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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
[*Indian Wells Valley Groundwater
Adjudication*]

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

**JOINT STATUS CONFERENCE
STATEMENT (10/30/2026)**

RELATED TO ROA 2122

Date: October 30, 2026
Time: 1:30 p.m.
Dept.: CX101

INDIAN WELLS VALLEY WATER
DISTRICT,
Cross-Complainant,

Complaint Filed: November 19, 2019
District Cross-Complaint: June 16, 2021
Searles Cross-Complaint: August 17, 2021
Phase 1 Trial Date: April 28, 2025
Phase 2 Trial Date: June 8, 2026

1 v.

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

11 Cross-Defendants.

12 SEARLES VALLEY MINERALS INC.,

13 Cross-Complainant,

14 v.

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

24 Cross-Defendants.

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1. PHASE 2 TRIAL RE: SAFE YIELD – SPECIAL MASTER

A. At the conclusion of the Phase 2 Trial, the Court indicated its intention to appoint a special master to assist the Court with technical issues involved in the Phase 2 Trial and to make a recommendation to the Court of his best estimate of safe yield for the Basin. The Court ordered the Phase 2 Trial Parties to meet and confer as to the identity of the special master to be appointed and the process for the special master's appointment.

¹ (a) City of Ridgecrest (“City”); (b) Indian Wells Valley Groundwater Authority (“Authority”); (c) Indian Wells Valley Water District (“District”); (d) Meadowbrook Dairy Real Estate, LLC; Big Horn Fields, LLC; Brown Road Fields, LLC; Highway 395 Fields, LLC; and the Meadowbrook Mutual Water Company (collectively, “Meadowbrook”); (e) Searles Valley Minerals Inc. (“Searles”); and (f) United States of America (“United States”).

On October 21, 2026, Searles moved this Court to substitute 5E SVM Operations Company, LLC (“5E”) for Searles for all purposes in this action and related cases. On October 1, 2026, Searles and 5E entered into a Water Assets Assignment Agreement whereby Searles assigned and transferred all of its water rights, including those water rights in the Indian Wells Valley Groundwater Basin, to 5E. The United States Bankruptcy Court for the District of Delaware approved the sale by order entered September 21, 2026, in Case No. 26-10966-BLS. Searles’ undersigned legal counsel will continue to represent 5E in this action. A hearing is set on Searles’ motion for substitution on November 20, 2026. Until that motion is resolved, Searles remains the named party in all filings in this action.

1 B. The Phase 2 Trial Parties have met and conferred and provide the Court with the
2 following update:

3 (1) Candidate: The Phase 2 Trial Parties are unable to stipulate to a candidate
4 for special master in light of the candidates' disclosures.

5 (a) On September 16, 2026, the TWG Parties² suggested three
6 candidates: (i) Anthony D. Daus III, PG, BCES, Vice President & Principal Hydrogeologist,
7 GSI Environmental; (ii) Bryan Bondy, MS, President, Bondy Groundwater Consulting; and
8 (iii) Reed M. Maxwell, Ph.D., Professor, Princeton and Director, Integrated Groundwater
9 Modeling Center.

10 (b) On September 3, 2026, the State Water Resources Control Board
11 ("SWRCB") suggested one candidate: Samuel Boland-Brien, Supervising Water Resource
12 Control Engineer, Administrative Hearings Office, SWRCB.

13 (c) The Authority, the City, and the United States have suggested no
14 candidates.

15 (d) The TWG Parties strongly oppose Samuel Boland-Brien and,
16 based on the candidate disclosures of the three candidates, recommend Anthony Daus.

17 (e) The City, Authority, and United States all accept or do not oppose
18 the appointment of Bryan Bondy and Samuel Boland-Brien. All three parties oppose the
19 appointment of Mr. Daus, and both the City and the United States oppose Dr. Maxwell, because
20 of their ties to witnesses offered by the District.

21 (2) Proposed Order. Attached as Exhibit "A" is a Proposed Order Appointing
22 Special Master Re: Phase 2 Trial submitted by the TWG Parties. Attached as Exhibit "B" is a
23 Proposed Order Appointing Special Master Re: Phase 2 Trial submitted by the City, the
24 Authority, and the United States. Attached as Exhibit "C" is a redline identifying the differences
25 between Exhibits A and B.

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27
28 ² The TWG Parties include the District, Meadowbrook, and Searles.

1 C. The Phase 2 Trial Parties respectfully request that the Court schedule a further
2 Status Conference for November 30, 2026, with the appointed special master in attendance
3 remotely and at which the appointed special master will provide a proposed schedule for
4 completion of his review of the materials and issuance of a draft report.
5

6 DATED: October 23, 2026

MURPHY & EVERTZ LLP

7
8 By: /s/ Douglas J. Evertz

9 Douglas J. Evertz
10 Emily L. Madueno

11 Attorneys for Defendant, Cross-Complainant, &
12 Cross-Defendant
13 INDIAN WELLS VALLEY WATER DISTRICT

14 DATED: October 23, 2026

ALESHIRE & WYNDER LLP

15
16 By: /s/ Keith Lemieux

17 W. Keith Lemieux
18 Phillip Hall
19 Alex Lemieux

20 Attorneys for Cross-Defendant
21 CITY OF RIDGECREST
22
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1 DATED: October 23, 2026

RICHARDS, WATSON & GERSHON, APC

2
3
4 By: /s/ Kyle H. Brochard

5 James L. Markman

6 Kyle H. Brochard

Jacob C. Metz

7 Attorneys for Cross-Defendant

8 INDIAN WELLS VALLEY GROUNDWATER
9 AUTHORITY

10 DATED: October 23, 2026

FENNEMORE LLP

11
12 By: /s/ Derek R. Hoffman

13 Derek R. Hoffman

14 Sean T. Hood

15 Attorneys for Defendants & Cross-Defendants

16 MEADOWBROOK DAIRY REAL ESTATE, LLC;

17 BIG HORN FIELDS, LLC; BROWN ROAD FIELDS,

LLC; HIGHWAY 395 FIELDS, LLC; and THE

18 MEADOWBROOK MUTUAL WATER COMPANY

19 DATED: October 23, 2026

BEST BEST & KRIEGER LLP

20
21 By: /s/ Jeffrey V. Dunn

22 Eric L. Garner

23 Jeffrey V. Dunn

24 Wendy Y. Wang

Alison K. Toivola

25 Attorneys for Defendant, Cross-Defendant, &

26 Cross-Complainant

27 SEARLES VALLEY MINERALS INC.
28

1 DATED: October 23, 2026

2 UNITED STATES DEPARTMENT OF JUSTICE
3 ADAM R. F. GUSTAFSON
4 Acting Assistant Attorney General
5 Environment and Natural Resources Division

6 By: /s/ Judith E. Coleman

7 Judith E. Coleman
8 Alexa V. Penalosa

9 Attorneys for Cross-Defendant
10 UNITED STATES OF AMERICA
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EXHIBIT A

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
[*Indian Wells Valley Groundwater
Adjudication*]

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

**[PROPOSED] ORDER APPOINTING
SPECIAL MASTER RE: PHASE 2
TRIAL**

RELATED TO ROA 1959

Phase 2 Trial:

Date: June 8, 2026

Time: 9:00 a.m.

Dept.: CX101

INDIAN WELLS VALLEY WATER
DISTRICT,

Cross-Complainant,

v.

ALL PERSONS WHO CLAIM A RIGHT
TO EXTRACT GROUNDWATER IN THE

Complaint Filed: November 19, 2019
Phase 1 Trial Date: April 28, 2025
Phase 2 Trial Date: June 8, 2026

1 INDIAN WELLS VALLEY
2 GROUNDWATER BASIN NO. 6-54
3 WHETHER BASED ON
4 APPROPRIATION, OVERLYING RIGHT,
5 OR OTHER BASIS OF RIGHT, AND/OR
6 WHO CLAIM A RIGHT TO USE OF
7 STORAGE SPACE IN THE BASIN; et al.,

8 Cross-Defendants.

9 SEARLES VALLEY MINERALS INC.,

10 Cross-Complainant,

11 v.

12 ALL PERSONS WHO CLAIM A RIGHT
13 TO EXTRACT GROUNDWATER IN THE
14 INDIAN WELLS VALLEY
15 GROUNDWATER BASIN NO. 6-54
16 WHETHER BASED ON
17 APPROPRIATION, OVERLYING RIGHT,
18 OR OTHER BASIS OF RIGHT, AND/OR
19 WHO CLAIM A RIGHT TO USE OF
20 STORAGE SPACE IN THE BASIN; et al.,

21 Cross-Defendants.

1 **ORDER APPOINTING SPECIAL MASTER RE: PHASE 2 TRIAL**

2 The Court, having presided over the phase 2 trial (“Phase 2 Trial”) on safe yield in this
3 comprehensive groundwater adjudication filed pursuant to Code of Civil Procedure section 830
4 *et seq.*, and having considered the trial record and the parties’ proposals regarding appointment
5 of a special master, finds:

6 A. The Phase 2 Trial was held for a period of ten (10) court days, which commenced
7 on June 8, 2026, and concluded on June 29, 2026.

