

August 16, 2021

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SUPERIOR COURT FOR THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT 10 HON. WILLIAM F. HIGHBERGER, JUDGE

SANTA BARBARA CHANNELKEEPER,	)	
	)	
PLAINTIFF,	)	
	)	
VS.	)	SUPERIOR COURT
	)	NO. 19STCP01176
STATE WATER RESOURCES CONTROL	)	
BOARD; ET AL.,	)	
	)	
DEFENDANTS.	)	

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REPORTER'S TRANSCRIPT OF PROCEEDINGS

AUGUST 16, 2021

APPEARANCES (IN PERSON):

FOR PETITIONER:	BEST BEST KRIEGER
	BY: CHRISTOPHER M. PISANO
	300 S. GRAND AVENUE, 25TH FLR.
	LOS ANGELES, CA 90071

FOR PETITIONER:	BEST BEST & KRIEGER
	BY: SHAWN D. HAGERTY
	655 WEST BROADWAY, E1500
	SAN DIEGO, CA 92101

FOR CROSS-DEFENDANT CASITAS:	RUTAN & TUCKER
	BY: DOUGLAS J. DENNINGTON
	18575 JAMBOREE ROAD, #900
	IRVINE, CA 92612

	GAIL PEEPLES, CSR NO. 11458
	PRO TEMPORE OFFICIAL REPORTER

SANTA BARBARA CHANNELKEEPER VS STATE WATER RESOURCES CONTROL  
BOARD, ET AL., 19STCP01176

August 16, 2021

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1 APPEARANCES (LA COURT CONNECT):  
2 FOR THE DEFENDANTS:  
3 FOR CITY OF OJAI: HOLLY JACOBSON  
4 FOR AERA ENERGY: PETER DUCHESNEAU  
5 FOR BERNHOFT: ANTHONY L. FRANCOIS  
6 FOR GARRISON: GREGG GARRISON, ESQ.  
7 FOR CA. DEPT FISH &  
8 WILDLIFE: NOAH GOLDEN-KRASNER  
9 FOR CASITAS: ROBERT N. KWONG  
10 FOR RANCHO MATILJIA: NEAL P. METCALF  
11 FOR STATE WATER RESOURCE  
12 BOARD: NATHAN METCALF  
13 FOR BACON: DAVID L. OSIAS  
14 FOR ROE 185: MICHAEL RAY OZATALAR  
15 FOR 4205 THATCHER: GREGOR J. PATTERSON  
16 FOR SCHREINER: LAURA R. SCHREINER  
17 FOR VENTURA RIVER WATERSHED  
18 DISTRICT: JEANNE M. ZOLEZZI  
19 FOR CASITAS: DOUGLAS J. DENNINGTON  
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VOLUME N/A

M A S T E R I N D E X

CHRONOLOGICAL INDEX OF WITNESSES

WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
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(NONE)

ALPHABETICAL INDEX OF WITNESSES

WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
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(NONE)

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VOLUME N/A

M A S T E R I N D E X

EXHIBITS

			WITHDRAWN/
PLAINTIFF'S	FOR I.D.	IN EVD.	REJECTED
	(NONE)		

			WITHDRAWN/
DEFENDANT'S	FOR I.D.	IN EVD.	REJECTED
	(NONE)		

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1 CASE NUMBER: 19STCP01176  
2 CASE NAME: SANTA BARBARA CHANNELKEEPER  
3 LOS ANGELES, CALIFORNIA AUGUST 15, 2021  
4 DEPARTMENT 10 HON. WILLIAM F. HIGHBERGER,  
5 JUDGE  
6 REPORTER: GAIL PEEPLES, CSR NO. 11458  
7 TIME: 1:30 P.M.  
8 APPEARANCES: (AS PREVIOUSLY NOTED.)  
9

10 THE COURT: ON THE RECORD IN 19STCP301176, SANTA  
11 BARBARA CHANNELKEEPER VERSUS STATE WATER RESOURCES  
12 CONTROL BOARD, ET CETERA.

13 WE HAVE VARIOUS ATTORNEYS BEFORE THE COURT,  
14 MANY OTHER LAWYERS ON THE PHONE.

15 IF YOU'RE ON THE PHONE, PLEASE, STAY MUTED  
16 UNLESS YOU ARE ACTUALLY TALKING AT THE TIME. LET ME LOG  
17 ON ELECTRONICALLY SO YOU CAN SEE ME.

18 OKAY. YOU HAVE GIVEN ME A FAIR AMOUNT OF  
19 HOMEWORK, AND I HAVE ALSO READ THE STATUS REPORT FOR  
20 TODAY. I HAVE MADE IT THROUGH ONE PASS AT REVIEWING THE  
21 EDITED EXCERPTED DRAFT PHYSICAL SOLUTION LODGED WITH ME  
22 PREVIOUSLY, AND I HAVE ALSO GONE THROUGH THE COMMENTARIES  
23 THERE ARE, MOSTLY IN THE FORM OF OBJECTIONS, AS ORGANIZED  
24 BY THE CITY'S ATTORNEYS. I WILL REVIEW WITH A LITTLE  
25 MORE PARTICULARITY WHAT I HAVE REVIEWED.

26 I OFFER THE FOLLOWING COMMENTS IN REVIEWING  
27 THE DRAFT. AND THESE ARE NOT NECESSARILY IN ORDER OF  
28 SIGNIFICANCE, THEY ARE SIMPLY IN ORDER OF MY NOTES.

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1 PAGE 2 OF THE DRAFT LINE 11 REFERS TO THE  
2 VENTURA RIVER WATERSHED THE FIRST TIME, BUT IT DOES NOT  
3 SHOW IT WAS A DEFINED TERM. I THINK THEREAFTER YOU USE  
4 "WATERSHED" MANY, MANY MANY, MANY TIMES OVER. AND I  
5 ASSUME THAT IS A REFERENCE BACK TO THAT DEFINED TERM.  
6 BUT ASSUMING THAT'S TRUE, THEN IT OUGHT TO BE BOLD ON  
7 LINE 11 WITH APPROPRIATE ANNOTATIONS HOW YOU DEFINE IT.

8 I NOTE WITH INTEREST IN READING THIS POINT  
9 I HADN'T THOUGHT ABOUT BUT I GUESS IT'S A FAIR CONCLUSION  
10 THAT DUE TO THE DUAL SOVEREIGNTY OF THE UNITED STATES  
11 GOVERNMENT AS COMPARED TO THE GREAT STATE OF CALIFORNIA  
12 AND THE FACT THIS IS A STATE COURT, THE FEDERAL  
13 GOVERNMENT COULDN'T BE SUED HERE AND IN ANY CASE HASN'T  
14 BEEN SUED HERE. SO WHATEVER INTEREST THE FEDERAL  
15 GOVERNMENT MAY BE TO THE SAME WATER IT MAY BE LEFT  
16 TALONE.

17 RIGHT, MR. DENNINGTON?

18 MR. HAGERTY: THAT'S CORRECT. THEY'RE NOT A NAMED  
19 PARTY, YOUR HONOR.

20 THE COURT: NOR COULD THEY BE IN STATE COURT.

21 MR. HAGERTY: THEY'RE NOT A NAMED PARTY, YOUR  
22 HONOR. RIGHT.

23 THE COURT: YOU HAVE AN EXHIBIT C TO THE DOCUMENT  
24 WHICH -- I STAND CORRECTED.

25 YOU HAVE EXHIBIT B TO THE DOCUMENT WHICH  
26 FOLLOWING THE NEW STYLE OF WORD PROCESORS FAVOR GIVEN  
27 NAMES SUCH AS SHAWN OR WILLIAM RATHER THAN SURNAMES SUCH  
28 AS HAGERTY OR HIGHBERGER. BUT FOR MY PURPOSES IN TRYING

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1 TO CREATE A LEGAL LIST, I THINK IT'S IMPORTANT WHEN YOU  
2 COME BACK IN FOR YOUR REVISED VERSION OF A PROPOSED  
3 SOLUTION THAT THE EXHIBIT HAVE THE SURNAMES FIRST WITH  
4 THE STYLE OF HAGERTY, SHAW" SO IT ALPHABETIZES BY  
5 SURNAME, NOT BY GIVEN NAME.

6 ON PAGE 7 LINES 11 TO 15 YOU FANCY THAT  
7 AFTER YOU DEFAULTED CERTAIN INDIVIDUALS -- AND THERE  
8 WILL, AS I UNDERSTAND IT THE DATA FROM THE LATEST REPORT,  
9 BE HUNDREDS OF PEOPLE WHO APPEAR TO BE HEADED TOWARDS  
10 DEFAULT -- THAT YOU ARE GOING TO HAPPILY SAIL RIGHT TO  
11 THE DEFAULT JUDGMENT WITH NO FURTHER FORMALITIES.

12 I'LL BE A SKEPTIC ABOUT THAT.

13 FAIR WARMING, NORMALLY TO GET A DEFAULT  
14 JUDGMENT HAS QUITE A BIT OF PROCESS THAT FOLLOWS THE  
15 ENTRY OF DEFAULT AND IT'S NOT JUST LIKE WATER ROLLING  
16 DOWNHILL BUT IS A WHOLE LOT OF DUE PROCESS.

17 MR. HAGERTY: YOUR HONOR, WE DIDN'T UNDERSTAND  
18 THAT WOULD BE THE CASE --

19 THE COURT: WELL, YOU GOT THE WORDS HERE. JUST  
20 SEEMS TO FOLLOW LIKE NIGHT FOLLOWS DAY THAT AFTER YOU GET  
21 THE PHYSICAL SOLUTION APPROVED THAT SOMEHOW THE DEFAULT  
22 JUDGMENT ENTERS FORTHWITH. AND I DON'T KNOW THAT IT'S  
23 THAT EASY.

24 MR. HAGERTY: WE WOULD THINK, YOUR HONOR, THERE  
25 WOULD BE A PROCESS, AS YOU ARE CONSIDERING THE FORMAL  
26 PHYSICAL SOLUTION, THAT WE WOULD PROVE UP EVERYTHING WE  
27 COULD PROOF DURING DEFAULT JUDGMENT.

28 THE COURT: NEXT QUESTION YOU'RE NOT TO ANSWER

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4

1 IMMEDIATELY ALTHOUGH IT INVITES AN ANSWER.

2 AT THE BOTTOM OF PAGE 7 GOING OVER TO PAGE  
3 PAGE 8 YOU NOTE THAT "I WILL HAVE OBTAINED INTERIM  
4 JURISDICTION."

5 AND I KNOW YOU'RE FAR ALONG THE PROCESS OF  
6 HOPING TO ACCOMPLISH THAT.

7 BUT THEN YOU DRAW THE CONCLUSION THAT ON  
8 ACCOUNT OF HAVING INTERIM JURISDICTION, I THEN SEEM TO  
9 HAVE UNLIMITED POWERS TO ADJUDICATE WHAT APPEAR TO BE A  
10 DESCRIPTION OF REPARIAN RIGHTS, WHICH IS NOT TO MY  
11 UNDERSTANDING THE SUBJECT OF IN RIM JURISDICTION,  
12 INCLUDING SURFACE FLOWS.

13 AND THEN A DIFFERENT TOP, WHICH WILL BE  
14 QUITE INTERESTING, A PASSING REFERENCE TO WHAT ARE  
15 DESCRIBED AS "UNDERGROUND WITHIN A KNOWN AND DEFINED  
16 CHANNEL," AND WHICH LOOKS LIKE ITS OWN HOT TOPIC.

17 IT WASN'T OBVIOUS TO ME THAT IN THE REALM  
18 OF TRUE GROUNDWATER THERE IS ANYBODY TO BROADEN MY IN  
19 PERSONA JURISDICTION OVER CLAIMS TO REPARIAN USES.

20 MR. HAGERTY: WE DID NAME ALL OF THE KNOWN  
21 REPARIANS SEPARATELY AND PERSONALLY SERVE THEM. SO YOU  
22 WILL HAVE JURISDICTION BASED UPON THE PERSONAL SERVICE --

23 THE COURT: BUT THE WAY THE SENTENCE IS WORDED,  
24 YOU ASSUME TO IT FLOWS FROM IN RIM JURISDICTION WHICH TO  
25 MY UNDERSTANDING

26 MR. HAGERTY: I THINK AN ISSUE WE WILL RESOLVE  
27 HOPEFULLY AFTER PHASE ONE IS THE RELATIONSHIP BETWEEN  
28 SURFACE WATER AND GROUND WATER AS IT RELATES TO THE



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1 ADJUDICATION STATUTE. SO, I THINK THAT'S AN ISSUE WE  
2 WILL GET INTO MORE.

3 BUT, YOU KNOW, MAYBE IT'S JUST THE  
4 PHRASING, YOUR HONOR. WE CERTAINLY CAN WORK ON THAT. WE  
5 BELIEVE YOU HAVE BOTH PERSONAL AND IN RIM JURISDICTION OR  
6 WILL AT THE APPROPRIATE TIME.

