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12 INDIAN WELLS VALLEY WATER DISTRICT

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

17 MOJAVE PISTACHIOS, LLC; et al.,  
18 Plaintiffs,  
19 v.  
20 INDIAN WELLS VALLEY WATER  
21 DISTRICT; et al.,  
22 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

**NOTICE OF RULING FROM THE 8/5/24  
HEARING**

**RELATED TO ROA 1464, 1465**

**Date: October 2, 2024**

**Time: 1:30 p.m.**

**Dept.: CX101**

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 **NOTICE OF RULING**

2 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

3 **PLEASE TAKE NOTICE** that on August 5, 2024, at 1:30 p.m., the Court held a  
4 continued hearing on the Motion to set a Phase 2 Trial on Safe Yield and a Phase 3 Trial to  
5 Adjudicate Groundwater Rights and Establish a Physical Solution (“Motion”) of Defendant,  
6 Cross-Defendant, and Cross-Complainant Searles Valley Minerals Inc. Appearances made by  
7 counsel are reflected on the Court’s record of the hearing. The Court made the following  
8 rulings:

9 1. **Ruling on the Motion:** The Court GRANTED the Motion and will set a phase 2  
10 trial (“Phase 2 Trial”) at the next Status Conference. The Court ordered that safe yield will be  
11 tried at the Phase 2 Trial.

12 2. **Pre-Trial Schedule for the Phase 2 Trial:** The Court ordered the parties to meet  
13 and confer before the next Status Conference to discuss potential trial dates for the Phase 2 Trial  
14 and to develop a pre-trial schedule for discovery, the exchange of expert disclosures, expert  
15 discovery, the filing and service of dispositive motions (if any), and the filing and service of  
16 motions in limine (if any), among other things, for the Phase 2 Trial.

17 3. **Next Status Conference:** The Court set a Further Status Conference for  
18 **October 2, 2024, at 1:30 p.m., in Department CX101** of the Orange County Superior Court,  
19 Civil Complex Center, located at 751 West Santa Ana Boulevard, Santa Ana, California 92701.

20 4. **Joint Status Report:** The Court ordered the parties to submit one Joint Status  
21 Report, which shall be filed under Case No. 30-2021-01187275-CU-OR-CJC no later than  
22 **September 25, 2024.**

23 5. **Notice:** The Court ordered Defendant, Cross-Complainant, and Cross-Defendant  
24 Indian Wells Valley Water District to give notice.

25 6. **Minute Orders:**

26 a. Attached as Exhibit “1” and incorporated by this reference is a true and  
27 correct copy of the Court’s August 5, 2024 Minute Order in Case  
28 No. 30-2021-01187275-CU-OR-CJC.

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b. Attached as Exhibit “2” and incorporated by this reference is a true and correct copy of the Court’s August 8, 2024 Minute Order in Case No. 30-2021-01187275-CU-OR-CJC.

DATED: August 8, 2024

MURPHY & EVERTZ LLP

By:           /s/ Emily L. Madueno            
Douglas J. Evertz  
Emily L. Madueno  
Attorneys for Defendant, Cross-Complainant, &  
Cross-Defendant  
INDIAN WELLS VALLEY WATER DISTRICT

# **EXHIBIT 1**

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

**MINUTE ORDER**

DATE: 08/05/2024

TIME: 01:30:00 PM

DEPT: CX101

JUDICIAL OFFICER PRESIDING: William Claster

CLERK: G. Hernandez

REPORTER/ERM: Alicia Renee Desmond CSR# 13037

BAILIFF/COURT ATTENDANT: B. Allen, None

CASE NO: **30-2021-01187275-CU-OR-CJC** CASE INIT.DATE: 02/16/2021

CASE TITLE: **Mojave Pistachios, LLC vs. Indian Wells Valley Water District**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Other Real Property

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EVENT ID/DOCUMENT ID: 74319548

**EVENT TYPE:** Motion - Other

MOVING PARTY: Searles Valley Mineral Inc.

CAUSAL DOCUMENT/DATE FILED: Motion - Other to Set a Phase Trial 2 on Safe Yield and a Phase 3 Trial to Adjudicate Groundwater Rights and Establish a Physical Solution, 05/22/2024

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**APPEARANCES**

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**DEFENDANT, CROSS-DEFENDANT, AND CROSS-COMPLAINANT SEARLES VALLEY MINERALS, INC.'S MOTION TO SET A PHASE 2 TRIAL ON SAFE YIELD AND A PHASE 3 TRIAL TO ADJUDICATE GROUNDWATER RIGHTS AND ESTABLISH A PHYSICAL SOLUTION**

Appearances noted by way of copy of business cards, and/or Appearance Calendar, attached hereto and incorporated herein by reference.

