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Govt. Code § 6103

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE

JUL 09 2024

DAVID H. YAMASAKI, Clerk of the Court

BY:  DEPUTY

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

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

21 MOJAVE PISTACHIOS, LLC; et al.,

22 Plaintiffs,

23 v.

24 INDIAN WELLS VALLEY WATER
25 DISTRICT; et al.,

26 Defendants.

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

*[Related to: Case No. 30-2021-01187589-CU-
WM-CXC; Case No. 30-2021-01188089-CU-
WM-CXC; Case No. 30-2022-01239479-CU-
MC-CJC; Case No. 30-2022-01239487-CU-
MC-CJC; Case No. 30-2022-01249146-CU-
MC-CJC]*

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

**[PROPOSED] ORDER CONFIRMING
BASIN BOUNDARY OF THE INDIAN
WELLS VALLEY GROUNDWATER
BASIN**

RELATED TO ROA 1258, 1281, 1393

Date: June 14, 2024

Time: 1:30 p.m.

Dept.: CX101

{00278126.1 }

[PROPOSED] ORDER CONFIRMING BASIN BOUNDARY
OF THE INDIAN WELLS VALLEY GROUNDWATER BASIN

1 INDIAN WELLS VALLEY WATER
2 DISTRICT,

3 Cross-Complainant,

4 v.

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

14 Cross-Defendants.

15 SEARLES VALLEY MINERALS INC.,

16 Cross-Complainant,

17 v.

18 ALL PERSONS WHO CLAIM A RIGHT
19 TO EXTRACT GROUNDWATER IN THE
20 INDIAN WELLS VALLEY
21 GROUNDWATER BASIN NO. 6-54
22 WHETHER BASED ON
23 APPROPRIATION, OVERLYING RIGHT,
24 OR OTHER BASIS OF RIGHT, AND/OR
25 WHO CLAIM A RIGHT TO USE OF
26 STORAGE SPACE IN THE BASIN; et al.,

27 Cross-Defendants.

28 AND RELATED CASES.

Complaint Filed: November 19, 2019
Phase 1 Trial Date: April 28, 2025

1 **ORDER**

2 On June 14, 2024, at 1:30 p.m., in Department CX101 of the Orange County Superior
3 Court, Civil Complex Center, this Court held a hearing on an Order to Show Cause as to why the
4 Court should not issue an order confirming that the boundary of the Indian Wells Valley
5 Groundwater Basin—and the area to be adjudicated in this comprehensive adjudication—is as
6 defined by the California Department of Water Resources (“DWR”) in California’s Groundwater
7 (known as “Bulletin 118”), Update 2020, as Groundwater Basin No. 6-054 and as shown on the
8 attached DWR map.

9 Code of Civil Procedure section 841, subdivision (a) provides, “Except as otherwise
10 provided in this section, the boundaries of the area subject to a comprehensive adjudication shall
11 be consistent with the boundaries of a basin.” Code of Civil Procedure section 832,
12 subdivision (a) defines “[b]asin” to have “the same meaning as defined in Section 10721 of the
13 Water Code.” Water Code section 10721, subdivision (b) defines “[b]asin” as “a groundwater
14 basin or subbasin identified and defined in Bulletin 118 or as modified pursuant to Chapter 3
15 (commencing with Section 10722).” Water Code section 10721, subdivision (c) defines
16 “Bulletin 118” to mean “[DWR’s] report entitled ‘California’s Groundwater: Bulletin 118’
17 updated in 2003, as it may be subsequently updated or revised in accordance with
18 Section 12924.”

19 After setting the hearing on the Order to Show Cause regarding the basin boundary for
20 June 14, 2024 during the Status Conference on March 22, 2024 (ROA 1258); after issuing the
21 Order to Show Cause on April 15, 2024 and directing that any party who contends that the
22 boundary of the Indian Wells Valley Groundwater Basin—and the area to be adjudicated in this
23 proceeding—is not as described by DWR in Bulletin 118 as Groundwater Basin No. 6-054, shall,
24 on or before May 22, 2024, file a statement, brief, and/or declaration with the Court describing
25 and/or attaching the evidence that supports any facts serving as the basis for that party’s
26 objection to the DWR Bulletin 118 boundary (ROA 1281); after Defendant, Cross-Complainant,
27 and Cross-Defendant Indian Wells Valley Water District (“District”) gave written notice on
28 April 16, 2024 of the Order to Show Cause and the hearing thereon (ROA 1284); after receiving

1 no written response to the Order to Show Cause and no written objection to the Indian Wells
2 Valley Groundwater Basin boundary being as described in the Order to Show Cause; after
3 holding a hearing on the Order to Show Cause on June 14, 2024 and hearing no objection to the
4 Indian Wells Valley Groundwater Basin boundary being as described in the Order to Show
5 Cause; and for good cause shown, IT IS HEREBY ORDERED as follows:

6 1. The boundary of the Indian Wells Valley Groundwater Basin—and the area to
7 be adjudicated in this comprehensive adjudication—is the boundary defined by DWR in
8 Bulletin 118 as Groundwater Basin No. 6-054. The Bulletin 118 basin boundary map for the
9 Indian Wells Valley Groundwater Basin is attached hereto as Exhibit 1.

10 2. The District to give notice.

