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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

**DECLARATION OF ANITA IMSAND IN
SUPPORT OF TECHNICAL WORKING
GROUP PARTIES' OBJECTIONS TO
STATE WATER RESOURCES
CONTROL BOARD'S SPECIAL
MASTER CANDIDATE FOR PHASE 2
TRIAL RECOMMENDATION ON SAFE
YIELD**

RELATED TO ROA 1959, 2122

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.

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.

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

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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

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE, CIVIL COMPLEX CENTER

MOJAVE PISTACHIOS, LLC; et al.,
Plaintiffs,

v.

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

INDIAN WELLS VALLEY WATER
DISTRICT,

Cross-Complainant,

v.

ALL PERSONS WHO CLAIM A RIGHT

Case No. 30-2021-01187275-CU-OR-CJC

Related to Case Nos.

30-2021-01187589-CU-WM-CXC

30-2021-01188089-CU-WM-CXC

30-2022-01239487-CU-MC-CJC

30-2022-01239479-CU-MC-CJC

30-2022 01249146-CU-MC-CJC

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

TO EXTRACT GROUNDWATER IN THE
INDIAN WELLS VALLEY
GROUNDWATER BASIN NO. 6-54
WHETHER BASED ON
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SEARLES VALLEY MINERALS INC.,

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ALL PERSONS WHO CLAIM A RIGHT
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GROUNDWATER BASIN NO. 6-54
WHETHER BASED ON
APPROPRIATION, OVERLYING
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Cross-Defendants.

**DECLARATION OF ANITA IMSAND IN
SUPPORT OF TECHNICAL WORKING
GROUP PARTIES' OBJECTIONS TO
STATE WATER RESOURCES CONTROL
BOARD'S SPECIAL MASTER CANDIDATE
FOR PHASE 2 TRIAL
RECOMMENDATION ON SAFE YIELD**

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

I, Anita Imsand, declare as follows:

1. I am a Principal for Defendants and Cross-Defendants 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, "Meadowbrook"). I have personal knowledge of the facts set forth herein. If called as a witness, I could and would competently testify to the matters stated herein.

2. Exhibit C to the Technical Working Group Parties' Objection to State Water Resources Control Board's Special Master Candidate for Phase 2 Trial Recommendation on Safe Yield is a true and correct copy of an email that I sent to Mr. Samuel Boland-Brien on March 31, 2017.

3. Mr. Boland-Brien did not respond to that email.

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

3 Executed on this 23rd day of September 2026.

DocuSigned by:

30D2CB49AD6C4B1...

Anita Imsand

EXHIBIT C

Begin forwarded message:

From: Anita Imsand
Date: March 31, 2017 at 3:46:24 PM PDT
To: samuel.boland-brien@waterboards.ca.gov
Subject: Fwd: Follow Up about Indian Wells Valley SGMA

Re sending with corrected
e-mail

From: Anita Imsand <anita911@aol.com>
Date: March 31, 2017 at 3:35:32 PM PDT
To: David M Ceppos <dceppos@ccp.csus.edu>
Cc: hong.lin@water.ca.gov, mark.nordberg@water.ca.gov, rich.juricich@water.ca.gov,
erik.ekdahl@waterboards.ca.gov, samuel.bowland-brien@waterboards.ca.gov
Subject: RE:Follow Up about Indian Wells Valley SGMA

Dear Mr. Ceppos,

Thank you for reaching out to us and for putting us in touch with each of the State Water Board and DWR representatives copied here. We enjoyed the conference and especially your presentation. We felt that your comments about the importance of including groundwater stakeholders early and often in the SGMA process were right on, and we understand that many basins in California are doing just that. Unfortunately, that has not been our experience here in the Indian Wells Valley. Based on what we have seen over the last two years, we are very concerned about what Kern County seeks to do our family farm and to other farmers and the small pumpers through the SGMA process.

Meadowbrook Dairy has been in operation since 1918, almost 100 years. We have farmed in three locations in California. We have been through adjudications and Meadowbrook's operation has shrunk over the last couple of decades. Our property in the Indian Wells Valley is our only remaining farm, where we grow alfalfa. Our farm is one of the largest groundwater pumpers in the Valley, as it has been for about 40 years.

