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Superior Court of California  
County of Los Angeles

APR 15 2021

Sherri R. Carter, Executive Officer/Clerk of Court  
By: Brigitte De La Rosa, Deputy

11 Attorneys for Respondent and Cross-Complainant  
12 CITY OF SAN BUENAVENTURA

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
14 COUNTY OF LOS ANGELES

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

Case No. 19STCP01176

18 Petitioner,

Judge: Honorable William F. Highberger

19 v.

NOTICE OF COMPLETION OF MAILING  
CODE OF CIVIL PROCEDURE, § 836(e)

20 STATE WATER RESOURCES  
CONTROL BOARD, etc., et al.,

Action Filed: Sept. 19, 2014

Trial Date: Not Set

21 Respondents.

22 CITY OF SAN BUENAVENTURA, etc.,

23 Cross-Complainant

24 v.

25 DUNCAN ABBOTT, an individual, et al.

26 Cross-Defendants.  
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TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Defendant and Cross-Complainant CITY OF SAN BUENAVENTURA (“City”), by and through its counsel, Best Best & Krieger, LLP (“BBK”), BBK staff, and its notice vendor JND Legal Administration (“JND”), has completed the mailing and posting required by Code of Civil Procedure (“CCP”) section 836(d). The City files this notice pursuant to CCP section 836(e).

**I. STATUTORY REQUIREMENTS AND COMPLIANCE**

CCP section 836(e) requires the plaintiff to file a notice of completion of mailing performed pursuant to CCP section 836(d). CCP section 836(d) provides:

(d)(1) Following a court order approving the notice and form answer and authorizing service of landowners pursuant to this section, the plaintiff shall do all of the following:

- (A) Identify the assessor parcel numbers and physical addresses of all real property in the basin and the names and addresses of all holders of fee title to real property in the basin using the records of the assessor or assessors of the county or counties in which the basin to be adjudicated lies. The plaintiff shall provide the court and all parties with notice of its acquisition of, or sufficient access to, this information.
- (B) Mail, by registered mail or certified mail, return receipt requested, the notice, complaint, and form answer to all holders of fee title to real property in the basin. If the physical address of the real property differs from the address of the holder of fee title, the notice, complaint, and form answer shall be mailed by registered or certified mail, return receipt requested, to the physical address of the real property and the address of the holder of fee title.
- (C) If return receipt is not received for a parcel of real property, the plaintiff shall post a copy of the notice, complaint, and form answer in a conspicuous place on the real property.
- (D) Within 20 days of the court order, publish the notice at least once per week for four consecutive weeks in one or more newspapers of general circulation in each county overlying the basin in whole or in part.

(2) Service pursuant to this subdivision is not required if the real property is owned by a person in a class of water users that are otherwise noticed in accordance with this chapter. If the owner is part of a class of water users proposed for certification, service is not required until the court acts on the proposal for certification.

1 The City has completed each of the required elements of CCP section 836(d), as set forth  
2 below:

3 1. CCP § 836(d)(1). This Court granted the City’s Motion for Approval of Notice of  
4 Adjudication and Form Answer on July 20, 2020.

5 A. CCP § 836(d)(1)(A). On August 21, 2019, City obtained the assessor parcel  
6 numbers and physical addresses of all real property in the (1) Ojai Valley  
7 Groundwater Basin, (2) Upper Ojai Valley Groundwater Basin, (3) Upper Ventura  
8 River Groundwater Basin, and (4) Lower Ventura River Groundwater Basin  
9 (“Basins”) from the Department of Water Resources (“DWR”) and obtained the  
10 names and addresses of all holders of fee title to real property in the Basin using  
11 the records of the Ventura County Assessor’s Office from Fidelity National Title  
12 Insurance Company. (CCP § 836(d)(1)(A); concurrently filed Declaration of  
13 Sarah Christopher Foley (“Foley Decl.”) at ¶ 4.) A list of the assessor parcel  
14 numbers for real property overlying the Basins obtained from DWR is attached to  
15 the Foley Decl. as **Exhibit A**. (*Id.*) The City provided the Court and parties notice  
16 of its access to this required information in the joint status conference statement  
17 filed on October 7, 2019. (*Id.*) Additionally, on October 22, 2020, the City  
18 obtained from the Ventura County Tax Assessor updated ownership and mailing  
19 address information for the owners of real property overlying the Basins. (*Id.*)

