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XAVIER BECERRA
Attorney General of California
MYUNG J. PARK
Supervising Deputy Attorney General
MATTHEW G. BULLOCK (SBN 243377)
MARC N. MELNICK (SBN 168187)
Deputy Attorneys General
1515 Clay Street, 20th Floor
P.O. Box 70550
Oakland, CA 94612-0550
Telephone: (510) 879-0750
Fax: (510) 622-2270
E-mail: Marc.Melnick@doj.ca.gov
Attorneys for Respondent and Intervenor State Water Resources Control Board

ERIC M. KATZ
Supervising Deputy Attorney General
NOAH GOLDEN-KRASNER (SBN 217556)
Deputy Attorney General
300 South Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 269-6343
Fax: (916) 731-2128
E-mail: Noah.GoldenKrasner@doj.ca.gov
Attorneys for Intervenor California Department of Fish and Wildlife

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Additional Counsel on Next Page

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

SANTA BARBARA CHANNELKEEPER, Petitioner, **v.** **STATE WATER RESOURCES CONTROL BOARD, a California State Agency; CITY OF BUENAVENTURA, a California municipal corporation,** Respondents,	Case No. 19STCP01176 **STATE AGENCIES' STATUS CONFERENCE REPORT AND SUPPLEMENTAL BRIEFING ON THE PHYSICAL SOLUTION DOCTRINE** Date: March 15, 2021 Time: 1:30 p.m. Dept.: 10 Judge: Honorable William F. Highberger Trial Date: None Set Action Filed: September 19, 2014

CITY OF SAN BUENAVENTURA, a California municipal corporation,

Cross-Complainant,

v.

DUNCAN ABBOTT, an individual; et al.,

Cross-Defendants.

JESSICA EILEEN TUCKER-MOHL
Supervising Deputy Attorney General
CARLOS A. MEJIA (SBN 284796)
SOPHIE A. WENZLAU (SBN 316687)
Deputy Attorneys General
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 210-6379
Fax: (916) 327-2319
E-mail: Sophie.Wenzlau@doj.ca.gov
Attorneys for Cross-Defendant
California Department of Parks and Recreation

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Respondent and intervenor State Water Resources Control Board (the "State Water Board"), intervenor California Department of Fish and Wildlife (the "Department"), and cross-defendant California Department of Parks and Recreation ("Parks") (collectively, the "State Agencies") respectfully submit this status conference report. This report provides information on the following five topics: (1) the Department's release of its draft flow recommendations for the lower Ventura River and Coyote Creek; (2) the ongoing progress on the State Water Board's groundwater and surface water model; (3) the State Agencies' perspectives on a site visit; (4) the State Agencies' perspective on whether a schedule should be set for the Court's consideration of the proposed stipulated judgment proposed by cross-complainant City of San Buenaventura (the "City") and a handful of other major water users; and (5) the State Agencies' response on the briefing filed by those parties on the physical solution doctrine. Given that the City is still adding and serving parties, the State Agencies respectfully suggest that the Court defer setting any schedule for consideration of the City's proposed stipulated judgment at this time, and revisit these issues at the next status conference on April 19, 2021.

I. STATUS OF STATE AGENCY ADMINISTRATIVE ACTIONS

A. The Department's Flow Recommendations

On February 26, 2021, the Department released draft instream flow recommendations for the lower Ventura River and Coyote Creek, and hosted a webinar regarding the draft. The Department is currently accepting public input regarding its draft flow recommendations for a 30-day period ending on March 29, 2021. During the webinar, the Department also presented an overview of technical studies on two other sections of the Ventura River watershed: (1) San Antonio Creek; and (2) the intermittent reach of the Ventura River. The Department plans to release final reports of its technical studies for San Antonio Creek and the intermittent reach by the end of April 2021.

