

1 GENE TANAKA, Bar No. 101423
2 gene.tanaka@bbklaw.com
3 SARAH CHRISTOPHER FOLEY, Bar No. 277223
4 sarah.foley@bbklaw.com
5 DAKOTAH BENJAMIN, Bar No. 316446
6 dakotah.benjamin@bbklaw.com
7 BEST BEST & KRIEGER LLP
8 2001 N. Main Street, Suite 390
9 Walnut Creek, California 94596
10 Telephone: (925) 977-3300
11 Facsimile: (925) 977-1870

12 SHAWN HAGERTY, Bar No. 182435
13 shawn.hagerty@bbklaw.com
14 BEST BEST & KRIEGER LLP
15 655 West Broadway, 15th Floor
16 San Diego, California 92101
17 Telephone: (619) 525-1300
18 Facsimile: (619) 233-6118

19 Attorneys for Respondent and Cross-Complainant
20 CITY OF SAN BUENAVENTURA

21 SUPERIOR COURT OF THE STATE OF CALIFORNIA
22 COUNTY OF LOS ANGELES

23 SANTA BARBARA CHANNELKEEPER,
24 a California non-profit corporation,

25 Petitioner,

26 v.

27 STATE WATER RESOURCES
28 CONTROL BOARD, etc., et al.,

Respondents.

CITY OF SAN BUENAVENTURA, etc.,

Cross-Complainant

v.

DUNCAN ABBOTT, an individual, et al.

Cross-Defendants.

Exempt From Filing Fees Pursuant to
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ORIGINAL FILED
Superior Court of California
County of Los Angeles

JAN 23 2020

Sherril R. Carter, Executive Officer/Clerk of Court

By , Deputy
Steven Drew

Case No. 19STCP01176

Judge: Honorable William F. Highberger

STATUS CONFERENCE REPORT

Date: January 30, 2020

Time: 8:30 a.m.

Dept: SS10

Action Filed: Sept. 19, 2014

Trial Date: Not Set

1 STATUS CONFERENCE REPORT

2
3 Pursuant to the Court’s Order at the December 6, 2019 Status Conference, Defendant and
4 Cross-Complainant City of San Buenaventura (“City”) submits this Status Conference
5 Report. Counsel for City sent a draft of this Report to counsel on January 21 and 22, 2020, and
6 received comments from several parties and incorporated their changes. The Report will discuss
7 service and notices regarding the Third Amended Cross-Complaint, other matters related to the
8 Third Amended-Cross-Complaint, and the technical presentation for the Court on January 30,
9 2020.

10
11 1. SERVICE AND NOTICES REGARDING THE THIRD AMENDED CROSS-
12 COMPLAINT

13
14 On January 2, 2020, City filed its Third Amended Cross-Complaint. The total number of
15 new cross-defendants is 1,327. As of January 21, 2020, the process server served about 1000
16 riparian or riparian/overlying cross-defendants. The process server attempted to serve
17 approximately 320 cross-defendants. Also, as of January 21, 2020, 12,766 notices were mailed to
18 owners of approximately 10,000 parcels overlying the groundwater basins.

19
20 Pursuant to Civil Procedure Code Section 836(d)(1)(D), City completed publication of the
21 Notice of Commencement of Groundwater Basin and Watershed Adjudication (“Notice of
22 Commencement”) by publishing it in the Ventura County Star on December 16, 2019, December
23 23, 2019, December 30, 2019, and January 6, 2020.

24
25 Pursuant to Civil Procedure Code Section 835, on January 14, 2020, City provided the
26 Notice of Commencement to the U.S. Bureau of Land Management, U.S. Bureau of Reclamation,
27 USDA Forest Service, U.S. Attorney General, California Department of Water Resources
28 (“DWR”), California Department of Fish and Wildlife (“Fish and Wildlife”), California State

1 Water Resources Control Board (“State Board”), California Attorney General, City of Ojai,
2 County of Santa Barbara, County of Ventura (“Ventura”), Ojai Basin Groundwater Management
3 Agency (“OBGMA”), and Upper Ventura River Groundwater Agency (“UVRGA”).
4

5 Pursuant to Civil Procedure Code Section 835(a)(5), City is required to provide the Notice
6 of Commencement to California Native American tribes on the contact list of the Native
7 American Heritage Commission (“Commission”). On January 17, 2020, City sent a letter via e-
8 mail to the Commission requesting a list of the Native American tribes, if any, with an interest
9 within the Ventura River watershed boundaries.
10