8 B. The parties that appeared and presented evidence or examined witnesses during
9 the Phase 2 Trial are listed below in Paragraph 4(c) of this Order (the “Phase 2 Trial Parties”).

10 C. The record of the Phase 2 Trial, including both the record of testimony and the
11 exhibits, is voluminous.

12 D. Pursuant to Code of Civil Procedure section 845(a)(4) and the Court’s inherent
13 authority, the Court is authorized to appoint a special master to assist the Court with technical
14 issues involved in the Phase 2 Trial and to make a recommendation to the Court.

15 E. During the Phase 2 Trial, the Court gave the parties notice of its intent to appoint
16 a special master and an opportunity to be heard with respect to such appointment before issuing
17 this order.

18 F. Appointment of a special master will assist the Court in evaluating the evidence
19 and will promote efficient, orderly, and technically sound resolution of the Phase 2 Trial, while
20 preserving the Court’s exclusive authority to determine all factual and legal issues.

21 Based on the foregoing and for good cause appearing, the Court enters the following
22 Order Appointing Special Master Re: Phase 2 Trial (“Order”) and hereby orders as follows:

23 1. **Appointment of Special Master:** The Court appoints _____
24 as special master (“Special Master”) in this action.

25 2. **Scope of Appointment:** The Special Master’s scope of work shall be as follows:

26 (a) The Special Master shall serve as an officer of the Court and shall perform
27 the duties set forth in this Order.
28

1 (b) In performing his or her duties as set forth in this Order, the Special
2 Master shall refer to the Special Master Instructions from the Court contained within
3 Attachment “A,” which is attached hereto and incorporated herein by this reference. If the
4 Special Master needs clarification of a provision found in the Special Master Instructions, the
5 Special Master shall have the authority to seek clarification from the Court, and the Phase 2 Trial
6 Parties shall be given the opportunity to be heard on the matter.

7 (c) The Special Master shall recommend to the Court his or her best estimate
8 of safe yield for the Indian Wells Valley Groundwater Basin (“Basin”), applying the definition of
9 safe yield set forth in Instruction No. 13 of Attachment A.

10 (d) The Special Master shall make his or her non-binding recommendation of
11 a best estimate of safe yield for the Basin through a written report (“Final Report”) provided to
12 the Court through courtroom staff (who will record it in the register of action for this case, at
13 which point the Final Report shall be deemed filed) at the following email address and to the
14 Phase 2 Trial Parties through their respective counsel at the following email addresses.

15 (i) Courtroom Clerk: Mr. Gus Hernandez, gghernandez@occourts.org.

16 (ii) City of Ridgecrest: Keith Lemieux, Esq.,
17 klemieux@awattorneys.com; Alex Lemieux, Esq.,
18 alemieux@awattorneys.com; Phillip Hall, Esq.,
19 phall@awattorneys.com.

20 (iii) Indian Wells Valley Groundwater Authority: James Markman,
21 Esq., jmarkman@rwglaw.com; Kyle Brochard, Esq.,
22 kbrochard@rwglaw.com; Jacob Metz, Esq., jmetz@rwglaw.com.

23 (iv) Indian Wells Valley Water District: James Worth, Esq.,
24 jim@mhwslegal.com; Douglas Evertz, Esq.,
25 devertz@murphyevertz.com; Emily Madueno, Esq.,
26 emadueno@murphyevertz.com.

(v) Meadowbrook Dairy entities: Derek Hoffman, Esq.,
dhoffman@fennemorelaw.com; Sean Hood, Esq.,
shood@fennemorelaw.com.

(vi) Searles Valley Minerals Inc.¹: Eric Garner, Esq.,
eric.garner@bbklaw.com; Jeffrey Dunn, Esq.,
jeffrey.dunn@bbklaw.com; Alison Toivola, Esq.,
alison.toivola@bbklaw.com.

(vii) United States of America: Judith Coleman, Esq.,
judith.coleman@usdoj.gov; Alexa Penalosa, Esq.,
alexa.penalosa@usdoj.gov.

(e) Within two (2) court days following receipt of the Final Report, the Indian Wells Valley Water District shall serve a copy of the Final Report on all parties through Case Anywhere.

(f) In addition to providing the Special Master's best estimate of the Basin's safe yield, the Final Report shall identify the evidentiary basis in the trial record for his or her recommendation, including citation to principal testimony, exhibits, assumptions, methodologies, and factual findings relied upon by the Special Master.

(g) The purpose of the Special Master's Final Report is to assist the Court in preparing its Proposed Statement of Decision for the Phase 2 Trial.

(h) To make his or her Final Report, the Special Master shall be provided with electronic copies of the trial record by the Court through courtroom staff:

(i) This Order;

¹ On October 21, 2026, Searles moved this Court to substitute 5E SVM Operations Company, LLC ("5E") for Searles for all purposes in this action and related cases. On October 1, 2026, Searles and 5E entered into a Water Assets Assignment Agreement whereby Searles assigned and transferred all of its water rights, including those water rights in the Indian Wells Valley Groundwater Basin, to 5E. The United States Bankruptcy Court for the District of Delaware approved the sale by order entered September 21, 2026, in Case No. 26-10966-BLS. Searles' undersigned legal counsel will continue to represent 5E in this action. A hearing is set on Searles' motion for substitution on November 20, 2026. Until that motion is resolved, Searles remains the named party in all filings in this action.

- (ii) July 9, 2024 Order Confirming Basin Boundary (ROA 1407);
- (iii) August 5, 2024 Minute Order (ROA 1465, 1471);
- (iv) April 6, 2026 Minute Order Nunc Pro Tunc (ROA 1953, 1955);
- (v) All Phase 2 Trial Opening Briefs (ROA 1969, 1979, 1981, 1991);
- (vi) All Phase 2 Trial Closing Briefs;
- (vii) Phase 2 Joint Witness List (ROA 1987);
- (viii) Phase 2 Joint Exhibit List (Clerk's version at the conclusion of the Phase 2 Trial);
- (ix) A complete Reporter's Transcript of Proceedings for Phase 2 Trial;
- (x) All exhibits admitted into evidence during the Phase 2 Trial;
- (xi) All exhibits submitted for demonstrative purposes during the Phase 2 Trial, with such demonstrative-purpose submission clearly noted; and
- (xii) All requests for judicial notice that were granted for the Phase 2 Trial.

(i) The appointment of the Special Master shall not re-open evidence for the Phase 2 Trial; no additional exhibits or witness testimony will be admitted into evidence or provided for demonstrative purposes.

(j) If the Special Master has a question or requests clarification of the record, the Special Master shall submit the question or request in writing, providing it to the Court through courtroom staff. The Court will then promptly set a hearing and provide notice of the hearing to the Phase 2 Trial Parties and the Special Master. Any notice of hearing will include the Special Master's question or request.

- (i) If the Special Master poses a question of a procedural nature or a legal question, the Court will provide the Phase 2 Trial Parties with a proposed response to the Special Master's question. The Court shall provide its proposed response in the same way that tentative rulings are provided and, at the noticed hearing on the Special

1 Master's question, the Court will permit the Phase 2 Trial Parties
2 to be heard on the Special Master's question and the Court's
3 proposed response. After giving the Phase 2 Trial Parties an
4 opportunity to be heard at the noticed hearing, the Court will
5 announce its final response to the Special Master's question and
6 will direct the Phase 2 Trial Parties as to how the Court's response
7 shall be provided to the Special Master.

8 (ii) If the Special Master seeks clarification of the record, the Special
9 Master shall appear at the noticed hearing (either in person or
10 remotely) and the Phase 2 Trial Parties, through their counsel only
11 and not through any witnesses, will have the opportunity to
12 provide clarification to the Special Master. The Special Master
13 shall not give any clarification offered by the Phase 2 Trial Parties
14 any greater or lesser weight because it was initiated by his or her
15 request for clarification.

16 (k) The Special Master's Final Report must be based solely on the Phase 2
17 Trial record, materials identified in this Order, and the governing law identified by this Court.
18 The Special Master shall not engage in any independent investigation and shall not rely on any
19 outside materials. The Special Master shall not communicate with any Phase 2 Trial witness
20 regarding this case. The Special Master shall not contact anyone, including any party or legal
21 counsel for any party in this case, to assist him or her in performing his or her duties set forth in
22 this Order. The Special Master must not let bias, sympathy, prejudice, or public opinion
23 influence his or her opinion.

24 (l) Ex parte communications by any party with the Special Master regarding
25 the subject matter of this appointment are prohibited.

26 (m) Before the Court issues its Proposed Statement of Decision, the Court will
27 set a hearing on the Phase 2 Trial Parties' objections and/or responses to the Special Master's
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Final Report. Any objection/response to the Special Master’s Final Report shall identify the specific grounds and evidence on which the objection/response is based.