B. The State Water Board's Model

The Court has expressed interest in the State Water Board's work on a model of the interaction between the groundwater and surface water in the Ventura River watershed. Development of this model is an extraordinarily complex task, being performed under a contract

worth approximately $1.75 million. Creation of this model involves the integration of many interdisciplinary sets of data into a complex computer model, including the hydrogeologic characteristics of the groundwater basins, precipitation rates, evaporation rates, natural and human land uses, and groundwater pumping and surface water diversion rates. The necessary work also includes calibration and validation of the model and an evaluation of potential scenarios. The State Water Board will use the model as a tool to evaluate potential scenarios, such as changes in water management, land use, and water infrastructure and to evaluate the effect of environmental changes (for example, climate change).

Since 2016, the State Water Board has been committed to a transparent and rigorous public engagement process designed to build understanding and confidence in the model development process. This has included regular participation in local watershed group meetings and water management or fisheries conferences, at which the State Water Board has presented and provided updates on its efforts. The State Water Board's past, present, and planned public engagement actions for model development, described below, also demonstrate an ongoing commitment to public engagement. While these actions add time, cost, and sometimes delays, they are designed to improve the model and the public's understanding and confidence in the model. Additionally, the State Water Board decided to build the model using a using a free public domain modeling software that is maintained by the United States Geological Survey. Using a free public domain modeling tool is consistent with groundwater management best practices.

The State Water Board's modeling contractor was hired in June 2017, pursuant to a publicly bid contract, and shortly afterwards the State Water Board used feedback from local agencies and stakeholders to form a Technical Advisory Committee ("TAC") of local subject matter experts to help solicit input throughout the model development process. The TAC includes technical representatives from the Department, Casitas Municipal Water District, Farm Bureau of Ventura County, Ojai Basin Groundwater Management Agency, University of California at Santa Barbara, Upper Ventura River Groundwater Agency, Ventura County Watershed Protection District, Ventura Water (the City of Ventura), and the Ventura Watershed Instream Flow Enhancement and Water Resiliency Regional Framework Program.

State Water Board engagement with the public and TAC has included four comment periods on draft model development documents, email updates, and site visits of the watershed. State Water Board engagement with its TAC on model development has also included two in-person meetings. Furthermore, the State Water Board has worked with parties on the TAC to exchange technical information, such as providing or requesting data or identifying appropriate data sources, to help model development.

Moreover, over the past four years, the State Water Board has provided the public and the TAC with significant documentation of development of the model. In November 2017, the State Water Board released a draft study plan describing the model development approach for a 30-day public and TAC comment period. After the Thomas Fire devastated the region in December 2017, the State Water Board extended the comment period into January 2018. In August 2018, the State Water Board released a draft memorandum describing its geologic analysis of the Ventura River Watershed for a 30-day public and TAC comment period. The draft geologic analysis described the modeling team's three-dimensional analysis of the geological features (including the alluvial and bedrock elements) so that the extent and rate of water movement below the surface could be modeled. In December 2019, the State Water Board released the final study plan for development of the model. Release of the final study plan was partly delayed because of project changes in response to public and TAC input, and because of the Thomas Fire, which affected the physical and hydrologic properties in the watershed. In April 2020, the State Water Board released a revised geologic analysis of the Ventura River watershed. In July 2020, the State Water Board released a draft data compilation report, explaining the data sources that will be used in the model, and solicited public and TAC comments to check if the data sources are appropriate for the model and to identify any additional data sources. In October 2020, the State Water Board released a draft sensitivity analysis approach memorandum for a 30-day public and TAC comment period. This document explained the planned methodology for conducting a sensitivity analysis of the model, which is testing how the model responds to varying key input parameters. All of these reports are available on the State Water Board's website: https://www.waterboards.ca.gov/waterrights/water_issues/programs/instream_flows/cwap_enhan

cing/ventura_river.html. The State Water Board's counsel can provide these reports to the Court or any party upon request.

Recently, the State Water Board announced that it will hold three webinars for the public and TAC where State Water Board staff will present model development information and solicit technical comments. A copy of that announcement, found on the State Water Board's website, is attached. These three webinars will be held on May 5, 2021, May 19, 2021, and June 9, 2021, and will cover updates to the geologic analysis that was released last year, water demand and distribution inputs to the model, and the calibration and validation necessary to ensure accuracy of the model. Each webinar is scheduled for three hours. The webinars will provide a substantial amount of additional information about the model to the public. Each webinar will include both a technical presentation by State Water Board modeling team and question and answer periods. The State Water Board will solicit public and TAC comment on the information provided in these webinars through June 25, 2021.

