

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE**

Civil Complex Center  
751 W. Santa Ana Blvd  
Santa Ana, CA 92701

**SHORT TITLE:** Mojave Pistachios, LLC vs. Indian Wells Valley Groundwater Authority**CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE****CASE NUMBER:**  
**30-2021-01187589-CU-WM-CXC**

I certify that I am not a party to this cause. I certify that that the following document(s), dated , was transmitted electronically by an Orange County Superior Court email server on November 21, 2025, at 2:48:37 PM PST. The business mailing address is Orange County Superior Court, 700 Civic Center Dr. W, Santa Ana, California 92701. Pursuant to Code of Civil Procedure section 1013b, I electronically served the document(s) on the persons identified at the email addresses listed below:

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**CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE**

**SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF ORANGE  
CIVIL COMPLEX CENTER**

**MINUTE ORDER**

DATE: 11/21/2025

TIME: 09:00:00 AM

DEPT: CX101

JUDICIAL OFFICER PRESIDING: William Claster

CLERK: G. Hernandez

REPORTER/ERM: (ACRPT) Stacie Skotarczyk CSR# 7211

BAILIFF/COURT ATTENDANT: . None, None

CASE NO: **30-2021-01187589-CU-WM-CXC** CASE INIT.DATE: 03/08/2021

CASE TITLE: **Mojave Pistachios, LLC vs. Indian Wells Valley Groundwater Authority**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Writ of Mandate

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EVENT ID/DOCUMENT ID: 74668590

**EVENT TYPE:** Motion - Other

MOVING PARTY: Indian Wells Valley Water District

CAUSAL DOCUMENT/DATE FILED: Motion - Other for order confirming "Interested party" status, 09/18/2025

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**APPEARANCES**

Jeffrey V. Dunn, from Best Best & Krieger LLP, present for Petitioner(s).

Jacob C. Metz, from Richards, Watson & Gershon, present for Respondent(s).

Douglas J. Evertz, from MURPHY & EVERTZ LLP, present for Respondent, Defendant, Interested Party(s).

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Additional Remote Appearances: Keith Lemieux of Aleshire & Wynder appearing remotely for Indian Wells Valley Groundwater Authority; James Worth of McMurtrey Hartsock Worth & St. Lawrence appearing remotely for Indian Wells Valley Water District; James L. Markman of Richards Watson Gershon for Indian Wells Valley Groundwater Sustainability Agency; Amy Steinfeld of Brownstein appearing for Mojave Pistachios

**Motion of Respondent and Defendant Indian Wells Valley Water District for Order Confirming "Interested Party" Status**

Hearing held with participants appearing remotely and in person.

Tentative Ruling posted on the Internet. A copy of the Court's tentative ruling is attached to this Minute Order.

The Court hears oral argument.

After hearing oral argument on the Indian Wells Valley Water District's motion for an order confirming "interested party" status, the Court ordered further briefing on the pending motion, including how the motion affects the proposed settlement between the Groundwater Authority and Searles Valley Minerals. The parties are ordered to meet and confer and enter into a stipulation that is to be submitted to the Court on or before December 02, 2025 regarding (1) a briefing schedule and hearing date for the continued motion, (2) a briefing schedule and hearing date for a hearing on the reverse validation action (assuming it is allowed to proceed), (3) an extension of the 5-year rule with respect to the reverse validation action, and (4) any other issues raised during today's hearing. The Court will defer acting on Searles' November 17, 2025 Request for Dismissal until that further briefing is received and the

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continued motion is heard.

Court orders clerk to give notice.

**SEARLES VALLEY MINERALS INC. v. INDIAN WELLS VALLEY GROUNDWATER  
AUTHORITY 21-1188089 (Lead Case: 21-1187589)**

Defendant Indian Wells Valley Water District (the “District”) moves the Court for an order confirming it is an “interested party” in this action as that term is used in the validation statutes. Alternatively, the District moves for leave to file an amended answer. The motion is opposed by defendant Indian Wells Valley Groundwater Authority (the “Authority”).

For the reasons set forth herein, the District’s motion is GRANTED IN PART AND DENIED IN PART. Specifically, the Court confirms that the District is an “interested party.” However, the Court denies (1) the District’s contention that “interested party” status automatically confers the right to argue against the validity of the GSP, and (2) the District’s request to file an amended answer.

**GROUNDS FOR RULING**

**I. Interested Party Status**

**A. Relevant Procedural History**

Petitioner Searles Valley Minerals Inc. originally filed this case in Kern County Superior Court. Among other things, Searles’ petition (ROA 43) challenged the validity of the Authority’s groundwater sustainability plan (GSP). An agency that adopts a GSP may establish its validity by filing a validation action under CCP § 860 et seq. (Wat. Code, § 10276.6.) The validation statutes also allow anyone challenging the validity of such an action to file a “reverse validation” action. (CCP § 863.)

The Kern County Superior Court issued a summons for Searles’ petition on

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October 27, 2020. (ROA 47.) The summons advised all persons interested in the validity of the GSP to file an answer contesting its validity by December 18, 2020.

On November 20, 2020, the District filed a certificate of inability to respond. (ROA 51.) The certificate explained that the makeup of the District's board had changed following the November 2020 election, and the newly elected directors wouldn't take office until December 14, just four days before the deadline to answer Searles' petition. The District sought an extension of time to respond to January 15, 2021 to allow its counsel to brief the newly constituted board and receive direction on how to proceed. The Kern County Superior Court granted the requested extension.

The District attempted to file an answer on January 15, 2021, but the Kern County Superior Court clerk rejected it. The rejection notice explained that Searles' case had since been consolidated with another matter, and the answer should be filed in the other matter. (Evertz Decl. (included in ROA 707) ¶ 6 & Ex. 4.)