Hearing held with participants appearing remotely and in person.

Tentative Ruling posted on the Internet .

The Court hears oral argument and confirms the tentative ruling. The Court's ruling is attached hereto and incorporated herein by reference.

A Status Conference is scheduled for 10/12/2024 at 01:30 PM in Department CX101.

A joint status conference statement is to be filed on or before 09/25/2024.

Court orders Indian Wells Valley Water District to give notice.

**MOJAVE PISTACHIOS, LLC v. INDIAN WELLS VALLEY WATER DISTRICT 21-1187275**

The Court has read and considered the parties' supplemental briefing regarding Searles Valley Minerals, Inc.'s Motion to Set a Phase 2 Trial on Safe Yield and a Phase 3 Trial to Adjudicate Groundwater Rights and Establish a Physical Solution. The motion is GRANTED. At the hearing on this matter, the parties should be prepared to address: (1) what discovery will be needed for the phase 2 trial, (2) what discovery can take place while discovery and trial preparation is ongoing for the phase 1 trial regarding federal reserved water rights, (3) whether a special master appointed pursuant to CCP § 845 will expedite this process, and (4) a proposed date for the phase 2 trial.

Both parties' unopposed Requests for Judicial Notice are GRANTED.

Pursuant to CCP § 166.1, the Court believes that the present motion involves a controlling question of law as to which there are substantial grounds for difference of opinion, appellate review of which may materially advance the conclusion of the litigation.

**I. OVERVIEW**

On June 14, 2024, the Court asked for further briefing in connection with Searles Valley Minerals' motion for a phase 2 trial to adjudicate the safe yield of the Indian Wells Valley Groundwater Basin (the "Basin"). The need for supplemental briefing was precipitated by the Indian Wells Valley Groundwater Authority's ("IWVGA" or the "Authority") contention that its determination of the Basin's sustainable yield (essentially the same concept as safe yield) precluded a separate determination via a court trial. Although not directly at issue in the context of the present motion, the dispute over a phase 2 trial foreshadows a larger question in this case, i.e., whether a physical solution in a comprehensive adjudication action

under what is known as the Streamlined Act (CCP §§ 830-852) can replace an existing groundwater sustainability plan (GSP) formulated by the Authority and approved by the Department of Water Resources (DWR).

Because the various parties in this case have lined up on one of two sides of the above question, two supplemental briefs were filed—one on behalf of the Technical Working Group (“TWG”) consisting of parties such as the Indian Wells Valley Water District, Mojave Pistachios, Meadowbrook Farms and Searles Valley Minerals that pumped more than 80% of the Basin’s groundwater in 2022, and the other on behalf of the Authority, the City of Ridgecrest and the County of Kern (collectively referred to herein as the “Authority”).

## II. FACTUAL SETTING

The Basin is an overdrafted groundwater basin subject to the Sustainable Groundwater Management Act (SGMA), Water Code §§ 10720-10738. SGMA was enacted in 2014 to provide for the sustainable management of California’s groundwater basins. Pursuant to SGMA, the IWVGA was established. In 2020 the Authority adopted its groundwater sustainability plan (GSP) which included a determination that the Basin’s sustainable yield is 7,650 acre-feet per year. The Department of Water Resources (DWR) approved the GSP on January 13, 2022. (Authority RJN Exh. B)

The DWR approval was not unequivocal. In addition to approving its staff’s recommendations of seven corrective actions (*Id.* pp. 80-82), the DWR noted several “data gaps” underlying the GSP. Those gaps are summarized on pages 16-18 of the DWR’s Staff Assessment Report. (RJN Exh. B, pp. 53-55) Among other things, the Staff Report observes that the Basin aquifer structure is not fully “characterized,” including a lack of definition regarding the three water-bearing zones of the aquifer. (*Id.*)



Notwithstanding these data gaps, the DWR approved the GSP, recognizing that it “is designed to achieve near-term progress towards groundwater sustainability.” (*Id.* p. 80)

Whether closing these data gaps will alter the Authority’s sustainable yield finding remains to be seen. However, a declaration submitted by members of the TWG in connection with an earlier motion suggests that such an alteration is a distinct possibility. According to the Declaration of Timothy Parker, updated data supports a sustainable yield finding nearly twice the 7,650 acre-feet per year figure used by the Authority. (ROA 1086, p. 13) As far as the Court is aware, this higher figure has not been evaluated either by the Authority or the DWR.

