



1 ELKINS KALT WEINTRAUB REUBEN GARTSIDE LLP
ERNEST J. GUADIANA, State Bar No. 276095
2 *eguadiana@elkinskalt.com*
10345 W. Olympic Blvd.
3 Los Angeles, California 90064
Telephone: 310.746.4400
4 Facsimile: 310.746.4499

5 Attorneys for Michael Lombardo and
Charles L. Ward III, as Co-Trustees of the
6 Ward-Lombardo Living Trust

7
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

10
11 SANTA BARBARA
CHANNELKEEPER, a California non-
12 profit corporation,

13
14 Petitioner,

15 v.

16 STATE WATER RESOURCES
CONTROL BOARD, a California State
Agency;
17 CITY OF SAN BUENAVENTURA, a
California municipal corporation,
18 incorrectly named as CITY OF BUENA
VENTURA,,
19

20 Respondents.

21 CITY OF SAN BUENAVENTURA, a
California municipal corporation,,
22

23 Cross-Complainant,

24 v.

25 DUNCAN ABBOTT, an individual, et
al.,
26

27 Cross-Defendants.
28

CASE No. 19STCP01176

[Assigned to the Hon. William F.
Highberger, Department 10]

**INITIAL DISCLOSURES OF CROSS-
DEFENDANTS MICHAEL
LOMBARDO AND CHARLES L.
WARD III, AS CO-TRUSTEES OF
THE WARD-LOMBARDO LIVING
TRUST**

Action Filed: Sept. 19, 2014
Trial Date: Not Set

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1 Pursuant to California Code of Civil Procedure section 842, Cross-Defendants
2 Michael Lombardo and Charles L. Ward III, as Co-Trustees of the Ward-Lombardo
3 Living Trust (“Cross-Defendants”), hereby submit their initial disclosures based on
4 the information reasonably available to them. Cross-Defendants reserve the right to
5 supplement or amend these disclosures (a) to include information hereafter acquired,
6 (b) in accordance with California Code of Civil Procedure section 842(d), or (c) as
7 otherwise allowed by law.

8 **DISCLOSURES**

9 **I. Code of Civ. Proc. § 842(a)(1): The name, address, telephone number,**
10 **and email address of the party and, if applicable, the party’s attorney.**

11 Party Information: Michael Lombardo and Charles L. Ward III, as Co-
12 Trustees of the Ward-Lombardo Living Trust
13 Cross-Defendants should be contacted through
14 counsel, noted below.

15
16 Party Attorney Information: Ernest J. Guadiana
17 Elkins Kalt Weintraub Reuben Gartside LLP
18 10345 W. Olympic Blvd., Los Angeles, CA 90064
19 Telephone: (310) 746-4425
20 Email: eguadiana@elkinskalt.com

21 **II. Code of Civ. Proc. § 842(a)(2): The quantity of any groundwater**
22 **extracted from the basin by the party and the method of measurement**
23 **used by the party or the party’s predecessor in interest for each of the**
24 **previous 10 years preceding the filing of the complaint.**

25 After purchasing in July 2016 the real property commonly known as 1901
26 Hermitage Road, Ojai, California, and further identified as Los Angeles County
27 Assessor parcel number 014-0-030-275, which consists of approximately 42.97 acres
28 of land (the “Property”), Cross-Defendants began repairing the water wells on the

1 Property and, during this period, had a metered connection through Hermitage
 2 Mutual Water Company. The water well repairs concluded after the filing of the
 3 complaint.

Year	Metered Water Usage
2009	Unknown – Discovery is ongoing
2010	Unknown – Discovery is ongoing
2011	Unknown – Discovery is ongoing
2012	Unknown – Discovery is ongoing
2013	Unknown – Discovery is ongoing
2014	Unknown – Discovery is ongoing
2015	Unknown – Discovery is ongoing
2016	From January through June: Unknown – Discovery is ongoing From July through December: 2.79 acre feet (approx.)
2017	5.75 acre feet (approx.)
2018	4.01 acre feet (approx.)

18 Cross-Defendants assert at least this quantity of water annually used as a
 19 metered customer of Hermitage Mutual Water District (by any source of Hermitage
 20 Mutual Water District’s own combination of surface or groundwater or other rights of
 21 its own) which Cross-Defendants have used in lieu of any separate right of use to
 22 either riparian surface water or as an overlying landowner to groundwater, during
 23 the repair of the water wells. To the extent that any of Cross-Defendants’ rights are
 24 dormant or unexercised at this time, due to active onsite water conservation or
 25 otherwise, such non-use is not to be misconstrued as any form of Cross-Defendants
 26 abandonment or relinquishment of those rights. Cross-Defendants assert a
 27 maximum historical reasonable and beneficial use of at least 5.75 acre-feet annually.
 28 Cross-Defendants will supplement this disclosure upon obtaining additional

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1 information on the usage prior to their ownership of the property.

2 **III. Code of Civ. Proc. § 842(a)(3): The type of water right or rights claimed**
3 **by the party for the extraction of groundwater.**

4 Cross-Defendants assert overlying water rights for the extraction of
5 groundwater for the wells located on its property (05N22W31K02S and
6 05N22W31K01S). In addition, Cross-Defendants hold water rights under the
7 Property. Cross-Defendants also assert a right to use groundwater under the self-
8 help doctrine, in the event that prescriptive rights to extract water from the basin are
9 determined.

