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TO GOVERNMENT CODE SECTION 6103

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12 Attorneys for Defendant and Cross-Complainant  
13 CITY OF SAN BUENAVENTURA

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
15 COUNTY OF LOS ANGELES

16 SANTA BARBARA CHANNELKEEPER, a  
17 California non-profit corporation,

Case No. 19STCP01176

18 Petitioner,

Judge: Hon. William F. Highberger

19 v.

NOTICE OF RULING

20 STATE WATER RESOURCES CONTROL  
21 BOARD, et al,

Date: January 20, 2022

Time: 1:30 p.m.

Dept.: SS10

22 Respondents.

23 CITY OF SAN BUENAVENTURA, et al.,

Action Filed: Sept. 19, 2014

Trial Date: March 16, 2022

24 Cross-Complainant,

25 v.

26 DUNCAN ABBOTT, an individual, et al.,

27 Cross-Defendants.  
28

BEST BEST & KRIEGER LLP  
ATTORNEYS AT LAW  
655 WEST BROADWAY, 15TH FLOOR  
SAN DIEGO, CALIFORNIA 92101

NOTICE OF RULING

1  
2 On January 20, 2022, the parties appeared at hearings on (1) the Motion for Judgment on  
3 the Pleadings by City of Ojai, (2) the Motion for Judgment on the Pleadings by the Garrison  
4 Group, and (3) an Ex Parte Application to Continue Phase 1 Trial, the Honorable William F.  
5 Highberger, Judge presiding. The parties stated their appearances on the record and/or they are  
6 reflected on LA Court Connect records. The Court made the following orders and  
7 determinations:


- 8
- 9 1. The Court ordered the City of Ventura to provide notice to the parties that  
10 effective September 20, 2021, mandatory electronic filing took effect, and fax  
11 filing was no longer available to self-represented parties. Self-represented parties  
12 that cannot file electronically must file their papers in person or by mail at the 312  
13 North Spring Street Courthouse. Electronic service is also available using a third  
14 party Court-approved vendor. Using File & Serve Xpress does not constitute  
15 filing; it is only for service. The Court also reminded attorneys to deliver courtesy  
16 copies of filings.
  - 17
  - 18 2. The Court heard argument on the Motions for Judgment on the Pleadings filed by  
19 the City of Ojai and the Garrison Group and adopted its tentative rulings, attached  
20 hereto as Exhibit A, and as further set forth herein. The Court entered a minute  
21 order dated January 20, 2022, attached hereto as Exhibit B.
  - 22
  - 23 3. The Court denied the City of Ojai's Motion for Judgment on the Pleadings. The  
24 Court also denied the joinders by the East Ojai Group and Robert Martin in City of  
25 Ojai's Motion for Judgment on the Pleadings.
  - 26
  - 27 4. The Court denied the Garrison Group's Motion for Judgment on the Pleadings.
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5. The Court heard argument on an Ex Parte Application to Continue Phase 1 Trial. The Court continued Phase 1 Trial to March 16, 2022 at 8:30 a.m. for a 15-day trial.
6. The Court originally set trial readiness conferences for January 25, 2022 and January 27, 2022 but subsequently vacated them via the File & Serve Xpress message portal based on the agreement of the parties.
7. The hearings on Whitman’s (1) Statement re City Refusal to Produce Expert Documents/Material and (2) Motion for Judgment on the Pleadings, and joinders thereto, remain on calendar for February 8, 2022 at 3:00 p.m.

Dated: February 1, 2022

BEST BEST & KRIEGER LLP

By:   
SHAWN D. HAGERTY  
CHRISTOPHER M. PISANO  
SARAH CHRISTOPHER FOLEY  
PATRICK D. SKAHAN  
Attorneys for Defendant and Cross-Complainant  
CITY OF SAN BUENAVENTURA

# EXHIBIT A



**19STCP0117 Santa Barbara Channelkeeper v. State Water Resources Control Board**

**January 18, 2022 Tentative Rulings**

**Note:** While Claude and Patricia Baggerly served a Joinder as to the Whitman et al. Motion for Judgment on the Pleadings on December 20, 2021, the Court has no record it having been filed. Therefore, there is no need to rule on its merits.