There is just one other large farmer in the Valley, Mojave Pistachios, who came to the Valley around 2014. Searles Valley Minerals is another large private entity pumper that pumps from the Valley and uses that water for its mine in Trona. Meadowbrook, Mojave and Searles are the only three large private pumpers in this basin. Meadowbrook is a signatory to the Indian Wells Valley Cooperative Groundwater Management Group, which meets monthly and for many years has worked collaboratively on groundwater issues with the other pumpers and stakeholders in the basin. As you can see on the Cooperative Group's website (<http://iwvgroundwater.org/about-us/>), this collaborative effort has accomplished a significant amount of work for the benefit of the Indian Wells Valley Groundwater Basin. Signatory members include entities such as the BLM, the City of Ridgecrest, the County of Kern, the Naval Air Weapons Station China Lake, the Eastern Kern Resources Conservation District, the Indian Wells Valley Water District, Searles Valley Minerals, Meadowbrook and Mojave Pistachios.

The objectives of the Cooperative Group, which are outlined in the Cooperative Groundwater Management Plan, include for example, exploring potential water management programs that are beneficial to the Valley, developing information and data to further define and better understanding our groundwater resources, and establishing mechanisms to implement strategic goals.

The Cooperative Group has generated and maintains dozens of studies and volumes of data regarding our Valley and its groundwater resources (<http://iwvgroundwater.org/reference-documents/>).

Meadowbrook's hydrogeologist, Eddy Teasdale of Kennedy Jenks, is a member of the Cooperative Group's Technical Advisory Committee, which consists of specialists from several agencies that continually review and monitor ongoing management efforts, current state and federal groundwater legislation, and the most recent scientific studies to better understand our local water resources, among other things. The Cooperative Group and its TAC reflect our Valley's tradition of working collaboratively, and Meadowbrook is doing our part to participate in helping this basin into the future.

In stark contrast to the collaboration we have experienced in the Cooperative Group, for well over a year now, Meadowbrook, together with Mojave and Searles, have been asking Kern County and the other public agency members of the new Indian Wells Valley Groundwater Authority (a JPA) to commit that it will have meaningful participation in the SGMA process. Though we have been repeatedly promised meaningful participation in the GSA and GSP processes, each time the Groundwater Authority begins taking steps to memorialize our role, it pulls back, changes the game, or makes a total reversal of its commitments. Notably, Meadowbrook, Mojave and Searles are the only members of the Cooperative Group and the Cooperative Group's TAC that have requested but are not represented in the Groundwater Authority's management or committee structures.

Kern County and its attorneys are clearly running this Groundwater Authority, and have seemingly chosen to paint a target on agriculture's back. This is especially concerning since we are located in the "white space" and

Kern County Supervisor Mick Gleason, the Chairperson of the Groundwater Authority, is the elected official that represents the white space in our basin.

We understand that Supervisor Gleason and possibly others from this Valley have met several times with State Water Board and DWR representatives, and we are grateful to know that the State Water Board and the DWR are paying attention to our basin. We just hope that you're getting a complete and accurate picture of what is going on in the Indian Wells Valley. With all that has happened over the last two years, and in light of the growing frustration among pumpers, citizens and other stakeholders, we feel we have no choice but to write to you, the State Water Board and DWR about the SGMA process in the Indian Wells Valley.

Kern County's first shot against agriculture in the Indian Wells Valley was in early 2015, when Kern County attempted to up-zone agricultural properties in the Indian Wells Valley. The whole point of that zoning change was to limit agricultural operations as a means of limiting their groundwater production. Though Kern County attempted to up-zone all of our properties, we worked hard with the County to limit the application to a 300-acre portion of our land so it did not jeopardize our entire farming operation. A lot of farmers were very upset about the way Kern County approached the up-zoning process, and many of them wrote letters to Kern County pointing out many of the questionable aspects of the technical studies that were used to justify Kern County's up-zoning efforts. Meadowbrook was among those farmers that were frustrated by Kern County's approach, but we took a different tact and came to what we thought was a reasonable solution. In fact, we honestly thought we had developed a workable relationship with Kern County, though it appears we were wrong.