7 THE COURT: AND I KNOW YOU HAVE WORKED HARD TO GET  
8 THE IN RIM JURISDICTION WITH THE NOTICE PROCESS BY  
9 CERTIFIED MAIL AND POSTING AND THE LIKE AND I KNOW YOU'RE  
10 WORKING EQUALLY HARD TO GET IN PERSONA JURISDICTION OVER  
11 THE NAMED CROSS-DEFENDANTS SO THAT YOU CAN SOLIDIFY THE  
12 RED HERING CLAIMS, BUT THAT IS CONCEPTUALLY DIFFERENT  
13 THAN JUST SOMETHING DERIVATIVE OF IN RIM.

14 MR. HAGERTY: WITH A WRINKLE WE WILL DEAL WITH  
15 AFTER PHASE ONE OR PART OF PHASE ONE, BUT, YES. AND WE  
16 CONSCIOUSLY PROVIDED THE COURT WITH THOSE OPTION --  
17 JURISDICTION BASED ON THE IN RIM AND JURISDICTION BASED  
18 ON IN PERSONA.

19 THE COURT: ON PAGE 9 LINE 8 GOING ON TO 9, YOU  
20 WERE OPTIMISTICALLY ASSUMING THAT AT THE END OF TRIAL ALL  
21 THE OBJECTIONS OF PLAINTIFF SANTA BARBARA CHANNEL KEEPER  
22 ARE SLAUGHTERED.

23 AND I ASSUME THIS IS JUST OPTIMISTIC HOPE  
24 AS TO HOW THINGS WILL TURN OUT AT THE END BECAUSE I  
25 ASSUME, MR. SLATER, AS COUNSEL FOR SANTA BARBARA CHANNEL  
26 KEEPER YOU'RE NOT READY TO STIPULATE AT THIS EARLY  
27 JUNCTURE THAT ALL OF YOUR OBJECTIONS TO THE PHYSICAL  
28 SOLUTION ARE GOING TO BE THE RULE.

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1 TRUE, MR. SLATER?

2 MR. SLATER: THIS SLATER, YOUR HONOR, COUNSEL  
3 FOR --

4  
5 (AUDIO IS GARBLED)

6  
7 THE COURT: WHO IS SPEAKING?

8 MR. SLATER: THIS IS SCOTT SLATER.

9 THE COURT: OKAY. I THOUGHT I WAS TALKING TO  
10 SLATER. AREN'T YOU COUNSEL FOR SANTA BARBARA  
11 CHANNELKEEPER?

12 MR. SLATER: I AM NOT --

13 THE COURT: I'M SORRY. THE WAY OUR COURT LISTED  
14 YOU YOU'RE SHOWN TO BE COUNSEL FOR SANTA BARBARA  
15 CHANNELKEEPER.

16 SO, WHO'S ON THE PHONE THIS AFTERNOON WHO  
17 IS COUNSEL FOR SANTA BARBARA CHANNELKEEPER?

18 MR. HITTERLY: YOUR HONOR, THIS IS BEN HITERLY  
19 (PHONETIC) WITH SANTA BARBARA CHANNELKEEPER. OUR COUNSEL  
20 IS NOT PRESENT.

21 THE COURT: OKAY. WHATEVER. JUST NOTE THAT IN  
22 PASSING THEN.

23 SOMEHOW, MR. SLATER, WHEN YOU GOT  
24 REGISTERED PERHAPS YOU GOT ASSOCIATED WITH THE LEAD  
25 PLAINTIFF'S NAME IN THE CASE RATHER THAN YOUR CLIENT.  
26 THAT'S WHY I MISTOOK WHO YOU REPRESENTED.

27 MR. SLATER: NO PROBLEM, YOUR HONOR.

28 THE COURT: PAGE 10 LINE 10 GOING OVER TO 12 THERE

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1 IS A RATHER BOLD ASSERTION -- OH, I CAN ACCEPT THAT. YOU  
2 USE THE WORD "PARTIES" AS A DIFFERENT WORD THAN  
3 "PERSONS."

4 "PERSONS" TIES TO GROUNDWATER, "PARTIES"  
5 TIES TO REPARIAN; RIGHT, MR. HAGERTY?

6 MR. HAGERTY: WE DO MAKE DISTINCTIONS ON THE  
7 DIFFERENT MEANINGS, YOUR HONOR.

8 THE COURT: NO CRITIQUE OF THAT LANGUAGE.

9 PAGE 13 LITTLE SUB PARAGRAPHS A THROUGH F,  
10 ULTIMATELY TRY TO GET IT THE SAME STYLISTICALLY WHEN YOU  
11 CITE THE SAME DECISIONS. YOU HAVE GOT A MISH-MASH OF  
12 CITATION FORMATS.

13 PAGE 20 LINES 13 TO 14 CAUSES ME TO TOUCH  
14 ON A POINT WHICH WILL PROMPT A MORE WIDE-RANGING COMMENT  
15 ABOUT YOURS TRULY.

16 AS I REVIEW THE PROPOSED PHYSICAL SOLUTION  
17 OF THE PROPONENTS APPEAR TO ACXCEPT THAT THE WIDE  
18 VARIABILITY IN RAINFALL IN THE WATERSHED IN QUESTION  
19 CHARACTERISTIC OF SOUTHERN CALIFORNIA MORE GENERALLY IS A  
20 GIVEN THAT CAN'T PRACTICALLY BE OVERCOME AND THAT EVEN  
21 BEFORE THE URBANIZATION OF PORTIONS OF THE WATERSHED AND  
22 ADJACENT AREAS HAD OCCURRED THAT IT APPEARED THAT  
23 HISTORIC RECORDS SHOWED THE SAME VARIABILITY AND WATER  
24 FLOWS AT A TIME WHEN THE STEEL HEAD TROUT FISHERIES WERE  
25 CONSIDERED TO BE AN ACCEPTABLE AND GOOD POSITION AS A  
26 HISTORICAL FACT AND THEREFORE, AS I UNDERSTAND IT, THE  
27 PROPONENTS OF THIS DRAFT PHYSICAL SOLUTION DON'T FEEL  
28 THAT MUCH ATTENTION TO TRYING TO SQUEEZE OUT MORE

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1 AVAILABLE WATER AFTER APPROPRIATE BENEFICIAL USES HAVE  
2 BEEN ACCOUNTED FOR AND INSTEAD FOCUS A LOT OF EFFORT ON  
3 OTHER KINDS OF MITIGATION HAVING TO DO WITH REMOVAL OF  
4 NON-NATIVE PLANTS, THE REDISTRIBUTION OF APPROPRIATE  
5 GRAVEL FOR SPAWNING GROUNDS, AND GROWING AREAS FOR THE  
6 FISH IN QUESTION AND THAT IT IS BASICALLY HABITAT  
7 RESTORATION THAT WILL IMPROVE THE FISHERY.

8 ALL THAT BEING SAID, THERE ARE IN THE  
9 OBJECTIONS MORE THAN A FEW FULL THROATED OBJECTIONS TO  
10 THE CITY OF VENTURA'S ALLEGED CONTINUING PRACTICE OF  
11 ISSUING DEVELOPMENT PERMITS, CREATING A TENDENCY TO NEED  
12 MORE DOMESTIC WATER FROM THE RESOURCES CURRENTLY EMPLOYED  
13 BY THE CITY OF VENTURA FOR ITS WATERWORKS.

14 AND THE GENERAL ASSERTION THAT THE CITY OF  
15 VENTURA IS CAUSING A FURTHER CONFOUNDING OF THIS PROBLEM  
16 BY ITS ALLEGED EAGERNESS FOR PERMIT DEVELOPMENT  
17 PARTICULARLY AS COMPARED TO WHAT IT IS DEPICTED BY  
18 CERTAIN RESIDENTS OF OJAI AND VICINITY AS BEING A  
19 LOW-GROWTH, NO-GROWTH APPROACH TO FURTHER EXPLOITATION OF  
20 WATER RESOURCES IN THAT PORTION OF THE WATERSHED.

21 WHICH BRINGS ME BACK TO MY RECOLLECTION  
22 THAT VENTURA COUNTY OR SOME OF ITS POLITICAL CONSTITUENT  
23 ENTITIES, TO MY RECOLLECTION, HAVE SOME UNEXERCISED  
24 RIGHTS TO WATER FROM GOVERNOR PAT BROWN'S STATE WATER  
25 PROJECT, WHICH GETS CLOSE TO ALL PARTS OF VENTURA COUNTY  
26 BUT AT THE MOMENT HAS NO PIPING PAST APPROXIMATELY SIMI  
27 VALLEY, I BELIEVE, IN THE EASTERN PORTION.

28 VENTURA COUNTY ASSERTS THAT THE SIMI VALLEY

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1 REGION OF VENTURA COUNTY ENJOYS IMPORTED WATER FROM THE  
2 STATE PROJECT BUT THE AREAS CURRENTLY RELY EXCLUSIVELY ON  
3 THE VENTURA RIVER WATERSHED HAVE NO SUCH  
4 CONNECTIVENESS.

5 MR. HAGERTY: YOUR HONOR, THERE'S A LOT IN THAT  
6 COMMENT.

7 BUT JUST MAYBE TAKE THE LAST PART FIRST.

8 YOU ARE CORRECT THAT BOTH THE CITY AND  
9 CASITAS MUNICIPAL WATER DISTRICT HAVE RIGHTS TO THE STATE  
10 WATER PROJECT --

11 THE COURT: THEY ARE PAYING HANDILY TO KEEP THOSE  
12 RIGHTS.

13 MR. HAGERTY: THEY PAY TO MAINTAIN THEM; THAT'S  
14 CORRECT, YOUR HONOR.

15 AND THERE ARE AT LEAST TWO PROJECTS UNDER  
16 CONSIDERATION, ONE BY THE CITY POTENTIALLY WITH CASITAS  
17 OR OTHERS AND ONE BY CASITAS TO TRY TO TIE IN TO THE  
18 PROJECT AND EXERCISE THEIR RIGHTS.

19 THE CITY'S PROJECT HAS BEEN APPROVED BY THE  
20 CITY. THERE WAS A CEQA LAWSUIT THAT WAS FILED TO  
21 CHALLENGE THAT. THE CITY HAS THUS FAR BEEN SUCCESSFUL IN  
22 DEFENDING THAT CHALLENGE. BUT THERE'S A LOT WAY TO GO ON  
23 THAT PROJECT.

24 AND THEN CASITAS -- YOU KNOW, THEY CAN  
25 SPEAK FOR THEMSELVES -- BUT IT'S PUBLIC KNOWLEDGE THEY  
26 ARE CONSIDERING A DIFFERENT CONNECTION THAT WOULD COME  
27 DOWN FROM SANTA BARBARA AREA AND CONNECT DIRECTLY TO  
28 CASITAS.

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1 SO, YOU ARE CORRECT THAT --

2 THE COURT: SO VENTURA CITY MIGHT GO OFF OF SIMI  
3 VALLEY, BUT CASITAS MIGHT GO OFF OF CAMARIOOL? EXCUSE  
4 ME. CARPETERIA?

5 MR. HAGERTY: I DON'T KNOW THE DETAILS AS MUCH  
6 AS -- WE WOULD CONNECT THROUGH GALLEGOS AND BACK, YES.  
7 WE WOULD GO ONE WAY AND THEY WOULD COME IN FROM A  
8 DIFFERENT WAY OR SOME COMBINATION OF THAT. THOSE ISSUES  
9 ARE STILL IN FLUX --

10 THE COURT: I MENTION THIS IN PASSING BECAUSE THE  
11 OBJECTIONS PARTICULARLY TO VENTURA CITY'S BEHAVIOR, WHICH  
12 SUGGESTS SOME MORE SERIOUS CONSIDERATION OF TRYING TO  
13 EXPEDITE ACCESS TO IMPORTED WATER BY MIGHT BEGIN TO  
14 ANSWER THE QUESTION COULD THERE BE MORE WATER PUT BACK  
15 INTO THE WATERSHED BECAUSE IMPORTED WATER IS ONE OF THE  
16 MORE OBVIOUS SOLUTIONS TO FINDING WAYS TO REDUCE THE DRAW  
17 FROM THE WATERSHED IN QUESTION.

18 MR. HAGERTY: YOUR HONOR, I MEAN, THE COURT'S  
19 READING OF THE PHYSICAL SOLUTION AND THE BASIC PREMISE IS  
20 ABSOLUTELY ON POINT.

