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12 Attorneys for Defendant and Cross-Complainant  
 13 CITY OF SAN BUENAVENTURA

EXEMPT FROM FILING FEES PURSUANT  
 TO GOVERNMENT CODE SECTION 6103

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 15 COUNTY OF LOS ANGELES

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

Case No. 19STCP01176

18 Petitioner,

Judge: Hon. William F. Highberger

19 v.

**STIPULATION AND REQUEST FOR  
 STAY; [PROPOSED] ORDER**

20 STATE WATER RESOURCES CONTROL  
 21 BOARD, et al,

22 Respondents.

23 CITY OF SAN BUENAVENTURA, et al.,

Date: March 11, 2022

24 Cross-Complainant,

Time: 9:00 a.m.

25 v.

Dept.: 10

26 DUNCAN ABBOTT, an individual, et al.,

Action Filed: Sept. 19, 2014

27 Cross-Defendants.

Trial Date: March 16, 2022

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**STIPULATION**

Defendant and Cross-Complainant the City of San Buenaventura (Ventura) and Cross-Defendants Casitas Municipal Water District (Casitas), the City of Ojai (Ojai), and the members of the East Ojai Group, Cross-Defendants The Thacher School; Friend’s Ranches, Inc.; Topa Ranch & Nursery, LLC; Finch Farms, LLC; Red Mountain Land & Farming, LLC; Thacher Creek Citrus, LLC; The Finch Family Trust; James P. Finch; Robert Calder Davis, Jr.; Robert Calder Davis, Jr., TTEE of Trust Owned Properties; Sharon H. Booth, Trustee of The Survivor’s Trust Created Under Declaration of Trust of Richard G. Booth and Sharon H. Booth Dated July 10,1980; David Robert Hamm; Reeves Orchard, LLC (collectively, the East Ojai Group or “EOG”), (collectively the Parties, and each individually Party), hereby stipulate as follows:

**RECITALS**

1. On September 19, 2014, Plaintiff Santa Barbara Channelkeeper (Channelkeeper) filed a Complaint and Petition for Declaratory Relief and a Writ of Mandate pursuant to Code of Civil Procedure section 1085 in the County of San Francisco Superior Court (Case No. CPF-14-513875) against Ventura and Respondent State Water Resources Control Board. This action is now pending in the Superior Court for Los Angeles County before the Honorable William F. Highberger.

2. On January 2, 2020, Ventura filed its operative Third Amended Cross-Complaint (TACC) in this action requesting a comprehensive adjudication of the surface waters of the Ventura River Watershed (Watershed), including the Ventura River and its tributaries and a comprehensive adjudication of the Watershed’s four groundwater basins, the Lower Ventura River Basin, the Upper Ventura River Basin, the Ojai Valley Basin (Ojai Basin), and the Upper Ojai Valley Basin (collectively, Basins).

3. On June 21, 2021, the Court bifurcated the trial of this matter and set the first phase of trial on the boundaries of the Watershed and the Basins and interconnectivity within the Watershed for February 14, 2022.

4. On January 13, 2022, the Court entered an order establishing (1) the boundaries of the Watershed, as defined by the U.S. Geological Survey National Hydrography Dataset and

1 Watershed Boundary Dataset and (2) the boundaries of the Basins, as defined by the California  
2 Department of Water Resources in Bulletin 118.

3 5. On January 20, 2022, the Court continued the first phase of trial to March 16, 2022.

4 6. On March 10, 2022, the Court continued the first phase of trial to March 21, 2022.

5 7. To avoid the unnecessary expenditure of judicial and party resources, the Parties  
6 stipulate to the facts and terms set forth below. The Parties do not intend this stipulation to concede  
7 jurisdiction over the rights of Cross-Defendants in the Ojai Basin, or any substantive or procedural  
8 matter in this case other than the fact that is the subject of this stipulation. This stipulation preserves  
9 all rights and arguments by all parties to the litigation and is intended only to address a limited  
10 stipulated fact.

