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7 Attorney for Cross-Defendants,

8 PATRICIA & ROBERT W. NORRIS

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 COUNTY OF LOS ANGELES

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

13 Petitioner,

14 vs.

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

20 Respondents.

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

23 Cross-Complainant

24 vs.

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

26 Cross-Defendant

Case No. 19STCP01176

Judge: Honorable William F. Highberger

VERIFIED INITIAL DISCLOSURES

Action Filed: Sept. 19, 2014

Trial Date: Not Set

1 INTRODUCTION

2 Cross-Defendants Patricia Mercer Norris and Robert W. Norris, owners of real property  
3 in Ventura County, California, provide this Initial Disclosure pursuant to California Code of  
4 Civil Procedure § 842 as follows and reserve the right to amend or supplement this disclosure,  
5 where appropriate, at a future date. (Code of Civ. Proc. § 842, subd. (d)(1)-(3).)  
6

7 Members of our family have been farming this property since the early 1900's. The well  
8 was dug in 1912 and was the only source of water until the 1930's when my father was able to  
9 connect to the water pipeline on Grand Avenue.

10 In 1926, my grandfather and father converted the mainly apricot ranch to citrus and  
11 avocados. Well water was historically the main source of water for irrigation before Casitas.  
12

13 DISCLOSURE NO. 1:

14 The name, address, telephone number, and email address of the party and, if applicable,  
15 the party's attorney.

16 RESPONSE TO DISCLOSURE NO. 1:

17 Patricia Mercer Norris and Robert W. Norris

18 1126 Mercer Ave.

19 Ojai, CA 93023

20 805-320-9373

21 patnorris@roadrunner.com

22  
23 Ryan Blatz

24 Ryan Blatz Law

25 109 North Blanche Street, Suite 103

26 Ojai, CA 93023

27 805-798-2249

28 ryan@ryanblatzlaw.com

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2 **DISCLOSURE NO. 2:**

3 The quantity of any groundwater extracted from the basin by the party and the method of  
4 measurement used by the party's predecessor in interest for each of the previous 10 years  
5 preceding the filing of the Complaint.

6 **RESPONSE TO DISCLOSURE NO. 2:**

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Year	Amount of Groundwater Extracted:
2019	0.6
2018	1.9
2017	3.0
2016	1.1
2015	1.0
2014	0.3
2013	1.5
2012	9.7
2011	4.2
2010	1.0

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19 By metered well.

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21 **DISCLOSURE NO. 3:**

22 The type of water right or rights claimed by the party for the extraction of groundwater.

23 **RESPONSE TO DISCLOSURE NO. 3:**

24 The Norrises are overlying landowners and assert both overlying and  
25 unexercised water rights for the extraction of groundwater from a water well located on their  
26 property from the Ojai Groundwater Basin.

27 The Norrises also assert a right to use groundwater under the self-help doctrine, if  
28 prescriptive rights to extract groundwater from the basin are determined.

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2 DISCLOSURE NO. 4:

3 A general description of the purpose to which the groundwater has been put.

4 RESPONSE TO DISCLOSURE NO. 4:

5 The Norrises extract and use groundwater from the Ojai Groundwater  
6 Basin for irrigation agriculture on their land to grow citrus and other reasonable and beneficial  
7 uses of water.

8 Members of our family have been farming this property since the early 1900's.

9 The well was dug in 1912 and was the only source of water until the 1930's when my  
10 father was able to connect to the water pipeline on Grand Avenue.

11 In 1926, my grandfather and father converted the mainly apricot ranch to citrus and  
12 avocados. Well water was historically the main source of water for irrigation before Casitas.

13 Since wells were not metered back then, we have no record of the amount of water  
14 pumped, but it was enough to irrigate 39.2 acres of citrus and avocados.

15 After my father's death in 2007, my sister, Margaret Vanderfin, and I split the ranch in  
16 half. We share all water sources as the main line separates our properties.

17 Today I grow avocados, Pixie tangerines, and Valencia oranges on 14 acres. My sister  
18 grows lemons, Pixie tangerines, and Valencia oranges on 17 acres.

