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

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

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

16 Petitioner,

17 v.

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

21 Respondents.

22 CITY OF SAN BUENAVENTURA, a
23 California municipal corporation,

24 Cross-Complainant

25 v.

26 DUNCAN ABBOTT, an individual, et al.

27 Cross-Defendants.
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Case No. 19STCP01176

Judge: Honorable William F. Highberger

CROSS-COMPLAINANT CITY OF SAN
BUENAVENTURA'S INITIAL
DISCLOSURES

Action Filed: Sept. 19, 2014

Trial Date: Not Set

1 INITIAL DISCLOSURES

2 Pursuant to California Civil Procedure Code section 842 and the Court’s Order for Stay,
3 dated August 23, 2019, Defendant and Cross-Complainant City of San Buenaventura (“City”)
4 makes the following disclosure of information. The following documents containing information
5 responsive to Civil Procedure Code section 842(a)(1) – (12) are available for download at
6 <https://spaces.hightail.com/receive/13ZdfCL4by> with the following password:
7 !BBKLAW20191022!

8 A. Water Use Information

- 9 1. Ventura Water Comprehensive Water Resources Report, 2013
- 10 2. Ventura Water Comprehensive Water Resources Report, 2014
- 11 3. Ventura Water Comprehensive Water Resources Report, 2015
- 12 4. Ventura Water Comprehensive Water Resources Report, 2016
- 13 5. Ventura Water Comprehensive Water Resources Report, 2017
- 14 6. Ventura Water Comprehensive Water Resources Report, 2018
- 15 7. Ventura Water Comprehensive Water Resources Report, Draft 2019
- 16 8. Ventura Water Comprehensive Water Resources Report, Final 2019
- 17 9. Urban Water Management Plan, 2015
- 18 10. Foster Park Intake, 2010
- 19 11. Foster Park Intake, 2011
- 20 12. Foster Park Intake, 2012
- 21 13. Foster Park Intake, 2013
- 22 14. Foster Park Intake, 2014
- 23 15. Foster Park Intake, 2015
- 24 16. Foster Park Intake, 2016
- 25 17. Foster Park Intake, 2017
- 26 18. Nye Well 7, 2010
- 27 19. Nye Well 7, 2011
- 28 20. Nye Well 7, 2012

- 1 21. Nye Well 7, 2013
- 2 22. Nye Well 7, 2014
- 3 23. Nye Well 7, 2015
- 4 24. Nye Well 7, 2016
- 5 25. Nye Well 7, 2017
- 6 26. Nye Well 8, 2010
- 7 27. Nye Well 8, 2011
- 8 28. Nye Well 8, 2012
- 9 29. Nye Well 8, 2013
- 10 30. Nye Well 8, 2014
- 11 31. Nye Well 8, 2015
- 12 32. Nye Well 8, 2016
- 13 33. Nye Well 8, 2017
- 14 34. Nye Well 11, 2010
- 15 35. Nye Well 11, 2011
- 16 36. Nye Well 11, 2012
- 17 37. Nye Well 11, 2013
- 18 38. Nye Well 11, 2014
- 19 39. Nye Well 11, 2015
- 20 40. Nye Well 11, 2016
- 21 41. Nye Well 11, 2017

22 B. Steelhead Information

- 23 42. Allen, M. 2008. Steelhead population and habitat assessment in the Ventura
- 24 River/Matilija Creek basin final report;
- 25 43. Allen, M. 2012. Steelhead population assessment in the Ventura River/Matilija
- 26 Creek 2011 data summary;
- 27 44. Becker, G.S., K.M. Smetak, and D.A. Asbury. 2010. Southern steelhead resources
- 28 evaluation: identifying promising locations for steelhead restoration in watersheds

1 south of the Golden Gate. Center for Ecosystem Management and Restoration
2 (CEMAR). Oakland, CA;

3 45. California Department of Fish and Wildlife. 2017. Study plan habitat and instream
4 flow evaluation for steelhead in the Ventura River;

5 46. Entrix 2003. Ventura River watershed technical investigation summary report and
6 recommendations;

7 47. Honea, J.M., J.C. Jorgensen, M.M. McClure, T.D. Cooney, K. Engie, D. Holzer,
8 and R. Hilborn. 2009. Evaluating habitat effects on population status: influence of
9 habitat restoration on spring-run Chinook salmon. *Freshwater Biology*;

10 48. Hopkins Groundwater Consultants. 2013. City of San Buenaventura surface
11 water/groundwater interaction study Foster Park, California;

