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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

**TECHNICAL WORKING GROUP  
PARTIES' BRIEF IN SUPPORT OF  
PROPOSED ORDER APPOINTING  
SPECIAL MASTER RE: PHASE 2  
TRIAL SUBMITTED BY TECHNICAL  
WORKING GROUP PARTIES**

**RELATED TO ROA 1959, 2122**

INDIAN WELLS VALLEY WATER  
DISTRICT,

Cross-Complainant,

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

1 v.

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

12 Cross-Defendants.

13 SEARLES VALLEY MINERALS INC.,

14 Cross-Complainant,

15 v.

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

25 Cross-Defendants.

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1 The Indian Wells Valley Water District (“District”), Searles Valley Minerals Inc.<sup>1</sup>  
2 (“Searles”), and the Meadowbrook Dairy entities<sup>2</sup> (collectively, “TWG Parties”) respectfully  
3 request the Court enter the Proposed Order Appointing Special Master Re: Phase 2 Trial submitted  
4 by the TWG Parties. (See Exhibit A to Joint Statement.)

5 **I. INTRODUCTION**

6 The Court has determined it will appoint a special master to review the Phase 2 Trial record  
7 and recommend his best estimate of the safe yield for the Indian Wells Valley Groundwater Basin  
8 (“Basin”). The special master’s role is a limited one: to evaluate the evidence admitted during the  
9 Phase 2 Trial and provide a recommendation based on that record. The appointment does not  
10 authorize the special master to revisit settled legal principles, consider evidence outside the trial  
11 record, or accord special weight to particular exhibits absent a basis in the Court’s prior rulings.

12 The TWG Parties’ Proposed Order faithfully preserves the Court’s role and provides neutral  
13 instructions to assist the special master in carrying out the task assigned by the Court. The  
14 Proposed Order submitted by the Indian Wells Valley Groundwater Authority, the City of  
15 Ridgecrest, and the United States (“Alternative Proposed Order”) does not. Rather than  
16 establishing a neutral framework, the Alternative Proposed Order incorporates substantive  
17 provisions that would improperly influence the special master’s evaluation of the evidence and  
18 depart from the legal framework that governed the Phase 2 Trial.

---

19  
20  
21 <sup>1</sup> On October 21, 2026, Searles moved this Court to substitute 5E SVM Operations Company, LLC  
22 (“5E”) for Searles for all purposes in this action and related cases. On October 1, 2026, Searles  
23 and 5E entered into a Water Assets Assignment Agreement whereby Searles assigned and  
24 transferred all of its water rights, including those water rights in the Indian Wells Valley  
25 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.

26 <sup>2</sup> Meadowbrook Dairy Real Estate, LLC, a California Limited Liability Company; Big Horn  
27 Fields, LLC, a California Limited Liability Company; Brown Road Fields LLC, a California  
28 Limited Liability Company; Highway 395 Fields, LLC, a California Limited Liability Company;  
and The Meadowbrook Mutual Water Company, a California corporation (collectively,  
“Meadowbrook”).

1 Three principal differences separate the two proposed orders. (See Exhibit C to Joint  
2 Statement [redline].)

3 First, the Alternative Proposed Order proposes a definition of safe yield derived from a  
4 statute that expressly applies only to the Paso Robles Basin Water District. (See Wat. Code,  
5 § 37900; Exh. B to Joint Statement, p. 14.) The TWG Parties' Proposed Order instead adopts the  
6 controlling definition articulated by the California Supreme Court in *City of Los Angeles v. City of*  
7 *San Fernando* (1975) 14 Cal.3d 199 (*id.* at 278–279; see Exh. A to Joint Statement, p. 14), a  
8 definition that California courts have consistently recognized and applied for decades (see *Willis v.*  
9 *Los Angeles County Waterworks Dist. No. 40* (2021) 62 Cal.App.5th 992, 1024; *Phelan Piñon Hills*  
10 *Community Services Dist. v. California Water Service Co.* (2020) 59 Cal.App.5th 241, 251, fn. 1;  
11 *City of Santa Maria v. Adam* (2012) 211 Cal.App.4th 266, 279; *Wright v. Goleta Water Dist.* (1985)  
12 174 Cal.App.3d 74, 81, fn. 2).