**Court’s Preliminary Comment for Non-Lawyers as to Nature of “Motions for Judgment on the Pleadings.”**

In the Anglo-American legal system, which controls my actions, there is a sharp distinction between questions of law and questions of fact. A simple example of a question of fact is: Who ran the red light when a car collision occurred? Another example is: Are the waters in the Upper Ojai Groundwater Basin connected to the flows of the San Antonio Creek (and thus the Ventura River) to any material degree? An example of a simple and obvious question of law is: Does the California Environmental Quality Act statute, Public Resources Code §§ 21000 *et seq.* (“CEQA”) apply to a court adjudication of a groundwater basin dispute? Another example would be: Does a bystander have to go help an injured person in her/his presence?

The motions discussed below before the Court on January 18 are all Motions for Judgment on the Pleadings, which can only obtain victory (i.e., a grant of the motion) if the law is clear that there can be no legal merit to the claim. Any arguments which are premised on the theory that “you are wrong on the facts” cannot leverage a victory when the motion before the Court is a Motion for Judgment on the Pleadings. In the context of such motions, the Court is NOT allowed to consider competing presentations of the arguably relevant facts to obtain a just result.

If a given Complaint or Cross-Complaint claims facts to exist which are actually absent and not debatable, the correct method of legal attack is for the Defendant—or, as here, Cross-Defendant(s)—to make a Motion for Summary Judgment or for Summary Adjudication pursuant to the procedural requirements of C.C.P. § 437c, which include extended notice before the motion can be heard and use of a Separate Statement of Undisputed Material Facts to frame the factual contentions. It is undisputed that the motions before the Court today are not made under C.C.P. § 437c, so the Court has to accept as true, for purposes of legal analysis, the factual claims set forth in the operative Third Amended Cross-Complaint (“TACC”) filed by the City of San Buenaventura (hereafter simply “Ventura City”).

The American legal system does have a process to resolve competing presentations as to what the true, relevant facts are which should control the outcome (assuming there is a *bona fide* dispute as to what the true facts are), and that has a simple name: “Trial.” The word “Trial,” in common parlance, suggests an ordeal, and that is a fair characterization of a trial in court (with or without a jury).

The papers for today’s hearing presage some interesting arguments about Pueblo Rights to water and similar issues, but the pending motions do not allow this Court to adjudicate the merits of this claim, particularly as to whether the San Buenaventura Mission (and thus the civil government for the same locality thereafter) was able to secure senior water rights through the

Treaty of Guadalupe Hidalgo. Whether this is a pure legal question or not, the current record before the Court does not allow an adjudication of this issue. If the Cross-Defendants think that this is a bogus claim by Ventura City, feel free to make an appropriate motion(s) under C.C.P. §§ 128.7, 437c, or other appropriate provisions.

This Court is acutely aware of the importance of this case to the residents of the Ventura River watershed. While I am not a resident of the County, I have ridden on State Route 33 north of Ojai and appreciate the unique resources of this portion of the County.

The Court has previously offered to hold court sessions in Ventura County at such locations as are available (most likely in the Simi Valley Courthouse) if people desire to have in-person court appearances despite the current COVID-19 Restrictions.

**Court's Second Preliminary Comment, for Lawyers and Others, as to Motions for Judgment on the Pleadings Which Do Not Fully Dispose of a Cause of Action and Another Defect:**

The Garrison Group Motion and Whitman Group Motion are technically subject to attack because, as framed, they would not entirely dispose of any specific cause of action. The Garrison Group Motion is brought as to each of the nine causes of action, and the Whitman Motion is only brought as to the sixth cause of action, which invokes the Comprehensive Groundwater Adjudication Statute ("CGAS"), C.C.P. § 830 *et seq.*

However, as noted by Ventura City in the respective Oppositions, each of those two motions is premised on the (factual) assumption that the Ojai and Upper Ojai groundwater basins are not actually connected to the flows in the Ventura River and presumably also not connected to the condition of the Upper and Lower Ventura River groundwater basins. For this technical reason, they do not set up a legal theory why the entirety of each cause of action would fail since the Motions do not suggest any theory under which the TACC would be legally deficient to adjudicate those issues, which are wrapped up into each of the challenged causes of action. While this argument has technical merit, the Court prefers to move to the merits of the legal argument since the outcome is the same. Cross-Defendants fail today on their legal theory, but this is no dramatic foreshadowing of how a trial of contested facts will resolve.

