



**THIS PUBLIC ENTITY IS EXEMPT FROM PAYING ANY FILING FEES PURSUANT TO GOV. CODE SECT. 6103**

1 Robert N. Kwong, Bar #121839  
rkwong@atozlaw.com  
2 John M. Mathews, Bar # 057723  
dlarochelle@atozlaw.com  
3 ARNOLD LAROCHELLE MATHEWS  
VANCONAS & ZIRBEL LLP  
4 300 Esplanade Drive, Suite 2100  
Oxnard, California 93036  
5 Telephone: (805) 988-9886  
Facsimile: (805) 988-1937  
6

Co-Counsel:  
7 David B. Cosgrove, Bar # 115564  
dcosgrove@rutan.com  
8 Douglas J. Dennington, Bar # 173447  
ddennington@rutan.com  
9 RUTAN & TUCKER, LLP  
18575 Jamboree Road, 9th Floor  
10 Irvine, CA 92612  
Telephone: (714) 641-5100  
11 Facsimile: (714) 546-9035

12 Attorneys for Cross-Defendant  
CASITAS MUNICIPAL WATER DISTRICT,  
13 a California special district

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

15 **FOR THE COUNTY OF LOS ANGELES – SPRING STREET COURTHOUSE**

16 SANTA BARBARA CHANNELKEEPER,  
17 a California non-profit corporation,  
18  
19 Petitioner,

v.

20 STATE WATER RESOURCES CONTROL  
BOARD, a California State Agency, CITY  
OF SAN BUENA VENTURA, a California  
21 municipal corporation, incorrectly named as  
CITY OF BUENA VENTURA,  
22

Respondents.

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

Cross-Complainant,

v.

27 DUNCAN ABBOTT, an individual, et al.

28 Cross-Defendants.

Case No.: 19STCP01176  
*Judge Honorable William F. Highberger*  
*Dept. 10*

**VERIFIED INITIAL DISCLOSURES**

Action Filed: September 19, 2014  
Trial Date: Not Set

1 INITIAL DISCLOSURES – CODE OF CIVIL PROCEDURE SECTION 842(a)

2  
3 **1. The name, address, telephone number, and email address of the party and, if**  
4 **applicable, the party's attorney.**

5 (a) Name: Casitas Municipal Water District, Michael Flood, General Manager

6 (b) Address: 1055 Ventura Avenue

7 (c) Telephone Number: 805-649-2251

8 (d) Email Address: [mflood@casitaswater.com](mailto:mflood@casitaswater.com)

9 (e) Attorneys: David Cosgrove, Rutan & Tucker, LLP, 18575 Jamboree Road, 9<sup>th</sup> Floor,  
10 Irvine, CA 92612, 714-662-4602, [dcosgrove@rutan.com](mailto:dcosgrove@rutan.com); and Robert N. Kwong, Arnold LaRoche  
11 Mathews VanConas & Zirbel, LLP, 300 Esplanade Drive, Suite 2100, Oxnard, CA 93036, 805-988-  
12 9886, [rkwong@atozlaw.com](mailto:rkwong@atozlaw.com)

13  
14 **2. The quantity of any groundwater extracted from the basin by the party and the**  
15 **method of measurement used by the party or the party's predecessor in interest for each of the**  
16 **previous 10 years preceding the filing of the complaint.**

17  
18

Year	Amount of Groundwater Extracted:	Method of Extraction:
2013	Mira Monte = 173 AFY <sup>1</sup> GSWC = 1,484 AFY <sup>2</sup> Total = 1,878 AFY	Groundwater Wells

19  
20  
21  
22  
23

24  
25 <sup>1</sup> Obtained from Casitas Municipal Water District (Casitas) records for the Mira Monte Well  
26 which is located in the Upper Ventura River area. Measurement based on metered flows at  
27 wellhead.

28 <sup>2</sup> Groundwater pumping records for 2004-2013 obtained from the *Ojai Basin Groundwater  
Management Agency Groundwater Management Plan – 2018 Update* (pg. 44) dated August 30,  
2018, which represent extractions by the Golden State Water Company (GSWC) to service the  
Ojai area system. Casitas acquired the GSWC/Ojai area system including groundwater wells  
from GSWC in June 2017. Measurement based on metered flows at wellhead.

