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Exempt From Fees Per Govt. Code § 6103

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ORANGE, CIVIL COMPLEX CENTER

MOJAVE PISTACHIOS, LLC; et al.,

Plaintiffs,

v.

INDIAN WELLS VALLEY WATER DISTRICT; et al.,

Defendants.

Case No. 30-2021-01187275-CU-OR-CJC
[*Indian Wells Valley Groundwater Adjudication*]

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

OPPOSITION BY THE TECHNICAL WORKING GROUP PARTIES TO INDIAN WELLS VALLEY GROUNDWATER AUTHORITY AND CITY OF RIDGECREST'S REQUEST FOR JUDICIAL NOTICE REGARDING PHASE 2 TRIAL

RELATED TO ROA 2166

INDIAN WELLS VALLEY WATER DISTRICT, Cross-Complainant, v. ALL PERSONS WHO CLAIM A RIGHT TO EXTRACT GROUNDWATER IN THE INDIAN WELLS VALLEY GROUNDWATER BASIN NO. 6-54 WHETHER BASED ON APPROPRIATION, OVERLYING RIGHT, OR OTHER BASIS OF RIGHT, AND/OR WHO CLAIM A RIGHT TO USE OF STORAGE SPACE IN THE BASIN; et al., Cross-Defendants.	Complaint Filed: November 19, 2019 Phase 1 Trial Date: April 28, 2025 Phase 2 Trial Date: June 8, 2026
SEARLES VALLEY MINERALS INC., Cross-Complainant, v. ALL PERSONS WHO CLAIM A RIGHT TO EXTRACT GROUNDWATER IN THE INDIAN WELLS VALLEY GROUNDWATER BASIN NO. 6-54 WHETHER BASED ON APPROPRIATION, OVERLYING RIGHT, OR OTHER BASIS OF RIGHT, AND/OR WHO CLAIM A RIGHT TO USE OF STORAGE SPACE IN THE BASIN; et al., Cross-Defendants.	

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I. INTRODUCTION

The Indian Wells Valley Water District, the Meadowbrook Dairy entities,[1] and Searles Valley Minerals Inc.[2] (collectively, the "TWG Parties") oppose the Request for Judicial Notice regarding Phase 2 Trial ("Request"), filed on November 10, 2026 by the Indian Wells Valley Groundwater Authority and the City of Ridgecrest (collectively, "IWVGA") with their closing trial brief.[3] If the Court is inclined to consider the Request, the TWG Parties respectfully request a hearing.

The only issue in Phase 2 is the safe yield of the Indian Wells Valley Groundwater Basin ("Basin"). Yet the IWVGA asks the Court to take judicial notice of three documents that have no bearing on that issue: (a) a complaint in *AquAlliance, et al. v. Vina Groundwater Sustainability Agency, et al.*, Super. Ct. Butte County, Feb. 14, 2022, No. 22CV00321 ("Exhibit A"); (b) a July 27, 2023 letter and staff report from the Department of Water Resources ("DWR") concerning the groundwater sustainability plan ("GSP") for the Sacramento Valley Basin – Vina Subbasin ("Exhibit B"); and (c) excerpts from the transcript of the February 10, 2025 Status Conference in this case ("Exhibit C"). None establishes this Basin's safe yield.

The Request should be denied because Exhibits A, B, and C are irrelevant to the only issue in Phase 2, the Basin's safe yield, and the IWVGA makes no attempt to show otherwise.

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[1] Defendants and Cross-Defendants Meadowbrook Dairy Real Estate, LLC; Big Horn Fields, LLC; Brown Road Fields LLC; Highway 395 Fields, LLC; and The Meadowbrook Mutual Water Company.

[2] On October 21, 2026, Searles moved this Court to substitute 5E SVM Operations Company, LLC ("5E") for Searles for all purposes in this action and related cases. On October 1, 2026, Searles and 5E entered into a Water Assets Assignment Agreement whereby Searles assigned and transferred all its water rights, including those water rights in the Indian Wells Valley Groundwater Basin, to 5E. The United States Bankruptcy Court for the District of Delaware approved the sale by order entered September 21, 2026, in Case No. 26-10966-BLS. Searles' undersigned legal counsel will continue to represent 5E in this action. A hearing is set on Searles' motion for substitution on November 20, 2026. Until that motion is resolved, Searles remains the named party in all filings in this action.

