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9 Finch Farms, LLC; Red Mountain Land & Farming, LLC; Thacher Creek Citrus, LLC; The Finch
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.

CASE No. 19STCP01176

[Assigned to Hon. William F Highberger]

**ROBERT CALDER DAVIS JR.'S AND
ROBERT CALDER DAVIS, JR., TTEE OF
TRUST OWNED PROPERTIES' INITIAL
DISCLOSURE PURSUANT TO
CALIFORNIA CODE OF CIVIL
PROCEDURE SECTION 842**

Action Filed:
Trial Date:

September 19, 2014
None Set

26 CITY OF SAN BUENAVENTURA, a
27 California municipal corporation

28 Cross-Complainant

vs.

DUNCAN ABBOTT, an individual, et al.

Cross-Defendants.

1 Cross-Defendant Robert C. Davis, Jr., as Trustee of The Robert Davis Surviving Spouse's
2 Trust Dated December 30, 2010, and The Davis Family Bypass Trust Dated December 30, 2010
3 ("Davis") provides this Initial Disclosure pursuant to California Code of Civil Procedure § 842 as
4 follows.

5 **DISCLOSURE NO. 1:**

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

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

9 Robert C. Davis, Jr.
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20 **DISCLOSURE NO. 2:**

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

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

Well Name	Thacher Creek #1	CCR Well #1	MCR Well #1	SCR Backup Well #1	SCR Backup Well #2	
Well Number	04N22-W04N01S	04N22-W06L06S	04N22-W05H04S	04N22-W06G04A	04N22-W06J07S	Total Davis Wells
Year	AF	AF	AF	AF	AF	
2000			185.73			185.73
2001	124.6	217.6	163.7			505.9
2002	156	280.5	248	20	40.4	744.9
2003	116.3	326.88	144.85	2	36.5	626.53
2004	124	344.76	147.95	2	36	654.71

1	2005	103	344.76	138.5	2	23.8	612.06
2	2006	98.43	258.58	119.95	2	23	501.96
3	2007	159.4	344.76	211	2	131	848.16
4	2008	136.4	344.8	180	2	2	665.2
5	2009	136	342.38	157.9	2	18	656.28
6	2010	49.119	169.1	120.507	70.8	41.73	451.256
7	2011	123.762	134	151.586	7.6	41.78	458.728
8	2012	149.556	189	196.49	8.6	27.28	570.926
9	2013	198.4	350	237	222.5	135	1142.9
10	2014	166.7	264	192.3	69.5	1.504	694.004
11	2015	143.1	150	161.7	25.2	2	482
12	2016	24.105	12.1	63.003	1.0431	2	102.2511
13	2017	125.345	81.5	141.201	9.9	2	359.946
14	2018	166.1	0.0	166.4	239.4	2	573.9
15	2019	128.8	72.5	137.2	95.7	16	450.2
16	2020	186.7	26.5	203.2	154.9	16	587.3

13 **DISCLOSURE NO. 3:**

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

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

16 Davis is an overlying landowner and asserts both overlying and unexercised water rights
 17 for the extraction of groundwater from a water wells located on his properties from the Ojai
 18 Groundwater Basin.

19 Davis also asserts a right to use groundwater under the self-help doctrine, if prescriptive
 20 rights to extract groundwater from the basin are determined.

21 **DISCLOSURE NO. 4:**

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

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

24 Davis extracts and uses groundwater from the Ojai Groundwater Basin for irrigation of
 25 approximately 285 acres of citrus, avocados, and other reasonable and beneficial uses of water.

26 **DISCLOSURE NO. 5:**

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

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

2 See Response to Disclosure No. 6.

3 **DISCLOSURE NO. 6:**

4 The area in which the groundwater has been used.

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

6 Davis owns 18 different parcels which are supplied by different wells, all of which are
7 within the Ojai Basin Groundwater Management Area (OBGMA).