11 8. Ojai and Casitas contend that there is a perched aquifer within the Ojai basin that is,  
12 under certain hydrologic conditions, connected to San Antonio Creek, a tributary to the Ventura  
13 River, but the majority of the groundwater pumping within the Ojai basin is from the confined  
14 aquifer, and pumping from the confined aquifer does not reduce the flows in San Antonio Creek,  
15 and Ventura disputes those contentions.

16 9. Ventura contends that there is no perched aquifer within the Ojai Basin and that the  
17 entire Ojai Basin is interconnected with San Antonio Creek, a tributary to the Ventura River, and  
18 its tributaries, and Ojai and Casitas dispute those contentions.

### 19 TERMS

20 IT IS HEREBY STIPULATED that:

21 1. Within the boundaries of the Ojai Basin, specifically a portion geographically  
22 located in the southern and western part of the Ojai Basin (the Stipulated Area), there is a  
23 hydrologic connection, under certain hydrologic conditions, the lateral and vertical extent of  
24 which is disputed, between groundwater and the surface waters and/or subsurface waters flowing  
25 within known and defined channels of (1) San Antonio Creek (which is tributary to the Ventura  
26 River) and (2) the tributaries to San Antonio Creek. The Parties dispute the exact nature and  
27 extent of the Stipulated Area, the exact nature and extent of interconnection in the Stipulated  
28 Area, and the hydrologic relationship between the Stipulated Area and other portions of the Ojai

1 Basin, if any. The Parties further dispute whether portions of the Ojai Basin outside of the  
2 Stipulated Area are hydrologically connected to surface waters and/or subsurface waters flowing  
3 within known and defined channels of San Antonio Creek and/or its tributaries. The Parties do  
4 not stipulate that this connection establishes “connectivity” within the meaning of Phase One and  
5 does not impact the dispute over the alleged pueblo rights. In accordance with Paragraph 3  
6 below, the Parties expressly reserve these and all other disputes for trial.

7 2. To resolve one of the factual issues presented in the Phase One Trial, the Parties  
8 stipulate that in the Stipulated Area of the Ojai Basin there is a hydrologic interconnection, under  
9 certain hydrologic conditions, the lateral and vertical extent of which is disputed, between  
10 groundwater and surface waters or subsurface waters flowing within known and defined channels  
11 and that groundwater from the Stipulated Area discharges to San Antonio Creek. The Parties do  
12 not intend for this stipulated fact to resolve Phase One of this trial. As explained in Paragraph 3  
13 below, all other factual and legal issues, including the legal significance of this stipulated fact, are  
14 reserved.

15 3. The Parties reserve all other factual and legal claims, including the legal  
16 significance of the stipulated fact, and reserve all rights to contest all other factual or legal issues  
17 at a continued Phase One Trial or at any future phase of trial, as may be necessary, including, but  
18 not limited to: (a) the exact nature and lateral and vertical extent of the Stipulated Area and  
19 whether there is any interconnection between the Stipulated Area and other portions of the Ojai  
20 Basin; (b) whether there is any interconnection between groundwater and surface water or  
21 subsurface water in portions of the Ojai Basin outside of the Stipulated Area; (c) whether any  
22 specific surface water diversion impacts groundwater in the Ojai Basin; (d) whether production  
23 from any specific groundwater well located in the Ojai Basin impacts surface water in the Ojai  
24 Basin or the Ventura River Watershed; (e) whether any groundwater pumping in the Ojai Basin,  
25 even on a collective basis, impacts the Stipulated Area; (f) whether any groundwater pumping in  
26 the Ojai Basin, even on a collective basis, impacts surface water in the Ojai Basin or the Ventura  
27 River Watershed; (g) whether the Court has jurisdiction over groundwater rights in the Ojai  
28 Basin; (h) the legal significance of the stipulated fact, including the causal connection, if any, to

1 the allegations in the TACC and to the application of Code of Civil Procedure section 830, et  
2 seq.; and (i) Ventura’s alleged pueblo rights.

3 4. To provide the Parties time to engage in settlement discussions, the Parties  
4 stipulate to and hereby request a six (6) month stay of the litigation for all purposes, with the  
5 Parties to this Stipulation each reserving the right to request from the Court that the stay be  
6 terminated early in the event of impasse or if one or more Parties otherwise determine that  
7 circumstances necessitate such a request.

