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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.
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Case No. 30-2021-01187275-CU-OR-CJC
[*Indian Wells Valley Groundwater
Adjudication*]

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

**NOTICE OF RULING FROM THE 4/6/26
HEARING AND TRIAL READINESS
CONFERENCE**

RELATED TO ROA 1638, 1953, 1955

Phase 2 Trial:

Date: June 1, 2026

Time: 9:00 a.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.

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

EXHIBIT 1

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

MINUTE ORDER

DATE: 04/06/2026

TIME: 01:30:00 PM

DEPT: CX101

JUDICIAL OFFICER PRESIDING: William Claster

CLERK: G. Hernandez

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

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

EVENT ID/DOCUMENT ID: 74515271

EVENT TYPE: Trial Readiness Conference

APPEARANCES

James Worth, from McMurtrey, Hartsock, Worth & St. Lawrence, present for Cross - Defendant, Cross - Complainant, Defendant(s) remotely.

Derek Hoffman and Sean Hood, from Fennemore Dowling Aaron LLP, present for Cross - Defendant, Defendant(s) remotely.

Jeffrey V. Dunn, from Best Best & Krieger LLP, present for Cross - Defendant, Cross - Complainant, Defendant(s).

Kyle Brochard, from Richards, Watson & Gershon, present for Cross - Defendant, Cross - Complainant(s).

Alison K. Toivola, from Best Best & Krieger LLP, present for Cross - Defendant(s) remotely.

Phillip Hall, from Aleshire & Wynder, LLP, present for Cross - Defendant(s).

Nick Karno, from Office of the Los Angeles City Attorney, present for Cross - Defendant(s) remotely.

Irene Whitcombe, from Deputy Attorney General, present for Cross - Defendant(s) remotely.

Judith Coleman, from U.S. Dept. of Justice, present for Cross - Defendant(s) remotely.

Douglas J. Evertz (in person) and Emily Madueno (remotely) of Murphy & Evertz appearing;
Jacob Metz of Richards Watson & Gershon (remotely)

Hearing held with participants appearing remotely and in person.

Tentative Rulings on Motions in Limine for Phase 2 Trial posted on the Internet. A copy of the Court's tentative rulings is attached hereto and incorporated herein by reference.

The Court hears oral argument on motions in limine.

Motion in Limine #1 by Indian Wells Groundwater Authority to Exclude Expert Testimony of Anthony Brown

The tentative ruling now becomes the final ruling of the Court.

Motion in Limine #2 by the Authority to Exclude Testimony Regarding Groundwater in Storage

Notwithstanding the tentative ruling on MIL 2 and the Court's concerns about the relevance of total groundwater in storage in the Basin, the motion is denied based on the representations of counsel for the

District and Searles that testimony regarding total storage will take no more than a few hours.

Court and counsel discuss the status of the case and the upcoming trial.

Joint Witness List and Joint Exhibit List are to be filed and served on or before 05/18/2026.

MONTANO v. KING VAN & STORAGE, INC. 23-1312014

Plaintiff Polito Montano's motion for attorney's fees is GRANTED IN PART. The Court awards Plaintiff \$137,567.25 in fees.

GROUNDS FOR RULING

I. Brief Background

This is one of two actions Plaintiff brought against defendant King Van & Storage. This case, No. 23-01312014, is a putative wage-and-hour class action. The Court denied Plaintiffs' motion for class certification in March 2025. The other case, No. 20-01151624, is an individual wrongful termination and wage-and-hour action with a PAGA claim appended. The individual/PAGA action settled on an individual-only basis, and the PAGA claim was dismissed without prejudice. The settlement also includes dismissal of this action.

The \$35,000 Defendant paid Plaintiff to settle his individual claims expressly excludes any attorney's fees to which Plaintiff might be entitled. The parties' settlement agreement provides that "Plaintiff's counsel will file a motion for attorney's fees and costs." (ROA 182, Ex. A, at § 1.) Although Plaintiff and Defendant settled the individual action, the present motion for attorney's fees was filed in the class action. This reflects the parties' pattern of treating the two actions as interchangeable and routinely filing documents meant for one case in the other.

