

**Lines 1-6:  
Fill in the name and contact  
information of the cross-defendant(s)  
(i.e., the property owner or water  
cooperative). This is the same name  
and contact information you filled in  
on your Form Answer unless you have  
updated contact information that you  
want to provide.**

1 \_\_\_\_\_  
2 Name(s) of Cross-Defendant(s) or Attorney  
3 \_\_\_\_\_  
4 Mailing Address (Street or P.O. Box)  
5 \_\_\_\_\_  
6 Mailing Address (City, State, Zip Code)  
7 \_\_\_\_\_  
8 Phone Number  
9 \_\_\_\_\_  
10 Email Address

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

11 MOJAVE PISTACHIOS, LLC; et al.,  
12 Plaintiffs,  
13 v.  
14 INDIAN WELLS VALLEY WATER  
15 DISTRICT; et al.,  
16 Defendants.

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

Case No. 30-2021-01187275-CU-OR-CJC  
*[Related to: Case No. 30-2021-01187589-CU-  
WM-CXC; Case No. 30-2021-01188089-CU-  
WM-CXC; Case No. 30-2022-01239479-CU-  
MC-CJC; Case No. 30-2022-01239487-CU-  
MC-CJC; Case No. 30-2022-01249146-CU-  
MC-CJC]*  
Assigned For All Purposes To:  
The Honorable William Claster, Dept. CX104

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

Proposed Form for Voluntary Use  
Complaint Filed: November 19, 2019  
Phase 1 Trial Date: April 28, 2025

1 SEARLES VALLEY MINERALS INC.,  
2 Cross-Complainant,  
3  
4 v.  
5 ALL PERSONS WHO CLAIM A RIGHT  
6 TO EXTRACT GROUNDWATER IN THE  
7 INDIAN WELLS VALLEY  
8 GROUNDWATER BASIN NO. 6-54  
9 WHETHER BASED ON  
10 APPROPRIATION, OVERLYING RIGHT,  
11 OR OTHER BASIS OF RIGHT, AND/OR  
12 WHO CLAIM A RIGHT TO USE OF  
13 STORAGE SPACE IN THE BASIN; et al.,  
14  
15 Cross-Defendants.  
16  
17 AND RELATED CASES.  
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**Question 1:**  
**The same name and contact information that you filled in on Page 1.**

**Question 2:**  
**If you don't know how much water you pump, you can state that you don't know how much water you pump. If you don't have a meter on your well or any other way to measure how much water you use, you can state that you don't have a meter or any other means of measuring the amount of water you pump. If your property is vacant and you don't use any water on it, you can state that your property is vacant and you do not pump any water for use on your property. It is still helpful to know that no water is being pumped on property yet and that the owner may want to pump water in the future.**

**INITIAL DISCLOSURES**

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

(a) Name(s): \_\_\_\_\_

(b) Address: \_\_\_\_\_  
 \_\_\_\_\_

(c) Telephone Number: \_\_\_\_\_

(d) Email Address: \_\_\_\_\_

(e) Attorney (if applicable): \_\_\_\_\_

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

| Year | Amount of Groundwater Extracted | Method of Measurement |
|------|---------------------------------|-----------------------|
| 2020 |                                 |                       |
| 2019 |                                 |                       |
| 2018 |                                 |                       |
| 2017 |                                 |                       |
| 2016 |                                 |                       |

**Question 2 Continued:**

If you purchased the property after 2011 and do not have any records of water pumped before your purchase of the property, you can provide information for the years that you do know. For years in which you don't have any knowledge, you can state that you do not know and you can state why (e.g., I purchased the property in 2016).

**Question 3 Continued:**

If your property gets water from a well, you can state that you own property and claim a right to water through your ownership of your property.

If your property is vacant, you can still state that you claim a right to water through your ownership of your property.

In legalese, this is called an overlying right.

**Question 4:**

Question 4 is asking how you use the water you pump. For example, do you use water for a home/domestic use, to irrigate landscaping/garden, for crops, for ranch animals, etc.?