21 WE, THE PROPOSING PARTIES BELIEVE -- AND  
22 THIS IS CONTESTED SO I'M JUST SUMMARIZING WHAT'S IN THE  
23 DOCUMENT.

24 BUT WE BELIEVE THAT THE AMOUNT OF WATER IN  
25 THE SYSTEM HAS HISTORICALLY BEEN SUFFICIENT TO ALLOW FOR  
26 THE FISH TO BE SUCCESSFUL AND THERE ARE OTHER REASONS WHY  
27 THE FISH ARE NOT CURRENTLY SUCCESSFUL. AND THAT'S WHAT  
28 WE NEED TO WORK ON. THERE IS A LOT OF INFORMATION THAT

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1 WILL NEED TO BE PRESENTED TO THE COURT ON HOW MUCH WATER  
2 THE FOLKS IN OJAI USE, HOW MUCH THE FOLKS IN UPPER OJAI  
3 USE.

4 THE REALITY FROM THE CITY'S PERSPECTIVE IS  
5 OUR USE OF THE RIVER HAS GONE DOWN OVER SIGNIFICANTLY  
6 OVER TIME. AND SO WE HAVE REDUCED OUR CONSUMPTION FROM  
7 THE RIVER GREATLY.

8 BUT ALL THOSE ISSUES, YOUR HONOR, WILL BE  
9 TO BE DEMONSTRATED LATER ON IN THE PROCESS.

10 THE COURT: DIFFERENT OBJECTION IN PASSING. THIS  
11 IS JUST STATED OUT OF ESSENTIALLY FACTUAL IGNORANCE BY  
12 MYSELF OF THESE ISSUES AND CURIOSITY ULTIMATELY OF HOW  
13 THIS WORKS.

14 AS I UNDERSTAND IT, THERE ARE PROBABLY  
15 TWICE AS MANY OIL WELLS IN THE WATERSHED. PAGE 31 LINE  
16 23 SUGGESTS 700 ACTIVE OIL WELLS VERSUS 367 ACTIVE WATER  
17 WELLS FOR AGRICULTURE AND DOMESTIC USES. THAT'S PAGE 29  
18 LINE 8. PRESUMABLY THERE MAY BE SOME ADDITIONAL WELLS  
19 LIFTING WATER TO BE USED FOR OIL EXTRACTION OMEN BUT NOT  
20 FOR DOMESTIC AGRICULTURAL OR POTABLE PURPOSES.

21 BUT IT'S INTERESTING, THEN, THAT THE  
22 ACTIVITY INVOLVED IN LIFTING HYDROCARBONS OUT OF THE  
23 GROUND AND INSERTING SOME KIND OF WATER OR OTHER SLOP  
24 BACK DOWN IN AN ADJACENT HOLE OR THE SAME HOLE --  
25 PRESUMING ADJACENT HOLE -- IS BEYOND THE REACH OF THE  
26 PHYSICAL SOLUTION AND APPEARS NOT TO HAVE AN IMPACT ON  
27 THE PHYSICAL SOLUTION PRESUMABLY BECAUSE CURRENT EVENTS  
28 REFERRING IT TO SOME OTHER DEPTH BELOW THE SURFACE OF THE

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1 EARTH SUCH AS THEY HAVE NO CONNECTIVENESS OR VALUE THAT  
2 NO WANTS TO USE FOR THEIR OWN PURPOSES OTHER THAN FOR OIL  
3 EXTRACTION.

4 MR. HAGERTY: AGAIN, THERE IS A LOT THERE.

5 BUT THERE ARE SEVERAL OIL COMPANIES WHO ARE  
6 NAMED PARTIES. WE ARE WORKING WITH THEM ON THE LANGUAGE  
7 IN THE PHYSICAL SOLUTION. THEY ARE SEPARATELY REGULATED.  
8 THEY DO GENERALLY TAKE WATER -- TAKE THEIR OIL FROM THE  
9 VERY DEEP AREA. THEY INJECT SOME MATERIAL BACK DOWN.  
10 THAT IS REALLY SEPARATELY REGULATED. AND IT'S RECOGNIZED  
11 BY THOSE OTHER ENTITIES THAT REGULATE THAT THAT IS  
12 SEPARATE FROM THE GENERAL WATER SOURCE THAT'S USED FOR  
13 AGRICULTURAL AND MUNICIPAL PURPOSES --

14 THE COURT: AND IN GENERAL TERMS IT GETS IT'S  
15 FUNCTIONAL SEPARATENESS BECAUSE IT'S SO DEEP IN TERMS OF  
16 HYDROCARBON EXTRACTION?

17 MR. HAGERTY: CORRECT, YOUR HONOR.

18 AND, AGAIN, THAT WILL BE SUBJECT TO FURTHER  
19 PROOF.

20 THE COURT: OR ARGUABLY IRRELEVANT. IF EVERYONE  
21 AGREES IT'S, IRRELEVANT I MAY HEAR VERY LITTLE ON THE  
22 SUBJECT.

23 MR. HAGERTY: WELL, TRUE. THEY ARE PARTIES AND,  
24 SO, THEY ARE REMAIN PART OF THE ACTION. BUT THEY WILL --  
25 YOU LIKELY WE'LL HEAR A LOT THERE CERTAINLY ARE CERTAIN  
26 ACTIVITIES THAT OCCUR THAT WILL HAVE SOME SLIGHTLY  
27 DIFFERENT TREATMENT IN THE PHYSICAL SOLUTION.

28 THE COURT: ALTHOUGH IT SEEMS DESIRABLE TO TRY TO



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1 REMOVE THE TAHIA DAMN, THAT DOESN'T APPEAR TO BE A  
2 CENTRAL FEATURE OF THE PHYSICAL SOLUTION; CORRECT,  
3 MR. HAGERTY?

4 MR. HAGERTY: I WOULD SAY THAT'S AN EVOLVING  
5 ISSUE.

6 WHEN THE PARTIES ORIGINALLY CONSIDER WHAT  
7 COULD BE DONE MORE IMMEDIATELY TO ADDRESS THE CONDITIONS  
8 OF THE FISHERY, IT APPEARED THAT THE DAMN REMOVAL WAS A  
9 LONGER TERM PROJECT THAT WAS FURTHER OFF. SO, INITIALLY  
10 THE PARTIES IS -- PROPOSING PARTIES RECOGNIZED THAT AS A  
11 SIGNIFICANT VALUE BECAUSE IT WOULD FUNDAMENTALLY IMPROVE  
12 THE CONDITION OF THE FISHERY.

13 THE REALITY IS THAT THE WATERSHED  
14 PROTECTION DISTRICT IS MOVING QUICKLY NOW. AND WE HAVE  
15 BEEN WORKING WITH THEM, AND THE LANGUAGE IN THE PHYSICAL  
16 SOLUTION HAS EVOLVED AND WILL CONTINUE TO EVOLVE BECAUSE  
17 IF A LOT OF TECHNICAL ISSUES ON DAMN REMOVAL COULD BE  
18 ADDRESSED AND THE FUNDING IS THERE, THAT IS THE BEST WAY  
19 TO IMPROVE THE CONDITION OF THE FISHERY MOST IMMEDIATELY.

20 AND THE PHYSICAL SOLUTION HAS LANGUAGE THAT  
21 WOULD ALLOW THE MANAGEMENT COMMITTEE TO PRIORITIZE THAT,  
22 PARTICULARLY IF WE COULD HELP ADD SOME SUPPORT AND  
23 FUNDING TO PUSH IT OVER THE EDGE.

24 THE COURT: PRESUMABLY THAT WOULD BEGIN TO  
25 REPLENISH THE GRAVEL IN KEY SPAWNING AREAS THROUGH MORE  
26 NATURAL CIRCUMSTANCES.

27 MR. HAGERTY: IT WOULD HAVE THAT BENEFIT, YOUR  
28 HONOR. THERE IS SIGNIFICANT OTHER ECOLOGICAL BENEFITS IN

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1 TERMS OF THE WATER GOING -- SEDIMENT GOING DOWN TO THE  
2 OCEAN. BUT THE LARGEST IMMEDIATE IMPROVEMENT IS THERE IS  
3 SIGNIFICANT HABITAT THAT IS IN SIGNIFICANTLY BETTER  
4 CONDITION THAN THE LOWER PORTION ABOVE THE DAM. SO IF  
5 THE DAMN WASN'T THERE AND THE FISH COULD MIGRATE UP, THAT  
6 WOULD BE A SIGNIFICANT BENEFIT TO THE FISHERIES.

7 THE COURT: AS A POINT OF CURIOSITY, IF IT'S NOT  
8 THE MATIA DAMN, WHAT'S THE OTHER BARRIER THAT PREVENTS  
9 THE FISH FROM GETTING PAST THE CAMPGROUND GOING INLAND?

10 MR. HAGERTY: THERE ARE MULTIPLE BARRIERS  
11 THROUGHOUT THE SYSTEM. THERE IS ROAD CROSSINGS, FOR  
12 EXAMPLE. I BELIEVE WHEELER IS A ROAD CROSSING. I CAN'T  
13 REMEMBER.

14 THE COURT: THAT HAS THE MOST PECULIAR PATTERN  
15 WHERE THERE IS TWO TUNNELS IN A ROW AND THE RIVER IS  
16 DOING A S CURVE TWICE OVER BUT THE ROAD GOES STRAIGHT BUT  
17 THE RIVER IS JUST BENDING BACK AND FORT WITH MULTIPLE --

18 MR. HAGERTY: YOUR HONOR, BRIDGES -- BRIDGES, ROAD  
19 CROSSINGS, SOME OF THE INFRASTRUCTURE LIKE PATILHA DAM,  
20 REVELS DIVERSION, YOU KNOW, THE -- WE RECOGNIZE  
21 IMPROVEMENTS SHOULD BE MADE ACROSS THE PARK. THAT IS  
22 ANOTHER FUNDAMENTAL PART OF THE PHYSICAL SOLUTION AS  
23 PROPOSED.

24 THE COURT: THAT'S IT AS FAR AS COMMENTS ON THE  
25 DRAFT PHYSICAL SOLUTION.

26 I HAVE GONE THROUGH THE OBJECTIONS, WHICH,  
27 AS ORGANIZED BY THE CITY, INCLUDE BAGDALY JULY 16, WATER  
28 RESOURCES CONTROL BOARD, AND DEPARTMENT OF FISH AND

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1 WILDLIFE JULY 15. YOU STILL HAVE GARRISON HOUSEHOLD JULY  
2 16, BACON JULY 16, RICHMAN JULY 16, CASITAS MUNICIPAL  
3 WATER DISTRICT JULY 14, FURTHER GARRISON OBJECTIONS JULY  
4 6, SOMEWHAT REDUNDANT, BAGALY OBJECTIONS JUNE 14, GIBSON  
5 OBJECTIONS JUNE 11, STATE AGENCIES REQUEST FOR JUDICIAL  
6 NOTICE MARCH 10, AGENCIES COMMENTARIES IN THE FORM OF  
7 STATUS CONFERENCE REPORT AND SUPPLEMENTAL BRIEFING ON  
8 PHYSICAL SOLUTION MARCH 10.

9 I HAVE NOT YET HAD A CAN CHANCE TO REVIEW  
10 THE PROPOSING PARTIES BRIEF OF MARCH 8 NOR HAD A CHANCE  
11 TO REVIEW THE PROPOSING PARTIES REPLY OF JULY 19.

12 I HAVE BRIEFLY REVIEWED JUST, FOR CERTAIN  
13 FORMAT ASPECTS, THE PROPOSING PARTIES REQUEST FOR  
14 JUDICIAL NOTICE MARCH 8.

15 ALSO REVIEWED EARLY ACTION OBJECTIONS OF  
16 THE BAGELY HOUSEHOLD MARCH 9 AND THE RICKMAN OBJECTIONS  
17 OF MARCH 5.

18 COUPLE OF THE ITEMS FURNISHED TO ME AREN'T  
19 FULLY ORGANIZED TO BE SUSCEPTIBLE TO JUDICIAL NOTICE BUT  
20 LOOKS TO BE EASILY FIXABLE.

21 WATER RESOURCES AND FISH AND WILDLIFE ON  
22 MARCH 10 LODGED A STATEMENT OF DECISION FROM A DECISION  
23 OUT OF ALAMEDA SUPERIOR COURT, A VOLUMINOUS 112-PAGE  
24 PURPORTED DECISION OF A JUDGE HODGE, BUT IT'S UNSIGNED  
25 AND HAS NO FILE STAMP, SO, I CAN'T TAKE JUDICIAL NOTICE  
26 OF IT IN THAT FORMAT. BUT IF THAT WAS FIXED, EASILY  
27 DOABLE.

28 LIKEWISE, CITY OF VENTURA'S PROPONENT ON

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1 MARCH 8 REQUEST FOR JUDICIAL NOTICE WITH SIMILAR  
2 PROBLEMS.