11 Pursuant to Civil Procedure Code Section 835(a)(9), City requested OBGMA and
12 UVRGA provide their lists of interested parties under the Sustainable Groundwater Management
13 Act. OBGMA responded it does not currently have a list, but expects to complete this list within
14 the next 45 days. UVRGA provided its list, but City needs to follow up to obtain contact
15 information.
16

17 Pursuant to Civil Procedure Code Section 836(m), on December 10, 2019, City provided
18 the Notice of Commencement and Form Answer to the DWR, Ventura, OBGMA, and UVRGA.
19

20 Pursuant to Civil Procedure Code Section 836.5, City provided the Notice of
21 Commencement and Form Answer by e-mail and U.S. Mail to OBGMA, UVRGA, and State
22 Board. OBGMA sent City a list of persons reporting extractions, and City will send them the
23 required notices. UVRGA stated it does not collect this information, but if it did, it has privacy
24 concerns about disclosure. The State Board expects to respond later this week.
25
26
27
28

1 2. OTHERS MATTERS REGARDING THE THIRD AMENDED CROSS-
2 COMPLAINT

3
4 On January 2, 2020, City activated the neutral website. As of January 21, 2020, it had 714
5 unique visitors, who viewed 1,839 pages. Also as of January 21, 2020, Best Best & Krieger LLP
6 received and responded to 84 telephone calls and e-mails regarding the Third Amended Cross-
7 Complaint or related documents.

8
9 3. TECHNICAL PRESENTATION

10
11 As agreed among the parties, on January 9, 2019, City provided copies of the consumptive
12 users technical presentations on the Ventura River Watershed Hydrology, with speaker notes, and
13 the Steelhead of the Ventura River Basin, with speaker notes, to the Water Board, Fish and
14 Wildlife, and Plaintiff Santa Barbara Channelkeeper (“Channelkeeper”). City also provided
15 copies of the background documents it intends to submit to the Court. On January 16, 2020, City
16 received one requested change from the Water Board which it will address.

17
18 Late on January 21, 2020, Fish and Wildlife said two of its staff members planned to
19 make their own presentations and promised to provide their PowerPoints, with speaker notes, on
20 January 23, 2020. Fish and Wildlife added that it will provide us with a list of additional
21 documents, and that Channelkeeper will also make a presentation, but that has not been
22 confirmed by Channelkeeper. Finally, on January 22, 2020, the Water Board provided 20
23 additional comments to the consumptive users two technical presentations.

24
25 Unfortunately, the consumptive users do not have the time before the filing deadline of
26 January 27, 2020, to: (i) discuss the changes to their presentations with their four experts; (ii)
27 review the PowerPoints from Fish and Wildlife, and possibly Channelkeeper, with their experts;
28 (iii) coordinate the response among the consumptive users; and (iv) work out differences with the

1 Water Board and Fish and Wildlife. On the other hand, the consumptive users do not believe it is
2 appropriate for them to come to Court on January 30, 2020, unprepared to proceed.

3

4 Therefore, the consumptive users have informed Fish and Wildlife, the Water Board, and
5 Channelkeeper, that they will file and serve their materials as is (we have made the change
6 submitted on January 16), and expect the Water Board will submit its comments on January 27.
7 Similarly, we will review Fish and Wildlife's PowerPoints on Thursday, expect them to be
8 submitted as is, and will provide the Court our comments on January 27.

9

10 Fish and Wildlife and the Water Board said they plan to file a separate report. The parties
11 are trying to arrange a conference call to see if they can work out their differences. City will post
12 the outcome of that call on File&ServXpress.

13

14 Dated: January 23, 2020

BEST BEST & KRIEGER LLP

15

16

By: Gene Tanaka

17

GENE TANAKA
SHAWN HAGERTY
SARAH CHRISTOPHER FOLEY
DAKOTAH BENJAMIN
Attorneys for Respondent and
Cross-Complainant
CITY OF SAN BUENAVENTURA

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1 PROOF OF SERVICE

2 I am a resident of the State of California and over the age of eighteen years, and
3 not a party to the action herein; my business address is Best Best & Krieger LLP, 2001 N. Main
4 St. Suite 390, Walnut Creek, CA 94596. On January 23, 2020, I served the following
5 document(s):

