

James A. Worth, State Bar No. 147207
McMURTREY, HARTSOCK, WORTH & ST LAWRENCE
2001 22nd Street, Suite 100
Bakersfield, California 93301
Telephone No.: 661.322.4417
Fax No.: 661.322.8123
Email: jim@mhwslegal.com

Exempt From Fees Per
Govt. Code § 6103

Douglas J. Evertz, State Bar No. 123066
Emily L. Madueno, State Bar No. 251721
MURPHY & EVERTZ LLP
650 Town Center Drive, Suite 550
Costa Mesa, California 92626
Telephone No.: 714.277.1700
Fax No.: 714.277.1777
Email: devertz@murphyevertz.com
emadueno@murphyevertz.com

Attorneys for Defendant, Cross-Complainant, & Cross-Defendant
INDIAN WELLS VALLEY WATER DISTRICT

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

**JOINT STATUS CONFERENCE
STATEMENT (7/31/2026)**

RELATED TO ROA 2090
Date: July 31, 2026
Time: 2:30 p.m.
Dept.: CX101

INDIAN WELLS VALLEY WATER
DISTRICT,

Complaint Filed: November 19, 2019
Phase 1 Trial Date: April 28, 2025
Phase 2 Trial Date: June 8, 2026

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

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.
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.

1

2

6

7

10

11

13

14

15

16

21

23

25

26

1 (2) Some of the Phase 2 Trial Parties believe a list of potential candidates
2 from the State Water Resources Control Board would assist the parties' candidate selection
3 process;

4 (3) The Phase 2 Trial Parties respectfully request the Court enter the
5 concurrently submitted Proposed Order Requesting the State Water Resources Control Board
6 Recommend Special Master Candidates pursuant to Code of Civil Procedure section 845(c)
7 ("Proposed Order re List"), a copy of which is also attached as Exhibit "A" to this Joint
8 Statement;

9 (4) The Phase 2 Trial Parties are meeting and conferring regarding a
10 "Proposed Order Appointing Special Master Re: Phase 2 Trial" to be jointly submitted to the
11 Court. To assist in drafting the proposed order, the Phase 2 Trial Parties request the Court
12 provide the definition of safe yield to be included in the proposed order and used by the Special
13 Master. In addition, and as relevant to drafting the Proposed Order, the Phase 2 Trial Parties
14 wish to discuss with the Court the extent to which the Court contemplates, if at all, the Special
15 Master being able to present additional questions of witnesses or seek clarification; and;

16 (5) The Phase 2 Trial Parties respectfully request the Court schedule a further
17 Status Conference Re Special Master for thirty (30) days out.

18
19 DATED: July 27, 2026

MURPHY & EVERTZ LLP

20
21
22 By: /s/ Douglas J. Evertz

Douglas J. Evertz

Emily L. Madueno

Attorneys for Defendant, Cross-Complainant, &
Cross-Defendant

INDIAN WELLS VALLEY WATER DISTRICT

1 DATED: July 27, 2026

ALESHIRE & WYNDER LLP

2
3
4 By: /s/ W. Keith Lemieux

5 W. Keith Lemieux
6 Phillip Hall
7 Alex Lemieux

8 Attorneys for Cross-Defendant
9 CITY OF RIDGECREST

10 DATED: July 27, 2026

RICHARDS, WATSON & GERSHON, APC

11
12
13 By: /s/ James L. Markham

14 James L. Markman
15 Kyle H. Brochard
16 Jacob C. Metz

17 Attorneys for Cross Defendant
18 INDIAN WELLS VALLEY GROUNDWATER
19 AUTHORITY

20 DATED: July 27, 2026

FENNEMORE LLP

21 By: /s/ Derek R. Hoffman

22 Derek R. Hoffman
23 Sean T. Hood
24 Darien Key

25 Attorneys for Defendants & Cross Defendants
26 MEADOWBROOK DAIRY REAL ESTATE, LLC;
27 BIG HORN FIELDS, LLC; BROWN ROAD FIELDS,
28 LLC; HIGHWAY 395 FIELDS, LLC, and THE
MEADOWBROOK MUTUAL WATER COMPANY

