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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,  
a California non-profit corporation,  
15

16 Petitioner,

17 v.

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

22 Respondents.

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

25 Cross-Complainant

26 v.

27 DUNCAN ABBOTT, an individual, et al.  
28

Cross-Defendants.

Case No. 19STCP01176

Judge: Honorable William F. Highberger

CROSS-COMPLAINANT CITY OF SAN  
BUENAVENTURA'S FIRST  
SUPPLEMENTAL DISCLOSURES

Action Filed: Sept. 19, 2014

Trial Date: Not Set

1 FIRST SUPPLEMENTAL INITIAL DISCLOSURES

2  
3 Pursuant to California Civil Procedure Code section 842 and the Court's Order for Stay,  
4 dated August 23, 2019, Defendant and Cross-Complainant City of San Buenaventura ("City")  
5 makes the following First Supplemental Disclosures:

- 6  
7 1. The name, address, telephone number, and email address of the party and the  
8 party's attorney

9  
10 City of San Buenaventura

11 Susan Rungren, srungren@cityofventura.ca.gov

12 501 Poli St.

13 Ventura, CA 93001

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2. The quantity of any groundwater extracted from the basin by the party and the method of measurement used by the party for each of the previous 10 years preceding the filing of the complaint

City extracts water from the Ventura River and/or the interconnected Upper Ventura River Groundwater Basin at its Foster Park facilities, including a subsurface intake and wells. The quantities City extracted for the past ten years are as follows:

- 2009 3,037 acre-feet (“af”)
- 2010 3,161 af
- 2011 3,428 af
- 2012 3,777 af
- 2013 2,173 af
- 2014 3,238 af
- 2015 1,298 af
- 2016 1,849 af
- 2017 3,647 af
- 2018 1,876 af

Method of measurement: water meters.

3. The type of water right or rights claimed by the party for the extraction of groundwater

City holds pueblo, treaty, pre-1914 appropriative, and/or prescriptive rights to surface water, subsurface underflow, and/or percolating groundwater in the Ventura River Watershed (“Watershed”).

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4. A general description of the purpose to which the groundwater has been put

Ventura Water, a City Department and the City's municipal water supplier, uses water from the Ventura River and/or the interconnected Upper Ventura River Groundwater Basin to provide potable water service to a population of approximately 113,500 persons, and has approximately 32,000 service connections. The City's existing water service area includes all portions within the City limits, as well as portions of unincorporated Ventura County that meet the City's policy for water connections outside City limits.

5. The location of each well or other source through which groundwater has been extracted.

City extracts water from the Ventura River and/or the interconnected Upper Ventura River Groundwater Basin from its Foster Park Subsurface Intake and Nye Wells 7, 8, and 11, located at:

Ventura River at Foster Park  
37 Casitas Vista Rd.  
Ventura, CA 93001

6. The area in which the groundwater has been used

City water from the Ventura River and/or the interconnected Upper Ventura River Groundwater Basin is used in all areas within the City limits, as well as portions of unincorporated Ventura County that meet the City's policy for water connections outside City limits.

1           7.    Any claims for increased or future use of groundwater

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3           City is a successor to the Mission San Buenaventura and holds pueblo and/or  
4           treaty water rights under the 1848 Treaty of Guadalupe Hidalgo, which gives it a  
5           priority to use sufficient water from the Watershed to meet its present and future  
6           needs.

7  
8           City's pre-1914 appropriative right entitles it to 4,000 miner's inches  
9           (approximately 72,400 af/year).

10  
11          8.    The quantity of any beneficial use of any alternative water use that the party  
12          claims as its use of groundwater under any applicable law, including, but not  
13          limited to, Section 1005.1, 1005.2, or 1005.4 of the Water Code.

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15          Wastewater undergoes tertiary treatment to Title 22 standards at the City's Ventura  
16          Water Reclamation Facility for use in outdoor irrigation to offset potable water  
17          use. For example, in 2017, the City reclaimed 594.21 af in lieu of diversion.

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19          9.    Identification of all surface water rights and contracts that the party claims  
20          provides the basis for its water right claims in the comprehensive adjudication

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22          City holds a pueblo and/or treaty rights to take water from the Ventura River and  
23          its interconnected groundwater basins.

24  
25          Additionally, pursuant a 1923 deed from Southern California Edison Company,  
26          City holds an appropriative right to 4,000 miner's inches (approximately 72,400  
27          af/year), dating back to 1870. *See* VEN0003279, which City produced as part of  
28          its Initial Disclosures, dated October 22, 2019.

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City holds a contractual water right with Casitas Municipal Water District.

10. The quantity of any replenishment of water to the basin that augmented the basin's native water supply.

None for the Upper Ventura River Groundwater Basin.

City claims a contractual right to the treated water discharged by the Ojai Valley Sanitary District into the Ventura River, which provides replenishment to the Ventura River and/or the Lower Ventura River Groundwater Basin.

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

Susan Rungren, P.E., Ventura Water, General Manager

c/o Best Best & Krieger LLP

Gene Tanka, gene.tanaka@bbklaw.com

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Walnut Creek, CA 94596

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City will identify additional individuals at the designated time for the exchange of expert witness information.

12. Any other facts that tend to prove the party's claimed water right

City's pre-1914 appropriative right entitles it to 4,000 miner's inches, and City's actual historical use and that of its predecessors, dating back to 1870, makes City

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the most senior appropriative user in the Watershed.

With respect to City’s pueblo right, City is a successor to the Mission San Buenaventura, which gives it a priority to use sufficient water from the Watershed to meet its existing and future needs.

Regarding City’s prescriptive right, City has utilized water from the Watershed for more than five years prior to the filing of this Cross-Complaint. It has used the Watershed and/or its water for reasonable and beneficial purposes; and it has done so under a claim of right in an actual, open, notorious, exclusive, continuous, uninterrupted, hostile, adverse use and/or manner for a period of time of at least five years before filing this Cross-Complaint.

City’s use of water from the Watershed is reasonable and beneficial because:

- (a) It provides domestic water service and the California Legislature has declared that “water for domestic purposes is the highest use of water and that the next highest use is for irrigation.” Cal. Water Code § 106.
- (b) It encourages conservation of water by its users, does not waste water in its operations, and only uses water for municipal purposes.
- (c) It provides safe, clean, affordable, and accessible water.
- (d) It is exercising vested water rights.
- (e) While the Ventura River is a critical supply source for the City, the City’s use accounts for a relatively small percent of the total water use in the Watershed by all parties.

City will further supplement its disclosure pursuant to California Civil Procedure Code section 842(d).

1 Dated: October 31, 2019

BEST BEST & KRIEGER LLP

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3 By: *Gene Tanaka*

4 GENE TANAKA  
5 SHAWN HAGERTY  
6 SARAH CHRISTOPHER FOLEY  
7 DAKOTAH BENJAMIN  
8 Attorneys for Respondent and  
9 Cross-Complainant  
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VERIFICATION


I, Susan Rungren, declare:

1. I am the General Manager of Ventura Water, a department of Cross-Complainant the City of San Buenaventura (“City”), and am authorized to make this verification for and on the City’s behalf.

2. I have read the City’s First Supplemental Disclosures, dated October 31, 2019, and know its contents, including any attachments. I am informed and believe, and on that ground allege that the matters stated in it are true.

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

Executed on October 31, 2019, at Ventura, California.

  
Susan Rungren

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WALNUT CREEK, CALIFORNIA 94596

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