By this time, Mojave Pistachios, Searles, and the Authority had agreed to transfer the cases from Kern County Superior Court to Orange County Superior Court. They filed a stipulation to this effect, which the Kern Superior Court granted on January 15. (ROA 32.)

On January 25 and 26, 2021, these parties and the District agreed to further extend the District's time to file an answer. Their stipulation would have given the District until 15 days after it received notice that the Orange County Superior Court received the cases. (Evertz Decl. Ex. 5.) The Kern Superior Court rejected this stipulation because it had already transferred the case to Orange County. (Evertz Decl. ¶ 7.)

On March 18, the District received notice of transfer of the cases to the Orange

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County Superior Court. (Evertz Decl. ¶ 8.) On April 1, 2021, less than 15 days later, the District filed its answer in Orange County. (ROA 64.) In its prayer for relief, the District asked that Searles' petition be dismissed and that Searles' prayer for relief be denied. (*Id.*, at pp. 27-28.)

The District now seeks an order confirming that it is an "interested party" within the meaning of the validation statutes, meaning it has a right to contest the validity of the GSP.

**B. Discussion**

Initially, the Authority argues the District can't be an interested party because this isn't a reverse validation action. The Court disagrees. As noted above, Searles' petition challenges the GSP, and the GSP is properly challenged through a reverse validation action. That Searles raises other bases for relief doesn't mean the challenge to the GSP isn't a reverse validation action. As a result, the limitation of CCP § 862 applies here: "Any party interested may, not later than the date specified in the summons, appear and contest the legality or validity of the matter sought to be determined."

The parties disagree about whether the Kern Superior Court's extension of the District's time to respond operated to toll this limitation. *City of San Diego v. San Diegans for Open Government* (2016) 3 Cal.App.5th 568, cited by both the District and the Authority, suggests the extension tolled the limitations period. In that case, a suspended corporation answered the city's validation action. The corporation later revived its corporate status and prevailed on the merits of its challenge, and the trial court awarded attorneys' fees under CCP § 1021.5. The city appealed the fee award, and the appellate court reversed. It explained that the corporation could recover its fees only if it timely appeared in the validation action. Because the corporation was suspended at the time it answered, it failed to timely appear. Further, the appellate court noted, counsel for the corporation

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“did not seek a continuance so [the corporation] could be revived and, once revived, file an answer.” (*Id.*, at p. 580.) The Court interprets this to mean that an order extending the time to answer a validation (or reverse validation) petition tolls the limitations period in CCP § 862.

This, however, does not end the inquiry. It is undisputed that the District failed to answer by the January 15 deadline because its answer was rejected by the Kern Superior Court clerk. Rather than acting to correct this issue immediately, the District stipulated with the other parties to a further extension until after transfer to the Orange Superior Court. This stipulation, however, was rejected by the Kern Superior Court. It never had force or effect.

That said, the District did file its answer in the Orange Superior Court within the deadline agreed to by the parties, even if that deadline wasn’t formally adopted by the Kern Superior Court. The Court therefore concludes the District’s answer was timely filed, making the District an interested party.

However, it doesn’t follow that simply because the District is an interested party, it may now argue *against* the validity of the GSP. The District’s original answer joined the contest about the GSP’s validity, but it joined the contest *on the side of the Authority*. As noted above, the District prayed that Searles’ petition be dismissed, and Searles’ prayer for relief—a determination that the GSP was invalid—be denied. Insofar as the District’s filing of an answer made it an interested party, its interest, at least as articulated then, was in seeing the GSP upheld. While the District contends that its answer from four years ago does not preclude it from now arguing against the validity of the GSP, it doesn’t explain why this 180-degree reversal is proper. Apparently recognizing this problem, the District seeks to amend its answer to update its position.

**II. Amended Answer**

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A motion for leave to amend a pleading must satisfy the requirements of CRC 3.1324. Relevant here, the motion must be supported by a declaration that specifies “(1) The effect of the amendment; (2) Why the amendment is necessary and proper; (3) When the facts giving rise to the amended allegations were discovered; and (4) The reasons why the request for amendment was not made earlier.” (CRC 3.1324(b).)

The District’s supporting declaration of counsel fails to satisfy these standards. As counsel testifies, the District has known since May 2021 that it “viewed itself as similarly situated to Searles—not the Authority—in this action.” (Evertz Decl. ¶ 12.) Specifically, the District filed a non-opposition to Searles’ preliminary injunction motion asking that if the Court enjoined the replenishment fee as to Searles, it do so as to the District as well. (*Ibid.* & Ex. 12.) That is, over *four years ago*, the District knew that it sought similar relief to Searles, contrary to its answer praying that Searles be denied relief. Counsel provides no explanation for why the District failed to seek leave to amend its answer at any time between May 2021 and September 2025. Counsel’s discussion of August 2025 meet-and-confer efforts (Evertz Decl. ¶ 14) explains the most immediate events leading to this motion, but counsel says nothing about the four years before that. Because the District’s supporting declaration fails to explain why the request for amendment wasn’t made years earlier, the motion for leave to amend is denied for this reason alone.

On top of this concern is the prejudice asserted by the Authority if an amendment is allowed several months before the February 4, 2026 trial date. (Opp. at pp. 20-21) The Authority contends that it will need to conduct discovery and file pre-trial motions if the amendment is allowed. Yet the District fails to address these concerns in its Reply. The lack of a response on this issue is further reason to deny the requested amendment.

That being said, assuming the District is allowed to proceed as an interested party opposing the GSP, the Authority needs to know the basis of the District’s opposition. It is unclear, at least to the Court, whether the District has ever clearly

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articulated the specific deficiencies it contends exist with respect to the GSP.