1 DATED: July 27, 2026

BEST BEST & KRIEGER LLP

2
3
4 By: /s/ Eric L. Garner

5 Eric L. Garner
6 Jeffrey V. Dunn
7 Alison K. Toivola

8 Attorneys for Defendant, Cross Defendant, & Cross
9 Complainant
10 SEARLES VALLEY MINERALS INC.

11 DATED: July 27, 2026

12 UNITED STATES DEPARTMENT OF JUSTICE
13 ADAM R. F. GUSTAFSON
14 Acting Assistant Attorney General
15 Environment and Natural Resources Division

16 By: /s/ Judith E. Coleman

17 Judith E. Coleman, Attorney
18 David W. Gehlert, Attorney
19 Alexa V. Penalosa, Attorney

20 Attorneys for Cross Defendant
21 UNITED STATES OF AMERICA
22
23
24
25
26
27
28

EXHIBIT A

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

**[PROPOSED] ORDER REQUESTING
THE STATE WATER RESOURCES
CONTROL BOARD TO RECOMMEND
SPECIAL MASTER CANDIDATES
(C.C.P. § 845(c))**

RELATED TO ROA 1959

Phase 2 Trial:

Date: June 8, 2026

Time: 9:00 a.m.

Dept.: CX101

INDIAN WELLS VALLEY WATER
DISTRICT,

Cross-Complainant,

v.

Complaint Filed: November 19, 2019
Phase 1 Trial Date: April 28, 2025
Phase 2 Trial Date: June 8, 2026

1 ALL PERSONS WHO CLAIM A RIGHT
2 TO EXTRACT GROUNDWATER IN THE
3 INDIAN WELLS VALLEY
4 GROUNDWATER BASIN NO. 6-54
5 WHETHER BASED ON
6 APPROPRIATION, OVERLYING RIGHT,
7 OR OTHER BASIS OF RIGHT, AND/OR
8 WHO CLAIM A RIGHT TO USE OF
9 STORAGE SPACE IN THE BASIN; et al.,

Cross-Defendants.

SEARLES VALLEY MINERALS INC.,

Cross-Complainant,

v.

12 ALL PERSONS WHO CLAIM A RIGHT
13 TO EXTRACT GROUNDWATER IN THE
14 INDIAN WELLS VALLEY
15 GROUNDWATER BASIN NO. 6-54
16 WHETHER BASED ON
17 APPROPRIATION, OVERLYING RIGHT,
18 OR OTHER BASIS OF RIGHT, AND/OR
19 WHO CLAIM A RIGHT TO USE OF
20 STORAGE SPACE IN THE BASIN; et al.,

Cross-Defendants.

ORDER REQUESTING STATE WATER RESOURCES CONTROL BOARD
TO RECOMMEND SPECIAL MASTER CANDIDATES

The Court, having presided over the phase 2 trial (the “Phase 2 Trial”) to determine the safe yield of the Indian Wells Valley Groundwater Basin (the “Basin”) in this comprehensive groundwater adjudication filed pursuant to Code of Civil Procedure section 830 *et seq.*, and having determined to appoint a special master to assist the Court with technical issues involved in the Phase 2 Trial and to make a recommendation to the Court, finds:

A. The Phase 2 Trial was held for a period of ten (10) court days, which commenced on June 8, 2026, and concluded on June 29, 2026.

B. The parties that appeared and presented evidence or examined witnesses during the Phase 2 Trial are listed as follows and referred to herein as the “Phase 2 Trial Parties”:

- (1) City of Ridgecrest (the “City”);
- (2) Indian Wells Valley Groundwater Authority (the “Authority”);
- (3) Indian Wells Valley Water District (the “District”);
- (4) Meadowbrook Dairy Real Estate, LLC, a California Limited Liability Company; Big Horn Fields, LLC, a California Limited Liability Company; Brown Road Fields LLC, a California Limited Liability Company; Highway 395 Fields, LLC, a California Limited Liability Company; and The Meadowbrook Mutual Water Company, a California corporation (collectively, the “Meadowbrook Dairy entities”);
- (5) Searles Valley Minerals Inc. (“Searles”); and
- (6) United States of America (the “United States”).

C. The record of the Phase 2 Trial, including both the record of testimony and the exhibits, is voluminous and of a highly technical nature involving complex issues including hydrology, hydrogeology, and groundwater modeling.

