

1 James A. Worth, State Bar No. 147207
2 McMURTREY, HARTSOCK, WORTH & ST LAWRENCE
3 2001 22nd Street, Suite 100
4 Bakersfield, California 93301
5 Telephone No.: 661.322.4417
6 Fax No.: 661.322.8123
7 Email: jim@mhwslegal.com

Exempt From Fees Per
Govt. Code § 6103

6 Douglas J. Evertz, State Bar No. 123066
7 Emily L. Madueno, State Bar No. 251721
8 MURPHY & EVERTZ LLP
9 650 Town Center Drive, Suite 550
10 Costa Mesa, California 92626
11 Telephone No.: 714.277.1700
12 Fax No.: 714.277.1777
13 Email: devertz@murphyevertz.com
14 emadueno@murphyevertz.com

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

**JOINT STATUS CONFERENCE
STATEMENT (7/15/2025)**

RELATED TO ROA 1593
Date: July 15, 2025
Time: 10:00 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.

28 AND RELATED CASES.

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

1 **JOINT STATUS CONFERENCE STATEMENT**

2 Defendant, Cross-Complainant, and Cross-Defendant Indian Wells Valley Water District
3 (“District”) has made a good faith effort to solicit input from parties prior to submission of this
4 Joint Status Conference Statement.¹
5

6 **1. PHASE 1 TRIAL RE: FEDERAL RESERVED WATER RIGHT CLAIM**

7 The Phase 1 Trial on the federal reserved water right claim of the United States
8 commenced on April 28, 2025, and concluded on May 14, 2025. Prior to trial, multiple parties—
9 the United States, the City of Ridgecrest and the County of Kern, Meadowbrook, and Searles—
10 filed trial briefs (i.e., ROA 1669, 1673, 1675, 1740, 1742, 1744). On June 30, 2025, multiple
11 parties—Searles, Meadowbrook, the United States, and the City of Ridgecrest, the County of
12 Kern, and the Indian Wells Valley Groundwater Authority (“Authority”)—filed closing briefs
13 (i.e., ROA 1782, 1784, 1786, 1788), pursuant to the Court’s direction at the close of the Phase 1
14 Trial.
15

16 **2. PHASE 2 TRIAL RE: SAFE YIELD**

17 A. Phase 2 Trial

18 On January 8, 2025, the Court entered a Case Management Order Re: Phase 2 Trial.
19 (ROA 1555.) On March 18, 2025, the Court entered a *First Amended* Case Management Order
20 Re: Phase 2 Trial (“Phase 2 CMO”). (ROA 1637.)
21

22
23 ¹ (1) Defendant, Cross-Defendant, and Cross-Complainant Searles Valley Minerals Inc. (“Searles”); (2) Defendants
24 and Cross-Defendants Meadowbrook Dairy Real Estate, LLC; Big Horn Fields, LLC; Brown Road Fields, LLC;
25 Highway 395 Fields, LLC; and the Meadowbrook Mutual Water Company (collectively, “Meadowbrook”);
26 (3) Cross-Defendant United States of America (“United States”); (4) Cross-Defendant The City of Los Angeles,
27 acting by and through its Department of Water and Power (“LADWP”); (5) Cross-Defendant Little Lake Ranch, Inc.
28 (“Little Lake”); and (6) Cross-Defendant Granite Construction Company, erroneously named as Granite
Construction Water System (“Granite”). District, Searles, Meadowbrook, United States, LADWP, Little Lake, and
Granite are collectively referred to as “Parties.”

1 The Phase 2 Trial will determine the safe yield of the Indian Wells Valley groundwater
2 basin. Among other dates, the Phase 2 CMO provides:

- 3 (1) Phase 2 Trial Date: June 1, 2026; and
- 4 (2) Pre-Trial Conference Re: Phase 2 Trial: April 6, 2026.

5
6 B. Notices of Intention to Participate in Phase 2 Trial

7 Pursuant to the Phase 2 CMO, multiple parties filed and served Notices of Intent to
8 Participate in the Phase 2 Trial.

9
10 C. Disclosure of Groundwater Models

11 On April 21, 2025, the District and Authority each disclosed groundwater flow models
12 that they intend to use to present evidence at the Phase 2 Trial. The District and Authority
13 produced their respective model files as “highly confidential,” subject to the Protective Order
14 entered by the Court on October 2, 2024.