Finally, it appears clear that the Whitman Motion was filed without compliance with C.C.P. § 439(a)(4), which is regrettable and unprofessional, but not a sufficient basis to deny the motion.

**Court's Third Preliminary Comment, for Lawyers and Others, as to Significance of Law of the Case:**

As previously noted in prior court sessions, this case, filed in 2014, is older than the CGAS, passed in 2015 and effective January 1, 2016. Notably, after the trial judge in San Francisco Superior Court threw out Ventura City's first attempt to rope in other water users in this litigation, Ventura City appealed and got that first ruling reversed. At that time a small number of large consumptive users had been named, not including City of Ojai, the Garrison Group Motion parties, or the Whitman Motion parties. So the parties to today's motion are correct that for due process reasons (i.e., they did not have their "day in court" when the first appeal was

resolved), they are not bound to that outcome as a matter of *res judicata* (the legal term for: “You’re stuck with the outcome of your first case against the same adversary on the same issue.”) That sounds encouraging, but it is not really much comfort because a published appellate decision, as here in *Santa Barbara Channelkeeper v. City of San Buenaventura* (2018) 19 Cal.App.5th 1176, represents a statement of legal concepts which all California Superior Courts must follow when a same or similar legal question is presented under the rule stated in *Auto Equity Sales, Inc. v. Superior Court* (1962) 57 Cal.2d 450.

The reason for this most basic and necessary rule of law is to ensure consistent outcomes in cases when the factual situation is the same or similar. Here, of course, this continuing litigation involves the very same underlying facts (including alleged facts) as were relevant when *Santa Barbara Channelkeeper* was decided in 2018 (based on alleged facts, not proven facts), so this Court must recognize and follow the legal logic of that decision (e.g., that the hypothetical connectedness of surface flows to groundwater basins is a sufficient reason to bring in such parties as cross-defendants) and to then apply that legal holding to newly joined parties who were not yet in the case in 2018. A key portion of that ruling is set forth in the following quote:

Because of how Channelkeeper has framed its Complaint, the court cannot completely ignore the activities of competing water users. We reach this conclusion not because of the legal theory Channelkeeper employs—our Constitution’s article X, section 2 rule of reasonableness—but because of the facts that Channelkeeper deploys (or fails to deploy) in support of its claim. The Complaint alleges that the City’s water use is unreasonable because it results in insufficient flow in reaches 3 and 4 of the river during summer months. This is Channelkeeper’s sole allegation as to what is unreasonable about the City’s water use. The Complaint does not allege that the City uses water unreasonably because the City consumes much more water than do similarly situated cities. The Complaint does not allege that City water users engage in inherently wasteful practices, akin to the drowning of gophers by winter irrigation (see *Tulare, supra*, 3 Cal.2d at p. 568), or the use of a stream as an agent for delivering suspended sand and gravel (see *Joslin, supra*, 67 Cal.2d at pp. 134–135, 140–141). The Complaint also does not allege that competing water users can be ignored because they take only de minimis amounts of water, or because they divert and pump in a manner that does not affect the flow in reaches 3 and 4. Finally, the Complaint does not allege that the City’s water rights are junior to those of all other entities who pump and divert water in the watershed so that, under the rule of priority governing water allocations, the City must be first to forgo its share if more water must be left in the river for public trust purposes. There is, in short, no basis in the facts surrounding the cause of action against the City for limiting the “transaction” at issue to the City’s water use alone.

Instead, the transaction must be defined to include any diversion and pumping of water that leads to allegedly insufficient flow in reaches 3 and 4 of the river in summer months. This “transaction” is the wrongdoing of which Channelkeeper complains, generalized to include all entities potentially responsible for it.