[3] The IWVGA waited to file the Request concurrently with its Phase 2 closing trial brief, more than three months after the court of appeal's opinion in *AquAlliance v. Vina Groundwater Sustainability Agency* (2026) 122 Cal.App.5th 118 on July 30, 2026.

The IWVGA cites only the Evidence Code categories, not the purpose for which it offers the documents. Exhibits A and B concern a different basin hundreds of miles away, and *AquAlliance v. Vina Groundwater Sustainability Agency* (2026) 122 Cal.App.5th 118 is inapposite. Exhibit C is a scheduling discussion. Given the irrelevance of Exhibits A, B, and C, their probative value is substantially outweighed by the risk of wasting the Court's and special master's time in even considering them.

The Request fails for an additional reason. Judicial notice is not a mechanism for introducing disputed factual assertions, agency opinions, litigation allegations, or interpretations of documents. To the extent the IWVGA seeks judicial notice of Exhibits A and B to suggest that, because DWR "approved" the Vina Subbasin GSP and *AquAlliance* relied on that "approval," this Court should similarly defer to DWR's review of the IWVGA's GSP, judicial notice cannot supply that inference. *AquAlliance* addressed a reverse validation action duplicating DWR's review of a GSP; it did not hold that courts must defer to a GSP's sustainable yield. Indeed, Code of Civil Procedure section 845, subdivision (d)(4) requires courts to hear evidence rebutting a groundwater sustainability agency's technical report. Whether DWR's review bears on safe yield is a contested question, not a matter reasonably beyond dispute. California law does not permit judicial notice of the truth of statements in court records or agency documents, or of a particular interpretation of them.

II. LEGAL STANDARD

A matter ordinarily is subject to judicial notice only if it is reasonably beyond dispute. (*OneTaste Inc. v. Netflix, Inc.* (2025) 116 Cal.App.5th 174, 194; *Fremont Indemnity Co. v. Fremont General Corp.* (2007) 148 Cal.App.4th 97, 113; *Sosinsky v. Grant* (1992) 6 Cal.App.4th 1548, 1566.) That rule requires the Court to identify the matter being noticed, rather than treat a document's inclusion in a statutory category as approval of every proposition it contains.

A. The Requesting Party Must Identify a Proper and Relevant Matter for Judicial Notice.

The party requesting judicial notice bears the burden to "furnish[] the court with sufficient information to enable it to take judicial notice of the matter." (Evid. Code, § 453,

subd. (b); see *People v. Rowland* (1992) 4 Cal.4th 238, 268 fn. 6.) Because judicial notice is a substitute for formal proof, when a request for judicial notice fails to articulate how the proffered document bears on the specific issues to be decided, the Court lacks sufficient information to take judicial notice of the document. (E.g., *OneTaste*, *supra*, 116 Cal.App.5th at p. 194; *Rowland*, *supra*, 4 Cal.4th at p. 268 fn. 6.)

B. Judicial Notice Does Not Overcome the Requirement that Evidence be Relevant.

Judicial notice is limited to relevant matters. Just as only relevant evidence is admissible (Evid. Code, § 350), only relevant material may be judicially noticed (*Mangini v. R. J. Reynolds Tobacco Co.* (1994) 7 Cal.4th 1057, 1063 [overruled on another ground in *In re Tobacco Cases II* (2007) 41 Cal.4th 1257, 1276]; *People v. Shamrock Foods Co.* (2000) 24 Cal.4th 415, 422, fn. 2). Evidence Code section 452 identifies categories of material that may be judicially noticed, but it does not make irrelevant material relevant, and a court should deny judicial notice of matters that are not relevant to a material issue. (*Mangini*, *supra*, 7 Cal.4th at p. 1063; *Shamrock Foods*, *supra*, 24 Cal.4th at p. 422 fn. 2.)