15
16 D. Status of Discovery for the Phase 2 Trial

17 Among other dates for discovery for the Phase 2 Trial, the Phase 2 CMO provides:

- 18 (1) Expert Disclosures: July 29, 2025;
- 19 (2) Exchange of Expert Reports: August 12, 2025;
- 20 (3) Discovery Opens: August 26, 2025;
- 21 (4) Responsive Reports: November 4, 2025; and
- 22 (5) Depositions: November 14, 2025 to February 10, 2026.

23 The District and Authority agreed and confirmed that any rebuttal or critique of any
24 groundwater flow model exchanged on April 21, 2025 shall be included in the Responsive
25 Reports to be exchanged on November 4, 2025, and that any rebuttal or critique of such models
26 is not required to be included in the initial Expert Reports to be exchanged on August 12, 2025.

1 **3. STATUS OF RELATED CASES**²

2 A. *Mojave Pistachios, LLC, et al. v. Indian Wells Valley Groundwater Authority, et*
3 *al.*, OCSC Case No. 30-2021-01187589-CU-WM-CXC (“Mojave Pistachios
4 Action”):

5 On September 30, 2020, Mojave Pistachios, LLC and Paul G. Nugent and Mary E.
6 Nugent, Trustees of the Nugent Family Trust dated June 20, 2011 (collectively, “Mojave
7 Pistachios”) filed a Petition for Writ of Mandamus and Complaint against Authority. Through
8 its petition, Mojave Pistachios alleges, inter alia, that Authority adopted a deficient Groundwater
9 Sustainability Plan on January 16, 2020 (“GSP”). Mojave Pistachios and Authority agreed to
10 material terms of a settlement resolving the pending litigation, which included all actions by
11 Mojave Pistachios against Authority and Authority against Mojave Pistachios. On March 13,
12 2025, Mojave Pistachios filed a Request for Dismissal following settlement, and the Court
13 entered dismissal.

14
15 B. *Searles Valley Minerals Inc. v. Indian Wells Valley Groundwater Authority, et al.*,
16 OCSC Case No. 30-2021-01188089-CU-WM-CXC (“Searles Action”):³

17 On September 29, 2020, Searles filed a Petition for Writ of Mandate; Complaint for
18 Declaratory and Injunctive Relief; and Takings Claims under the California Constitution against
19 Authority and Authority’s Board of Directors. On or about August 25, 2021, Searles filed a First
20 Amended Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief; and
21 Takings Claim under the California Constitution. Through its petition, Searles challenges the
22
23

24
25 ² This Statement does not address the case currently pending in Kern County captioned *Indian Wells Valley*
26 *Groundwater Authority v. Inyo Kern Community Services District*, Kern County Superior Court Case No. BCV-22-
100281. That case is not pending before this Court.

27 ³ The Mojave Pistachios Action and the Searles Action have been consolidated. All other cases listed herein are
28 related and pending before this Court, including the comprehensive adjudication.

1 validity of Authority’s GSP and various related actions by Authority to implement Authority’s
2 GSP.

3 Authority filed an Answer to Searles’ First Amended Petition and Complaint on
4 April 24, 2023. The District filed an Answer to Searles’ First Amended Petition and Complaint
5 as an interested person on January 5, 2023, and the District intends to participate at trial.

6 Searles and Authority are working on preparation of the administrative record.

7 At the January 8, 2025 Status Conference, the Court set a trial date of October 13, 2025 at
8 9:00 a.m., in Department CX101, and a Trial Readiness Conference for October 3, 2025, at
9 1:30 p.m., in Department CX101.

10 Searles and Authority are engaged in ongoing settlement discussions.

11
12 C. *Indian Wells Valley Groundwater Authority v. Mojave Pistachios, LLC, et al.*,
13 OCSC Case No. 30-2022-01239479-CU-MC-CJC (“Authority Action Against
14 Mojave Pistachios”):

15 On January 5, 2022, Authority filed a Complaint for Preliminary and Permanent
16 Injunction; Recovery of Delinquent Groundwater Fees; and Civil Penalties against Mojave
17 Pistachios. Through its complaint, Authority seeks to enjoin Mojave Pistachios from operating
18 groundwater wells without payment of Basin Replenishment Fees, delinquent groundwater
19 extraction charges, and civil penalties. Mojave Pistachios and Authority agreed to material terms
20 of a settlement resolving the pending litigation, which included all actions by Mojave Pistachios
21 against Authority and Authority against Mojave Pistachios. On March 19, 2025, Authority filed
22 a Request for Dismissal following settlement, and the Court entered dismissal.

