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CASITAS MUNICIPAL WATER DISTRICT a California
8 special district

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 FOR THE COUNTY OF LOS ANGELES, DISTRICT

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

12 Petitioner,

13 vs.

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

17 Respondents.

18
19 CITY OF SAN BUENA VENTURA, a
California municipal corporation,

20 Cross-Complainant,

21 vs.

22 DUNCAN ABBOTT, et al.,

23 Cross-Defendant.
24

Case No. 19STCP01176

Judge: Hon. William F. Highberger
Dept: 10

**CROSS-DEFENDANT CASITAS
MUNICIPAL WATER DISTRICT'S TRIAL
BRIEF FOR PHASE 1 OF TRIAL**

Date Action Filed: September 19, 2014
Trial Date: March 16, 2022

1 **TRIAL STATEMENT**

2 As this Court has observed on a number of occasions, Casitas Municipal Water District
3 (“Casitas”) is somewhat uniquely situated in the Ventura River Watershed. It’s one of the largest
4 water suppliers in Ventura County, supplying between 60-70,000 customers per year, to customers
5 that include the City of Ventura and the City of Ojai. It stores water from the Ventura River and its
6 tributaries behind Casitas Dam and Reservoir, water that is then supplied to customers within the
7 City of Ventura, the City of Ojai and other unincorporated portions of Ventura County. Casitas is
8 also an importer of water from Northern California into the Region.

9 What is perhaps less known is that a significant portion of Casitas’ water supply is derived
10 from Casitas’ groundwater wells within the Ojai Basin—wells that Casitas contends, based upon
11 the scientific evidence that will be presented at trial—do not cause material diminution of flows in
12 the Ventura River below Casitas’ wellfield in the Ojai Basin. Casitas already participates
13 substantially in the protection of the Steelhead Trout by bypassing extensive flows that would
14 otherwise be diverted to and stored in Lake Casitas, in a part of the country where water is scarce,
15 while demands—consumptive and non-consumptive—are open ended. If Casitas is going to be
16 even further restricted in its ability to provide local water supplies to its customers, it should be for
17 a compelling reason, supported by strong science. That is the reason that Casitas decided to
18 actively participate in this first phase of trial. The Court’s determination regarding interconnection
19 had to be based upon strong science.

20 To date, that strong science has not materialized. Two models have been developed for
21 use in this phase of the litigation, each centered around the issue of interconnectivity of surface
22 and groundwater in the Ventura River Watershed. Neither is based on good science, and neither is
23 appropriate for projecting the potential impacts of pumping in the Ojai and Upper Ojai Basin on
24 downstream flows.

25 One model is of very recent vintage, developed in secret by the City of Ventura
26 (“Ventura”). The model developer was Claire Archer, a junior level staffer at Cardno, freshly out
27 of graduate school, and with no experience modeling surface water/groundwater relationships in
28 coastal Southern California. Nevertheless, Archer, who is not a licensed hydrogeologist in

1 California, was asked to create a groundwater/surface water model for the entire Ventura River
2 Watershed at the request and under the direction of Ventura’s litigation attorneys at Best, Best and
3 Krieger, who controlled model development and outcomes at every stage. The model has one
4 layer, that appears to entirely misunderstand the way that the Ojai Basin behaves, entirely ignores
5 the role of aquitards, greatly overestimates both groundwater and surface water levels, erroneously
6 relies on the same device of artificially refilling the Basin that the State relies upon, and routinely
7 predicts results that do not match up with observed data and measurements in the real world.
8 Casitas will call one of California’s most experienced hydrogeologists, Mr. Randall Hanson, a
9 veteran of 38 years with the U.S. Geological Survey, and a scientist who wrote much of the model
10 code upon which the Archer Model is based, to opine that the Archer Model simply is not ready
11 for prime time, and that her opinions based upon the model are unreliable and speculative.

12 Similarly the California State Water Resources Control Board (“State Water Board”), and
13 the California Department of Fish and Wildlife (“CDFW”), at the behest of CalTrout and other
14 aligned environmental advocacy groups, are also in the process of developing a model, the
15 “preliminary draft” Ventura River Watershed Model (“VRW Model”), which is the subject of a
16 motion in limine filed by Casitas earlier today. It too is incomplete and produces results that are
17 speculative, unreliable and in conflict with measured data in the watershed. Dr. James McCord, a
18 hydrogeologist with decades of experience building and critiquing groundwater-surface water
19 models will explain why the State’s model regarding interconnectivity is unreliable as it ignores
20 the aquitard in the Ojai Basin, and it produces projected results that do not match up with real
21 world data.

22 Though Casitas is not seeking to be dismissed from the case given its extensive activities
23 within the Ventura River Watershed, it does want to ensure that the determinations made by the
24 Court are premised upon sound science. To date, for the reasons that will be adduced from
25 evidence at trial, Casitas believes that the City of Ventura has not met its burden of demonstrating
26 that groundwater pumping in the Ojai Basin materially affects downstream surface water flows.
27 For this reason, Casitas also concurs with, and incorporates by reference herein, the arguments
28 made by the City of Ojai in its trial brief filed today with the Court.

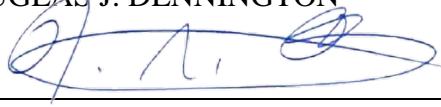
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We look forward to presenting our evidence at trial.

Dated: March 2, 2022

Respectfully submitted

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