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Attorney for Cross-Defendant,
ROBERT MARTIN, an individual

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

SANTA BARBARA CHANNELKEEPER, a
California non-profit corporation,

Petitioner,

v.

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

Respondents.

CITY OF SAN BUENAVENTURA, a
California municipal corporation,

Cross-Complainant,

v.

DUNCAN ABBOTT, an individual, et al.,

Cross-Defendants.

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]
Dept SS10

**CROSS-DEFENDANT ROBERT
MARTIN'S INITIAL DISCLOSURES
(CCP § 842)**

Action Filed: September 19, 2014

First Amended
Complaint Filed: September 7, 2018

Trial Date: None set

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1 INTRODUCTION

2 Cross-Defendant Robert Martin (“Martin”), pursuant to Code of Civil Procedure section
3 842(a), hereby submits his initial disclosures. Martin reserves the right to amend or supplement
4 this disclosure, where appropriate, at a future date. (Code of Civ. Proc. § 842, subd. (d)(1)-(3).)

5 We understand that these disclosures are required by statute and order of this Court. We
6 have endeavored to fully comply with that order and the applicable statutory criteria. As a
7 preliminary matter, however, and in reservation of his rights, Martin respectfully believes that this
8 Court should continue to give serious and ongoing consideration to two underlying issues in this
9 case: First, Martin disputes that there is any hydrogeological connection between pumping from
10 his water wells in the Ojai Valley and the volume or flow of water in the Ventura River. The City
11 of Buena Ventura must make an affirmative showing of such a hydrogeological connection in the
12 first phase of the trial, and only in the event that it is able to do so would Martin’s and other
13 similarly-situated cross-defendants’ pumping rates become relevant. Second, and perhaps even
14 more fundamental to these proceedings, Martin disputes premise that the Lower Ventura River is
15 naturally and historically the habitat of the steelhead trout. He disputes that that habitat can be
16 restored, if it ever did in fact exist. And, assuming that that habitat can be restored, he disputes
17 that the City’s proposed Physical Solution is the best way of doing so. Instead, Martin firmly
18 asserts that the City is opportunistically using these proceedings as a means of adjudicating the
19 groundwater pumping rights of the water rights holders in the Ojai Basin for the benefit of the City
20 and the great detriment of those water rights holders—a purpose for which these proceedings
21 clearly were not intended by Plaintiff.

22 DISCLOSURES

23
24 (1) The name, address, telephone number, and email address of the party and, if
25 applicable, the party’s attorney.

26 Robert Martin
27 2641 E. Ojai Avenue
28 Ojai, CA 93023

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4 David Ossentjuk
5 Ossentjuk & Botti, LLP
6 2815 Townsgate Road, Suite 320
7 Westlake Village, CA 91361
8 Tel: 805.557.8081
9 Email: dossentjuk@oandblawyers.com

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

14 Martin extracts water from a two water wells. One well is located on his property at 2641
15 E. Ojai Avenue (APN 0280120255), commonly referred to as Well # 04N22W05L05S. The
16 second well is located on his adjacent property at 2880 E. Ojai Avenue, Well # 04N22W05M06.
17 Upon information and belief, the wells were installed at an unknown date prior to 2010. The
18 following pumping figures are based on reports of meter readings to OBGMA. The quantities
19 extracted are as follows:

20 Well # 04N22W05L05S

21 2011: 186.8 acre-feet

22 2012: 163.9 acre-feet

23 2013: 148.8 acre-feet

24 2014: 176.8 acre-feet

25 2015: 164 acre-feet

26 2016: 127 acre-feet

27 2017: 145 acre-feet

28 2018: 94 acre-feet

1 2019: 78 acre-feet
2 2020: 89 acre-feet
3
4 Well # 04N22W05M06
5 2011: 2 acre-feet
6 2012: 2 acre-feet
7 2013: 2 acre-feet
8 2014: 2 acre-feet
9 2015: 2 acre-feet
10 2016: 2 acre-feet
11 2017: 1.5 acre-feet
12 2018: 1 acre-feet
13 2019: 1.5 acre-feet
14 2020: 2 acre-feet

15
16 **(3) The type of water right or rights claimed by the party for the extraction of**
17 **groundwater.**

18 Martin is an overlying landowner and asserts overlying and unexercised water rights for
19 the extraction of groundwater from two water wells located on his property from the Ojai
20 Groundwater Basin. Martin also asserts a right to use groundwater under the self-help doctrine, if
21 prescriptive rights to extract groundwater from the basin are determined.
22

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

24 Martin extracts and uses groundwater from the Ojai Groundwater Basin for irrigation of
25 approximately 55 acres of citrus, and for domestic use and landscaping.
26

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

1 Martin extracts water from two wells, State Well # 04N22W05L05S located on APN
2 0280120255, and 04N22W05M06, located on APN 0280120115.