(n) The Special Master’s role is advisory only, and the Court retains sole authority to make all findings of fact, conclusions of law, determinations of credibility, reliability, and relevance, the weight to be given to the evidence, and ultimate determination regarding safe yield. In evaluating conflicting expert opinions, the Special Master may assess the reliability and persuasiveness of competing methodologies and analyses but shall not make binding credibility determinations, which remain exclusively within the authority of the Court.

(o) The Court shall retain jurisdiction over all aspects of this case.

3. Schedule:

(a) Time is of the essence. The Special Master shall proceed with all reasonable diligence consistent with Code of Civil Procedure section 830(b)(2), which provides for “[c]onducting a comprehensive adjudication in a manner that promotes efficiency, reduces unnecessary delays, and provides due process.”

(b) All materials to be provided by the Court to the Special Master shall be provided within five (5) court days of entry of this Order to the extent the documents have already been provided to the Court; all other materials shall be provided by the Court to the Special Master within five (5) court days of receipt by the Court.

(c) A hearing shall be held three (3) weeks following delivery of all materials to the Special Master at which the Special Master will provide a proposed schedule for completion of his or her review of the materials and issuance of a draft report.

(d) The Special Master shall make a draft report available to the Phase 2 Trial Parties and the Court electronically to the email addresses set forth in Paragraph 2(d)(i)–(vii). The Phase 2 Trial Parties shall submit any written objections to the draft report within forty-five (45) days of receipt of the draft report. An objection to the draft report shall identify the specific grounds and evidence on which the objection is based. The Special Master shall consider the objections to the draft report and develop the Final Report that shall be filed with the Court.

1 (e) Following submission of the Final Report, the Phase 2 Trial Parties may
2 file objections or responses to the Final Report with the Court no later than twenty-one (21)
3 calendar days from the date the Final Report is served on the Phase 2 Trial Parties.

4 **4. Special Master's Compensation:**

5 (a) The Special Master shall be paid as compensation for his or her services
6 pursuant to this appointment the fee of \$_____.

7 (b) The Special Master shall also be entitled to reimbursement of his or her
8 reasonable costs incurred in connection with this appointment that are reasonably necessary to
9 fulfill his or her duties under this Order.

10 (c) The Special Master's compensation and cost reimbursement shall be
11 divided equally among the six Phase 2 Trial Parties, with each of the following parties paying
12 one-sixth of the Special Master's total compensation:

- 13 (i) The City of Ridgecrest;
14 (ii) The Indian Wells Valley Groundwater Authority;
15 (iii) The Indian Wells Valley Water District;
16 (iv) Meadowbrook Dairy Real Estate, LLC, a California Limited
17 Liability Company; Big Horn Fields, LLC, a California Limited
18 Liability Company; Brown Road Fields LLC, a California Limited
19 Liability Company; Highway 395 Fields, LLC, a California
20 Limited Liability Company; and The Meadowbrook Mutual Water
21 Company, a California corporation (collectively, the
22 "Meadowbrook Dairy entities");
23 (v) Searles Valley Minerals Inc.; and
24 (vi) The United States of America.

25 (d) The Special Master shall submit itemized invoices for his or her fees and
26 costs to the Court through courtroom staff and to the Phase 2 Trial Parties through their counsel
27 of record. Each invoice shall contain a signature line for the Court, accompanied by the
28 statement "approved for disbursement." Once approved, the Court shall send the invoices to the

1 Phase 2 Trial Parties. Each party shall submit payment of its one-sixth share of the invoice to the
2 Special Master within sixty (60) days of receiving the invoice.

3 (e) The Court shall decide any dispute over the Special Master's fees and
4 costs.

5 **5. Amendment:** This Order may be amended at any time after notice to the parties
6 and an opportunity to be heard.

7 **6. Notice:** The Indian Wells Valley Water District shall give notice of this Order.

8 IT IS SO ORDERED.

9
10 Dated: _____

The Honorable William D. Claster

JUDGE OF THE SUPERIOR COURT

1 **Attachment “A”**

2 **Special Master Instructions**

3 1. Instruction No. 1: The Parties’ Opening Trial Briefs

4 Each party had an opportunity to file an opening trial brief before the Phase 2 Trial
5 began, but none of them were required to do so. The parties’ briefs are not evidence.

6 2. Instruction No. 2: Examination of Witnesses

7 With one exception², each witness was first questioned by the side that asked the witness
8 to testify. This is called direct examination. Then the other side was permitted to question the
9 witness. This is called cross-examination. The attorneys’ questions are not evidence. Only the
10 witnesses’ answers are evidence. The Special Master should not think that something is true just
11 because an attorney’s question suggested that it was true.

12 3. Instruction No. 3: Admitted Exhibits

13 Documents referred to during the trial are called exhibits. Exhibits are given a number so
14 that they may be clearly identified. Exhibits are not evidence until they are admitted by the
15 Court. The Special Master may consider all exhibits admitted during the Phase 2 Trial. The
16 admitted exhibits are provided to the Special Master by the Court.

17 4. Instruction No. 4: Demonstrative Exhibits

18 During the Phase 2 Trial, some exhibits were marked as demonstrative exhibits or for
19 demonstrative purposes only. Examples of demonstrative exhibits include, but are not limited to,
20 witness presentation slides, and charts and drawings prepared by witnesses in the courtroom
21 during the Phase 2 Trial. These demonstrative exhibits have not been admitted into evidence and
22 they are not evidence. Like the parties’ briefs, demonstrative exhibits assist the Court and
23 Special Master in understanding a witness’ testimony. The demonstrative exhibits are provided
24 to the Special Master by the Court.

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28 ² The exception was Stephen Johnson, who was called and cross-examined by the Technical
Working Group parties as an adverse witness.

1 5. Instruction No. 5: Objections to Evidence

2 Each party had a right to object to evidence offered by the other parties. If the Court did
3 not agree with the objection, the Court stated the objection was “overruled.” If the Court
4 overruled an objection, the witness answered and the witness’ answer may be considered as
5 evidence. If the Court agreed with the objection, the Court stated the objection was “sustained.”
6 If the Court sustained an objection, the attorney’s question should be ignored. If the witness did
7 not answer, the Special Master should not guess what the witness might have said or why the
8 Court sustained the objection. If the witness had already answered, the Special Master must
9 ignore the witness’ answer.

10 6. Instruction No. 6: Motion to Strike Testimony

11 An attorney may have made a motion to strike testimony after the testimony was given
12 by a witness. If the Court granted the motion, the Special Master must totally disregard that
13 testimony. The Special Master must treat stricken testimony as if it did not exist.

14 7. Instruction No. 7: Evidence Admitted for Limited Purpose

15 During the Phase 2 Trial, certain evidence was admitted for a limited purpose. The
16 Special Master may consider that evidence only for that purpose and for no other. Exhibits
17 admitted for a limited purpose:

- 18 (a) Exhibit No. 410: For the limited purpose of the witness’ understanding of
19 the referenced studies; not admitted for the truth of what the studies state.
- 20 (b) Exhibit No. 952: For the limited purpose of what was discussed at the
21 meeting.
- 22 (c) Exhibit No. 962: For the limited purpose of what was discussed at the
23 meeting.
- 24 (d) Exhibit No. 972: For the limited purpose that there were minutes taken for
25 that meeting; not admitted for the truth of the matter asserted within the
26 document.

1 8. Instruction No. 8: The Parties' Closing Trial Briefs

2 Each party has an opportunity to file a closing brief, but none of them are required to do
3 so. The parties' briefs are not evidence. They are offered to assist the Court and the Special
4 Master in understanding the evidence admitted at trial and how that party believes the law
5 applies to it.

6 9. Instruction No. 9: Deposition as Substantive Evidence

7 During trial, deposition testimony was read from a deposition transcript. A deposition is
8 the testimony of a person taken under oath before trial. At a deposition, the person is sworn to
9 tell the truth and is questioned by the attorneys. The Special Master must consider the deposition
10 testimony that was presented at trial in the same way as testimony given in court. During trial, a
11 witness may have been asked a question that was also the subject of that witness' deposition
12 testimony. When the testimony offered at trial is different than the testimony given during the
13 deposition, counsel for the cross-examining party at trial may read the witness' deposition
14 testimony to demonstrate inconsistent testimony. This is often referred to as "impeachment."
15 The Special Master may consider impeachment in evaluating the reliability and persuasiveness
16 for competing methodologies and analyses being discussed. The Court retains exclusive
17 authority to make binding credibility determinations based on impeachment.

18 10. Instruction No. 10: Expert Witness Testimony

19 During the trial, expert witnesses testified. The law allows an expert to state opinions
20 about matters in the expert's field of expertise even if the expert has not witnessed any of the
21 events involved in the trial. The Special Master does not have to accept an expert's opinion.

22 11. Instruction No. 11: Experts—Questions Containing Assumed Facts

23 The law allows expert witnesses to be asked questions that are based on assumed facts.
24 These are sometimes called "hypothetical questions." In determining the weight to give an
25 expert's opinion that is based on assumed facts, the Special Master should consider whether the
26 assumed facts are true. In some instances, a party may have objected to a hypothetical question.
27 If the Court sustained that objection, the Special Master must totally disregard that question and
28 any testimony given in response to the question.

