Dr. Sean McKenna**

25 At trial, the United States will present the testimony of Dr. Sean McKenna, who served
26 most recently as the Executive Director of the Division of Hydrologic Sciences at DRI. Dr.
27 McKenna joined DRI in 2020 and did not participate in the development of the DRI Model. For
28 this litigation, he conducted an independent review of the DRI Model and DRI’s earlier recharge

1 calculations, informed by his extensive experience in groundwater modeling.

2 Dr. McKenna holds an M.S. in Hydrology/Hydrogeology from the University of Nevada,
3 Reno, and received his PhD in Geological Engineering from the Colorado School of Mines. Dr.
4 McKenna has been involved in groundwater research for nearly 40 years and has published over
5 100 peer-reviewed articles, more than 30 of which focus on modeling specifically. Dr. McKenna
6 continues to oversee research programs at DRI and is participating in DRI's work evaluating the
7 usefulness of BCMv8 in the Basin and Range region.

8 Dr. McKenna disclosed an expert report in August 2025 and a rebuttal expert report in
9 December 2025. Dr. McKenna's deposition was taken on March 5, 2026.

10 **B. Dr. McKenna's Opinions**

11 Dr. McKenna will testify that 7,650 AFY is a reasonable estimate of the safe yield of the
12 IWV Basin because it is a reasonable estimate of the long-term average annual recharge. In
13 forming this opinion, Dr. McKenna recalculated the recharge estimate made by DRI in 2016. He
14 compares his calculations to those for similar portions of the Owens Valley, and he explains why
15 the DRI Model—which uses 7,650 AFY as the long-term average recharge—provides an
16 appropriate representation of the Basin. Dr. McKenna notes that, in contrast to the Ramboll
17 Model, the DRI Model uses aquifer properties that are consistent with the scientific literature and
18 appropriately models the fault network with corresponding uplift and down-drop in the
19 surrounding areas of the aquifer. Although the District's experts criticize the values for
20 "storativity" used in the DRI Model, Dr. McKenna will demonstrate that those values are in line
21 with the storativity values used in the Ramboll Model.

22 Dr. McKenna will testify that, in his opinion, the Ramboll Model does not meet industry
23 standards, and the estimates of recharge used in the Ramboll Model are not supported. Dr.
24 McKenna's critique of the Ramboll Model begins with its use of the period 1980-1985 as
25 representative of a "steady state" period in the basin. This period is not representative of long-
26 term hydrological conditions because it covers a period of abnormally high precipitation. Nor is
27 the 1980-85 period representative of the Basin in a "steady" equilibrium state: Even with the high
28 levels of recharge during this period, the recorded amount of pumping exceeded the recharge, such

1 that Ramboll had to reduce the pumping by 40% during model calibration.

2 The Ramboll Model then adds to the imbalance by using water levels from the steady-state
3 period and adding inflated levels of recharge in successive years. Dr. McKenna will testify that
4 Ramboll’s recharge values include unrealistic or unsupported estimates of inflow from Rose
5 Valley and surface runoff, as well as 2,500 AFY of assumed recharge from irrigation returns,
6 water-system leakage, and aqueduct releases that may take hundreds of years to reach the
7 groundwater table, if they reach it at all.

8 The Ramboll Model shows these recharge estimates are implausible. Dr. McKenna will
9 testify that, to accommodate these levels of recharge, Ramboll had to employ hydraulic properties
10 and boundary conditions that conflict with the scientific literature and Ramboll’s own conceptual
11 model. For example, to ensure the numerical model can “hold” all of the water entering the
12 aquifer, Ramboll employed improperly low values for specific yield (which represents how much
13 water the aquifer releases). All of the specific yield values in the Ramboll Model are lower than
14 even the lowest value in its conceptual model. And Ramboll’s model does not use the specific
15 yield values derived from actual empirical measurements at Meadowbrook’s wells, which are
16 about twice as high. Ramboll also capped plant evapotranspiration in the vegetated “playa” area,
17 with the effect that water is held within the model in ways that do not reflect actual conditions.