8 5. This stipulation constitutes the entire, complete, and integrated agreement among  
9 the Parties, and supersedes all prior or contemporaneous undertakings of the Parties in connection  
10 herewith. This stipulation may not be modified or amended except in writing executed by the  
11 Parties and approved by the Court.


12 6. This stipulation may be executed in counterpart originals, by facsimile, or by  
13 electronic signature, each of which shall be deemed to be an original, and all of which shall  
14 constitute one and the same document.

15 IT IS SO STIPULATED.

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Dated: March 29, 2022

BEST BEST & KRIEGER LLP

By:   
SHAWN D. HAGERTY  
CHRISTOPHER M. PISANO  
SARAH CHRISTOPHER FOLEY  
PATRICK D. SKAHAN  
Attorneys for Defendant and Cross-  
Complainant  
CITY OF SAN BUENA VENTURA

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Dated: March 29, 2022

BARTKIEWICZ KRONICK & SHANAHAN, PC

By: /s/ Holly J. Jacobson (with Permission)  
Jennifer T. Buckman  
Holly J. Jacobson  
Attorneys For Cross-Defendant  
CITY OF OJAI

Dated: March 29, 2022

RUTAN & TUCKER, LLP

By: /S/ Jeremy N. Jungreis (with Permission)  
Jeremy N. Jungreis  
Douglas J. Dennington  
Kelsey E. Quist  
Attorneys for Cross-Defendant  
CASITAS MUNICIPAL WATER DISTRICT

Dated: March 29, 2022

MUSICK, PEELER & GARRETT LLP

By: /S/ Gregory J. Patterson (with Permission)  
Gregory J. Patterson  
William W. Carter  
Attorneys for Cross-Defendants  
The Thacher School; Friend’s Ranches, Inc.; Topa  
Ranch & Nursery, LLC; Finch Farms, LLC; Red  
Mountain Land & Farming, LLC; Thacher Creek  
Citrus, LLC; The Finch Family Trust; James P.  
Finch; Robert Calder Davis, Jr.; Robert Calder  
Davis, Jr., TTEE of Trust Owned Properties; Sharon  
H. Booth, Trustee of The Survivor’s Trust Created  
Under Declaration of Trust of Richard G. Booth and  
Sharon H. Booth Dated July 10,1980; David Robert  
Hamm; Reeves Orchard, LLC (collectively, the  
East Ojai Group or “EOG”)

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**ADDITIONAL PARTIES JOINING STIPULATION AND REQUEST FOR STAY**

Dated: March 29, 2022

BROWNSTEIN HYATT FARBER SCHRECK LLP

By: /s/ Scott Slater (with permission)  
BRADLEY J. HERREMA  
SCOTT SLATER  
CHRISTOPHER GUILLEN  
Attorneys for Cross-Defendant  
THE WOOD-CLAEYSSSENS FOUNDATION

Dated: March 29, 2022

By: \_\_\_\_\_

Attorneys for Cross-Defendant

Dated: March 29, 2022

By: \_\_\_\_\_

Attorneys for Cross-Defendant

Dated: March 29, 2022

By: \_\_\_\_\_

Attorneys for Cross-Defendant

**[PROPOSED] ORDER**

1  
2 Having read and considered the preceding Stipulation and Request for Stay as to the Ojai  
3 Basin by and between Defendant and Cross-Complainant the City of San Buenaventura (Ventura)  
4 and Cross- Defendants Casitas Municipal Water District, the City of Ojai, and the members of the  
5 East Ojai Group (Robert C. Davis, Jr.; James Finch; Topa Topa Ranch & Nursery, LLC; The  
6 Thacher School; Thacher Creek Citrus, LLC; Ojai Oil Company; Ojai Valley School; Sharon  
7 Hamm-Booth and David Robert Hamm, Co-Trustees of The Hamm 2004 Family Trust dated  
8 April 29, 2004; Reeves Orchard, LLC; and Ojai Valley Inn, Edward J. Conner, Edward J. Conner,  
9 Trustee of the Edward J. Conner Trust, Roe 56; Friend’s Ranches, Inc.; Finch Farms, LLC; Red  
10 Mountain Land & Farming, LLC; James Finch, Trustee of the Finch Family Trust) (collectively  
11 the Parties, and each individually Party), and good cause appearing,