Then SGMA started coming to the Valley.

We and other members of the public found out many months afterward that in mid-2015, meetings were being held among representatives from the public agencies in our basin about forming a GSA for the Indian Wells Valley. None of those public agencies reached out to us – or anyone else to our knowledge – they just started holding secret meetings, led by Kern County officials, Kern County Counsel, and Kern County’s highly-paid water lawyers. We understand that, in other basins, public agencies reached out to their stakeholders (including farmers) *before* meetings were held to discuss forming a GSA, or at least very early in the process, in order to get stakeholder input. That was not the case in the Indian Wells Valley. Instead, those secret meetings continued for many months; and we now know from the meeting “minutes” that were eventually posted online (but never posted in time for the public to timely know what was going on) that those discussions included how to exclude agriculture, Searles, and even the local conservation district from the management structure rather than finding ways to *include* us.

In January 2016, we began asking Kern County to include us in those discussions. Rather than welcome us, Kern County Counsel rejected our requests and told us we were not qualified to attend. We know of no public agencies that ultimately joined the JPA, who held any public workshops while these secret meetings were going on. Instead, they told us to sit tight and wait for the JPA to be formed, promising that, at point, we would have meaningful participation (though they never defined what that meant). Since we were not invited to attend the secret meetings and conference calls, we had little choice but to attend the public hearings conducted by the individual public agency boards. This was a very

expensive process for us, where our lawyers attended and spoke on our behalf.

We knew, when we initially asked to be part of the JPA board, that similar private entities had been included in the management of the Sacramento Central Groundwater Authority and other JPAs that DWR has identified in its FAQ's. Regardless, we were rejected from the JPA and told that we would be placed on a committee of the GSA that would do the "heavy lifting" and be the "workhorse" that would develop the GSP. This was about a year ago now. We recognized that being part of such a committee could provide meaningful participation if it was structured properly. So, Meadowbrook, Mojave and Searles proposed a structure for a "GSP Development Committee" that would help define meaningful participation not just for us but also for small pumpers, the JPA member agencies, the Navy and others.

In February 2016, the Kern County Board of Supervisors considered and Kern County Counsel read into the record, a GSP Development Committee Conceptual, which generally reflected our group's efforts to define "meaningful participation" for the private stakeholders. The Indian Wells Valley Water District even approved a slightly revised version of the GSP Development Committee Conceptual in March 2016. Nevertheless, the public agencies refused to incorporate the GSP Development Committee into the Joint Powers Agreement, after which, the concept of a GSP Development Committee has faded away. Instead, the Groundwater Authority now proposes to establish two separate committees—a Policy Advisory Committee and Technical Advisory Committee. For the past six months, the Groundwater Authority Board has simply refused to name Meadowbrook, Mojave or Searles on those committees or even commit to how those committees will be structured or what their functions will actually be.

At one point, in November 2016, the Groundwater Authority Board unanimously approved a motion that actually memorialized Meadowbrook , Mojave Pistachios and Searles Valley Minerals on the PAC. Then, at the December Groundwater Authority meeting, the Board established an “Ad Hoc Bylaws Committee” comprised of Kern Supervisor Gleason and Water District Director Peter Brown, to draft bylaws for the Groundwater Authority. We assumed that the Groundwater Authority would honor its November motion and prepare bylaws that were consistent with the approved PAC membership. Again, they failed to follow through with their commitments.

Instead, Supervisor Gleason, Director Brown and their attorneys proposed bylaws in February that completely departed from the November PAC Membership. Not only was the PAC membership structure different, they removed Meadowbrook, Mojave and Searles’ names from the PAC seats that were designated for them. Please recall that one of the major reasons that the Groundwater Authority Board told us they didn’t want us referenced anywhere in the JPA initially was because they would describe our meaningful participation role in the bylaws. Instead, the Groundwater Authority continued to slip further and further away from naming us in the bylaws, even telling us that we would instead be named in a “PAC Charter”. However, the March draft PAC Charter again failed to name us.