3 YOU HAVE GOT WHAT I GUESS TO BE A JUDGMENT  
4 SIGNED BY -- WELL, I ASSUME WHAT HAVE BEEN SIGNED BY  
5 JUDGE JACK KOMAR SITTING BY ASSIGNMENT BUT YOU HAVE NO  
6 FILE STAMP AND NO SIGNATURE. SO, I'M ONLY GUESSING THIS  
7 WAS AUTHORED BY KOMAR.

8 AND, LIKEWISE, YOU HAVE AN EXHIBIT 3 IN THE  
9 SAME COMPENDIUM, WHICH IS A DECISION OUT OF  
10 SAN BERNARDINO SUPERIOR IN CHINO BASIN WATER DISTRICT V.  
11 CITY OF CHINO. A REALLY MASSIVE DOCUMENT WITH A  
12 SIGNATURE HOWARD WEINER BUT NO FILE STAMP.

13 BUT THAT'S ALL FIXABLE, I'M SURE, IN TIME.

14 I DO INTEND TO -- WHEN TIME PERMITS, I JUST  
15 GOT CAUGHT UP WITH WHAT I REVIEWED THIS MORNING -- READ  
16 THE CITY OF VENTURA AND FELLOW PROPONENTS RESPONSES  
17 THERETO.

18 I AM READY TO TURN TO THE TOPIC 3, THE  
19 STATUS REPORT OF TODAY.

20 AND I JUST GOT HANDED WHAT I GUESS IS  
21 ANOTHER EX PARTE. I THINK I SIGNED ONE RECENTLY, BUT  
22 MAYBE I DIDN'T SIGN THIS ONE. THIS IS O.S.C. RE  
23 PUBLICATION OF SUMMONS ON CERTAIN HEIRS AND DEVISEES.

24 SO THIS WOULD BE NEW.

25 MR. PISANO: THAT IS NEW, YOUR HONOR.

26 THE COURT: THIS IS ANOTHER HARD TO SERVE GANG.

27 MR. PISANO: YES. IT'S A VERY SMALL GANG. THE  
28 HEIRS AND DEVISEES WERE FOUR PEOPLE WHO ARE DECEASED,

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1 FOUR PARTIES WHO ARE DECEASED. THE COURT HAD RAISED A  
2 QUESTION ABOUT WHETHER THERE WOULD BE ANY DUE PROCESS  
3 ISSUES.

4 WE HAVE BEEN UNABLE TO LOCATE ACTUAL HEIRS  
5 AND DEVISEES OF THESE DECEASED FOLKS.

6 THE COURT: THERE IS OBVIOUSLY NO OPEN PROBATE?

7 MR. PISANO: NO, NOTHING IN OPEN PROBATE --

8 THE COURT: ARE THEY STILL OWNS OF RECORD OF FEE  
9 SIMPLES?

10 MR. PISANO: THEY ARE, YOUR HONOR.

11 THE COURT: SOMEBODY SOMEHOW IS GOING TO TRY TO  
12 FIGURE OUT HOW TO GET CLEAN TITLE, WHETHER IT GOES TO A  
13 CHARITY OR GETS --

14 MR. PISANO: YEAH. AND ALL FOUR OF THEM ARE VERY  
15 ODDLY SHAPED PARCELS.

16 THE COURT: MAY NOT BE VALUABLE.

17 MR. PISANO: YES.

18 AND, REALLY, ALL WE'RE ASKING IS THAT THE  
19 COURT SET AN O.S.C. HEARING ALONG THE LINES OF WHAT WE  
20 HAVE BEEN DOING IN THE PAST. AND WHENEVER THE COURT  
21 WANTS TO BRING US BACK NEXT FOR A STATUS CONFERENCE WILL  
22 BE FINE.

23 THE COURT: ANYBODY WISH TO BE HEARD TO OBJECT TO  
24 THE CITY'S O.S.C. REGARDING CERTAIN DECEASED NOMINAL  
25 OWNERS OF RECORD?

26 HEARING NO OBJECTION, THE EX-PARTE IS  
27 GRANTED, THE ORDER IS SIGNED. YOU CAN PROCEED  
28 ACCORDINGLY, MR. PISANO.

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1 MR. PISANO: THANK YOU, YOUR HONOR.

2 IN ADDITION TO THE FOUR HEIRS, THERE IS ONE  
3 MORE DATA BLOCK AND THEN ONE MORE CORPORATE ENTITY WHERE  
4 THE AGENT FOR SERVICE IS BEHIND A GATE AND LOCK. SO  
5 APPLICATION IS ALSO A REQUEST FOR SERVICE ON THE  
6 SECRETARY OF STATE AS TO THAT ONE ENTITY.

7 THE COURT: SO, YOU NEED SECRETARY OF STATE AS TO  
8 THE CORPORATE ENTITY.

9 AND WAS THERE A FIFTH ONE?

10 MS. PISANO: YEAH, THERE IS A FIFTH ONE. THERE IS  
11 ONE OTHER GATE LOCKED PERSON, YOUR HONOR.

12 THE COURT: AND YOU'RE GETTING AN O.S.C?

13 MR. PISANO: YES.

14 THE COURT: SO, YOUR DEFAULTARAMA SEEMS TO BE  
15 GOING FAIRLY WELL. I DON'T GET ANY COMPLAINTS FROM  
16 MANAGEMENT.

17 YOU GOT ANY COMPLAINTS YOU WANT TO SHARE  
18 WITH ME?

19 MR. HAGERTY: NO, YOUR HONOR. EVERYTHING IS GOING  
20 WELL. IN FACT, WE SUBMITTED THE LAST BATCH TO THE COURT  
21 THIS MORNING. SO, OF THE ORIGINAL CROSS-DEFENDANTS, THE  
22 1,376, EVERYTHING HAS EITHER BEEN APPROVED ALREADY OR  
23 IT'S PENDING WITH THE COURT. SO, THINGS ARE GOING WELL.

24 THANK YOU, YOUR HONOR.

25 THE COURT: OKAY. YOUR IDEA OF A WAY TO HANDLE  
26 TRANSFERS OF PROPERTY LOOKS PLAUSIBLE TO ME.

27 DOES ANYBODY WHO IS ON THIS COURT HEARING  
28 WANT TO BE HEARD TO OPPOSE THE SUGGESTION OF A VOLUNTARY

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1 PROCESS, WHICH, AS I UNDERSTAND IT, IS WHOLLY VOLUNTARY  
2 BUT A PROCESS BY WHICH SUBSTITUTE CROSS-DEFENDANTS CAN BE  
3 NAMED? DO YOU WANT A FEW SIMPLE TRANSFERS?

4 MR. PISANO: CORRECT, YOUR HONOR.

5 THE COURT: HEARING NO OBJECTIONS, I AM ACCEPTING  
6 YOU WILL BE USING THIS PROCESS EXEMEMPLIFIED BY EXHIBIT A  
7 TO TODAY'S JOINT REPORT AS A PROCESS WHEN THERE ARE  
8 TRANSFERS OF PARCELS.

9 SO, DRONE SUBSTITUTES FOR FIELD TRIP,  
10 THAT'S FINE BY ME. I THINK THAT'S FAIR TO ALL INVOLVED  
11 BECAUSE WE ALL WIND UP LOOKING AT THE SAME THING AT THE  
12 SAME TIME.

13 ROES. SO WHEN YOU SET UP ROES, YOU HAD,  
14 LIKE, ROE 1 THROUGH 300 IS GOING TO HAVE ONE  
15 CHARACTERISTIC LIKE THEY WERE EAST OJAI BASIN AND ROE 301  
16 THROUGH 500 WAS GOING TO BE THE X, Y, Z BASIN --

17 MR. PISANO: CORRECT, YOUR HONOR --

18 THE COURT: AND ROE 502 TO 600 WAS GOING TO BE  
19 SOME OTHER BASIN. BUT NOW YOU'RE NAMING THEM ACCORDING  
20 TO WHERE YOU COME ACROSS THESE PEOPLE, AND THAT DOESN'T  
21 MATCH THE CHARACTERISTICS YOU GAVE TO THEM WHEN YOU SET  
22 UP YOUR CROSS-COMPLAINT.

23 MR. PISANO: THAT'S CORRECT, YOUR HONOR.

24 THE COURT: SO DO YOU HAVE AN ORDER YOU WANT ME TO  
25 SIGN THAT ALLOWS YOU TO CHANGE THE ORDERING OR OTHERWISE,  
26 OR ARE YOU JUST GOING TO MERGE TOGETHER ALL THE ROES THAT  
27 THEY ARE THEN WRONG CATEGORIES, OR IS IT IMPORTANT THAT  
28 IT BE KNOWN AT SOME POINT WHICH BASIS -- I GUESS THIS IS

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1 MORE A QUESTION OF WHICH WATER COURSE, NOT WHICH GROUND  
2 WATER BASIS --

3 MR. PISANO: CORRECT, YOUR HONOR. WE ARE WORKING  
4 ON AN APPLICATION TO FILE AN AMENDMENT TO THE THIRD  
5 AMENDED CROSS-COMPLAINT AS WELL AS THE PROPOSED  
6 AMENDMENT. WE'LL BE PREPARED TO FILE THAT -- OUR PLAN  
7 WAS GOING TO BE TO FILE IT NEXT MONTH --

8 THE COURT: BUT YOUR HOPE AND EXPECTATION IS I  
9 MAKE A FINDING THAT FOR DUE PROCESS REASONS PEOPLE  
10 ALREADY SERVED AND APPEARING ARE EXPECTED TO FILE A NEW  
11 RESPONSIVE PLEADING TO STAND ON THE RESPONSIVE PLEADING  
12 THEY HAVE GIVEN AND IT REALLY JUST TIDIES UP THE ROW  
13 NUMBER?

14 MR. PISANO: THAT'S CORRECT, YOUR HONOR.

15 THE COURT: ANYBODY WANT TO BE HEARD TO OBJECT TO  
16 THE CITY OF SAN BUENA VENTURA'S PROPOSAL TO TIDY UP THE  
17 NUMBER OF ROE CROSS-DEFENDANTS?

18 NO OBJECTIONS SO FAR. OKAY.

19 SO TIME-WISE, IN GENERALLY REVIEWING THE  
20 BIDDING, I THINK IN FAIRNESS I WANT TO READ THE CITY OF  
21 VENTURA'S COMMENTS WITH FELLOW PROPONENTS IN RESPONSE TO  
22 THE OBJECTIONS BEFORE I SAY MORE THAN ONE I HAVE SAID. I  
23 HAVE MADE THE ONE RIFLE SHOT COMMENT ABOUT IMPORTED WATER  
24 BECAUSE THAT SEEMS TO BE IMPORTANT AND DOESN'T YET SEEM  
25 TO BE PART OF THE PHYSICAL SOLUTION. BUT IT MAY BE THE  
26 COST IS TOO HIGH OR THE IMPEDIMENTS OF SPEEDING UP THE  
27 LITIGATION PROCESS ARE SO DAUNTING THAT NO AMOUNT OF  
28 PLEADING OR PLEADING IS GOING TO SPEED UP A PROCESS THAT



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1 OUGHT TO BE SPED UP BUT CAN'T BE SPED UP DESPITE YOUR  
2 BEST EFFORTS OR MINE.

3 OTHERWISE, WE DON'T HAVE A TRIAL DATE  
4 RIGHT?

5 MR. HAGERTY: WE DO, YOUR HONOR.

6 THE COURT: BEAR WITH ME. I DON'T SEE IT ON MY  
7 TRIAL CALENDAR. SO, HANG ON WHILE I LOOK AND TRY TO MAKE  
8 SURE WE GET IT ON.

9 OKAY. IT'S NOT ON MY TRIAL CALENDAR BUT IT  
10 SURE AS HECK NEEDS TO BE ADDED. HANG ON.

11 YEAH. VALENTINE'S DAY. OKAY.

12 YOU'RE STILL TRYING TO FINISH TIDYING UP  
13 GETTING JURISDICTION.

14 HOW ARE WE DOING MR. MELNICK OR  
15 MR. GOLDEN-KRASNER, MR. DENNINGTON, IN GETTING  
16 MODELING -- KRASNER, RATHER, GOLDEN-KRASNER FROM THE  
17 CONTRACTOR?

18 MR. MELNICK: YOUR HONOR, THIS IS MARC MELNICK  
19 FROM THE ATTORNEY GENERALS OFFICE.

20 WE'RE ON TRACK IN THE NEXT COUPLE WEEKS TO  
21 RELEASE A PRELIMINARY DRAFT MODEL. I THINK THERE'S A  
22 COUPLE LITTLE THINGS I NEED TO TIDY UP, BUT WE'RE ON  
23 TRACT TO HAVE THAT IN THE NEXT TWO WEEK.

24 THE COURT: IS IT FAR ENOUGH IN DEVELOPMENT THAT  
25 YOU HAVE BEEN ABLE TO SEE SOMETHING THAT LOOKS LIKE A  
26 DRAFT?