13 Second, the Alternative Proposed Order improperly singles out the Indian Wells Valley  
14 Groundwater Basin Technical Report, May 2026 (“2026 Technical Report”), for special emphasis  
15 and treatment. (See Exh. B to Joint Statement, pp. 6, 14, § 2(h)(xi), instruction 15.) The 2026  
16 Technical Report, however, is simply one trial exhibit among many. The TWG Parties' Proposed  
17 Order correctly treats it as such and does not elevate it above the other evidence presented at trial.  
18 (See Exh. A to Joint Statement, p. 5, § 2(h)(x).)

19 Finally, the TWG Parties' Proposed Order properly confines the special master's review to  
20 the Phase 2 Trial record. The Alternative Proposed Order, by contrast, would permit the  
21 consideration of extra-record material, contrary to the purpose of the appointment and the Court's  
22 directive that the special master evaluate the evidence presented at trial. (See Exh. A to Joint  
23 Statement, p. 7, § 2(k); Exh. B to Joint Statement, p. 7, § 2(k).)

24 In short, the TWG Parties' Proposed Order provides a neutral framework for the special  
25 master to evaluate the Phase 2 Trial record under the governing law and the Court's prior rulings.  
26 The Alternative Proposed Order does not. Because the TWG Parties' Proposed Order better  
27 preserves the integrity of the trial record and the legal framework established by this Court, it  
28 should be adopted.

1 **II. ARGUMENT: SUPPORT FOR THE TWG PARTIES' PROPOSED ORDER**

2 **A. The TWG Parties' Proposed Order Correctly Defines Safe Yield.**

3 The TWG Parties' Proposed Order and the Alternative Proposed Order differ in their  
4 definitions of safe yield. The difference is significant because the Alternative Proposed Order  
5 incorporates a basin-specific statutory definition that expressly does not apply here, while the TWG  
6 Parties' Proposed Order adopts the controlling definition established by the California Supreme  
7 Court. (See Exh. A to Joint Statement, p. 14; Exh. B to Joint Statement , pp. 13–14.)

8 The first sentence of the Alternative Proposed Order's definition of safe yield is drawn from  
9 Water Code section 37900, subdivision (a)(21). But section 37900 expressly applies only to the  
10 Paso Robles Basin Water District. The statute begins, “[f]or purposes of this part” (Wat. Code,  
11 § 37900(a)) and further provides that “[t]his part shall apply only to the Paso Robles Basin Water  
12 District” (Wat. Code, § 37900(b)). Because this adjudication does not involve the Paso Robles  
13 Basin Water District, section 37900's definition of safe yield is inapplicable.

14 The TWG Parties' Proposed Order instead adopts the definition articulated by the California  
15 Supreme Court in *City of Los Angeles v. City of San Fernando* (1975) 14 Cal.3d 199. There, the  
16 Court defined safe yield as “the maximum quantity of water which can be withdrawn annually from  
17 a ground water supply under a given set of conditions without causing an undesirable result,” with  
18 “undesirable result” referring to the gradual lowering of groundwater levels that ultimately depletes  
19 the supply. (*Id.* at 278–279.)

20 For more than fifty years, California courts have consistently treated this definition as the  
21 governing statement of California law. Courts have repeatedly quoted, restated, and applied the *San*  
22 *Fernando* definition of safe yield, both in groundwater adjudications and other groundwater  
23 disputes. (See, e.g., *Las Posas Valley Wat. Rights Coalition v. Ventura County Waterworks Dist. No.*  
24 *1* (2026) 118 Cal.App.5th 1170, 1198; *Los Angeles County Waterworks Dist. No. 40 v. Tapia* (2021)  
25 63 Cal.App.5th 17, 40; *Willis, supra*, 62 Cal.App.5th at 1024; *Phelan Piñon Hills, supra*, 59  
26 Cal.App.5th at 251, fn. 1; *Santa Maria, supra*, 211 Cal.App.4th at 279; *Wright, supra*, 174  
27 Cal.App.3d at 81, fn. 2.)

1 Equally telling, no published California decision has adopted the Alternative Proposed  
2 Order’s definition outside the limited statutory context of the Paso Robles Basin Water District, nor  
3 has any published decision rejected or modified the Supreme Court’s definition in *San Fernando*.  
4 The uniformity of this authority confirms that safe yield is a settled legal standard, not an open-  
5 ended scientific concept subject to competing expert definitions.