18 The result of these calibration choices is a model so overfilled with water that it *needs*
19 groundwater pumping to get all of the water out. Dr. McKenna will show that when pumping is
20 turned “off,” the Ramboll Model would produce a flooded area and large perennial lake on the
21 Navy base. This representation of the Basin does not correspond to actual predevelopment
22 conditions. When the Navy arrived in the IWV Basin in 1943, there was only a vast desert
23 expanse.

24 Absurd results like the perennial lake disqualify the Ramboll Model as a tool for validating
25 estimates of recharge and safe yield.

26 **V. OTHER TESTIMONY AT TRIAL**

27 **A. The Authority’s Experts**

28 The Authority will present the testimony of Jean Moran of Stetson Engineers, who

1 consulted with DRI during its updates of the model for use in the GSP.² Ms. Moran is expected to
2 testify about the model development and the extensive efforts made by Stetson to involve the
3 consultants retained by the District, Searles, Meadowbrook, and Mojave Pistachios in the model’s
4 technical development. Ms. Moran will also testify about certain methods used by those parties’
5 experts in forming their opinions on safe yield. For example, Ms. Moran is expected to testify that
6 applying the Thiessen Polygon method should be applied to groundwater only when there is no
7 model available.

8 The Authority will also present the testimony of Dr. Todd Kincaid, of GeoHydros, LLC.
9 who will testify to his opinion that the safe yield of the IWV Basin is between 6,100 and 8,400
10 AFY. Dr. Kincaid is expected to testify that determining safe yield based upon recharge is more
11 reliable than measuring the change in storage, and that recharge values in the Basin range from
12 7,100 -9,200 AFY. Dr. Kincaid identifies a range for safe yield that is below these amounts to
13 account for predicted declines in recharge due to climate change. He agrees with Dr. McKenna
14 that the “anthropogenic” sources of recharge should not be included in safe yield, and that the DRI
15 Model better represents the hydrologic conditions in the Basin and is a more reliable tool than the
16 Ramboll Model.

17 **B. The District’s Experts**

18 The District is expected to present the testimony of several witnesses who were previously
19 retained by other parties.³ The first is Anthony Brown of AquiLogic, Inc. who is expected to offer
20 testimony about a report on the amount of water stored in the IWV Basin. Mr. Brown was
21 originally retained by Mojave Pistachios and did not provide a report for this phase of trial. The
22 District will also present the testimony of Lauren Wicks, of Geosciences, Inc., who was originally
23 retained by Searles. Ms. Wicks co-authored an affirmative report with Johnson Yeh, also retained
24 by Searles, who is identified as a standby witness Ms. Wicks is anticipated to testify about the

25 ² The District has indicated it will present direct testimony from Stephen Johnson, the
26 President and CEO of Stetson Engineers. The subject matter of this testimony has not been
27 specified.

28 ³ The Joint Witness List identifies these witnesses as “TWG” witnesses but the United
States’ current understanding is that the District is the party that will call them and take direct
testimony.

1 change-in-storage method and offer critiques of the opinions by Dr. McKenna and Dr. Kincaid
2 based on a draft rebuttal report that was produced for Mr. Yeh’s deposition.

3 The District intends to present the testimony of Tim Parker, of Ramboll. The District
4 disclosed three expert reports authored by him, including one describing the Ramboll Model. At
5 his deposition, Mr. Parker characterized himself as “not a modeler,” and the District’s description
6 of Mr. Parker’s testimony suggests he will not testify about the model, despite his report about it.
7 Should he do so, the United States reserves the right to challenge his qualifications.

8 The District will also present the testimony of Dr. Vivek Bedekar and Dr. Matthew Tonkin
9 of S.S. Papadopulos & Associates, whom the District retained in 2025, after Ramboll’s lead
10 modeler resigned. Dr. Bedekar is expected to testify about his “peer review” of the Ramboll
11 Model, which resulted in changes to the model at virtually the last minute, based on Dr. Bedekar’s
12 own data analysis. Dr. Tonkin is expected to testify that the BCMv8 provides better estimates of
13 recharge than those calculated by DRI and Dr. Kincaid, and he is expected to offer an opinion
14 about the safe yield using the recharge assumptions in the Ramboll Model.