<b>Year</b>	<b>Amount of Groundwater Extracted:</b>	<b>Method of Extraction:</b>
2012	Mira Monte = 232 AFY GSWC = 1,646 AFY Total = 1,978 AFY	Groundwater Wells
2011	Mira Monte = 67 AFY GSWC = 1,934 AFY Total = 2,001 AFY	Groundwater Wells
2010	Mira Monte = 130 AFY GSWC = 1,742 AFY Total = 1,872 AFY	Groundwater Wells
2009	Mira Monte = 0 AFY GSWC = 1,751 AFY Total = 1,751 AFY	Groundwater Wells
2008	Mira Monte = 155 AFY GSWC = 1,736 AFY Total = 1,891 AFY	Groundwater Wells
2007	Mira Monte = 301 AFY GSWC = 1,963 AFY Total = 2,264	Groundwater Wells
2006	Mira Monte = 204 AFY GSWC = 1,818 AFY Total = 2,022 AFY	Groundwater Wells
2005	Mira Monte = 107 AFY GSWC = 1,955 AFY Total = 2,062 AFY	Groundwater Wells
2004	Mira Monte = 283 AFY GSWC = 1,824 AFY Total = 2,087 AFY	Groundwater Wells

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

3           Appropriative, Prescriptive, and Overlying correlative. Specifically regarding overlying  
4 water rights, Casitas owns property in the subject basins as follows: (a) Ojai groundwater  
5 wellfield at the intersection of Grand Avenue and Orange Avenue in Ojai, CA; (b)  
6 Casitas Administrative & Maintenance Office property in Oak View, CA; (c) pump  
7 station and reservoir sites in the Upper Ojai; and (d) Matilija Deep Wells project site  
8 adjacent to the Robles Diversion Facility.  
9

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

11           Casitas is a public agency/mutual water district established and authorized in accordance  
12 with California Water Code §71000 *et seq.* Casitas supplies drinking water service to  
13 approximately 65,000 people and 6,000 acres of agriculture within western Ventura  
14 County. Casitas water service is provided to residents, farms, businesses, and other retail  
15 water providers.  
16

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

19           Upper Ventura River Groundwater Basin

20           Casitas Municipal Water District (Casitas) acquired the Mira Monte Mutual Water Company  
21 (MMMWC) in November 1982 along with its Mira Monte Well, which was drilled in 1945 and is  
22 located at 1259 Cruzero Road, Ojai, CA 93023. *See Attachment 1.*  
23

24           Ojai Valley Groundwater Basin

25           In June 2017, Casitas acquired Golden State Water Company's (GSWC) Ojai water system,  
26 which included six (6) active groundwater production wells located in the Ojai wellfield located near  
27 the intersection of Grand Avenue and Orange Avenue in Ojai, CA. *See Attachment 1.* Historically,  
28 there have been at least thirteen (13) wells constructed and operated at the location. Six of the older

1 wells have been destroyed. The well field currently consists of seven (7) operating wells which are  
2 further described in the following chart:

<b>Casitas Municipal Water District Active Groundwater Wells in Ojai Valley Groundwater Basin</b>	
<b>Well Name</b>	<b>Date Drilled</b>
Mutual Well #4	1947
Mutual Well #5	1951
Mutual Well #6	2012
Mutual Well #7	2020
San Antonio #3	1956
San Antonio #3	2005
Gorham #1	1996

11 **6. The area in which the groundwater has been used.**

12 Extractions from Casitas' Mira Monte Well augment water supplies from Lake Casitas,  
13 which serves customers throughout Casitas' entire service area. *See* Attachment 2.  
14 Extractions from Casitas' Ojai wellfield serve the Ojai system service area only. *See*  
15 Attachment 2.