6 STATUS CONFERENCE REPORT

- 7
- 8 by placing the document(s) listed above in a sealed envelope with postage thereon
9 fully prepaid, in the United States mail at Walnut Creek, California addressed as
10 set forth below. I am readily familiar with the firm's practice of collection and
11 processing correspondence for mailing. Under that practice it would be deposited
12 with the U.S. Postal Service on that same day with postage thereon fully prepaid in
13 the ordinary course of business.
- 14 I caused such envelope to be delivered via overnight delivery. Such envelope was
15 deposited for delivery by United Parcel Service following the firm's ordinary
16 business practices.
- 17 by transmission via **E-Service to File & ServeXpress** to the person(s) set forth
18 below. Local Rules of Court 2.10 (P).
- 19 **By e-mail or electronic transmission.** I caused the documents to be sent to the
20 persons at the e-mail addresses listed below. I did not receive, within a reasonable
21 time after the transmission, any electronic message or other indication that the
22 transmission was unsuccessful.

23 Daniel Cooper
24 Cooper & Lewand-Martin, Inc.
25 1004B O'Reilly Avenue
26 San Francisco, CA 94129
27 Tel: (415) 360-2962
28 daniel@cooperlewand-martin.com

Matthew Bullock
Deputy Attorney General
California Department of Justice
Natural Resources Law Section
455 Golden Gate Ave., Suite 11000
San Francisco, CA 94102-7004
Tel: (415) 510-3376
matthew.bullock@doj.ca.gov

Attorneys for Petitioner and Plaintiff
Santa Barbara Channelkeeper

Attorneys for Respondent and Defendant State
Water Resources Control Board

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Marc N. Melnick
Deputy Attorney General
Attorney General's Office
1515 Clay Street, 20th Floor
P.O. Box 70550
Oakland, CA 94612-0550
Tel: 510-879-0750
Marc.melnick@doj.ca.gov

Attorneys for Respondent and Defendant
State Water Resources Control Board

Edward J. Casey
Clynton Namuo
Alston & Bird LLP
333 South Hope Street, 16th Floor
Los Angeles, CA 90071
Tel: 213.576.1000
ed.casey@alston.com
clynton.namuo@alston.com

Attorneys for Cross-Defendants Bentley
Family Limited Partnership and AGR
Breeding, Inc.

William G. Short, Esq.
Law Offices of William G. Short
Post Office Box 1313
Ojai, California 93024-1313
Tel: (805) 490-6399
Fax: (805) 640-1940
billshortesq@me.com

Attorney for Cross-Defendant Robin
Bernhoft

Eric M. Katz
Supervising Deputy Attorney General
Noah Golden – Krasner
Deputy Attorney General
Carol Boyd
Deputy Attorney General
300 South Spring Street, Suite 1702
Los Angeles, CA 90013
Tel. (213) 269-6343
Fax (213) 897-2802
Eric.Katz@doj.ca.gov
Noah.goldenrasner@doj.ca.gov
Carol.boyd@doj.ca.gov

Attorneys for Proposed Intervenor California
Department of Fish & Wildlife

Paul Blatz
Ryan Blatz
Blatz Law Firm
206 N. Signal St. Suite G
Ojai, CA 93023
Tel: (805) 646-3110
blatzlawfirm@gmail.com
ryan@ryanblatzlaw.com

Attorneys for Cross-Defendants Troy Becker,
Janet Boulten, Michael Boulten, Michael
Caldwell, Joe Clark, Michael Cromer; Linda
Epstein, Etchart Ranch, Lawrence Hartmann,
Ole Konig, Krotona Institute of Theosophy;
Stephen Mitchell; North Fork Springs Mutual
Water Company, Rudd Ranch, LLC; Shlomo
Raz, Sylvia Raz, Senior Canyon Mutual Water
Company, Siete Robles Mutual Water
Company, Soule Park Golf Course, Ltd., Telos,
LLC, Victor Timar, John Town and Trudie
Town

Anthony Lee Francois
Jeremy Talcott
David Deerson
Pacific Legal Foundation
930 G Street
Sacramento, CA 95814-1802
Tel: (916) 419-7111
Fax: (916) 419-7111
alf@pacificlegal.org
TFrancois@pacificlegal.org
jtalcott@pacificlegal.org
ddeerson@pacificlegal.org

Attorney for Cross-Defendant Robin Bernhoft

1 Robert N. Kwong
2 Dennis O. La Rochelle
3 Arnold Larochelle Mathews Vanconas &
4 Zirbel, LLP
5 300 Esplanade Dr Ste 2100
6 Oxnard, CA 93036
7 Tel: (805) 988-9886
8 rk Wong@atozlaw.com