II. Entitlement to Fees

Plaintiff claims entitlement to fees under Labor Code sections 218.5, 226, 1102.5, 1194, and 2802, all of which allow a prevailing employee to recover fees. There is no dispute Plaintiff is the "prevailing party," in that he is "the party with a net

MONTANO v. KING VAN & STORAGE, INC. 23-1312014

monetary recovery.” (CCP § 1032(a)(4).) Plaintiff is therefore entitled to recover fees.

Defendant argues Plaintiff hasn’t shown entitlement to fees under the “substantial benefit” theory or as a private attorney general. These arguments miss the mark. Plaintiff claims fees as the prevailing party under sections of the Labor Code that allow a prevailing employee to recover fees. The statutes Plaintiff relies upon don’t require him to show a public benefit.

III. Analysis

A. Standard of Review

There appears to be no dispute that Plaintiff’s fee award should be set using the lodestar method. “The first step involves the lodestar figure—a calculation based on the number of hours reasonably expended multiplied by the lawyer’s hourly rate. The lodestar figure may then be adjusted, based on consideration of factors specific to the case, in order to fix the fee at the fair market value for the legal services provided. In short, after determining the lodestar amount, the court shall then consider whether the total award so calculated under all of the circumstances of the case is more than a reasonable amount and, if so, shall reduce the [fee] award so that it is a reasonable figure. The factors to be considered include the nature and difficulty of the litigation, the amount of money involved, the skill required and employed to handle the case, the attention given, the success or failure, and other circumstances in the case.” (*EnPalm, LLC v. Teitler* (2008) 162 Cal.App.4th 770, 774 (internal quotations and citations omitted).)

B. Lodestar Calculation

MONTANO v. KING VAN & STORAGE, INC. 23-1312014

1. Hourly Rates

Plaintiff’s attorneys claim the following hourly rates:

Attorney	Year Admitted	Rate
Jonathan LaCour	2012	\$1,000
Steven Gebelin	2008	\$900
Lisa Noveck	2017	\$850
Jameson Evans	2021	\$650
Amanda Thompson	2022	\$600
Ben Twisk	2024	\$400

The proper hourly rate is based on “the hourly prevailing rate for private attorneys in the community conducting *noncontingent* litigation of the same type.” (*Ketchum v. Moses* (2001) 24 Cal.4th 1122, 1133 (emphasis original).) Based on the rate comparisons set forth in the deRubertis Declaration (ROA 199) at ¶¶ 29-38, and based on the Court’s experience, counsel’s claimed rates are reasonable.

2. Hours Expended

As noted above, Plaintiff settled his *individual/PAGA* action, but he moved for fees in the *class* action. This is perhaps technically improper, but the parties have a history of treating the two actions as interchangeable. In prior briefing, the Court inquired whether time spent on non-individual aspects of the two cases could be taken out of the original lodestar.

Plaintiff correctly notes that fees need not be apportioned when fee-bearing and non-fee-bearing claims are based on a common core of facts or are based on related legal theories. (See *Graciano v. Robinson Ford Sales, Inc.* (2006) 144 Cal.App.4th 140, 159.) Plaintiff also correctly notes there is considerable overlap

MONTANO v. KING VAN & STORAGE, INC. 23-1312014

between individual and non-individual issues in these two cases. For example, whether Plaintiff was an employee of Defendant was a central point of contention, and Plaintiff would have to establish employee status to prevail on his individual claims, his PAGA claim, and his class claims.

That said, some of the non-individual work had no bearing on the individual issues. For example, Plaintiff's failed motion for class certification was irrelevant to his individual claims, so time spent on that motion is unrecoverable. To that end, counsel deducted a total of 16.1 hours spent on class-only work, such that counsel billed a total of 355.8 hours rather than 371.9. (Supp. LaCour Decl. (ROA 267) Ex. A.)