**IT IS ORDERED:**

12  
13 1. Within the boundaries of the Ojai Basin, specifically a portion geographically  
14 located in the southern and western part of the Ojai Basin (the Stipulated Area), there is a  
15 hydrologic connection, under certain hydrologic conditions, the lateral and vertical extent of  
16 which is disputed, between groundwater and the surface waters and/or subsurface waters flowing  
17 within known and defined channels of (1) San Antonio Creek (which is tributary to the Ventura  
18 River) and (2) the tributaries to San Antonio Creek. The Parties dispute the exact nature and  
19 extent of the Stipulated Area, the exact nature and extent of interconnection in the Stipulated  
20 Area, and the hydrologic relationship between the Stipulated Area and other portions of the Ojai  
21 Basin, if any. The Parties further dispute whether portions of the Ojai Basin outside of the  
22 Stipulated Area are hydrologically connected to surface waters and/or subsurface waters flowing  
23 within known and defined channels of San Antonio Creek and/or its tributaries. The Parties do  
24 not stipulate that this connection establishes “connectivity” within the meaning of Phase One. In  
25 accordance with Paragraph 3 below, the Parties expressly reserve these and all other disputes for  
26 trial.

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1           2.       The Parties stipulate that in the Stipulated Area of the Ojai Basin there is a  
2 hydrologic interconnection, under certain hydrologic conditions, the lateral and vertical extent of  
3 which is disputed, between groundwater and surface waters or subsurface waters flowing within  
4 known and defined channels and that groundwater from the Stipulated Area discharges to San  
5 Antonio Creek. The Parties do not intend for this stipulated fact to resolve Phase One of this trial.  
6 As explained in Paragraph 3 below, all other factual and legal issues, including the legal  
7 significance of this stipulated fact, are reserved.

8           3.       The Parties reserve all other factual and legal claims, including the legal  
9 significance of the stipulated fact, and reserve all rights to contest all other factual or legal issues  
10 at a continued Phase One Trial or at any future phase of trial, as may be necessary, including, but  
11 not limited to: (a) the exact nature and lateral and vertical extent of the Stipulated Area and  
12 whether there is any interconnection between the Stipulated Area and other portions of the Ojai  
13 Basin; (b) whether there is any interconnection between groundwater and surface water or  
14 subsurface water in portions of the Ojai Basin outside of the Stipulated Area; (c) whether any  
15 specific surface water diversion impacts groundwater in the Ojai Basin; (d) whether production  
16 from any specific groundwater well located in the Ojai Basin impacts surface water in the Ojai  
17 Basin or the Ventura River Watershed; (e) whether any groundwater pumping in the Ojai Basin,  
18 even on a collective basis, impacts the Stipulated Area; (f) whether any groundwater pumping in  
19 the Ojai Basin, even on a collective basis, impacts surface water in the Ojai Basin or the Ventura  
20 River Watershed; (g) whether the Court has jurisdiction over groundwater rights in the Ojai  
21 Basin; (h) the legal significance of the stipulated fact, including the causal connection, if any, to  
22 the allegations in the TACC and to the application of Code of Civil Procedure section 830, et  
23 seq.; and (i) Ventura's alleged pueblo rights.

24           4.       To provide the Parties time to engage in settlement discussions, the Court hereby  
25 orders a six (6) month stay of this litigation for all purposes, with the Parties to this Stipulation  
26 each reserving the right to request from the Court that the stay be terminated early in the event of  
27 impasse or if one or more Parties otherwise determine that circumstances necessitate such a  
28 request.

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IT IS SO ORDERED.