1 D. *Indian Wells Valley Groundwater Authority v. Searles Valley Minerals Inc.*,
2 OCSC Case No. 30-2022-01239487-CU-MC-CJC (“Authority Action Against
3 Searles”):

4 On January 5, 2022, Authority filed a Complaint for Preliminary and Permanent
5 Injunction; Recovery of Delinquent Groundwater Fees; and Civil Penalties against Searles.
6 Through its complaint, Authority seeks to enjoin Searles from operating groundwater wells
7 without payment of Basin Replenishment Fees, delinquent groundwater extraction charges, and
8 civil penalties.

9 Searles filed an Answer on April 19, 2022.

10 On June 2, 2023, the Court ordered that Authority shall not schedule a hearing on its
11 intended motion for preliminary injunction prior to October 1, 2023, and that any opposition to
12 such motion shall not be due until after the Court of Appeal issued a decision on the petition for
13 writ in the Mojave Pistachios Action. No motion for preliminary injunction has yet been filed.

14 At the January 8, 2025 Status Conference, the Court set a trial date of October 13, 2025 at
15 9:00 a.m., in Department CX101, and a Trial Readiness Conference for October 3, 2025, at
16 1:30 p.m., in Department CX101.

17 Searles and Authority are engaged in ongoing settlement discussions.
18

19 E. *Mojave Pistachios, LLC, et al. v. Indian Wells Valley Groundwater Authority, et*
20 *al.*, OCSC Case No. 30-2022-01249146-CU-MC-CJC (“Mojave Pistachios
21 Refund Action”):

22 On March 9, 2022, Mojave Pistachios filed a Complaint for Refund of Extraction Fees
23 Paid against Authority, seeking to recover fee payments levied by Authority pursuant to
24 Ordinance No. 02-18, as later amended by Ordinance Nos. 02-20 and 05-20, which impose a
25 \$105 per acre-foot groundwater extraction fee, which Authority states is necessary to finance the
26 estimated costs to develop and adopt the GSP. Mojave Pistachios and Authority agreed to
27 material terms of a settlement resolving the pending litigation, which included all actions by
28 Mojave Pistachios against Authority and Authority against Mojave Pistachios. On March 11,

1 2025, Mojave Pistachios filed a Request for Dismissal following settlement, and the Court
2 entered dismissal.

3
4 DATED: July 8, 2025

MURPHY & EVERTZ LLP

6 By: /s/ Douglas J. Evertz

7 Douglas J. Evertz
8 Emily L. Madueno
9 Attorneys for Defendant, Cross-Complainant, &
10 Cross-Defendant
INDIAN WELLS VALLEY WATER DISTRICT

11 DATED: July 8, 2025

BEST BEST & KRIEGER LLP

14 By: /s/ Alison Toivola

15 Eric L. Garner
16 Jeffrey V. Dunn
17 Wendy Wang
18 Alison Toivola
Attorneys for Defendant, Cross-Defendant, &
19 Cross-Complainant
SEARLES VALLEY MINERALS INC.

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DATED: July 8, 2025

FENNEMORE LLP

By: /s/ Derek R. Hoffman

Derek R. Hoffman
Sean Hood
Darien Key
Attorneys for Defendants & Cross-Defendants
MEADOWBROOK DAIRY REAL ESTATE, LLC;
BIG HORN FIELDS, LLC;
BROWN ROAD FIELDS, LLC;
HIGHWAY 395 FIELDS, LLC;
THE MEADOWBROOK MUTUAL WATER
COMPANY

DATED: July 8, 2025

U.S. DEPARTMENT OF JUSTICE

By: /s/ David W. Gehlert

David W. Gehlert
Judith E. Coleman
Attorneys for Cross-Defendant
THE UNITED STATES OF AMERICA

DATED: July 8, 2025

OFFICE OF THE LOS ANGELES CITY ATTORNEY

By: /s/ Nicholas J. Karno

Melanie A. Tory
Nicholas J. Karno
Attorneys for Cross-Defendant
THE CITY OF LOS ANGELES, ACTING BY AND
THROUGH ITS DEPARTMENT OF WATER AND
POWER

1 **PROOF OF SERVICE**

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

3 Orange County Superior Court – Civil Complex Center

4 The Honorable William Claster, Dept. CX101

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

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

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

12 On July 8, 2025, I served true copies of the following document(s) described as **JOINT
13 STATUS CONFERENCE STATEMENT (7/15/2025)** on the interested parties in this action as
14 follows:

15 **PLEASE SEE SERVICE LIST**

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

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

26 **BY POSTING:** I transmitted the document(s) listed above to the Case Anywhere via electronic
27 transfer through the Internet, consistent with the Court’s December 2, 2022 Order Authorizing
28 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 **July 8, 2025**, at Costa Mesa, California.



Alexandra Constant