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

*[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**

Date: March 22, 2024
Time: 1:30 p.m.
Dept.: CX101

{00271773.1 }

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:
Trial Date:

November 19, 2019
None Set

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 **1. WHAT HAS BEEN DONE IN THE CASE**

6 **A. STATUS OF THE PLEADINGS**

7 On November 19, 2019, Plaintiffs filed a Complaint for Quiet Title, Declaratory Relief
8 and Injunction Imposing a Physical Solution: Not General Adjudication against District, Searles,
9 and Meadowbrook. All Defendants have answered. In response to Plaintiffs’ complaint, on
10 June 16, 2021, District filed a Cross-Complaint for Comprehensive Adjudication of the Indian
11

12 ¹ The following parties have met and conferred and submit this Joint Statement for the March 22, 2024
13 Status Conference: (1) Plaintiffs and Cross-Defendants Mojave Pistachios, LLC; John Thomas Conaway;
14 John Thomas Conaway Trust; John Thomas Conaway Living Trust u/d/t August 7, 2008; Nugent Family
15 Trust; and Sierra Shadows Ranch LP (collectively, “Plaintiffs”); (2) District; (3) Defendant,
16 Cross-Defendant, and Cross-Complainant Searles Valley Minerals Inc. (“Searles”); (4) Defendants and
17 Cross-Defendants Meadowbrook Dairy Real Estate, LLC; Big Horn Fields, LLC; Brown Road Fields,
18 LLC; Highway 395 Fields, LLC; and the Meadowbrook Mutual Water Company (collectively,
19 “Meadowbrook”); (5) Cross-Defendant Little Lake Ranch, Inc. (“Little Lake”); (6) Cross-Defendant
20 BT-OH, LLC (“BT-OH”); and (7) Cross-Defendant Inyokern Community Services District (“ICSD”).
21 (Plaintiffs, District, Searles, Meadowbrook, Little Lake, BT-OH, and ICSD are collectively referred to as
22 “Parties.”)

23 District received a redline from counsel for Cross-Defendant United States of America (“United States”)
24 at 10:56 a.m. on Friday, March 15, 2024—the due date for this Joint Statement—reflecting additions from
25 the United States and Cross-Defendants Indian Wells Valley Groundwater Authority, City of Ridgecrest,
26 and County of Kern. The redline included significant substantive additions, including factual and legal
27 argument more appropriate for law and motion briefing than a status conference statement. Moreover, the
28 redline did not get circulated to all counsel in the Adjudication when sent to District. Given the extent,
nature, and substance of the additions, District was unable to obtain authority from all other counsel to the
Adjudication to include the additions in this Joint Statement, which the undersigned had already
previously approved.

1 Wells Valley Groundwater Basin (“Basin”) pursuant to the California Streamlined Groundwater
2 Adjudication Statutes (Code Civ. Proc., §§ 830-852) (“Adjudication”). Searles has also filed a
3 cross-complaint seeking a comprehensive groundwater rights adjudication. Unless extended by
4 Stipulation among the parties, the Complaint, which includes a request for imposition of a
5 physical solution, must commence no later than November 18, 2024.

6 B. STATUS OF NOTICE AND SERVICE

7 On January 16, 2024, District filed and served a Notice re: Decision on Posting,
8 providing notice, as ordered by the Court at the December 15, 2023 Status Conference, of
9 District’s decision whether to opt to post a copy of the Cross-Complaint, Notice of
10 Commencement of Groundwater Basin Adjudication, and Form Answer to Adjudication
11 Cross-Complaint pursuant to Code of Civil Procedure section 836, subdivision (d)(1)(C).
12 District’s January 16th notice confirmed District will post. District commenced posting on
13 February 26, 2024 and anticipates it will have completed all posting on or before
14 March 22, 2024. District will file a notice of completion of posting with proof of service
15 immediately upon confirmation of completion of the posting.