15 **D. Meadowbrook’s Expert**

16 Meadowbrook will present the testimony of Eddy Teasdale, of Luhdorff & Scalmanini
17 Consulting Engineers. Mr. Teasdale will testify to his opinion of safe yield, which is based on
18 calculations of change in storage using the Thiessen Polygon method. Mr. Teasdale’s estimate of
19 a safe yield of 15,200 AFY is the highest safe yield estimate proffered in this case.

20 **V. CONCLUSION**

21 The safe yield of the IWV Basin should be adjudicated as 7,650 AFY because it is best-
22 supported estimate of long-term average recharge and the one most consistent with the Basin’s
23 hydrogeological characteristics.

24 /

25 /

26 /

27 /

1 Respectfully submitted this 29th day of May, 2026,

2 ADAM R. F. GUSTAFSON
3 Principal Deputy Assistant Attorney General
4 Environment and Natural Resources Division

5 /s/ Judith E. Coleman

6 JUDITH E. COLEMAN, Attorney
7 ALEXA V. PENALOSA, Attorney
8 U.S. Department of Justice
9 Environment and Natural Resources Division
10 Natural Resources Section
11 P.O. Box 7611
12 Washington, D.C. 20044-7611
13 Telephone: (202) 514-3553; (202) 305-0492
14 Email: Judith.Coleman@usdoj.gov
15 Alexa.Penalosa@usdoj.gov

16 /s/ David W. Gehlert

17 DAVID W. GEHLERT, Attorney
18 U.S. Department of Justice
19 Environment and Natural Resources Division
20 Natural Resources Section
21 999 18th Street, South Terrace, Suite 600
22 Denver, CO 80202
23 Telephone: (303) 844-1364
24 Email: David.Gehlert@usdoj.gov

25 Attorneys for United States of America
26
27
28

1 **PROOF OF SERVICE**

2

3 I, Symone Hetzel, declare I am over the age of eighteen years and not a party to the
4 within action. I am a resident of or employed in the county where the service described below
5 occurred. My business address is 999 18th St., North Terrace, Ste. 600, Denver, Colorado
6 80202.

7 On May 29, 2026, I served the below listed document: UNITED STATES' TRIAL
8 BRIEF FOR THE PHASE 2 TRIAL ON SAFE YIELD on all interested parties in this action by
9 uploading to the Case Anywhere website pursuant to the Court Order Authorizing Electronic
10 Service, dated December 2, 2022.

11 SEE ATTACHED CASE ANYWHERE SERVICE LIST

12 I declare under penalty of perjury under the laws of the State of California that the above
13 is true and correct. Executed on May 29, 2026, at Denver, CO.

14

15 */s/Symone Hetzel*

16

17

18

19

20

21

22

23

24

25

26

27

28

Case Anywhere Electronic Service List

Case Name: [Mojave Pistachios, LLC, et al. v. Indian Wells Valley Water District, et al.](#)

Case Info: [30-2021-01187275 and Related Cases, Orange County Superior Court](#)

Aleshire & Wynder LLP

Michael Linden, Esq. (mlinden@awattorneys.com)
2440 Tulare Street, Suite 410
Fresno, CA 93721
Phone: (559) 445-1580
Fax: (559) 486-1568

Representing:

City of Ridgecrest

Aleshire & Wynder LLP

Alex Lemieux, Esq. (alemieux@awattorneys.com)
Keith Lemieux, Esq. (klemieux@awattorneys.com)
340 North Westlake Boulevard, Suite 115
Thousand Oaks, CA 91362
Phone: (805) 495-4770
Fax: (805) 495-2787

Representing:

City of Ridgecrest

Arnold LaRochelle Mathews VanConas & Zirbel LLP

Gary Arnold, Esq. (garnold@atozlaw.com)
300 Esplanade Drive, Suite 2100
Oxnard, CA 93036
Phone: (805) 988-9886
Fax: (805) 988-1937

Representing:

Little Lake Ranch, Inc.