Moreover, even counsel's revised billing records (which are attached to each attorney's supplemental declaration) still contain time that has no bearing on the individual claims. There are numerous billing entries that refer to a *Belaire-West* process and contact information for class members and aggrieved employees. The process of securing contact information for absent class members is irrelevant to the individual claims. Billing entries also reflect time spent on Defendant's motion *not* to certify a class, which by its nature had nothing to do with individual claims. From review of the revised records, the Court finds the following time should also be excluded:

- Jonathan LaCour: 4.1 hours
- Lisa Noveck: 2 hours
- Jameson Evans: 1.6 hours
- Amanda Thompson: 6.8 hours

Based on the summary at Ex. A to the Supplemental LaCour Declaration, this results in the following hours totals:

- Jonathan LaCour: 144.5 hours

MONTANO v. KING VAN & STORAGE, INC. 23-1312014

- Steven Gebelin: 19.3 hours
- Lisa Noveck: 149.5 hours
- Jameson Evans: 2.4 hours
- Amanda Thompson: 24.8 hours
- Ben Twisk: 0.8 hours

The Court recognizes this time may seem excessive for a case that resulted in a \$35,000 settlement. But as Plaintiff correctly notes in his moving papers, Defendant engaged in obstructionist tactics that needlessly increased the amount of time necessary to prosecute the case. Among other things, and without limitation, there were numerous IDCs and motions to compel discovery responses that wouldn't have been necessary had Defendant fulfilled its discovery obligations in the first instance.

3. Computation

Using the above hourly rates and revised hours calculations results in the following per-attorney lodestar:

Attorney	Rate	Hours	Total
Jonathan LaCour	\$1,000	144.5	\$144,500
Steven Gebelin	\$900	19.3	\$17,370
Lisa Noveck	\$850	149.5	\$127,075
Jameson Evans	\$650	2.4	\$1,560
Amanda Thompson	\$600	24.8	\$14,880
Ben Twisk	\$400	0.8	\$320

This results in a total lodestar of \$305,705.

In the supplemental briefing, counsel proposes a 10% reduction in the revised lodestar to account for two non-fee-bearing claims. The Court accepts this proposed reduction, leaving a final lodestar of \$275,134.50.

C. Lodestar Adjustment

With the final lodestar established, the Court turns to factors that can increase or decrease it. Again, “[t]he factors to be considered include the nature and difficulty of the litigation, the amount of money involved, the skill required and employed to handle the case, the attention given, the success or failure, and other circumstances in the case.” (*EnPalm, supra*, 162 Cal.App.4th at p. 774.)

1. Nature and Difficulty of Litigation

This matter (assuming the two cases should be treated as one matter) was a run-of-the-mill class and PAGA action. To be sure, Defendant’s intransigence made things more difficult than they should have been. From a conceptual standpoint, however, the matter presented few if any difficult conceptual issues. This factor counsels neither for nor against a multiplier.

2. Skill and Attention of Counsel

The skill and attention demonstrated by Plaintiff’s counsel throughout this litigation was below par. Documents meant to be filed in one case were routinely filed in the other—including this motion. Documents were routinely missing exhibits. For example, all declarations from Plaintiff’s attorneys, as well as the deRubertis Declaration, originally submitted in support of this motion were missing exhibits. Attorney LaCour’s supplemental declaration was also missing exhibits.

MONTANO v. KING VAN & STORAGE, INC. 23-1312014

Slipshod work also led to the denial of Plaintiff's motion for class certification. (ROA 132) Counsel drafted an unascertainable fail-safe class in violation of California law. Counsel failed to authenticate the purported class list, leaving no admissible evidence that the case was sufficiently numerous for class treatment. The moving papers repeatedly referred to common policies, but no employee handbooks, policy documents, etc. were included in the supporting evidence. The apparent inclusion of Texas-based employees in the purported class list left it unclear whether California law even applied to the entire class. Counsel failed to establish the payroll records submitted were admissible evidence rather than inadmissible hearsay. Finally, Plaintiff's supporting declaration contained no information regarding his adequacy to serve as a class representative (e.g., that he understood the duties of such a role), and counsel included no evidence or argument regarding their own adequacy to serve as class counsel.

