

1 Gregg S. Garrison (SBN 141653)
2 Email: gsgarrison@garrisonlawcorp.com
3 Garrison Law Corporation
4 12986 MacDonald Avenue
5 Ojai, CA 93023
6 Telephone: (650) 726-1111
7 Fax: (805) 669-3168

8 Attorneys for the Undersigned and Cross-defendants, Gregg Garrison and Rosanna Garrison

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

SANTA BARBARA CHANNELKEEPER,
a California non-profit corporation,
Petitioner,
v.

Case No. 19STCP01176

Judge: Honorable William F. Highberger

VERIFIED INITIAL DISCLOSURES

STATE WATER RESOURCES CONTROL
BOARD, a California State Agency;
CITY OF SAN BUENAVENTURA,
a California municipal corporation,
incorrectly named as CITY OF
SAN BUENAVENTURA,

Action Filed: Sept. 19, 2014

Respondents.

CITY OF SAN BUENAVENTURA, a
California municipal corporation,
Cross-Complainant

v.

DUNCAN ABBOTT, an individual, et al.
Cross-Defendants.

INITIAL DISCLOSURES – CODE OF CIVIL PROCEDURE SECTION 842(a)

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

(a) Name: Rosanna Garrison and Gregg Garrison

(b) Address: 12986 MacDonald Drive Ojai, CA 93023

1 (c) Phone Number: 805.857.9200

2 (d) Email Address: RosannaGarrison@gmail.com

3 (e) Attorney (if applicable): Gregg Garrison, Esquire

4
5 2. The quantity of any groundwater extracted from the basin by the party and the
6 method of measurement used by the party or the party's predecessor in interest for each of
7 the previous 10 years preceding the filing of the complaint.

8 N/A. Well permitted in process, no historical usage. Record ID 2021036 for Parcel
9 Number 0110250135. Ventura County Public Works Agency Watershed Protection District.
10 The groundwater and surface water rights and use of the Ventura River are of the owners'
11 Property. Our Property borders the Ventura River on the east side.

12
13 3. The type of water right or rights claimed by the party for the extraction of
14 groundwater.

15 Any and all water and water rights, water uses, riparian or otherwise appurtenant to
16 said property as per Property Deed. Water rights and uses should be traced back to Rancho
17 Matilija. Record ID 2021036 for Parcel Number 0110250135. The groundwater and surface
18 water rights and use of the Ventura River are of the owners' Property. Our Property borders
19 the Ventura River on the east side.

20
21 4. A general description of the purpose to which the groundwater has been put.

22 Record ID 2021036 for Parcel Number 0110250135 is for residential use,
23 agricultural use and fire suppression, prevention and protection. The groundwater and
24 surface water rights and use of the Ventura River are of the owners' Property. Our Property
25 borders the Ventura River on the east side.

26
27 5. The location of each well or other source through which groundwater has been
28 extracted.

1 Well permitted in process, no historical usage. Record ID 2021036 for Parcel
2 Number 0110250135. Ventura County Public Works Agency Watershed Protection District.
3 The groundwater and surface water rights and use of the Ventura River are of the owners'
4 Property. Our Property borders the Ventura River on the east side.
5

6 6. The area in which the groundwater has been used.

7 Record ID 2021036 for Parcel Number 0110250135. Ventura County Public Works
8 Agency Watershed Protection District. The groundwater and surface water rights and use of
9 the Ventura River are of the owners' Property. Our Property borders the Ventura River on
10 the east side.
11

12 7. Any claims for increased or future use of groundwater.

13 Record ID 2021036 for Parcel Number 0110250135. Groundwater and surface water
14 rights and use will be for residential use, agricultural use and suppression, prevention and
15 fire protection. Residential use of groundwater and surface water could increase due to
16 increased water needs related to environmental conditions. Fire prevention and protection
17 use are linked to threatening wildfires and cannot be predicted. In any case, we plan 5 (five)
18 plus acre feet per year of the groundwater extraction. Ventura County Public Works Agency
19 Watershed Protection District.
20

21 8. Identification of all surface water rights and contracts that the party claims
22 provides the basis for its water right claims in the comprehensive adjudication.