16 “Compliance with the service and notice provisions of [the Streamlined Act] shall be
17 deemed effective service of process of the [cross-]complaint and notice on all interested parties
18 of the comprehensive adjudication for purposes of establishing in rem jurisdiction and the
19 comprehensive effect of the comprehensive adjudication.” (Code Civ. Proc., § 836(j).) District
20 has completed and complied with all notice and service requirements required by Code of Civil
21 Procedure section 830 *et seq.* and Court orders regarding notice and service and, thus, has
22 provided notice to all interested parties and effectively joined all interested parties to the
23 Adjudication. District compliance satisfies the McCarran Amendment, thereby securing
24 jurisdiction over the federal government. (Code Civ. Proc., § 830(b)(6).)

25 District requests that the Court issue an Order to Show Cause as to any party who objects
26 to (1) District’s compliance with all applicable service and notice provisions of Chapter 7 of
27 Title 10 of Part 2 of the Code of Civil Procedure and all Court Orders relating to service and
28 notice of this Adjudication; (2) the Court’s in rem jurisdiction over all interested parties to this

1 Adjudication; and (3) the comprehensive effect of this Adjudication is established; and direct any
2 objecting party to immediately—and no later than 30 days from March 22, 2024—show cause as
3 to why the Court should not confirm District’s compliance, the Court’s in rem jurisdiction, and
4 the Adjudication’s comprehensiveness under the McCarran Amendment.

5 C. PAYMENT OF COMPLEX FEES

6 On February 18, 2022, the Court previously granted District’s Motion for Order
7 Temporarily Suspending the Requirement to Pay the Initial Appearance Fee. The Court
8 suspended the filing fee through February 28, 2023 to allow the thousands of persons and entities
9 owning property overlying the Basin, most of whom are either de minimis pumpers or
10 non-pumpers, to file an answer. District requests that the Court reinstate the filing fee waiver
11 through June 30, 2024 to allow interested persons who are taking notice of District’s recent
12 postings, which inform them that they have sixty (60) days in which to answer, to file an answer.

13 D. REQUESTS FOR ENTRY OF DEFAULT

14 To date, District has not filed any requests for entry of default. If and when District does
15 request defaults, it does not seek to exempt any party from the binding effect of any judgment.
16 Any entry of default in the Adjudication will not insulate a defaulted party from the binding
17 effect of a judgment; defaulted parties remain bound by any judgment entered after default as in
18 other civil actions, including quiet title actions, once the plaintiff or cross-complainant “proves
19 up” the default. (E.g., Code Civ. Proc., §§ 585(b), 764.010; *Nickell v. Matlock* (2012) 206
20 Cal.App.4th 934, 941-942 [before entering judgment in a quiet title action, the court must hold
21 evidentiary hearing at which defaulting party may appear and present evidence, but default still
22 may be taken and defaulted party will still be bound by the judgment,]; 1 Weil & Brown, *Cal.*
23 *Practice Guide: Civ. Proc. Before Trial* (Rutter 2023 ed.) §§ 5:194, 5:271.) Any judgment in a
24 comprehensive adjudication binds all parties, including defaulted parties, defaults neither offend
25 the McCarran Amendment nor defeat jurisdiction over the federal government. (See 43 U.S.C.
26 § 666; Code Civ. Proc., § 836(j).)

1 E. STATUS OF PARTICIPATION BY DE MINIMIS PUMPERS

2 Under the Sustainable Groundwater Management Act of 2014 (“SGMA”), a “de
3 minimis” pumper is defined as a person who extracts, for domestic purposes, two acre-feet of
4 groundwater or less per year. (Wat. Code, § 10721(e).) IWVGA currently exempts de minimis
5 pumpers from the payment of IWVGA’s Replenishment Fee and certain other Groundwater
6 Sustainability Plan (“GSP”)-related programs. No party has requested, nor has the Court
7 determined, that any claim of right to extract groundwater from the Basin is exempt from the
8 Adjudication under Code of Civil Procedure sections 833, subdivision (d) or 851. District, with
9 others, intends to present a proposed judgment and physical solution that will include all de
10 minimis pumpers in the way nearly every prior adjudication has included them: preserving their
11 groundwater rights.

12 The Court has paused or stayed participation by “de minimis” parties since the initial
13 Case Management Conference on May 20, 2022.

14 At the December 15, 2023 hearing on IWVGA’s Motion for Class Certification and
15 Appointment of Class Counsel to certify a class of de minimis pumpers, the Court denied the
16 motion without prejudice. It is District’s position that through its compliance with all applicable
17 service and notice provisions of Chapter 7 of Title 10 of Part 2 of the Code of Civil Procedure
18 and all Court Orders relating to service and notice, in rem jurisdiction and the comprehensive
19 effect of this Adjudication have been established and, therefore, there is no need for class
20 certification for a class of small pumpers.