After evaluation of public and TAC comments from the webinars, and completion of draft model documentation, the State Water Board will release the draft model and documentation to the public and TAC for a formal 60-day comment period. We anticipate that release of the draft model and documentation will occur before the end of 2021. Once the draft model and documentation is released for public and TAC comment, the draft model will be available for use by any of the participants in this case. Release of the draft model and documentation will be followed by release of a final version of the model and documentation.

II. SITE VISIT

The City has proposed a site visit by the Court. The State Agencies are in agreement with the City that we are not ready to schedule that site visit, and that this should be addressed at the next status conference on April 19, 2021. From the State Agencies' perspective, there are two reasons for this. First, current orders by the Ventura County Public Health Department due to the COVID-19 pandemic discourage gatherings of people from more than three households. The State Agencies believe it would be unrealistic to limit this site visit to Judge Highberger and two individuals. In fact, the proposal by the City that was circulated on March 2, 2021 already

envisions four individuals participating in the site visit. The State Agencies believe that it is critical that a representative of the Department participate in the Court's site visit. The Department is the trustee agency for fish and wildlife resources on behalf of the people of the State, and is the agency with regulatory jurisdiction over various activities that may impact fish and wildlife. The Department has unique expertise and regulatory authority over public trust resources in the Ventura River watershed, including endangered Southern California steelhead. Other parties may have a desire to participate as well. We would be well beyond the public health recommendation of keeping public gatherings to three households, and we do not know when those recommendations will change. Second, as indicated by the City, the parties need to agree to the locations and protocols for the site visit. The parties have exchanged proposed locations, but have not begun to discuss the locations in any detail yet. A realistic goal would be to attempt to reach agreement on the locations, protocols, and rules for the site visit before the next status conference, and to schedule a site visit on a date that is convenient to the Court and is consistent with the public health recommendations related to the COVID-19 pandemic in effect at that time.

III. THE CITY'S PROPOSED STIPULATED JUDGMENT

In their status conference report, the City and its allies again ask that the Court set a schedule for the Court's consideration of their proposed stipulated judgment and physical solution.[1] The City cites to *Hillside Memorial Park & Mortuary v. Golden State Water Co.* (2011) 205 Cal.App.4th 534, 549-50 for the proposition that the Court must hold an evidentiary hearing. But that case says nothing about the timing of such an evidentiary hearing, and it cannot affect the requirements of Code of Civil Procedure section 850, which was enacted later in time and governs this case. Moreover, *Hillside* involved a motion to *amend* a judgment — almost fifty

[1] It appears that the City and its allies have accepted that they will need to bring a noticed motion to ask the Court to set an evidentiary hearing to start their process to impose their proposed stipulated judgment on the other parties. That motion will need to address the issues regarding the interconnected nature of surface water and groundwater (under section 833, subdivision (c), of the Code of Civil Procedure), the necessary thresholds for support of a stipulated judgment (under section 850, subdivision (b), of the Code of Civil Procedure), and the uncertainty inherent in their proposed stipulated judgment shared to-date. We assume that noticed motion will attach the proposed stipulated judgment that the City and its allies are seeking.

years later — and does not apply where, as here, the Court has not adjudicated any of the parties' water rights yet (or resolved all of them by stipulation).

At the last status conference, the Court indicated quite clearly in its tentative ruling and its agenda that there was more to do before the Court would set a schedule for an evidentiary hearing. Progress has been made since then, but the key problems still remain. The City is still serving cross-defendants. In fact, as indicated in its status conference report, the City is still adding new cross-defendants that need to be served. The process of the City obtaining defaults of non-answering cross-defendants is just beginning. And initial disclosures for most parties are now due on June 1, 2021. Importantly, the State Agencies are hopeful that there will still be negotiations on the content of the proposed physical solution, in the hope of reaching agreement on the physical solution. The State Water Board and the Department have had settlement discussions with the City and its allies, but have yet to receive a written response to their most recent letter concerning the City's settlement proposal. The City and its allies indicated before the last status conference that they would be circulating a new version of the stipulated judgment, which hopefully takes into account many of the State Agencies' and others' concerns, and moves the parties closer together, but the City has not yet circulated that new draft (or indicated when such a new draft would be circulated). For all these reasons, the Court should take no action on setting a schedule on a motion at this time. Resolution of these service issues and negotiations should continue.