D. Pursuant to Code of Civil Procedure section 845(a)(4) and the Court’s inherent authority, the Court is authorized to appoint a special master to assist the Court with technical issues involved in the Phase 2 Trial and to make a recommendation to the Court.

1 E. Appointment of a special master will assist the Court in evaluating the evidence
2 and will promote efficient, orderly, and technically sound resolution of the Phase 2 Trial, while
3 preserving the Court’s exclusive authority to determine all factual and legal issues.

4 F. The Court will be appointing a special master who will be asked to recommend to
5 the Court his or her best estimate of safe yield for the Basin, including identifying the evidentiary
6 basis for his or her recommendation and citing to principal testimony, evidence, assumptions,
7 methodologies, and factual findings relied upon in making his or her recommendation.

8 G. Pursuant to Code of Civil Procedure section 845(c), a “court may request the State
9 Water Resources Control Board . . . to recommend candidates for appointment as a special
10 master.”

11 Based on the foregoing and for good cause appearing, the Court enters the following
12 Order Requesting the State Water Resources Control Board to Recommend Special Master
13 Candidates (“Order”), pursuant to Code of Civil Procedure section 845(c), and hereby orders as
14 follows:

15 **1. Request of the State Board.**

16 (a) The State Water Resources Control Board (the “State Board”) is requested
17 to submit to this Court a list of candidates (“Candidates List”) that the State Board recommends
18 for appointment as a special master to assist the Court in this case as described above.

19 (b) Submission of the Candidates List by the State Board to the Court and
20 counsel for the Phase 2 Trial Parties shall be by email at the following email addresses:

- 21 (i) Courtroom Clerk: Mr. Gus Hernandez, gghernandez@occourts.org.
22 (ii) The City: Keith Lemieux, Esq., klemieux@awattorneys.com; Alex
23 Lemieux, Esq., alemieux@awattorneys.com; Phillip Hall, Esq.,
24 phall@awattorneys.com.
25 (iii) The IWVGA: James Markman, Esq., jmarkman@rwglaw.com;
26 Kyle Brochard, Esq., kbrochard@rwglaw.com; Jacob Metz, Esq.,
27 jmetz@rwglaw.com.
28

- (iv) The District: James Worth, Esq., jim@mhwslegal.com; Douglas Evertz, Esq., devertz@murphyevertz.com; Emily Madueno, Esq., emadueno@murphyevertz.com.
- (v) The Meadowbrook Dairy entities: Derek Hoffman, Esq., dhoffman@fennemorelaw.com; Sean Hood, Esq., shood@fennemorelaw.com.
- (vi) Searles: Eric Garner, Esq., eric.garner@bbklaw.com; Jeffrey Dunn, Esq., jeffrey.dunn@bbklaw.com; Alison Toivola, Esq., alison.toivola@bbklaw.com.
- (vii) The United States: David Gehlert, Esq., david.gehlert@usdoj.gov; Judith Coleman, Esq., judith.coleman@usdoj.gov; Alexa Penalosa, Esq., alexa.penalosa@usdoj.gov.

(c) If the State Board anticipates that it will be unable to submit the requested Candidates List on or before August 20, 2026, the State Board is requested to inform the Court and Phase 2 Trial Parties of its best estimate on the timing (“Timing Estimate”) of its submission of the Candidates List. Submission of the State Board’s Timing Estimate shall be in the same manner as required for the State Board’s submission of the Candidates List as provided above in paragraph 1(b) and shall be submitted on or before August 20, 2026 if the Candidates List is not otherwise submitted on or before that date.

2. Notice. The District shall give notice of this Order.

3. Delivery of Order to the State Board. Within three (3) court days of entry of this Order, the District shall provide a copy of this Order to the Director of the State Board and any others deemed necessary to process this request.

IT IS SO ORDERED.

Dated: _____

The Honorable William D. Cluster

JUDGE OF THE SUPERIOR COURT

- 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 am a resident of the State of California, over 18 years of age and not a party to this action. I am employed in the County of Orange, State of California. My business address is 650 Town Center Drive, Suite 550, Costa Mesa, CA 92626.

PLEASE SEE SERVICE LIST

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address aconstant@murphyevertz.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

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

Alexandra Constant