6 Moreover, the Alternative Proposed Order also fails to explain why a definition enacted for  
7 a single water district not even involved in this adjudication should displace the California Supreme  
8 Court’s common-law definition governing groundwater rights generally. Nothing in section 37900  
9 suggests that the Legislature intended its Paso Robles-specific definition to supersede *San*  
10 *Fernando* or the common law outside that basin. (*See Apple Inc. v. Super. Ct.* (2013) 56 Cal.4th  
11 128, 146 [“[T]he Legislature is deemed to be aware of existing laws and judicial decisions in effect  
12 at the time legislation is enacted and to have enacted and amended statutes in the light of such  
13 decisions as have a direct bearing upon them.”].)

14 Accordingly, the Court should reject the Alternative Proposed Order’s reliance on an  
15 inapplicable Paso Robles Basin statute and adopt the TWG Parties’ Proposed Order, which sets  
16 forth the *San Fernando* definition.

17 **B. The Alternative Proposed Order Attempts to Give the 2026 Technical Report**  
18 **Heightened Evidentiary Status.**

19 The TWG Parties’ Proposed Order and the Alternative Proposed Order also differ in their  
20 treatment of the 2026 Technical Report. The Alternative Proposed Order inappropriately  
21 emphasizes the 2026 Technical Report in two separate ways.

22 First, the Alternative Proposed Order identifies the 2026 Technical Report by name as a  
23 standalone category of materials to be provided to the special master. (See Exh. B to Joint  
24 Statement, pp. 5–6, § 2(h)(xi).) That special treatment is unwarranted. The 2026 Technical Report  
25 was admitted into evidence during the Phase 2 Trial and therefore already is encompassed within  
26 the TWG Parties’ Proposed Order’s inclusion of “[a]ll exhibits admitted into evidence during the  
27 Phase 2 Trial.” (Exh. A to Joint Statement, pp. 5–6, § 2(h)(x).) There is no legitimate reason to  
28 single out one admitted exhibit for separate identification. By listing the 2026 Technical Report

1 separately from all other admitted exhibits, the Alternative Proposed Order improperly suggests that  
2 the report should receive special attention or weight from the special master.

3 Second, the Alternative Proposed Order goes even further by including a special instruction  
4 directed solely to the 2026 Technical Report. It provides:

5 Instruction No. 15: Indian Wells Valley Groundwater Basin

6 Technical Report, May 2026

7 The Indian Wells Valley Groundwater Authority submitted a

8 Technical Report to the Court in May 2026, under Code of Civil

9 Procedure section 845(d)(1). That report is “prima facie evidence

10 of the physical facts found in the report,” but the Special Master

11 may consider evidence offered at trial to rebut the report. (Code

12 Civ. Proc., § 845(d)(4).) “Prima facie evidence” is evidence that

13 establishes a fact, unless contradictory evidence is produced.”

14 (Exh. B to Joint Statement, p. 14, instruction 15.)

15 This instruction is inappropriate. The special master’s task is to evaluate the evidence  
16 presented during the Phase 2 Trial and provide a recommendation to the Court based on the trial  
17 record as a whole. The Alternative Proposed Order, however, isolates a single exhibit and provides  
18 a special instruction concerning its evidentiary effect. No comparable instruction is given for any  
19 other admitted exhibit, expert report, or category of evidence. The result is to elevate the 2026  
20 Technical Report above the remainder of the evidentiary record.

21 The evidentiary significance of the 2026 Technical Report is already established by statute.  
22 (See Code Civ. Proc., § 845(d).) It is up to the Court—and not the special master—to determine  
23 which physical facts found in the report may constitute prima facie evidence. Moreover, the statute  
24 makes any prima facie showing rebuttable. Factoring further into the Court’s determination is the  
25 direct rebuttal presented at trial by the TWG Parties. These are determinations for the Court.

26 As a result, there is no need for the Court to provide a special instruction highlighting the  
27 2026 Technical Report for the special master. Without a legal background, the special master likely  
28 will not understand how the instruction impacts his review. The instruction would create the

1 impression that the Court itself believes and has already determined that the report should be  
2 afforded greater consideration than other evidence admitted at trial, notwithstanding the substantial  
3 testimony, expert opinions, and documentary evidence presented by all parties. The IWVGA can  
4 argue in its closing brief that the 2026 Technical Report should be afforded greater weight than  
5 other evidence, but that disputed, unsettled point should not be conveyed by the Court to the special  
6 master.