17 **7. Any claims for increased or future use of groundwater.**

18 Casitas prepares an Urban Water Management Plan (UWMP) every five years as required  
19 by law. In its 2020 UWMP, Casitas updated its water demand and supply projections to  
20 incorporate the acquisition of the GWSC in June 2017. The planned long-term average  
21 use of the Mira Monte Well is 180 AFY for drinking water service to Casitas customers.  
22 The most recent production capacity of the Mira Monte well is 300-350 gallons per minute.  
23 The planned long-term average use of the Ojai wellfield is 2,300 AFY for drinking water  
24 service to Casitas customers in the Ojai water system. Although the wellfield's original  
25 design capacity was 4,404 AFY, the planned usage or extraction of 2,300 AFY reflects  
26 current realities and recent Casitas-initiated improvements to this aging wellfield.

1           8.       **The quantity of any beneficial use of any alternative water use that the party**  
2 **claims as its use of groundwater under any applicable law, including, but not limited to, Section**  
3 **1005.1, 1005.2 , or 1005.4 of the Water Code.**

4           Pursuant to State Water Resources Control Board (SWRCB), Division of Water Rights  
5 License 11834 (Application 15998), Casitas may divert 33.6 cubic feet per second (cfs) by  
6 direct diversion from January 1 to December 31 of each year and 101,000 AFY by storage  
7 to be collected from November 1 of each year to June 30 of the succeeding year. The  
8 maximum rate of diversion to off-stream storage is limited to 500 cfs. Water is collected  
9 to storage at a point on Coyote Creek, behind a 275-foot-high earth dam, in the 254,000  
10 acre-foot Lake Casitas. Water is also directly diverted from the Ventura River at the Robles  
11 Diversion Dam and conveyed via the Robles-Casitas Canal to Lake Casitas for distribution  
12 to its municipal and agricultural customers through a gravity pipeline to its service area.  
13 The total amount of water that can be placed to beneficial use is limited to 28,500 AFY.

14  
15           9.       **Identification of all surface water rights and contracts that the party claims**  
16 **provides the basis for its water right claims in the comprehensive adjudication.**

17           Casitas has two appropriative surface water rights licensed by the SWRCB, Division of  
18 Water Rights. *See* Attachments 3 and 4. First, SWRCB License 11834 (Permit 10364,  
19 Application 15998) allows Casitas the right to water from the Ventura River and Coyote  
20 Creek for purposes of municipal, domestic, irrigation, industrial, recreational, incidental  
21 power, and standby emergency use. Second, SWRCB License 10133 (Permit 7601,  
22 Application 11311) allows Casitas the right to water from Matilija Creek for purposes of  
23 irrigation, domestic, and municipal use.

24  
25           10.       **The quantity of any replenishment of water to the basin that augmented the**  
26 **basin's native water supply, resulting from the intentional storage of imported or non-native**  
27 **water in the basin, managed recharge of surface water, or return flows resulting from the use of**  
28 **imported water or non-native water on lands overlying the basin by the party, or the party's**

1 **representative or agent, during each of the 10 calendar years immediately preceding the filing**  
2 **of the complaint.**

3  
4 Casitas claims unquantified incidental recharge from return flows on any diversions from its  
5 Robles Diversion operations for each of the 10 calendar years immediately preceding the filing of this  
6 complaint.

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

9 Michael Flood, General Manager  
10 Casitas Municipal Water District  
11 1055 Ventura Avenue  
12 Oak View, CA 93022  
13 805-649-2251  
14 [mflood@casitaswater.com](mailto:mflood@casitaswater.com)

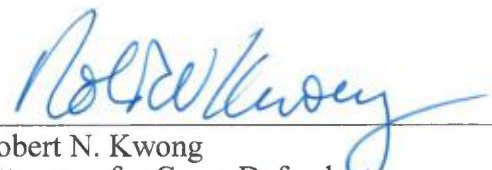
15 Kelley Dyer, Assistant General Manager  
16 Casitas Municipal Water District  
17 1055 Ventura Avenue  
18 Oak View, CA 93022  
19 805-649-2251  
20 [kdyer@casitaswater.com](mailto:kdyer@casitaswater.com)

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

22 None.

23 Dated: May 28, 2021

24 ARNOLD LAROCHELLE MATHEWS  
25 VANCONAS & ZIRBEL LLP

26 By:   
27 Robert N. Kwong  
28 Attorneys for Cross-Defendants  
Casitas Municipal Water District

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

VERIFICATION

I have read the foregoing INITIAL DISCLOSURE and know its contents.