Relevant evidence is evidence having any tendency in reason to prove or disprove a disputed fact of consequence. (Evid. Code, § 210.) "It is not sufficient that the evidence be relevant to an argument made by its proponent. The evidence must be relevant to the disposition of the matter." (*OneTaste*, *supra*, 116 Cal.App.5th at p. 194 [quoting *Ross v. Seyfarth Shaw LLP* (2023) 96 Cal.App.5th 722, 745].) A court may decline notice where its probative value is substantially outweighed by undue consumption of time or confusion of the issues. (Evid. Code, § 352; *Mangini*, *supra*, 7 Cal.4th at p. 1063; e.g., *Mitroff v. United Services Automobile Assn.* (1999) 72 Cal.App.4th 1230, 1243.)

C. Judicial Notice Does Not Establish the Truth of a Document's Content, Inferences Deduced From it, or an Interpretation of its Meaning.

"Taking judicial notice of a document is not the same as accepting the truth of its contents or accepting a particular interpretation of its meaning." (*Fremont Indemnity*, *supra*, 148 Cal.App.4th at p. 113; see *Mangini*, *supra*, 7 Cal.4th at pp. 1063–1064; *Ragland v. U.S. Bank*

N.A. (2012) 209 Cal.App.4th 182, 193–194; *Sosinsky*, *supra*, 6 Cal.App.4th at pp. 1564–1569.) "When judicial notice is taken of a document . . . the truthfulness and proper interpretation of the document are disputable." (*Ragland*, *supra*, 209 Cal.App.4th at p. 193 [quoting *StorMedia Inc. v. Super. Ct.* (1999) 20 Cal.4th 449, 457, fn. 9].)

Judicial notice does not supply an exception permitting substantive reliance on otherwise inadmissible hearsay. If statements are offered as evidence of their truth, an applicable exception must be established; multiple hearsay requires an exception for each layer. (Evid. Code, § 1201; *People v. Woodell* (1998) 17 Cal.4th 448, 455, 458; *Mangini*, *supra*, 7 Cal.4th at p. 1063; *Sosinsky*, *supra*, 6 Cal.App.4th at pp. 1564–1569; *People v. Tolbert* (1986) 176 Cal.App.3d 685, 690.) A non-hearsay use or an established exception may permit judicial notice to be taken of a document, but it does not establish the truth of disputed content in, inferences from, or interpretations of the document.

Accordingly, judicial notice of court records or official acts does not automatically establish the truth of factual matters stated in them or deduced from them. (*Mangini*, *supra*, 7 Cal.4th at pp. 1063–1064; *Higginson v. Kia Motors America, Inc.* (2026) 118 Cal.App.5th 316, 354; *OneTaste*, *supra*, 116 Cal.App.5th at p. 195.)

III. ARGUMENT

A. The IWVGA Failed to Articulate any Relevance of Exhibits A, B, or C.

As a threshold matter, the Request fails because IWVGA does not attempt to explain how Exhibits A, B, or C are relevant to Phase 2 or why the Court should take judicial notice of them. It is not enough to claim that Exhibits A, B, and C fall within one or more categories under section 452; the IWVGA must also show their relevance to prove or disprove a disputed fact of consequence in Phase 2. The Court and the TWG Parties should not be forced to guess at the relevance of Exhibits A, B, and C to Phase 2. The Court should deny IWVGA's Request for its failure to explain the exhibits' relevance. (See, *supra*, § II.A [requesting party bears the burden of establishing relevance].)

B. Exhibits A, B, and C are Not Relevant to the Only Issue before the Court in Phase 2—the Basin's Safe Yield.

Exhibits A, B, and C are irrelevant to Phase 2 on safe yield. Safe yield must be determined from evidence concerning this Basin. None of the exhibits supplies evidence from which the Court can determine the Basin's safe yield. (See, *supra*, § II.B [only relevant material may be judicially noticed].)