20 B. CCP § 836(d)(1)(B). Through its notice vendor JND, City mailed by certified  
21 mail, return receipt requested, (1) the Court-approved Notice of Commencement  
22 of Groundwater Basin Adjudication, (2) City’s Third Amended Cross-Complaint  
23 for Comprehensive Adjudication, and (3) Court-approved Form Answer  
24 (collectively referred to as the “Notice Packet”) to all holders of fee title to real  
25 property in the Basin to which owners it was required to provide notice. (CCP §  
26 836(d)(1)(B); Foley Decl. at ¶ 5; concurrently filed Declaration of Peter DeMers  
27 (“DeMers Decl.”) at ¶¶ 4-6.) The Notice Packet was mailed to both the physical  
28

1 address and the mailing address for each property, if those addresses were  
2 different. (*Id.*)

3 C. CCP § 836(d)(1)(C). For each parcel of real property for which a return receipt  
4 was not received,<sup>1</sup> JND posted a copy of the Notice Packet in a conspicuous place  
5 on the real property. (CCP § 836(d)(1)(C); Foley Decl. at ¶ 6; DeMers Decl. at ¶¶  
6 7, 8.) The posting process consisted of locating the relevant parcel of real  
7 property, using longitude and latitude coordinates, and either posting the Notice  
8 Packet to a conspicuous location by the front door, if there was a physical  
9 building, or attaching the Notice Packet to a dowel that was driven into the ground  
10 on the property in a conspicuous location, if the property was undeveloped.  
11 (DeMers Decl. at ¶¶ 7, 8.)

12 D. CCP § 836(d)(1)(D). The City caused the Notice of Commencement of  
13 Groundwater Basin Adjudication to be published in the Ventura County Star on  
14 the following days: December 16, 2019, December 23, 2019, December 30, 2019,  
15 and January 6, 2020 (four consecutive weeks). (CCP § 836(d)(1)(D); Foley Decl.  
16 at ¶ 7.) A copy of the proof of publication is attached to the Foley Decl. as  
17 **Exhibit B.**

18 2. CCP § 836(d)(2). Notice packets do not have to be mailed to real property owners  
19 who have been “otherwise noticed in according with this chapter.” (See CCP § 836(d)(2).)  
20 Accordingly, before sending the Ventura County Assessor data file to JND, City analyzed the  
21 data and removed City-owned parcels, original cross-defendants, riparian landowner cross-  
22 defendants that the City has named in the Third Amended Cross-Complaint, and parcel numbers  
23 without associated ownership information, as well as all other persons and entities who have

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24 <sup>1</sup> Approximately twenty notice recipients have informed BBK that while they did receive the notice packet, they did  
25 not personally sign return receipts. BBK staff confirmed that JND obtained USPS-provided return receipts for each  
26 recipient. BBK staff contacted USPS, which directed BBK staff to changes in return receipt signature policies in  
27 place during the pandemic. These policies are available at <https://faq.usps.com/s/article/USPS-Coronavirus-Updates-for-Business-Customers> and <https://faq.usps.com/s/article/USPS-Coronavirus-Updates-for-Residential-Customers>,  
28 and they authorize postal workers to minimize contact and sign return receipts to indicate that they have identified the  
customer to whom the item is being delivered, in lieu of obtaining an actual signature from the recipient. (Foley  
Decl. at ¶ 5.)