21 F. STATUS OF RELATED PROCEEDINGS

22 (1) *Mojave Pistachios, LLC; et al. v. Indian Wells Valley Groundwater*
23 *Authority; et al.*, OCSC Case No. 30-2021-01187589-CU-WM-CXC (the “Mojave Pistachios
24 Action”) (consolidated with the Searles Action; related to all cases listed on the caption; and
25 pending before The Honorable William Claster): On September 30, 2020, Mojave Pistachios,
26 LLC and Paul G. Nugent and Mary E. Nugent, Trustees of the Nugent Family Trust dated
27 June 20, 2011 (collectively, “Mojave Pistachios”) filed a Petition for Writ of Mandamus and
28 Complaint against IWVGA. On January 6, 2023, Mojave Pistachios filed a Fourth Amended

1 Petition for Writ of Mandamus and Complaint. Through its petition, Mojave Pistachios alleges,
2 inter alia, that IWVGA adopted a GSP on January 16, 2020 that is illegal and technically
3 deficient.

4 The Mojave Pistachios Action was stayed pursuant to an April 26, 2023 order of the
5 Court of Appeal, Fourth Appellate District, Division Three after Mojave Pistachios filed a
6 petition for writ of mandate in that court on February 21, 2023. On February 8, 2024, the Court
7 of Appeal issued its opinion denying the petition for writ of mandate. On February 23, 2024,
8 Mojave Pistachios petitioned the Court of Appeal for rehearing, and rehearing was denied on
9 March 4, 2024. The appellate court’s February 8, 2024 opinion dissolves the stay upon finality
10 of the opinion—March 9, 2024. Mojave Pistachios intends to file a petition for review with the
11 California Supreme Court and seek a stay if review is granted.

12 Mojave Pistachios has elected to prepare the administrative record. IWVGA filed an
13 answer to Mojave Pistachios’ Fourth Amended Petition and Complaint on April 24, 2023, just
14 two days before the Court of Appeal stayed this action. The administrative record has not been
15 prepared in the consolidated cases due to the Court of Appeal-imposed stay. Its timing may be
16 further influenced by Searles’ contemplated amendment of its complaint to add a Public Records
17 Act cause of action (see, *infra*, § 1.F(2) for further discussion) and by a further stay of
18 proceedings in the event review is granted by the California Supreme Court. IWVGA, the City
19 of Ridgecrest, the County of Kern, and the United States do not join this paragraph.

20 A status conference in the Mojave Pistachios Action is set to occur on March 22, 2024 in
21 this Department.

22 (2) *Searles Valley Minerals Inc. v. Indian Wells Valley Groundwater*
23 *Authority; et al.*, OCSC Case No. 30-2021-01188089-CU-WM-CXC (the “Searles Action”)
24 (consolidated with the Mojave Pistachios Action, which is the lead case; related to all cases listed
25 on the caption; and pending before The Honorable William Claster): On September 29, 2020,
26 Searles filed a Petition for Writ of Mandate; Complaint for Declaratory and Injunctive Relief;
27 and Takings Claims under the California Constitution against IWVGA and IWVGA’s Board of
28 Directors. On or about August 25, 2021, Searles filed a First Amended Petition for Writ of

1 Mandate and Complaint for Declaratory and Injunctive Relief; and Takings Claim under the
2 California Constitution. Through its petition, Searles challenges the validity of IWVGA’s GSP.

3 This case is consolidated with the Mojave Pistachios Action and, therefore, the stay
4 imposed by the Court of Appeal on April 26, 2023 also applied to the Searles Action.

5 IWVGA filed an Answer to Searles’ First Amended Petition and Complaint on
6 April 24, 2023, just two days before the Mojave Pistachios Action was stayed. Given that the
7 administrative records for both the Mojave Pistachios and Searles Actions are likely to be mostly
8 similar, the administrative record has not been prepared in the consolidated cases. Moreover,
9 Searles intends to file a motion for leave to amend its operative complaint to add a Public
10 Records Act cause of action for IWVGA’s failure to comply with Searles’ request for public
11 records for the administrative record. IWVGA, the City of Ridgecrest, the County of Kern, and
12 the United States do not join this paragraph.