7 The Court should reject the attempt to accord the 2026 Technical Report special  
8 prominence. The report should be treated like every other admitted Phase 2 Trial exhibit: as part of  
9 the trial record to be considered alongside all other evidence. The TWG Parties' Proposed Order  
10 appropriately does so, while the Alternative Proposed Order improperly seeks to confer heightened  
11 evidentiary status on a single exhibit.

12 C. **The TWG Parties' Proposed Order Properly Limits the Special Master's**  
13 **Review to the Phase 2 Trial Record.**

14 The Alternative Proposed Order would allow the special master to consider extra-record  
15 material, while the TWG Parties' Proposed Order properly limits the special master's review to the  
16 Phase 2 Trial record. The TWG Parties' Proposed Order provides:

17 The Special Master's Final Report must be based solely on the Phase  
18 2 Trial record, materials identified in this Order, and the governing  
19 law identified by this Court. The Special Master shall not engage in  
20 any independent investigation and shall not rely on any outside  
21 materials.

22 (Exh. A to Joint Statement, p. 7, § 2(k).) By contrast, the Alternative Proposed Order provides:  
23 [to be added if needed]

24 (Exh. B to Joint Statement, p. 7, § 2(k).)

25 The TWG Parties' proposed limitation is appropriate because the special master is being asked  
26 to assist the Court in evaluating issues that were tried during the Phase 2 Trial. The parties spent  
27 more than a year conducting discovery, preparing expert analyses, reports, and models, and  
28 presenting evidence and testimony to the Court. Allowing the special master to consider materials

1 outside that record would effectively create a new evidentiary proceeding, untethered from the  
2 evidence admitted at trial.

3         The purpose of appointing a special master in these circumstances is not to develop a new  
4 factual record. Rather, it is to assist the Court in analyzing the extensive Phase 2 Trial record and the  
5 issues presented by that record. Any findings or recommendations therefore should be based on the  
6 same evidence that was before the Court during the Phase 2 Trial. Restricting the special master's  
7 review to the trial record ensures fairness to all parties and prevents either side from supplementing  
8 the evidentiary record after trial through materials that were never subject to the rules governing  
9 discovery, expert disclosure, admissibility, cross-examination, or rebuttal.

10         The TWG Parties' Proposed Order provides a mechanism for extra-record materials. If the  
11 special master has a question, such as whether he or she may consider certain extra-record evidence  
12 that he or she believes would be helpful to consider in making his recommendation, the special master  
13 may submit the question in writing to the Court. The Court will then hold a hearing regarding the  
14 extra-record evidence. The special master can identify the extra-record material and explain why he  
15 or she would like to consider it, and the parties will have an opportunity to be heard. (Exh. A to Joint  
16 Statement, pp. 6–7, § 2(j).)

17         The Alternative Proposed Order provides no meaningful standards governing what extra-  
18 record materials could be considered, how such materials would be presented to the special master,  
19 or whether the parties would have an opportunity to challenge them. As a result, it risks expanding  
20 the special master's assignment beyond analysis of the Phase 2 Trial record and into independent fact  
21 finding. That is unnecessary and would only further delay a ruling from the Court.

22         The Court therefore should adopt the TWG Parties' Proposed Order with language requiring  
23 that the special master's report be based solely on the Phase 2 Trial record, the materials identified in  
24 the appointment order, and the governing law identified by the Court. Such a limitation appropriately  
25 defines the special master's role, preserves the integrity of the Phase 2 Trial record, and ensures the  
26 special master's recommendations are grounded in the evidence that actually was presented and tested  
27 during the Phase 2 Trial.

1 **III. CONCLUSION**

2 At present, the question before the Court is not which party's view of the evidence should  
3 prevail. It is what instructions will best ensure a fair, neutral, and legally correct review of the  
4 Phase 2 Trial record. The TWG Parties' Proposed Order accomplishes that objective by directing  
5 the special master to apply controlling California law, consider the same record presented to the  
6 Court, and conduct his review consistent with the Court's prior rulings. The Alternative Proposed  
7 Order does not. Accordingly, the TWG Parties respectfully request that the Court adopt their  
8 Proposed Order appointing a special master.

9  
10 Dated: October 23, 2026

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17 Dated: October 23, 2026

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27 WATER COMPANY  
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