Best Best & Krieger LLP

Eric Garner, Esq. (eric.garner@bbklaw.com)
Wendy Wang, Esq. (wendy.wang@bbklaw.com)
300 S. Grand Avenue, Suite 2500
Los Angeles, CA 90071
Phone: (213) 617-8100
Fax: (213) 617-7480

Representing:

Searles Valley Minerals Inc.

Best Best & Krieger LLP

Jeffrey Dunn, Esq. (jeffrey.dunn@bbklaw.com)
18101 Von Karman Avenue, Suite 1000
Irvine, CA 92614
Phone: (949) 263-2600

Representing:

Searles Valley Minerals Inc.

Best Best & Krieger LLP

Alison Toivola, Esq. (alison.toivola@bbklaw.com)
360 SW Bond Street, Suite 400
Bend, OR 97702
Phone: (541) 382-3011
Fax: (541) 388-5410

Representing:

Searles Valley Minerals Inc.

Brownstein Hyatt Farber Schreck, LLP

Elisabeth Esposito, Esq. (eesposito@bhfs.com)
Robert Saperstein, Esq. (rsaperstein@bhfs.com)
Scott Slater, Esq. (sslater@bhfs.com)
Amy Steinfeld, Esq. (asteinfeld@bhfs.com)
1020 State Street
Santa Barbara, CA 93101
Phone: (805) 963-7000
Fax: (805) 965-4333

Representing:

Inyokern Community Services District
John Thomas Conaway
John Thomas Conaway Living Trust u/d/t August 7, 2008
John Thomas Conaway Trust
Mojave Pistachios, LLC
Nugent Family Trust
Paul G. Nugent and Mary E. Nugent, Trustees of the Nugent Family Trust dated June 20, 2011
Sierra Shadows Ranch LP

City of Los Angeles - DWP

Nick Karno, Esq. (nick.karno@ladwp.com)
Steven Martin, Esq. (steveng.martin@ladwp.com)
Melanie Tory, Esq. (melanie.tory@ladwp.com)
221 North Figueroa Street, Suite 1000
Los Angeles, CA 90012
Phone: (213) 367-4500
Fax: (213) 367-4588

Representing:

The City of Los Angeles, acting by and through its Department of Water and Power

Department of Justice - ENRD/Natural Resources Section

Judith Coleman, Esq. (judith.coleman@usdoj.gov)

Alexa Penalosa, Esq. (alexa.penalosa@usdoj.gov)

PO Box 7611

Washington, DC 20044

Phone: (202)-514-3553

Representing:

United States of America

Department of Justice - ENRD/Natural Resources Section

David Gehlert, Esq. (david.gehlert@usdoj.gov)

999 18th Street, North Terrace, Suite 600

Denver, CO 80202

Phone: (303) 884-1381

Representing:

United States of America

Department of Justice - Tribal Resources Section

Hillary Hoffman, Esq. (hillary.hoffman@usdoj.gov)

P.O. Box 7611

Washington, DC 20044-7611

Phone: (202) 598-3147

Representing:

Timbisha Shoshone Tribe

Fennemore LLP

Sean Hood, Esq. (shood@fennemorelaw.com)

2394 Camelback Road, Suite 600

Phoenix, AZ 85016

Phone: (602) 916-5000

Fax: (602) 916-5999

Representing:

Big Horn Fields, LLC

Brown Road Fields, LLC

Highway 395 Fields, LLC

Meadowbrook Dairy Real Estate, LLC

The Meadowbrook Mutual Water Company

Fennemore LLP

Derek Hoffman, Esq. (dhoffman@fennemorelaw.com)
Darien Key, Esq. (dkey@fennemorelaw.com)
8080 North Palm Avenue, Third Floor
Fresno, CA 93711
Phone: (559) 432-4500
Fax: (559) 432-4590

Representing:

Big Horn Fields, LLC
Brown Road Fields, LLC
Highway 395 Fields, LLC
Meadowbrook Dairy Real Estate, LLC
The Meadowbrook Mutual Water Company

Grime Law, LLP

Paige Tomaselli, Esq. (ptomaselli@grimelaw.com)
3631 Truxel Road #1155
Sacramento, CA 95834
Phone: (619) 339-3180

Representing:

Timbisha Shoshone Tribe

Jeffer Mangels & Mitchell LLP

Kerry Shapiro, Esq. (kshapiro@jeffer.com)
333 Bush Street, 11th Floor
San Francisco, CA 94104
Phone: (415) 398-8080
Fax: (415) 398-5584

Representing:

Robertson's Ready Mix Concrete, Inc.