12. Instruction No. 12: Conflicting Expert Testimony

If the expert witnesses disagreed with one another, the Special Master should weigh each opinion against the others. The Special Master should examine the reasons given for each opinion and the facts or other matters that each witness relied on. The Special Master may also compare the experts' qualifications.

13. Instruction No. 13: Definition of Safe Yield

“‘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.’ The phrase ‘undesirable result’ is understood to refer to a gradual lowering of the ground water levels resulting eventually in depletion of the supply.” (*City of Los Angeles v. City of San Fernando* (1975) 14 Cal.3d 199, 278–279.)

14. Instruction No. 14: Definition of the Indian Wells Valley Groundwater Basin

The Indian Wells Valley Groundwater Basin means the groundwater basin described in the Court’s July 9, 2024 Order Confirming Basin Boundary (ROA 1407), a copy of which shall be provided to the Special Master.

EXHIBIT B

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
[*Indian Wells Valley Groundwater
Adjudication*]

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

**[PROPOSED] ORDER APPOINTING
SPECIAL MASTER RE: PHASE 2
TRIAL**

RELATED TO ROA 1959

Phase 2 Trial:

Date: June 8, 2026

Time: 9:00 a.m.

Dept.: CX101

INDIAN WELLS VALLEY WATER
DISTRICT,

Cross-Complainant,

v.

ALL PERSONS WHO CLAIM A RIGHT
TO EXTRACT GROUNDWATER IN THE

Complaint Filed: November 19, 2019
Phase 1 Trial Date: April 28, 2025
Phase 2 Trial Date: June 8, 2026

1 INDIAN WELLS VALLEY
2 GROUNDWATER BASIN NO. 6-54
3 WHETHER BASED ON
4 APPROPRIATION, OVERLYING RIGHT,
5 OR OTHER BASIS OF RIGHT, AND/OR
6 WHO CLAIM A RIGHT TO USE OF
7 STORAGE SPACE IN THE BASIN; et al.,

8 Cross-Defendants.

9 SEARLES VALLEY MINERALS INC.,

10 Cross-Complainant,

11 v.

12 ALL PERSONS WHO CLAIM A RIGHT
13 TO EXTRACT GROUNDWATER IN THE
14 INDIAN WELLS VALLEY
15 GROUNDWATER BASIN NO. 6-54
16 WHETHER BASED ON
17 APPROPRIATION, OVERLYING RIGHT,
18 OR OTHER BASIS OF RIGHT, AND/OR
19 WHO CLAIM A RIGHT TO USE OF
20 STORAGE SPACE IN THE BASIN; et al.,

21 Cross-Defendants.

1 **ORDER APPOINTING SPECIAL MASTER RE: PHASE 2 TRIAL**

2 The Court, having presided over the phase 2 trial (“Phase 2 Trial”) on safe yield in this
3 comprehensive groundwater adjudication filed pursuant to Code of Civil Procedure section 830
4 *et seq.*, and having considered the trial record and the parties’ proposals regarding appointment
5 of a special master, finds:

6 A. The Phase 2 Trial was held for a period of ten (10) court days, which commenced
7 on June 8, 2026, and concluded on June 29, 2026.

8 B. The parties that appeared and presented evidence or examined witnesses during
9 the Phase 2 Trial are listed below in Paragraph 4(c) of this Order (the “Phase 2 Trial Parties”).

10 C. The record of the Phase 2 Trial, including both the record of testimony and the
11 exhibits, is voluminous.

12 D. Pursuant to Code of Civil Procedure section 845(a) and the Court’s inherent
13 authority, the Court is authorized to appoint a special master to assist the Court with technical
14 issues involved in the Phase 2 Trial and to make a recommendation to the Court.

15 E. During the Phase 2 Trial, the Court gave the parties notice of its intent to appoint
16 a special master and an opportunity to be heard with respect to such appointment before issuing
17 this order.

18 F. Appointment of a special master will assist the Court in evaluating the evidence
19 and will promote efficient, orderly, and technically sound resolution of the Phase 2 Trial, while
20 preserving the Court’s exclusive authority to determine all factual and legal issues.

21 Based on the foregoing and for good cause appearing, the Court enters the following
22 Order Appointing Special Master Re: Phase 2 Trial (“Order”) and hereby orders as follows:

23 1. **Appointment of Special Master:** The Court appoints _____
24 as special master (“Special Master”) in this action.

25 2. **Scope of Appointment:** The Special Master’s scope of work shall be as follows:

26 (a) The Special Master shall serve as an officer of the Court and shall perform
27 the duties set forth in this Order.
28

1 (b) In performing his or her duties as set forth in this Order, the Special
2 Master shall refer to the Special Master Instructions from the Court contained within
3 Attachment “A,” which is attached hereto and incorporated herein by this reference. If the
4 Special Master needs clarification of a provision found in the Special Master Instructions, the
5 Special Master shall have the authority to seek clarification from the Court, and the Phase 2 Trial
6 Parties shall be given the opportunity to be heard on the matter.

7 (c) The Special Master shall recommend to the Court his or her best estimate
8 of safe yield for the Indian Wells Valley Groundwater Basin (“Basin”), applying the definition of
9 safe yield set forth in Instruction No. 13 of Attachment A.

10 (d) The Special Master shall make his or her non-binding recommendation of
11 a best estimate of safe yield for the Basin through a written report (“Final Report”) provided to
12 the Court through courtroom staff (who will record it in the register of action for this case, at
13 which point the Final Report shall be deemed filed) at the following email address and to the
14 Phase 2 Trial Parties through their respective counsel at the following email addresses.

15 (i) Courtroom Clerk: Mr. Gus Hernandez, gghernandez@occourts.org.

16 (ii) City of Ridgecrest: Keith Lemieux, Esq.,
17 klemieux@awattorneys.com; Alex Lemieux, Esq.,
18 alemieux@awattorneys.com; Phillip Hall, Esq.,
19 phall@awattorneys.com.

20 (iii) Indian Wells Valley Groundwater Authority: James Markman,
21 Esq., jmarkman@rwglaw.com; Kyle Brochard, Esq.,
22 kbrochard@rwglaw.com; Jacob Metz, Esq., jmetz@rwglaw.com.

23 (iv) Indian Wells Valley Water District: James Worth, Esq.,
24 jim@mhwslegal.com; Douglas Evertz, Esq.,
25 devertz@murphyevertz.com; Emily Madueno, Esq.,
26 emadueno@murphyevertz.com.

(v) Meadowbrook Dairy entities: Derek Hoffman, Esq.,
dhoffman@fennemorelaw.com; Sean Hood, Esq.,
shood@fennemorelaw.com.

(vi) Searles Valley Minerals Inc.¹: Eric Garner, Esq.,
eric.garner@bbklaw.com; Jeffrey Dunn, Esq.,
jeffrey.dunn@bbklaw.com; Alison Toivola, Esq.,
alison.toivola@bbklaw.com.

(vii) United States of America: Judith Coleman, Esq.,
judith.coleman@usdoj.gov; Alexa Penalosa, Esq.,
alexa.penalosa@usdoj.gov.

(e) Within two (2) court days following receipt of the Final Report, the Indian Wells Valley Water District shall serve a copy of the Final Report on all parties through Case Anywhere.

(f) In addition to providing the Special Master's best estimate of the Basin's safe yield, the Final Report shall identify the evidentiary basis in the trial record for his or her recommendation, including citation to principal testimony, exhibits, assumptions, methodologies, and factual findings relied upon by the Special Master.

(g) The purpose of the Special Master's Final Report is to assist the Court in preparing its Proposed Statement of Decision for the Phase 2 Trial.

(h) To make his or her Final Report, the Special Master shall be provided with electronic copies of the trial record by the Court through courtroom staff:

(i) This Order;

¹ On October 21, 2026, Searles moved this Court to substitute 5E SVM Operations Company, LLC ("5E") for Searles for all purposes in this action and related cases. On October 1, 2026, Searles and 5E entered into a Water Assets Assignment Agreement whereby Searles assigned and transferred all of its water rights, including those water rights in the Indian Wells Valley Groundwater Basin, to 5E. The United States Bankruptcy Court for the District of Delaware approved the sale by order entered September 21, 2026, in Case No. 26-10966-BLS. Searles' undersigned legal counsel will continue to represent 5E in this action. A hearing is set on Searles' motion for substitution on November 20, 2026. Until that motion is resolved, Searles remains the named party in all filings in this action.