27 MR. MELNICK: I HAVE NOT SEEN IT WITH MY OWN EYES.  
28 BUT THAT'S MAINLY BECAUSE I BEEN ON VACATION FOR THREE

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1 WEEKS BEFORE TODAY.

2 THE COURT: SO YOU THINK SOME DRAFT DOES EXIST AT  
3 THE MOMENT SO RELEASE IN A COUPLE WEEKS IS NOW A VIABLE  
4 PROCESS?

5 MR. MELNICK: YES.

6 THE COURT: GOOD. OKAY.

7 WELL, THAT'S A HUGE IMPORTANT PART OF THE  
8 PUZZLE, IS IT NOT, MR. HAGERTY?

9 MR. HAGERTY: YES, YOUR HONOR, IT'S A VITAL PIECE.

10 AND AS THE COURT MAY RECALL, WE ARE ALSO ON  
11 A SCHEDULE WHERE WE'RE GOING TO BE EXCHANGING EXPERT  
12 REPORTS. THE CITY WILL GO AT THE END OF THIS MONTH AND  
13 THEN THE OTHER MAJOR PARTIES WILL GO ON SEPTEMBER 24,  
14 WHICH WOULD INCLUDE THE THE STATE AGENCIES --

15 THE COURT: PRESERVING YOUR OBJECTION, I DID SET  
16 UP A PHASED DISCLOSURE RULE.

17 MR. HAGERTY: THAT'S CORRECT, YOUR HONOR.

18 THE COURT: WHEN DO YOU THINK WE OUGHT TO GET  
19 TOGETHER AGAIN? I FINISHED YOUR REPORT IN SPITE OF ALL  
20 THE ABOMINATIONS ABOUT SOME OF THE OBJECTIONS AND TRIED  
21 TO FRAME ISSUES FOR THE UPCOMING TRIAL. BUT UNTIL I READ  
22 YOUR BRIEF, I THOUGHT IT WAS UNFAIR TO OFFER ANY OTHER  
23 FURTHER COMMENTS BEYOND WHAT I HAVE SAID TODAY.

24 MR. HAGERTY: YOUR HONOR, WE -- WE HAVE -- WE  
25 THINK THAT THE MONTHLY STATUS CONFERENCES THIS YEAR HAVE  
26 BEEN ABSOLUTELY FANTASTIC TO MOVE THE CASE ALONG AND GET  
27 US TO A POINT WHERE WE NOW HAVE A PHASE ONE TRIAL SET, WE  
28 HAVE A DISCOVERY AND EXCHANGE SCHEDULE. A LOT OF WORK IS

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1 GOING IS TO BE FOCUSED ON IMPLEMENTING THAT PROCESS.

2 AND, SO, WE JUST RAISE THE ISSUE OF GETTING  
3 BACK TOGETHER MAYBE EVERY OTHER MONTH JUST BECAUSE THERE  
4 IS A LOT GOING ON.

5 AT THE SAME TIME, YOUR HONOR, IF THE COURT  
6 FINDS THE MONTHLY STATUS CONFERENCES TO BE VALUABLE --

7 THE COURT: SO FAR I DO, PARTICULARLY BECAUSE I  
8 HAVE READ NOW, LIKE, 15 OBSERVATIONS I MADE FROM THE  
9 OBJECTORS. BUT UNTIL I READ YOUR RESPONSE, I'M NOT GOING  
10 TO START VENTURING INTO THAT BEYOND THE LITTLE BIT YOU  
11 HEARD TODAY, PARTICULARLY WITH MY CURIOSITY ABOUT WHY  
12 CAN'T WE GET THE IMPORTED WATER SOONER AS A PARTIAL  
13 SOLUTION.

14 SO I WOULD TALK TO THAT ON SEPTEMBER 20  
15 PROBABLY IN PART TO HELP YOU FOCUS ON WHAT ISSUES SEEM TO  
16 BE OF CONCERN TO ME FOR THE PHASE ONE TRIAL.

17 MR. HAGERTY: IF I MAY, YOUR HONOR, YOU KNOW, THE  
18 PHYSICAL SOLUTION WAS LODGED WITH THE COURT REALLY TO  
19 GIVE THE COURT CONTEXT OF AT LEAST WHERE THE PROPOSING  
20 PARTIES BELIEVE THE CASE SHOULD END UP, AND THEN THE  
21 COURT ALLOWED OTHER PARTIES TO GIVE THEIR VIEWS ABOUT  
22 THEIR PERCEIVED PROBLEMS WITH THE PHYSICAL SOLUTION.

23 HOWEVER, THE -- AND THE PHASE 1 TRIAL IS  
24 GOING TO BE VERY NARROW ON THE THREE QUESTIONS WHAT ARE  
25 THE BASIN MATTERS, WHAT ARE WATERSHED BOUNDARIES, AND THE  
26 KEY ONE WHERE I THINK THE BIG DISPUTE IS IN THE  
27 CONNECTION.

28 AND SO, YOU KNOW, WE -- WHILE WE ARE HAPPEN

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1 AND APPRECIATE THE COURT'S ATTENTION TO THE PHYSICAL  
2 SOLUTION, WE WANTED TO TALK ABOUT THAT AS MUCH AS THE  
3 COURT'S WILLING, BUT THAT'S NOT TECHNICALLY BEFORE THE  
4 COURT IN ANY -- FOR ANY PROPOSED ACTION AT THIS TIME --

5 THE COURT: BUT YOU'RE ACTUALLY TRYING TO GET  
6 EVERYBODY TO AGREE TO COMPROMISE TO SOLVE EVERYTHING,  
7 AREN'T YOU? ISN'T YOUR REAL END GAME TO TRY TO GET  
8 EVERYBODY TO AGREE TO A PHYSICAL SOLUTION THAT THEY FIND  
9 TOLERABLE SO THE TRUTH OF THE MATTER IS EVERYBODY COMES  
10 IN SAYING KUM BA YA AT SOME POINT?

11 MR. HAGERTY: THAT WOULD BE PERFECT AND THAT WOULD  
12 BE CERTAINLY OUR GOAL --

13 THE COURT: HAVE YOU GIVEN UP ON THAT?

14 MR. HAGERTY: WE HAVE NOT GIVEN UP ON THAT, WE  
15 WILL CONTINUE TO PROCEED IN THAT DIRECTION.

16 I THINK THE REALITY IS THE PHASE ONE TRIAL  
17 IS GOING TO BE CRITICAL TO DEMONSTRATING TO THE PARTIES  
18 THAT THIS IS A WATERSHED PROBLEM AND EVERYONE SHOULD  
19 ADDRESS IT ON A WATERSHED BASIN BECAUSE THERE ARE FOLKS  
20 WHO HAVE A DIFFERENT PERSPECTIVE ABOUT THIS -- THE  
21 ABILITY OF THE PROPOSING PARTIES TO INCLUDE EVERYONE  
22 THAT'S IN THE WATERSHED --

23 THE COURT: THAT'S CLEAR FROM THE OBJECTIONS.

24 MR. HAGERTY: YEAH. ABSOLUTELY. AND THAT'S WHY  
25 THE PHASE ONE IS -- WE THINK IT'S CRITICAL. AND WE WOULD  
26 HOPE THAT AFTER PHASE ONE, IF WE'RE SUCCESSFUL IN THAT  
27 PROCESS, WE WOULD THEN MOVE TO MORE DETAILED DISCUSSION  
28 OF THE PHYSICAL SOLUTION AND AT SOME POINT WE WOULD ASK

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1 THE COURT TO SET A TRIAL DATE TO HEAR THE PHYSICAL  
2 SOLUTION, ADDRESS THE ISSUES THAT THE COURT RAISED  
3 EARLIER ABOUT THE DEFAULT JUDGMENTS AND ALL THOSE  
4 PROCEDURAL ISSUES.

5 SO AT LEAST FROM THE PROPOSING PARTY'S  
6 PERSPECTIVE, THAT'S HOW WE WOULD PHASE THE CASE.

7 OUR FOCUS RIGHT NOW REALLY IS ON THE PHASE  
8 ONE BECAUSE, YOU KNOW, WE THINK THAT'S CRITICAL. AND THE  
9 PARTIES HAVE EXPRESSED FACT THAT'S A CRITICAL THRESHOLD  
10 DETERMINATION THAT THEY THINK IS NECESSARY BEFORE THEY  
11 UNDERSTAND WHETHER THEY HAVE TO ENGAGE ON THE PHYSICAL  
12 SOLUTION OR NOT.

13 THE COURT: ALL THAT BEING SAID, I THINK I'D LIKE  
14 TO KEEP THE SEPTEMBER 20 DATE BECAUSE I THINK FOR MY  
15 PURPOSES I WANT TO SORT OF ADVANCE THE DIALOGUE BEYOND  
16 WHAT I'M PREPARED TO ADDRESS TODAY. WHETHER WE THEN  
17 CANCEL OCTOBER OR KEEP OCTOBER AND CANCEL NOVEMBER,  
18 I WOULD DEAL WITH THAT ON SEPTEMBER 20.

19 MR. HAGERTY: YOUR HONOR, THAT'S GREAT. AND WE  
20 REALLY ONLY RAISED THE ISSUE JUST BECAUSE THERE'S A LOT  
21 OF WORK THAT'S GOING ON AND PARTICULARLY JULY I THINK WE  
22 WERE HERE A FEW TIMES. SO, BY THE TIME WE HAVE FINISHED  
23 ONE STATUS CONFERENCE WE HAD TO TURN AROUND AND START  
24 WORKING ON THE NEXT STATUS CONFERENCE REPORT. SO IT WAS  
25 A SIGNIFICANT AMOUNT OF WORK.

26 BUT WE APPRECIATE THE COURT'S TIME. AND  
27 COMING BACK IN SEPTEMBER IS FINE WITH US. AND RAISING  
28 THE QUESTION ABOUT WHETHER OCTOBER MAKES EVEN SENSE OR

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1 NOT, WE CAN DEAL WITH IT THEN.

2 THE COURT: OKAY. LET ME DARE TO VENTURE INTO ONE  
3 OTHER TOPIC THEN WHICH BECAME EVIDENT FROM THE  
4 OBJECTIONS.

5 AND I WILL PUT IT TO YOU FIRST,  
6 MR. HAGERTY.

7 THE SUGGESTION IS MADE BY AT LEAST SOME OF  
8 THE OBJECTORS THAT WHAT WE HAVE GOT OCCURRING BELOW THE  
9 SURFACE IS NOT A TRUE GROUND WATER BASIN WITHIN THE  
10 MEANING OF THE STATUTE BUT IS PERCOLATING GROUND WATER BY  
11 REFERENCE TO AN OLD STATE SUPREME COURT CASE FROM THE 18  
12 HUNDREDS. AND THE ASSERTION THAT IT IS PERCOLATING  
13 GROUND WATER THAT KNOWS IN A DEFINED CHANNEL THAT IT IS  
14 NOT THEREFORE A GROUND WATER BASIS AS SUCH CONTROLLED BY  
15 THE NEW STATUTE AND SHOULDN'T BE TREATED AS SUSCEPTIBLE  
16 TO BE ADJUDICATED UNDER THE NEW STATUTE.

17 A WAY YOU SHOW INTERCONNECTEDNESS BETWEEN  
18 THE SURFACE USES AND WHAT'S BELOW THE SURFACE IT WOULD  
19 SEEM TO SUGGEST THAT THERE IS MORE THAN A PASSING CHANCE  
20 THAT THE GROUND WATER IS MOVING IN A DEFINED CHANNEL SUCH  
21 THAT IT MIGHT FIT THE PROFILE OF PERCOLATING GROUND  
22 WATER.

23 BUT WHAT DO YOU SAY? DO YOU VIEW THE  
24 PERCOLATE GROUND WATER ARGUMENT AS LEGALLY OBSOLETE?

25 MR. HAGERTY: LET ME BACK UP AND TRY TO ANSWER THE  
26 COURT'S QUESTION.

27 YOU WILL HEAR A LOT ABOUT THIS AS WE MOVE  
28 FORWARD. BUT THERE IS REALLY KIND OF -- CALIFORNIA LAW

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1 REALLY RECOGNIZES THREE TYPES OF WATER: SURFACE WATER  
2 AND THEN --

3 THE COURT: TRUE SURFACE WATER THAT YOU CAN SEE.

4 MR. HAGERTY: TRUE SURFACE WATER AND THEN  
5 ESSENTIALLY WHAT'S CALLED SUB SURFACE FLOW --

6 THE COURT: LIKE THE MOJAVE RIVER IS THERE BUT  
7 IT'S MOSTLY UNDERGROUND?

8 MR. HAGERTY: RIGHT. AND SAME IN VENTURA. THAT  
9 IS THAT AS WELL.

10 AND THOSE FIRST TWO PARTS ARE GENERALLY  
11 RECOGNIZED AS BEING RELATED MORE TO SURFACE WATER  
12 REGULATION. SO --

13 THE COURT: SO EVEN IF THE MOJAVE RIVER SIX INCHES  
14 UNDER THE SURFACE IT'S REPARIAN?

15 MR. HAGERTY: IF IT'S WITHIN KNOWN CHANNELS AND  
16 FITS THE DEFINITION, THEN YOU WOULD HAVE TO DEAL WITH THE  
17 STATE WATER BOARD IN THOSE TWO SITUATIONS.