23 Any and all water, and water rights, water use, riparian or otherwise appurtenant to
24 said property as per Property Deed. Water rights and use should be traced back to Rancho
25 Matilija. Record ID 2021036 for Parcel Number 0110250135. The groundwater and surface
26 water rights and use of the Ventura River are of the owners' Property including and to the
27 Ventura River. Our Property borders the Ventura River on the east side.
28

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

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

(a) Name: **Ventura County Public Works Agency Watershed Protection District**

(b) Address: 800 South Victoria Avenue, Ventura, CA, 93009

(c) Phone Number: 805.654.2018

(d) Email Address:

(a) Name: **Ojai Valley Land Conservancy**

(b) Address: 370 Baldwin Road Bldg A4 Ojai, CA 93023

(c) Phone Number: 805.649.6852

(d) Email Address:

(a) Name: **Ventura County Fire Department**

(b) Address: 165 Durley Avenue

(c) Phone Number: 805.389.9710

(d) Email Address:

(a) Name: **Casitas Municipal Water District**

(b) Address: 1055 N. Ventura Ave. Oak View, CA 93022

(c) Phone Number: 805.649.2251

(d) Email Address:

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

The groundwater and surface water rights and use of the Ventura River are of the owners' Property. Our Property borders the Ventura River on the east side. The groundwater rights and use will be of the owner's Property including and to the Ventura River. Ventura County Public Works Agency Watershed Protection District. On a yearly basis, our land receives and infiltrates into the ground back into the watershed more rain water than we use.

1 The historic, current and future water rights and uses may be beyond the Property's
2 owners Property as directed by the firefighting crews and Fire Marshall during and
3 suppression, protecting and preventing the spread of the Thomas Wildfire and by
4 subsequent agreement and meetings with the Casitas Water District and firefighting
5 representatives in on-site meetings and agreements for past, current and future fire
6 prevention, protection and suppression. See EXHIBIT A. Letter from Property owners dated
7 and served on the Casitas Water District and its Directors May 7, 2021.
8

9
10 DATED: June 4, 2021

11
12 Respectfully submitted,

13 The Undersigned and Cross-Defendants Gregg Garrison and Rosanna Garrison

14 By: Gregg Garrison Date: June 4, 2021

15 Gregg Garrison
16 Email: gsgarrison@gmail.com
17 Phone: (805) 857-9300

18 By: Rosanna Garrison Date: June 4, 2021
19 Rosanna Garrison
20 Email: rosannagarrison@gmail.com
21 Phone: (805) 857-9200

22 Property and Mailing Address:
23 Rancho Matilija
24 12986 MacDonald Drive
25 Ojai, CA 93023
26 Parcel No.: APN 011-0-250-135

27 ATTORNEY INFORMATION

28 By: Gregg Garrison Date: June 4, 2021
The Undersigned's Attorneys
GARRISON LAW CORPORATION
Gregg S. Garrison

Gregg S. Garrison (SBN 141653)

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

VERIFICATION

I have read the foregoing INITIAL DISCLOSURE and know its contents.

XX I am a party to this action. The matters stated in it 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 _____ of _____, a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I have read the foregoing document(s). I am informed and believe and on that ground allege that the matters stated in it are true.

I am one of the attorneys of record for _____, a party to this action. Such party is absent from the county in which I have my office, and I make this verification for and on behalf of that party for that reason. I have read the foregoing document(s). I am informed and believe and on that ground allege that the matters stated in it are true.

Executed at Ojai, California on June 4, 2021.

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

Gregg Garrison and Rosanna Garrison

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

Exhibit A

May 7, 2021 Letter to the Casitas Water District Board of Directors

GARRISON LAW CORPORATION

Gregg S. and Rosanna Garrison
12986 MacDonald Drive
Ojai, California 93023
(805) 857-9200
Email: rosannagarrison@gmail.com
Facsimile: (805) 669-3168

Transmission via facsimile (805) 649-4485

May 7, 2021

Directors Brennan, Cole, Kaiser & Hajas
Casitas Water District
1055 Ventura Ave. Oak View, CA 93022
Phone: (805) 649-2251
Fax: (805) 649-4485

**RE: REQUEST FOR ABATEMENT OF PENALTIES, REIMBURSEMENT FOR
EXPENSES and FORGIVENES OF PAST DUE AMOUNT due to the Thomas Fire
Incident for**

SERVICE ADDRESS: 12986 MacDonald Drive Ojai, California
ACCOUNT NUMBER: 32-36471-01

Casitas Water District Board of Directors:

This letter renews our previous requests for abatement of penalties in our residential water bill for services at 12986 MacDonald Drive, Ojai, 93023. This is a follow-up to our request for abatement of penalties filed March 2020 and our abatement of penalties and water charges request we filed after the Thomas Fire in early 2018. This letter also responds to your April 30, 2021 Past Due Notice and threat of cessation of water service.

