

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF ORANGE, CIVIL COMPLEX CENTER

MOJAVE PISTACHIOS, LLC; et al.,  
  
Plaintiffs,  
  
v.  
  
INDIAN WELLS VALLEY WATER  
DISTRICT; et al.,  
  
Defendants.

Case No. 30-2021-01187275-CU-OR-CJC  
  
*[Related to: 30-2021-01187589-CU-WM-CXC  
& 30-2021-01188089-CU-WM-CXC]*  
  
Assigned For All Purposes To:  
The Honorable Kirk Nakamura, Dept. CX103

INDIAN WELLS VALLEY WATER  
DISTRICT,  
  
Cross-Complainant,  
  
v.  
  
ALL PERSONS WHO CLAIM A RIGHT  
TO EXTRACT GROUNDWATER IN THE  
INDIAN WELLS VALLEY  
GROUNDWATER BASIN NO. 6-54  
WHETHER BASED ON  
APPROPRIATION, OVERLYING RIGHT,  
OR OTHER BASIS OF RIGHT, AND/OR  
WHO CLAIM A RIGHT TO USE OF  
STORAGE SPACE IN THE BASIN; et al.,  
  
Cross-Defendants.

**NOTICE OF COMMENCEMENT OF  
GROUNDWATER BASIN  
ADJUDICATION OF THE INDIAN  
WELLS VALLEY GROUNDWATER  
BASIN, BASIN NO. 6-54**  
  
**Case Management Conference:**  
**Date: November 19, 2021**  
**Time: 9:00 AM**  
**Dept.: CX103**  
  
Complaint Filed: November 19, 2019  
Trial Date: None Set

1                                   **NOTICE OF COMMENCEMENT OF**  
2                                   **GROUNDWATER BASIN ADJUDICATION**  
3

4                   THIS NOTICE IS IMPORTANT. ANY RIGHTS YOU CLAIM TO PUMP  
5 OR STORE GROUNDWATER FROM THE BASIN IDENTIFIED IN THIS  
6 NOTICE MAY BE AFFECTED BY A LAWSUIT INITIATED BY THE  
7 CROSS-COMPLAINT SUMMARIZED BELOW.  
8

9                   A copy of the cross-complaint may be obtained by contacting the  
10 cross-complainant or the cross-complainant’s attorney identified in this notice. If  
11 you claim rights to pump or store groundwater within the basin, either now or in  
12 the future, you may become a party to this lawsuit by filing an answer to the  
13 lawsuit on or before the deadline specified in this notice. You may file an answer  
14 by completing the attached form answer, filing it with the court indicated in this  
15 notice, and sending a copy of the form answer to the cross-complainant or the  
16 cross-complainant’s attorney.

17                  Failing to participate in this lawsuit could have a significant adverse effect  
18 on any right to pump or store groundwater that you may have. You may seek the  
19 advice of an attorney in relation to this lawsuit. Such attorney should be consulted  
20 promptly. A case management conference in this groundwater basin adjudication  
21 proceeding shall occur on the date specified in this notice. If you intend to  
22 participate in the groundwater adjudication proceeding to which this notice applies,  
23 you are advised to attend the initial case management conference in person or have  
24 an attorney represent you at the initial case management conference.

25                  Participation requires the production of all information regarding your  
26 groundwater use. You must provide this information by the date identified in this  
27 notice.  
28

1 A form answer is provided for your convenience. You may fill out the form  
2 answer and file it with the court. Should you choose to file the form answer, it will  
3 serve as an answer to all complaints and cross-complaints filed in this case.

4 The following information is provided pursuant to Code of Civil Procedure  
5 section 836(a)(1)(B):

6 (i) Name of Basin: Indian Wells Valley Groundwater Basin,  
7 Department of Water Resources Bulletin 118 Groundwater Basin No. 6-54.  
8 Interactive maps of the Indian Wells Valley Groundwater Basin are available at  
9 <https://sgma.water.ca.gov/webgis/?appid=160718113212&subbasinid-4-008>

10 and

11 <https://gis.water.ca.gov/app/bbat/>

12 and

13 <https://gis.water.ca.gov/app/bp-dashboard/final/>.

14 (ii) Case No. 30-2021-01187275-CU-OR-CJC, Superior Court of  
15 California, County of Orange, Civil Complex Center located at 751 West Santa  
16 Ana Boulevard, Santa Ana, California 92701. Assigned to The Honorable Kirk  
17 Nakamura, Department CX103.

18 (iii) The cross-complaint may be obtained from and a copy of the  
19 form answer should be sent to cross-complainant's attorney, who may be contacted  
20 at the following mailing addresses, telephone numbers, and email addresses:

21  
22 James A. Worth  
23 McMurtrey, Hartsock & Worth  
24 2001 22nd Street, Suite 100  
25 Bakersfield, CA 93301  
26 (714) 277-1750  
27 [jim@mhwlegal.com](mailto:jim@mhwlegal.com)

Douglas J. Evertz  
Murphy & Evertz LLP  
650 Town Center Drive, Suite 550  
Costa Mesa, CA 92626  
(714) 277-1750  
[iwvgb@murphyevertz.com](mailto:iwvgb@murphyevertz.com)

1 (iv) Cross-Complainant's Cross-Complaint seeks a comprehensive  
2 adjudication of the Indian Wells Valley Groundwater Basin ("Basin") and alleges  
3 one cause of action. The First Cause of Action for Comprehensive Adjudication  
4 and Physical Solution pursuant to Code of Civil Procedure sections 830 to 852 is  
5 asserted against all cross-defendants. Cross-Complainant seeks the following  
6 relief: (a) a judgment to comprehensively determine and adjudicate all  
7 groundwater rights in the Basin and to provide a physical solution for the perpetual  
8 and continuous management of the Basin pursuant to Code of Civil Procedure  
9 sections 849 and 850; (b) a preliminary injunction to provide for the management  
10 of the Basin, on an interlocutory basis, through entry of final judgment and any  
11 appeal, pursuant to Code of Civil Procedure section 847; (c) entry of judgment  
12 against all cross-defendants who fail to appear in this action that they be bound by  
13 any judgment and physical solution, and their storage rights in the Basin, if any, be  
14 limited to the terms of the judgment; (d) entry of judgment against all persons who,  
15 presently or in the future, own an interest in real property overlying the Basin and  
16 who fail to appear in this action that they be bound by the judgment and physical  
17 solution, and their water rights in the Basin, if any, be limited to the terms of the  
18 judgment; and (e) such other and further relief as the Court deems just and proper.

19 (v) Date by which persons receiving the notice must appear in the  
20 comprehensive adjudication: **Within sixty (60) days of receiving this notice.**  
21 The Case Management Conference in this groundwater basin adjudication  
22 proceeding is set for November 19, 2021 at 9:00 AM in Department CX103 of the  
23 Orange County Superior Court, Civil Complex Center, located at 751 West Santa  
24 Ana Boulevard, Santa Ana, California 92701.