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Attorneys for Cross-Defendants Ventura
County Watershed Protection District and
County of Ventura

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

SANTA BARBARA CHANNELKEEPER, a
California non-profit corporation,

Petitioner,

v.

STATE WATER RESOURCES CONTROL
BOARD, a California State Agency, et al.,

Respondents.

Case No. 19STCP01176

Hon. William. F. Highberger

**CROSS-DEFENDANT COUNTY OF
VENTURA'S INITIAL DISCLOSURES**

(CIVIL PROCEDURE CODE § 842)

Action Filed: September 19, 2014
Trial Date: Not Set

CITY OF SAN BUENAVENTURA, a
California municipal corporation,

Cross-Complainant,

v.

DUNCAN ABBOTT, an individual, et al.,

Cross-Defendants.

1 Cross-Defendant County of Ventura hereby submits the following initial
2 disclosures under section 842 of the Code of Civil Procedure. County of Ventura
3 reserves the right to supplement its disclosures in accordance with section 842 of the
4 Code of Civil Procedure.

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

- 7
 - County of Ventura Parks Department
8 11201 Riverbank Drive, A1
9 Ventura, California 93004
805-654-3951
Colter.Chisum@ventura.org

10 County of Ventura is represented in this lawsuit by counsel:

- 11
 - Hanson Bridgett, LLP
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18 **2. The quantity of any groundwater extracted from the basin by the party**
19 **and the method of measurement used by the party or the party's predecessor in**
20 **interest for each of the previous 10 years preceding the filing of the complaint.**

21 County of Ventura through the Parks Department extracts groundwater for use on
22 the Soule Park Golf Course through State Well numbers 04N22W07D04S,
23 04N22W07C06S, and 04N22W07C05S. The amount extracted is as follows:

Year	Amount of Groundwater Extracted:	Method of Measurement:
2018	172 ac-ft	Groundwater Extraction Statement from Ojai Basin Groundwater Management Agency – Metered
2017	207 ac-ft	Groundwater Extraction Statement from Ojai Basin Groundwater Management Agency – Metered

Year	Amount of Groundwater Extracted:	Method of Measurement:
2016	113 ac-ft	Groundwater Extraction Statement from Ojai Basin Groundwater Management Agency – Metered
2015	139 ac-ft	Groundwater Extraction Statement from Ojai Basin Groundwater Management Agency – Metered
2014	210 ac-ft	Groundwater Extraction Statement from Ojai Basin Groundwater Management Agency – Metered
2013	270 ac-ft	Groundwater Extraction Statement from Ojai Basin Groundwater Management Agency – Metered
2012	205 ac-ft	Groundwater Extraction Statement from Ojai Basin Groundwater Management Agency – Metered
2011	208 ac-ft	Groundwater Extraction Statement from Ojai Basin Groundwater Management Agency – Metered
2010	65 ac-ft	Groundwater Extraction Statement from Ojai Basin Groundwater Management Agency – Metered
2009	178 ac-ft	Groundwater Extraction Statement from Ojai Basin Groundwater Management Agency – Metered

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

County of Ventura asserts overlying water rights (see *Barrett v. County of Ventura*, Sup. Ct. of the County of Ventura County, Case No. 51216, January 14, 1970) (A copy of the *Barrett* judgment is attached hereto as Attachment A). County of Ventura also asserts a right to use groundwater under the self-help doctrine, if prescriptive rights to groundwater are claimed.

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

County of Ventura extracts and uses groundwater for irrigation at the Soule Park

1 Golf Course.

2 **5. The location of each well or other source through which groundwater**
3 **has been extracted.**

4 County of Ventura through the Parks Department extracts groundwater at State
5 Well numbers 04N22W07D04S, 04N22W07C06S, and 04N22W07C05S at the Soule
6 Park Golf Course at 1033 E Ojai Ave, Ojai, California 93023.

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

8 County of Ventura through the Parks Department extracts groundwater for use on
9 the Soule Park Golf Course at 1033 E Ojai Ave, Ojai, California 93023.

10 **7. Any claims for increased or future use of groundwater.**

11 County of Ventura reserves the right to extract groundwater up to 350 acre feet
12 per year pursuant to the judgment in *Barrett v. County of Ventura*, Sup. Ct. of the County
13 of Ventura County, Case No. 51216, January 14, 1970.

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

17 County of Ventura, by way of a Soule Park Golf Course lease operator, uses
18 potable water provided by Casitas Municipal Water District to supplement well projection
19 shortages primarily in the summer months. Supplemented use of potable water for golf
20 course irrigation averaged 104.67 acre-feet from 2005 through 2016. Annual averages for
21 2017 through 2019 were 96.54 acre-feet, 149.52 acre-feet, and 61.07 acre-feet
22 respectively. County of Ventura reserves the right to supplement its initial disclosures
23 with additional information regarding alternative water use.