IV. PHYSICAL SOLUTION DOCTRINE

The City's brief on the physical solution doctrine pretends to provide a neutral, objective view of the physical solution doctrine, divorced from the reality of this case. It is true that the Court generally has the authority and duty to consider a physical solution as an equitable remedy in any California water rights adjudication. And the City provides some examples of physical solutions that have been entered in other cases, based on the particular facts in those cases.[2] Outside of motion practice or trial briefing, as we are, it makes little sense to pick apart the City's

[2] Of course, while the Court can take judicial notice of the trial court judgments supplied by the City, those are not precedent.

recitation of the facts and law of those cases. However, there are a number of overarching points below that the State Agencies wish to make. When we proceed to motion practice, further analysis will be appropriate.

A. Adjudications Conducted Pursuant to New Statutory Authority

First, as we explained in advance of the previous case management conference, this adjudication is being conducted pursuant to new statutory authority (Code Civ. Proc., § 830 et seq., effective 2016) and against the background of a new comprehensive statute governing groundwater regulation (the Sustainable Groundwater Management Act ("SGMA"), Wat. Code, § 10720 et seq., effective 2015). The City has affirmatively decided to proceed pursuant to this first statute, and the City's summary of the common law governing physical solutions does not acknowledge how these new statutes will affect adjudications in general, and its adjudication in particular, going forward.

For example, the City cannot avoid the requirements of section 850, subdivision (b), of the Code of Civil Procedure. The City has invoked the streamlined comprehensive groundwater adjudication statutes, Code of Civil Procedure section 830 et seq., and it must comply with all those provisions. By the explicit terms of these adjudication statutes, a stipulated judgment may only be proposed and be binding on opposing parties if it "is supported by more than 50 percent of all parties who are groundwater extractors in the basin or use the basin for groundwater storage and is supported by groundwater extractors responsible for at least 75 percent of the groundwater extracted in the basin during the five calendar years before the filing of the complaint." (Code Civ. Proc., § 850, subd. (b).) There is nothing in the phrasing of this statutory provision that makes it optional, as the City has argued, if the City desires to bind opposing parties. As the Court has already indicated, in its tentative ruling before the last case management conference, this provision must be met for any physical solution that the City proposes to include in a partially stipulated judgment. The City says now that it will address that issue later, when it brings its noticed motion to set a schedule. But the cases discussed in the City's briefing about the physical solution doctrine have limited precedential value here, as those cases did not involve the

application of the recently enacted streamlined comprehensive groundwater adjudication statutes that the City has invoked in bringing its cross-complaint.

Second, the City's recitation of the law of physical solutions does not take into account SGMA's requirements, which need to be factored into any physical solutions going forward. At a high level, SGMA requires local agencies to develop plans to sustainably manage designated groundwater basins to "avoid undesirable results" within the next 20 years. (Wat. Code, § 10727.2, subd. (b)(1).) One undesirable result to be avoided is "depletions of interconnected surface waters that have significant and undesirable adverse impacts on beneficial uses of the surface water." (*Id.*, § 10721, subd. (x)(6).) Groundwater sustainability plans are to consider, among other things, impacts to "groundwater dependent ecosystems" and "environmental users" of groundwater. (*Id.*, §§ 10723.2, subd. (e), 10727.4, subd. (l).) Courts are directed to manage adjudications of basins subject to SGMA "in a manner that minimizes interference with the timely completion and implementation" of the plan and "consistent with the attainment of sustainable groundwater management within [SGMA's] timeframes." (*Id.*, § 10737.2.) And, if the intent is for an adjudicated physical solution to be used to manage a SGMA-designated groundwater basin, such as here, it must satisfy SGMA requirements. (*Id.*, §§ 10733.6, subd. (b)(2), 10737.6.) Code of Civil Procedure section 830 also provides that adjudications conducted under these provisions are intended to achieve groundwater sustainability and do so within SGMA's timeframes. (Code Civ. Proc., § 830, subd. (b)(4).) The statute further provides that before the court adopts a proposed physical solution in an adjudication conducted pursuant to that statute, such as this one, "the court shall consider any existing groundwater sustainability plan or program." (*Id.*, § 849.)