Dated: \_\_\_\_\_, 2022

By: \_\_\_\_\_  
The Honorable William F. Highberger  
Judge of the Superior Court  
County of Los Angeles

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PROOF OF SERVICE

I am a resident of the State of California and over the age of eighteen years, and not a party to the action herein; my business address is Best Best & Krieger LLP, 2001 N. Main Street, Ste 390, Walnut Creek, CA 94596. On March 29, 2022, I served the following document(s):

**STIPULATION AND REQUEST FOR STAY; [PROPOSED] ORDER**

- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Diego, California addressed as set forth below. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business.
- I caused such envelope to be delivered via overnight delivery. Such envelope was deposited for delivery by United Parcel Service following the firm's ordinary business practices.
- by transmission via **E-Service to File & ServeXpress** to the person(s) set forth below. Local Rules of Court 2.10 (P).
- By e-mail or electronic transmission.** I caused the documents to be sent to the persons at the e-mail addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

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Department of Fish & Wildlife

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Clark, successor in interest to the Joseph  
Clark and Linda Epstein Family Trust; Linda  
Louise Epstein, successor in interest to the  
Joseph Clark and Linda Epstein Family Trust;  
Michael I. Cromer and Jody D. Cromer;  
Michel A. Etchart, Trustee of the Michel A.  
Etchart Separate Property Trust, and Mark W.  
Etchart, Trustee of the Mark W. Etchart  
Sepertate Property Trust; Lawrence  
Hartmann; Ole Konig; Krotona Institute of  
Theosophy; Stephen Michtell and Kathleen  
Reid Mitchell, Trustees of the Stephen  
Mitchell and Byron Katie Trust; North Fork  
Springs Mutual Water Company; Stephen  
Robert Smith, Trustee of the Charles R. Rudd  
and Lola L. Rudd Trust, dated May 20, 2976;  
Shlomo Raz; Sylvia Raz; Senior Canyon  
Mutual Water Company; Siete Robles Mutual  
Water Company; Soule Park Golf Course,  
Ltd.; Telos, LLC; Victor C. Timar, Jr. Trustee  
of the Timar Family Trust; John Town; Trudie  
Town; Asquith Family Limited Partnership,  
Ltd.; Burgess Ranch; Cary Cheldin; Cynthia  
Daniels; Wayne Francis; David Friend; The  
Larry & Pat Hartmann Family Trust; The John  
N. Hartmann Trust; Gary Hirschcron; Cheryl  
Jensen; Lutheran Church of the Holy Cross of  
Ojai, California; Janice Sattler (Mineo); Eitan

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Sloustcher; Rogers-Cooper Memorial Foundation; Robert Norris (not yet appeared); Patricia Norris; Old Creek Road Mutual Water Company (not yet appeared); Margaret Vanderfin; Telos Ojai, LLC (not yet appeared); Jennifer Ware; The Walker Jr. Living Trust; David Altman, Trustee of the 1190 El Toro Trust ; Babtiste Foundation; Sean A. Bennett and Leslie Bennett, Trustees of the Bennett Family Trust; Dwayne A. Bower and Marilyn E. Bower Trustees of the Bower Family Trust; Mark Terry Cline and Bonnie Bureson Cline, Trustees of the Mark Terry Cline and Connie Bureson Cline Revocable Trust; Robert R. Daddi and Darlene J. Daddi; Lucille A. Elrod, Trustee of the John and Lucille Elrod Family Trust; Friend's Stable & Orchard Inc. Daniel Hultgen, Trustee of the Hultgen Living Trust; Ojai Golf, LLC; Three Oaks, LLC, Erica J. Abrams, Trustee of the Erica J. Abrams Trust; Raul E. Alvarado and Hildegard M. Alvarado, Trustees of the Alvarado Family Trust; William Armstrong and April Nardini; Joseph Lynn Barthelemy and Elvira Lilly Barthelemy, Trustees of the Joseph Lynn Barthelemy and Elvira Lilly Barthelemy 2002 Family Trust; James S. Bennett and Carolyn D. Bennett, Trustees of the Bennett Family Trust; Sumeet Bhatia and Michael McDonald; John Joseph Broesamle and Katharine Sue Broesamle, Trustees of the Broesamle Family Trust; Richard Aaron Carlson, Trustee of the Richard Aaron Carlson Trust and Michelle Larson, Trustee of the Michelle Larson Family Trust; Thomas D. Carver and Cynthia L. Carver; Dana Cenicerros, Trustee of the Dana and Dawn Cenicerros Revocable Living Trust; Deborah Lys Martin Crawford; Frank Clay Creasey Jr.; Debra Joy Reed, Trustee of The Debra Joy Reed Revocable Trust Dated November 3, 1994; Frederic Devault; Diana Syvertson, Trustee of the Diana Syvertson Living Trust; Dive Deep L.L.C.; Douglas Roy Parent and Ann Marie Parent; William Erickson; Gelb Enterprises, L.P.; Jan Stephen Granade and Priscilla K. Granade, Trustees of the Granade Family Revocable Living Trust; Margot J. Griswold; Brian C. Haase and Marie Haase, Trustees of the B&M Haase Trust Dated October 8, 2019; Thomas Lann Harper and Jadona Collier-Harper; Ojai-Jackman L.L.C.; Kevin Rainwater and Marianne Ratcliff; Keith M. Nightingale and Victoria V. Nightingale, Trustees of The

