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 7 **AGR BREEDING, INC.**

8  
 9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
 10 **FOR THE COUNTY OF LOS ANGELES, COMPLEX CIVIL DIVISION**

11 SANTA BARBARA CHANNELKEEPER, a  
 12 California non-profit corporation,

13 Petitioner,

14 v.

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

18 Respondents.

19 CITY OF SAN BUENAVENTURA, a California  
 municipal corporation,

20 Cross-Complainant,

21 v.

22 DUNCAN ABBOTT, an individual, et al.,

23 Cross-Defendants.  
 24  
 25  
 26  
 27  
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Case No. 19STCP01176

[Transferred to Los Angeles Superior Court,  
 Complex Civil Division, and assigned for all  
 purposes to Hon. William F. Highberger per  
 Minute Order dated May 15, 2019]

**CROSS-DEFENDANT AGR BREEDING,  
 INC.'S AMENDED INITIAL DISCLOSURES  
 (CCP § 842)**

Complaint Filed: September 19, 2014

First Amended  
 Complaint Filed: September 7, 2018

Trial Date: February 14, 2022

1 **INTRODUCTION**

2 Cross-Defendant AGR Breeding, Inc. (“AGR”), pursuant to Code of Civil Procedure Code of  
3 Civil Procedure section 842 subd. (a); and subd. (d), hereby submits amended initial disclosures which  
4 incorporate additional information. AGR reserves the right to further supplement this disclosure,  
5 where appropriate, at a future date. (Code of Civ. Proc. § 842, subd. (d)(1)-(3).)

6 **DISLCOSURES**

7 (1) **The name, address, telephone number, and email address of the party and, if**  
8 **applicable, the party’s attorney.**

9 Response:

10 Party Information: AGR Breeding, Inc.  
11 Eric Ovitz, Judy Ovitz, and Michael Dreyer  
12 355 South Grand Avenue #1710, Los Angeles, CA 90071  
13 Telephone: 213-683-8790  
14 Email: [eovitz@mac.com](mailto:eovitz@mac.com); [JOvitz@agrbreeding.com](mailto:JOvitz@agrbreeding.com);  
15 [Mike.Dreyer@hcv.com](mailto:Mike.Dreyer@hcv.com)

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17 Party Attorney Information: Edward J. Casey and Gina Angiolillo  
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22  
23 (2) **The quantity of any groundwater extracted from the basin by the party and the**  
24 **method of measurement used by the party or the party’s predecessor in interest for each of the**  
25 **previous 10 years preceding the filing of the complaint.**

26 Response: Groundwater extracted by AGR has been measured by a meter installed in 2014.  
27 Prior to the installation of a meter, groundwater extraction is estimated based on the number of horses  
28 maintained on the property in a given year. Table A, below, expresses in acre feet the estimated total

1 groundwater extracted on an annual basis during the ten (10) year period preceding the commencement  
2 of this Adjudication. (Code of Civ. Proc. § 842, subd. (a)(2).)

3 Table A:

4

Total Extractions Per Year (Acre Feet)									
2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
8.60	8.60	8.60	8.60	8.60	7.35	7.35	7.35	7.35	4.69

5  
6  
7

8 (3) **The type of water right or rights claimed by the party for the extraction of**  
9 **groundwater.**

10 Response: AGR asserts overlying water rights for the extraction of groundwater. AGR also  
11 asserts a right to use groundwater under the self-help doctrine, in the event that prescriptive rights to  
12 extract water from the basin are determined.

13  
14 (4) **A general description of the purpose to which the groundwater has been put.**

15 Response: The groundwater extracted has been used for livestock in the daily operation of  
16 AGR's horse breeding and training business, in the running and use of three homes and two barns, for  
17 landscaping around the three homes and along the driveway, and for three small personal vegetable  
18 gardens. AGR has housed up to 80 horses at a time, which consume an average of approximately 1  
19 acre-foot of water per year for livestock drinking water alone.

20  
21 (5) **The location of each well or other source through which groundwater has been**  
22 **extracted.**

23 Response: AGR has one well, located at assessor's parcel number (APN) 030-130-255, well  
24 permit # 04N22W09N02S, State ID # 7043. The well pump operates at 33 gallons per minute, and the  
25 well has a total depth of 700 feet.