Kern County Counsel

Phillip Hall, Esq. (phall@kerncounty.com)
1115 Truxtun Avenue, 4th Floor
Bakersfield, CA 93301
Phone: (661) 868-3826
Fax: (661) 868-3809

Representing:

Board of Directors of the Indian Wells Valley Groundwater Authority
Indian Wells Valley Groundwater Authority

Law Offices of Young Wooldridge, LLP

Brett Stroud, Esq. (bstroud@youngwooldridge.com)
10800 Stockdale Highway, Suite 202
Bakersfield, CA 93311
Phone: (661) 327-9661
Fax: (661) 327-0720

Representing:

BT-OH, LLC

LeBeau Thelen LLP

Simran Dosanjh, Esq. (sdosanjh@lebeauthelen.com)
Robert Kuhs, Esq. (rkuhs@lebeauthelen.com)
9801 Camino Media, Suite 103
Bakersfield, CA 93311
Phone: (661) 325-8962
Fax: (661) 325-1127

Representing:

Granite Construction Company

LevitanLaw

Mark Levitan, Esq. (mark@levitanlaw.net)
PO Box 5475
Sonora, CA 95370
Phone: (619) 339-3180

Representing:

Timbisha Shoshone Tribe

Manning & Kass, Ellrod, Ramirez, Trester, LLP

Steven DeLateur, Esq. (sdl@manningllp.com)
695 Town Center Drive, Suite 400
Costa Mesa, CA 92626
Phone: (949) 440-6690
Fax: (949) 474-6991

Representing:

Dwight E. Stiehl

McMurtrey, Hartsock, Worth & St. Lawrence

James Worth, Esq. (jjim@mhwslegal.com)
2001 22nd Street, Suite 100
Bakersfield, CA 93301
Phone: (661) 322-4417
Fax: (661) 322-8123

Representing:

Indian Wells Valley Water District

Murphy & Evertz LLP

Douglas Evertz, Esq. (devertz@murphyevertz.com)
Emily Madueno, Esq. (emadueno@murphyevertz.com)
650 Town Center Drive, Suite 550
Costa Mesa, CA 92626
Phone: (714) 277-1700
Fax: (714) 277-1777

Representing:

Indian Wells Valley Water District

Office of the Attorney General

Rob Bonta, Esq. (rob.bonta@doj.ca.gov)
Noah Golden-Krasner, Esq. (noah.goldenkrasner@doj.ca.gov)
Irene Whitcombe, Esq. (irene.whitcombe@doj.ca.gov)
300 South Spring Street, Suite 1702
Los Angeles, CA 90013
Phone: (213) 269-6333
Fax: (213) 897-2802

Representing:

California Department of Fish and Wildlife
California Department of Parks and Recreation

Ossentjuk & Botti

David Ossentjuk, Esq. (dossentjuk@oandblawyers.com)
2815 Townsgate Road, Suite 320
Westlake Village, CA 91361
Phone: (805) 557-8081
Fax: (805) 456-7884

Representing:

Ridgecrest Mobile Home Estates, LLC

Richards, Watson & Gershon

Kyle Brochard, Esq. (kbrochard@rwglaw.com)
James Markman, Esq. (jmarkman@rwglaw.com)
Jacob Metz, Esq. (jmetz@rwglaw.com)
350 South Grand Avenue, 37th Floor
Los Angeles, CA 90071
Phone: (213) 626-8484
Fax: (213) 626-0078

Representing:

Board of Directors of the Indian Wells Valley Groundwater Authority
Indian Wells Valley Groundwater Authority

The Service List is compiled from information provided to Case Anywhere and is not independently reviewed for accuracy.

Only attorneys are listed. Other authorized users may also receive case notifications by email.