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In order to avoid the same error in this case [as in *El Dorado Irrigation District v. SWRCB* (2006) 142 Cal.App.4th 937, 961], the City must be allowed to proceed with its Cross-Complaint. Whether or to what extent the Cross-Defendants' water rights are junior to the City's is not apparent from the pleadings, but Channelkeeper has alleged that the City's right to divert water from the river was first put in use in 1870 so its rights may be senior to some of Cross-Defendants' rights. On the logic of *El Dorado*, the City is entitled to bring these water users into the case so that the trial court can determine whether (at least) junior appropriators should share in any obligation to leave more water in the river during the summer months. The participation in the case of Cross-Defendants whose rights are senior to the City's is also proper. To the extent senior water users are using water in an amount or manner that is unreasonable, they may not take this water, even where vested water rights would otherwise allow it. (*United States*, 182 Cal.App.3d at p. 129.) And, as *El Dorado* points out, if a rights holder such as the City must forgo water to which it otherwise is entitled in order to leave sufficient waterflow in the river to promote public trust interests, that water only serves its purpose if others are prevented from withdrawing it. (*El Dorado, supra*, 142 Cal.App.4th at p. 970.) Including other water users as parties to the action ensures that they, too, are bound by its outcome.

This clearly supports Ventura City's effort to use its TACC to adjudicate whether current uses of the groundwater in the several basins and in the course of the Ventura River and its tributaries by the various takers is "reasonable" within the meaning of our State Constitution. This trial court is powerless to reject the teaching of the Court of Appeal on this point. All litigants before this Court likewise must accept the binding effect of prior precedent under the rule of *stare decisis* whether they were themselves litigants in the case at the time that the precedent decision was issued.

#### **Motion for Judgment on the Pleadings by City of Ojai: Denied**

C.C.P. § 17(a) provides for purposes of statutory interpretation of all C.C.P. sections that: "The singular number includes the plural and the plural number includes the singular." Ojai's reliance on the singular term "a basin" in C.C.P. §§ 832(c), 834(a), and 841(a) is of no persuasive value.

C.C.P. § 849(a) provides that: "The court shall have the authority and the duty to impose a physical solution on the parties in a comprehensive adjudication where necessary and consistent with Article 2 of Section X [*sic*] of the California Constitution." This in turn incorporates the substantive common-law principles by which groundwater has been adjudicated before the adoption of the CGAS in 2015, effective January 1, 2016. The streamlined (sort of) procedures by which in rem jurisdiction can be obtained via mailed service of a court-approved notice and associated papers to overlying landowners stands as an alternative to the prior common-law techniques used to establish jurisdiction; they were not a wholesale revocation of the common-law or State Constitution (nor could they be as to the Constitution).<sup>1</sup> That being said, it is true

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<sup>1</sup> As noted by Ventura City in its Opposition to Whitman Motion at pg. 18, ll. 18-27, the one change to the common-law expressly included in CGAS is the provision at C.C.P. § 830(b)(7) importing the principles stated in *In re Waters of Long Valley Creek Stream System* (1979) 25 Cal.3d allowing adjudication of unexercised riparian rights to the context of groundwater adjudications, the specific subject of CGAS. The statute had the effect of reversing the holding in *Wright v. Goleta Water District* (1986) 174 Cal.App.3d 74, 87, where a court declined to adjudicate unexercised groundwater rights, distinguishing *Long Valley Creek Stream System* as limited to riparian disputes.



that the only basis on which in rem jurisdiction over the groundwater basins in this case has been obtained is by use of the processes set forth in CGAS at §§ 836–837 so the limitations, if any, of CGAS apply to adjudication of the in rem portion of this case. They do not, however, apply to claims in Ventura City’s cross-complaint against riparian landowners since they were named and served with conventional summons-and-complaint forms of process.