- 1 (ii) July 9, 2024 Order Confirming Basin Boundary (ROA 1407);
2 (iii) August 5, 2024 Minute Order (ROA 1465, 1471);
3 (iv) April 6, 2026 Minute Order Nunc Pro Tunc (ROA 1953, 1955);
4 (v) All Phase 2 Trial Opening Briefs (ROA 1969, 1979, 1981, 1991);
5 (vi) All Phase 2 Trial Closing Briefs;
6 (vii) Phase 2 Joint Witness List (ROA 1987);
7 (viii) Phase 2 Joint Exhibit List (Clerk’s version at the conclusion of the
8 Phase 2 Trial);
9 (ix) A complete Reporter’s Transcript of Proceedings for Phase 2 Trial;
10 (x) All exhibits admitted into evidence during the Phase 2 Trial;
11 (xi) All exhibits submitted for demonstrative purposes during the
12 Phase 2 Trial, with such demonstrative-purpose submission clearly
13 noted;
14 (xii) All requests for judicial notice that were granted for the Phase 2
15 Trial; and
16 (xiii) The IWVGA’s May 2026 CCP 845(d) Groundwater Basin
17 Technical Report (trial exhibit 955).
18 (i) The appointment of the Special Master shall not re-open evidence for the
19 Phase 2 Trial; no additional exhibits or witness testimony will be admitted into evidence or
20 provided for demonstrative purposes.
21 (j) If the Special Master has a question or requests clarification of the record,
22 the Special Master shall submit the question or request in writing, providing it to the Court
23 through courtroom staff. The Court will then promptly set a hearing and provide notice of the
24 hearing to the Phase 2 Trial Parties and the Special Master. Any notice of hearing will include
25 the Special Master’s question or request.
26 (i) If the Special Master poses a question of a procedural nature or a
27 legal question, the Court will provide the Phase 2 Trial Parties with
28 a proposed response to the Special Master’s question. The Court

1 shall provide its proposed response in the same way that tentative
2 rulings are provided and, at the noticed hearing on the Special
3 Master's question, the Court will permit the Phase 2 Trial Parties
4 to be heard on the Special Master's question and the Court's
5 proposed response. After giving the Phase 2 Trial Parties an
6 opportunity to be heard at the noticed hearing, the Court will
7 announce its final response to the Special Master's question and
8 will direct the Phase 2 Trial Parties as to how the Court's response
9 shall be provided to the Special Master.

10 (ii) All other questions shall be addressed at a noticed hearing where
11 all Parties and the Special Master shall have an opportunity to be
12 heard.

13 (k) The Special Master shall not communicate with any Phase 2 Trial witness
14 regarding this case. The Special Master shall not contact anyone, including any party or legal
15 counsel for any party in this case, to assist him or her in performing his or her duties set forth in
16 this Order. The Special Master must not let bias, sympathy, prejudice, or public opinion
17 influence his or her opinion.

18 (l) Ex parte communications by any party with the Special Master regarding
19 the subject matter of this appointment are prohibited.

20 (m) Before the Court issues its Proposed Statement of Decision, the Court will
21 set a hearing on the Phase 2 Trial Parties' objections and/or responses to the Special Master's
22 Final Report. Any objection/response to the Special Master's Final Report shall identify the
23 specific grounds and evidence on which the objection/response is based.

24 (n) The Special Master's role is advisory only, and the Court retains sole
25 authority to make all findings of fact, conclusions of law, determinations of credibility,
26 reliability, and relevance, the weight to be given to the evidence, and ultimate determination
27 regarding safe yield. In evaluating conflicting expert opinions, the Special Master may assess
28

1 the reliability and persuasiveness of competing methodologies and analyses but shall not make
2 binding credibility determinations, which remain exclusively within the authority of the Court.

3 (o) The Court shall retain jurisdiction over all aspects of this case.

4 **3. Schedule:**

5 (a) Time is of the essence. The Special Master shall proceed with all
6 reasonable diligence consistent with Code of Civil Procedure section 830(b)(2), which provides
7 for “[c]onducting a comprehensive adjudication in a manner that promotes efficiency, reduces
8 unnecessary delays, and provides due process.”

9 (b) All materials to be provided by the Court to the Special Master shall be
10 provided within five (5) court days of entry of this Order to the extent the documents have
11 already been provided to the Court; all other materials shall be provided by the Court to the
12 Special Master within five (5) court days of receipt by the Court.

13 (c) A hearing shall be held three (3) weeks following delivery of all materials
14 to the Special Master at which the Special Master will provide a proposed schedule for
15 completion of his or her review of the material and issuance of a draft report.

16 (d) The Special Master shall make a draft report available to the Phase 2 Trial
17 Parties and the Court electronically to the email addresses set forth in Paragraph 2(d)(i)–(vii).
18 The Phase 2 Trial Parties shall submit any written objections to the draft report within sixty (60)
19 days of receipt of the draft report. An objection to the draft report shall identify the specific
20 grounds and evidence on which the objection is based. The Special Master may notice and hold
21 hearings, as he or she deems appropriate, to gather information or address issues raised in the
22 objections to the draft report, by requesting a hearing as provided in Section 2(j)(ii) above. The
23 Special Master shall consider the objections to the draft report and develop the Final Report that
24 shall be filed with the court.

25 (e) Following submission of the Final Report, the Phase 2 Trial Parties may
26 file objections or responses to the Final Report with the Court, no later than twenty-one (21)
27 calendar days from the date the Final Report is served on the Parties.
28

1 **4. Special Master's Compensation:**

2 (a) The Special Master shall be paid as compensation for his or her services
3 pursuant to this appointment the fee of \$ _____.

4 (b) The Special Master shall also be entitled to reimbursement of his or her
5 reasonable costs incurred in connection with this appointment that are reasonably necessary to
6 fulfill his or her duties under this Order.

7 (c) The Special Master's compensation and cost reimbursement shall be
8 divided equally among the six Phase 2 Trial Parties, with each of the following parties paying
9 one-sixth of the Special Master's total compensation:

- 10 (i) The City of Ridgecrest;
- 11 (ii) The Indian Wells Valley Groundwater Authority;
- 12 (iii) The Indian Wells Valley Water District;
- 13 (iv) Meadowbrook Dairy Real Estate, LLC, a California Limited
14 Liability Company; Big Horn Fields, LLC, a California Limited
15 Liability Company; Brown Road Fields LLC, a California Limited
16 Liability Company; Highway 395 Fields, LLC, a California
17 Limited Liability Company; and The Meadowbrook Mutual Water
18 Company, a California corporation (collectively, the
19 "Meadowbrook Dairy entities");
- 20 (v) Searles Valley Minerals Inc.; and
- 21 (vi) The United States of America.

22 (d) The Special Master shall submit itemized invoices for his or her fees and
23 costs to the Court through courtroom staff and to the Phase 2 Trial Parties through their counsel
24 of record. Each invoice shall contain a signature line for the Court, accompanied by the
25 statement "approved for disbursement." Once approved, the Court shall send the invoices to the
26 Phase 2 Trial Parties. Each party shall submit payment of its one-sixth share of the invoice to the
27 Special Master within sixty (60) days of receiving the invoice.

28

1 (e) The Court shall decide any dispute over the Special Master's fees and
2 costs.

3 5. **Amendment:** This Order may be amended at any time after notice to the parties
4 and an opportunity to be heard.

5 6. **Notice:** The Indian Wells Valley Water District shall give notice of this Order.
6
7

8 IT IS SO ORDERED.
9

10 Dated: _____

The Honorable William D. Claster

JUDGE OF THE SUPERIOR COURT
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1 **Attachment “A”**

2 **Special Master Instructions**

3 1. Instruction No. 1: The Parties’ Opening Trial Briefs

4 Each party had an opportunity to file an opening trial brief before the Phase 2 Trial
5 began, but none of them were required to do so. The parties’ briefs are not evidence.

6 2. Instruction No. 2: Examination of Witnesses

7 With one exception², each witness was first questioned by the side that asked the witness
8 to testify. This is called direct examination. Then the other side was permitted to question the
9 witness. This is called cross-examination. The attorneys’ questions are not evidence. Only the
10 witnesses’ answers are evidence. The Special Master should not think that something is true just
11 because an attorney’s question suggested that it was true.

12 3. Instruction No. 3: Admitted Exhibits

13 Documents referred to during the trial are called exhibits. Exhibits are given a number so
14 that they may be clearly identified. Exhibits are not evidence until they are admitted by the
15 Court. The Special Master may consider all exhibits admitted during the Phase 2 Trial. The
16 admitted exhibits are provided to the Special Master by the Court.

17 4. Instruction No. 4: Demonstrative Exhibits

18 During the Phase 2 Trial, some exhibits were marked as demonstrative exhibits or for
19 demonstrative purposes only. Examples of demonstrative exhibits include, but are not limited to,
20 witness presentation slides, and charts and drawings prepared by witnesses in the courtroom
21 during the Phase 2 Trial. These demonstrative exhibits have not been admitted into evidence and
22 they are not evidence. Like the parties’ briefs, demonstrative exhibits assist the Court and
23 Special Master in understanding a witness’ testimony. The demonstrative exhibits are provided
24 to the Special Master by the Court.

25
26
27
28 ² The exception was Stephen Johnson, who was called and cross-examined by the Technical
Working Group parties as an adverse witness.