12 49. Katz, J., P.B. Moyle, R.M. Quinones, J. Israel, and S. Purdy. 2013. Impending
13 extinction of salmon, steelhead, and trout (Salmonidae) in California.
14 *Environmental Biology of Fishes* 96: 10-11;

15 50. Moyle, P.B., J.A. Israel, and S.E. Purdy. 2008. Salmon, steelhead, and trout in
16 California: status of an emblematic fauna. UC Davis Center for Watershed
17 Science;

18 51. National Marine Fisheries Service. 2012. Southern California steelhead recovery
19 plan;

20 52. Pitterle, 2010. Habitat Restoration Opportunities for the Lower Ventura River, for
21 Santa Barbara Channelkeeper, Santa Barbara, CA;

22 53. Thomas R. Payne & Associates. 2004. Assessment of steelhead habitat in the
23 Ventura River/Matilija Creek basin;

24 54. Walter, L. 2015. Ventura River Watershed Management Plan. Prepared for the
25 Ventura River Watershed Council;

26 C. Water Rights Information

27 55. An Act to Incorporate the Town of San Buenaventura [1866 Cal. Stat. 216],
28 3/10/1866;

- 1 56. Certificate of Incorporation of the Santa Ana Water Company, 1/10/1870;
- 2 57. Notice of Appropriation of Santa Ana Water Company for appropriation of 2,000
- 3 inches, 7/27/1872;
- 4 58. Notice of Appropriation of Santa Ana Water Company for appropriation of 500
- 5 inches, 11/25/1873;
- 6 59. Decree in Santa Ana Water Company vs. Ramon G. De La Riva, et al., 1st Judic.
- 7 Dist. of CA, County of Ventura, rendered 3/10/1874;
- 8 60. Notice of appropriation by Messrs. L. D. Chillson and J. Willet for appropriation
- 9 of 1,500 inches, 11/2/1874;
- 10 61. Santa Ana Water Co. v. Town of San Buenaventura, 56 F. 339 (1893);
- 11 62. J.B. Lippincott, "Report upon the Value of the Waterworks Properties of the
- 12 Ventura County Power Company, Ventura, Cal.," 11/12/1914;
- 13 63. Southern California Edison Company Deed to City of San Buenaventura,
- 14 4/28/1923;
- 15 64. Division of Water Resources, Bulletin No. 46 – Ventura County Investigation,
- 16 1933;
- 17 65. Annual Report, Water Department, City of San Buenaventura, Fiscal Year 1940-
- 18 41, 10/25/1941;
- 19 66. State Water Resources Board Bulletin No. 12 – Ventura County Investigation,
- 20 1956;
- 21 67. Harold C. Troxell, Water Resources of Southern California with Special Reference
- 22 to the Drought of 1944-51, U.S. Geological Water-Supply Paper 1366
- 23 (Washington, D.C.: U.S. Government Printing Office, 1957);
- 24 68. EDAW, Inc. Report on the Environmental Impacts of the Proposed Agreement
- 25 Between Casitas and the City for Conjunctive Use of the Ventura River-Casitas
- 26 Reservoir System, 6/78;
- 27 69. EDAW, Inc. Final EIR Ventura River Conjunctive Use Agreement, 10/81;
- 28 70. Regional Water Quality Control Board – Los Angeles Region, State of the

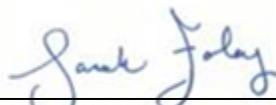
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- Watershed – Report on Surface Water Quality, Ventura River Watershed, 5/02;
- 71. 2011 City of San Buenaventura Water Master Plan;
- 72. Letter from Ventura Water (Epstein) to Water Board re Statement No. S010335, etc., 11/30/11;
- 73. Supplemental Statement of Water Diversion and Use for 2015, 6/30/16 - Annual Notice of GW Extraction and Diversion for 2015, NYE 7, 6/30/16; NYE 8, 6/30/16; NYE 11, 6/30/16;
- 74. 2016 Ventura River Extraction Reports, submitted to SWRCB on 6/29/17;
- 75. 2017 Ventura River Extraction Reports, submitted to SWRCB on 6/25/18;
- 76. 2017 Casitas-City of Ventura Water Services Agreement;
- 77. Nye Well & Ventura River FY and CY Diversion in Acre Feet, from Department of Interior Records, 1965-1975.

City will supplement its disclosure pursuant to section 842(g).

Dated: October 22, 2019

BEST BEST & KRIEGER LLP

By: 

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