18 PERCOLATING GROUND WATER IS DIFFERENT. AND  
19 IT HISTORICALLY HAS NOT BEEN SUBJECT TO THE STATE  
20 REGULATION AS ALL --

21 THE COURT: JUST AS ALL KINDS OF GROUND WATER WAS  
22 LEFT.

23 MR. HAGERTY: CORRECT. AND SO THE SIGMA ACT THAT  
24 WE HAVE TALKED ABOUT BEFORE, YOU KNOW, THERE ARE -- IT  
25 WAS GENERALLY RESOLVED -- ISSUES WERE RESOLVED THROUGH  
26 ADJUDICATIONS. NOW THAT HAS CHANGED. THE STATE NOW HAS  
27 A LAW RELATED TO MANAGING GROUND WATER BASINS AND ALL OF  
28 THAT.

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1 BUT IT'S IMPORTANT TO UNDERSTAND THOSE  
2 THREE DIFFERENT TYPES OF WATER.

3 OUR POSITION, AND WHAT YOU WILL HEAR FROM  
4 US IN PHASE ONE AND AFTER, IS THAT WHAT WE'RE DEALING  
5 WITH IN THE VENTURA RIVER WATERSHED IS A COMBINED WATER  
6 SOURCE, A SINGLE SOURCE OF WATER WHERE WATER MOVES FROM  
7 PERCOLATING GROUND WATER --

8 THE COURT: IT STARTS OUT IN HEAVEN -- MAYBE NOT  
9 HEAVEN LITERALLY BUT UP IN THE CLOUDS?

10 MR. HAGERTY: RIGHT.

11 AGAIN, THIS IS CONTESTED, SO, I'M SURE  
12 PARTIES ARE SITTING THERE THINKING I" DISAGREE WITH  
13 THAT. "

14 BUT WE INTEND TO PROVE IN PHASE ONE THAT  
15 THE WATERS ARE INTERCONNECTED SUCH THAT THE COURT SHOULD  
16 CONSIDER THEM TO BE A SINGLE WATER SOURCE FOR PURPOSES OF  
17 THE PHYSICAL SOLUTION.

18 THE DISTINCTIONS THAT EXIST IN THE LAW AND  
19 THE REGULATORY DISTINCTIONS, THOSE STILL APPLY. SO WE'RE  
20 CERTAINLY NOT SAYING THAT SOMEHOW THE STATE BOARD HAS  
21 JURISDICTION OVER PERCOLATING GROUND WATER IT DOES NOT  
22 OTHERWISE HAVE. WE'RE JUST SAYING IF THIS SITUATION IT'S  
23 A COMMON WATER SOURCE.

24 AND WE HAVE CITED TO CASES WHERE FOR  
25 PURPOSES OF A PHYSICAL SOLUTION COURTS HAVE SAID, "HEY,  
26 IF IT'S COMMON WATER SOURCE IT SHOULD ALL BE TREATED  
27 TOGETHER. "

28 THERE IS SO MUCH IN ALL OF THAT THAT I HAVE



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1 JUST SAID, YOUR HONOR, AND WE'RE GOING TO HEAR A LOT  
2 ABOUT ALL THAT, WE'RE GOING TO HAVE TO REALLY FINE-TUNE  
3 THESE ISSUES.

4 BUT PHASE 1 IS CRITICAL FROM OUR  
5 PERSPECTIVE BECAUSE THERE ARE FOLKS WHO SAY THAT EITHER  
6 PARTS OF THE BASIN MAY NOT BE CONNECTED OR MAYBE IT'S NOT  
7 MATERIALLY CONNECTED. I DON'T KNOW. THEY'RE GOING TO  
8 HAVE TO MAKE THOSE POINTS.

9 BUT OUR POSITION IS IT'S ONE COMMON WATER  
10 SOURCE AND IT SHOULD BE TREATED AS SUCH. WE BELIEVE THE  
11 COMMON LAW AND THE STATUTE UNDER WHICH WE ARE PARTIALLY  
12 PROCEEDING ALLOWS FOR THAT TO OCCUR.

13 SO, THAT, ESSENTIALLY IS OUR CASE, THAT  
14 IT'S ONE SOURCE AND IT SHOULD BE TREAD TOGETHER  
15 PARTICULARLY GIVEN THE ISSUES WITH THE FISHERY AND THE  
16 IMPACT OF THE FISHERY AND WATER USE AND TH RELATIONSHIPS  
17 BETWEEN WATER USE AND THE FISHERY, AND ALL THOSE THINGS  
18 WE TALKED ABOUT EARLIER WITH REGARD TO THE PHYSICAL  
19 SOLUTION.

20 THE COURT: THANK YOU.

21 MR. DENNINGTON, YOU REPRESENT ANOTHER  
22 PARTY, SOMEONE SUPPOSED TO PAY A HUGE PORTION OF THE  
23 COMMENTS. ANY QUESTIONS ABOUT THE COURT'S COMMENTS OR  
24 CONCERN OR OTHER THINGS YOU'D LIKE TO SHARE WITH THE  
25 COURT?

26 MR. DENNINGTON: NOT AT THIS TIME, YOUR HONOR.

27 THE COURT: MISS JACOBSON FOR CITY OF OJAI, ANY  
28 WORDS OF WISDOM?

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1 MS. JACOBSON: OH, IF I GAVE YOU MY WORDS OF  
2 WISDOM WE'D BE HERE ALL DAY.

3 SO THE ONLY THING I WOULD SAY IS THERE ANY  
4 CHANCE ON SEPTEMBER 20 YOU COULD CHANGE THE TIME OF THE  
5 STATUS CONFERENCE?

6 THE COURT: WHAT'S BETTER FOR YOU?

7 MS. JACOBSON: THE MORNING IS BEST. OR A  
8 DIFFERENT DAY. BECAUSE I HAVE ANOTHER HEARING THAT DAY  
9 AND I'M NOT SURE I CAN GET SOMEONE ELSE FROM THE OFFICE  
10 TO COVER.

11 THE COURT: I WOULD SUGGEST WE TRAIL IT TO  
12 WEDNESDAY, SEPTEMBER 22 AT 2:00 P.M. IF EVERYONE ELSE  
13 FINDS THAT ACCEPTABLE. CHECK YOUR CALENDARS.

14 MR. HAGERTY: YOUR HONOR, I WOULD HAVE A CONFLICT  
15 ON THAT DAY.

16 THE COURT: WHAT ABOUT FRIDAY THE 24TH AT 1:30  
17 P.M.?

18 MR. HAGERTY: THAT WOULD WORK.

19 MR. MELNICK: APOLOGY, YOUR HONOR. THIS IS MARC  
20 MELNICK.

21 I HAVE A HEARING ALL DAY THAT DAY.

22 THE COURT: WHAT ABOUT THE MORNING OF THE 20TH?  
23 LET'S GO BACK TO MONDAY BY 9:00 A.M.

24 MR. HAGERTY: THAT WOULD WORK FOR THE CITY, YOUR  
25 HONOR.

26 THE COURT: ANY OBJECTIONS TO 9:00 A.M. ON THE  
27 20TH?

28 MR. DENNINGTON: YOUR HONOR, I HAVE A TRIAL ON THE

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1 20TH. IT WILL PROBABLY SETTLE.

2 THE COURT: DIDN'T I SEE SOMEBODY ELSE FOR CASITAS  
3 THE IN THE PAST?

4 MR. DENINGTON: YOU DID. DICK COSGROVE. AND HE'S  
5 ACTUALLY DECIDED TO RETIRE, SEMI-RETIRE, AND IS NO LONGER  
6 AT RUTAN AND IS LOOKING FOR WORKING FOR HIS WATER  
7 DISTRICT CLIENT.

8 THE COURT: SO THIS BECAME YOUR CASE?

9 MR. DENNINGTON: YES, YOUR HONOR.

10 THE COURT: BUT YOU'RE ALSO TIED UP THAT  
11 AFTERNOON? I ASSUME YOU'RE IN TRIAL IN THE MORNING, IN  
12 TRIAL IN THE AFTERNOON?

13 MR. DENNINGTON: DO YOU KNOW WHAT? I'LL TAKE IT  
14 BACK. IF I HAVE TO, I WILL HAVE -- MR. WONG WILL  
15 CERTAINLY BE PRESENT. MY GUESS IS MY TRIAL WILL  
16 SETTLE.

17 THE COURT: ANYBODY ELSE WISH TO HEARD TO OBJECT?  
18 OTHERWISE I'M GOING TO MOVE IT FORWARD TO 9:00 A.M.

19 ALL RIGHT. HEARING NO OBJECTIONS, THE NEXT  
20 STATUS CONFERENCE WILL BE AT 9:00 A.M. ON THE 20TH  
21 INSTEAD OF IN THE AFTERNOON.

22 ANY OTHER WORDS OF WISDOM, MISS JACOBSON?

23 MS. JACOBSON: I WILL SAVE THAT FOR A LATER TIME.  
24 THANK YOU, YOUR HONOR.

25 THE COURT: MR. GREGORY PATTERSON FROM EAST OJAI  
26 GROUP?

27 MR. PATTERSON: I'M HERE. GOOD AFTERNOON, YOUR  
28 HONOR.

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1 WE OBVIOUSLY -- BASED ON THE OBJECTIONS YOU  
2 SEE, WE'RE GOING TO RESPOND TO MR. HAGERTY'S  
3 PRESENTATION.

4 BUT I THINK THAT ONE OF THE KEY ISSUES FOR  
5 THE COURT THAT HE'S GOING TO HAVE TO CONTEMPLATE IS THE  
6 THE FACT THAT THE CITY IS SEEKING NOT REALLY A PHYSICAL  
7 SOLUTION BUT A FISHERY HABITAT RESTORATION AND THAT IT IS  
8 REQUIRING ALL OF THE PARTIES WHO MAY TAKE WATER OUT OF  
9 THIS ENTIRE WATERSHED WHERE SURFACE WATER FLOWS OR GROUND  
10 WATER FLOW, WHEREVER THAT MAY BE, TO ESSENTIALLY PAY THE  
11 SAME AMOUNT OF SOME UNKNOWN NUMBER WITH A NEW AGENCY  
12 INVOLVED. AND I THINK THAT'S PART OF THE OBJECTIONS THAT  
13 FOLKS HAVE IN OJAI ABOUT WHAT THE CITY'S TRYING TO DO.

14 SO THAT'S AN ISSUE THAT I THINK, YOU KNOW,  
15 NEEDS SOME CAREFUL CONSIDERATION HOW THAT MIGHT WORK OUT.

16 FROM OUR PERSPECTIVE AND FROM MY CLIENT'S  
17 PERSPECTIVE WHERE THERE ARE GROUND WATER WELLS ARE ARE IN  
18 A BASIN THAT IS NOT CONNECTED TO SURFACE WATER FLOW AND,  
19 SO, THAT'S GOING TO BE A BIG FACTUAL ISSUE THAT NEEDS TO  
20 BE RESOLVED BY THE COURT, I THINK, BEFORE THIS CAN MOVE  
21 FORWARD WITHOUT SOME RECOGNITION THAT A LOT OF THESE  
22 FOLKS HAVE VERY DIFFERENT IMPACTS ON THE WATER RESOURCES  
23 WITHIN THE BASIN AS IT EFFECTS THE FISHERIES, WHICH IS  
24 WHAT THE CITY IS AFTER -- TRYING TO DO HERE IN ORDER TO  
25 RESOLVE ITS COMPLAINT WITH CHANNELKEEPER.

26 THE COURT: SO, MR. PATTERSON, INSOFAR AS YOU AND  
27 YOUR CLIENTS SEE THIS AS AN UNJUST ATTEMPT BY THE CITY OF  
28 VENTURA TO SHIFT ITS COST OF ABATING THE PROBLEMS FOR

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1 WHICH SANTA BARBARA CHANNELKEEPER SUED THEM, CAN YOU  
2 THINK OF ANY POLITICAL PROCESS INVOLVING THE VARIOUS  
3 EXISTING POLITICAL ENTITIES INCLUDING BUT NOT LIMITED TO  
4 THE CITY OF VENTURA AND THE CITY OF OJAI AND INTERESTED  
5 LAND OWNERS AND VOTERS THAT WOULD FACILITATE SOME OTHER  
6 MODE OF TRYING TO FIND A BASIS OF COMPROMISE ON TERMS  
7 THAT MIGHT SEEM FAIR TO YOUR CLIENT RATHER THAN DUMPING  
8 IT IN MY LAP?

