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10 Family Trust; James P. Finch; Robert Calder Davis, Jr.; Robert Calder Davis, Jr., TTEE of Trust
11 Owned Properties; Sharon H. Booth, Trustee of The Survivor's Trust Created Under Declaration
12 of Trust of Richard G. Booth and Sharon H. Booth Dated July 10, 1980; David Robert Hamm;
13 Ojai Oil Company; Ojai Valley School; Reeves Orchard, LLC and Ojai Valley Inn

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
15 **COUNTY OF LOS ANGELES**

16 SANTA BARBARA CHANNELKEEPER, a
17 California non-profit organization

18 Petitioner,

19 vs.

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

25 Respondents.

26 CITY OF SAN BUENAVENTURA, a
27 California municipal corporation

28 Cross-Complainant

vs.

DUNCAN ABBOTT, an individual, et al.

Cross-Defendants.

CASE No. 19STCP01176

[Assigned to Hon. William F Highberger]

**THE THACHER SCHOOL'S INITIAL
DISCLOSURE PURSUANT TO
CALIFORNIA CODE OF CIVIL
PROCEDURE SECTION 842**

Action Filed:
Trial Date:

September 19, 2014
None Set

1 Cross-Defendant The Thacher School ("Thacher") provides its Initial Disclosure pursuant
2 to California Code of Civil Procedure section 842 as follows:

3 **DISCLOSURE NO. 1:**

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

6 **RESPONSE TO DISCLOSURE NO. 1:**

7 The Thacher School
8 5025 Thacher Road
9 Ojai, CA 93023
10 Attn: Ed Bennett, Facilities Director
11 (805) 646-4377

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15 Westlake Village, CA 91361
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18 **DISCLOSURE NO. 2:**

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

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

23 Three (3) wells have been used to extract groundwater. (State Well Numbers:
24 05N22W33R01S; 05N22W34N02S; and 0522W33NO2S). As of this writing, quantity data is
25 available only for eight (8) years, 2013 to 2020. The method of measurement has been water
26 meters. The meters were replaced during this period on Wells #1 and #2. Two of the wells were
27 out of service during portions of this period. Meter readings prior to 2016 from Wells 1&2 are not
28 believed to be accurate. Below are extraction totals from meter readings in acre feet:

YEAR	WELL # 1	WELL #2	WELL # 3
2013	0.004	0.0006	0.54
2014	0.0021	0.0009	0.064

1	2015	1.61	19.83	0.28
2	2016	83.55	30.99	0.868
3	2017	131.41	5.05	1.42
4	2018	151.99	7.67	0.37
5	2019	63.22	0	0.0006
6	2020	47.89	166.46	0.0009
7				
8	Total per well	479.6761	230.0015	3.5435
9				
10	Total all wells			
11	2013-2020:			
12	713.2211 ac/ft			

14 **DISCLOSURE NO. 3:**

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

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

17 The overlying right of the landowner to extract groundwater and senior riparian surface
18 water rights and/or pre-1914 appropriative water rights.

19 **DISCLOSURE NO. 4:**

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

21 **RESPONSE TO DISCLOSURE NO. 4:**

22 To supply water to a residential boarding school for business and household use, to
23 support a large horseback riding program as part of the curriculum, landscape and sports field
24 maintenance.

25 **DISCLOSURE NO. 5:**

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

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1 **RESPONSE TO DISCLOSURE NO. 5:**

2 APN 014-0-130-050

3 **DISCLOSURE NO. 6:**

4 The area in which the groundwater has been used.

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

6 APN 014-0-130-050

7 **DISCLOSURE NO. 7:**

8 Any claims for increased or future use of groundwater.

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

10 Increase in the future for reasonable and beneficial use appropriate for increased school
11 enrollment, additional campus buildings and sports facilities to accommodate same.