19  
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21 DISCLOSURE NO. 5:

22 The location of each well or other source through which the groundwater has been  
23 extracted.

24 RESPONSE TO DISCLOSURE NO. 5:

25 Well #1 Southeast corner of APN# 028-0-010-070, State well #04N22W06D01S.

26 Well #2 at North section of APN#028-0-010-080, State well #05N23W36R01S.  
27  
28

1 **DISCLOSURE NO. 6:**

2 The area in which the groundwater has been used.

3 **RESPONSE TO DISCLOSURE NO. 6:**

4 APN: 028-0-010-070

5 The Norrises own a single parcel with 14 acres of irrigated citrus and avocados which are  
6 supplemented with groundwater from a well within the Ojai Basin Groundwater Management Area  
7 (OBGMA).  
8

9 **DISCLOSURE NO. 7:**

10 Any claims for increased or future use of groundwater.

11 **RESPONSE TO DISCLOSURE NO. 7:**

12 The Norrises anticipate that their future use of groundwater will grow to include an  
13 additional 3.5 acres of future avocados in the north section of property

14 The Norrises assert the maximum historical right to pump and consumptively use  
15 groundwater (whether dormant or currently unexercised, which is never lost, forfeited, or  
16 abandoned for any period of non-use) or due to any shift in future irrigated agriculture crop  
17 production.  
18

19 The multi-year drought has required active water demand management strategies that  
20 have resulted, at times, in “shorting” trees on water. The Norrises do not conflate any temporary  
21 reduction of use as a permanent abandonment or intentional relinquishment of any water rights to  
22 use water reasonably and beneficially on their property.

23 The Norrises reserve the right to supplement this initial disclosure with additional future  
24 uses.  
25

26 **DISCLOSURE NO. 8:**

27 The quantity of any beneficial use of any alternative water use that the party claims as its  
28 use of groundwater under any applicable law, including, but not limited to, Section 1005.1,

1 1005.2, or 1005.4 of the Water Code.

2 **RESPONSE TO DISCLOSURE NO. 8:**

3 To the extent that The Norrises may have a riparian right to subsurface underflow that is  
4 “part and parcel” of the property, they reserve the right to this additional water use pursuant to  
5 Water Code Sections 1005.1, 1005.2, 1005.4, or other applicable law.

6 The Norrises also assert any quantity of water used as a metered customer of Casitas  
7 Municipal Water District (by any source of its own surface or groundwater right(s) of its own) as  
8 an alternative source that they might use on any of their property *in lieu of* or as a supplement to  
9 any right of use that they might otherwise use to a maximum reasonable and beneficial use for  
10 domestic potable uses.

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12 **DISCLOSURE NO. 9:**

13 Identification of all surface water rights and contracts the party claims provides the basis  
14 for its water right claims in the comprehensive adjudication.

15 **RESPONSE TO DISCLOSURE NO. 9:**

16 The Norrises assert riparian surface rights to McNell Creek, and possible riparian rights  
17 to subsurface underflow underneath any of their property.

18 The Norrises also assert the annual quantity of water used as metered customers of  
19 Casitas Municipal Water District which they might otherwise use *in lieu of* any separate right of  
20 use they have to either riparian surface water or overlying landowner groundwater. Casitas Water  
21 annual allocation of 15,000 units (@748 gallons per unit) or 11,220,000 gallons or roughly 34.5  
22 AF.  
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24  
25 **DISCLOSURE NO. 10:**

26 The quantity of any replenishment of water to the basin that augmented the basin’s native  
27 water supply, resulting from the intentional storage of imported or non-native water in the basin,  
28 managed recharge of surface water, or return flows resulting from the use of imported water or

1 non-native water on lands overlying the basin by the party, or the party's representative or agent,  
2 during each of the 10 calendar years immediately preceding the filing of the Complaint.

3 **RESPONSE TO DISCLOSURE NO. 10:**

4 The Norrises have a 50% ownership in horizontal well #2, State well #05N23W36R01S.

5 Otherwise, the Norrises do not currently import any non-native water, but reserve all  
6 rights to drill a deep well into the fractured bedrock beneath the alluvial soils of the groundwater  
7 basin, which would not be hydrologically connected to surface or subsurface flows.

