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11 Attorneys for Cross-Defendant
THE WOOD-CLAEYSSSENS FOUNDATION

12
13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 FOR THE COUNTY OF LOS ANGELES – COMPLEX COURTHOUSE

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

17 Petitioner,

18 v.

19 STATE WATER RESOURCES
20 CONTROL BOARD, a California State
Agency; CITY OF SAN
21 BUENAVENTURA, a California
municipal corporation,,

22 Respondents.

23
24 AND RELATED CROSS-ACTION.
25

Case No. 19STCP01176

[Assigned to the Honorable William F.
Highberger, Department 10]

**INITIAL DISCLOSURES OF CROSS-
DEFENDANT THE WOOD-CLAEYSSSENS
FOUNDATION**

Action Filed: September 19, 2014

1 **TO ALL PARTIES HEREIN AND TO THEIR RESPECTIVE ATTORNEYS OF**
2 **RECORD:**

3 Cross-Defendant THE WOOD-CLAEYSSSENS FOUNDATION (the “Foundation”),
4 hereby submits the following initial disclosures pursuant to California Code of Civil Procedure
5 section 842. The Foundation makes these disclosures after reasonable investigation and based on
6 information reasonably available to it at the time of these disclosures. The Foundation reserves
7 the right to supplement these disclosures as discovery and investigation continue. By these
8 disclosures, the Foundation in no way waives its rights to rely on documents or other information
9 which have not been included in these initial disclosures due to good faith oversight, mistake,
10 inadvertence, or other justifiable reasons.

11 By providing the information set forth herein, the Foundation does not waive any
12 privileges or protections that may be related to any information or documents discussed herein,
13 including, but not limited to, the attorney-client privilege, attorney work-product doctrine, and the
14 right of privacy, all of which are expressly claimed and reserved.

15 **I. Party Information (C.C.P. § 842(a)(1))**

16 Pursuant to C.C.P. § 842(a)(1), the Foundation provides the following information:

- 17 1. Mailing Address: P.O. Box 30586 Santa Barbara CA 93130-0586.
- 18 2. Telephone Number: 805-966-0543.
- 19 3. Email address: office@woodclaeysensfoundation.org.
- 20 4. The Foundation should be contacted through counsel, Bradley Herrema, Brownstein
21 Hyatt Farber Schreck, LLP, 1021 Anacapa Street, 2nd Floor Santa Barbara, CA
22 93101-2102, BHerrema@bhfs.com.

23 **II. Groundwater Quantity (C.C.P. § 842(a)(2))**

- 24 1. The quantity of groundwater the Foundation, or its agents, extracted from the Lower
25 Ventura River Groundwater Basin (“Basin”) from 2014-2018 is shown in **Exhibit A**
26 attached hereto.
- 27 2. The Foundation leases parcels of land to farm tenants who produce and manage the water
28 supply described in **Exhibit A**. Extractions of groundwater are either estimated based on

1 the time of a well's operation or measured via flowmeters.

2 **III. Water Rights (C.C.P. § 842(a)(3))**

3 1. The Foundation claims the following rights and interests to extract groundwater
4 from the Basin:

- 5 a. Overlying rights to use groundwater from the Basin;
- 6 b. Appropriative rights to use groundwater from the Basin;
- 7 c. Rights to use groundwater from the basin under the self-help doctrine, in the
8 event that other parties to this case prove they possess prescriptive rights to
9 extract groundwater from the Basin.

10 **IV. Groundwater Use (C.C.P. § 842(a)(4))**

- 11 1. Basin groundwater is used pursuant to the Foundation's rights for irrigation of
12 various fruit and vegetable crops, and for domestic use.

13 **V. Well Locations or Extraction Source (C.C.P. § 842(a)(5))**

- 14 1. The Foundation's wells and points of diversion are shown in **Exhibit B** attached
15 hereto.

16 **VI. Area Of Groundwater Usage (C.C.P. § 842(a)(6))**

17 *The area in which the groundwater has been used.*

- 18 1. Groundwater is put to use on the following parcels:
 - 19 a. 060-0-310-175
 - 20 b. 060-0-310-185
 - 21 c. 060-0-310-235
 - 22 d. 060-0-320-255
 - 23 e. 060-0-320-195

24 **VII. Claims for Increased or Future Water Use of Groundwater (C.C.P. § 842(a)(7))**

- 25 1. The Foundation has existing authorization to grade and plant an additional ~50
26 acres of the Taylor Ranch property.

27 **VIII. Beneficial Use (C.C.P. § 842(a)(8))**

28 n/a

1 **IX. Surface Water Rights (C.C.P. § 842(a)(9))**

- 2 1. The Foundation claims the following rights and interests to divert surface water
3 and jurisdictional underflow from the Ventura River.
- 4 a. Riparian rights to use River water;
- 5 b. Appropriative rights to use River water;
- 6 c. Rights to use River water under the self-help doctrine, in the event that other
7 parties to this case prove they possess prescriptive rights to divert and use
8 River water.

9 **X. Quantity of Water Replenishment (C.C.P. § 842(a)(10))**

- 10 1. The Foundation has not used surface water or imported water to replenish the
11 Basin.

