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INDIAN WELLS VALLEY WATER DISTRICT

Exempt From Fees Per Govt. Code § 6103

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ORANGE, CIVIL COMPLEX CENTER

MOJAVE PISTACHIOS, LLC; et al.,

Plaintiffs,

v.

INDIAN WELLS VALLEY WATER DISTRICT; et al.,

Defendants.

INDIAN WELLS VALLEY WATER DISTRICT,

Cross-Complainant,

Case No. 30-2021-01187275-CU-OR-CJC
[*Indian Wells Valley Groundwater Adjudication*]

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

NOTICE OF RULING FROM THE 10/30/26 STATUS CONFERENCE

RELATED TO ROA 2157, 2158
Status Conference:
Date: December 4, 2026
Time: 1:30 p.m.
Dept.: CX101

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

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.

SEARLES VALLEY MINERALS INC.,

Cross-Complainant,

v.

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

Cross-Defendants.

NOTICE OF RULING

TO ALL PARTIES AND ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on October 30, 2026, at 1:30 p.m., the Court held a Status Conference in the above-captioned action.

A. The Court made the following rulings:

1. Bryan Bondy, MS, President at Bondy Groundwater Consulting, is appointed special master for the phase 2 trial ("Special Master").

2. The Indian Wells Valley Water District ("District") shall submit a revised Proposed Order Appointing Special Master Re: Phase 2 Trial consistent with the Court's ruling with reference to Exhibit C to the Joint Status Conference Statement (10/30/2026), a copy of which is attached hereto as Exhibit "2," as follows:

(a) Page 3, line 12, ¶ D: Strike "(4)" so that it reads, "section 845(a)".

(b) Page 3, line 23, § 1: Replace the blank line with "Bryan Bondy, MS, President at Bondy Groundwater Consulting,".

(c) Page 6, line 13, § 2(h)(xi): Add "and" after the semi-colon.

(d) Page 6, line 15, § 2(h)(xii): Replace "; and" with "."

(e) Page 6, lines 16–17, § 2(h)(xiii): Strike the entire section, which reads, "The IWVGA's May 2026 CCP 845(d) Groundwater Basin Technical Report (trial exhibit 955)."

(f) Page 7, lines 10–17, § 2(j)(ii): Maintain the stricken text, which reads, "If the Special Master seeks clarification of the record, the Special Master shall appear at the noticed hearing (either in person or remotely) and the Phase 2 Trial Parties, through their counsel only and not through any witnesses, will have the opportunity to provide clarification to the Special Master. The Special Master shall not give any clarification offered by the Phase 2 Trial Parties any greater or lesser weight because it was initiated by his or her request for clarification."

(g) Page 7, lines 18–22, § 2(j)(ii): Maintain the stricken text, which reads, "The Special Master's Final Report must be based solely on the Phase 2 Trial record, materials identified in this Order, and the governing law identified by this Court. The Special Master shall not engage in any independent investigation and shall not rely on any outside materials." and move the text to the beginning of the paragraph in section 2(k) on page 7 at line 25.

(h) Page 7, lines 22–24, § 2(j)(ii): Strike the added text, which reads, "All other questions shall be addressed at a noticed hearing where all Parties and the Special Master shall have an opportunity to be heard."

(i) Page 9, lines 3–4, § 3(d): Strike "forty-five (45)" and maintain "sixty (60)".

(j) Page 9, lines 5–7, § 3(d): Maintain the added text, which reads, "The Special Master may notice and hold hearings, as he or she deems appropriate, to gather information or address issues raised in the objections to the draft report, by requesting a hearing as provided in Section 2(j)(ii) above."

(k) Page 13, lines 9–16, Instruction No. 9: Strike the stricken text, which reads, "During trial, a witness may have been asked a question that was also the subject of that witness' deposition testimony. When the testimony offered at trial is different than the testimony given during the deposition, counsel for the cross-examining party at trial may read the witness' deposition testimony to demonstrate inconsistent testimony. This is often referred to as "impeachment." The Special Master may consider impeachment in evaluating the reliability and persuasiveness for competing methodologies and analyses being discussed. The Court retains

exclusive authority to make binding credibility determinations based on impeachment."

(l) Page 13, lines 25–27, Instruction No. 11: Maintain the stricken text, which reads, "In some instances, a party may have objected to a hypothetical question. If the Court sustained that objection, the Special Master must totally disregard that question and any testimony given in response to the question."

(m) Page 14, lines 7–13, Instruction No. 13: Strike the entire paragraph, which reads, "'Safe yield' is defined as 'Safe yield' means the condition of a groundwater basin when the total average annual groundwater extractions are equal to, or less than, the total average annual groundwater recharge, either naturally or artificially. '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.)" and replace it with "'The safe yield is the maximum amount of water that could be extracted annually, year after year, without eventually depleting the underground basin. [citation omitted] Safe yield is generally calculated as the net of inflows less subsurface and surface outflows.' (*City of Santa Maria v. Adam* (2012) 211 Cal.App.4th 266, 279.)"