What is clear from the quoted language of the CGAS is that prior common law doctrines and interpretations of section 2 of Article X of the state Constitution, particularly pre-CGAS decisions such as *Santa Barbara Channelkeeper*, have continuing vitality for the merits adjudication of this case, and prior examples of common-law adjudications of multiple basins still stand as relevant precedents for how this Court should proceed.

The Court agrees with Ventura River Water District and Meiners Oaks Water District that eventual factual adjudications on correlative rights will need to be done on a basin-by-basin analysis where correlative rights can be equitably determined and that all four basins are not slopped together in one big pool.

The CGAS shows a desire for the court and the litigants to cooperate with any groundwater sustainability agency, such as Ojai Basin Groundwater Management Agency (“OBGMA”), in provisions such as C.C.P. §§ 830(b)(4), 835(a), 836.5(a)(3), and 837(a), but that does not mean that OBGMA has exclusive jurisdiction. The Sustainable Groundwater Management Act expressly contemplates that court proceedings will occur in tandem with the development of a sustainability plan by the specific agency charged with this task for a given basin, but the very fact that this provision exists shows that an uncompleted sustainability plan does not act as a stay on court proceedings. Rather, Water Code § 10737.2 simply advises this court to “manage the proceedings in a manner that minimizes interference with the timely completion and implementation of a groundwater sustainability plan, avoids redundancy and unnecessary costs . . .” That does not suggest a full stay of the court proceedings simply because the assigned agency has not completed its plan. It is already clear to this Court that whatever physical solution is adopted by compromise or contest, that physical solution will be subject to change and evolution based on future conditions, which can include adjustments based on inputs from the OBGMA and/or state agencies such as the Department of Water Resources for good cause shown.

**Joinder<sup>2</sup> by East Ojai Group in City of Ojai Motion: Denied on merits**

**Motion for Judgment on the Pleadings by Andren, Bliss et al. (“Garrison Group Motion”): Denied**

The Garrison Group parties are correct that CEQA can have some relevance to the actions of Ventura City when it permits new subdivisions, commercial projects and other real estate subdivisions and improvements. It is a relevant consideration under CEQA whether a new project would overstretch existing infrastructure, such as sewer or domestic water supply. *See Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40

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<sup>2</sup>Due to a design flaw in the Court’s electronic filing system, there is no way to enter an intended Joinder with the legally correct term. Instead, a workaround requires court staff to re-title it as a stand-alone motion with the Joinder reference buried deep in the text.

Cal.4th 412, 431-32; *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 373-74. The standing rules allow interested parties to bring a CEQA action against a covered agency if the pre-approval analysis ignores or gives short shrift to these concerns without a need for showing direct personal harm. *National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419, 424-25, 431 n.11.

The disconnect here is that the Superior Court, in its capacity as an adjudicating authority of a groundwater or surface water dispute (or, as here, a combined dispute), is not a public agency subject to CEQA. *See* Public Resources Code § 21063; 14 Cal. Code. Reg. § 15379. So parties who feel that Ventura City is permitting inappropriate or excessive development without fair consideration of the environmental impact on scarce resources, such as domestic water, should timely file CEQA challenges to permitting and subdivision actions by Ventura City. CEQA is not, however, a bar to this Court's proceeding with this case because this court is not a covered entity subject to CEQA.

The Garrison Group also argues that the action is one in eminent domain and there has been no compliance with the Takings Clause requirements of the Fifth and Fourteenth Amendments. While the right to pump groundwater is a property right protected by the Takings Clause, *see United States v. State Water Resources Control Board* (1986) 182 Cal.App.3d 82, 101, an adjudication of water rights only implicates Constitutional protections when it deprives an individual of a property right. *See Central Basin Municipal Water District v. Fossette* (1965) 235 Cal.App.2d 689, 698. Cross-Defendants have not pointed to any portion of the TACC that would serve to deprive them of any water rights they may hold. Ventura is seeking "a judicial determination of rights to all water within the Ventura River Watershed[.]" TACC, ¶ 1. This is a determination of existing rights, not a reallocation of rights. Existing rights are now and have at all material times been subject to the limitations on reasonable usage created by section 2 of Article X of the state Constitution and the common-law thereunder.