Specifically, we continue to request abatement of penalties because we continue to suffer damages resulting from the use our home and three-acre parcel as a staging area for firefighters in the Thomas Fire. These damages include damages to water lines, irrigation lines, the internal house water systems, damages to permanent concrete improvements and fencing. These damages are current and ongoing and are the direct consequence of heavy truck traffic on our driveways, lawns and acreage and in fenced landscaped areas. The firefighting activities on our property during the Thomas Fire included, but were not limited to, a brigade of fire trucks loading water tanks from the fire hydrant on our front lawn and concrete driveways, the removal of CWD fencing adjacent to our property's northern boundary, the removal of our community-required wooden fencing, the removal of heavy-gauge industrial steel gates, numerous gate supporting concrete-iron pipe bollards, concrete footings, and vehicle and foot traffic through our front yard and backyard.

After the fire, we were mandated to “harden” our property against wildfires. This included maintaining critical green vegetation that would provide humidity to depress the spread of fire. We were specifically warned by the on-site firefighting professionals and landscaping professionals with knowledge in these areas that the removal of lawns and their replacement with mulch, as we were required to do for water conservation, created conditions that were conducive to the spread of wildfires and that we needed to remediate this problem.

Introduction

The Thomas Fire began December 4, 2017. Power outages began that night. The Thomas Fire raged in the wildlands surrounding our home that adjoins the boundaries of the Ojai Land Conservancy, Los Padres National Forest, and the Ventura River. This unique positioning of our home resulted in the determination by the Fire Chief of the Thomas Fire as related to us by the firemen and firewomen fighting the fire and staging the last line of fire defense in Rancho Matilija on our property as a “high-value asset” in the complex defense of the fire. We were told, along with our neighbors, that if the fire could not be contained at our property’s dual property lines of the Ventura River to the east and the OVLC/Los Padres National Forest to the north, that the firefighters would retreat. The homes and improvements in Ranch Matilija subdivision would be lost.

Driven by high winds, the wildfire quickly spread. The fire roared loudly like a locomotive passing by. Our home was surrounded by flames reaching to approximately 100 feet in height (see photo attached). Fire tornadoes, with extremely high temperatures, were visible immediately northeast and northwest of our fence lines. Eastern flames came up the slopes of our property from the Ventura River basin, which borders our home to the east. Northern flames and fire lines, after a change in wind direction immediately following the control burn in the OVLC Ventura River Preserve, threatened the Rancho Matilija subdivision from the north. Our property is the most northern and eastern point in Rancho Matilija.

Throughout the duration of the fire and for days afterwards, smoke and soot filled the air around and inside our home. Ash from the fire covered the inside and outside of our home, our cars, and our land, damaging and corroding surfaces, killing trees and vegetation, and destroying personal property. The ash coated windows and walls, attic insulation, ventilation systems and adhered to the flooring in our home. These damages to our home required months to repair. But these were not the only damages we had to mitigate. We also had extensive damages that were a direct result of fire trucks using our property to stage firefighting activities in the Ojai Valley Land Conservancy/Ventura River Preserve and the Los Padres National Forest.

Fighting the Fire From Our Front Yard

Firefighters from several states came to fight the fire surrounding our home. Firefighters sought access to fire areas inside the Casitas Water District (CWD) fence line that ran adjacent to the concrete water canal that forms the northern border of our property. Critically, on-site firefighters told us they were unable to reach Casitas Water District personnel and could not get them to unlock CWD gates. Therefore, they dismantled the chain link fence erected by CWD in

order to obtain access to the fire area. The firefighters informed me they would use the fire hydrant in our front yard to fight the fire in the forested areas adjacent to our home.

For the duration of the Thomas Fire, fire trucks lined up on MacDonald Drive to access the fire hydrant at the top of our driveway. Fire trucks entered our driveway, filled their water tanks, and then drove down our driveway toward our house. The fire trucks then backed up the driveway and drove off. The off-road firefighting vehicles turned around on the front lawn instead of backing out onto the street. Due to the state of emergency and the fact that our property was designated as the last line of defense for the Rancho Matilija subdivision, we opened our home and all its resources to the first responders. Fire trucks also entered the backyard and drove across the property while fighting the fire. It was estimated that fire trucks like these with full water tanks and crew weighed more than 62,000 pounds.

