

1 GENE TANAKA, Bar No. 101423
gene.tanaka@bbklaw.com
2 SARAH CHRISTOPHER FOLEY, Bar No. 277223
sarah.foley@bbklaw.com
3 DAKOTAH BENJAMIN, Bar No. 316446
Dakotah.Benjamin@bbklaw.com
4 BEST BEST & KRIEGER LLP
2001 N. Main Street, Suite 390
5 Walnut Creek, California 94596
Telephone: (925) 977-3300
6 Facsimile: (925) 977-1870

7 SHAWN HAGERTY, Bar No. 182435
shawn.hagerty@bbklaw.com
8 BEST BEST & KRIEGER LLP
655 West Broadway, 15th Floor
9 San Diego, California 92101
Telephone: 619.525.1300
10 Facsimile: 619.233.6118

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

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

15 SANTA BARBARA CHANNELKEEPER,
a California non-profit corporation,

16 Petitioner,

17 v.

18 STATE WATER RESOURCES
19 CONTROL BOARD, a California State
Agency; et al.,

20 Respondents.
21

22 CITY OF SAN BUENAVENTURA, a
California municipal corporation,

23 Cross-Complainant,

24 v.

25 DUNCAN ABBOTT, an individual; et al.

26 Cross-Defendants.
27
28

Case No. 19STCP01176

Judge: Honorable William F. Highberger

[PROPOSED] ORDER GRANTING
RESPONDENT AND CROSS-
COMPLAINANT CITY OF SAN
BUENAVENTURA'S MOTION FOR
APPROVAL OF NOTICE AND FORM
ANSWER; EXHIBITS

[Filed with:

1. City of San Buenaventura's Reply to Respondent State Water Resources Control Board's Response to Motion for Approval, and
2. Supplemental Declaration of Sarah Christopher Foley in Support of City of San Buenaventura's Motion for Approval of Notice and Form Answer.]

Date: October 2, 2019

Time: 10:00 a.m.

Dept.: 10

Action Filed: September 19, 2014

Trial Date: Not Set

RECEIVED
LOS ANGELES SUPERIOR COURT
SEP 25 2019
I. LOVO

[PROPOSED] ORDER

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On October 2, 2019, in Department 10 of the above-entitled Court, the Motion for Approval of Notice and Form Answer (“Motion”) by Respondent and Cross-Complainant City of San Buenaventura (“City”) came on for hearing, the Honorable William F. Highberger, Judge presiding. The parties stated their appearances on the record.

After consideration of the papers filed in connection with the Motion for Approval of Notice and Form Answer and arguments of counsel, IT IS HEREBY ORDERED:

1. City’s Motion is granted.

2. The Court approves the revised notice of commencement of groundwater adjudication (“Revised Notice”) and a form answer (“Form Answer”), attached hereto.

3. The Court authorizes service of the Revised Notice, Form Answer, and Cross-Complaint in accordance with California Civil Procedure Code section 836.

4. The requirement to pay initial appearance fees is temporarily suspended.

Dated: _____

By: _____
The Honorable William F. Highberger
Judge of the Superior Court
County of Los Angeles

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

SANTA BARBARA CHANNELKEEPER,
a California non-profit corporation,

Petitioner,

v.

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

Respondents.

Case No. 19STCP01176
Judge: Honorable William F. Highberger

NOTICE OF COMMENCEMENT OF
GROUNDWATER BASIN AND
WATERSHED ADJUDICATION

CMC: Nov. 1, 2019
Time: 1:30 p.m.
Dept: 10

Action Filed: Sept. 19, 2014
FAC Filed: Sept. 7, 2018
Trial Date: Not Set

CITY OF SAN BUENAVENTURA, a
California municipal corporation,

Cross-Complainant

v.

DUNCAN ABBOTT, an individual, et al.

Cross-Defendants.

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NOTICE OF COMMENCEMENT OF GROUNDWATER BASIN ADJUDICATION

5 THIS NOTICE IS IMPORTANT. ANY RIGHTS YOU CLAIM TO PUMP
6 OR STORE GROUNDWATER FROM THE BASINS IDENTIFIED IN THIS
7 NOTICE MAY BE AFFECTED BY A LAWSUIT INITIATED BY THE CROSS-
8 COMPLAINT SUMMARIZED BELOW.

9
10 A copy of the Cross-Complaint may be obtained by contacting Cross-
11 Complainant's attorney identified in this notice. If you claim rights to pump or store
12 groundwater within the basins identified herein, either now or in the future, you may
13 become a party to this lawsuit by filing an answer to the lawsuit on or before the
14 deadline specified in this notice. You may file an answer by completing the attached
15 form answer, filing it with the court indicated in this notice, and sending a copy of the
16 form answer to the Cross-Complainant's attorney identified in this notice.

17
18 Failing to participate in this lawsuit could have a significant adverse effect on
19 any right to pump or store groundwater that you may have. You may seek the advice
20 of an attorney in relation to this lawsuit. Such attorney should be consulted promptly.
21 A case management conference ("CMC") in this groundwater basin adjudication
22 proceeding shall occur on the date specified on the cover page of this notice. If you
23 intend to participate in the groundwater adjudication proceeding to which this notice
24 applies, you are advised to attend the initial case management conference in person
25 or have an attorney represent you at the initial case management conference.

26
27 Participation requires the production of all information regarding your
28 groundwater. You must provide this information within six months of appearing

1 in the comprehensive adjudication, unless otherwise stipulated by the parties or
2 ordered by the Court pursuant to Code of Civil Procedure section 842.

3
4 A form answer is provided for your convenience. You may fill out the form
5 answer and file it with the court. Should you choose to file the form answer, it will
6 serve as an answer to all complaints and cross-complaints filed in this case.

