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9 Attorneys for Cross-Defendants,
10 Janis Long Nicholas, John Jay Nicholas,
11 Jess Earl Long (aka Jess E. Long),
12 Johanna Rae Long, Mary Margaret Long, and
13 Janis Long Nicholas and Jess E. Long, as
14 Trustees of the Long Family Trust

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT
SPRING STREET COURTHOUSE**

SANTA BARBARA CHANNELKEEPER,
a California non-profit corporation,

Petitioner,

vs.

STATE WATER RESOURCES CONTROL
BOARD, et al.,

Respondents.

LASC Case No. 19STCP01176

**CROSS-DEFENDANTS JANIS LONG
NICHOLAS, JOHN JAY NICHOLAS,
JESS EARL LONG (AKA JESS E. LONG),
JOHANNA RAE LONG, MARY
MARGARET LONG, AND JANIS LONG
NICHOLAS AND JESS E. LONG, AS
TRUSTEES OF THE LONG FAMILY
TRUST, INITIAL DISCLOSURE**

CITY OF SAN BUENAVENTURA,
a California municipal corporation,

Cross-Complainant,

vs.

DUNCAN ABBOTT, an individual; et al.

Cross-Defendants.

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

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- 1 (2) The quantity of any groundwater extracted from the basin by the party and the method of
2 measurement used by the party or the party's predecessor in interest for each of the
3 previous 10 years preceding the filing of the complaint.

4

Year	Extraction
2020	14,000 gallons
2019	5,400 gallons
2011-2018	Less than 0.5 af per year

7

8 Cross-Defendants reserve the right to supplement this disclosure if additional
9 information becomes available.

10
11 Method of measurement: 2019 and 2020 estimates were based on gallons per minute
12 and the length of time the pump was operated. 2011 to 2018 estimates were based on
13 the lack of well use.

- 14
15 (3) The type of water right or rights claimed by the party for the extraction of groundwater.

16 Cross-Defendants assert overlying water rights and possibly riparian rights for the
17 extraction of groundwater from a water well located on or near their properties from the
18 Ojai Groundwater Basin. Cross-Defendants also assert a right to use groundwater under
19 the self-help doctrine, if prescriptive rights to extract groundwater from the basin are
20 determined. In addition, Cross-Defendants claim riparian rights to the waters of Thacher
21 Creek, which runs through Cross-Defendants' properties.

- 22
23 (4) A general description of the purpose to which the groundwater has been put.

24 Cross-Defendants extract groundwater from the Ojai Groundwater Basin for use in dust
25 control on roads, fruit tree irrigation, protected Oak and Sycamore tree irrigation, and
26 for emergencies.

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1 (5) The location of each well or other source through which groundwater has been extracted.

2 Cross-Defendants extract water from one well –

3 State Well Number 04N22W07A02S is located on APN 024-0-090-055. Per the Ojai
4 Basin Groundwater Management Agency, the coordinates are Latitude 34 26 47.9,
5 Longitude 119 12 58.5, and Elevation 802.

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

8 Cross-Defendants use the water extracted from State Well Number 04N22W07A02S for
9 dust control on roads, fruit tree irrigation, protected Oak and Sycamore tree irrigation,
10 and for emergencies, on APN 024-0-090-145, APN 024-0-090-175, APN 024-090-285,
11 APN 024-0-090-435, APN 024-0-090-415, and APN 024-0-090-425.

12
13 (7) Any claims for increased or future use of groundwater.

14 Ownership interests in the well and the parcels served by the well have recently changed.
15 Currently, the new ownership intends to resume the planting of irrigated crops. From
16 approximately 1936 to 2004, forty-two (42) acres of the properties served by the well
17 were commercially farmed with orange trees. From 1936 to 2004, the estimated average
18 water extraction from the well was approximately 3 acre-feet per year per acre. In
19 addition, during certain periods of time, avocados and vegetables have been commercially
20 grown, as well as other fruit trees for family use.

21
22 (8) The quantity of any beneficial use of any alternative water use that the party claims
23 as its use of groundwater under any applicable law, including, but not limited to,
24 Section 1005.1, 1005.2, or 1005.4 of the Water Code .

25 Cross-Defendants reserve the right to additional water use pursuant to Section 1005.1,
26 1005.2, or 1005.4 of the Water Code.

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- 1 (9) Identification of all surface water rights and contracts that the party claims provide the
2 basis for its water right claims in the comprehensive adjudication.