9 I AM PREPARED TO DEAL WITH WHAT I HAVE TO  
10 DEAL WITH. BUT IF THERE WAS A WAY IN WHICH WHAT I WILL  
11 CALL A POLITICAL SOLUTION CAN BE FIGURED OUT THERE, MIGHT  
12 BE IS SOME VIRTUAL IN EXHAUSTING THOSE POSSIBILITIES.

13 BUT THAT MIGHT ASSUME THAT SOME MEMBER OF  
14 THE VENTURA COUNSEL BOARD OF SUPERVISORS WOULD HAVE AND  
15 KIND OF MEDIATING CAPABILITY OR SOMEBODY ELSE WOULD  
16 SOMEHOW UNIQUELY BE ABLE TO BRING THE PARTIES TOGETHER TO  
17 COME UP WITH A REASONABLE COMPROMISE.

18 MR. PATTERSON: THAT'S A QUESTION BEYOND MY  
19 CURRENT STATUS.

20 BUT I DO THINK -- THERE ARE VERY  
21 SIGNIFICANT ISSUES HERE BOTH FROM THE CITY OF OJAI'S  
22 PERSPECTIVE AND THE CITY OF VENTURA'S PERSPECTIVE. AND  
23 TO THE EXTENT THERE ARE SOME CONVERSATIONS GOING ON OR  
24 SOME REQUIRED CONVERSATIONS THAT GO ON BETWEEN THOSE  
25 GROUPS, I THINK THAT WITH BE USEFUL. YOU KNOW, THERE  
26 ARE -- YOU KNOW, HOW LONG THAT WOULD TAKE AND WHETHER THE  
27 COURT'S GOING TO BE AMENABLE TO MOVE IT INTO THAT  
28 DIRECTION I HAVE NO IDEA.

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1 MS. JACOBSON: YOUR HONOR?

2 THE COURT: GO AHEAD.

3 MS. JACOBSON: THIS IS MISS JACOBSON.

4 JUST TO RESPOND TO THAT QUESTION IN TERMS  
5 OF WHAT CAN BE DONE BETWEEN THE TWO PLAYERS, IF YOU WILL  
6 VENTURA AND OJAI, THERE HAVE BEEN EFFORTS FOR THE PARTIES  
7 TO COMMUNICATE DIRECTLY, BUT THERE ARE -- THERE APPEAR TO  
8 BE OBSTACLES POLITICAL OBSTACLES AND ADVICE GIVEN THAT  
9 HAVE PREVENTED THAT FROM MOVING FORWARD.

10 THE COURT: WELL, CERTAINLY OPEN MEETING LAWS CAN  
11 COMPLICATE ANYBODY TRYING TO HAVE A HEART TO HEART  
12 NEGOTIATIONS WHEN YOU'RE NOT COMPLYING WITH THE BROWN  
13 ACT.

14 MR. BRAD HERREMA, I HAVE COME TO UNDERSTAND  
15 THAT YOUR CLIENT SEEMS TO BE A BIG PLAYER IN THE USE OF  
16 WATER RESOURCES. YOU GOT ANY WORDS OF WISDOM?

17 MR. HERREMA: NOTHING FURTHER FOR TODAY, YOUR  
18 HONOR.

19 THE COURT: OKAY. ANYBODY ELSE WISH TO BE HEARD  
20 THIS AFTERNOON?

21 MR. OSIAS: YOUR HONOR, THIS IS DAVID OSIAS.

22 THE COURT: GO AHEAD, SIR.

23 MR. OSIAS: THANK YOU.

24 ONE HOUSEKEEPING POINT AND ONE PREPARATION  
25 FOR THE PHASE ONE.

26 THE HOUSEKEEPING POINT IS TO REMIND YOUR  
27 HONOR, AS WE DISCUSSED, WHETHER TO CONSTANTLY STATUS  
28 CONFERENCES THAT ARE CURRENTLY SCHEDULED MONTHLY THAT

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1 YOUR EXPERT WITNESS DISCLOSURE RULING RESERVE, ESPECIALLY  
2 TO THOSE MUCH US WHO WERE REPRESENTING SMALLER CLIENTS  
3 LATE TO THE GAME, THE RIGHT TO BRING AN EX PARTE IF WE  
4 NEED RELIEF AS ALLOWED BY THE CCP FROM THE DISCLOSURE  
5 RULES. AND YOU WERE GOING TO USE THE STATUS CONFERENCE  
6 HEARINGS FOR THAT SO THAT BEFORE WE CANCEL ONE IT WOULD  
7 BE HELPFUL TO CHECK IN ON THE STATE.

8 WE HAVEN'T RECEIVED THE FIRST DISCLOSURE.  
9 GUESS THAT WILL COME AT THE END OF THE MONTH. THE SECOND  
10 ONE IS FOR SEPTEMBER 24. BEFORE WE DO ANYTHING ABOUT  
11 OCTOBER, PERHAPS WE COULD GET BOTH OF THOSE IN OUR HANDS  
12 AND THEN DISCUSS AFRESH WHETHER WE NEED AN OCTOBER 1 OR  
13 NOT.

14 SO THAT WAS MY HOUSEKEEPING POINT. I'LL  
15 PAUSE FOR A MINUTE.

16 THE COURT: THANK YOU.

17 MR. OSIAS: MY SECOND POINT IS TO SEEK CLARITY AND  
18 TO NOT INADVERTENTLY WAIVE ANYTHING WITH RESPECT TO THE  
19 PHASE ONE TRIAL.

20 IF I MIGHT IMPOSE ON YOUR HONOR TO LOOK AT  
21 CCP SECTION 833 --

22 THE COURT: I HAVE GOT IT.

23 MR. OSIAS: WE'RE GOING TO LOOK AT B, C, AND D.

24 BECAUSE I HEARD MR. HAGERTY BOTH EARLY WHEN  
25 YOU WERE TALKING ABOUT THE PHYSICAL SOLUTION TALKING  
26 ABOUT THE DEGREE OF INTERACTION BETWEEN SURFACE AND  
27 GROUND WATER AS BEING SOMETHING AFTER PHASE 1, AND THEN  
28 MORE RECENTLY IN TODAY'S HEARING HE SAID THEY'RE GOING TO

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1 DEMONSTRATE IN PHASE 1 THAT THE DEGREE OF INTERCONNECTION  
2 IS SUFFICIENT FOR A PHYSICAL SOLUTION -- I'M NOT SURE  
3 WHAT THAT MEANS -- WE HAVE A SPECIFIC STATUTE HERE THAT  
4 HAS SOME STANDARDS.

5 AND, SO, IF THE EXPERT REPORTS SHOW, FOR  
6 EXAMPLE, EITHER UNDER B(3) THAT THE ACTION CAN BE  
7 RESOLVED AMONG A LIMITED NUMBER OF PARTIES, BECAUSE A LOT  
8 OF THE OTHER PARTIES ARE REALLY IRRELEVANT, OR, C,  
9 TREATING THE SURFACE WATER BODY AND THE GROUND WATER  
10 INTERCONNECTION NOT JUST AS INTERESTING OR CONNECTED BUT  
11 IS IT NECESSARY, WHICH IS A LITTLE BIT OF A DIFFERENT  
12 BURDEN, AND THEN MOST IMPORTANTLY TO MY CLIENT D, BECAUSE  
13 THIS IS WHERE WE WOULD FIT IN, WOULD OUR EXTRACTION HAVE  
14 A MATERIAL EFFECT ON THE GROUND WATER RIGHTS OF OTHERS?  
15 IF NOT, WE SHOULD BE EXEMPT.

16 AND JUST TO FINISH THE THOUGHT, THE --  
17 SECTION 851 OF THE CCP SAYS IF YOU HAVE A CLAIM THAT'S  
18 EXEMPT, THE JUDGMENT IS NOT BINDING ON YOU.

19 SO I DON'T KNOW WHETHER WE'RE GOING TO DEAL  
20 WITH THOSE IN PHASE 1. WE NEED TO DEAL WITH THEM. WE  
21 HAVE A RIGHT TO DEAL WITH THEM. I DON'T WANT TO WAIVE  
22 THEM. AND I DON'T KNOW IF THAT FALLS WITHIN WHAT I HEARD  
23 MR. HAGERTY SAY IS THE CONNECTION IS SUFFICIENT FOR A  
24 PHYSICAL SOLUTION OR HE THINKS THOSE -- THAT'S A STANDARD  
25 THAT ISN'T THE SAME AS THESE.

26 SO THAT'S MY POINT. I'M NOT -- I  
27 DEFINITELY DO NOT WAIVE THE RIGHT TO PRESENT ARGUMENTS  
28 ON THESE, AND IT'S NOT CLEAR TO ME WHETHER THEY ARE PHASE



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1 1 OR NOT.

2 THE COURT: MR. OSIAS, I ASK THIS AS A QUESTION  
3 NOT AS A STATEMENT OF WHAT YOU SHOULD DO NEXT, BUT AS A  
4 QUESTION, WHAT KIND OF MOTION DO YOU THINK YOU WOULD  
5 BRING TO TRY TO GET THE BENEFIT OF 833(D) FOR YOUR CLIENT  
6 SO THEY FIND THEMSELVES DISMISSED FROM THE PENDING CASE?

7 MR. HAGERTY, TO HIS CREDIT, HAS TRIED TO  
8 GET EVERYBODY IN WHO HE THINKS HE NEEDS. AND IN THAT  
9 REGARD, I AM MORE COMPLIMENTARY THAN CRITICAL OF HIS  
10 DESIRE TO TRY TO GET PEOPLE NOW.

11 BUT INSOFAR AS YOU THINK YOU GOT A CLIENT  
12 WHO'S GOT A RIGHT TO GET OUT OF THE CORRAL, WHAT KIND OF  
13 MOTION PRACTICE WOULD YOU USE TO GET AN ADJUDICATION THAT  
14 YOU SHOULD SLIP OUT OF THE CORRAL?

15 MR. OSIAS: I WOULD THINK IT WOULD BE -- AND I --  
16 WE'RE NOT WAIVING THE RIGHT TO COME UP WITH A BETTER  
17 IDEA.

18 AT THE MOMENT I THINK IT'S A SUMMARY  
19 JUDGMENT MOTION BASED ON THEIR EXPERT REPORT WHICH  
20 DOESN'T DEMONSTRATE THAT EXTRACTION TO FIVE ACRE FEET OR  
21 LESS WOULD HAVE A MATERIAL EFFECT ON OTHER GROUND WATER  
22 LEVELS.

23 THE COURT: SO, IF YOU SET YOUR SUMMARY JUDGMENT  
24 FOR HEARING --

25 MR. OSIAS: I THINK IT'S THEIR BURDEN BY THE WAY.

26 SO, IF IF IT'S SILENT, I THINK WE WIN.

27 THE COURT: BUT IF YOU WANT TO GET OUT OF THE  
28 CASE, YOU HAVE TO DO SOMETHING BECAUSE IT ISN'T GOING TO

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1 HAPPEN MAGICALLY.

2 BUT IF YOU TRY TO SET A SUMMARY JUDGMENT  
3 HEARING IN MID-JANUARY, YOU'D HAVE TO FILE IT,  
4 FUNCTIONALLY SPEAKING, PRETTY MUCH BY HALLOWEEN GIVE OR  
5 TAKE A FEW DAYS.

6 MR. OSIAS: YES. AND WITHOUT ACTUALLY HAVING THE  
7 TIME TO HAVE AN EXPERT MYSELF YET. MY DEADLINE IS, YOU  
8 KNOW -- I GUESS IT'S CLOSE TO THAT UNLESS YOU GIVE US  
9 SOME RELIEF.

10 THE OTHER APPROACH IS TO STIPULATE THROUGH  
11 A MODIFICATION TO THE PHYSICAL SOLUTION THAT CERTAIN  
12 PARTIES FALL INTO THIS CATEGORY BASED ON CURRENT FACTS  
13 AND SUBJECT TO THE COURT RETAINING JURISDICTIONS CAN BE  
14 BROUGHT IN LATER.

15 THE COURT: YOU WILL HAVE TO BARGAIN WITH MR.  
16 HAGERTY TO SEE IF THEY CAN GIVE YOU THAT MODIFICATION OF  
17 A DRAFT PHYSICAL SOLUTION. I CAN'T JUST DISPENSE OF IT  
18 HERE AT MY OWN WHIM.