8	0280010020	DAVIS ROBERT C JR SURV TR	12.77	04N22W06G035	CCR Bennett
9	0280020030	DAVIS ROBERT C JR SURV TR	9.7	04N22W06G035	CCR Bennett
10	0140040210	DAVIS ROBERT C JR SURV TR	20.48	04N22W06L06S	CCR Well #1
11	0140040240	DAVIS ROBERT C JR SURV TR	40.1	04N22W06L06S	CCR Well #1
12	0280020070	DAVIS ROBERT C JR SURV TR	33.05	04N22W06L06S	CCR Well #1
13	0280060080	DAVIS ROBERT C JR SURV TR	18.63	04N22W06L06S	CCR Well #1
14	0280060090	DAVIS ROBERT C JR SURV TR	2	04N22W06L06S	CCR Well #1
15	0290130130	MC NELL CREEK RANCH	18	04N22W05H04S	MCR Well #1
16	0290130185	MC NELL CREEK RANCH	15.43	04N22W05H04S	MCR Well #1
17	0290130195	MC NELL CREEK RANCH	0.52	04N22W05H04S	MCR Well #1
18	0290130205	MC NELL CREEK RANCH	12.37	04N22W05H04S	MCR Well #1
19	0290130215	MC NELL CREEK RANCH	0.95	04N22W05H04S	MCR Well #1
20	0140040055	DAVIS ROBERT JR SURV TR ETAL	4.27	04N22W06J09S	SCR Finch
21	0280030020	DAVIS ROBERT JR SURV TR ETAL	0.03	04N22W06J09S	SCR Finch
22	0280030135	DAVIS ROBERT JR SURV TR ETAL	23.58	04N22W06J09S	SCR Finch
23	0280140025	DAVIS ROBERT JR SURV TR ETAL	3.5	04N22W06J09S	SCR Finch
24	0280140035	DAVIS ROBERT JR SURV TR ETAL	25	04N22W06J09S	SCR Finch
25	0290090010	DAVIS ROBERT C JR SURV TR	43.85	04N22W04N01S	Thacher Creek #1
26			284.13		

26 **DISCLOSURE NO. 7:**

27 Any claims for increased or future use of groundwater.

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

2 Davis anticipates that his future use of groundwater will be the same as his current use.

3 Davis asserts the maximum historical right to pump and consumptively use water by either
4 surface riparian right or groundwater (whether dormant or currently unexercised, which is never
5 lost, forfeited, or abandoned for any period of non-use) or due to any shift in future irrigated
6 agriculture crop production.

7 Davis reserves the right to supplement this initial disclosure with additional future uses.

8 **DISCLOSURE NO. 8:**

9 The quantity of any beneficial use of any alternative water use that the party claims as its
10 use of groundwater under any applicable law, including, but not limited to, Section 1005.1,
11 1005.2, or 1005.4 of the Water Code.

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

13 To the extent that Davis may have riparian rights to subsurface underflow that are “part and
14 parcel” of the property, he reserves the right to this additional water use pursuant to Water Code
15 Sections 1005.1, 1005.2, 1005.4, or other applicable law.

16 Davis also asserts any quantity of water used as a metered customer of Casitas Municipal
17 Water District (by any source of its own surface of groundwater right(s) of its own) as an alternative
18 source that he might use on any of his properties *in lieu of* or as a supplement to any right of use that
19 he might otherwise use to a maximum reasonable and beneficial use for irrigated agriculture or
20 domestic potable uses.

21 **DISCLOSURE NO. 9:**

22 Indemnification of all surface water rights and contracts the party claims provides the basis
23 for its water right claims in the comprehensive adjudication.

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

25 Davis asserts senior riparian rights to Senior Canyon, Crooked Creek, Thacher Creek, and
26 McNell Creek, and possible riparian rights to subsurface underflow underneath any of his properties.

27 Davis has private well-sharing agreements with two neighbors with wells that supply water to
28 his properties.

1 Davis also asserts the annual quantity of water used as a metered customer of Casitas
2 Municipal Water District which Davis might otherwise use *in lieu of* any separate right of use he
3 has to either riparian surface water or overlying landowner groundwater.

4 **DISCLOSURE NO. 10:**

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

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

11 Davis does not currently import any non-native water or manage any recharge of surface
12 water peak-flow into groundwater, but reserves the right to appropriate water and store such
13 waters for more than 30-days (pursuant to a Water Availability Analysis) and/or capture and store
14 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 (to the extent that there is a proven hydrological connection
17 to surface flows in the basin).

18 **DISCLOSURE NO. 11:**

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

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

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13 **DISCLOSURE NO. 12:**

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

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

16 Davis, by virtue of his status as overlying and riparian landowner, holds riparian and
17 overlying water rights. Such rights are "part and parcel" of the fee interest.

18 Davis has in the past and continues a systematic replacement of sections of his aging citrus and
19 avocado groves, which creates fluctuation in the annual onsite water demand. At times, this
20 temporarily reduces his water use requirements as younger trees require less water than mature trees.

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1 Davis makes this Initial Disclosure based on the information currently available to him.
2 Bob Davis will amend this disclosure, if necessary, consistent with California Code of Civil
3 Procedure section 842(d) (1-3).