3 Cross-Defendants assert riparian rights to Thatcher Creek, including subsurface
4 underflow on or appurtenant to their properties.

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

11 Not applicable. Cross-Defendants reserve the right to supplement their initial disclosure
12 with additional information regarding replenishment.

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

15 Janis Long Nicholas (Cross-Defendant)
16 650 Katherine Avenue
17 Oak View, CA 93022
18 Tel: (805)844-0041
19 E-mail: janisnicholas@hotmail.com

20 Jess Earl Long (aka Jess E. Long) (Cross-Defendant)
21 2788 East Ojai Avenue, Ojai, CA 93023
22 Tel: (805) 368-5632
23 E-mail: ojaijess@hotmail.com

24 Ms. Nicholas and Mr. Long may be contacted through Cross-Defendants' attorney of
25 record, Lagerlof, LLP, located at 155 N. Lake Avenue, 11th Floor, Pasadena, CA 91101,
26 Tel: (626) 793-9400, E-mail: tombunn@lagerlof.com; esham@lagerlof.com.

27 Ojai Basin Groundwater Management Agency
28 P.O. Box 1779
Ojai, CA 93024
E-mail: obgma@aol.com
Tel: (805) 640-1207

State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100
E-mail: info@waterboards.gov

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

2 (a) Cross-Defendants' use of water from the Ojai Basin is reasonable and beneficial
3 because it is used for irrigation. Cal. Water Code section 106 states: "It is hereby
4 declared to be the established policy of this State that the use of water for
5 domestic purposes is the highest use of water and that the next highest use is for
6 irrigation."

7 (b) They are exercising vested water rights.

8 (c) Cross-Defendants' use accounts for a de minimis or extremely insignificant
9 portion of the total water use from the Ventura River watershed by all parties.

10
11 Cross-Defendants will further supplement their disclosure pursuant to California Civil Procedure
12 Code section 842(d), if applicable.

13
14 Dated: May 27, 2021

LAGERLOF, LLP

15
16 By: Thomas S. Bunn III

17 Thomas S. Bunn, III

Elsa Sham

18 Attorneys for Cross-Defendants

Janis Long Nicholas, John Jay Nicholas,

19 Jess Earl Long (aka Jess E. Long), Johanna Rae Long,

Mary Margaret Long, and Janis Long Nicholas and

20 Jess E. Long, as Trustees of the Long Family Trust

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VERIFICATION

I, Janis Long Nicholas, declare:

I am authorized to make this verification for and on behalf of Cross-Defendants Janis Long Nicholas, John Jay Nicholas, Jess Earl Long (aka Jess E. Long), Johanna Rae Long, Mary Margaret Long, and Janis Long Nicholas and Jess E. Long, as Trustees of the Long Family Trust ("Cross-Defendants").

I have read Cross-Defendants' Initial Disclosure, dated May 26, 2021, and know its contents. I am informed and believe, and on that ground allege that the matters stated in it are true.

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

Executed on May 26, 2021, at Oak View (City), California.


Janis Long Nicholas

1 **PROOF OF SERVICE**

2 *Santa Barbara Channelkeeper v. State Water Resources Control Board, et al.*

3 Case No. 19STCP01176

4 I am employed in the County of Los Angeles, State of California. I am over the age of 18
5 years, and am not a party to the within action; my business address is 155 North Lake Avenue, 11th
6 Floor, Pasadena, California 91101.

7 On **May 27, 2021**, I served the forgoing document described as **CROSS-DEFENDANTS**
8 **JANIS LONG NICHOLAS, JOHN JAY NICHOLAS, JESS EARL LONG (AKA JESS E. LONG),**
9 **JOHANNA RAE LONG, MARY MARGARET LONG, AND JANIS LONG NICHOLAS AND**
10 **JESS E. LONG, AS TRUSTEES OF THE LONG FAMILY TRUST, INITIAL DISCLOSURE** on
11 the interested parties in this action by electronic service as follows:

12 **(X) BY ELECTRONIC TRANSMISSION:** Pursuant to Court Order Authorizing Electronic
13 Service, I provided the document(s) listed above electronically on the **File & ServeXpress**
14 website for distribution to the SERVICE LIST maintained for this matter.

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

17 Executed on **May 27, 2021**, at Pasadena, California.

18 
19
20 **DIANE SCHMIDT**