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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 11 COUNTY OF LOS ANGELES – COMPLEX COURTHOUSE
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14 **SANTA BARBARA CHANNELKEEPER, a**
California non-profit corporation,

Petitioner,

15
 16 v.
 17

18 **STATE WATER RESOURCES CONTROL**
BOARD, a California State Agency; CITY
 19 **OF SAN BUENAVENTURA, a California**
 20 **municipal corporation,**

21 Respondents.
 22

23 **CITY OF SAN BUENAVENTURA, a**
California municipal corporation,

Cross-Complainant,

24
 25 v.
 26

27 **DUNCAN ABBOTT, an individual, et al.**

28 Cross-Defendants.

Case No. 19STCP01176

[Assigned to the Honorable William F. Highberger, Department 10]

INITIAL DISCLOSURES OF CALIFORNIA DEPARTMENT OF PARKS AND RECREATION

Action Filed: September 19, 2014

1 TO ALL PARTIES HEREIN AND TO THEIR RESPECTIVE ATTORNEYS OF
2 RECORD:

3 CALIFORNIA DEPARTMENT OF PARKS AND RECREATION ("Parks") hereby
4 submits the following initial disclosures pursuant to California Code of Civil Procedure section
5 842. Parks makes these disclosures after reasonable investigation and based on information
6 reasonably available to it at the time of these disclosures. Parks reserves the right to supplement
7 these disclosures as discovery and investigation continue. By these disclosures, Parks in no way
8 waives its rights to rely on documents or other information which have not been included in these
9 initial disclosures due to good faith oversight, mistake, inadvertence, or other justifiable reasons.

10 By providing the information set forth herein, Parks does not waive any privileges or
11 protections that may be related to any information or documents discussed herein, including, but
12 not limited to, the attorney-client privilege, attorney work-product doctrine, and the right of
13 privacy, all of which are expressly claimed and reserved.

14 **I. Party Information (Code Civ. Proc., § 842(a)(1))**

15 Pursuant to Code of Civil Procedure section 842, subdivision (a)(1), Parks provides the
16 following information:

- 17 1. Mailing Address: California Dept. of Parks and Recreation, Channel Coast
18 District Headquarters, 911 San Pedro Street, Ventura, CA 93001-3744
- 19 2. Telephone Number: (805) 585-1850
- 20 3. Email Address: ChannelCoastInfo@Parks.Ca.Gov
- 21 4. Parks should be contacted through counsel: Carlos A. Mejia, Sophie A.
22 Wenzlau, Office of the Attorney General, 1300 I Street, 15th Floor,
23 Sacramento, CA 95814, Carlos.Mejia@doj.ca.gov,
24 Sophie.Wenzlau@doj.ca.gov.

25 **II. Groundwater Quantity (Code Civ. Proc., § 842(a)(2))**

26 Parks did not extract any groundwater from the Lower Ventura River Groundwater Basin
27 ("Basin") during any of the 10 years preceding the filing of the complaint.
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1 **III. Water Rights (Code Civ. Proc., § 842(a)(3))**

2 Parks claims the following rights and interests to extract groundwater from the Basin:

- 3 a. Overlying rights to use groundwater from the Basin;
- 4 b. Rights to use groundwater from the Basin under the self-help doctrine, in
- 5 the event that other parties to this case prove they possess prescriptive rights to
- 6 extract groundwater from the Basin.

7 **IV. Groundwater Use (Code Civ. Proc., § 842(a)(4))**

8 N/A.

9 **V. Well Locations or Extraction Source (Code Civ. Proc., § 842(a)(5))**

10 N/A.

11 **VI. Area of Groundwater Usage (Code Civ. Proc., § 842(a)(6))**

12 N/A.

13 **VII. Claims for Increased or Future Water Use of Groundwater (Code Civ. Proc., §**

14 **842(a)(7))**

15 Parks anticipates using groundwater for the following purposes in the future: camp

16 facilities, restrooms, showers, landscaping, camp host sites, general maintenance activities, fire

17 suppression, and other related uses.