6 Attorneys for Cross-Defendant Casitas
7 Municipal Water District

8 Gregory J. Patterson
9 Musick, Peeler & Garrett LLP
10 2801 Townsgate Road, Suite 200
11 Westlake Village, CA 91361
12 Tel: (805) 418-3103
13 Fax: (805) 418-3101
14 g.patterson@musickpeeler.com

12 Attorneys for Cross-Defendants Robert C.
13 Davis, Jr., James Finch, Friend's Ranches,
14 Inc., Topa Topa Ranch Company, LLC, The
15 Thacher School, Thacher Creek Citrus, LLC

15 Jeanne Zolezzi
16 Herum Crabtree Suntag
17 5757 Pacific Avenue, Suite 222
18 Stockton, CA 95207
19 Tel: (209) 472-7700
20 Fax: (209) 472.7986
21 jzolezzi@herumcrabtree.com

19 Attorneys for Cross-Defendant Meiners
20 Oaks Water District and Ventura River
21 Water District

Patrick Loughman
Cristian Arrieta
Lowthorp, Richards, McMillan, Miller &
Templeman
300 Esplande Drive, Suite 850
Oxnard, CA 93036
Tel: 805.804.3848
Ploughman@lrmmt.com
Carrieta@lrmmt.com

Attorneys for Cross-Defendants Ernest Ford
and Tico Mutual Water Company

Lindsay F. Nielson
Law Office of Lindsay F. Nielson
845 E Santa Clara Street
Ventura, CA 93001
Tel: 805-658-0977
nielsonlaw@aol.com

Attorneys for Cross-Defendant Meiners Oaks
Water District and Ventura River Water
District

Neal P. Maguire
Ferguson Case Orr Patterson LLP
1050 South Kimball Road
Ventura, CA 93004
Tel: (805) 659-6800
nmaguire@fcoplw.com

Attorneys for Cross-Defendant Rancho Matilija
Mutual Water Company

1 Thomas S. Bunn III
Elsa Sham
2 Lagerlof Senecal Gosney & Kruse LLP
301 N. Lake Avenue, 10th Floor
3 Pasadena, CA 91101-5123
4 Tel.: (626) 793-9400
5 Fax: (626) 793-5900
tombunn@lagerlof.com
esham@lagerlof.com

7 Attorneys for Cross-Defendant St. Joseph's
Associates of Ojai, California, Inc.

9 Scott Slater
Bradley Herrema
10 Christopher Guillen
Brownstein Hyatt Farber Schreck LLP
11 1021 Anacapa Street, 2nd Floor
Santa Barbara, CA 93101
12 Tel: (805) 963-7000
13 Fax: (805) 965-4333
sslater@bhfs.com
bherrema@bhfs.com
14 cguillen@bhfs.com

15 Attorneys for Cross-Defendant Wood-
Claeyssens Foundation

17 David B. Cosgrove
Jeffrey M. Oderman
18 Douglas J. Dennington
Jeremy N. Jungreis
19 Rutan & Tucker, LLP
611 Anton Boulevard, Suite 1400
20 Costa Mesa, CA 92626-1931
21 Tel: 714-641-5100
22 Fax: 714-546-9035
dcosgrove@rutan.com
joderman@rutan.com
23 ddennington@rutan.com
jjungreis@rutan.com

24 Attorneys for Cross-Defendant Casitas
25 Municipal Water District

Michael J. Van Zandt
Nathan A. Metcalf
Sean G. Herman
Hanson Bridgett LLP
425 Market Street, 26 Floor
San Francisco, CA 94105
Tel: 415-777-3200
Fax: 415-541-9366
mvanzandt@hansonbridgett.com
nmetcalf@hansonbridgett.com
sherman@hansonbridgett.com

Attorneys for Cross-Defendant Ventura County
Watershed Protection District


Joseph C. Chrisman
Hathaway, Perrett, Webster, Powers, Chrisman
& Gutierrez
5450 Telegraph Road
Ventura, CA 93003
(805) 644-7111
jchrisman@hathawaylawfirm.com

Attorneys for Cross-Defendant Wood-
Claeyssens Foundation

1
2
3
4
5
6
7
8
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10
11
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I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on January 23, 2020 at Walnut Creek, California.



Irene Islas