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20 CITY OF SAN BUENAVENTURA

21 SUPERIOR COURT OF THE STATE OF CALIFORNIA
22 COUNTY OF LOS ANGELES

23 SANTA BARBARA CHANNELKEEPER,
24 a California non-profit corporation,

25 Petitioner,

26 v.

27 STATE WATER RESOURCES
28 CONTROL BOARD, etc., et al.,

Respondents.

CITY OF SAN BUENAVENTURA, etc.,

Cross-Complainant

v.

DUNCAN ABBOTT, an individual, et al.

Cross-Defendants.

Exempt From Filing Fees Pursuant to
Cal. Gov't Code § 6103

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ORIGINAL FILED
Superior Court of California
County of Los Angeles

JAN 23 2020

Sherril R. Carter, Executive Officer/Clerk of Court

By , Deputy
Steven Drew

Case No. 19STCP01176

Judge: Honorable William F. Highberger

STATUS CONFERENCE REPORT

Date: January 30, 2020

Time: 8:30 a.m.

Dept: SS10

Action Filed: Sept. 19, 2014

Trial Date: Not Set

1 STATUS CONFERENCE REPORT

2
3 Pursuant to the Court’s Order at the December 6, 2019 Status Conference, Defendant and
4 Cross-Complainant City of San Buenaventura (“City”) submits this Status Conference
5 Report. Counsel for City sent a draft of this Report to counsel on January 21 and 22, 2020, and
6 received comments from several parties and incorporated their changes. The Report will discuss
7 service and notices regarding the Third Amended Cross-Complaint, other matters related to the
8 Third Amended-Cross-Complaint, and the technical presentation for the Court on January 30,
9 2020.

10
11 1. SERVICE AND NOTICES REGARDING THE THIRD AMENDED CROSS-
12 COMPLAINT

13
14 On January 2, 2020, City filed its Third Amended Cross-Complaint. The total number of
15 new cross-defendants is 1,327. As of January 21, 2020, the process server served about 1000
16 riparian or riparian/overlying cross-defendants. The process server attempted to serve
17 approximately 320 cross-defendants. Also, as of January 21, 2020, 12,766 notices were mailed to
18 owners of approximately 10,000 parcels overlying the groundwater basins.

19
20 Pursuant to Civil Procedure Code Section 836(d)(1)(D), City completed publication of the
21 Notice of Commencement of Groundwater Basin and Watershed Adjudication (“Notice of
22 Commencement”) by publishing it in the Ventura County Star on December 16, 2019, December
23 23, 2019, December 30, 2019, and January 6, 2020.

24
25 Pursuant to Civil Procedure Code Section 835, on January 14, 2020, City provided the
26 Notice of Commencement to the U.S. Bureau of Land Management, U.S. Bureau of Reclamation,
27 USDA Forest Service, U.S. Attorney General, California Department of Water Resources
28 (“DWR”), California Department of Fish and Wildlife (“Fish and Wildlife”), California State

1 Water Resources Control Board (“State Board”), California Attorney General, City of Ojai,
2 County of Santa Barbara, County of Ventura (“Ventura”), Ojai Basin Groundwater Management
3 Agency (“OBGMA”), and Upper Ventura River Groundwater Agency (“UVRGA”).
4

5 Pursuant to Civil Procedure Code Section 835(a)(5), City is required to provide the Notice
6 of Commencement to California Native American tribes on the contact list of the Native
7 American Heritage Commission (“Commission”). On January 17, 2020, City sent a letter via e-
8 mail to the Commission requesting a list of the Native American tribes, if any, with an interest
9 within the Ventura River watershed boundaries.
10

11 Pursuant to Civil Procedure Code Section 835(a)(9), City requested OBGMA and
12 UVRGA provide their lists of interested parties under the Sustainable Groundwater Management
13 Act. OBGMA responded it does not currently have a list, but expects to complete this list within
14 the next 45 days. UVRGA provided its list, but City needs to follow up to obtain contact
15 information.
16

17 Pursuant to Civil Procedure Code Section 836(m), on December 10, 2019, City provided
18 the Notice of Commencement and Form Answer to the DWR, Ventura, OBGMA, and UVRGA.
19

20 Pursuant to Civil Procedure Code Section 836.5, City provided the Notice of
21 Commencement and Form Answer by e-mail and U.S. Mail to OBGMA, UVRGA, and State
22 Board. OBGMA sent City a list of persons reporting extractions, and City will send them the
23 required notices. UVRGA stated it does not collect this information, but if it did, it has privacy
24 concerns about disclosure. The State Board expects to respond later this week.
25
26
27
28

1 2. OTHERS MATTERS REGARDING THE THIRD AMENDED CROSS-
2 COMPLAINT

3
4 On January 2, 2020, City activated the neutral website. As of January 21, 2020, it had 714
5 unique visitors, who viewed 1,839 pages. Also as of January 21, 2020, Best Best & Krieger LLP
6 received and responded to 84 telephone calls and e-mails regarding the Third Amended Cross-
7 Complaint or related documents.

8
9 3. TECHNICAL PRESENTATION

10
11 As agreed among the parties, on January 9, 2019, City provided copies of the consumptive
12 users technical presentations on the Ventura River Watershed Hydrology, with speaker notes, and
13 the Steelhead of the Ventura River Basin, with speaker notes, to the Water Board, Fish and
14 Wildlife, and Plaintiff Santa Barbara Channelkeeper (“Channelkeeper”). City also provided
15 copies of the background documents it intends to submit to the Court. On January 16, 2020, City
16 received one requested change from the Water Board which it will address.

17
18 Late on January 21, 2020, Fish and Wildlife said two of its staff members planned to
19 make their own presentations and promised to provide their PowerPoints, with speaker notes, on
20 January 23, 2020. Fish and Wildlife added that it will provide us with a list of additional
21 documents, and that Channelkeeper will also make a presentation, but that has not been
22 confirmed by Channelkeeper. Finally, on January 22, 2020, the Water Board provided 20
23 additional comments to the consumptive users two technical presentations.

24
25 Unfortunately, the consumptive users do not have the time before the filing deadline of
26 January 27, 2020, to: (i) discuss the changes to their presentations with their four experts; (ii)
27 review the PowerPoints from Fish and Wildlife, and possibly Channelkeeper, with their experts;
28 (iii) coordinate the response among the consumptive users; and (iv) work out differences with the

1 Water Board and Fish and Wildlife. On the other hand, the consumptive users do not believe it is
2 appropriate for them to come to Court on January 30, 2020, unprepared to proceed.

3
4 Therefore, the consumptive users have informed Fish and Wildlife, the Water Board, and
5 Channelkeeper, that they will file and serve their materials as is (we have made the change
6 submitted on January 16), and expect the Water Board will submit its comments on January 27.
7 Similarly, we will review Fish and Wildlife's PowerPoints on Thursday, expect them to be
8 submitted as is, and will provide the Court our comments on January 27.

9
10 Fish and Wildlife and the Water Board said they plan to file a separate report. The parties
11 are trying to arrange a conference call to see if they can work out their differences. City will post
12 the outcome of that call on File&ServXpress.

13
14 Dated: January 23, 2020

BEST BEST & KRIEGER LLP

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