In sum, these new groundwater statutes overlay provisions on top of the common law governing physical solutions. The interaction between the prior common law and the new statutes remains to be addressed.

B. The City's Summary of Past Adjudications is Incomplete

Second, the cases that the City cites are all cases where a physical solution was imposed after a bench trial disposing of all causes of action, except for three cases where *all* the parties

agreed to a stipulated judgment.[3] That is, a physical solution was imposed after the trial court had decided who had what water rights and determined whether or not the basin(s) in question were in overdraft, sometimes after a reference to the State Water Board (or its predecessor). In fact, in the California Supreme Court's most recent case involving a physical solution, the Court reversed the decision below because the trial court had not considered the water rights of the parties objecting to the physical solution. (See also *City of Barstow v. Mojave Water Agency* (2000) 23 Cal.4th 1224, 1250-51 [Supreme Court found that each party's priority rights to water must be adjudicated before the trial court imposed a physical solution on the parties].) This makes sense when one understands that a physical solution is an equitable remedy. (*Calif. Am. Water v. City of Seaside* (2010) 183 Cal.App.4th 471, 480.) A court in equity must adopt judgments that are fair and reasonable, and it may make sense to adopt a remedy that does more than just decide who gets water first. (See *Rancho Santa Margarita v. Vail* (1938) 11 Cal.2d 501, 560-61 ["Each case must turn on its own facts, and the power of the court extends to working out a fair and just solution, if one can be worked out, of those facts."].) As the State Water Board described more than a decade ago:

> The judiciary, and the State Water Board in appropriate circumstances, may impose a physical solution, providing a practical remedy that avoids waste or unreasonable use and is consistent with the water rights of the parties. (*City of Barstow v. Mojave Water Agency* (2000) 23 Cal.4th 1224, 1249.) This is an equitable remedy developed by the courts to comply with article X, section 2. (*Ibid.*) The doctrine is used to develop solutions that maximize the beneficial use that can be obtained from a limited supply of water among competing claimants who have valid water rights.

(State Water Resources Control Board, *In the Matter of the Authorized Diversion and Use of Water by the California American Water Company*, Order No. WR 2009-0060 (Oct. 20, 2009), available at 2009 WL 6648172, *13.) The State Water Board summarized the Supreme Court's *City of Barstow v. Mojave Water Agency* case as holding that "[a] physical solution must protect water right priorities to the extent those priorities do not lead to unreasonable use." (*Ibid.*)

The City describes one case in a way that implies that a stipulation by some parties was enforced against other parties: *California Water Service Co. v. Edward Sidebotham & Son*

[3] In at least one instance, in *Orange County Water District v. City of Chino*, the judgment was stipulated to by all of a small number of parties after a large number of other defendants were dismissed from the case.

(1964) 224 Cal.App.2d 715. In that case, there was a stipulation by parties that owned more than 80% of the prescriptive rights in the basin that decreased water use and provided for management of the basin. (*Id.* at pp. 721-22.) The trial court ordered a trial as to the non-stipulating parties' water rights, but those non-stipulating parties failed to attend the trial. (*Id.* at p. 722.) Nevertheless, the trial court did fact finding, based on a prior reference to the State Water Board's predecessor agency, as to those non-stipulating parties' water rights, and provided notice and an opportunity for all non-stipulating parties to prove their water rights, and only then imposed the court's judgment on them. (*Id.* at pp. 721-24.)

