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1 2 3 4	Jeanne M. Zolezzi - State Bar Number: 121282 HERUM CRABTREE SUNTAG A California Professional Corporation 5757 Pacific Avenue, Suite 222 Stockton, CA 95207 Telephone: (209) 472-7700 Email: jzolezzi@herumcrabtree.com	Exempt from Filing Fees Pursuant to Gov't Code §6103
5 6 7 8	Lindsay Nielson – State Bar Number: 66989 LAW OFFICES OF LINDSAY F. NIELSON 845 E. Santa Clara Street Ventura, CA 93001 Telephone: (805) 658-0977 Facsimile: (805) 641-1771 Email: nielsonlaw@aol.com	
9 10	Attorneys for Cross-Defendants VENTURA RIVER WATER DISTRICT and MEINERS OAKS WATER DISTRICT	
11 12		IE STATE OF CALIFORNIA SPRING STREET COURTHOUSE
13 14 15 16	SANTA BARBARA CHANNELKEEPER, a California non-profit corporation, Petitioner, vs. STATE WATER RESOURCES CONTROL	Case No.: 19STCP01176 CROSS-DEFENDANTS' VENTURA RIVER WATER DISTRICT AND MEINERS OAKS WATER DISTRICT STATUS CONFERENCE REPORT
17 18 19 20	BOARD, a California State Agency; CITY OF) SAN BUENAVENTURA, a California municipal corporation, Respondents.	Further Status Conference Hearing Date: November 2, 2021 Time: 2:00 p.m. Dept.: 10 Action Filed: September 19, 2014
21 22 23	CITY OF SAN BUENAVENTURA, a California municipal corporation, Cross-Complainant	
242526	vs. DUNCAN ABBOTT, an individual, et al. Cross-Defendants.	
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CROSS-DEFENDANTS' STATUS CONFERENCE REPORT

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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.

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