To be clear, the fact that the Court has determined that Counsel's work on the class certification motion itself is not compensable does not mean that the quality of that work and/or the work leading up to that motion is off the table. To the contrary, many of the above noted deficiencies stemmed from discovery and other pre-trial issues that fall under the intertwined relationship between the two cases.

This work counsels a downward multiplier. The Court will adjust the lodestar downward by 25% to account for this deficiency.

3. Success or Failure

Plaintiff is the prevailing party in that he is the party with a net monetary recovery. But his case was mostly unsuccessful. It was filed as a PAGA action, and later as a class action. Plaintiff's motion for class certification was denied, and he then dismissed his PAGA claim without prejudice as part of the settlement of his individual claims. He has recovered funds for himself, but his attempt to recover funds for the benefit of his fellow employees and the State of California failed.

MONTANO v. KING VAN & STORAGE, INC. 23-1312014

Simply put, he did not achieve what he set out to achieve when he filed a case sounding in PAGA and class claims.

This, too, counsels a downward multiplier. The Court will adjust the lodestar downward by another 25%, for a total of a 50% downward adjustment.

IV. Conclusion

Taking the above into account, the Court concludes in its discretion that attorney's fees in the amount of \$137,567.25, or 50% of the lodestar, will adequately compensate counsel for work performed in this matter.

EXHIBIT 2

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

MINUTE ORDER

DATE: 04/08/2026

TIME: 07:53:00 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

EVENT ID/DOCUMENT ID: 74819670

EVENT TYPE: Nunc Pro Tunc Minutes

APPEARANCES

There are no appearances by any party.

It appearing to the Court that through error or inadvertence, the minute order of this Court dated 04/06/2026, does not properly reflect the order of the Court. Said minute order is ordered corrected Nunc Pro Tunc as of 04/06/2026, as indicated below:

CORRECTED MINUTE ORDER AND TENTATIVE RULING ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

Court orders clerk to give notice.

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

MINUTE ORDER

DATE: 04/06/2026

TIME: 01:30:00 PM

DEPT: CX101

JUDICIAL OFFICER PRESIDING: William Claster

CLERK: G. Hernandez

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

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

EVENT ID/DOCUMENT ID: 74515271

EVENT TYPE: Trial Readiness Conference

APPEARANCES

James Worth, from McMurtrey, Hartsock, Worth & St. Lawrence, present for Cross - Defendant, Cross - Complainant, Defendant(s) remotely.

Derek Hoffman and Sean Hood, from Fennemore Dowling Aaron LLP, present for Cross - Defendant, Defendant(s) remotely.

Jeffrey V. Dunn, from Best Best & Krieger LLP, present for Cross - Defendant, Cross - Complainant, Defendant(s).

Kyle Brochard, from Richards, Watson & Gershon, present for Cross - Defendant, Cross - Complainant(s).

Alison K. Toivola, from Best Best & Krieger LLP, present for Cross - Defendant(s) remotely.

Phillip Hall, from Aleshire & Wynder, LLP, present for Cross - Defendant(s).

Nick Karno, from Office of the Los Angeles City Attorney, present for Cross - Defendant(s) remotely.

Irene Whitcombe, from Deputy Attorney General, present for Cross - Defendant(s) remotely.

Judith Coleman, from U.S. Dept. of Justice, present for Cross - Defendant(s) remotely.

Douglas J. Evertz (in person) and Emily Madueno (remotely) of Murphy & Evertz appearing;
Jacob Metz of Richards Watson & Gershon (remotely)

Hearing held with participants appearing remotely and in person.

Tentative Rulings on Motions in Limine for Phase 2 Trial posted on the Internet. A copy of the Court's tentative rulings is attached hereto and incorporated herein by reference.

The Court hears oral argument on motions in limine.

Motion in Limine #1 by Indian Wells Groundwater Authority to Exclude Expert Testimony of Anthony Brown

The tentative ruling now becomes the final ruling of the Court.