1 5. Instruction No. 5: Objections to Evidence

2 Each party had a right to object to evidence offered by the other parties. If the Court did
3 not agree with the objection, the Court stated the objection was “overruled.” If the Court
4 overruled an objection, the witness answered and the witness’ answer may be considered as
5 evidence. If the Court agreed with the objection, the Court stated the objection was “sustained.”
6 If the Court sustained an objection, the attorney’s question should be ignored. If the witness did
7 not answer, the Special Master should not guess what the witness might have said or why the
8 Court sustained the objection. If the witness had already answered, the Special Master must
9 ignore the witness’ answer.

10 6. Instruction No. 6: Motion to Strike Testimony

11 An attorney may have made a motion to strike testimony after the testimony was given
12 by a witness. If the Court granted the motion, the Special Master must totally disregard that
13 testimony. The Special Master must treat stricken testimony as if it did not exist.

14 7. Instruction No. 7: Evidence Admitted for Limited Purpose

15 During the Phase 2 Trial, certain evidence was admitted for a limited purpose. The
16 Special Master may consider that evidence only for that purpose and for no other. Exhibits
17 admitted for a limited purpose:

- 18 (a) Exhibit No. 410: For the limited purpose of the witness’ understanding of
19 the referenced studies; not admitted for the truth of what the studies state.
- 20 (b) Exhibit No. 952: For the limited purpose of what was discussed at the
21 meeting.
- 22 (c) Exhibit No. 962: For the limited purpose of what was discussed at the
23 meeting.
- 24 (d) Exhibit No. 972: For the limited purpose that there were minutes taken for
25 that meeting; not admitted for the truth of the matter asserted within the
26 document.

1 8. Instruction No. 8: The Parties' Closing Trial Briefs

2 Each party has an opportunity to file a closing brief, but none of them are required to do
3 so. The parties' briefs are not evidence. They are offered to assist the Court and the Special
4 Master in understanding the evidence admitted at trial and how that party believes the law
5 applies to it.

6 9. Instruction No. 9: Deposition as Substantive Evidence

7 During trial, deposition testimony was read from a deposition transcript. A deposition is
8 the testimony of a person taken under oath before trial. At a deposition, the person is sworn to
9 tell the truth and is questioned by the attorneys. The Special Master must consider the deposition
10 testimony that was presented at trial in the same way as testimony given in court.

11 10. Instruction No. 10: Expert Witness Testimony

12 During the trial, expert witnesses testified. The law allows an expert to state opinions
13 about matters in the expert's field of expertise even if the expert has not witnessed any of the
14 events involved in the trial. The Special Master does not have to accept an expert's opinion.

15 11. Instruction No. 11: Experts—Questions Containing Assumed Facts

16 The law allows expert witnesses to be asked questions that are based on assumed facts.
17 These are sometimes called "hypothetical questions." In determining the weight to give an
18 expert's opinion that is based on assumed facts, the Special Master should consider whether the
19 assumed facts are true.

20 12. Instruction No. 12: Conflicting Expert Testimony

21 If the expert witnesses disagreed with one another, the Special Master should weigh each
22 opinion against the others. The Special Master should examine the reasons given for each
23 opinion and the facts or other matters that each witness relied on. The Special Master may also
24 compare the experts' qualifications.

25 13. Instruction No. 13: Definition of Safe Yield

26 "Safe yield" means the condition of a groundwater basin when the total average annual
27 groundwater extractions are equal to, or less than, the total average annual groundwater recharge,
28 either naturally or artificially. "Safe yield" is defined as the maximum quantity of water which

1 can be withdrawn annually from a ground water supply under a given set of conditions without
2 causing an undesirable result.

3 14. Instruction No. 14: Definition of the Indian Wells Valley Groundwater Basin

4 The Indian Wells Valley Groundwater Basin means the groundwater basin described in
5 the Court's July 9, 2024 Order Confirming Basin Boundary (ROA 1407), a copy of which shall
6 be provided to the Special Master.

7 15. Instruction No. 15: Indian Wells Valley Groundwater Basin Technical Report,
8 May 2026

9 The Indian Wells Valley Groundwater Authority submitted a Technical Report to the
10 Court in May 2026, under Code of Civil Procedure section 845(d)(1). That report is "prima facie
11 evidence of the physical facts found in the report," but the Special Master shall consider
12 evidence offered at trial to rebut the report or the prima facie evidence. (Code Civ. Proc.,
13 § 845(d)(4).)

EXHIBIT C

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
[*Indian Wells Valley Groundwater
Adjudication*]

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

**[PROPOSED] ORDER APPOINTING
SPECIAL MASTER RE: PHASE 2
TRIAL**

RELATED TO ROA 1959

Phase 2 Trial:

Date: June 8, 2026

Time: 9:00 a.m.

Dept.: CX101

INDIAN WELLS VALLEY WATER
DISTRICT,
Cross-Complainant,

v.

ALL PERSONS WHO CLAIM A RIGHT
TO EXTRACT GROUNDWATER IN THE

Complaint Filed: November 19, 2019
Phase 1 Trial Date: April 28, 2025
Phase 2 Trial Date: June 8, 2026

1 INDIAN WELLS VALLEY
2 GROUNDWATER BASIN NO. 6-54
3 WHETHER BASED ON
4 APPROPRIATION, OVERLYING RIGHT,
5 OR OTHER BASIS OF RIGHT, AND/OR
6 WHO CLAIM A RIGHT TO USE OF
7 STORAGE SPACE IN THE BASIN; et al.,

8 Cross-Defendants.

9 SEARLES VALLEY MINERALS INC.,

10 Cross-Complainant,

11 v.

12 ALL PERSONS WHO CLAIM A RIGHT
13 TO EXTRACT GROUNDWATER IN THE
14 INDIAN WELLS VALLEY
15 GROUNDWATER BASIN NO. 6-54
16 WHETHER BASED ON
17 APPROPRIATION, OVERLYING RIGHT,
18 OR OTHER BASIS OF RIGHT, AND/OR
19 WHO CLAIM A RIGHT TO USE OF
20 STORAGE SPACE IN THE BASIN; et al.,

21 Cross-Defendants.

1 **ORDER APPOINTING SPECIAL MASTER RE: PHASE 2 TRIAL**

2 The Court, having presided over the phase 2 trial (“Phase 2 Trial”) on safe yield in this
3 comprehensive groundwater adjudication filed pursuant to Code of Civil Procedure section 830
4 *et seq.*, and having considered the trial record and the parties’ proposals regarding appointment
5 of a special master, finds:

6 A. The Phase 2 Trial was held for a period of ten (10) court days, which commenced
7 on June 8, 2026, and concluded on June 29, 2026.

8 B. The parties that appeared and presented evidence or examined witnesses during
9 the Phase 2 Trial are listed below in Paragraph 4(c) of this Order (the “Phase 2 Trial Parties”).

10 C. The record of the Phase 2 Trial, including both the record of testimony and the
11 exhibits, is voluminous.

12 D. Pursuant to Code of Civil Procedure section 845(a)(4) and the Court’s inherent
13 authority, the Court is authorized to appoint a special master to assist the Court with technical
14 issues involved in the Phase 2 Trial and to make a recommendation to the Court.

15 E. During the Phase 2 Trial, the Court gave the parties notice of its intent to appoint
16 a special master and an opportunity to be heard with respect to such appointment before issuing
17 this order.

18 F. Appointment of a special master will assist the Court in evaluating the evidence
19 and will promote efficient, orderly, and technically sound resolution of the Phase 2 Trial, while
20 preserving the Court’s exclusive authority to determine all factual and legal issues.

21 Based on the foregoing and for good cause appearing, the Court enters the following
22 Order Appointing Special Master Re: Phase 2 Trial (“Order”) and hereby orders as follows:

23 **1. Appointment of Special Master:** The Court appoints _____
24 as special master (“Special Master”) in this action.

25 **2. Scope of Appointment:** The Special Master’s scope of work shall be as follows:

26 (a) The Special Master shall serve as an officer of the Court and shall perform
27 the duties set forth in this Order.
28

1 (b) In performing his or her duties as set forth in this Order, the Special
2 Master shall refer to the Special Master Instructions from the Court contained within
3 Attachment “A,” which is attached hereto and incorporated herein by this reference. If the
4 Special Master needs clarification of a provision found in the Special Master Instructions, the
5 Special Master shall have the authority to seek clarification from the Court, and the Phase 2 Trial
6 Parties shall be given the opportunity to be heard on the matter.

7 (c) The Special Master shall recommend to the Court his or her best estimate
8 of safe yield for the Indian Wells Valley Groundwater Basin (“Basin”), applying the definition of
9 safe yield set forth in Instruction No. 13 of Attachment A.

10 (d) The Special Master shall make his or her non-binding recommendation of
11 a best estimate of safe yield for the Basin through a written report (“Final Report”) provided to
12 the Court through courtroom staff (who will record it in the register of action for this case, at
13 which point the Final Report shall be deemed filed) at the following email address and to the
14 Phase 2 Trial Parties through their respective counsel at the following email addresses.

15 (i) Courtroom Clerk: Mr. Gus Hernandez, gghernandez@occourts.org.