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Nightingale Family Trust; Heide C. Kurtz, Trustee of The Kurtz Family Trust Dated January 19, 2019; Randall Leavitt, Trustee of The Randall B. Leavitt 2010 Trust; Edward C. Leicht and Jacqueline M. Leicht, Trustees of The Leicht Family 2013 Revocable Trust Dated March 1, 2013; Paul Lepiane and Bengtson Bo; Robert Levin and Lisa Solinas, Trustees of The Levin Family Living Trust; Francis Longstaff and Shauna Longstaff, Trustees of The Longstaff Trust Dated October 11, 2018; Mandy Macaluso, Trustee of The Living Trust of Mandy Macaluso; Marilyn Wallace, Trustee of The Marilyn Wallace Separate Property Trust; Daniel J. McSweeney and Yoko McSweeney; Wendell M. Mortensen and Laura L. Mortensen, Trustees of The Mortensen Family Revocable Trust; Timothy Jerome Murch and Jody Caren Murch, Trustees of The Jodim Family 2007 Trust Dated July 31, 2007; Chris E. Platt and Hanh H. Platt; Robert Erickson, Trustee and Ronald Wilson; Michael D. Robertson and Kimberly A. Robertson, Trustees of The Robertson Family Trust; James P. Robie, Trustee of the Robie Family Trust; Petter Romming and Kimi Romming, Trustees; Marc Saleh, Trustee of The Saleh Family Trust; Konrad Stefan Sonnenfeld, Trustee of The Konrad Stefan Sonnenfeld Living Trust; Mark Sutherland, Trustee of The Sutherland Marital Trust; John H. Thacher and Caroline H. Thacher, Trustees of The Thacher Family Trust Dated January 2004; Gilbert G. Vondriska and Carolyn J. Vondriska, Trustees of The Vondriska Living Trust; William D. Rusin, Sr., Trustee of the William D. Rusin Sr. Revocable Trust; Oscar D. Acosta, Trustee of the Acosta Trust; Chris E. Platt and Hanh H. Plat; Deborah Lys Martin Crawford; Diane Syvertson, Trustee of the Diana Syvertson Living Trust; Erica J. Abrams, Trustee of the Erica J. Abrams Trust; Frank Clay Creasey Jr.; Frederic DeVault; Gilbert G. Vondriska and Carolyn J. Vondriska, Trustees of the Vondriska Living Trust; James P. Robie, Trustee of the Robie Family Trust; John H. Thacher and Caroline H. Thacher, Trustees of the Thacher Family Trust dated January 2004; Mandy Macaluso, Trustee of the Living Trust of Mandy Macaluso; Margot J. Griswold; Mark Sutherland, Trustee of the Sutherland Marital Trust; Randall Leavitt, Trustee of the Randall B. Leavitt 2010 Trust; Raul E. Alvarado and Hildegard M. Alvarado, trustees

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

21 Executed on March 29, 2022 at Walnut Creek, California

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23 \_\_\_\_\_  
Irene Islas

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