1. Exhibits A and B are Irrelevant to the Basin's Safe Yield.

Exhibit A is a reverse validation complaint filed by third parties in Butte County Superior Court involving the GSP for the Vina Subbasin in the Sacramento Valley Basin. Exhibit B is a letter from DWR concerning its review of that GSP. Both exhibits relate to an entirely different basin in Butte County—a completely distinct hydrogeologic basin hundreds of miles away in the Sacramento Valley. Neither is relevant to prove any disputed fact in Phase 2, or any other fact related to this Basin.

To the extent the IWVGA intends the exhibits to support deference to DWR, that argument fails. The relationship of Exhibits A and B to a recent court of appeal opinion—*AquAlliance v. Vina Groundwater Sustainability Agency* (2026) 122 Cal.App.5th 118—does not supply the requisite relevance. *AquAlliance* is decisional law; the Court can determine whether to consider it without judicially noticing Exhibits A or B.

Moreover, *AquAlliance* is inapposite. References in Exhibits A and B and in *AquAlliance* to "sustainable yield" do not transform *AquAlliance* into a decision fixing safe yield in a comprehensive groundwater basin adjudication.

Citing the primary jurisdiction doctrine, the *AquAlliance* appellate court affirmed granting a GSA's motion to dismiss a reverse validation action challenging a GSP. The primary jurisdiction doctrine applies when an action requires resolution of an issue, which, under a regulatory scheme, has been placed within the special competence of an administrative body. Plaintiffs' validation action required resolution of an issue—whether the GSP fails to achieve sustainable groundwater management—which, under SGMA, has been placed within DWR's special competence. And, while the action was pending, DWR had acted on that issue in

"approving" the GSP and finding as part of its approval that the GSP is likely to achieve the sustainability goal. (*Id.* at pp. 130, 138–147.) Its concluding discussion reserves other kinds of actions, including claims beyond the administrative process, and recognizes judicial review of DWR actions. (*Id.* at p. 150.) *AquAlliance* does not establish a categorical rule that every dispute touching a GSP's technical assumption escapes judicial review upon DWR "approval."

AquAlliance is inapplicable here to the Phase 2 Trial. First, *AquAlliance* did not evaluate the safe yield of the Vina Subbasin. By claiming that it did, IWVGA mischaracterizes *AquAlliance* in its closing brief. (IWVGA Closing Brief [ROA 2164], p. 61:14–16.) *AquAlliance* instead considered whether the Vina Subbasin GSP will fail to achieve sustainable groundwater management (assuming the sustainable yield selected by the GSA) and determined the trial court did not have jurisdiction vis-à-vis DWR to evaluate that technical issue.

Second, this Court has already determined that it is not bound by the IWVGA's sustainable yield determination, regardless of DWR "approval" of the GSP. (*See* Minute Order, Aug. 5, 2024 [ROA 1465, 1469], pp. 2, 11.) Safe yield is a critical underpinning of the Streamlined Adjudication Act (Code Civ. Proc., § 830 *et seq.*) and is integral to developing any physical solution. (*Id.* at p. 7; e.g., *Antelope Valley Groundwater Case* (2021) 62 Cal.App.5th 992, 1000-1002.) Under the Streamlined Act, issues such as safe yield are determined in an adversarial setting, including through expert witnesses. (Minute Order, Aug. 5, 2025, *supra*, at p. 7.)

Finally, neither SGMA nor any other California law has placed a safe yield determination within the special competence of DWR. On the contrary, DWR's "approval" of the 2020 GSP is not approval of the IWVGA's sustainable yield determination; it is, at most, an acknowledgment that the 2020 GSP conforms to Water Code sections 10727.2 and 10727.4 in that the GSP includes the minimally required content and DWR considers it likely to achieve the Basin's sustainability goal assuming the sustainable yield selected by the IWVGA. (*See* Wat. Code, § 10733, subd. (a); *AquAlliance*, *supra*, 122 Cal.App.5th at pp. 149–150; Trial Ex. 359 [1/13/22 DWR Letter re IWVGA GSP]; *see also* Wat. Code, §§ 10720.5, 10738; Code Civ. Proc., § 830, subd. (b)(7); *Environmental Law Found. v. State Wat. Res. Control Bd.* (2018) 26 Cal.App.5th

844, 863 ["As a general rule, statutes do not supplant the common law."]; Assem. Off. of Research, Conc. in Sen. Amm. of Assem. Bill No. 1390 (2015–2016 Reg. Sess.) as amended Sept. 4, 2015, pp. 1–4.)