12 **XI. Individuals Likely To Have Discoverable Information (C.C.P. § 842(a)(11))**

13 *The names, addresses, telephone numbers, and email addresses of all persons possessing*
14 *information that supports the party's disclosures.*

- 15 1. The Foundation designates the following individuals as persons who may possess
16 information that support these initial disclosures:

17 Ron Bowman
18 Lovingfoss & Bowman
19 5574 B Everglades Street
20 Ventura, CA 93003
805.642.6881
ron@l-binc.com

21 Noelle C. Burkey
22 The Wood-Claeyssens Foundation
23 2360 Foothill Road
Santa Barbara, CA 93105
805.966.0543

24 Duncan Smith
25 Rancho de la Ventana/ Ag Land Services
26 2789 Somis Road
Somis, CA 93066
805. 484.1091
duncans@westfaliafruit.co.za

27 Mike Ferro
28 Saticoy Berry Farms, Inc

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167 Lambert Street
Unit 116
Oxnard, CA 93036
805. 485.0355
pudge96@aol.com

2. The Foundation also incorporates by reference the individuals identified in the Initial Disclosures filed by other parties to this litigation.

The Foundation will identify any experts in accordance with orders of this Court and/or the rules of civil procedure. Experts also may be retained to rebut any testimony provided by an expert on behalf of another party in this litigation. In addition, there may be other individuals currently unknown to the Foundation who have discoverable information supporting its claims, and the Foundation reserves the right to supplement this disclosure if and when those individuals are identified.

XII. Other Facts Supporting Plaintiffs’ Water Rights Claims (C.C.P. § 842(a)(12))

1. Water use on the Foundation’s property has been the subject of conservation efforts that have enhanced groundwater supplies which include, but are not limited to, the installation and use of efficient irrigation systems, including drip irrigation and microsprinklers.

XIII. Reservation Of Rights

1. The Foundation specifically reserves the right to supplement or amend these disclosures to include information hereafter acquired, or as otherwise provided by C.C.P. § 842 (d).

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Dated: October 23, 2019

**BROWNSTEIN HYATT FARBER
SCHRECK, LLP**



By: _____
Scott S. Slater
Bradley J. Herrema
Christopher R. Guillen
Attorneys For Cross-Defendant
**THE WOOD-CLAEYSSSENS
FOUNDATION**

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VERIFICATION

I, Noelle C. Burkey declare as follows:

I am Board President of Cross-Defendant, The Wood-Claeyssens Foundation in the above-entitled action, and as such make this verification on its behalf. I have reviewed the foregoing INITIAL DISCLOSURES OF CROSS-DEFENDANT THE WOOD-CLAEYSSENS FOUNDATION and know the contents thereof. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

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

Executed at Santa Barbara, CA on the 23 day of October, 2019



Noelle C. Burkey

EXHIBIT A

Groundwater Quantity (C.C.P. § 842(a)(2))

SWRCB Filing Number	CY 2014	CY 2015	CY 2016	CY 2017	CY 2018
G560531	13.46	0.31	71.8	157.781	164.3788
G561843	1	0	0.00614	0	0
G561844	119.528	114.199	69.939	19.2063	14.5483
G561845	221.727	208.1940	120.8160	30.3439	53.363
G561846	13.101	0	0	0	0
G561848	0.983	28.613	9.396	3.2816	0.0037
G561849	122.592	171.479	142.287	60.6428	73.1816
G561850	241.078	187.675	146.183	159.1255	65.201
G561851	44.853	118.862	98.162	128.2887	169.6521
G561852	162.603	199.962	191.411	189.4151	185.4179
S013999	0	0	0	0	0
G561857	0	0	0	72.3785	55.0859
G561858	0	0	0	48.296	76.4009
G561859	0	0	0	20.3381	9.33
Total in Acre Feet	940.925	821.1	729.18414	889.0975	866.5632

EXHIBIT B

Well Locations or Extraction Source (C.C.P. § 842(A)(5))

SWRCB Filing Number	Latitude	Longitude	Parcel Number	POD Name	State Number
G560531	34.16503	-119.18546	060-0-320-215	TR Beach Well	02N23W05P01S
G561843	34.2858	-119.318	060-0-320-255	TR Domestic	02N23W05C01S
G561844	34.2923	-119.308	060-0-310-185	TR AG No. 1	03N23W32Q01S
G561845	34.2904	-119.309	060-0-310-185	TR AG No. 2	03N23W32Q03S
G561846	34.2897	-119.308	060-0-310-185	TR AG No. 3	03N23W32Q04S
G561848	34.2921	-119.312	060-0-310-185	TR AG WELL No. 4	03N23W32Q06S
G561849	34.2928	-119.313	060-0-310-185	TR AG WELL No. 5	03N23W32Q07S
G561850	34.2924	-119.312	060-0-310-185	TR AG WELL No. 6	03N23W32Q08S
G561851	34.3016	-119.312	060-0-310-185	TR AG WELL No. 7	03N23W32Q09S
G561852	34.3014	-119.312	060-0-310-185	TR AG WELL No. 8	03N23W32Q10S
S013999	34.28791	-119.308	Ventura River		
G561857	34.286135	119.313502	060-0-320-255	TR AG No. 11	02N23W05F03S
G561858	34.286135	119.313676	060-0-320-255	TR AG No. 12	02N23W05F02S
G561859	34.286388	119.315485	060-0-320-255	TR AG No. 13	02N23W05F01S