Motion in Limine #2 by the Authority to Exclude Testimony Regarding Groundwater in Storage

Notwithstanding the tentative ruling on MIL 2 and the Court's concerns about the relevance of total groundwater in storage in the Basin, the motion is denied based on the representations of counsel for the

District and Searles that testimony regarding total storage will take no more than a few hours.

Court and counsel discuss the status of the case and the upcoming trial.

Joint Witness List and Joint Exhibit List are to be filed and served on or before 05/18/2026.

TENTATIVE RULINGS ON MOTIONS IN LIMINE (MILs) FOR PHASE 2 TRIAL

1. MIL 1: Motion by Indian Wells Groundwater Authority (“Authority”) to Exclude Expert Testimony of Anthony Brown

The Authority seeks to exclude the testimony of non-retained expert Anthony Brown on the grounds that his testimony is “predicated on other experts’ opinions and analyses and is cumulative of those opinions.” The Motion is DENIED.

Anthony Brown is listed by the Indian Wells Valley Water District (“District”) as a non-retained expert who, according to the District’s Disclosure of Expert Witnesses, will testify about general hydrogeology basics, his familiarity with the Indian Wells Valley Groundwater Basin (“Basin”), and estimations of groundwater in storage and safe yield of the Basin. (Metz Decl. Exh. C) The Authority contends that Brown’s proposed testimony is simply a recapitulation of other experts’ opinions and therefore is cumulative.

The District has designated four experts for trial. As summarized on pp. 4-5 of the Authority’s motion, the stated subject matter of their testimony, including Brown’s, is similar, if not largely overlapping. Two other experts, designated by Meadowbrook and Searles, apparently also will testify on these topics. As the Court understands it, all of these experts participated in the Technical Working Group’s (“TWG”) development of a safe yield analysis referred to as the 2024 Safe Yield Paper. To be clear, the Court will not allow multiple witnesses to testify about the conclusions set forth in this Report.

The District counters that Brown will testify about his personal involvement in the TWG’s safe yield analysis and will not merely repeat other experts’ testimony. By itself, that testimony may not be cumulative. But it does not open the door to

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Brown, as a non-retained expert, testifying about the Report's conclusions, especially if they were the product of group collaboration. Likewise, if the District wants to use Brown to provide an overview of "hydrogeology basics" to frame subsequent testimony of other experts, it may do so even though that choice may lead to the exclusion of other experts' testimony covering the same ground.

The Court expects the parties and witnesses, and particularly the experts, to avoid cumulative testimony. Further, all experts must establish an appropriate foundation for giving any opinions and must limit their testimony to the specific topics set forth in the experts' designations. Along these lines, Brown's potential testimony "evaluat[ing] . . . others' methodologies and conclusions" (Opp. p. 13) would appear to exceed the scope of his designation.

2. MIL 2: Motion by the Authority to Exclude Testimony Regarding Groundwater in Storage

The Authority seeks to exclude testimony and evidence regarding the total amount of groundwater in storage on the grounds that such evidence is not relevant to a determination of safe yield and should be excluded pursuant to Evidence Code §§ 350 and 352. The Court is inclined to GRANT the motion subject to considering the Technical Working Group's response to the Authority's reply brief. Among other things, the parties should be prepared to address whether there is any legal or scientific authority for (1) determining safe yield based on total Basin storage, (2) assuming total Basin storage is arguably relevant, whether safe yield can be determined without first establishing the extent to which groundwater is recoverable, and (3) whether a relatively small (by percentage) reduction in the total amount of groundwater in storage (whether recoverable or otherwise) is an appropriate factor to consider in a safe yield determination.

The Authority argues that the total amount of groundwater in storage is not relevant in determining safe yield and that the District's primary experts (Teasdale,

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

Tonkin) do not rely on total groundwater storage to determine safe yield. To be clear, the Authority does not contend that changes in storage are not relevant as it acknowledges that such changes—based on measuring changes in groundwater elevation—are key factors in determining safe yield.