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

27 County of Ventura through the Parks Department does not claim any surface
28 water rights. The Parks Department has an allocation for access to approximately 121

1 acre feet of water per year from the Casitas Municipal Water District.

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

9 Not applicable. Ventura County reserves the right to supplement its initial
10 disclosures with additional information regarding replenishment.

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

13 The following persons possess or may possess information supporting the
14 Watershed Protection District's disclosures:

15 1. J. Colter Chisum, P.E.
16 Ventura County GSA Deputy Director - Parks
17 11201 Riverbank Drive, Suite A1
18 Ventura, California 93004
19 805-654-3945
20 Colter.Chisum@ventura.org
21 May be contacted through counsel

22 2. Keith L. Brown, President
23 Golf Ojai LLC
24 1033 E. Ojai Avenue
25 Ojai, California 94708
26 (805) 646-5633
27 Klbrown0130@gmail.com

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

 The right for the County of Ventura to extract and use groundwater on the property
at the Soule Park Gould Course was subject to a judgment in the case *Barrett v. County*
of *Ventura*, Sup. Ct. of the County of Ventura County, Case No. 51216, January 14, 1970
(See Attachment A). The County of Ventura reserves the right to supplement this

1 disclosure. (Code Civ. Proc. § 842(d)(1).)

2

3 DATED: June 1, 2021

HANSON BRIDGETT LLP

4

5

By:



6

MICHAEL J. VAN ZANDT

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NATHAN A. METCALF

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SEAN G. HERMAN

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Attorneys for Cross-Defendants Ventura
County Watershed Protection District and
County of Ventura

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3 **VERIFICATION**

4 I, J. Colter Chisum, am the Ventura County GSA Deputy Director - Parks. I am
5 authorized to make this verification on behalf of the County of Ventura. I have read the
6 County of Ventura's Section 842 Initial Disclosures and know its contents. I am informed
7 and believe and on that ground allege that the matters stated in the Section 842 Initial
8 Disclosures are true, except as to those matters which are therein stated on information
9 and belief, and as to those matters that I believe them to be true.

10 I declare under penalty of perjury under the laws of the State of California that the
11 foregoing is true and correct. Executed this 1st day of June, 2021, in
Ventura, California.

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14 J. Colter Chisum
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ATTACHMENT A

ATTACHMENT A

FILED

JAN 14 1970

ROBERT L. HAMM, County Clerk

By *[Signature]*
Deputy County Clerk

ENTERED ON JAN 14 1970

BOOK 80 OF JUDGMENTS, PAGE 282

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF VENTURA

CHARLES R. BARRETT, et al.,
Plaintiffs,
vs.
COUNTY OF VENTURA,
Defendant.

NO. 51216

JUDGMENT

Pursuant to stipulation between plaintiffs, for themselves and on behalf of all other persons similarly situated, and defendant, and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. The preliminary injunction entered in this action is dissolved, and the bond therefor is exonerated.

2. The County may pump from a well or wells on land acquired by it from Zaidee Soule, 350 acre feet of water per year from the Ojai Basin for beneficial use on its property overlying the Basin, when the water level is above the cutoff level as determined by the principles set forth herein.

3. The County may initially set the bowls for its well or wells down to 620 feet above mean sea level. When a pump breaks suction, if the static level is above 640 feet above mean sea level, the County may lower the bowls by a distance not exceeding the difference between the static level and 640 feet above mean

1 sea level. When lowering the bowls pursuant to this paragraph,
2 the County shall notify plaintiff Charles R. Barrett or his
3 nominee and permit a reasonable opportunity to observe the static
4 water level in the well. This procedure may be repeated until the
5 dynamic cutoff level corresponds to the static cutoff level.

6 4. Once the bowls have been set by experimentation at the
7 proper dynamic cutoff level, then the County shall cease pumping
8 when the pump breaks suction, until the water level recovers to
9 the static cutoff level.

10 5. If at any time, based on cutoff levels complied with up
11 to that time, the County has been unable to pump its water re-
12 quirement in more than four years out of a period of any eighteen
13 or fewer years, the County may immediately lower the static and
14 dynamic cutoff levels, and bowl settings, to such lower level as
15 it then appears would have permitted and will permit the County
16 to pump its water requirements seven out of nine years. When ad-
17 justing the levels pursuant to this paragraph, the County shall
18 notify plaintiff Charles R. Barrett or his nominee, permit a rea-
19 sonable opportunity to observe the static water level in the well,
20 permit a reasonable opportunity to examine the County's records
21 of water levels in the well and of water secured from other
22 sources, and furnish computations showing where the dynamic level
23 should be set. The years referred to commence July 1, 1970.