7
8 The following information is provided pursuant to Code of Civil
9 Procedure section 836(a)(1)(B):

10
11 (i) Name of Basins:

- 12 a. Upper Ventura River Groundwater Basin (Department of Water
13 Resources' ("DWR") Bulletin 118 Groundwater Basin Number
14 4-3.01);
15 b. Ojai Valley Groundwater Basin (DWR's Bulletin 118
16 Groundwater Basin Number 4-2);
17 c. Lower Ventura River Groundwater Basin (DWR's Bulletin 118
18 Groundwater Basin Number 44-3.01); and
19 d. Upper Ojai Valley Groundwater Basin (DWR's Bulletin 118
20 Groundwater Basin Number 4-1)

21 (collectively "Ventura River Watershed Groundwater Basins").

22
23 A map of each of the Ventura River Watershed Groundwater Basins is
24 available at <https://gis.water.ca.gov/app/bbat/>.

25
26 (ii) Case No. 19STCP01176, Los Angeles County Superior Court,
27 Complex Civil Litigation Division, Department No. 010, Judge William F.
28

1 Highberger presiding, located at 312 North Spring Street, Los Angeles,
2 California 90012.

3
4 (iii) Cross-Complainant's counsel may be contacted at the following
5 mailing address, telephone number, and email address:

6 Gene Tanaka
7 Dakotah Benjamin
8 Best Best & Krieger LLP
9 2001 N. Main Street, Suite 390
10 Walnut Creek, California 94596
11 Telephone: 925.977.3300
12 gene.tanaka@bbklaw.com
13 dakotah.benjamin@bbklaw.com

14 Shawn Hagerty
15 Best Best & Krieger LLP
16 655 West Broadway, 15th Floor
17 San Diego, California 92101
18 Telephone: 619.525.1300
19 shawn.hagerty@bbklaw.com

20 Sarah Christopher Foley
21 Best Best & Krieger LLP
22 300 South Grand Ave., 25th Floor
23 Los Angeles, CA 90071
24 Telephone: 213.787.2560
25 sarah.foley@bbklaw.com

26 (iv) The Cross-Complaint initiating this action for a comprehensive
27 adjudication of the Ventura River Watershed including the Ventura River Watershed
28 Groundwater Basins alleges nine claims for relief: (1) preliminary and permanent
injunction reducing Cross-Defendants' use of surface and/or subsurface water and
groundwater affecting the surface and/or subsurface flow of the Ventura River to a
level of reasonable and beneficial use under California Constitution Article X,
Section 2; (2) preliminary and permanent injunction reducing Cross-Defendants'
use of surface and/or subsurface water and groundwater affecting the surface
and/or subsurface flow of the Ventura River to a level of reasonable and beneficial
use and a level that protects public trust resources under the public trust doctrine;

1 (3) declaratory relief for pueblo and/or treaty water rights; (4) declaratory relief for
2 prescriptive water rights; (5) declaratory relief for appropriative water rights; (6)
3 comprehensive adjudication and physical solution; (7) declaratory relief for
4 municipal priority; (8) declaratory relief for the human right to water; and (9)
5 declaratory relief regarding the Cross-Complainant's use of surface and/or
6 subsurface water and groundwater affecting the Ventura River Watershed and
7 declaratory relief that Cross-Defendants' water uses are not reasonable or
8 beneficial and violate the public trust doctrine. The Cross-Complaint includes
9 claims regarding the groundwater uses in the Ventura River Watershed
10 Groundwater Basins, as described in this notice at page 2, line 1 to page 4, line 17
11 and page 5, lines 15-18. The Cross-Complaint also includes claims regarding
12 surface water uses from the Ventura River and its tributaries, which may be
13 governed by future court orders.

14
15 (v) Date by which persons receiving the notice must appear in the
16 comprehensive adjudication: sixty (60) days after receiving this notice and
17 concurrently served form answer, pursuant to the Order issued in this case by Judge
18 Karnow, dated November 15, 2018.

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

SANTA BARBARA CHANNELKEEPER,
a California non-profit corporation,

Petitioner,

v.

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

Respondents.

Case No. 19STCP01176
Judge: Honorable William F. Highberger

FORM ANSWER

Action Filed: Sept. 19, 2014
FAC Filed: Sept. 7, 2018
Trial Date: Not Set

CITY OF SAN BUENAVENTURA, a
California municipal corporation,

Cross-Complainant

v.

DUNCAN ABBOTT, an individual, et al.

Cross-Defendants.

ANSWER TO ADJUDICATION CROSS-COMPLAINT

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The undersigned denies all material allegations in the cross-complaint in this action that seeks to adjudicate rights in the Ventura River Watershed, including its groundwater basins, which are the (1) Upper Ventura River Groundwater Basin (Department of Water Resources' ("DWR") Bulletin 118, Groundwater Basin Number 4-3.01); (2) Ojai Valley Groundwater Basin (DWR's Bulletin 118, Groundwater Basin Number 4-2); (3) Lower Ventura River Groundwater Basin (DWR's Bulletin 118, Groundwater Basin Number 4-3.02); and (4) Upper Ojai Valley Groundwater Basin (DWR's Bulletin 118 Groundwater Basin Number 4-1) and asserts all applicable affirmative defenses to that cross-complaint.

Date: _____

Signature

Name – Printed

Cross-Defendant Name

Mailing Address:

Street

City

State, Zip Code

Phone Number

Email Address

1 Attorney Information (if applicable):

2 _____
3 Company/Firm Name

4 _____
5 Attorney Name

6 _____
7 Street Address

8 _____
9 City

10 _____
11 State, Zip Code

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13 Phone Number

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15 Fax Number

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