19 MR. OSIAS: THAT WASN'T A REQUEST FOR AN ORDER,  
20 THAT WAS ALONG THE LINES OF HOW DO WE GET TO KUM BA YA.

21 THE COURT: CERTAINLY LIMITING THE NUMBER OF  
22 PEOPLE THAT HAVE TO SING KUM BA YA ALWAYS MAKES IT  
23 EASIER.

24 MR. OSIAS: CORRECT.

25 AND I THINK THE MAP THAT WAS SUBMITTED  
26 TODAY -- YOU HAVEN'T PROBABLY SEEM IT YET -- BUT ALONG  
27 THE LINES WE HAD DISCUSSED AT EARLIER STATUS CONFERENCES  
28 SHOWING THE PARTIES WHERE THEY ARE AND WHAT PORTIONS AND

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1 WHAT SIZE OF THEIR PROPERTIES AND ALL MAY ALLOW THE  
2 PHYSICAL SOLUTION TO HAVE DIFFERENT CATEGORIES OF PEOPLE,  
3 WHICH YOU MAY HAVE NOTICED IS ONE OF THE THINGS WE PUT IN  
4 OUR STATEMENT OF CONCERN.

5 SO THAT'S WHAT --

6 THE COURT: IS THAT MAP GOING TO BE AVAILABLE AS A  
7 PDF SO I CAN EXPAND IT AND ACTUALLY SEE IT BECAUSE --

8 MR. HAGERTY: YOUR HONOR, THAT MAP -- THE MAP THAT  
9 MR. OSIAS IS REFERRING TO HAS EVOLVED SINCE THAT ONE.  
10 THAT WAS OUR FIRST ATTEMPT. WE HAVE REFINED THAT  
11 SIGNIFICANTLY, AND WE SERVED IT ON THE PARTIES TODAY. I  
12 HAVE --

13 THE COURT: DOES THAT MEAN I WILL FIND IT ON  
14 CASEANYWHERE?

15 EXCUSE ME. FILE AND SERVE EXPRESS?

16 MR. HAGERTY: YES, IT SHOULD BE THERE, YOUR HONOR.  
17 AND IT'S ALSO ON -- WE'RE POSTING IT ON THE ADJUDICATION  
18 WEBSITE.

19 BUT YOU WILL SEE IT'S SIGNIFICANTLY MORE  
20 DETAILED. AND IT ACTUALLY -- AT THE REQUEST OF THE  
21 PARTIES, IT LISTS EVERY APPEARING PARTY AND GENERALLY  
22 DEPICTS WHERE THEY ARE LOCATED WITHIN THE VARIOUS  
23 PORTIONS OF THE WATERSHED.

24 THE COURT: I'M LOOKING IT UP RIGHT NOW. NOTICE  
25 OF POSTING OF REVISED MAP?

26 MR. HAGERTY: THAT SHOULD BE IT, YOUR HONOR.

27 MR. PISANO: IT SHOULD BE SCALABLE, YOUR HONOR.  
28 AT LEAST THE ONE I OPENED WAS.

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1 THE COURT: LOOKS LIKE THE BEST THING TO DO IS  
2 CLICK THROUGH THEN.

3 OH, YEAH WITH, LOTS OF PARCELS NAMED.  
4 OKAY. OKAY. THANK YOU.

5 ANYTHING ELSE, MR. OSIAS?

6 MR. OSIAS: NO, YOUR HONOR. THANK YOU.

7 THE COURT: OTHERS WISH TO BE HEARD THIS  
8 AFTERNOON?

9 OKAY. SO, FOR NOTICE GIVEN, BASICALLY WE  
10 HAVE CHANGED THE DATE OF NEXT STATUS CONFERENCE, AND YOU  
11 HAVE GOT AN EX PARTE GRANTED. AND I DON'T THINK I HAVE  
12 MADE ANY OTHER ORDERS THAT REALLY NEED TO BE THE SUBJECT  
13 OF A NOTICE OF RULING UNLESS I AM MISSING SOMETHING.

14 MR. HAGERTY: JUST FOR CLARIFICATION --

15 MR. BAGGERLY: YOUR HONOR, THIS IS CLAUD  
16 BAGGERLY.

17 THE COURT: GO AHEAD, MR. BAGGERLY.

18 MR. BAGGERLY: ARE WE GOING TO HEAR MY MOTION  
19 TODAY?

20 THE COURT: THIS IS ABOUT EXPERTS?

21 MR. BAGGERLY: OH. NO. THIS IS ABOUT AN EXPERT,  
22 YES. A SCIENTIFIC ADVISOR.

23 THE COURT: HYDROLOGY EXPERT. MY APOLOGIES,  
24 MR. BAGGERLY, BECAUSE THERE WASN'T ANY FRESH SET OF  
25 PAPERS, I HAD NOT FOCUSED ON THAT.

26 SO WHAT'S CHANGED IF ANYBODY FROM WHERE IT  
27 WAS THE LAST TIME?

28 NOTHING PROBABLY; RIGHT?

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1 MR. BAGGERLY: NOTHING. ABSOLUTELY NOTHING.  
2 EXCEPT AS WE HAVE HEARD TODAY, THE RELEASE OF INFORMATION  
3 FROM THE CITY OF SAN BUENA VENTURA FOR THE EXPERT WITNESS  
4 ON THE REPORT IS COMING UP QUICKLY. YOU COULD USE SOME  
5 HELP WITH THAT. AND WE'RE SIX MONTHS AWAY FROM PHASE 1  
6 TRIAL. YOU COULD USE SOME HELP WITH THAT.

7 IF THE COURT DECIDES TO APPOINT A  
8 SCIENTIFIC ADVISOR, I THINK IT WOULD HELP YOU A LOT. IF  
9 YOU DECIDE NOT TO DO IT TODAY, PLEASE, DO IT WITHOUT  
10 PREJUDICE SO YOU CAN DO IT LATER, YOUR HONOR.

11 THE COURT: THANK YOU.

12 MR. MELNICK OR MR. GOLDEN-KRASNER, DO YOU  
13 HAVE ANY REASON TO THINK THAT WHAT'S GOING TO COME FROM  
14 ONE OR BOTH OF YOUR CLIENTS IS GOING TO BE A SUBSTITUTE  
15 FOR AN INDEPENDENT EXPERT?

16 MR. MELNICK: YOUR HONOR, THIS IS MARC MELNICK.

17 I'M NOT SURE I COMPLETELY UNDERSTAND THE  
18 QUESTIONS. I MEAN, I --

19 THE COURT: IN OTHER WORDS, THIS MODELING THING IS  
20 SUPPOSED TO FINALLY SHOW UP. AND WILL THE WISDOM  
21 IMPARTED BY THE MODELING THING THAT I'M SUPPOSED TO GET  
22 FROM THE STATE BE A GOOD SUBSTITUTE FOR HAVING AN  
23 INDEPENDENT EXPERT, OR AM I STILL GOING TO BE IN NEED OF  
24 AN INDEPENDENT EXPERT IF I ACCEPT ALL OF MR. BAGGERLY'S  
25 HIS ARGUMENTS?

26 MR. MELNICK: WELL, I THINK, YOU KNOW, THE  
27 MODELING EFFORT THAT WE HAVE BEEN ENGAGED IN HAS BEEN  
28 GOING ON FOR A NUMBER OF YEARS. IT WAS NOT DEVELOPED FOR

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1 LITIGATION. IT IS MEANT TO BE A EVEN-HANDED,  
2 SCIENTIFICALLY BASED DEVELOPMENT OF THE ISSUES WITH NO  
3 PREORDAINED OUTCOME AT THE END.

4 SO, I THINK IT'S GOING TO BE MORE OF A --  
5 MORE EVEN-HANDED. I DON'T KNOW HOW ELSE TO EXPLAIN IT.

6 THE COURT: WELL, EVEN-HANDED IS GOOD. IF I FOUND  
7 AN INDEPENDENT EXPERT, THAT'S WHAT I WANT, IS  
8 EVEN-HANDED. THAT'S WHY I POINT IT OUT AS A SUBSTITUTE  
9 FOR AN INDEPENDENT EXPERT.

10 MR. MELNICK: I MEAN, I THINK THE WORK WE'RE DOING  
11 WILL BE A HELP TO YOUR HONOR, AND I THINK IT WILL -- WE  
12 ARE HAPPY TO ANSWER ANY QUESTIONS AND DEVELOP ANY LINES  
13 OF ANALYSIS THAT YOUR HONOR THINKS IS NECESSARY.

14 THE COURT: THANK YOU.

15 I'M GOING TO CONTINUE THE MOTION ACTUALLY  
16 TO SEPTEMBER 20 IN THE MORNING BECAUSE I'M NOT PREPARED  
17 TO CONCLUDE THAT THERE IS NO VALUE TO AN INDEPENDENT  
18 EXPERT.

19 WHAT I WILL ASK IS THAT ANYBODY WHO OPPOSES  
20 AN INDEPENDENT EXPERT, WHICH I BELIEVE CERTAINLY INCLUDES  
21 THE CITY OF VENTURA, GIVE ME A SUPPLEMENTAL BRIEF NO  
22 LATER THAN SEPTEMBER 7 SAYING WHY I STILL SHOULDN'T HAVE  
23 AN INDEPENDENT EXPERT; AND THOSE SUCH AS MR. BAGGERLY WHO  
24 ARE FANS OF AN INDEPENDENT EXPERT, SUBMIT WHATEVER PAPERS  
25 THEY WANT BY SEPTEMBER 14 STATING IT.

26 AND, FRANKLY, IF YOU JOIN MR. BAGGERLY IN  
27 FAVORING AN INDEPENDENT EXPERT, THERE WILL BE STRENGTH IN  
28 NUMBERS.

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1                   SO, WHETHER IT'S YOUR CLIENTS MR. PATTERSON  
2                   OR YOUR CLIENT, MR. HERREMA, ALTHOUGH I GUESS YOU'RE A  
3                   PROPONENT OF THE COMPROMISE SO YOU PROBABLY WOULDN'T  
4                   BE -- BUT MR. PATTERSON AND OTHERS WHO AREN'T ENAMORED OF  
5                   CURRENT PROPOSED PHYSICAL SOLUTION, IF YOU THINK AN  
6                   INDEPENDENT EXPERT IS GOING TO IMPROVE THE LAY OF THE  
7                   LAND FROM YOUR POINT OF VIEW, TELL ME WHY I SHOULD  
8                   APPOINT AN INDEPENDENT EXPERT.

9                   WHO I PICK IS ANOTHER QUESTION. BUT I HAD  
10                  HAD SOME HOPE THAT MAYBE THROUGH THE PEOPLE REACHING OUT  
11                  TO THE JUDICIAL COUNCIL, NATIONAL CENTER FOR STATE COURTS  
12                  OR OTHERWISE THERE MIGHT BE A WAY TO FIND AN EXPERT.

13                  BUT STEP ONE IS WHETHER I WANT ONE.

14                  I AM VERY UNDECIDED ON THE POINT AT THE  
15                  MOMENT, WHICH IS WHY I'M NOT REJECTING IT TODAY NOR AM I  
16                  APPROVING IT TODAY. SO, IT'S AN OPEN HORSE RACE BETWEEN  
17                  NOW AND SEPTEMBER 20.

18                  THANK YOU, MR. BAGGERLY.

19                  MR. BAGGERLY: THANK YOU, YOUR HONOR.

20                  THE COURT: WHAT ELSE, IF ANYTHING, DO WE NEED TO  
21                  ADDRESS TODAY, MR. HAGERTY?

22                  MR. HAGERTY: I DON'T BELIEVE WE HAVE ANYTHING  
23                  ELSE TODAY.

24                  THE COURT: YOU GOT WHAT YOU NEED TO GIVE NOTICE,  
25                  MR. HAGERTY?

26                  MR. HAGERTY: JUST TO CLARIFY, YOUR HONOR, THE  
27                  O.S.C. ON THOSE COUPLE SERVICE ISSUES, THAT'S ALSO GOING  
28                  TO BE ON THE 20TH?

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1 THE COURT: YEAH. I'M NOT SURE IF I WROTE A DATE  
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4 CITY OF VENTURA GIVE NOTICE.  
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SUPERIOR COURT OF THE STATE OF CALIFORNIA		
FOR THE COUNTY OF LOS ANGELES		
DEPARTMENT 10		
SANTA BARBARA CHANNELKEEPER,	)	
PLAINTIFF,	)	
VS.	)	CASE NO. 19STCP01176
STATE WATER RESOURCES CONTROL	)	REPORTER'S
DEFENDANT.	)	CERTIFICATE

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I, GAIL PEEPLES, OFFICIAL REPORTER OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT THE FOREGOING PAGES 1 THROUGH 44, INCLUSIVE, COMPRISE A FULL, TRUE, AND CORRECT TRANSCRIPT OF THE PROCEEDINGS HELD IN DEPARTMENT 10 ON AUGUST 16, 2021, IN THE MATTER OF THE ABOVE-ENTITLED CAUSE.

DATED THIS 24TH DAY OF AUGUST, 2021.



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GAIL PEEPLES CSR NO. 11458, OFFICIAL REPORTER

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