13 A status conference in the Searles Action is set to occur on March 22, 2024 in this
14 Department.

15 (3) *Indian Wells Valley Groundwater Authority v. Mojave Pistachios, LLC; et*
16 *al.*, OCSC Case No. 30-2022-01239479-CU-MC-CJC (related to all cases listed on the caption;
17 and pending before The Honorable William Claster): On January 5, 2022, IWVGA filed a
18 Complaint for Preliminary and Permanent Injunction; Recovery of Delinquent Groundwater
19 Fees; and Civil Penalties against Mojave Pistachios. Through its complaint, IWVGA seeks to
20 enjoin Mojave Pistachios from operating groundwater wells without payment of Basin
21 Replenishment Fees, delinquent groundwater extraction charges, and civil penalties. Mojave
22 Pistachios filed an Answer on April 11, 2022. A status conference in this matter is set to occur
23 on March 22, 2024 in this Department.

24 IWVGA contends the case is at issue and IWVGA requests that a trial date be set.
25 IWVGA also intends to file a motion for preliminary injunction in this action. At the
26 June 2, 2023 status conference, this Court ordered that IWVGA shall not schedule a hearing on
27 its intended motion for preliminary injunction prior to October 1, 2023 and that any opposition to
28 such motion shall not be due until after the Court of Appeal issues a decision on the petition for

1 writ of mandate then-pending in the Mojave Pistachios Action. No motion for preliminary
2 injunction has been filed yet.

3 (4) *Indian Wells Valley Groundwater Authority v. Searles Valley Minerals*
4 *Inc.*, OCSC Case No. 30-2022-01239487-CU-MC-CJC (related to all cases listed on the caption;
5 and pending before The Honorable William Claster): On January 5, 2022, IWVGA filed a
6 Complaint for Preliminary and Permanent Injunction; Recovery of Delinquent Groundwater
7 Fees; and Civil Penalties against Searles. Through its complaint, IWVGA seeks to enjoin
8 Searles from operating groundwater wells without payment of Basin Replenishment Fees,
9 delinquent groundwater extraction charges, and civil penalties. Searles filed an Answer on
10 April 19, 2022. A status conference in this matter is set to occur on March 22, 2024 in this
11 Department.

12 IWVGA contends the case is at issue and IWVGA requests that a trial date be set.
13 IWVGA also intends to file a motion for preliminary injunction in this action. At the
14 June 2, 2023 status conference, this Court ordered that IWVGA shall not schedule a hearing on
15 its intended motion for preliminary injunction prior to October 1, 2023 and that any opposition to
16 such motion shall not be due until after the Court of Appeal issues a decision on the petition for
17 writ of mandate then-pending in the Mojave Pistachios Action. No motion for preliminary
18 injunction has been filed yet.

19 (5) *Mojave Pistachios, LLC; et al. v. Indian Wells Valley Groundwater*
20 *Authority; et al.*, OCSC Case No. 30-2022-01249146-CU-MC-CJC (related to all cases listed on
21 the caption; and pending before The Honorable William Claster): On March 9, 2022, Mojave
22 Pistachios filed a Complaint for Refund of Extraction Fees Paid against IWVGA, seeking to
23 recover fee payments levied by IWVGA pursuant to Ordinance No. 02-18, as later amended by
24 Ordinance Nos. 02-20 and 05-20, which impose a \$105 per acre-foot groundwater extraction fee
25 that IWVGA states is necessary to finance the estimated costs to develop and adopt the GSP. On
26 August 24, 2022, the Court stayed the matter pending a resolution of the Mojave Pistachios
27 Action. A status conference in this matter is set to occur on March 22, 2024 in this Department.

1 (6) *Indian Wells Valley Groundwater Authority v. Inyo Kern Community*
2 *Services District*, Kern County Superior Court Case No. BCV-22-100281 (Notice of Related
3 Case filed by Mojave Pistachios on April 26, 2022, but not yet acted upon): On
4 February 1, 2022, IWVGA filed a Complaint for Preliminary and Permanent Injunction;
5 Recovery of Delinquent Groundwater Extraction Fees; Imposition of Civil Penalties against
6 ICSD. Through its complaint, IWVGA seeks to enjoin ICSD from operating groundwater wells
7 without payment of Basin Replenishment Fees, delinquent groundwater extraction charges, and
8 civil penalties. ICSD filed an Answer on November 18, 2022. This action is not pending in this
9 Court.