The statutory framework relating to a GSA's technical report in a comprehensive adjudication demonstrates that California law has not removed the determination of safe yield from the courts. In a basin with a DWR-approved GSP, the court may request a GSA to submit a technical report in an adjudication. (Code Civ. Proc., § 845, subd. (d)(1).) The GSA's technical report serves as prima facie evidence of physical facts within the report; however, the court "shall hear evidence that may be offered by any party to rebut the report or the prima facie evidence." (Code Civ. Proc., § 845, subd. (d)(4).) If DWR "approval" of a GSP determined all technical questions and precluded a court from determining otherwise, it would render Code of Civil Procedure section 845, subdivision (d) meaningless.

2. *Exhibit C is Irrelevant to the Basin's Safe Yield.*

Exhibit C contains excerpts from the reporter's transcript of the February 10, 2025 Status Conference. The excerpt is a procedural discussion entirely about scheduling. A colloquy between counsel and the Court at a status conference on when models would be exchanged says nothing about recharge, pumping, the Basin's hydrologic characteristics, or safe yield. Exhibit C contains no hydrologic findings, no evidence about the Basin, and no safe yield figure. Exhibit C is irrelevant.

To the extent the IWVGA seeks to use Exhibit C to discredit the District's groundwater model, Exhibit C does not do so. The Court expressly characterized its comments as "thinking out loud." (Exh. C, p. 36:3–4.) Evidence Code section 356 permits the context necessary to understand a quoted portion of a conversation or writing. (Evid. Code, § 356.) In fact, the Court should not evaluate the District's model based on a snippet from a scheduling discussion during a status conference when it has the benefit of evidence and expert testimony admitted during the Phase 2 Trial.

C. Judicial Notice Does Not Extend to the Truth of the Content in, Inferences from, or Interpretation of Exhibits A, B, or C.

Neither the truth of the content in Exhibits A, B, and C, inferences from them, nor any interpretation of them are the proper subject of judicial notice. (See, *supra*, § II.C [judicial notice does not extend to a document's truth or interpretation].)

Exhibit A is a complaint. It consists of unverified and disputed allegations made by third-party litigants in another case concerning the Vina Subbasin. Exhibit A itself is hearsay, and its allegations about the contents of the Vina GSP offer a second layer of hearsay. There is no basis for accepting the complaint's allegations as true. The Court should not take judicial notice of either the truth of the content of Exhibit A or of any particular interpretation of it.

Exhibit B is a letter from DWR concerning the GSP for the Vina Subbasin. Judicial notice of an official act does not establish the correctness of its underlying findings or the legal effect of the act. Exhibit B also represents multiple layers of hearsay: the letter itself is hearsay, and it relies on an attached staff report with various findings. The Court should not take judicial notice of the truth of any statements within Exhibit B, and the Court should decline to accept any particular interpretation of its legal significance.

Notably, Exhibit B itself disclaims independent technical review of the Vina Subbasin GSP, stating that DWR's "assessment does not require [DWR] staff to recalculate or reevaluate technical information provided in the [GSP] or to perform its own geologic or engineering analysis of that information." Exhibit B further confirms that DWR's approval "does not signify that [DWR] staff, were they to exercise the professional judgment required to develop a GSP for the basin, would make the same assumptions and interpretations as those contained in the [GSP]." (Exh. B, Staff Report, p. 5.)

Exhibit C is an excerpt from a reporter's transcript of the February 10, 2025 status conference. Statements made by counsel at prior hearings are argument, not evidence, and they are not judicially noticeable for their truth. Nor are the Court's preliminary remarks or observations at a scheduling conference considered findings of fact. The Court should decide the Basin's safe yield on the evidence and testimony admitted at trial.

IV. CONCLUSION

For the foregoing reasons, the Court should deny the Request. If the Court is inclined to consider the Request, the TWG Parties respectfully request a hearing.

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