12 **DISCLOSURE NO. 8:**

13 The quantity of any beneficial use of any alternative water use that the party claims as its
14 use of groundwater under any applicable law, including, but not limited to, Section 1005.1,
15 1005.2, or 1005.4 of the Water Code.

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

17 See discussion in Response # 12.

18 **DISCLOSURE NO. 9:**

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

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

22 Sherman D. Thacher, the founder of and predecessor in interest to The Thacher School,
23 was granted surface water diversion rights from Thacher Creek by a document dated May 3, 1901
24 and recorded at Book 75, Page 155 of Deeds in the real property records of Ventura County,
25 California.

26 An 1893 patent issued by the United States pursuant to The Homestead Act of 1862
27 conveys 160 acres from the "sale of public [federal] lands" (and the Act's supplemental thereto) to
28 Sherman D. Thacher and his successor-in-interest.

1 The Thacher School owns 170 shares of Senior Canyon Mutual Water Company stock,
2 which amounts to approximately 15.1% of the water company's issued and outstanding shares.

3 **DISCLOSURE NO. 10:**

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

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

10 Not applicable.

11 Thacher does not currently import any non-native water or manage any recharge of
12 surface water peak-flow into groundwater, but reserves the right to appropriate water and store
13 such waters for more than 30-days (pursuant to Water Availability Analysis) and/or capture and
14 store stormwater or rainwater through any combination of offsets or production forbearance or
15 conserved water credits that might otherwise contribute to either onsite water supply resiliency
16 and reliability or enhance stream flow in San Antonio Creek.

17 **DISCLOSURE NO. 11:**

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

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

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6 Email: regina@h2oprogressive.com

7 **DISCLOSURE NO. 12:**

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

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

10 The Thacher School owns 170 shares of Senior Canyon Mutual Water Company stock,
11 which amounts to approximately 15.1% of the water company's issued and outstanding shares.

12 Thacher is a project partner in two California Wildlife Conservation Board Prop One
13 Water Bond grants. The 2016 The Thacher School Instream Flow Resiliency and Dormitory
14 Conservation Project is a rainwater capture project, in which Thacher will forebear from diversion
15 of its Thacher Creek surface water right. The 2019 Ventura Watershed Flow Enhancement and
16 Water Resiliency (VRIF) Project was awarded to the Ventura County Resource Conservation
17 District. Through this state-funded VRIF project, Thacher and other project partners are
18 coordinating to plan and implement onsite *voluntary* water conservation actions that will further
19 reduce Thacher's onsite annual water demand, including stormwater, rainwater, reduction of
20 phreatophytes such as *Arundo*, and other onsite water use efficiencies to use less water annually
21 for the purpose of enhancing stream flow. Thacher is actively considering projects that will result
22 in a 20-year or longer commitment to onsite "production forbearance" and/or direct streamflow
23 enhancement benefits for steelhead.

24 The Thacher School has engaged in numerous water conservation projects and has adopted
25 numerous water conservation practices beginning in January 2015. These include:

- 26 • Reduced watering schedules on all turf by 30%
- 27 • Installed low flow devices in all dorms (showers, toilets, sinks) which reduced dorm water
28 use by 35%
- Installed low flow washers in all dorms
- Faculty Residence renovations include low flow devices