In August 2020 the Authority adopted Ordinance No. 03-20 which provides that all groundwater extractions (excluding those by the federal government and de minimis extractors) will be subject to a Basin Replenishment Fee of \$2,130 per acre-foot. Several entities such as the City of Ridgecrest are granted annual pumping exemptions, meaning that extractions of groundwater below a set limit are not subject to the Replenishment Fee.

The upshot of the GSP and the Replenishment Fee requirement is that large users of groundwater are facing severe financial consequences. In the case of Mojave Pistachios, it claims it is facing an impossible choice: If it pays the fee, then the cost of doing business will essentially destroy its business; if it doesn’t pay the fee, then, at least in the case of Mojave (assuming it cannot get past a preliminary injunction mandating payment), its trees will die along with its business. Plainly, Mojave and other large pumpers are hoping that the implementation of a physical solution in this adjudication proceeding will eliminate this and other fees.

### **III. THE PARTIES’ CONFLICTING POSITIONS**

The instant motion centers on whether a phase 2 trial to determine the safe yield of the Basin should occur. The Authority says it is unnecessary and duplicative since it already has determined the Basin's "sustainable yield" when it formulated the GSP in 2020. TWG argues that safe yield (even if it is the equivalent of sustainable yield) must be determined in a Comprehensive Adjudication, and that the Authority's 2020 determination in a non-judicial setting is non-binding.

The safe yield issue is a forerunner to the larger question posed in this case: Does a physical solution in connection with a comprehensive adjudication effectively override a GSP? The Authority says no, while TWG says yes. The below discussion explains their positions.

Although Mojave is challenging the Authority's GSP in a Fourth Amended Petition for Writ of Mandate (21-1187589), the present Comprehensive Adjudication action (21-1187275) arguably will override key pieces of the GSP depending on the nature of any physical solution imposed. In an adjudication action under the Streamlined Act, the court determines "for the groundwater rights of each party . . . the priority, amount, purpose of use, extraction location, place of use of the water, and use of storage space in the basin . . . subject to terms adopted by the court to implement a physical solution to the comprehensive adjudication." (CCP § 834(b)) "The phrase a 'physical solution' is used in waters rights cases to describe an agreed upon or judicially imposed resolution of conflicting claims in a manner that advances the constitutional rule of reasonable and beneficial use of the state's water supply." (*Santa Maria v. Adam* (2012) 211 Cal.App.4th 266, 287-288; *Cal. Am. Water v. Seaside* (2010) 183 Cal.App.4th 471, 480; see Cal. Const., art. X, § 2.) Any physical solution must reflect the court's determination of groundwater rights. (CCP § 850(a); Wat. Code, § 10720.5(c); *Barstow v. Mojave Water Agency* (2000) 23 Cal.4th 1224, 1250; *Santa Maria, supra*, 211 Cal.App.4th at 287-288.)

Although they do not expressly say so, Mojave, Searles and others in the TWG apparently contend that their hoped-for physical solution will solve their problems. Among other things, they want an adjudicated determination of the

Basin's safe yield (presumably exceeding the Authority's determination of a sustainable yield) and a finding that they can extract groundwater in sufficient amounts without paying any fees. Stated simply, they want a physical solution to replace the GSP.

The Authority counters that the TWG is essentially using the hoped-for physical solution as a way to get around the GSP process. The Authority argues that it has spent millions of dollars and several years developing the GSP, that it is expecting \$50 million of funding this year for construction of an Augmentation Project, and that there is nothing in the SGMA or the Streamlined Act that allows such an end-around. Put another way, while the Authority acknowledges that the two laws contemplate the possibility of both a comprehensive adjudication and a GSP occurring for a single basin, it argues that replacement of the GSP was never intended.

#### **IV. SGMA AND THE STREAMLINED ACT CONTEMPLATE BOTH A GSP AND A COMPREHENSIVE ADJUDICATION FOR A GIVEN BASIN**

As noted above, there is no dispute that the formulation of a GSP does not preclude a later adjudication action. What remains in dispute and what isn't addressed in the two laws is to what extent, if at all, the adjudication action is required to adopt and adhere to the GSP.