10 The parties are conducting good faith settlement negotiations in an effort to settle the
11 matter completely. If settlement negotiations are unsuccessful, ICSD intends to move to transfer
12 this action to the Orange County Superior Court pursuant to Code of Civil Procedure section 394
13 and to coordinate or consolidate it with the cases listed in the caption. It is IWVGA’s position
14 that this action is not related to the Adjudication or the cases related to the Adjudication. It is
15 ICSD’s position that the IWVGA has waived any objection by failing to timely respond to the
16 Notice of Related Case pursuant to California Rules of Court, rule 3.300, subdivision (g). A
17 status conference in this matter is set to occur on April 2, 2024.

18 G. THIS COURT’S JURISDICTION OVER THE ADJUDICATION PURSUANT
19 TO THE STREAMLINED GROUNDWATER ADJUDICATION STATUTES

20 United States is party to the Adjudication under the McCarran Amendment. (43 U.S.C.
21 § 666; *United States v. District Court in and for Eagle County*, 401 U.S. 520 (1971).)

22 District’s position is that the California Streamlined Groundwater Adjudication Statutes
23 (Code Civ. Proc., §§ 830-852, “Streamlined Act”) establish a procedure that, if followed,
24 provides for the conduct of a comprehensive adjudication consistent with, and in satisfaction of,
25 the McCarran Amendment. (Code Civ. Proc., § 830(b)(6).) In other words, satisfying all notice
26 and service requirements under Code of Civil Procedure section 830 *et seq.* and related court
27 orders, as District contends it has, establishes a court’s jurisdiction over all those claiming an
28 interest or potential interest in extraction of water from, or use of storage space within, the Basin,

1 including de minimis pumpers and non-users. District will seek to bind all joined parties,
2 including all minor water pumpers and non-users, through a final judgment and physical
3 solution, subject to the Court’s continuing jurisdiction. (See, *supra*, §§ 1.B, 1.D, 1.E.)

4 H. INITIAL DISCLOSURES

5 Code of Civil Procedure section 842 provides, “Except as otherwise stipulated by the
6 parties or ordered by the court, within six months of appearing in a comprehensive adjudication,
7 a party shall serve on the other parties and the special master, if one is appointed, an initial
8 disclosure” that includes certain information, such as the quantity of groundwater extracted from
9 the Basin, the type of water rights claimed, a general description of the purpose to which the
10 groundwater has been put, and the location of each well or other source through which the party
11 extracts groundwater. (Code Civ. Proc., § 842(a).)

12 The exchange of initial disclosures has been stayed by the Court for all parties since the
13 May 20, 2022 Case Management Conference. The Parties propose the Court lift the stay on
14 initial disclosures and set a deadline for their exchange to occur by all parties, including de
15 minimis pumpers, within 60 days of March 22, 2024. Attached as Exhibit “A” is a proposed
16 form for voluntary use in making initial disclosures as required under Code of Civil Procedure
17 section 842.

18 I. TRIAL SETTING MOTION

19 On February 23, 2024, District filed and served a motion to set trial in the Adjudication
20 (“Trial Setting Motion”). (ROA, 1204.) In the Trial Setting Motion, District requests an order to:

- 21 (1) **Trial Phasing:** Divide trial of the Adjudication into phases;
22 (2) **OSC re Basin Boundary:** Issue an Order to Show Cause directing that
23 the Basin boundary as currently determined by the California Department of Water Resources
24 (“DWR”) (DWR Basin No. 6-54) is the groundwater basin boundary for purposes of this
25 Adjudication and requiring any party that contends otherwise to immediately show cause why
26 the Basin boundary should not be in accordance with DWR Basin No. 6-54, including supporting
27 evidence briefing;

1 (3) **Phase 1 Trial:** Set a phase 1 bench trial (“Phase 1 Trial”) and define the
2 scope of issues to be tried at the Phase 1 Trial to consist of determining the amount of
3 groundwater in storage within the Basin, including the amount of available fresh water in
4 storage; and adjudicating the federal reserved water right claim of the United States;

5 (4) **Discovery:** Lift the stay on discovery, but only as to the issues to be tried
6 during the Phase 1 Trial; and

7 (5) **Expert Witness Disclosures:** Lift the stay on expert witness disclosures
8 and set a deadline for their exchange, but only as to the issues to be tried during the Phase 1
9 Trial.

