



1 **MUSICK, PEELER & GARRETT LLP**

2 2801 Townsgate Road, Suite 200
3 Westlake Village, California 91361
4 Telephone (805) 418-3100
5 Facsimile (805) 418-3101

6 Gregory J. Patterson (State Bar No. 136665)
7 *g.patterson@musickpeeler.com*

8 Attorneys for The The Thacher School; Friend's Ranches, Inc.; Topa Topa Ranch & Nursery,
9 LLC; Finch Farms, LLC; Red Mountain Land & Farming, LLC; Thacher Creek Citrus, LLC; The
10 Finch Family Trust; James P. Finch; Robert Calder Davis, Jr.; Robert Calder Davis, Jr., TTEE of
11 Trust Owned Properties; Sharon H. Booth, Trustee of The Survivor's Trust Created Under
12 Declaration of Trust of Richard G. Booth and Sharon H. Booth Dated July 10, 1980; David Robert
13 Hamm; Ojai Oil Company; Ojai Valley School; Reeves Orchard, LLC and Ojai Valley Inn

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

15 **COUNTY OF LOS ANGELES**

16 **SANTA BARBARA CHANNELKEEPER, a**
17 **California non-profit organization**

18 **Petitioner,**

19 **vs.**

20 **STATE WATER RESOURCES CONTROL**
21 **BOARD, a California State Agency; CITY OF**
22 **SAN BUENAVENTURA, a California**
23 **municipal corporation, incorrectly named as**
24 **CITY OF BUENAVENTURA**

25 **Respondents.**

26 **CITY OF SAN BUENAVENTURA, a**
27 **California municipal corporation**

28 **Cross-Complainant**

vs.

DUNCAN ABBOTT, an individual, et al.

Cross-Defendants.

CASE No. 19STCP01176

[Assigned to Hon. William F Highberger]

TOPA TOPA RANCH AND NURSERY'S
INITIAL DISCLOSURE PURSUANT TO
CALIFORNIA CODE OF CIVIL
PROCEDURE SECTION 842

Action Filed:

September 19, 2014

Trial Date:

None Set

1 Cross-Defendant Topa Topa Ranch and Nursery ("Topa") provides its Initial Disclosure
2 pursuant to California Code of Civil Procedure section 842 as follows:

3 **DISCLOSURE NO. 1:**

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

6 **RESPONSE TO DISCLOSURE NO. 1:**

7 Topa Topa Ranch Company LLC
8 600 McAndrew Road
9 Ojai, CA 93023
10 805-646-1520; 661-670-9434
11 jmunzig@topa.com; seangelista@topa.com

12 Gregory J. Patterson
13 Musick, Peeler & Garrett LLP
14 2801 Townsgate Road, Suite 200
15 Westlake Village, CA 91361
16 805-418-3103
17 g.patterson@musickpeeler.com

18 **DISCLOSURE NO. 2:**

19 The quantity of any groundwater extracted from the basin by the party and the method of
20 measurement used by the party's predecessor in interest for each of the previous 10 years
21 preceding the filing of the Complaint.

22 **RESPONSE TO DISCLOSURE NO. 2:**

23 Reported to Ojai Basin Groundwater Management Agency via meter.

24 2020: 4.61 AF

25 2019: 4.86 AF

26 2018: 5.38 AF

27 2017: 5.65 AF

28 2016: 4.53 AF

2015: 6.5 AF

2014: 4.94 AF

2013: 2 AF

1 2012: 2.51

2 2011: 35.9 AF

3 **DISCLOSURE NO. 3:**

4 The type of water right or rights claimed by the party for the extraction of groundwater.

5 **RESPONSE TO DISCLOSURE NO. 3:**

6 Overlying water rights and senior riparian water rights to divert surface water.

7 **DISCLOSURE NO. 4:**

8 A general description of the purpose to which the groundwater has been put.

9 **RESPONSE TO DISCLOSURE NO. 4:**

10 Agricultural irrigation. Topa is the sight of the earliest plantings of oranges and avocados
11 in the early 1880s. There is approximately 367 acres, with approximately 218 acres planted in
12 citrus and avocados. Topa Topa consists of the following identified parcels:

13 APN 029-0-110-030

14 APN 029-0-110-090

15 APN 029-0-110-100

16 APN 029-0-110-110

17 APN 029-0-110-350

18 APN 029-0-110-370

19 APN 029-0-110-370

20 APN 030-0-010-080

21 APN 030-0-010-090

22 APN 030-0040-110

23 APN-030-0-040-265

24 APN-030-0-040-185

25 APN- 030-0-040-195

26 APN 030-0-040-215

27 APN 030-0-040-235

28 APN 030-0-180-055

1 APN 030-0-180-065.

2 **DISCLOSURE NO. 5:**

3 The location of each well or other source through which the groundwater has been
4 extracted.

5 **RESPONSE TO DISCLOSURE NO. 5:**

- 6 1) Horn Canyon – north of Thacher School on McAndrew Road between Reeves and
7 Grand; and
8 2) West of McAndrew Road between Reeves and Grand.