1 otherwise received notice of the adjudication including: the United States Attorney General;  
2 United States Bureau of Reclamation; United States Bureau of Land Management; the United  
3 States Forest Service; the California Office of the Attorney General for State of California;  
4 California State Water Resources Control Board; California Department of Water Resources;  
5 California Department of Fish and Wildlife; the City of Ojai; County of Santa Barbara; County of  
6 Ventura; Ojai Basin Groundwater Management Agency; and Upper Ventura River Groundwater  
7 Agency; all of which City sent Notices of Adjudication and its Third Amended Cross-Complaint  
8 via email and/or U.S. Mail on January 14, 2020, pursuant to CCP section 835. (Foley Decl. at ¶  
9 8.)

10 Accordingly, the City, as required by CCP 836(e), hereby provides notice to the Court and  
11 to all parties that it has completed all the notice requirements of CCP section 836(d).

## 12 13 **II. CITY OUTREACH**

14  
15 In addition to the statutory requirements above, the City provided additional notice and  
16 outreach through a variety of public meetings, media, website postings, mailings and updates, as  
17 follows:

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19 1. In January 2020, the City ran an Op Ed in the Ventura County Star giving notice of  
20 the 1st round of notices of adjudication in English and Spanish and created a public website with  
21 FAQs relating to the January 2, 2020 Third Amended Cross-Complaint. (Concurrently filed  
22 Declaration of Susan Rungren (“Rungren Decl.”) at ¶ 2.)

23 2. On January 30, February 12, and February 13, 2020, the City held three public  
24 meetings in Ojai, Ventura, and Ojai View with a Spanish interpreter available. (Rungren Decl. at  
25 ¶ 3.)

26 3. On or around March 9, 2020, the City posted a website blog about a first round of  
27 postcards to inform the public about the latest updates and progress in the case, including the  
28 Court’s decision to grant a six-month extension to allow property owners additional time to

1 decide whether or not to file a response. The postcards were mailed on or around March 9, 2020  
2 to all those who received a summons or notice. (Rungren Decl. at ¶ 4.)

3 4. On or around July 8, 2020, the City mailed another postcard to all those who  
4 received a summons or notice and ran additional notices in the Ventura County Star, Ojai Valley  
5 News, and Vida (a bilingual publication) in the third and fourth weeks of July 2020. (Rungren  
6 Decl. at ¶ 5.)

7 5. On or around July 16, 2020, the City posted a website blog post about re-  
8 commencing notice and service processes, and prepared cover letters to send to all un-served  
9 cross-defendants and un-noticed landowners in July 2020 explaining why they were receiving  
10 service or notice packets and informing them where they could obtain additional information  
11 about the case. (Rungren Decl. at ¶ 6.)

12 6. On or around August 11, 2020, the City posted a website blog regarding re-  
13 commencement of the notice and services processes to all unserved cross-defendants and un-  
14 noticed landowners. (Rungren Decl. at ¶ 7.)

15 7. In August 2020, the City prepared additional cover letters to send to all un-served  
16 cross-defendants and un-noticed explaining why they were receiving service or notice packets  
17 and informing them where they could obtain additional information about the case. (Rungren  
18 Decl. at ¶ 8.)

19 8. In December 2020, the City prepared additional cover letters to send to all un-  
20 served cross-defendants and un-noticed landowners explaining why they were receiving service  
21 or notice packets and informing them where they could obtain additional information about the  
22 case. (Rungren Decl. at ¶ 9.)

23 9. On or around February 3, 2021, the City posted a website blog post regarding  
24 notice and service efforts. (Rungren Decl. at ¶ 10.)

25 10. On or around February 3, 2021, the City prepared another cover letter to send to all  
26 unserved cross-defendants explaining why they were receiving service or notice packets and  
27 informing them where they could obtain additional information about the case. (Rungren Decl. at  
28 ¶ 11.)

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11. On or around March 15, 2021, the City prepared another cover letter to send to roe cross-defendants explaining why they were receiving service packets and informing them where they could obtain additional information about the case. (Rungren Decl. at ¶ 12.)

Dated: April 15, 2021

BEST BEST & KRIEGER LLP

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