Insofar as this motion is premised on factual arguments based on the testimony of Jordan Kear, see the Preliminary Comments for why this does not work at this time.

The motion does include a pointed observation that Ventura City should undertake the needed actions to commence work on aqueduct/pipeline improvements which would allow the city to exercise long-standing rights to a share of imported water from the California State Water Project. Given the high value of these unexercised rights to resolution of the water scarcity problem in this part of Ventura County, it is passing strange that so little attention has been paid to this possible physical solution.

**Motion for Judgment on the Pleadings by Andrew Whitman et al. ("Whitman Motion"):  
Denied**

See Preliminary Comments for why this fact-based argument does not work in the context of the motion filed. See also n. 1, *supra*.

**Joinder by Dale Givner et al. in Whitman et al. Motion: Denied as not timely filed (filed Dec. 29, 2021)**

**Joinder by Robert Martin in Whitman et al. Motion: Denied as not timely filed** (filed Jan. 11, 2022)

**Ex Parte to Continue February 14, 2022 Trial:** No tentative

**Order to Show Cause re Allowing Andrew Whitman Access to Ventura City's Computerized Water Model:** There appears to be no real disagreement based on the most recent filings.

# EXHIBIT B

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Civil Division**

Central District, Spring Street Courthouse, Department 10

**19STCP01176**

January 20, 2022

**SANTA BARBARA CHANNELKEEPER vs STATE WATER**

1:30 PM

**RESOURCES CONTROL BOARD, et al.**

Judge: Honorable William F. Highberger

CSR: Jessica Cabello #12646

Judicial Assistant: A. Lim

ERM: None

Courtroom Assistant: R. Sanchez

Deputy Sheriff: None

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**APPEARANCES:**

For Plaintiff(s): No Appearances

For Defendant(s): Shawn David Hagerty; Christopher Mark Pisano

Other Appearance Notes: Holly Jacobson appearing in Person

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**NATURE OF PROCEEDINGS:** Hearing on Ex Parte Application to Continue Trial by The Thacher School; Friend's Ranches Inc; Topa Ranch & Nursery LLC;; Finch Farms LLC; Red Mountain Land & Farming LLC; Thacher Creek Citrus LLC; (see motion for additional parties); Hearing - Other JOINDER by Casitas Municipal Water District in Ex Parte Request to Continue Trial Date and all related deadlines by East Ojai Group; Hearing - Other JOINDER by Dale Givner in Motion for Judgment on the Pleadings by Andrew Whitman; Hearing - Other JOINDER by East Ojai Group in Motion for Judgment on the Pleadings by City of Ojai; Hearing - Other JOINDER by Robert Martin in Motion for Judgment on the Pleadings by City of Ojai; Hearing on Motion for Judgment on the Pleadings by Andrew K. Whitman, Nancy L.. Whitman, and John R. and Nancy L. Whitman Family Trust; Hearing on Motion for Judgment on the Pleadings by Bob Andren; Loa E. Bliss and David A. Gilbert, Trustees of The Loa E. Bliss 2006 Revocable Trust; DeWayne Boccali; Emily V. Brown; Carty Ojai LLC; Steven Norman Feig and Maria Olympia Feig, Trustees of..... [see motion for additional parties]; Hearing on Motion for Judgment on the Pleadings by City of Ojai; Hearing on Motion for Summary Judgment; Order to Show Cause Re: To Allow Andrew Whitman Access to the Same Model

The Order Appointing Court Approved Reporter as Official Reporter Pro Tempore is signed and filed this date. Jessica Cabello

The matter is called for hearing.

Pursuant to the request of moving party, the Hearing - Other JOINDER by Dale Givner in Motion for Judgment on the Pleadings by Andrew Whitman scheduled for 01/20/2022, Hearing on Motion for Judgment on the Pleadings by Andrew K. Whitman, Nancy L.. Whitman, and John R. and Nancy L. Whitman Family Trust scheduled for 01/20/2022, and Order to Show Cause Re: To Allow Andrew Whitman Access to the Same Model scheduled for 01/20/2022 are advanced to this date and continued to 02/08/22 at 03:00 PM in Department 10 at Spring Street Courthouse.