The Streamlined Act is found at CCP §§ 830-852. The purpose of the 2015 law is to streamline judicial adjudication of groundwater rights. (TWG Exh. 4) CCP §§ 832(c) and 834(a) make clear that a comprehensive adjudication is the only way to determine all groundwater rights in a basin, including federal reserved water rights under the McCarran Amendment (43 U.S.C. § 666). Recognizing the importance of a physical solution and, at the same time the need to consider a groundwater sustainability plan, CCP § 849 provides as follows:

(a) The court shall have the authority and the duty to impose a physical solution on the parties in a comprehensive adjudication where necessary and consistent with Article 2 of Section X of the California Constitution.

(b) Before adopting a physical solution, the court shall consider any existing groundwater sustainability plan or program.

Likewise, CCP § 848(a)(1) gives courts the authority to stay a comprehensive adjudication to facilitate “Adoption of a groundwater sustainability plan that provides for a physical solution or otherwise addresses issues in the comprehensive adjudication.”

Although the concept of safe yield is not explicitly referenced in the Streamlined Act, it is a critical underpinning of the Act and is integral to developing any physical solution. (*E.g., Antelope Valley Groundwater Case (2021) 62 Cal. App. 5<sup>th</sup> 992, 1000-1002.*) As explained by the California Supreme Court: “Safe yield is defined as ‘the maximum quantity of water which can be withdrawn annually from a ground water supply under a given set of conditions without causing an undesirable result.’” Under the Streamlined Act issues such as safe yield are determined in an adversarial setting, including through expert witnesses.

The concept of “sustainable yield” is found in SGMA at Water Code § 10721(u). Also, the concept of “undesirable result” is defined in Water Code § 10721(x). SGMA does not provide for determining safe or sustainable yield in an adversarial setting, instead proceeding via an administrative process.

The final step in an adjudication proceeding is entry of judgment. As amended, the statute raises a potential question as to whether a physical solution can displace a GSP. Thus, CCP § 850(b) provides:

The court may enter judgment in an adjudication action for a basin required to have a groundwater sustainability plan under the Sustainable Groundwater Management Act (Part 2.74 (commencing with Section 10720) of Division 6 of the Water Code), if in addition to the criteria enumerated in subdivision (a), *the court also finds that the judgment will not substantially impair the ability of a groundwater sustainability agency, the State Water Resources Control Board, or the department to comply with the Sustainable Groundwater Management Act and to achieve sustainable groundwater management.* (Emphasis added)

Notwithstanding the foregoing, Water Code § 10733.6 of SGMA contemplates the possibility of replacing a GSP with a DWR approved physical solution. Significantly, that provision is limited to a local agency (the Authority here) submitting such an alternative to a GSP. Water Code § 10737.4(b) also allows a party or group of parties to submit a proposed stipulated judgment pursuant to CCP § 850 to the DWR for approval, although that provision does not directly address whether this procedure allows for replacement of a previously approved GSP.

As to the status of a GSP when an adjudication proceeding is ongoing, Water Code § 10737.3(b)(1) provides: “Throughout the duration of the adjudication proceeding, a party to the adjudication, and any other person extracting water from the basin, shall comply with the groundwater sustainability plan or plans for the subject basin . . . .”

SGMA has other provisions dealing with the interplay of the two statutes. Water Code § 10720.5 recognizes that groundwater management must be consistent with Article X, section 2 of the California Constitution, and that groundwater rights may be determined in an adjudication action. More significantly, Water Code § 10737.2 mandates that the court manage an adjudication proceeding “in a manner that minimizes interference with the timely completion and implementation of a groundwater sustainability plan, *avoids redundancy and unnecessary costs in the development of technical information and a physical*

*solution*, and is consistent with the attainment of sustainable groundwater management within the timeframes established by this part.” (Emphasis added) Recently enacted CCP § 840(a)(2) reinforces this requirement. Likewise, under Water Code § 10737.8 a court judgment in an adjudication action shall “not substantially impair the ability of a groundwater sustainability agency, the board, or the department to comply with this part and to achieve sustainable groundwater management.”