- 1 • Rebuilt upper field (estimated savings of 1.6M gallons annually)
- 2 • Installed grey water systems in all dorms (estimated savings of 350K gallons annually)
- 3 • Built Hugelkultur in orchard areas to retain ground water
- 4 • Installed a bioswale along the eastern edge of the uppermost tennis court, the eastern side
- 5 of Math Science and along the southern edge of upper field
- 6 • Turf was replaced at the corner by the Head's House to make way for the native Keystone
- 7 Garden
- 8 • Turf was removed around Math Science and the area xerioscaped.
- 9 • Rainwater capture tanks were installed to capture water from the roadside stable, part of
- 10 the LP roof and the Hunt barn roof
- 11 • Banyon Water monitoring system was installed on the irrigation system so we can track all
- 12 water usage for irrigation on the main campus. Included the installation of 32 flow meters
- 13 and 41 controllers.
- 14 • Removed the turf above upper field and xerioscaped the area
- 15 • Removed half the turf from the Casa knoll and xerioscaped.
- 16 • Removed the turf from the front of the chapel and xerioscaped the area
- 17 • Removed the turf and other landscape around the Head of School house to reduce water
- 18 needs by 50% in this area of campus.
- 19 • Obtained a grant to install a system of rainwater capture tanks that will capture rainwater
- 20 from dorm roofs and use the water to flush toilets (600K gallon savings annually)
- 21 • Developed a water management plan that will reduce Thacher water use by 80% if fully
- 22 implemented.
- 23 • Participated in grants to remove Arundo Donax in all campus creeks.

24

25 Thacher makes this Initial Disclosure based on the information currently available to it.

26 Thacher will amend this disclosure, if necessary, consistent with California Code of Civil

27 Procedure section 842(d) (1-3).

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Thacher is serving this Initial Disclosure electronically to all parties to the extent possible pursuant to California Code of Civil Procedure section 842(e).

DATED: June 14, 2021

MUSICK, PEELER & GARRETT LLP

By: 

Gregory J. Patterson
Attorneys for The Thacher School; Friend's Ranches, Inc.; Topa Topa Ranch & Nursery, LLC; Finch Farms, LLC; Red Mountain Land & Farming, LLC; Thacher Creek Citrus, LLC; The Finch Family Trust; James P. Finch; Robert Calder Davis, Jr.; Robert Calder Davis, Jr., TTEE of Trust Owned Properties; Sharon H. Booth, Trustee of The Survivor's Trust Created Under Declaration of Trust of Richard G. Booth and Sharon H. Booth Dated July 10, 1980; David Robert Hamm; Ojai Oil Company; Ojai Valley School; Reeves Orchard. LLC and Ojai Valley Inn

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VERIFICATION

STATE OF CALIFORNIA, COUNTY OF VENTURA

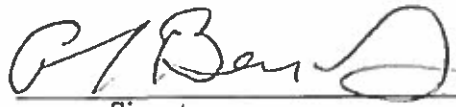
I have read the foregoing **THE THACHER SCHOOL'S INITIAL DISCLOSURE** and know its contents.

I, Edward Bennett, as Facilities Director of THE THACHER SCHOOL, am authorized to make this verification on behalf of all THE THACHER SCHOOL. I am informed and believe, and on that ground allege, that the matters stated in the foregoing document are true.

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

Executed on June 14, 2021 at Ojai, California.

Edward Bennett
Print Name of Signatory


Signature

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PROOF OF SERVICE

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 2801 Townsgate Road, Suite 200, Westlake Village, California 91361.

On June 15, 2021, I served true copies of the following document(s) described as **THE THACHER SCHOOL'S INITIAL DISCLOSURE PURSUANT TO CALIFORNIA CODE OF CIVIL PROCEDURE SECTION 842** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

By transmission via E-Service to File & ServExpress: to the person(s) set forth below. Local Rules of Court 2.10(P)

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

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



Heather Silverman

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Petter Romming and Kimi Romming, Trustees; Marc Saleh, Trustee of The Saleh Family Trust; Konrad Stefan Sonnenfeld, Trustee of The Konrad Stefan Sonnenfeld Living Trust; Mark Sutherland, Trustee of The Sutherland Marital Trust; John H. Thacher and Caroline H. Thacher, Trustees of The Thacher Family Trust Dated January 2004; Gilbert G. Vondriska and Carolyn J. Vondriska, Trustees of The Vondriska Living Trust; William D. Rusin, Sr., Trustee of The William D. Rusin, Sr. Revocable Trust; and Oscar D. Acosta, Trustee of The Acosta Trust

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