



1 **Ryan W. Blatz (State Bar #276929)**  
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7 Attorney for Cross-Defendants,

8  
9 **MICHEL A. ETCHART SEPARATE PROPERTY TRUST**  
10 **MARK W. ETCHART SEPARATE PROPERTY TRUST**

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
12 **COUNTY OF LOS ANGELES**

13 **SANTA BARBARA CHANNELKEEPER,**  
14 a California non-profit corporation,

15 Petitioner,

16 vs.

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

22 Respondents.

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

25 Cross-Complainant

26 vs.

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

28 Cross-Defendant

Case No. 19STCP01176

Judge: Honorable William F. Highberger

VERIFIED INITIAL DISCLOSURES

Action Filed: Sept. 19, 2014

Trial Date: Not Set

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**INTRODUCTION**

Cross-Defendants Michel A. Etchart Separate Property Trust and Mark W. Etchart Separate Property Trust (together “Etchart”), owners of real property in Ventura County, California, provide this Initial Disclosure pursuant to California Code of Civil Procedure § 842 as follows and reserves the right to amend or supplement this disclosure, where appropriate, at a future date. (Code of Civ. Proc. § 842, subd. (d)(1)-(3).)

**DISCLOSURE NO. 1:**

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

**RESPONSE TO DISCLOSURE NO. 1:**

Michel A. Etchart Separate Property Trust

Mike Etchart, Trustee

151 El Camino Drive

Ojai, CA 93023

(310) 663-4359

mikeetchart@gmail.com

Mark W. Etchart Separate Property Trust

Mark W. Etchart, Trustee

7334 Birkdale Place

Rancho Cucamonga, CA 91730

(213) 204-4500

marketchart1@gmail.com

Ryan Blatz

1 Ryan Blatz Law  
 2 109 North Blanche Street, Suite 103  
 3 Ojai, CA 93023  
 4 (805) 798-2249  
 5 ryan@ryanblatzlaw.com  
 6

7 **DISCLOSURE NO. 2:**

8 The quantity of any groundwater extracted from the basin by the party and the method of  
 9 measurement used by the party's predecessor in interest for each of the previous 10 years  
 10 preceding the filing of the Complaint.

11 **RESPONSE TO DISCLOSURE NO. 2:**

Year	AF
2020	160
2019	120
2018	23
2017	210
2016	190
2015	100
2014	112
2013	150

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 19 By water meter and as filed by Annual Notice of Groundwater and Extraction with the  
 20 State Water Resources Control Board under Primary Owner: Etchart Ranch (Recordation  
 21 Number: G560981). This well is shared with a neighbor.  
 22

23 **DISCLOSURE NO. 3:**

24 The type of water right or rights claimed by the party for the extraction of groundwater.  
 25

26 **RESPONSE TO DISCLOSURE NO. 3:**

27 Etchart is an overlying landowner and asserts both overlying and unexercised water rights  
 28 for the extraction of groundwater from a shallow alluvial well he co-owns with another  
 landowner overlying the Upper Ventura Groundwater Basin.

1 Etchart also asserts a right to use groundwater under the self-help doctrine, if prescriptive  
2 rights to extract groundwater from the basin are determined.

3  
4 **DISCLOSURE NO. 4:**

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

6 **RESPONSE TO DISCLOSURE NO. 4:**

7 Etchart extracts and uses groundwater from the Upper Ventura Groundwater Basin for  
8 irrigation on their land for citrus, avocados, and other reasonable and beneficial uses of water.  
9 This property was purchased by their grandparents in 1942 and, to the best of their knowledge,  
10 citrus has been grown on the property since 1901.

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12 **DISCLOSURE NO. 5:**

13 The location of each well or other source through which the groundwater has been  
14 extracted.

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16 **RESPONSE TO DISCLOSURE NO. 5:**

17 APN: 010-0-050-071

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19 **DISCLOSURE NO. 6:**

20 The area in which the groundwater has been used.

21 **RESPONSE TO DISCLOSURE NO. 6:**

22 APN: 010-0-050-071

23 APN: 010-0-050-140

24 APN: 010-0-050-260

25 APN: 010-0-050-320

26 Etchart owns four different parcels which have historically been supplied water from this  
27 alluvial well, all of which are within the Upper Ventura River Groundwater Area (UVRGA). The  
28 well is shared with a neighbor.

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**DISCLOSURE NO. 7:**

Any claims for increased or future use of groundwater.

**RESPONSE TO DISCLOSURE NO. 7:**

Etchart anticipates that his future use of groundwater will increase by 30-40 Acre-Feet annually from their current use as a new orchard planting matures back to historical water and consumptive use levels. The Etchart property was damaged by the 2017 Thomas Fire.

Etchart asserts the maximum historical right to pump and consumptively use groundwater (whether dormant or currently unexercised, which is never lost, forfeited, or abandoned for any period of non-use) or due to any shift in future irrigated agriculture crop production.

Etchart reserves the right to supplement this initial disclosure with additional future uses.

**DISCLOSURE NO. 8:**

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

**RESPONSE TO DISCLOSURE NO. 8:**

To the extent that Etchart has a riparian right to subsurface underflow that is “part and parcel” of the property, they reserve the right to any additional water use pursuant to Water Code Sections 1005.1, 1005.2, 1005.4, or other applicable law.