Although the legislative history of the Streamlined Act acknowledges the possibility that dissatisfied parties potentially could undermine a GSP by filing an adjudication action (Authority RJN p. 97), no provision of either law specifically addresses how to proceed in such a situation. That being said, the thrust of the above-referenced statutes make clear that the Legislature has attempted to harmonize SGMA and the Streamlined Act. The catch, of course, is the lack of explicit guidance in a case such as the one before the Court.

Nevertheless, the foregoing provisions make clear that the overriding principle of both laws is ensuring sustainable groundwater management. Significantly, SGMA anticipates the formulation of a physical solution just as the Streamlined Act contemplates a GSP in advance of or in conjunction with a physical solution.

## **V. HARMONIZING THE TWO LAWS**

As stated in the previous minute order, the Court acknowledges the Authority’s concern that allowing a phase 2 trial on safe yield will lead to a physical solution that displaces the GSP. From the Authority’s standpoint, were that to occur, its ability to comply with SGMA and to achieve sustainable groundwater management will be impaired. Moreover, having already determined the Basin’s sustainable yield, the Authority contends that a phase 2 trial on safe yield would run afoul of (1) Water Code § 10737.2’s requirement of avoiding “redundancy and unnecessary costs in the development of technical information,” and (2)

provisions such as CCP § 850(b) and Water Code § 10737.8 which preclude adjudication judgments which “impair the ability of a groundwater sustainability agency . . . to achieve sustainable groundwater management.”

While the Court appreciates these concerns, the various cited statutes do not preclude a safe yield trial as a prelude to a physical solution. For one thing, taken together, SGMA and the Streamlined Act contemplate a comprehensive adjudication following implementation of a GSP. CCP § 849(b) could not be any clearer: “Before adopting a physical solution, the court shall consider any existing groundwater sustainability plan or program.” Likewise, Water Code § 10737.3(b)(1) mandates adhering to an existing GSP while an adjudication proceeding is ongoing.

Second, though not explicitly stated, the requirement of adhering to an existing GSP during an adjudication proceeding suggests that the GSP may be replaced as a result of the proceeding. This provision is consistent with other statutory language that contemplates replacing a GSP with a physical solution provided that the physical solution is consistent with the groundwater agency’s efforts to achieve sustainability.

Third, having a phase 2 trial on safe yield does not mean that the Authority’s findings regarding a sustainable yield will be disregarded or not taken into account. To the contrary, if TWG presents evidence of a safe yield that is larger than the 7,650-acre feet per year figure, then the Court will need an evidentiary basis explaining why the sustainable yield in the 2020 GSP is not valid. Also, to the extent that the GSP relied on studies and technical information in determining sustainable yield, the Court presumes most, if not all, of this information will be admissible in the phase 2 trial even if TWG disagrees with their analysis and/or conclusions. To be clear, managing the proceeding to avoid redundancy and unnecessary costs does not mean that a trial on safe yield is barred or that anything goes. What it does mean, however, is that the parties need to cooperate

in preparing for and participating in this trial to minimize these potential problems.

As to this latter point, both a physical solution and a GSP require a safe/sustainable yield analysis as a starting point. (The Court continues to believe that safe and sustainable yield are essentially equivalent terms.) Since this starting point was well known before the enactment of both SGMA and the Streamlined Act, the Legislature easily could have required a court in an adjudication action to adopt a groundwater agency's findings on this issue. Since it did not do so, the Court is hard pressed to read "avoid[ing] redundancy and unnecessary costs" as imposing this requirement.

As a final point, not automatically deferring to the Authority's sustainable yield determination is particularly warranted in this case. Both the Authority and the DWR acknowledge data gaps underlying that determination. If the Court ultimately imposes a physical solution, it should do so based on the most complete, accurate and up to date information.

In short, the Court will allow a phase 2 trial on the Basin's safe yield.

**VI. THE PHASE 2 TRIAL IN THIS ADJUDICATION ACTION IS NOT A REVERSE VALIDATION ACTION**

Apart from its extensive statutory analysis, the Authority argues that the sustainable yield calculation in a GSP may only be challenged under the validation statutes, i.e., Water Code § 10726.6(a). Along these lines, the Authority asserts that the only reverse validation claim is Mojave Pistachio's Fourth Amended Petition for Writ of Mandate (21-1187589), and that an adjudication action is not a proper forum to collaterally attack the sustainable yield calculation.