26  
27 (6) **The area in which the groundwater has been used.**

28 Response: AGR's operation span five parcels across which groundwater is used as described

1 above. The five parcels constitute a total of 177.71 acres.

2 The APNs for the property are:

- 3 • 030-0-130-235
- 4 • 030-0-130-245
- 5 • 030-0-130-255
- 6 • 030-0-130-265
- 7 • 030-0-130-275

8  
9 **(7) Any claims for increased or future use of groundwater.**

10 Response: AGR Breeding Inc. is an American Quarter Horse breeding company/farm. AGR's  
11 operations utilize water for drinking (10 gallons a day per horse on average), to disinfect foaling stalls,  
12 wash mares for breeding and foaling, general animal husbandry, and farm/housing maintenance.  
13 Currently AGR's pastures are not irrigated (although an irrigation system is in place), and the number  
14 of horses on the property is low. AGR reserves the right to increase the number of horses, to utilize  
15 the irrigation system installed to irrigate the pastures, add landscaping, and or build future barns and  
16 homes on its 177.71 acres, thereby increasing our water usage. In the past, AGR has housed up to 80  
17 horses at a time, which consume an average of approximately 1 acre-foot of water per year for  
18 livestock drinking water alone, but additional training programs may significantly increase this need  
19 per horse, both in consumption and bathing needs. AGR reserves the right to increase the number of  
20 horses it houses and to implement additional training and exercise programs for such horses, which  
21 would require the use of additional groundwater.

22  
23 **(8) The quantity of any beneficial use of any alternative water use that the party**  
24 **claims as its use of groundwater under any applicable law, including, but not limited to, Section**  
25 **1005.1, 1005.2, or 1005.4 of the Water Code.**

26 Response: AGR reserves the right to additional water use pursuant to Water Code Sections  
27 1005.1, 1005.2 and 1005.4 as a result of its groundwater conservation practices, including but not  
28 limited to, the purchasing of water, the use of surface water, and the reduction of groundwater

1 pumping. In the operation of a breeding program, the premises and horses must be kept in sanitary  
2 condition to prevent illness/infection. Mares are washed regularly during the times that they are  
3 checked by a veterinarian for breeding, right before their foals are born, and directly after giving birth.  
4 Their stalls are scrubbed clean right before giving birth and all supplies used are kept in sanitary  
5 conditions. An average horse drinks 10 gallons of water a day but there is a slight increase in the  
6 amount when in labor/foaling for milk production and when in heavy physical work. AGR has housed  
7 up to 80 horses, which drank an average of approximately 1 acre-foot of water per year. However,  
8 AGR is aware of the need to conserve water and has maintained the practice of conservation in all  
9 aspects of the operation of its business. In the interest of conservation AGR has chosen not to irrigate  
10 its pastures at this time (despite the fact that keeping horses on green pasture is a much more cost-  
11 effective way to house the animals) and has reduced the number of horses kept on its property.  
12 Moreover, AGR Breeding Inc. has rights to surface water, the use of which constitutes an alternative  
13 source of water.

14  
15 **(9) Identification of all surface water rights and contracts that the party claims**  
16 **provides the basis for its water right claims in the comprehensive adjudication.**

17 Response: AGR has surface water rights for the pond located on the property. (See permit  
18 #001718 / License # 002768, attached hereto as **Exhibit A.**) This gives AGR Breeding Inc. the right  
19 to use 127 acre-feet of water from this source per year, however AGR has not utilized this right as  
20 there has been no significant amount of water in the pond during the time which use has been  
21 permitted.

22  
23 **(10) The quantity of any replenishment of water to the basin that augmented the**  
24 **basin's native water supply, resulting from the intentional storage of imported or non-native**  
25 **water in the basin, managed recharge of surface water, or return flows resulting from the use of**  
26 **imported water or non-native water on lands overlying the basin by the party, or the party's**  
27 **representative or agent, during each of the 10 calendar years immediately preceding the filing**  
28 **of the complaint.**

1 Response: AGR asserts no replenishment of water to the basin that augmented the basin's  
2 native water supply, aside from the conservation measures noted above, during the 10 calendar years  
3 immediately preceding the filing of the complaint in this action.  
4

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

7 Response: **Eric Ovitz and Judy Ovitz**

8 Mr. E. Ovitz and Ms. J. Ovitz may be contacted through their attorneys of record, Edward J.  
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13