3
4 **(6) The area in which the groundwater has been used.**

5 Martin uses the water extracted from State Well # 04N22W05L05S on his properties at
6 2641 E. Ojai Avenue, Ojai, CA 93023 (APN 0280120255), and 2680 E. Ojai Avenue (APN
7 0280120115).

8 Martin uses the water extracted from State Well # 04N22W05M06 on his property at 2880
9 E. Ojai Avenue, Ojai, CA 93023 (APN 0280120255).

10
11 **(7) Any claims for increased or future use of groundwater.**

12 Martin anticipates that his future use of groundwater for citrus will increase as he has been
13 performing a systematic replacement of older trees since 2016. Martin also anticipates a future
14 increase in use for bulk sales/delivery of off-site fire suppression/fire resilience water. Mr. Martin
15 reserves the right to supplement this initial disclosure with additional future uses or estimated
16 quantities.

17
18 **(8) The quantity of any beneficial use of any alternative water use that the party**
19 **claims as its use of groundwater under any applicable law, including, but not limited to,**
20 **Section 1005.1, 1005.2, or 1005.4 of the Water Code.**

21 To the extent that Martin may assert possible riparian rights to subsurface underflow on or
22 appurtenant to the property, he reserves the right to this additional water use pursuant to Water
23 Code Sections 1005.1, 1005.2, 1005.4, or other applicable law.

24
25 **(9) Identification of all surface water rights and contracts that the party claims**
26 **provides the basis for its water right claims in the comprehensive adjudication.**

27 Martin asserts riparian rights to both Thacher Creek and McNell Creek, and possible
28 riparian rights to subsurface underflow on his property.

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

Not applicable. Martin reserves the right to supplement his initial disclosure with additional information regarding replenishment.

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

Robert Martin
2641 E. Ojai Avenue
Ojai, CA 93023
Tel: 702.217.7390
Email: rdm@martinlaw.vegas

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

By virtue of his status as overlying and riparian landowner, Martin holds riparian and overlying water rights. Martin has been implementing a systematic replacement of sections of his ageing citrus groves with new trees in recent years, starting in 2016. This has temporarily reduced his water use requirements as the younger trees require less water than mature trees. His water usage will increase as those trees mature.

Martin’s use of Well # 04N22W05M06 accounts for a de minimis or extremely insignificant portion of the total water extracted from the Ojai Basin.

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1 Dated: June 15, 2021

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By: 
David A. Ossentjuk, Esq.
Attorney for Cross-Defendant,
ROBERT MARTIN, an individual

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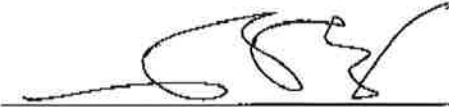
VERIFICATION

I, Robert Martin, declare as follows:

I am the Cross-Defendant in the above-entitled action, and as such, make this verification on my behalf. I have reviewed the foregoing CROSS-DEFENDANT ROBERT MARTIN'S 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 15th day of June, 2021, at Ojai,
CA.



Robert Martin

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**PROOF OF SERVICE OF ELECTRONIC TRANSMISSION
VIA FILE & SERVE XPRESS**

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

Los Angeles Superior Court Case No.: 19STCP01176

STATE OF CALIFORNIA, COUNTY OF VENTURA

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Ventura, State of California. My business address is 2815 Townsgate Road, Suite 320, Westlake Village, California 91361.

On June 15, 2021, I served the originals true copies of the following document(s) described as **CROSS-DEFENDANT ROBERT MARTIN'S INITIAL DISCLOSURES (CCP § 842)** on the interested parties in this action as follows:

All Parties served via File and Serve Express

BY ELECTRONIC MAIL TRANSMISSION: I electronically served the document(s) described above via File & ServeXpress, on the recipients designated on the Transaction Receipt located on the File & ServeXpress website (<https://secure.fileandservexpress.com>) pursuant to the Court Order establishing the case website and authorizing service of documents.

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

Executed on June 15, 2021, at Westlake Village, California.


Sandra Bigelow

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