(n) Page 14, lines 18–23, Instruction No. 15: Strike the entire paragraph, which reads, "Instruction No. 15: Indian Wells Valley Groundwater Basin Technical Report, May 2026

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

3. The parties that appeared and presented evidence or examined witnesses ("Phase 2 Trial Parties") during the phase 2 trial on safe yield ("Phase 2 Trial") shall meet and confer regarding revisions to the second sentence in section 2(k) at lines 26–27 on page 7 and continuing at line 1 on page 8, which reads, "The Special Master shall not contact anyone, including any party or legal counsel for any party in this case, to assist him or her in performing his or her duties set forth in this Order." to make clear the Special Master may contact those he has identified to the Phase 2 Trial Parties as persons who may provide substantive assistance to him.

4. The Phase 2 Trial Parties shall meet and confer regarding revisions to section 4(a) on page 9 at lines 14–15 regarding the Special Master's compensation and billing practices.

5. The Court's minutes and Clerk's exhibit list for the Phase 2 Trial are amended to reflect that Trial Exhibit 955, which is the Indian Wells Valley Groundwater Authority's May 2026 CCP 845(d) Groundwater Basin Technical Report, was admitted during the Phase 2 Trial on June 8, 2026, though it was not identified by exhibit number at that time.

6. The District shall submit a thumb drive containing all materials to be provided to the Special Master, which materials will be listed in the Order Appointing Special Master Re: Phase 2 Trial.

7. A Status Conference Re: Special Master Appointment is set for **December 4, 2026, at 1:30 p.m., in Department CX101**. The Special Master shall appear at the Status Conference and may do so either in person or by Zoom.

8. The Phase 2 Trial Parties shall contact the Special Master to confirm his selection and appointment, and to notify him of the Status Conference.

9. The deadline to file and serve Phase 2 Closing Trial Briefs shall be **November 10, 2026**.

10. The District shall give notice.

B. Attached as Exhibit "1" and incorporated by this reference is a true and correct copy of the Court's October 30, 2026 Minute Order (ROA 2158).

DATED: Nov. 2, 2026

MURPHY & EVERTZ LLP

By: */s/ Emily L. Madueno*

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

EXHIBIT 1

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE
CIVIL COMPLEX CENTER

MINUTE ORDER

DATE: 10/30/2026 TIME: 01:30:00 PM DEPT: CX101

JUDICIAL OFFICER PRESIDING: William Claster
CLERK: G. Hernandez
REPORTER/ERM: Patrick Richard Brezna-5288 CSR# 5288
BAILIFF/COURT ATTENDANT: R. Fragola

CASE NO: **30-2021-01187275-CU-OR-CJC** CASE INIT.DATE: 02/16/2021
CASE TITLE: **Mojave Pistachios, LLC vs. Indian Wells Valley Water District**
CASE CATEGORY: Civil - Unlimited CASE TYPE: Other Real Property

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EVENT ID/DOCUMENT ID: 74966098

EVENT TYPE: Status Conference

APPEARANCES

Appearances noted by way of Appearance Calendars, attached hereto and incorporated herein by reference.

Hearing held with participants appearing remotely and in person.

Court and counsel discuss the appointment of Special Master and related issues. The Court will appoint Bryan Bondy as special master.

Court and counsel clarify that Phase 2 Trial Exhibit 955 was admitted on 06/08/2026.

The Status Conference Re Appointment of Special Master is scheduled for 12/04/2026 at 01:30 PM in Department CX101.

Court and counsel discuss closing briefs for Phase 2 Trial. Closing briefs are to be filed and served on or before 11/10/2026.

Judge: William Claster **Department CX101** **Friday, October 30, 2026**

Calendar #8 Case Number: 30-2021-01187275-CU-OR-CJC Case Title: Mojave Pistachios, LLC vs. Indian Wells Valley Water District

Event: 01:30 PM - Status Conference

Participant	Role	Attorney for	Law Firm/Company Name	Specially Appearing
Judith Coleman	Attorney	United States	U.S. Dept of Justice	No
Jacob Metz	Attorney	Indian Wells Valley Groundwater Authority	Richards Watson & Gershon	No
James L. Markman	Attorney	Indian Wells Groundwater Authority	Richards, Watson, Gershon	No
Armand Ash	Attorney	Granite Construction Co.	LeBeau Thelen, LLP	No
Patrick Brezna CSR 5288	Court Reporter			No
Ron Kicinski	Interested Party			No
Mike Sinnott	Interested Party			No
Anita Imsand	Interested Party			No
Alexa Penalosa	Attorney	United States		No
Sean Hood	Attorney	Meadowbrook	Fennemore	No
Mallory Boyd	Interested Party			No
James Worth	Attorney	Indian Wells Valley Water District	McMurtrey, Hartsock, Worth & St. Lawrence	No
Noah Golden	Attorney	California Department of Fish and Wildlife	California Department of Justice	No
Renee Morquecho	Interested Party			No
Gary Arnold	Attorney		Arnold LaRochelle	No

Jeffrey V. Dunn, from Best Best & Krieger LLP, present for Cross- Defendant,Cross Complainant,Defendant(s).