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

15 Response: Animal husbandry and breeding operations have been in continuous operation on  
16 this property since 2000. AGR's water needs have a direct correlation to operation and maintenance  
17 of its business and use of its property. AGR reserves the right to further supplement this disclosure,  
18 where appropriate, at a future date. (Code of Civ. Proc. § 842, subd. (d)(1)-(3).)  
19

20  
21 DATED: December 16, 2021

EDWARD J. CASEY  
GINA ANGIOLILLO  
**ALSTON & BIRD LLP**

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Ed Casey  
Attorneys for Cross-Defendant  
**AGR BREEDING, INC.**  
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**VERIFICATION**

I, Eric Ovitz, declare as follows:

I am the representative of AGR Breeding, Inc., Cross-Defendant in the above-entitled action, and as such make this verification on its behalf. I have reviewed the foregoing CROSS-DEFENDANT AGR BREEDING, INC.'S AMENDED INITIAL DISCLOSURES (CCP § 842) and know the contents thereof. 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.

Executed this 16 day of December, 2021, at Los Angeles, California.

  
\_\_\_\_\_  
Eric Ovitz

1 **PROOF OF SERVICE**

2 I, Marsha Boon, declare:

3 I am employed in the County of Los Angeles, State of California. I am over the age of 18 and  
4 on December 16, 2021, I served the document(s) described as **CROSS-DEFENDANT AGR**  
5 **BREEDING, INC.’S AMENDED INITIAL DISCLOSURES (CCP § 842)** on the interested parties  
6 in this action as follows: **SEE ATTACHED SERVICE LIST**

7 **[By transmission via E-Service to File & ServeXpress to the person(s) set forth**  
8 **below. Local Rules of Court 2.10 (P).]**

9  **BY MAIL:** I am “readily familiar” with this firm’s practice for the collection and the processing  
10 of correspondence for mailing with the United States Postal Service. In the ordinary course of  
11 business, the correspondence would be deposited with the United States Postal Service at 333  
12 South Hope Street, Los Angeles, California 90071 with postage thereon fully prepaid the same  
13 day on which the correspondence was placed for collection and mailing at the firm. Following  
14 ordinary business practices, I placed for collection and mailing with the United States Postal  
15 Service such envelope at Alston & Bird LLP, 333 South Hope Street, Los Angeles, California  
16 90071.

17  **UPS NEXT DAY AIR** I deposited such envelope in a facility regularly maintained by UPS  
18 with delivery fees fully provided for or delivered the envelope to a courier or driver of UPS  
19 authorized to receive documents at Alston & Bird LLP, 333 South Hope Street, 16<sup>th</sup> Floor, Los  
20 Angeles, CA 90071.

21  **BY ELECTRONIC MAIL TRANSMISSION WITH ATTACHMENT: By transmission**  
22 **via E-Service to File & ServeXpress to the person(s) set forth below. Local Rules of Court**  
23 **2.10 (P).**

24  [State] I declare under penalty of perjury under the laws of the State of California that  
25 the above is true and correct.

26  [Federal] I declare under penalty of perjury under the laws of the United States of America  
27 that the foregoing is true and correct.

28 Executed on December 16, 2021, at Los Angeles, California.



Marsha Boon



1                                    *Santa Barbara Channelkeeper v. State Water Resources Control Board, et al.*  
2                                    **Los Angeles Superior Court Case No. 19STCP01176**  
3                                    **[Transferred to Los Angeles Superior Court, Complex Civil Division, and assigned for all**  
4                                    **purposes to Hon. William F. Highberger per Minute Order dated May 15, 2019]**

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23                                    LTD, Baptiste Foundation, Troy Becker and Jeri  
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27                                    and Marilyn E. Bower, Trustees of the Bower  
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                                  Cline and Connie Burreson Cline Revocable  
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                                  and Lucille Elrod Family Trust, Linda Louise  
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                                  Wayne Francis, David Friend, Friend's Stable &  
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                                  Hirschkron (erroneously sued as Ole Konig),  
                                  Daniel Hultgen, Trustee of the Hultgen Living  
                                  Trust, Brent A. Jacobs and Rachael Jacobs,  
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                                  California, Stephen Mitchell and Kathleen Reid  
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