At the same time, the draft February Bylaws introduced the concept of a “Water Resources Manager.” Many producers in the Valley are very concerned about this WRM concept; because, the way the bylaws read, the WRM will marginalize the role of the PAC and TAC, and will endeavor to prepare the entire GSP with minimal input from the PAC and the TAC. This again totally different from Supervisor Gleason’s statements of a year

ago (and many times since) that the PAC and TAC would be “workhorses” and do the “heavy lifting” for the GSP. Instead, it affirms his desire to totally control the GSP process through the WRM.

The draft February Bylaws generated a lot of concern among residents, pumpers, businesses and others in the Indian Wells Valley, as people are becoming increasingly aware of just how much control Kern County is trying to assert through SGMA. There are many highly educated professionals with technical water backgrounds in this Valley, who know of the many studies, reports and data about this Valley over the last 100 years. We, along with many others in this Valley feel shut out, ignored and marginalized.

In response to the public outcry, when the Water District and City Council considered the Groundwater Authority Bylaws for approval in March, those agencies specifically directed their representatives on the Groundwater Authority Board to request that Meadowbrook, Mojave and Searles be named as committee members in the Bylaws. And yet, just days later (and just hours after the City Council meeting which ran late into the night before) those representatives never made the request they were instructed to make at the March Groundwater Authority meeting. **Instead, the Groundwater Authority Board approved a revised set of bylaws at that March meeting that did not name Meadowbrook, Mojave or Searles. Instead, they excluded the entire article (Article 5) that describes the committees.** Though the Authority stated that they were going to hold public workshops (for the first time ever) about Article 5 and the committees, no public workshops have yet been scheduled.

Supervisor Gleason even proposed that the Groundwater Authority TAC be a private committee that would not

have to comply with the Brown Act – boy did that raise a lot of eyebrows—even Kern County Counsel’s. We’re talking about the committee that should be responsible for working up the technical aspects of the GSP (a “workhorse” committee), and Supervisor Gleason wanted to keep it out of the public view. No wonder this also caused a lot of public outcry.

While arguing over the composition and duties of the PAC and TAC, Kern County and the Navy have been funding studies that clearly target agriculture and contend that the basin is being pumped 3-4 times more than the safe yield. Those studies, which lack significant supporting data and analysis, are based largely on the same studies and assumptions that Kern County used to support its 2015 up-zoning efforts.

Recently, Kern County’s planning director publicly stated that Kern County wants to impose another zoning change to our property and other agricultural lands in our part of the Valley, to introduce solar power as a means of forcing Indian Wells Valley agriculture out of production.

Over the last two years, Meadowbrook has attended over 20 public meetings and submitted over 20 comment letters repeatedly requesting that the Groundwater Authority provide us with meaningful participation. As of this letter, we are not named in the JPA, and we are not named to any committees in the Bylaws. In fact, the Bylaws still contain no provisions for committees. We are being told that we will have to apply (i.e. compete) for one of the two supposed large agriculture seats on the PAC. Concurrently, the Groundwater Authority Board is accepting applications for a WRM with defined roles that will control the GSP process.

For the first time in over a year, Supervisor Gleason recently reached out to Meadowbrook and Mojave

proposing to meet with him and Director Brown, but only to talk about how he wants us to pay for this whole GSP process and only if we have no legal counsel with us. It's our understanding that funding GSAs and GSPs is a very complex process, which is one reason why we need legal counsel.

To be candid, we have concluded that Kern County wants to push agriculture out of the Indian Wells Valley and impose heavy fees on us along the way. SGMA is supposed to protect our water rights, not take them from us.

If Kern County and the Groundwater Authority will include us in the process, rather than attempt to marginalize us, Meadowbrook and the other large private pumpers can and will contribute significantly to the development of long-term basin management solutions. There are a lot of ways and opportunities for the basin to achieve sustainability, and the agricultural community wants to help identify and achieve those solutions. We are concerned that the Groundwater Authority Board is deliberately ignoring a wide range of solutions and instead trying to force pumping reductions and impose heavy fees.

Thank you for reading this email.