10 On February 23, 2024, Plaintiffs and Meadowbrook filed and served joinders to the Trial
11 Setting Motion. (ROA, 1207, 1211.) On February 27, 2024, Searles filed and served a joinder to
12 the Trial Setting Motion. (ROA, 1215.) The Trial Setting Motion is set for hearing on
13 March 22, 2024, concurrent with the Status Conference.

14 J. BASIN BOUNDARY

15 In the Trial Setting Motion, District requests the Court issue an Order to Show Cause
16 regarding the Basin boundary. (See, *supra*, § 1.I(2).) SGMA and the Streamlined Act presume
17 the Basin boundary is as defined in DWR’s Bulletin 118 Report. (Code Civ. Proc., §§ 832(a),
18 841; Wat. Code, §§ 10721(b), 10722.) Neither IWVGA nor any other party sought to change the
19 Basin boundary through the DWR Basin Boundary Modification processes in 2016 or 2018, or
20 alleged in its answer in this Adjudication its intention to seek adjustment of the Basin’s boundary
21 under Code of Civil Procedure section 836, subdivision (a)(2)(B). To preserve valuable party
22 and judicial resources, the Court should immediately issue an Order to Show Cause, as sought
23 through the Trial Setting Motion, to confirm that the Basin boundary will be as set forth by the
24 current Bulletin 118 Report.

25 **2. RECOMMENDED DATES AND TIMES**

26 A. OSC RE: COMPLETION OF SERVICE AND NOTICE

27 District recommends the Court issue an Order to Show Cause as to any party who objects
28 to (1) District’s compliance with all applicable service and notice provisions of Chapter 7 of

1 Title 10 of Part 2 of the Code of Civil Procedure and all Court Orders relating to service and
2 notice of this Adjudication; (2) the Court's in rem jurisdiction over all interested parties to this
3 Adjudication; and (3) the comprehensive effect of this Adjudication is established; and direct any
4 objecting party to immediately—and no later than 30 days from March 22, 2024—show cause as
5 to why the Court should not confirm District's compliance, the Court's in rem jurisdiction, and
6 the Adjudication's comprehensiveness under the McCarran Amendment.

7 B. FILING FEE WAIVER

8 District recommends the Court reinstate the initial appearance fee waiver effective
9 immediately through June 30, 2024.

10 C. INITIAL DISCLOSURES

11 The Parties recommend the Court lift the stay on initial disclosures and set a deadline for
12 their exchange to occur by all parties, including de minimis pumpers, within 60 days of
13 March 22, 2024.

14 D. NEXT STATUS CONFERENCE

15 The Parties recommend the next status conference be set in approximately sixty (60)
16 days.

17 **3. SUMMARY OF REQUESTS**

18 Based on the foregoing report, the Parties respectfully request that the Court consider
19 taking the following actions:

20 A. OSC RE: COMPLETION OF SERVICE AND NOTICE: Issue an Order to Show

21 Cause as to any party who objects to (1) District's compliance with all applicable
22 service and notice provisions of Chapter 7 of Title 10 of Part 2 of the Code of
23 Civil Procedure and all Court Orders relating to service and notice of this
24 Adjudication; (2) the Court's in rem jurisdiction over all interested parties to this
25 Adjudication; and (3) the comprehensive effect of this Adjudication is
26 established; and direct any objecting party to immediately—and no later than 30
27 days from March 22, 2024—show cause as to why the Court should not confirm
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DATED: March 15, 2024

MURPHY & EVERTZ LLP

By: /s/ Douglas J. Evertz

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

DATED: March 15, 2024

BEST BEST & KRIEGER LLP

By: /s/ Jeffrey V. Dunn

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

DATED: March 15, 2024

FENNEMORE LLP

By: /s/ Derek R. Hoffman

Derek R. Hoffman
Darren 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

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DATED: March 15, 2024

ARNOLD LaROCHELLE MATHEWS VANCONAS &
ZIRBEL LLP

By: /s/ Gary D. Arnold

Gary D. Arnold
Attorneys for Cross-Defendant
LITTLE LAKE RANCH, INC.