The City also posits that "a trial court may impose a physical solution without quantifying all the rights of all the parties" and it "can leave issues that are unnecessary or not ripe for future decision, including, but not limited to, quantification of water rights," citing to the *City of Santa Maria* decisions. But that is a gross mischaracterization of those decisions. In the *City of Santa Maria* cases there were five phases of bench trial. (*City of Santa Maria v. Adam* (2012) 211 Cal.App.4th 266, 282.) After the first three phases, many of the parties entered into a stipulation that set the water rights of the stipulating parties. (*Id.* at p. 282.) Then there was a trial — phase IV — of certain prescriptive rights asserted by other, non-stipulating parties and the appropriateness of the "Twitchell Yield." (*Id.* at pp. 283-84.) And, finally, there was a trial on the quiet title claims and "the effect of the trial court's previous finding of prescriptive rights." (*Id.* at p. 284.) The trial court entered a single judgment which awarded certain rights based on the five phases of bench trials and incorporated the stipulation (although the later only as to stipulating parties). (*Id.* at pp. 285-86.) In that case, the trial court did not quantify the water rights of the parties, but that is because — unlike the case before this Court — "[a]t the time of trial in this case there was no dispute that the Basin contained enough water for all users, so the trial court has no reason to calculate quantities at that point in time." (*Id.* at p. 299.) In *Santa Maria III*, the issue on appeal was whether a motion to clarify the judgment was properly denied as not ripe, and the issue had nothing to do with the entry of the physical solution. (*City of Santa Maria v. Adam* (2019) 43 Cal.App.5th 152.) The *Santa Maria* cases and the other cases described by the City actually show the appropriate path for a common law comprehensive adjudication: a

determination of whether the basin(s) at issue are in a state of overdraft, resolution of the claims alleged in the pleadings, either by adjudication or stipulation (or some combination), and then entry of a single judgment that includes orders enforcing a physical solution.

C. Physical Solutions Must Protect Public Trust Resources Wherever Feasible

The City's brief acknowledges that a physical solution must take the public trust doctrine into account when adopting a physical solution, but addresses it only in passing. (Br. at pp. 6-7.) The Supreme Court has directed that "before state courts and agencies approve water diversions, they should consider the effects of such diversions upon interests protected by the public trust, and attempt, so far as feasible, to avoid or minimize any harm to those interests." (*National Audubon Society v. Superior Court* (1983) 33 Cal.3d 419, 426.) The Court stated in the same opinion that the state has an "affirmative duty … to protect public trust uses whenever feasible." (*Id*. at p. 446.)

The public trust doctrine derives from ancient Roman and English law, and provides that the sovereign holds certain resources in trust for the general public. The public trust doctrine protects the public's right to water for navigation, commerce, and fisheries, as well as "the preservation of those lands in their natural state, so that they may serve as ecological units for scientific study, as open space, and as environments which provide food and habitat for birds and marine life, and which favorably affect the scenery and climate of the area." (*Marks v. Whitney* (1971) 6 Cal.3d 251, 259-60.) The public trust doctrine also protects the public's right to water for recreational purposes. (*Ibid.*; see also *People ex rel. Baker v. Mack* (1971) 19 Cal. App. 3d 1040, 1045 ["[i]t hardly needs citation of authorities that the rule is that a navigable stream may be used by the public for boating, swimming, fishing, hunting and all recreational purposes."].) In the California Supreme Court's seminal public trust opinion concerning water, the Court held the public trust prevents any party from acquiring a vested right to appropriate water in a manner harmful to public trust resources. (*National Audubon Society*, *supra*, 33 Cal.3d at p. 445.) The public trust imposes "a duty of continuing supervision," such that past or current allocations of water can be revisited and changed in the future. (*Id*. at p. 446.) Groundwater extractions that may affect public trust values in hydrologically connected surface waters (or tributaries to

navigable surface waters) are also subject to regulation under the public trust doctrine. (*Environmental Law Foundation v. State Water Resources Control Bd.* (2018) 26 Cal.App.5th 844.)