The firefighters instructed us to flood our three acres of property. We opened all 24-irrigation stations and added an additional nine hoses to flood in the property and hosing the two-story 5,000-foot home continuously. During the fire, the firefighters instructed us to keep our irrigation system running continuously in order to increase the humidity in the areas surrounding our home. When relative humidity increases, fire behavior decreases, as a slight elevation in our property's relative humidity would be a critical weapon against the fire entering the Rancho Matilija community. Thus, increasing relative humidity is an essential factor in preventing the spread of wildfires. Our irrigation system ran 24/7 throughout the duration of the active on-site fighting of the Thomas Fire.

Damages Caused By Fire Trucks Loading on Our Property

In order to get access to the fire areas and past the CWD's locked gates, the firemen removed the CWD-owned chain link fencing adjacent to our home. The heavy-metal bollards encased in concrete, the chain link fencing itself, broken concrete debris and the lateral metal gate tubular framing were piled in front of our driveway. We requested CWD to remove the waste from our driveway. We made these requests multiple times, both by phone and in person. CWD never responded. We finally paid for a dumpster and contractors to load the concrete encased posts, fencing, and poles into a dumpster, and we then arranged for the dumpster to be taken to a waste facility. This cost thousands of dollars due to the weight of the waste load.

Wooden fencing that is required by our community's CCR's along our northern and eastern property boundaries was damaged and/or removed by firefighters. Trees and shrubs were dug up and removed. The heavy truck traffic on our property caused damages to the concrete driveway and the brick apron at the top of the driveway.

Continuing Damages from Firefighting Activities on Our Property

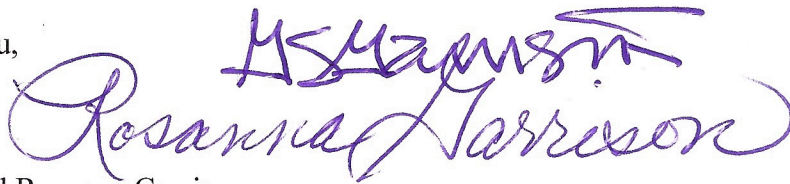
The repeated back and forth traffic of the heavy firefighting trucks caused our driveway to sink several inches over the next several years. The trucks also chipped and broke the concrete apron around the brick portion of the driveway and caused the bricks to sink unevenly into the ground below. Because the driveway sank over time, the damage to the pipes underlying the driveway was not immediately apparent.

The first leak to occur as a result of the heavy truck traffic was caused by the separation of the juncture of the main water line with the connection to the front of the house. We discovered this leak when we came home late one night and stepped out of the car into ankle deep water. The front yard and portions of the driveway were under water that was leaking from this broken connection. The pipes were separated vertically as a result of the sinking driveway. This was followed by random leaks from other lines separating in a similar fashion over time in multiple areas of the property.

Because of these water-related problems, the expense of the water and issues with the Casitas Water District as detailed above, our homeowner's insurance company has deemed these issues "unmitigable" and notified us that the policy we have had in place for 20 years would not be renewed. This determination that the wildfire issues are unmitigable has resulted in estimates of over \$11,000 for policy replacement. In addition to all of the above concerns, we are now incurring litigation costs for defense of our water rights in the Ventura River adjudication, in addition to being taxed by CWD for contribution to their defense costs in the same case.

Please abate past and future penalties so that we may comply with the firefighters' mandate to preserve a green boundary around our 3-acre property. We wish to enter into an agreement whereby Casitas Water District provides sufficient water to maintain a green belt pursuant to the fire agency's directive so that 12986 MacDonald is not inequitably burdened as individuals for the public benefit conferred to the community and that past expenditures by the Garrisons on behalf of the community for water and disposal of CWD's wastes be reimbursed.

Thank you,



Gregg and Rosanna Garrison

View from Garrison Front Yard During the Thomas Fire, December 2017



Copyright 2017 Gavin Garrison. All Rights Reserved.

Staging Fire Fighting in Front of Garrison Residence





Removing CWD Chain Link Fence Adjacent to Garrison Residence