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Civil Division**

Central District, Spring Street Courthouse, Department 10

**19STCP01176**

January 20, 2022

**SANTA BARBARA CHANNELKEEPER vs STATE WATER**

1:30 PM

**RESOURCES CONTROL BOARD, et al.**

Judge: Honorable William F. Highberger

CSR: Jessica Cabello #12646

Judicial Assistant: A. Lim

ERM: None

Courtroom Assistant: R. Sanchez

Deputy Sheriff: None

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On the Court's own motion, the Hearing on Motion for Summary Judgment scheduled for 01/20/2022 is advanced to this date and vacated . Motion for Summary Judgment was reserved for 01/21/22. The Court notes no moving papers were filed. The matter is taken off calendar.

The above-entitled motions/joiners are heard and argued. The Court Denies City of Ojai and Joiners for the reasons stated on the tentative. The Court modifies tentative only adding a citation of two (2) cases cited by Mr. Haggerty. Garrison's group and Robert Martin's motion/joiner are denied.

The above-entitled ex parte application and joinder are heard and argued. Pursuant to the request of moving party, the Non-Jury Trial Phase I scheduled for 02/14/2022 is advanced to this date and continued to 03/16/22 at 08:30 AM in Department 10 at Spring Street Courthouse.

Further Status Conference is scheduled for 01/25/22 at 01:30 PM in Department 10 at Spring Street Courthouse.

Further Status Conference is scheduled for 01/27/22 at 01:30 PM in Department 10 at Spring Street Courthouse.

Counsel for City of Buenaventura is ordered to give notice.

**ADDITIONAL APPEARANCES FROM ABOVE:**

Peter Duchesneau for Aera Energy, LLC

Ha Chung for AGR Breeding, Inc.

Brian E. Moskal for Baldwin Ranch, LLC

Noah Goden Krasner for California Department of Fish & Wildlife

Sophie Wenzlau for California Department of Parks and Recreation

Jeremy Jungreis for Casitas Municipal Water District

Neal Maguire for Rancho Matilija Mutual Water Company

Scott Slater for Santa Barbara Channelkeeper

Adam Kear for Senior Canyon Mutual Water Company

Peter Candy for Senior Canyon Mutual Water Company

Marc N. Melnick for State Water Resources Control Board

Gregory Patterson for The Thacher School

Nathan Metcalf for Ventura County Watershed Protection District

Jeanne M. Zolezzi for Ventura River County Water District

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Civil Division**

Central District, Spring Street Courthouse, Department 10

**19STCP01176**

January 20, 2022

**SANTA BARBARA CHANNELKEEPER vs STATE WATER**

1:30 PM

**RESOURCES CONTROL BOARD, et al.**

Judge: Honorable William F. Highberger

CSR: Jessica Cabello #12646

Judicial Assistant: A. Lim

ERM: None

Courtroom Assistant: R. Sanchez

Deputy Sheriff: None

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Brad Herrema for Wood-Claeyssens Foundation

Claude R. Baggerly

Laura R. Schreiner

Loa E. Bliss

Ryan Blatz for Oscar Acosta

Gregg Scott Garrison for Rosanna Garrison

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PROOF OF SERVICE

I am a resident of the State of California and over the age of eighteen years, and not a party to the action herein; my business address is Best Best & Krieger LLP, 2001 N. Main Street, Suite 390, Walnut Creek, CA 94596. On February 1, 2022, I served the following document(s):

**NOTICE OF RULING (JANUARY 20, 2022 HEARING)**

- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Walnut Creek, California addressed as set forth below. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business.
- I caused such envelope to be delivered via overnight delivery. Such envelope was deposited for delivery by United Parcel Service following the firm's ordinary business practices.
- by transmission via **E-Service to File & ServeXpress** to the person(s) set forth below. Local Rules of Court 2.10 (P).
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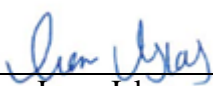
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I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on February 1, 2022 at Walnut Creek, California

  
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