If your property is vacant, you can leave this blank or state that your property is vacant and you aren't using any water.

| Year | Amount of Groundwater Extracted | Method of Measurement |
|------|---------------------------------|-----------------------|
| 2015 |                                 |                       |
| 2014 |                                 |                       |
| 2013 |                                 |                       |
| 2012 |                                 |                       |
| 2011 |                                 |                       |

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

\_\_\_\_\_

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

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**Question 3:**

"A water right is legal permission to use a reasonable amount of water for a beneficial purpose." (Cal. State Wat. Res. Control Bd., Frequently Asked Questions, [https://www.waterboards.ca.gov/waterrights/board\\_info/faqs.html#toc178761079](https://www.waterboards.ca.gov/waterrights/board_info/faqs.html#toc178761079).) California law recognizes different kinds of rights to groundwater, including overlying, appropriative, and prescriptive rights, among others. An overlying right is a right to use groundwater under your property for reasonable and beneficial use on your property. An appropriative right is the right to take water from the ground for reasonable and beneficial use on property other than where it was pumped. A prescriptive right is a right that is acquired through adverse possession of someone else's water right similar to "squatter's rights" to land.

**Question 5:**  
Question 5 is asking where your well is located. You can provide the address for the property on which the well is located. If the property on which the well is located does not have an address, you can provide the County Assessor Parcel Number. You can also use geographic descriptors to indicate where on the property it is located (e.g., northeast corner).  
If your property is vacant, you can leave this question blank or state that your property is vacant and you are not using any water.

**Question 7:**  
Question 7 is asking whether, in the future, you anticipate using more water than you currently use each year, or whether you anticipate simply continuing your current use.  
If your property is vacant and you anticipate developing it in the future, you can state that the property is currently vacant but you anticipate developing it and needing water for your future use of the property.

**Question 8:**  
You can view the text of Water Code sections 1005.1, 1005.2, and 1005.4 at no cost through the California Legislature's website: <https://leginfo.legislature.ca.gov/faces/codes.xhtml>.

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

3 \_\_\_\_\_  
4 \_\_\_\_\_  
5 \_\_\_\_\_  
6 \_\_\_\_\_

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

10 \_\_\_\_\_  
11 \_\_\_\_\_  
12 \_\_\_\_\_  
13 \_\_\_\_\_

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

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18 \_\_\_\_\_  
19 \_\_\_\_\_  
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22 8. The quantity of any beneficial use of any alternative water use that the party  
23 claims as its use of groundwater under any applicable law, including, but not limited to, Section  
24 1005.1, 1005.2, or 1005.4 of the Water Code.

25 \_\_\_\_\_  
26 \_\_\_\_\_  
27 \_\_\_\_\_  
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**Question 6:**  
Question 6 is asking where you are using the groundwater you pump. If you are pumping water and using it on your property, you can give the address and/or County Assessor Parcel Number for your property.  
A water cooperative with multiple connections should identify the address and/or County Assessor Parcel Number for all properties connected to the well system.

**Question 8 Continued:**  
Question 8 is for (1) those using water imported from another groundwater basin or water conserved and saved in the Indian Wells Valley through a water conservation system without which such water would have wasted; and/or (2) those who have filed with the California State Water Resources Control Board a statement of reduction in the extraction of groundwater each year due to their use of alternate water.

**Question 9:**

**Question 9 is for those in the Indian Wells Valley, if any, who get water from somewhere other than the ground, such as an above-ground river, an above-ground creek, or a third party through a contract with that third party.**

**Question 10:**

**Question 10 is for those who import water from outside the Indian Wells Valley for use in the Indian Wells Valley or who have a system to manage recharge of surface water that serves to replenish groundwater in the Indian Wells Valley.**

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

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

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| Year | Quantity of Replenishment of Water to the Basin |
|------|---|
| 2020 |   |
| 2019 |   |
| 2018 |   |
| 2017 |   |
| 2016 |   |
| 2015 |   |

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**Question 11:**  
**Question 11 is asking for the name(s) and contact information for all persons with knowledge of the information you provided in response to the preceding questions. This would likely include you as the person completing the form. It could also include anyone else familiar with pumping and water use on your property, such as a spouse, partner, roommate, or, if you lease out your property, your tenant.**

| 1<br>2  | Year | Quantity of Replenishment of Water to the Basin |
|---------|------|---|
| 3<br>4  | 2014 |   |
| 5<br>6  | 2013 |   |
| 7<br>8  | 2012 |   |
| 9<br>10 | 2011 |   |

