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

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
20 California municipal corporation,
incorrectly named as CITY OF
21 BUENAVENTURA,

22 Respondents.

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

25 Cross-Complainant

26 v.

27 DUNCAN ABBOTT, an individual, et al.

28 Cross-Defendants.

Case No. 19STCP01176

Judge: Honorable William F. Highberger

NOTICE OF COMMENCEMENT OF
GROUNDWATER BASIN AND
WATERSHED ADJUDICATION

CMC: June 1, 2020

Time: 1:30 p.m.

Dept: SS10

Action Filed: Sept. 19, 2014

Trial Date: Not Set

1 **NOTICE OF COMMENCEMENT OF**
2 **GROUNDWATER BASIN ADJUDICATION**
3

4
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 THIRD
8 AMENDED CROSS-COMPLAINT SUMMARIZED BELOW.
9

10 A duplicate copy of the Third Amended Cross-Complaint may be obtained by
11 contacting Cross-Complainant’s attorney identified in this notice. If you claim rights
12 to pump or store groundwater within the basins identified herein, either now or in the
13 future, you may become a party to this lawsuit by filing an answer to the lawsuit on or
14 before the deadline specified in this notice. You may file an answer by completing the
15 attached Form Answer, filing it with the court indicated in this notice, and sending a
16 copy of the Form Answer to the Cross-Complainant’s attorney identified below in this
17 notice.
18

19 Failing to participate in this lawsuit could have a significant adverse effect on
20 any right to pump or store groundwater that you may have. Specifically, a judgment
21 may be entered that prevents any person now or in the future, who owns your land
22 from ever pumping, extracting or storing groundwater from, under or on your land.
23

24 You may seek the advice of an attorney in relation to this lawsuit. Such
25 attorney should be consulted promptly. A case management conference (“CMC”) in
26 this groundwater basin adjudication proceeding is currently scheduled to occur on the
27 date specified on the cover page of this notice. If you intend to participate in the
28 groundwater adjudication proceeding to which this notice applies, you are advised to

1 attend the next case management conference in person or have an attorney represent
2 you at the next case management conference.

3
4 Participation requires the production of all information regarding your
5 groundwater use. You must provide this information within six months of
6 appearing in the comprehensive adjudication, unless otherwise stipulated by the
7 parties or ordered by the Court pursuant to Code of Civil Procedure section 842.

8
9 A Form Answer is provided for your convenience. You may fill out the
10 Form Answer and file it with the Court. Should you choose to file the Form
11 Answer, it will serve as an answer to all complaints and cross-complaints filed in
12 this case.

13
14 The following information is provided pursuant to Code of Civil
15 Procedure section 836(a)(1)(B):

16
17 (i) Names of Basins:

- 18 a. Upper Ventura River Groundwater Basin (Department of Water
19 Resources' ("DWR") Bulletin 118 Groundwater Basin Number
20 4-3.01);
21 b. Ojai Valley Groundwater Basin (DWR's Bulletin 118
22 Groundwater Basin Number 4-2);
23 c. Lower Ventura River Groundwater Basin (DWR's Bulletin 118
24 Groundwater Basin Number 4-3.02); and
25 d. Upper Ojai Valley Groundwater Basin (DWR's Bulletin 118
26 Groundwater Basin Number 4-1)
27 (collectively "Ventura River Watershed Groundwater Basins").
28

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

4
5 (ii) Case No. 19STCP01176, Los Angeles County Superior Court,
6 Complex Civil Litigation Division, Department No. 010, Judge William F.
7 Highberger presiding, located at 312 North Spring Street, Los Angeles,
8 California 90012.

9
10 (iii) Cross-Complainant's counsel may be contacted at the following
11 mailing address, telephone number, and email address:

12
13 Dakotah Benjamin
14 Best Best & Krieger LLP
15 2001 N. Main Street, Suite 390
16 Walnut Creek, California 94596
17 Telephone: 925.977.3330
18 dakotah.benjamin@bbklaw.com

19 (iv) The Third Amended Cross-Complaint initiating this action for a
20 comprehensive adjudication of the Ventura River Watershed including the Ventura
21 River Watershed Groundwater Basins alleges nine claims for relief: (1)
22 preliminary and permanent injunction reducing Cross-Defendants' use of surface
23 and/or subsurface water and groundwater affecting the surface and/or subsurface
24 flow of the Ventura River to a level of reasonable and beneficial use under
25 California Constitution Article X, Section 2; (2) preliminary and permanent
26 injunction reducing Cross-Defendants' use of surface and/or subsurface water and
27 groundwater affecting the surface and/or subsurface flow of the Ventura River to a
28 level of reasonable and beneficial use and a level that protects public trust
resources under the public trust doctrine; (3) declaratory relief for pueblo and/or
treaty water rights; (4) declaratory relief for prescriptive water rights; (5)