9 **DISCLOSURE NO. 6:**

10 The area in which the groundwater has been used.

11 **RESPONSE TO DISCLOSURE NO. 6:**

12 See Disclosure Number 4.

13 **DISCLOSURE NO. 7:**

14 Any claims for increased or future use of groundwater.

15 **RESPONSE TO DISCLOSURE NO. 7:**

16 None currently. Future water use may involve replanting of trees or changing agricultural
17 production to different crops which may require more water usage.

18 **DISCLOSURE NO. 8:**

19 The quantity of any beneficial use of any alternative water use that the party claims as its
20 use of groundwater under any applicable law, including, but not limited to, Section 1005.1,
21 1005.2, or 1005.4 of the Water Code.

22 **RESPONSE TO DISCLOSURE NO. 8:**

23 Not Applicable

24 **DISCLOSURE NO. 9:**

25 Identification of all surface water rights and contracts the party claims provides the basis
26 for its water right claims in the comprehensive adjudication.

27 **RESPONSE TO DISCLOSURE NO. 9:**

28 Senior Water rights for Horn Canyon have been adjudicated.

1 **DISCLOSURE NO. 10:**

2 The quantity of any replenishment of water to the basin that augmented the basin's native
3 water supply, resulting from the intentional storage of imported or non-native water in the basin,
4 managed recharge of surface water, or return flows resulting from the use of imported water or
5 non-native water on lands overlying the basin by the party, or the party's representative or agent,
6 during each of the 10 calendar years immediately preceding the filing of the Complaint.

7 **RESPONSE TO DISCLOSURE NO. 10:**

8 Not applicable

9 **DISCLOSURE NO. 11:**

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

12 **RESPONSE TO DISCLOSURE NO. 11:**

13 Judith Munzig
14 682 McAndrew Road
15 Ojai, CA 93023
16 Tel: 805-798-1725
17 Email: jmunzig@topa.com

18 Suzette Evangelista
19 21516 Birch Canyon Way
20 Santa Clarita, CA 91390
21 Tel: 661-670-9434
22 Email: sevangalista@topa.com

23 **DISCLOSURE NO. 12:**

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

25 **RESPONSE TO DISCLOSURE NO. 12:**

26 Water use mitigation -use of drip & micro sprinklers, use of mulch to maintain moisture;
27 utensiometers to determine moisture level prior to irrigation.

28 Topa owns Senior Canyon Mutual Water Company shares and receives water from Senior
Canyon. It also receives water from Casitas Municipal Water District. It is Topa Topa's position
that water received from Senior Canyon and Casitas is in lieu of pumping from its own wells or
diverting water and does not have any effect on its overlying and senior surface water rights.

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1 Topa makes this Initial Disclosure based on the information currently available to it. Topa
2 will amend this disclosure, if necessary, consistent with California Code of Civil Procedure
3 section 842(d) (1-3).

4 Topa is serving this Initial Disclosure electronically to all parties to the extent possible
5 pursuant to California Code of Civil Procedure section 842(e).

7 DATED: June 15, 2021

MUSICK, PEELER & GARRETT LLP

8
9 By: 
10 Gregory J. Patterson

11 Attorneys for The Thacher School; Friend's
12 Ranches, Inc.; Topa Topa Ranch & Nursery, LLC;
13 Finch Farms, LLC; Red Mountain Land &
14 Farming, LLC; Thacher Creek Citrus, LLC; The
15 Finch Family Trust; James P. Finch; Robert Calder
16 Davis, Jr.; Robert Calder Davis, Jr., TTEE of Trust
17 Owned Properties; Sharon H. Booth, Trustee of
18 The Survivor's Trust Created Under Declaration
19 of Trust of Richard G. Booth and Sharon H. Booth
20 Dated July 10, 1980; David Robert Hamm; Ojai
21 Oil Company; Ojai Valley School; Reeves
22 Orchard, LLC and Ojai Valley Inn
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VERIFICATION

STATE OF CALIFORNIA, COUNTY OF VENTURA

I have read the foregoing TOPA TOPA RANCH AND NURSERY'S INITIAL DISCLOSURE PURSUANT TO CALIFORNIA CODE OF CIVIL PROCEDURE SECTION 842 and know its contents.

I, Judy Munzig, as sole member of TOPA TOPA RANCH AND NURSERY, ^{LLC,} am authorized to make this verification on behalf of all TOPA TOPA RANCH AND NURSERY. I am informed and believe, and on that ground allege, that the matters stated in the foregoing document are true.

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

Executed on June 14, 2021 at Ojai, California.

Judy Munzig
Print Name of Signatory

Judete G. Munzig
Signature