10 **IV. Code of Civ. Proc. § 842(a)(4): A general description of the purpose to**
11 **which the groundwater has been put.**

12 Cross-Defendants utilize the extracted water for domestic/residential housing
13 uses, horses, landscaping irrigation, and agricultural irrigation for orchards
14 (estimated 21 acres).

15 **V. Code of Civ. Proc. § 842(a)(5): The location of each well or other source**
16 **through which water has been extracted.**

17 Cross-Defendants utilize the following two wells for groundwater extraction:
18 05N22W31K02S and 05N22W31K01S. Both wells are located on the Property.

19 **VI. Code of Civ. Proc. § 842(a)(6): The area in which the groundwater has**
20 **been used.**

21 The groundwater extracted by Cross-Defendants is utilized solely for uses on
22 the Property.

23 **VII. Code of Civ. Proc. § 842(a)(7): Any claims for increased or future use of**
24 **groundwater.**

25 Cross-Defendants have reduced their production of water as a result of
26 drought conditions within the Ventura River Watershed. Cross-Defendants claim the
27 right to a reasonable and beneficial amount of water in the future to irrigate the
28 Property’s remaining irrigable acreage (approximately 20 acres).

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1 **VIII. Code of Civ. Proc. § 842(a)(8): The quantity of any beneficial use of any**
2 **alternative water use that the party claims as its use of groundwater**
3 **under any applicable law, including, but not limited to, Section 1005.1,**
4 **1005.2, or 1005.4 of the Water Code.**

5 Cross-Defendants reserve the right to additional water use pursuant to Water
6 Code Sections 1005.1, 1005.2 and 1005.4 as a result of their groundwater
7 conservation practices, including but not limited to, the purchasing of water, the use
8 of surface water, and the reduction of groundwater pumping. In the interest of
9 conservation, Cross-Defendants have chosen not to irrigate all of their irrigable
10 acreage at this time. Additionally, Cross-Defendants have rights to surface water,
11 the use of which constitutes an alternative source of water.

12 **IX. Code of Civ. Proc. § 842(a)(9): Identification of all surface water rights**
13 **and contracts that the party claims provides the basis for its water**
14 **right claims in the comprehensive adjudication.**

15 Cross-Defendants claim rights to all surface water on or appurtenant to the
16 Property. Moreover, Cross-Defendants also hold water rights under said Property.

17 **X. Code of Civ. Proc. § 842(a)(10): The quantity of any replenishment of**
18 **water to the basin that augmented the basin’s native water supply,**
19 **resulting from the intentional storage of imported or non-native**
20 **water in the basin, managed recharge of surface water, or return**
21 **flows resulting from the use of imported water or non-native water on**
22 **lands overlying the basin by the party, or the party’s representative**
23 **or agent, during each of the 10 calendar years immediately preceding**
24 **the filing of the complaint.**

25 Cross-Defendants currently assert no replenishment of water to the basin that
26 augmented the basin’s native water supply, aside from the conservation measures
27 noted above, during the 10 calendar years immediately preceding the filing of the
28 complaint in this action. Cross-Defendants reserve the right to supplement this

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1 disclosure in the future should they determine that their, or their predecessors,
2 water conservation practices have resulted in replenishment to the basin.

3 **XI. Code of Civ. Proc. § 842(a)(11): The names, addresses, telephone**
4 **numbers, and email addresses of all persons possessing information**
5 **that supports the party’s disclosures.**

6 Michael Lombardo and Charles L. Ward III, who may be contacted through
7 their attorney of record, Ernest J. Guadiana of Elkins Kalt Weintraub Reuben
8 Gartside LLP (contact information listed in Section 1).

9 **XII. Code of Civ. Proc. § 842(a)(12): Any other facts that tend to prove the**
10 **party’s claimed water right.**

11 The Property has been operated as residence and as an orchard for several
12 decades, and groundwater has been extracted to support these uses. Cross-
13 Defendants’ water needs have a direct correlation to operation and maintenance of
14 the Property. Cross-Defendants reserve the right to supplement this disclosure,
15 where appropriate, at a future date. (Code of Civ. Proc. § 842, subd. (d)(1)-(3).)

17 DATED: July 1, 2021

ELKINS KALT WEINTRAUB REUBEN
GARTSIDE LLP

19
20 By: 

ERNEST J. GUADIANA
Attorneys for Michael Lombardo and Charles L.
Ward III, as Co-Trustees of the Ward-Lombardo
Living Trust

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VERIFICATION

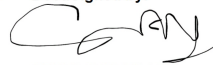
I, Charles L. Ward III, declare as follows:

I am a co-trustee of the Ward-Lombardo Living Trust, cross-defendant in the above-entitled action, and as such make this verification on its behalf. I have reviewed the foregoing INITIAL DISCLOSURES OF CROSS-DEFENDANTS MICHAEL LOMBARDO AND CHARLES L. WARD III, AS CO-TRUSTEES OF THE WARD-LOMBARDO LIVING TRUST and know its contents. 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 on July 1, 2021, at Los Angeles, California.

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Charles L. Ward III