The City is correct that the nature of a physical solution is the balancing of various interests, including public trust interests. However, the City's description of the *Environmental Defense Fund* case and its ultimate judgment (in footnote 8 on page 14 of its brief) is incomplete, at best, in describing that court's view on the importance of the public trust. That court noted that "the importance of the public trust [cannot] be diluted by treating it as merely another beneficial use under Article X, co-equal with irrigation, power production, and municipal water supply." (Request for Judicial Notice, filed concurrently, p. 26.) Instead, the "[p]ublic trust doctrine occupies an exalted position in any judicial or administrative determination of water resource allocation." (*Id*., p. 27.)[4]

In administering water rights, courts and the State Water Board have required water users to reduce their prior diversions in order to protect public trust resources. The water diversions at issue in *National Audubon* are a good example. There, the City of Los Angeles was diverting water from tributaries to Mono Lake for the City of Los Angeles domestic use. The City of Los Angeles's diversions were harming public trust resources in Mono Lake that relied on the inflow that would have been provided but for the City of Los Angeles's diversions. After the Supreme Court's opinion directing the State Water Board to consider the public trust when permitting the City of Los Angeles's diversions, the State Water Board issued a revised water right permit that did so. (State Water Resources Control Board, *In re Amendment of the City of Los Angeles' Water Right Licenses for Diversion of Water From Streams Tributary to Mono Lake*, Water Rights Decision 1631 (Sept. 28, 1994), available at 1994 WL 16804395.) The State Water Board, invoking the physical solution doctrine, adopted flow rates for the tributaries in large part that relied on recommendations proposed by the Department. (*Id*. at, e.g., *6, 23, 29, 40.) Further, the City of Los Angeles was prohibited from diverting any water until Mono Lake rose to a

[4] The State Agencies only cite to these trial court decisions, including *Environmental Defense Fund*, in response to the City's use of these decisions, since they do cannot be cited as precedent.

specified level, and then allowed limited diversions until the lake reached a higher level. (*Id.* at *93-95.) The State Water Board estimated that these conditions would result in reduced diversions of more than 35,000 acre feet per year, and cost the City of Los Angeles $36.6 million per year. (*Id.* at *95, 107.) The State Water Board has similarly imposed flow requirements on diverters and required them to release water stored in dams to protect, among other public trust resources, steelhead salmon. (See, e.g., State Water Resources Control Board, *In re Fishery Resources and Water Right Issues of the Lower Yuba River etc.*, Revised Water Rights Decision 1644 (July 16, 2003), available at 2003 WL 25921098, *18-20.)

CONCLUSION

The State Agencies respectfully suggest that, at this time, the Court continue all decisions and orders regarding a site visit and a case management order to the next status conference. At the April status conference, the Court can evaluate the City's progress in serving the remaining and new parties, and in taking defaults, and the Court can reevaluate the status at that time.

Dated: March 10, 2021

Respectfully Submitted,

XAVIER BECERRA
Attorney General of California
MYUNG J. PARK
Supervising Deputy Attorney General

MARC N. MELNICK
Deputy Attorney General
Attorneys for Respondent and Intervenor
State Water Resources Control Board

Dated: March 10, 2021

ERIC M. KATZ
Supervising Deputy Attorney General

NOAH GOLDEN-KRASNER
Deputy Attorney General
Attorneys for Intervenor
California Department of Fish and Wildlife

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JESSICA EILEEN TUCKER-MOHL
Supervising Deputy Attorney General

SOPHIE A. WENZLAU
Deputy Attorney General
Attorneys for Cross-Defendant
California Department of Parks and Recreation

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ATTACHMENT

State Water Resources Control Board

Webinar Series to Provide Information and Solicit Comments on Development of Ventura River Watershed Groundwater-Surface Water and Nitrogen Transport Models

PURPOSE

The State Water Resources Control Board (State Water Board) Division of Water Rights and Los Angeles Regional Water Quality Control Board (collectively, the Water Boards) are announcing a webinar series to provide information and solicit comments on development of a Groundwater-Surface Water Model of the Ventura River Watershed (GW-SW Model). The webinars will also include a brief update on development of the Nitrogen Transport Model of the Ventura River Watershed (Nitrogen Model).