11 IT IS SO ORDERED.

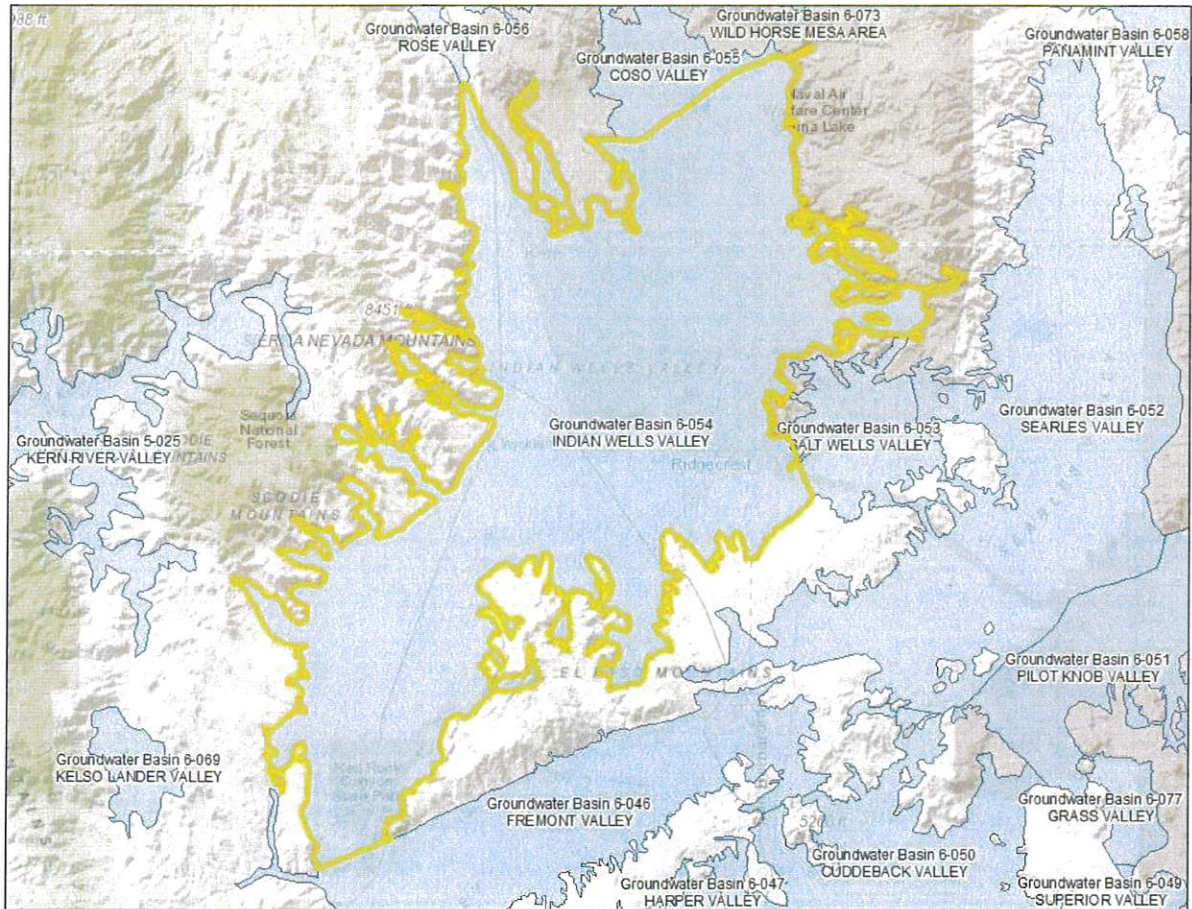
12
13 Dated: 7/9/24

William D. Claster
The Honorable William Claster
JUDGE OF THE SUPERIOR COURT

EXHIBIT 1

Map

6-054 – INDIAN WELLS VALLEY



[Map Link](#)

References

This table contains the reference listings for the citations noted in the Summary. Each reference contains the name of the reference and the publication date. For more information, email sgmps@water.ca.gov.

<u>Citation</u>	<u>Pub Date</u>
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PROOF OF SERVICE

Mojave Pistachios, LLC; et al. v. Indian Wells Valley Water District; et al.

Orange County Superior Court – Civil Complex Center

The Honorable William Claster, Dept. CX101

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

Related to: Case No. 30-2021-01187589-CU-WM-CXC; Case No. 30-2021-01188089-CU-WM-CXC; Case No. 30-2022-01239479-CU-MC-CJC; Case No. 30-2022-01239487-CU-MC-CJC; & Case No. 30-2022-01249146-CU-MC-CJC

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.

On June 27, 2024, I served true copies of the following document(s) described as **[PROPOSED] ORDER CONFIRMING BASIN BOUNDARY OF THE INDIAN WELLS VALLEY GROUNDWATER BASIN** on the interested parties in this action as follows:

PLEASE SEE SERVICE LIST

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed above and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Murphy & Evertz LLP’s practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

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.

BY POSTING: I transmitted the document(s) listed above to the Case Anywhere via electronic transfer through the Internet, consistent with the Court’s December 2, 2022 Order Authorizing Electronic Filing and Service – Case Anywhere LLC.

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

Executed on **June 27, 2024**, at Costa Mesa, California.

/s/ Alexandra Constant
Alexandra Constant