16 (ii) City of Ridgecrest: Keith Lemieux, Esq.,
17 klemieux@awattorneys.com; Alex Lemieux, Esq.,
18 alemieux@awattorneys.com; Phillip Hall, Esq.,
19 phall@awattorneys.com.

20 (iii) Indian Wells Valley Groundwater Authority: James Markman,
21 Esq., jmarkman@rwglaw.com; Kyle Brochard, Esq.,
22 kbrochard@rwglaw.com; Jacob Metz, Esq., jmetz@rwglaw.com.

23 (iv) Indian Wells Valley Water District: James Worth, Esq.,
24 jim@mhwslegal.com; Douglas Evertz, Esq.,
25 devertz@murphyevertz.com; Emily Madueno, Esq.,
26 emadueno@murphyevertz.com.

(v) Meadowbrook Dairy entities: Derek Hoffman, Esq.,
dhoffman@fennemorelaw.com; Sean Hood, Esq.,
shood@fennemorelaw.com.

(vi) Searles Valley Minerals Inc.¹: Eric Garner, Esq.,
eric.garner@bbklaw.com; Jeffrey Dunn, Esq.,
jeffrey.dunn@bbklaw.com; Alison Toivola, Esq.,
alison.toivola@bbklaw.com.

(vii) United States of America: Judith Coleman, Esq.,
judith.coleman@usdoj.gov; Alexa Penalosa, Esq.,
alexa.penalosa@usdoj.gov.

(e) Within two (2) court days following receipt of the Final Report, the Indian Wells Valley Water District shall serve a copy of the Final Report on all parties through Case Anywhere.

(f) In addition to providing the Special Master's best estimate of the Basin's safe yield, the Final Report shall identify the evidentiary basis in the trial record for his or her recommendation, including citation to principal testimony, exhibits, assumptions, methodologies, and factual findings relied upon by the Special Master.

(g) The purpose of the Special Master's Final Report is to assist the Court in preparing its Proposed Statement of Decision for the Phase 2 Trial.

(h) To make his or her Final Report, the Special Master shall be provided with electronic copies of the trial record by the Court through courtroom staff:

(i) This Order;

¹ On October 21, 2026, Searles moved this Court to substitute 5E SVM Operations Company, LLC ("5E") for Searles for all purposes in this action and related cases. On October 1, 2026, Searles and 5E entered into a Water Assets Assignment Agreement whereby Searles assigned and transferred all of its water rights, including those water rights in the Indian Wells Valley Groundwater Basin, to 5E. The United States Bankruptcy Court for the District of Delaware approved the sale by order entered September 21, 2026, in Case No. 26-10966-BLS. Searles' undersigned legal counsel will continue to represent 5E in this action. A hearing is set on Searles' motion for substitution on November 20, 2026. Until that motion is resolved, Searles remains the named party in all filings in this action.

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- (iii) August 5, 2024 Minute Order (ROA 1465, 1471);
- (iv) April 6, 2026 Minute Order Nunc Pro Tunc (ROA 1953, 1955);
- (v) All Phase 2 Trial Opening Briefs (ROA 1969, 1979, 1981, 1991);
- (vi) All Phase 2 Trial Closing Briefs;
- (vii) Phase 2 Joint Witness List (ROA 1987);
- (viii) Phase 2 Joint Exhibit List (Clerk's version at the conclusion of the Phase 2 Trial);
- (ix) A complete Reporter's Transcript of Proceedings for Phase 2 Trial;
- (x) All exhibits admitted into evidence during the Phase 2 Trial;
- (xi) All exhibits submitted for demonstrative purposes during the Phase 2 Trial, with such demonstrative-purpose submission clearly noted;
- (xii) All requests for judicial notice that were granted for the Phase 2 Trial; [and](#)
- [\(xiii\) The IWVGA's May 2026 CCP 845\(d\) Groundwater Basin Technical Report \(trial exhibit 955\).](#)

(i) The appointment of the Special Master shall not re-open evidence for the Phase 2 Trial; no additional exhibits or witness testimony will be admitted into evidence or provided for demonstrative purposes.

(j) If the Special Master has a question or requests clarification of the record, the Special Master shall submit the question or request in writing, providing it to the Court through courtroom staff. The Court will then promptly set a hearing and provide notice of the hearing to the Phase 2 Trial Parties and the Special Master. Any notice of hearing will include the Special Master's question or request.

- (i) If the Special Master poses a question of a procedural nature or a legal question, the Court will provide the Phase 2 Trial Parties with a proposed response to the Special Master's question. The Court

1 shall provide its proposed response in the same way that tentative
2 rulings are provided and, at the noticed hearing on the Special
3 Master's question, the Court will permit the Phase 2 Trial Parties
4 to be heard on the Special Master's question and the Court's
5 proposed response. After giving the Phase 2 Trial Parties an
6 opportunity to be heard at the noticed hearing, the Court will
7 announce its final response to the Special Master's question and
8 will direct the Phase 2 Trial Parties as to how the Court's response
9 shall be provided to the Special Master.

10 ~~(ii) If the Special Master seeks clarification of the record, the Special~~
11 ~~Master shall appear at the noticed hearing (either in person or~~
12 ~~remotely) and the Phase 2 Trial Parties, through their counsel only~~
13 ~~and not through any witnesses, will have the opportunity to~~
14 ~~provide clarification to the Special Master. The Special Master~~
15 ~~shall not give any clarification offered by the Phase 2 Trial Parties~~
16 ~~any greater or lesser weight because it was initiated by his or her~~
17 ~~request for clarification.~~

18 ~~(ii) The Special Master's Final Report must be based solely on the~~
19 ~~Phase 2 Trial record, materials identified in this Order, and the~~
20 ~~governing law identified by this Court. The Special Master shall~~
21 ~~not engage in any independent investigation and shall not rely on~~
22 ~~any outside materials. All other questions shall be addressed at a~~
23 ~~noticed hearing where all Parties and the Special Master shall have~~
24 ~~an opportunity to be heard.~~

25 (k) The Special Master shall not communicate with any Phase 2 Trial witness
26 regarding this case. The Special Master shall not contact anyone, including any party or legal
27 counsel for any party in this case, to assist him or her in performing his or her duties set forth in
28

1 this Order. The Special Master must not let bias, sympathy, prejudice, or public opinion
2 influence his or her opinion.

3 (l) Ex parte communications by any party with the Special Master regarding
4 the subject matter of this appointment are prohibited.

5 (m) Before the Court issues its Proposed Statement of Decision, the Court will
6 set a hearing on the Phase 2 Trial Parties' objections and/or responses to the Special Master's
7 Final Report. Any objection/response to the Special Master's Final Report shall identify the
8 specific grounds and evidence on which the objection/response is based.

9 (n) The Special Master's role is advisory only, and the Court retains sole
10 authority to make all findings of fact, conclusions of law, determinations of credibility,
11 reliability, and relevance, the weight to be given to the evidence, and ultimate determination
12 regarding safe yield. In evaluating conflicting expert opinions, the Special Master may assess
13 the reliability and persuasiveness of competing methodologies and analyses but shall not make
14 binding credibility determinations, which remain exclusively within the authority of the Court.

15 (o) The Court shall retain jurisdiction over all aspects of this case.

16 **3. Schedule:**

17 (a) Time is of the essence. The Special Master shall proceed with all
18 reasonable diligence consistent with Code of Civil Procedure section 830(b)(2), which provides
19 for "[c]onducting a comprehensive adjudication in a manner that promotes efficiency, reduces
20 unnecessary delays, and provides due process."

21 (b) All materials to be provided by the Court to the Special Master shall be
22 provided within five (5) court days of entry of this Order to the extent the documents have
23 already been provided to the Court; all other materials shall be provided by the Court to the
24 Special Master within five (5) court days of receipt by the Court.

25 (c) A hearing shall be held three (3) weeks following delivery of all materials
26 to the Special Master at which the Special Master will provide a proposed schedule for
27 completion of his or her review of the material and issuance of a draft report.

1 (d) The Special Master shall make a draft report available to the Phase 2 Trial
2 Parties and the Court electronically to the email addresses set forth in Paragraph 2(d)(i)–(vii).
3 The Phase 2 Trial Parties shall submit any written objections to the draft report within ~~forty-five~~
4 ~~(45)~~sixty (60) days of receipt of the draft report. An objection to the draft report shall identify the
5 specific grounds and evidence on which the objection is based. The Special Master may notice
6 and hold hearings, as he or she deems appropriate, to gather information or address issues raised
7 in the objections to the draft report, by requesting a hearing as provided in Section 2(j)(ii) above.
8 The Special Master shall consider the objections to the draft report and develop the Final Report
9 that shall be filed with the court.

10 (e) Following submission of the Final Report, the Phase 2 Trial Parties may
11 file objections or responses to the Final Report with the Court, no later than twenty-one (21)
12 calendar days from the date the Final Report is served on the Parties.

13 **4. Special Master’s Compensation:**

14 (a) The Special Master shall be paid as compensation for his or her services
15 pursuant to this appointment the fee of \$_____.