Phillip Hall, from Aleshire & Wynder, LLP, present for Cross- Defendant(s).

Kyle Brochard, from Richards, Watson & Gershon, present for Cross- Defendant,Cross Complainant(s).

Derek Hoffman, from Fennemore Dowling Aaron LLP, present for Cross Defendant,Defendant(s).

Douglas J. Evertz and Emily L. Madueno of Murphy & Evertz appearing in person for Indian Wells Valley Water District

EXHIBIT 2

Exempt From Fees Per
Govt. Code § 6103

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ORANGE, CIVIL COMPLEX CENTER

MOJAVE PISTACHIOS, LLC; et al.,

Plaintiffs,

v.

INDIAN WELLS VALLEY WATER DISTRICT; et al.,

Defendants.

INDIAN WELLS VALLEY WATER DISTRICT,

Cross-Complainant,

v.

ALL PERSONS WHO CLAIM A RIGHT TO EXTRACT GROUNDWATER IN THE

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

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

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.

SEARLES VALLEY MINERALS INC.,

Cross-Complainant,

v.

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

Cross-Defendants.

ORDER APPOINTING SPECIAL MASTER RE: PHASE 2 TRIAL

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

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

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

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

D. Pursuant to Code of Civil Procedure section 845(a~~)~~(4) and the Court's inherent authority, the Court is authorized 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.

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

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

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

1. Appointment of Special Master: The Court appoints _____ as special master ("Special Master") in this action.

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

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

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

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

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

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

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

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

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

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[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;

(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

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

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

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

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

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

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

(m) Before the Court issues its Proposed Statement of Decision, the Court will set a hearing on the Phase 2 Trial Parties' objections and/or responses to the Special Master's 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. <u>Schedule</u>:

(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 material 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~~sixty (60) 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 may notice and hold hearings, as he or she deems appropriate, to gather information or address issues raised in the objections to the draft report, by requesting a hearing as provided in Section 2(j)(ii) above. The Special Master shall consider the objections to the draft report and develop the Final Report that shall be filed with the court.

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

4. Special Master's Compensation:

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

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

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

(i) The City of Ridgecrest;

(ii) The Indian Wells Valley Groundwater Authority;

(iii) The Indian Wells Valley Water District;

(iv) Meadowbrook Dairy Real Estate, LLC, a California Limited Liability Company; Big Horn Fields, LLC, a California Limited Liability Company; Brown Road Fields LLC, a California Limited Liability Company; Highway 395 Fields, LLC, a California

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

Attachment "A"

Special Master Instructions

1. Instruction No. 1: The Parties' Opening Trial Briefs

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

2. Instruction No. 2: Examination of Witnesses

With one exception[2], each witness was first questioned by the side that asked the witness to testify. This is called direct examination. Then the other side was permitted to question the witness. This is called cross-examination. The attorneys' questions are not evidence. Only the witnesses' answers are evidence. The Special Master should not think that something is true just because an attorney's question suggested that it was true.

3. Instruction No. 3: Admitted Exhibits

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

4. Instruction No. 4: Demonstrative Exhibits

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

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

5. Instruction No. 5: Objections to Evidence

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

6. Instruction No. 6: Motion to Strike Testimony

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

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

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

(a) Exhibit No. 410: For the limited purpose of the witness' understanding of the referenced studies; not admitted for the truth of what the studies state.

(b) Exhibit No. 952: For the limited purpose of what was discussed at the meeting.

(c) Exhibit No. 962: For the limited purpose of what was discussed at the meeting.

(d) Exhibit No. 972: For the limited purpose that there were minutes taken for that meeting; not admitted for the truth of the matter asserted within the document.

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

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

9. Instruction No. 9: Deposition as Substantive Evidence

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

10. Instruction No. 10: Expert Witness Testimony

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

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

The law allows expert witnesses to be asked questions that are based on assumed facts. These are sometimes called "hypothetical questions." In determining the weight to give an expert's opinion that is based on assumed facts, the Special Master should consider whether the assumed facts are true. ~~In some instances, a party may have objected to a hypothetical question. If the Court sustained that objection, the Special Master must totally disregard that question and 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 '~~"Safe yield" means the condition of a groundwater basin when the total average annual groundwater extractions are equal to, or less than, the total average annual groundwater recharge, either naturally or artificially. "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.

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

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