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

7 DATED: June 15, 2021

MUSICK, PEELER & GARRETT LLP

8
9
10 By: 
11 Gregory J. Patterson
12 Attorneys for The Thacher School; Friend's
13 Ranches, Inc.; Topa Topa Ranch & Nursery, LLC;
14 Finch Farms, LLC; Red Mountain Land &
15 Farming, LLC; Thacher Creek Citrus, LLC; The
16 Finch Family Trust; James P. Finch; Robert Calder
17 Davis, Jr.; Robert Calder Davis, Jr., TTEE of Trust
18 Owned Properties; Sharon H. Booth, Trustee of
19 The Survivor's Trust Created Under Declaration
20 of Trust of Richard G. Booth and Sharon H. Booth
21 Dated July 10, 1980; David Robert Hamm; Ojai
22 Oil Company; Ojai Valley School; Reeves
23 Orchard, LLC and Ojai Valley Inn
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VERIFICATION

I have read the foregoing Initial Disclosure and know its contents.

I am a party to this action. 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 June 15, 2021, at Ojai, California.

Robert C. Davis
Trustee of The Robert Davis
Surviving Spouse's Trust Dated
December 30, 2010 and The
Davis Family Bypass Trust Dated
December 30, 2010


Signature TEE

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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 **ROBERT CALDER DAVIS JR.'S AND ROBERT CALDER DAVIS, JR., TTEE OF TRUST OWNED PROPERTIES' INITIAL DISCLOSURE PURSUANT TO CALIFORNIA CODE OF CIVIL PROCEDURE SECTION 84** 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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Carolyn D. Bennett, Trustees of The Bennett Family Trust; Sumeet Bhatia and Michael McDonald; John Joseph Broesamle and Katherine Sue Broesamle, Trustees of The Broesamle Family Trust; Richard Aaron Carlson, Trustee of The Richard Aaron Carlson Trust; Michelle Larson, Trustee of The Michelle Family Trust; Thomas D. Carver and Cynthia L. Carver; Dana Cenicerros, Trustee of The Dana and Dawn Cenicerros Revocable Living Trust; Deborah Lys Martin Crawford; Frank Clay Creasey, Jr.; Debra Joy Reed, Trustee of The Debra Joy Reed Revocable Trust Dated November 3, 1994; Frederic Devault; Diana Syvertson, Trustee of The Diana Syvertson Living Trust; Dive Deep, LLC; Douglas Roy Parent and Ann Marie Parent; William Erickson; Gelb Enterprises, L.P.; Jan Stephen Grande and Priscilla K. Grande, Trustees of The Grande Family Revocable Living Trust; Margaret J. Griswold; Brian C. Haase and Marie Haase, Trustees of The B&M Haase Trust Dated October 8, 2019; Thomas Lann Harper and Jadona Collier-Harper; Ojai-Jackman L.L.C.; Kevin Rainwater and Marianne Ratcliff; Keith M. Nightingale and Victoria V. Nightingale, Trustees of The Nightingale Family Trust; Heide C. Kurtz, Trustee of The Kurtz Family Trust Dated January 19, 2019; Randall Leavitt, Trustee of The Randall B. Leavitt 2010 Trust; Edward C. Leicht and Jacqueline M. Leicht, Trustees of The Leicht Family 2013 Revocable Trust Dated March 1, 2013; Paul Lepiane and Bengston Bo; Robert Levin and Lisa Solinas, Trustees of The Levin Family Living Trust; Francis Longstaff and Shauna Longstaff, Trustees of The Longstaff Trust Dated October 11, 2018; Mandy Macaluso, Trustee of The Living Trust of Mandy Macaluso; Marilyn Wallace, Trustee of The Marilyn Wallace Separate Property Trust; Daniel J. McSweeney and Yoko McSweeney; Wendell M. Mortensen and Laura L. Mortensen, Trustees of The Mortensen Family Revocable Trust; Timothy Jerome Murch and Jody Caren Murch, Trustees of The Jodim Family 2007 Trust Dated July 31, 2007; Chris E. Platt and Hanh H. Platt; Robert Erickson, Trustee and Ronald Wilson; Michael D. Robertson and Kimberly A. Robertson, Trustees of The Robertson Family Trust; James P. Robie, Trustee of The Robie Family Trust;

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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
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Mary Margaret Long; Janis Long Nicholas and
Jess E. Long as Trustees of The Long Family
Trust

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