24 6. In the event all rights to pump water from the Ojai Basin
25 are adjudicated, then in such litigation, as against all other
26 parties, the rights of the County under this judgment shall be a
27 gross right to pump 350 acre feet of water per year from the Ojai
28 Basin for beneficial use on its overlying land, with no right to
29 take water when the water level in the Ojai Basin is below the
30 cutoff level as determined under this judgment. Such right shall
31 be the gross right, subject to proportionate reduction in accor-
32 dance with the principles of water law applicable to basin

1 litigation, but with the County's gross right being reduced no
2 more in proportion than the reduction of rights of each other
3 user.
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5 Dated January 14, 1970
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8 Judge of the Superior Court
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of San Francisco, State of California. My business address is 425 Market Street, 26th Floor, San Francisco, CA 94105.


On June 1, 2021, I served true copies of the following document(s) described as **CROSS-DEFENDANT COUNTY OF VENTURA'S INITIAL DISCLOSURES** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY ELECTRONIC SERVICE: I electronically served the document(s) described above via File & ServeXpress, on the recipients designated on the Transaction Receipt located on the File & ServeXpress website (<https://secure.fileandservexpress.com>) pursuant to the Court Order establishing the case website and authorizing service of documents.

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

Executed on June 1, 2021, at San Francisco, California.



Georgette D. Peck

Santa Barbara Channelkeeper v. State Water Resources Control Board, et al
Case No. 19STCP01176

Daniel G. Cooper, Esq. COOPER & LEWAND-MARTIN, INC. 1004 O'Reilly Avenue San Francisco, California 94129 Tel: 415.360.2962 daniel@cooperlewand-martin.com	<i>Attorney for Petitioner and Plaintiff Santa Barbara Channelkeeper</i>
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Paul Blatz Ryan Blatz BLATZ LAW FIRM	<i>Attorneys for Cross-Defendants Asquith Family Limited Partnership, LTD; Michael and Janet Boulton; Burgess Ranch, a</i>

<p>206 N. Signal St. Suite G Ojai, CA 93023 Tel: (805) 646-3110 blatzlawfirm@gmail.com ryan@ryanblatzlaw.com</p>	<p><i>California Corporation; Michael Caldwell; Cary Cheldin; Cynthia Daniels; Wayne Francis; David Friend; The Larry & Pat Hartmann Family Trust (erroneously sued as Lawrence Hartmann); The John N. Hartmann Trust (erroneously sued as Lawrence Hartmann); Gary Hirschkron (erroneously sued as Ole Konig); Cheryl Jensen; Krotona Institute of Theosophy; Lutheran Church of the Holy Cross of Ojai, California, a California Non-Profit Corporation; Robert and Patricia Norris (not appeared yet); North Fork Springs Mutual Water Company, a California Corporation; Old Creek Road Mutual Water Company (not appeared yet); Rogers-Coopoe Memorial Foundation; Janice Sattler (Mineo); Senior Canyon Mutual Water Company; Siete Robles Mutual Water Company, a California Corporation; Eitan Sloustcher; Margaret Vanderfin (not appeared yet); Telos Ojai, LLC (erroneously sued as Telos, LLC, a California Corporation (not appeared yet); Troy Becker; Joe Clark; Michael Cromer; Linda Epstein; Etchart Ranch; Stephen Mitchell; Rudd Ranch; LLC; Soule Park Golf Course, Ltd; Victor Timar; John Town; Trudie Town; Rogers Cooper Memorial Foundation</i></p>
<p>William G. Short, Esq. LAW OFFICES OF WILLIAM G. SHORT Post Office Box 1313 Ojai, California 93024-1313 Tel: (805) 490-6399 Fax: (805) 640-1940 billshortesq@me.com</p>	<p><i>Attorney for Cross-Defendant Robin Bernhoft</i></p>
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26	Karen A. Feld Daniel S. Roberts COLE HUBER LLP 3401 Centrelake Drive, Suite 670 Ontario, CA 91761 Telephone: (909) 230-4209	<i>Attorneys for Ventura Unified School District</i>

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9	Ernest J. Guadiana ELKINS KALT WEINTRAUB REUBEN GARTSIDE LLP 10345 W. Olympic Blvd. Los Angeles, CA 90064 eguadiana@elkinskalt.com	<i>Specially appearing for Michel Lombardo and Charles L. Ward III, as Co-Trustees of the Ward-Lombardo Living Trust</i>
12	Julie A. Baker 2193 Maricopa Hwy. Ojai, CA 93023 jandjbaker2@gmail.com	The Joseph Fedele 1995 Living Trust, Oriana Marie Fedele, Trustee Attn: Oriana Fedele P.O. Box 298 Lahaina, HI 96767 orianafedele@gmail.com
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26	Robert K. Cartin 505 Estremoz Ct. Oceanside, CA 9207 bob.cartin@dvm.com	<u>Via First Class Mail</u> DEL CIELO LLC Attn: Tim Carey, Managing Member 22410 Hawthorne. #5

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