8 The Norrises do not currently manage any recharge of surface water peak-flow into  
9 groundwater, but reserve the right to appropriate water and store such waters for more than 30-  
10 days (pursuant to a Water Availability Analysis) and/or capture and store stormwater or  
11 rainwater.

12 The Norrises reserve the ability to generate any combination of offsets or production  
13 forbearance or conserved water credits that might otherwise contribute to either onsite water  
14 supply resiliency and reliability or enhance stream flow.

15 The Norrises have added 4 inches of mulch to their orchard to further conserve water and  
16 reduce onsite annual demand and pumping.

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19 **DISCLOSURE NO. 11:**

20 The names, addresses, telephone numbers, and email addresses of all persons possessing  
21 information that supports the party's disclosures.

22 **RESPONSE TO DISCLOSURE NO. 11:**

23 Patricia and Robert W. Norris

24 1126 Mercer Ave.

25 Ojai, CA 93023

26 805-320-9373

27 patnorris@roadrunner.com  
28

1 Tom Hicks  
2 Hicks Law  
3 35 Temescal Terrace  
4 San Francisco, CA 94118  
5 (415) 309-2098  
6 tdh@tomhickslaw.com  
7

8 **DISCLOSURE NO. 12:**

9 Any other facts that tend to prove the party's claimed water right.  
10

11 **RESPONSE TO DISCLOSURE NO. 12:**

12 The Norrises, by virtue of their status as overlying landowners, hold  
13 overlying groundwater rights. Such rights are "part and parcel" of the fee interest.

14 My family has a long history on this land and in the past wells have been an integral part  
15 of keeping the crops irrigated. Unfortunately, because of the long and severe drought, we have at  
16 times not been able to pump as much water.

17 The multi-year drought has required higher cost Casitas water and active water demand  
18 management strategies that have resulted, at times, in "shorting" trees on water. The Norrises do  
19 not conflate any temporary reduction of use as a permanent abandonment or intentional  
20 relinquishment of any water rights to use water reasonably and beneficially on their property. In  
21 wetter years, we intend to pump more water closer to our longer-term maximum.  
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24  
25 The Norrises make this Initial Disclosure based on the information currently available to  
26 them. They will amend or supplement this disclosure, if necessary, consistent with California  
27 Code of Civil Procedure section 842(d) (1-3).  
28

The Norrises are serving this Initial Disclosure electronically to all parties to the extent



1 possible pursuant to California Code of Civil Procedure section 842(e).

2  
3 *Jan 20 2022*

4 DATED: ~~October~~ \_\_, ~~2021~~

RYAN BLATZ

5  
6 By: 

7 Ryan Blatz  
8 Attorney for  
9 PATRICIA & ROBERT W. NORRIS  
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2 VERIFICATION

3 I have read the foregoing INITIAL DISCLOSURE and know its contents.

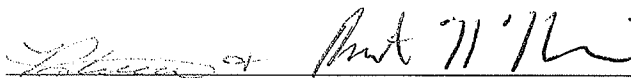
4 I am a party to this action. The matters stated in it are true of my own knowledge except  
5  as to those matters which are stated on information and belief, and as to those matters I  
6 believe them to be true.

7 I am \_\_\_\_\_ of \_\_\_\_\_, a party to this action, and am authorized to  
8  make this verification for and on its behalf, and I make this verification for that reason. I  
9 have read the foregoing document(s). I am informed and believe and on that ground  
allege that the matters stated in it are true.

10 I am one of the attorneys of record for \_\_\_\_\_, a party to this action. Such  
11  party is absent from the county in which I have my office, and I make this verification  
12 for and on behalf of that party for that reason. I have read the foregoing document(s). I  
am informed and believe and on that ground allege that the matters stated in it are true.

13 Executed at VENTURA COUNTY, California on Jan 20, 2022  
14 ~~October \_\_\_\_\_, 2021~~

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

17   
18 PATRICIA & ROBERT W. NORRIS