Etchart also asserts any quantity of water used as a metered customer of Casitas Municipal Water District (by any source of its own surface of groundwater right(s) of its own) as an alternative source that it might use on any of its property *in lieu of* or as a supplement to any right of use that it might otherwise use to a maximum reasonable and beneficial use for domestic potable uses.

1 **DISCLOSURE NO. 9:**

2 Identification of all surface water rights and contracts the party claims provides the basis  
3 for its water right claims in the comprehensive adjudication.

4 **RESPONSE TO DISCLOSURE NO. 9:**

5 Etchart asserts riparian surface rights adjacent to and riparian subsurface underflow rights  
6 beneath their Ventura River properties.

7 Etchart also asserts the annual quantity of water used as a metered customer of Casitas  
8 Municipal Water District which they might otherwise use *in lieu of* any separate right of use it  
9 has to either riparian surface water or overlying landowner groundwater.  
10

11 **DISCLOSURE NO. 10:**

12 The quantity of any replenishment of water to the basin that augmented the basin's native  
13 water supply, resulting from the intentional storage of imported or non-native water in the basin,  
14 managed recharge of surface water, or return flows resulting from the use of imported water or  
15 non-native water on lands overlying the basin by the party, or the party's representative or agent,  
16 during each of the 10 calendar years immediately preceding the filing of the Complaint.  
17

18 **RESPONSE TO DISCLOSURE NO. 10:**

19 Etchart does not currently import any non-native water, but reserves all rights to drill a  
20 deep well into the fractured bedrock beneath the alluvial soils of the groundwater basin, which  
21 would not be hydrologically connected to Ventura River surface or subsurface flows.

22 Etchart does not presently manage any recharge of surface water peak-flow into  
23 groundwater, but reserves the right to further appropriate water and store such waters for more  
24 than 30-days (pursuant to a Water Availability Analysis) and/or capture and store stormwater or  
25 rainwater.

26 Etchart reserves the ability to generate any combination of offsets or production  
27 forbearance or conserved water credits that might otherwise contribute to either onsite water  
28 supply resiliency and reliability or enhance stream flow.

1 **DISCLOSURE NO. 11:**

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

4 **RESPONSE TO DISCLOSURE NO. 11:**

5 Michel A. Etchart Separate Property Trust

6 Mike Etchart, Trustee

7 151 El Camino Drive

8 Ojai, CA 93023

9 (310) 663-4359

10 mikeetchart@gmail.com

11  
12 Mark W. Etchart Separate Property Trust

13 Mark W. Etchart, Trustee 7334 Birkdale Place

14 Rancho Cucamonga, CA 91730

15 (213) 204-4500

16 marketchart1@gmail.com

17  
18 Tom Hicks

19 Hicks Law

20 35 Temescal Terrace

21 San Francisco, CA 94118

22 (415) 309-2098

23 tdh@tomhickslaw.com

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26 **DISCLOSURE NO. 12:**

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

28 **RESPONSE TO DISCLOSURE NO. 12:**

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Etchart, by virtue of their status as an overlying landowner, holds overlying groundwater rights. Such rights are “part and parcel” of the fee interest. This property was purchased by their grandparents in 1942 and, to the best of their knowledge, citrus has been grown on the property since 1901.


The Michel A. Etchart Separate Property Trust and Mark W. Etchart Separate Property Trust make this Initial Disclosure based on the information currently available. They will amend or supplement this disclosure, if necessary, consistent with California Code of Civil Procedure section 842(d) (1-3).

Michel A. Etchart Separate Property Trust and Mark W. Etchart Separate Property Trust are serving this Initial Disclosure electronically to all parties to the extent possible pursuant to California Code of Civil Procedure section 842(e).

12/6/2021

DATED: December 6, 2021

RYAN BLATZ

By:  F53F5FD1086247E...  
Ryan Blatz  
Attorney for  
MICHEL A. ETCHART SEPARATE  
PROPERTY TRUST and  
MARK W. ETCHART SEPARATE PROPERTY  
TRUST



1 VERIFICATION

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

3  
4  I am a party to this action. The matters stated in it are true of my own knowledge  
5 except as to those matters which are stated on information and belief, and as to those  
6 matters I believe them to be true.


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

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

15 Executed at VENTURA COUNTY, California on October 31, 2021.

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

18   
19 \_\_\_\_\_  
20 MICHEL A. ETCHART SEPARATE  
21 PROPERTY TRUST

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23 \_\_\_\_\_  
24 MARK W. ETCHART SEPARATE PROPERTY  
25 TRUST

1 **PROOF OF SERVICE**

2  
3 **STATE OF CALIFORNIA, COUNTY OF VENTURA**

4  
5 I am employed by the law office of Ryan W. Blatz in the County of Ventura, State of  
6 California. I am over the age of 18 and not a party to the within action. My business address is:  
7 109 N. Blanche St., Suite #103, Ojai, California 93023. My electronic notification address is  
8 ryan@ryanblatzlaw.com.

9  
10 On December 6, 2021, I served on the interested parties in said action the within:

11  
12 **VERIFIED INITIAL DISCLOSURES**

13 as stated below:

14  
15  By transmission via E-Service to File & Serve Xpress as listed on File & Serve  
16 Xpress service list.

17  
18 I declare under penalty of perjury under the laws of the State of California that the above  
19 is true and correct.

20  
21 Executed on December 6, 2021 at Ojai, California.

22  
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24 \_\_\_\_\_  
*/S/ Ryan W. Blatz*

25 Ryan W. Blatz, Esquire  
26 RYAN BLATZ LAW  
27  
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