We know it is long, but it describes only a small part of what has happened so far in this Valley under SGMA. In an effort to describe events in greater detail, here is a link where you will find many of the comment letters that we have sent to the Groundwater Authority Board – all of which focus on the same overall message of including us in the process. (<https://greshamsavage.sharefile.com/d-s2881ef45b044711b>) We truly cannot understand why this Board is so resistant to including Meadowbrook, especially where there are other basins that are naming agricultural representatives on their governing boards

and to their committees. We want this basin to succeed just as much as – if not more than – anyone else. The Indian Wells Valley is our livelihood, and we along with other farmers want to be good stewards of the basin and to find long term solutions that truly work for everyone.

We understand that SWB/DWR representatives will be coming to the Valley in April. Supervisor Gleason has often said that the Groundwater Authority Board looks to DWR and the SWB for guidance. When you come, we ask that you share examples with the Groundwater Authority Board on how other basins are meaningfully including agriculture and large private pumpers in their management and committee structures, and why it is important to do so. The Groundwater Authority's GSA notification says that it will consider all stakeholder interests and meaningfully include them in the process. Based on our experience over the last two years, we are concerned that without your guidance and input, that may not be the case in this Valley.

We truly appreciate your time and consideration.

Sincerely,

Eddie and Anita Imsand

From: "Ceppos, David M" <dceppos@ccp.csus.edu>
Date: February 24, 2017 at 12:13:12 AM PST
To: "Anita411@aol.com" <Anita411@aol.com>,
"Anita911@aol.com" <Anita911@aol.com>
Cc: "Lin, Hong@DWR" <Hong.Lin@water.ca.gov>,
"Mark Nordberg (Mark.Nordberg@water.ca.gov)" <Mark.Nordberg@water.ca.gov>,"Juricich,
Rich@DWR" <Rich.Juricich@water.ca.gov>,"Ekdahl,
Erik@Waterboards" <Erik.Ekdahl@waterboards.ca.gov>,"Boland-Brien,
Samuel@Waterboards" <Samuel.Boland-Brien@waterboards.ca.gov>,"Ceppos, David M" <dceppos@ccp.csus.edu>
Subject: Follow Up about Indian Wells Valley SGMA

Good Evening Anita and Eddy.

Very nice to meet you at the American Groundwater Trust event this week. Thanks for your questions. As we discussed, I'm responding with associated contact information for key SGMA leaders at DWR and State Board for you to reach out to. To reiterate for these colleagues' insight, I understand that as agricultural beneficial users in the Indian Wells Valley, you feel very concerned and disenfranchised by the SGMA process in your basin. You feel that the lead parties of the GSA are not providing a transparent approach to develop governance and their methods to include (or lack thereof) other beneficial users. As stated in my comments during the Q&A session, it is possible that the key parties to the GSA are doing everything legally required and allowed by SGMA but that the nature of what can legally take place might be nonetheless unsatisfactory to you. It is also possible that some of the steps the GSA is talking are not appropriate. As I stated when we chatted, I'm not qualified to offer an opinion on that. I do know that a DWR funded facilitator is present in this basin and that DWR therefore does have an investment and expectation of best practices by the GSA.

By way of introduction and also included above, I'm pleased to introduce you to:

DWR

Ms. Hong Lin – Local Assistance Program Coordinator ([916-653-6353](tel:916-653-6353))

Mr. Mark Nordberg – GSA Coordinator and Senior Engineering Geologist ([916-651-9673](tel:916-651-9673))

Mr. Rich Jurich – SGMA Program Manager ([916-651-9225](tel:916-651-9225))

State Board

Mr. Erik Ekdahl - Director, Office of Research, Planning and Performance ([916-341-5316](tel:916-341-5316))

Mr. Sam Boland-Brien - Groundwater Management Program ([916-322-9633](tel:916-322-9633))

I wish you all the best as you continue to represent your interests. Please contact me with any further questions / comments.

Sincerely,

Dave Ceppos

Associate Director

Center for Collaborative Policy

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*"This is not 'Nam. This is bowling. There are rules." —
Walter Sobchak*