DATED: March 15, 2024

LAW OFFICES OF YOUNG WOOLDRIDGE, LLP

By: /s/ Brett A. Stroud

Brett A. Stroud
Attorneys for Cross-Defendant
BT-OH, LLC

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**EXHIBIT “A”
VERIFIED INITIAL DISCLOSURES SAMPLE FORM**

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Name of Cross-Defendant or Attorney

Mailing Address (Street or P.O. Box)

Mailing Address (City, State, Zip Code)

Phone Number

Email Address

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.

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.

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. CX104

**VERIFIED INITIAL DISCLOSURES
(Code of Civil Procedure section 842(a))**

Proposed Form for Voluntary Use

Complaint Filed: November 19, 2019
Trial Date: None Set

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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.

AND RELATED CASES.

INITIAL DISCLOSURES

1
2 1. The name, address, telephone number, and email address of the party and, if
3 applicable, the party’s attorney.

4 (a) Name: _____

5 (b) Address: _____

6 _____

7 (c) Telephone Number: _____

8 (d) Email Address: _____

9 (e) Attorney (if applicable): _____

10
11 2. The quantity of any groundwater pumped or extracted from the basin by the party
12 and the method used to measure the amount of groundwater pumped or extracted for each of the
13 previous 10 years preceding the filing of the cross-complaint (cross-complaint filed
14 June 16, 2021).

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Year	Amount of Groundwater Pumped	Method of Measuring the Groundwater Pumped
2020		
2019		
2018		
2017		
2016		

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Year	Amount of Groundwater Pumped	Method of Measuring the Groundwater Pumped
2015		
2014		
2013		
2012		
2011		

3. The type of water right or rights claimed by the party to pump groundwater (e.g., overlying right [i.e., you own property and pump water for use on that property], appropriative right, prescriptive right).

4. A general description of the purpose to which the groundwater has been put (i.e., how do you use the water?).

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5. The location of each well or other source through which groundwater has been pumped or extracted (e.g., Assessor Parcel Number or address).

6. The area in which the groundwater has been used (i.e., where are you using the water you are pumping?).

7. Any claims for increased or future use of groundwater (i.e., do you anticipate using more water in the future?).

1 8. The quantity of any beneficial use of any alternative water use that the party
2 claims as its use of groundwater under any applicable law, including, but not limited to,
3 Section 1005.1, 1005.2, or 1005.4 of the Water Code.

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10 9. Identification of all surface water rights and contracts that the party claims
11 provides the basis for its water right claims in the comprehensive adjudication.

12 _____
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18 10. The quantity of any replenishment of water to the basin that augmented the
19 basin's native water supply, resulting from the intentional storage of imported or non-native
20 water in the basin, managed recharge of surface water, or return flows resulting from the use of
21 imported water or non-native water on lands overlying the basin by the party, or the party's
22 representative or agent, during each of the 10 calendar years immediately preceding the filing of
23 the cross-complaint (cross-complaint filed June 16, 2021).

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Year	Quantity of Replenishment of Water to the Basin
2020	

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Year	Quantity of Replenishment of Water to the Basin
2019	
2018	
2017	
2016	
2015	
2014	
2013	
2012	
2011	

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11. The names, addresses, telephone numbers, and email addresses of all persons possessing information that supports the party's disclosures.

(a) Name: _____

(b) Address: _____

(c) Telephone Number: _____

(d) Email Address: _____

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(a) Name: _____

(b) Address: _____

(c) Telephone Number: _____

(d) Email Address: _____

(a) Name: _____

(b) Address: _____

(c) Telephone Number: _____

(d) Email Address: _____

(a) Name: _____

(b) Address: _____

(c) Telephone Number: _____

(d) Email Address: _____

12. Any other facts that tend to prove the party's claimed water right.

Dated: _____, 2024

Signature of Cross-Defendant or Attorney

Printed Name of Cross-Defendant