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10 VENTURA RIVER WATER DISTRICT and
MEINERS OAKS WATER DISTRICT

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **COUNTY OF LOS ANGELES – SPRING STREET COURTHOUSE**

13 SANTA BARBARA CHANNELKEEPER,)
14 a California non-profit corporation,)
15 Petitioner,)
16 vs.)
17 STATE WATER RESOURCES CONTROL)
BOARD, a California State Agency; CITY OF)
18 SAN BUENAVENTURA, a California)
municipal corporation,)
19 Respondents.)

Case No.: 19STCP01176
CROSS-DEFENDANTS' VENTURA RIVER
WATER DISTRICT AND MEINERS OAKS
WATER DISTRICT STATUS
CONFERENCE REPORT

Further Status Conference Hearing
Date: November 2, 2021
Time: 2:00 p.m.
Dept.: 10

Action Filed: September 19, 2014

20 _____)
21 CITY OF SAN BUENAVENTURA, a)
California municipal corporation,)
22 Cross-Complainant)
23 vs.)
24 DUNCAN ABBOTT, an individual, et al.)
25 Cross-Defendants.)
26 _____)
27 _____)

STATUS CONFERENCE REPORT

Cross-Defendants Ventura River Water District and Meiners Oaks Water District (collectively "**Districts**") submit this Status Conference Report for the Status Conference scheduled for November 2, 2021 at 2:00 p.m. The only purpose for this Report is to clarify and correct one particular assertion made in the Status Conference Report filed by Casitas Municipal Water District ("**Casitas**") dated October 28, 2021 ("**Casitas Report**").

In the Casitas Report, Casitas asserts that the Phase I "appears to have expanded significantly from the scope indicated in Ventura's motion for Bifurcation." Casitas further indicates that it did not designate experts and did not submit an expert report for Phase 1 of trial because the scope of Phase 1 appeared relatively narrow—a determination of basin boundaries and hydrologic connection (or not) between certain groundwater and surface water resources within the Ventura River watershed. See Motion to Bifurcate at p. 2:

"The City will and hereby does move: (1) for an order bifurcating this proceeding such that the Court try the issues of the boundaries of the Ventura River Watershed ("Watershed") and the four groundwater basins therein, as well as the interconnectivity of the Watershed and the groundwater basins in a first phase of trial...The motion is based on the ground that conducting the trial of this matter in separate phases, with an initial phase of determining the boundaries of the Watershed and groundwater basins, will be conducive to judicial economy and will promote the ends of justice."

Casitas asserts that the City of San Buenaventura ("**City**") "sold the court on a narrow bifurcation of issues to be tried in Phase 1", but then "quickly pivoted" and "now seemingly seeks a determination not only of boundaries and hydrologic connection, but also a determination that pumping in the Ojai Basin materially affects the downstream fishery and Ventura's claimed prior rights, a finding of a cause and effect relationship, not simply a finding of a hydrologic connection".

Quite simply, nothing could be further from the truth. Districts have worked jointly with the City to schedule the Phase I trial, and insure that its focus is in fact narrow, and focused solely and exclusively on a determination of boundaries and hydrologic connection. That has not changed, and there are no statements to the contrary that have been made by the City or the Districts.

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We do not necessarily disagree with Casitas’ statement in the Casitas Report that:
To the extent that the Court is inclined to allow a broader exploration of cause and effect relationships between groundwater pumping and specific impacts on fish and habitat, it needs to allow parties to make additional expert designations given the clear expansion of the scope of trial in Phase 1.

However, that is not the case here. The proponents of the Phase I trial have not asked for, and would oppose, a Phase I trial that goes beyond a determination of boundaries and hydrologic connection; Districts and the City would vigorously oppose any consideration or determination of “a broader exploration of cause and effect relationships between groundwater pumping and specific impacts on fish and habitat” in the Phase I trial. Those issues may be addressed in the future in this action, if necessary, but not in the Phase I trial, which is a straightforward inquiry as to boundaries and connectivity of the Watershed, not an inquiry into the materiality of individual impacts to the Watershed or the cause and effect of individual pumpers and diverters.

DATED: October 29, 2021

HERUM CRABTREE SUNTAG
A California Professional Corporation



By:

JEANNE M. ZOLEZZI
Attorneys for Cross-Defendants
VENTURA RIVER WATER DISTRICT
and MEINERS OAKS WATER DISTRICT

1 *Santa Barbara Channelkeeper v. State Water Resources Control Board, et al.*
2 Los Angeles County Superior Court – Case No. Case No 19STCP01176

3 **PROOF OF SERVICE**

4 I, PEGGY GARCIA, certify and declare as follows:

5 I am over the age of 18 years and not a party to this action. My business address is:
6 HERUM\CRABTREE\SUNTAG, 5757 Pacific Avenue, Suite 222, Stockton, California 95207.
7 On the date set forth below, I served the following document(s):

8 **CROSS-DEFENDANTS' VENTURA RIVER WATER DISTRICT AND MEINERS OAKS
9 WATER DISTRICT STATUS CONFERENCE REPORT**

10 **BY ELECTRONIC TRANSMISSION:** Pursuant to Court Order Authorizing Electronic
11 Service, I provided the document(s) listed above electronically on the **File &**
12 **ServeXpress** website for distribution to the SERVICE LIST maintained for this matter.

13 **BY U.S. MAIL** – By enclosing the document(s) in a sealed envelope addressed to the
14 person(s) set forth below, and placing the envelope for collection and mailing, following
15 our ordinary business practices. I am readily familiar with this business's practice for
16 collecting and processing of correspondence for mailing. On the same day that
17 correspondence is placed for collection and mailing, it is deposited in the ordinary course
18 of business with the United States Postal Service, in a sealed envelope with postage fully
19 prepaid.

20 The envelope was addressed as follows:

21 **BY FEDERAL EXPRESS/OVERNIGHT MAIL** in a sealed envelope, with postage
22 thereon fully prepaid. [Code Civ. Proc., §§ 1013(c), 2015.5.]

23 The envelope was addressed as follows:

24 **BY PERSONAL SERVICE/HAND DELIVERY.**

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

27 /s/ Peggy Garcia

28 Dated: October 29, 2021

PEGGY GARCIA