18 **VIII. Beneficial Use (Code Civ. Proc., § 842(a)(8))**

19 N/A.

20 **IX. Surface Water Rights (Code Civ. Proc., § 842(a)(9))**

21 Parks claims the following rights and interests to divert surface water and jurisdictional

22 underflow from the Ventura River ("River"):

- 23 a. Riparian rights to use River water.

24 **X. Quantity of Water Replenishment (Code Civ. Proc., § 842(a)(10))**

25 Parks has not used surface water or imported water to replenish the Basin during any of the

26 10 years preceding the filing of the complaint.

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1 **XI. Individuals Likely to Have Discoverable Information (Code Civ. Proc., § 842(a)(11))**

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

4 1. Parks designates the following individuals as persons who may possess
5 information that support these initial disclosures: Dena Bellman and Greg Martin.

6 Ms. Bellman and Mr. Martin may be contacted through counsel: Carlos A. Mejia, Sophie
7 A. Wenzlau, Office of the Attorney General, 1300 I Street, 15th Floor, Sacramento, CA 95814,
8 Carlos.Mejia@doj.ca.gov, Sophie.Wenzlau@doj.ca.gov.

9 Parks will identify any experts in accordance with orders of this Court and/or the rules of
10 civil procedure. Experts also may be retained to rebut any testimony provided by an expert on
11 behalf of another party in this litigation. In addition, there may be other individuals currently
12 unknown to Parks who have discoverable information supporting its claims, and Parks reserves
13 the right to supplement this disclosure if and when those individuals are identified.

14 **XII. Other Facts Supporting Parks' Water Rights Claims (Code Civ. Proc., § 842(a)(12))**

15 Parks, by virtue of its status as a riparian and overlying landowner, holds riparian and
16 overlying water rights. Additionally, Parks is responsible for safeguarding the public trust within
17 each state park, including at Emma Wood State Beach; this responsibility extends to protecting
18 the natural environment, wildlife, and public recreational opportunities. (See Pub. Res. Code, §§
19 5001(a)(1)-(3), 5001.2, 5003; see also Pub. Res. Code, § 5008(a); *Marks v. Whitney* (1971) 6
20 Cal.3d 251, 259-260.) Protected trust uses of state parks include, *inter alia*, boating, fishing,
21 swimming, bathing, standing, wading, picnicking, bird watching, nature study, and other "general
22 recreation" activities. (*Marks v. Whitney, supra*, 6 Cal.3d at p. 259-260; *People ex rel. Baker v.*
23 *Mack* (1971) 19 Cal.App.3d 1040, 1045.)

24 **XIII. Reservation of Rights**

25 Parks specifically reserves the right to supplement or amend these disclosures to include
26 information hereafter acquired, or as otherwise provided by Code of Civil Procedure section 842,
27 subdivision (d).

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Dated: May 27, 2021

Respectfully Submitted,

ROB BONTA
Attorney General of California
JESSICA EILEEN TUCKER-MOHL
Supervising Deputy Attorney General
CARLOS A. MEJIA
Deputy Attorney General

Sophie A. Wenzlau Digitally signed by
Sophie A. Wenzlau
Date: 2021.05.27
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SOPHIE A. WENZLAU
Deputy Attorney General
*Attorneys for California Department of
Parks and Recreation*

SA2020100977

VERIFICATION

I, Greg Martin, declare:

I am the District Superintendent of Cross-Defendant, the California Department of Parks and Recreation, in the above-entitled matter, and as such make this verification on its behalf. I have read the foregoing INITIAL DISCLOSURES OF CROSS-DEFENDANT THE CALIFORNIA DEPARTMENT OF PARKS AND RECREATION and know the contents thereof. I certify that the matters stated in the foregoing document 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 declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

Executed this 27th day of May 2021 at Ventura, California.

(City and State)



(Signature)