While it is true that a possible result of the phase 2 trial is a safe yield determination that exceeds the GSP's sustainable yield, that result does not necessarily mean that it is a challenge to the Authority's finding in the GSP. Per Water Code § 10737.3(b)(1) the current GSP relying on the 2020 sustainable yield calculation stays in effect during the ongoing adjudication process. Whether or not an eventual physical solution will be based on a different yield remains to be seen.

Moreover, keep in mind that Water Code § 10726.6 applies to challenges to a groundwater sustainability plan. Although the present case may result in a physical solution that differs from the GSP, it is not a direct challenge to the GSP. As discussed above, the Streamlined Act contemplates a comprehensive adjudication notwithstanding the existence of a GSP. Nothing in that law or SGMA requires the Court to rigidly adhere to all of the findings underlying the GSP or precludes it from considering relevant technical information in formulating a physical solution. Indeed, CCP §§ 845 and 848 anticipate the need for such information. Again, the limitation on redundancy and unnecessary costs does not translate into a bar on coming up with a different safe yield in a phase 2 trial.

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Calendar #9 Case Number: 30-2021-01187275-CU-OR-CJC Case Title: Mojave Pistachios, LLC vs. Indian Wells Valley Water District

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Event: 01:30 PM - Motion - Other

Participant	Role	Attorney for	Law Firm/Company Name	Specially Appearing
Daniel Quinley	Attorney	Robertson's Ready Mix Concrete, Inc.	Jeffer Mangels Butler & Mitchell LLP	No
James L Markman	Attorney	Indian Wells Groundwater Sustainability Authority	Richards, Watson & Gershon	No
ELAINE MEAD	Interested Party			No
Stan Rajtora	Cross-Complainant			No
Judith Coleman	Attorney	United States	U.S. Department of Justice	No
Noah GoldenKrasner	Attorney	CA Dep't of Fish and Wildlife	CA Attorney General	No
Jacob C Metz	Attorney	Indian Wells Valley Groundwater Authority	Richards Watson & Gershon	No
Robert G Kuhs	Attorney	Granite Construction Company	Lebeau Thelen LLP	No
Rebecka Foote	Interested Party			No
Ron Kicinski	Interested Party			No
Maddy Jorgensen	Other			No
Allie Abbey	Cross-Defendant		Dept of Navy	No
George Croll	Interested Party			No
Charles Krieger	Interested Party			No
Brett Stroud	Attorney	BT-OH LLC	Young Wooldridge LLP	No
Ron Sttrand	Interested Party			No
Andrea C Morales	Other		BHFS	No
Ron Strand	Interested Party			No
Alison Toivola	Attorney	Searles Valley Minerals Inc.	Best Best & Krieger LLP	No
Darien Key	Other			No
Anita Imsand	Interested Party			No

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Calendar # \_\_\_\_\_  
 Case Name Mohave Pistachios v / WWWD  
 Law Firm Fennemore  
 Atty Name Sean Hood  
 Phone # 602-916-5475  
 Representing Meadowbrook

Calendar # \_\_\_\_\_  
 Case Name MIRJAM PISTACHIOS  
 Law Firm U.S. DOJ  
 Atty Name DAVID FETTER  
 Phone # 303/241-1433  
 Representing U.S.

Plaintiff  Defendant  Other \_\_\_\_\_



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# **EXHIBIT 2**

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

**MINUTE ORDER**

DATE: 08/08/2024

TIME: 11:46:00 AM

DEPT: CX101

JUDICIAL OFFICER PRESIDING: William Claster

CLERK: G. Hernandez

REPORTER/ERM: None

BAILIFF/COURT ATTENDANT: . None

CASE NO: **30-2021-01187275-CU-OR-CJC** CASE INIT.DATE: 02/16/2021

CASE TITLE: **Mojave Pistachios, LLC vs. Indian Wells Valley Water District**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Other Real Property

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EVENT ID/DOCUMENT ID: 74357129

**EVENT TYPE:** Nunc Pro Tunc Minutes

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**APPEARANCES**

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There are no appearances by any party.

It appearing to the Court that through error or inadvertence, the minute order of this Court dated 08/05/2024, does not properly reflect the order of the Court. Said minute order is ordered corrected Nunc Pro Tunc as of 08/05/2024, as indicated below:

DELETE: A Status Conference is scheduled for 10/12/2024 at 01:30 PM in Department CX101.

ADD: A Status Conference is scheduled for **10/02/2024** at 01:30 PM in Department CX101.

All other portions of the 08/05/2024 Minute Order remain in full force and effect.

Court orders clerk to give notice.