The purpose of these webinars is to present model development information and solicit technical comments. Each webinar will include technical presentations and time for questions and discussion.

WEBINAR REGISTRATION and ACCESS INSTRUCTIONS

The State Water Board is hosting the webinars using Zoom online meeting software. To participate, please use the links below to RSVP. **Each meeting has a unique RSVP link. If you would like to join multiple webinars, you must RSVP for each.**

After registering for each meeting, you should receive an email with participation instructions.

WEBINARS SCHEDULE AND TOPICS

- **Webinar 1: Wednesday May 5, 2021 (9:00 am-12:00 pm)**
  - GW-SW and Nitrogen models: Overview and Status
  - Updates to *Geologic Analysis*[1]
    - *Click here to RSVP for first webinar*

[1] Available online at: https://www.waterboards.ca.gov/waterrights/water_issues/programs/instream_flows/cwap_enhancing/docs/vrw_ga_final.pdf

- **<u>Webinar 2</u>: Wednesday May 19, 2021 (9:00 am-12:00 pm)**
    - GW-SW Model: Water Demand and Distribution
        - *Click here to RSVP for second webinar*

- **<u>Webinar 3</u>: Wednesday June 9, 2021 (9:00 am-12:00 pm)**
    - GW-SW Model: Calibration and Validation
    - Next Steps and How to Stay Involved
        - *Click here to RSVP for third webinar*

SOLICITING TECHNICAL COMMENTS

The State Water Board is soliciting technical comments on the topics presented in the webinars. **Please submit technical comments by Friday June 25, 2021.** Please email comments to: InstreamFlows@waterboards.ca.gov.

BACKGROUND

Additional information on the GW-SW Model and Nitrogen Model is available in the following documents[2]:

- Final Study Plan for the Development of Groundwater-Surface Water and Nutrient Transport Models of the Ventura River Watershed (*Final Study Plan)*
- Draft Data Compilation Report for the Development of Groundwater-Surface Water and Nitrogen Transport Models of the Ventura River Watershed (*Draft Data Compilation Report*)
- Draft Sensitivity Analysis Approach Memo for the Development of the Groundwater-Surface Water Model of the Ventura River Watershed (*Draft Sensitivity Analysis Approach Memo*)

STAY CONNECTED

If you would like to receive emails regarding the Water Boards' development of the GW-SW Model and Nitrogen Model, as well as related California Water Action Plan efforts, please subscribe to the "*California Water Action Plan/Statewide Instream Flows"* list under the Division of Water Rights on the State Water Board's Email Subscription List website, which is online at:
https://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html

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[2] The following documents are available online at the *Instream Flow Unit: Ventura River Watershed website*:
https://www.waterboards.ca.gov/waterrights/water_issues/programs/instream_flows/cwap_enhancing/ventura_river.html

CONTACT US

If you have questions related to this notice or would like to make a request for reasonable accommodations for a disability, please contact Kevin DeLano at kevin.delano@waterboards.ca.gov.

Ann Marie Ore Digitally signed by Ann Marie Ore Date: 2021.03.08 16:29:32 -08'00' 3/08/2021

Ann Marie Ore, Program Manager Date
Water Quality Certification and Public Trust Section
Division of Water Rights

PROOF OF SERVICE OF ELECTRONIC TRANSMISSION
VIA FILE & SERVE EXPRESS

Case Name: **Santa Barbara Channelkeeper v. State Water Resources Control Board, et al.**

Case No.: **19STCP01176**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is Office of the Attorney General, 300 S. Spring Street, Suite 1702, Los Angeles, CA 90013.

On March 10, 2021 I electronically served the document described below via File & Serve Xpress, on the recipients designated on the Transaction Receipt located on the File & Serve Xpress website:

STATE AGENCIES' STATUS CONFERENCE REPORT AND SUPPLEMENTAL BRIEFING ON THE PHYSICAL SOLUTION DOCTRINE

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on March 10, 2021, at Los Angeles, California.

Beatriz Davalos	Beatriz Davalos
Declarant	Signature

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