16 (b) The Special Master shall also be entitled to reimbursement of his or her
17 reasonable costs incurred in connection with this appointment that are reasonably necessary to
18 fulfill his or her duties under this Order.

19 (c) The Special Master’s compensation and cost reimbursement shall be
20 divided equally among the six Phase 2 Trial Parties, with each of the following parties paying
21 one-sixth of the Special Master’s total compensation:

- 22 (i) The City of Ridgecrest;
- 23 (ii) The Indian Wells Valley Groundwater Authority;
- 24 (iii) The Indian Wells Valley Water District;
- 25 (iv) Meadowbrook Dairy Real Estate, LLC, a California Limited
26 Liability Company; Big Horn Fields, LLC, a California Limited
27 Liability Company; Brown Road Fields LLC, a California Limited
28 Liability Company; Highway 395 Fields, LLC, a California

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Limited Liability Company; and The Meadowbrook Mutual Water Company, a California corporation (collectively, the “Meadowbrook Dairy entities”);

- (v) Searles Valley Minerals Inc.; and
- (vi) The United States of America.

(d) The Special Master shall submit itemized invoices for his or her fees and costs to the Court through courtroom staff and to the Phase 2 Trial Parties through their counsel of record. Each invoice shall contain a signature line for the Court, accompanied by the statement “approved for disbursement.” Once approved, the Court shall send the invoices to the Phase 2 Trial Parties. Each party shall submit payment of its one-sixth share of the invoice to the Special Master within sixty (60) days of receiving the invoice.

(e) The Court shall decide any dispute over the Special Master’s fees and costs.

5. Amendment: This Order may be amended at any time after notice to the parties and an opportunity to be heard.

6. Notice: The Indian Wells Valley Water District shall give notice of this Order.

IT IS SO ORDERED.

Dated: _____

The Honorable William D. Claster
JUDGE OF THE SUPERIOR COURT

1 **Attachment “A”**

2 **Special Master Instructions**

3 1. Instruction No. 1: The Parties’ Opening Trial Briefs

4 Each party had an opportunity to file an opening trial brief before the Phase 2 Trial began,
5 but none of them were required to do so. The parties’ briefs are not evidence.

6 2. Instruction No. 2: Examination of Witnesses

7 With one exception², each witness was first questioned by the side that asked the witness
8 to testify. This is called direct examination. Then the other side was permitted to question the
9 witness. This is called cross-examination. The attorneys’ questions are not evidence. Only the
10 witnesses’ answers are evidence. The Special Master should not think that something is true just
11 because an attorney’s question suggested that it was true.

12 3. Instruction No. 3: Admitted Exhibits

13 Documents referred to during the trial are called exhibits. Exhibits are given a number so
14 that they may be clearly identified. Exhibits are not evidence until they are admitted by the Court.
15 The Special Master may consider all exhibits admitted during the Phase 2 Trial. The admitted
16 exhibits are provided to the Special Master by the Court.

17 4. Instruction No. 4: Demonstrative Exhibits

18 During the Phase 2 Trial, some exhibits were marked as demonstrative exhibits or for
19 demonstrative purposes only. Examples of demonstrative exhibits include, but are not limited to,
20 witness presentation slides, and charts and drawings prepared by witnesses in the courtroom during
21 the Phase 2 Trial. These demonstrative exhibits have not been admitted into evidence and they
22 are not evidence. Like the parties’ briefs, demonstrative exhibits assist the Court and Special
23 Master in understanding a witness’ testimony. The demonstrative exhibits are provided to the
24 Special Master by the Court.

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28 ² The exception was Stephen Johnson, who was called and cross-examined by the Technical
Working Group parties as an adverse witness.

1 5. Instruction No. 5: Objections to Evidence

2 Each party had a right to object to evidence offered by the other parties. If the Court did
3 not agree with the objection, the Court stated the objection was “overruled.” If the Court overruled
4 an objection, the witness answered and the witness’ answer may be considered as evidence. If the
5 Court agreed with the objection, the Court stated the objection was “sustained.” If the Court
6 sustained an objection, the attorney’s question should be ignored. If the witness did not answer,
7 the Special Master should not guess what the witness might have said or why the Court sustained
8 the objection. If the witness had already answered, the Special Master must ignore the witness’
9 answer.

10 6. Instruction No. 6: Motion to Strike Testimony

11 An attorney may have made a motion to strike testimony after the testimony was given by
12 a witness. If the Court granted the motion, the Special Master must totally disregard that
13 testimony. The Special Master must treat stricken testimony as if it did not exist.

14 7. Instruction No. 7: Evidence Admitted for Limited Purpose

15 During the Phase 2 Trial, certain evidence was admitted for a limited purpose. The Special
16 Master may consider that evidence only for that purpose and for no other. Exhibits admitted for a
17 limited purpose:

- 18 (a) Exhibit No. 410: For the limited purpose of the witness’ understanding of
19 the referenced studies; not admitted for the truth of what the studies state.
- 20 (b) Exhibit No. 952: For the limited purpose of what was discussed at the
21 meeting.
- 22 (c) Exhibit No. 962: For the limited purpose of what was discussed at the
23 meeting.
- 24 (d) Exhibit No. 972: For the limited purpose that there were minutes taken for
25 that meeting; not admitted for the truth of the matter asserted within the
26 document.

1 8. Instruction No. 8: The Parties' Closing Trial Briefs

2 Each party has an opportunity to file a closing brief, but none of them are required to do
3 so. The parties' briefs are not evidence. They are offered to assist the Court and the Special Master
4 in understanding the evidence admitted at trial and how that party believes the law applies to it.

5 9. Instruction No. 9: Deposition as Substantive Evidence

6 During trial, deposition testimony was read from a deposition transcript. A deposition is
7 the testimony of a person taken under oath before trial. At a deposition, the person is sworn to tell
8 the truth and is questioned by the attorneys. The Special Master must consider the deposition
9 testimony that was presented at trial in the same way as testimony given in court. ~~During trial, a~~
10 ~~witness may have been asked a question that was also the subject of that witness' deposition~~
11 ~~testimony. When the testimony offered at trial is different than the testimony given during the~~
12 ~~deposition, counsel for the cross-examining party at trial may read the witness' deposition~~
13 ~~testimony to demonstrate inconsistent testimony. This is often referred to as "impeachment." The~~
14 ~~Special Master may consider impeachment in evaluating the reliability and persuasiveness for~~
15 ~~competing methodologies and analyses being discussed. The Court retains exclusive authority to~~
16 ~~make binding credibility determinations based on impeachment.~~

17 10. Instruction No. 10: Expert Witness Testimony

18 During the trial, expert witnesses testified. The law allows an expert to state opinions about
19 matters in the expert's field of expertise even if the expert has not witnessed any of the events
20 involved in the trial. The Special Master does not have to accept an expert's opinion.

21 11. Instruction No. 11: Experts—Questions Containing Assumed Facts

22 The law allows expert witnesses to be asked questions that are based on assumed facts.
23 These are sometimes called "hypothetical questions." In determining the weight to give an
24 expert's opinion that is based on assumed facts, the Special Master should consider whether the
25 assumed facts are true. ~~In some instances, a party may have objected to a hypothetical question.~~
26 ~~If the Court sustained that objection, the Special Master must totally disregard that question and~~
27 ~~any testimony given in response to the question.~~

1 12. Instruction No. 12: Conflicting Expert Testimony

2 If the expert witnesses disagreed with one another, the Special Master should weigh each
3 opinion against the others. The Special Master should examine the reasons given for each opinion
4 and the facts or other matters that each witness relied on. The Special Master may also compare
5 the experts' qualifications.

6 13. Instruction No. 13: Definition of Safe Yield

7 ~~“Safe yield” is defined as~~ “Safe yield” means the condition of a groundwater basin when
8 the total average annual groundwater extractions are equal to, or less than, the total average annual
9 groundwater recharge, either naturally or artificially. “Safe yield” is defined as the maximum
10 quantity of water which can be withdrawn annually from a ground water supply under a given set
11 of conditions without causing an undesirable result.’ ~~The phrase ‘undesirable result’ is understood~~
12 ~~to refer to a gradual lowering of the ground water levels resulting eventually in depletion of the~~
13 ~~supply.” (City of Los Angeles v. City of San Fernando (1975) 14 Cal.3d 199, 278–279.)~~

14 14. Instruction No. 14: Definition of the Indian Wells Valley Groundwater Basin

15 The Indian Wells Valley Groundwater Basin means the groundwater basin described in the
16 Court’s July 9, 2024 Order Confirming Basin Boundary (ROA 1407), a copy of which shall be
17 provided to the Special Master.

18 15. Instruction No. 15: Indian Wells Valley Groundwater Basin Technical Report, May
19 2026

20 The Indian Wells Valley Groundwater Authority submitted a Technical Report to the Court
21 in May 2026, under Code of Civil Procedure section 845(d)(1). That report is “prima facie
22 evidence of the physical facts found in the report,” but the Special Master shall consider evidence
23 offered at trial to rebut the report or the prima facie evidence. (Code Civ. Proc., § 845(d)(4).)