1 declaratory relief for appropriative water rights; (6) comprehensive adjudication
2 and physical solution; (7) declaratory relief for municipal priority; (8) declaratory
3 relief for the human right to water; and (9) declaratory relief regarding the Cross-
4 Complainant's use of surface and/or subsurface water and groundwater affecting
5 the Ventura River Watershed and declaratory relief that Cross-Defendants' water
6 uses are not reasonable or beneficial and violate the public trust doctrine. This
7 Third Amended Cross-Complaint includes claims regarding the groundwater uses
8 in the Ventura River Watershed Groundwater Basins. The Third Amended Cross-
9 Complaint also includes claims regarding surface water uses from the Ventura
10 River and its tributaries, which may be governed by future court orders.

11
12 (v) Date by which persons receiving this notice must appear in
13 comprehensive adjudication: Pursuant to Judge Highberger's Order, within sixty
14 (60) days of receipt of this notice and accompanying form answer, either by filing
15 the attached Form Answer or other appearance authorized by law.

16
17 (vi) Service and Filing of Court Documents. You must serve your Form
18 Answer and any other court documents by electronic service through the provider
19 File & ServeXpress. To register, visit their website,
20 <https://os.fileandservexpress.com/web/ui/welcomepage.aspx>, or call 1-888-529-
21 7587.

22
23 You must file your Form Answer and any other court documents in this case
24 by one of three ways at the Stanley Mosk Courthouse, located at 111 North Hill
25 Street, Los Angeles, CA 90012, <http://www.lacourt.org/courthouse/info/address/la>.

26 a. Deliver in person to: Stanley Mosk Courthouse, Complex Civil
27 Filing Window, First Floor, Room 102, between the hours of
28

- 1 8:30 a.m. and 4:30 p.m., Monday through Friday, except for
2 Court Holidays;
3 b. Mail to: Stanley Mosk Courthouse, 111 North Hill Street, Room
4 102, Los Angeles, CA 90012; or
5 c. Fax filing: Stanley Mosk Courthouse, General Jurisdiction-
6 Complex (Room 102), Facsimile Telephone Number: (442) 247-
7 3769.

8
9 The Courthouse where documents will be filed is different than the
10 Courthouse where this matter will be heard. See (ii) above.

11
12 (vii) Court fees. A first appearance fee of \$435 will be required for all
13 newly appearing cross-defendants, subject to any applicable waiver. If you cannot
14 afford the first appearance fee, you may seek a waiver by filling out the form
15 available at: <https://www.courts.ca.gov/forms.htm?filter=FW>, and serving and
16 filing it as described in (vi) above.

- 17 a. If the Court grants your request for a fee waiver, you may e-mail
18 the order to File & ServeXpress at invoicing@fileandserve.com,
19 and File & ServeXpress will waive document service fees.
20 b. No additional complex fees are required in accordance with
21 California Government Code section 70616.

22
23 (viii) Public Meetings. The City of San Buenaventura will hold three public
24 community meetings to explain the proceedings in this comprehensive adjudication
25 of the Ventura River Watershed. The meetings shall take place on:

26 Thursday, January 30, 2020, 6:00 p.m. - 8:00 p.m.
27 Matilija Junior High School, Auditorium
28 703 El Paseo Road
Ojai, CA 93023

LAW OFFICES OF
BEST BEST & KRIEGER LLP
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Wednesday, February 12, 2020, 6:00 p.m. - 8:00 p.m.
Bell Arts Factory, Community Room
432 N. Ventura Ave
Ventura, CA 93001

Thursday, February 13, 2020, 6:00 p.m. - 8:00 p.m.
Oak View Community Center, Kunkle Room
18 Valley Road
Oak View, CA 93022

Dated: January 6, 2020

BEST BEST & KRIEGER LLP

By: 

GENE TANAKA
SHAWN HAGERTY
SARAH CHRISTOPHER FOLEY
DAKOTAH BENJAMIN
Attorneys for Respondent and Cross-
Complainant CITY OF SAN
BUENAVENTURA