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

(a) Name: \_\_\_\_\_

(b) Address: \_\_\_\_\_

\_\_\_\_\_

(c) Telephone Number: \_\_\_\_\_

(d) Email Address: \_\_\_\_\_

\_\_\_\_\_

(a) Name: \_\_\_\_\_

(b) Address: \_\_\_\_\_

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(c) Telephone Number: \_\_\_\_\_

(d) Email Address: \_\_\_\_\_

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(a) Name: \_\_\_\_\_

(b) Address: \_\_\_\_\_

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(c) Telephone Number: \_\_\_\_\_

(d) Email Address: \_\_\_\_\_

(a) Name: \_\_\_\_\_

(b) Address: \_\_\_\_\_

\_\_\_\_\_

(c) Telephone Number: \_\_\_\_\_

(d) Email Address: \_\_\_\_\_

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

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Dated: \_\_\_\_\_, 2024

\_\_\_\_\_  
Signature of Cross-Defendant(s) or Attorney

\_\_\_\_\_  
Printed Name(s) of Cross-Defendant(s)

**Lines 16-19:  
Date, Sign, Print Your Name**

**Code of Civil Procedure section 842 provides, "A party shall make its initial disclosures based on the information then reasonable available to it." (Code Civ. Proc., § 842(c).) Section 842 further provides, "A party's disclosures under this section shall be verified under penalty of perjury as being true and correct to the best of the party's knowledge." (Code Civ. Proc., § 842(g).) This page (Verification) is designed to serve this purpose. By signing, you are indicating that you have completed the form truthfully and to the best of your knowledge.**

**VERIFICATION**

I have read the foregoing **INITIAL DISCLOSURES** and know its contents.

Select applicable:

I am a party to this action. The matters stated in the foregoing are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters, I believe them to be true.

I am \_\_\_\_\_ (Title) of \_\_\_\_\_  
(Names of Party/Parties), a party/parties to this action, I am authorized to make this verification for and on its/their behalf, and I make this verification for that reason. I am informed and believe and on that basis allege that the matters stated in the foregoing are true.

Executed at \_\_\_\_\_,  
(City) (State)

on \_\_\_\_\_, 2024.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

\_\_\_\_\_  
Signature(s) of Cross-Defendant(s) / Attorney

\_\_\_\_\_  
Printed Name(s) of Cross-Defendant(s)

Code of Civil Procedure section 842 requires that you serve all parties to the adjudication with a copy of your Initial Disclosures. However, the Indian Wells Valley Water District understands that the prospect of having to serve over 300 people, whether by email or mail, may be daunting. The Water District is offering to circulate completed Initial Disclosures forms. If you complete the form and send it to the Water District's attorneys, they will circulate to all other parties. To send a copy to the Water District's attorneys, you may email or mail it as follows:

[iwvgb@murphyvertz.com](mailto:iwvgb@murphyvertz.com)

Murphy & Evertz LLP  
650 Town Center Drive, Suite 550  
Costa Mesa, CA 92626  
Attn: Emily Madueno

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**PROOF OF SERVICE**

*Mojave Pistachios, LLC; et al. v. Indian Wells Valley Water District; et al.*

On \_\_\_\_\_, 2024, I served true copies of the following document(s) described as **VERIFIED INITIAL DISCLOSURES (Code of Civil Procedure section 842(a))** on the interested parties in this action as follows:

**PLEASE SEE SERVICE LIST**

**BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed above and deposited the envelope with the United States Postal Service in a sealed envelope with postage fully prepaid.

**BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of the document(s) to be sent from my e-mail address to the persons at the e-mail addresses listed in the Service List.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on \_\_\_\_\_, 2024, at \_\_\_\_\_,  
(City)

\_\_\_\_\_  
(State)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

If you prefer to serve your Initial Disclosures yourself, rather than having the Water District do so, you are welcome to do so. You can use this page (Proof of Service) to show that you sent your Initial Disclosures to all parties listed on the service list. The service list is located at pages 11 to 64 of the Sample Initial Disclosures Form. Most parties can be served a copy via email, though a dozen or so require service by U.S. Mail as indicated on the service list. You may contact the Water District's attorneys ([iwvgb@murphyvertz.com](mailto:iwvgb@murphyvertz.com); (714) 277-1750) to obtain two lists to assist you with service. One list contains the email addresses for those who may be served via email. The second list contains the mailing addresses of those requiring mail service.