But when it comes to total groundwater storage, the Authority argues that it has nothing to do with safe yield. Along these lines, the Authority asserts that because the TWG 2024 Assessment of Groundwater Storage for the Basin and District expert Matthew Tonkin fail to analyze how much groundwater is actually recoverable, the total volume is not relevant. As that Storage Report acknowledges, recoverable water depends on numerous factors, including quality of the water, economic access to the water, groundwater management plans, etc. Put another way, if groundwater cannot be accessed or utilized for one reason or another, why would the total amount of groundwater in storage be relevant?

In its opposition to the motion, the TWG argues that (1) both case law and statute make clear that total groundwater storage is relevant to a safe yield determination, and (2) Parker’s calculation of safe yield relies in part on the amount of stored groundwater. On the first point, the TWG cites a California Supreme Court decision which considers storage as a factor in determining safe yield. (*City of Pasadena v. City of Alhambra* (1949) 33 Cal. 2d 908, 924. But *Pasadena* actually tends to support the Authority as it approved a referee’s report which stated that change in storage was calculated “by two factors, namely the change in water table elevation and the specific yield of the material lying between the two positions of the water table.” Total groundwater in storage was not considered by the court.

The fact that the California Sustainable Groundwater Management Act (Wat. Code, §§ 10720-10738; “SGMA”) refers to groundwater storage does not compel a different conclusion. SGMA defines “sustainable yield” as “the maximum quantity of water . . . that can be withdrawn annually from a groundwater supply without causing an undesirable result,” and defines “undesirable result” to include a

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“significant and unreasonable reduction of groundwater storage.” (Wat. Code, § 10721, subds. (w), (x)(2).) But neither this nor any other definition found in SGMA looks to the total volume of groundwater to determine safe yield.

On the second point, Parker’s Declaration in support of the opposition describes in general terms how storage capacity affects safe yield, citing the following equation described as “well-recognized:” Safe Yield = Pumping +/- Change in Groundwater Storage. (Parker Decl. ¶ 29) This formula is consistent with TWG Storage Report that states that “Basin Groundwater Storage is an important consideration in sustainable groundwater *management*,” not that it is a component of a safe yield determination. (Metz Decl. Exh. D § 1.2; emphasis added) Anthony Brown testified similarly. (*Id.* Exh. E)

The Authority agrees that change in storage is a factor to be considered in determining safe yield but points out that calculating such a change does not require an assessment of the total amount of groundwater (recoverable or not) in storage. Rather, it depends on measuring groundwater elevations between two monitoring periods. (Reply p. 4) Indeed, this is essentially the methodology advocated by Meadowbrook expert Eddy Teasdale. (Metz Decl. Exh. G) It also is in line with the following statement from *City of Santa Maria v. Adam* (2012) 211 Cal. App. 4th 266, 279: “Safe yield is generally calculated as the net of inflows less subsurface and surface outflows.” This definition is consistent with Water Code § 37900 cited by District expert Tonkin in Section 1.1 of his Phase II Responsive Report (Parker Decl. ¶20, Exh. 3): “‘Safe yield’ means the condition of a groundwater basin when the total average annual groundwater extractions are equal to, or less than, the total average annual groundwater recharge, either naturally or artificially.” Teasdale agrees: “Safe yield represents the volume of groundwater pumping that results in no net change in groundwater storage.” (Parker Decl. Exh. 6)

Given both the legal authorities and the Declarations, the Court concludes that overall storage capacity does not appear to be relevant to the safe yield

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

determination. Nor is there sufficient information for the Court to conclude that the probative value of this evidence won't amount to an undue consumption of time. (Evid. Code § 352) That being said, the Court will consider the parties' further arguments at the April 6, 2026 hearing.

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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

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 April 8, 2026, I served true copies of the following document(s) described as **NOTICE OF RULING FROM THE 4/6/26 HEARING AND TRIAL READINESS CONFERENCE** 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 **April 8, 2026**, at Costa Mesa, California.



Alexandra Constant