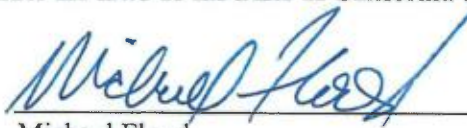
I am a party to this action. The matters stated in it are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

I am the General Manager of Casitas Municipal Water District, a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I have read the foregoing document(s). I am informed and believe and on that ground allege that the matters stated in it are true.

I am one of the attorneys of record for \_\_\_\_\_, a party to this action. Such party is absent from the county in which I have my office, and I make this verification for and on behalf of that party for that reason. I have read the foregoing document(s). I am informed and believe and on that ground allege that the matters stated in it are true.

Executed at Oak View, California on May 28, 2021.

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



Michael Flood



# ATTACHMENT 1

**CASITAS**  
Municipal Water District

**Water Production, Transmission and Distribution Facilities**



**Figure 1**

Casitas Municipal Water District  
Service Area and Main Facilities

# ATTACHMENT 2

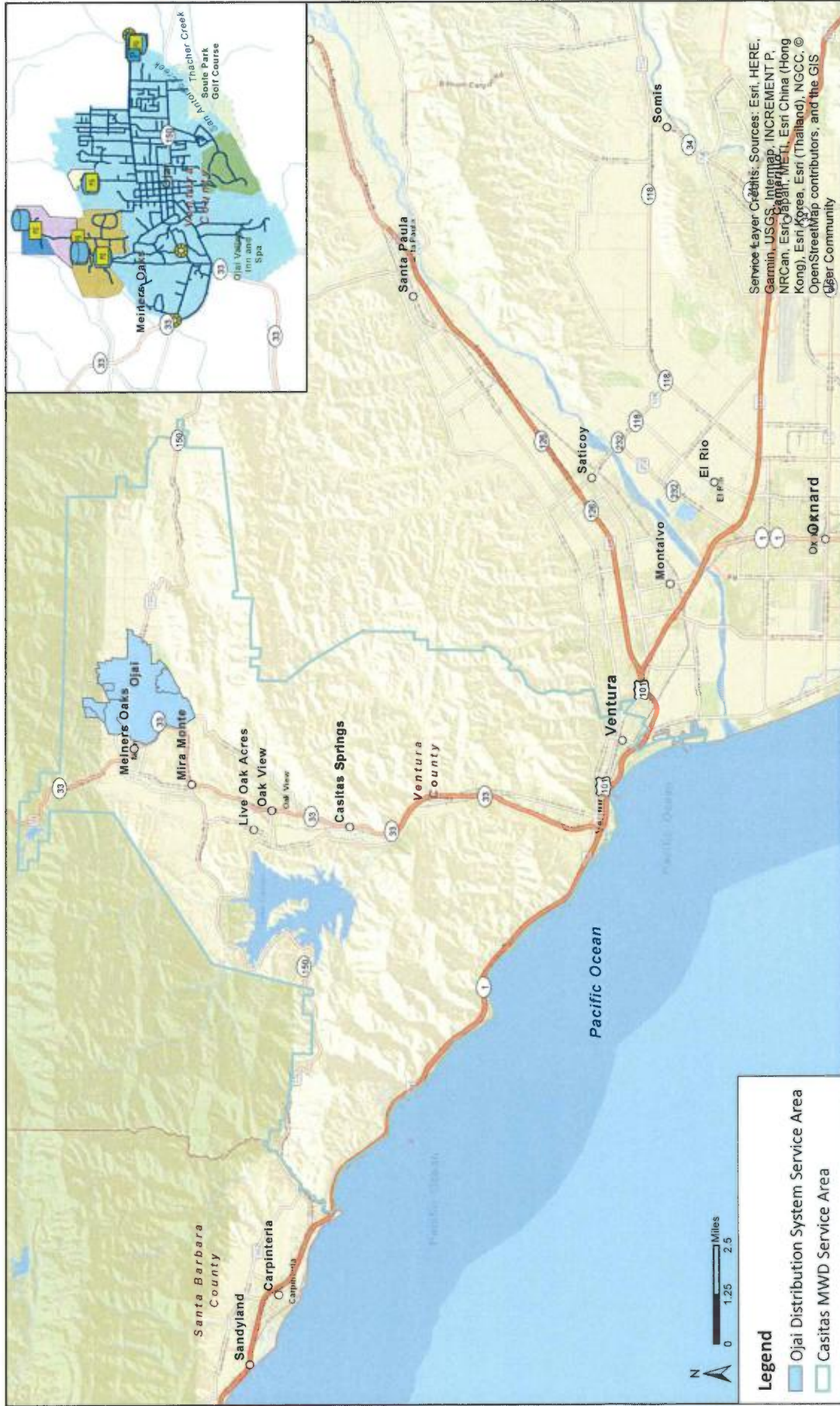


Figure 2-1. Casitas MWD and Ojai System Service Area and Location Map

# ATTACHMENT 3

**STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS**

In the Matter of License 11834 (Application 15998)  
**Casitas Municipal Water District**  
Petitioner

--oOo--

**ORDER APPROVING TEMPORARY CHANGE IN THE  
PLACE OF USE, INVOLVING A TEMPORARY TRANSFER  
UNDER WATER CODE SECTION 1725 ET SEQ.**

**BY THE CHIEF OF THE DIVISION OF WATER RIGHTS:**

**1.0 INTRODUCTION**

On April 27, 1999 Casitas Mutual Water District (District) filed a completed Petition for Temporary Change under Water Code section 1725 et seq., requesting a change in the place of use under License 11834 (Application 15998) to accomplish a transfer of 8,000 acre-feet per annum (afa) to the City of Ventura. The Division of Water Rights of the State Water Resources Control Board (SWRCB) has adequate information in its files to make the findings required by Water Code section 1727(a). I am delegated the authority to act for the SWRCB with respect to this petition under Resolution No. 99-031, paragraph 3.2.15. I have evaluated all of the available information and I find as follows:

**2.0 SUBSTANCE OF THE PETITION**

The U. S. Bureau of Reclamation (Bureau) has asked the District to lower and maintain the amount of water in Lake Casitas at a reduced level (seven feet below spill) to accommodate a Dam Seismic Safety Modification Project. The District, under its existing water right is not required to make releases downstream of Lake Casitas. The Ventura River downstream of Lake Casitas, typically has very little flow, and the higher flows that would result from releases needed to accommodate the dam retrofit could lead to downstream property damage. In addition, the river release valve from the Dam is on the same line that provides water to the water distribution system. Injection of chemicals for water treatment purposes currently occurs upstream of the river release valve. Therefore, if such a release were made, chemicals would be discharged to the river in concentrations that might violate water quality objectives.

To avoid the above problems, the District plans to increase consumption in order to lower and maintain the lowered reservoir level requested by the Bureau. The increased consumption will be achieved by temporarily transferring water to the City of Ventura through a 34-inch pipeline, creating a gradual reduction of the lake level until the Dam Seismic Safety Modification Project can be accomplished.

### 3.0 BACKGROUND

The District holds License 11834 for diversion of 33.6 cubic feet per second (cfs) by direct diversion to be diverted from January 1 to December 31 of each year and 101,000 acre-feet per annum (afa) by storage to be collected from November 1 of each year to June 30 of the succeeding year. Water is collected to storage at a point on Coyote Creek, behind a 275-foot-high earth dam, in the 254,000 acre-foot Lake Casitas. The surface area of Lake Casitas is approximately 2,500 acres. Water is also directly diverted from the Ventura River at the Robles Diversion Dam and conveyed via the Robles-Casitas Canal to Lake Casitas. Water is withdrawn from storage from Lake Casitas or directly diverted through a gravity pipeline to the service area. The total amount of water taken from the sources (direct diversion plus collection to storage) is limited to 107,800 afa. The total amount of water that can be placed to beneficial use (direct diversion plus withdrawal from storage) is limited to 28,500 afa. The maximum rate of diversion to offstream storage is limited to 500 cfs.

### 4.0 COMMENTS OR OBJECTIONS TO THE PROPOSED TRANSFER

The California Sportfishing Protection Alliance (CSPA) submitted an objection to the proposed transfer. CSPA's objections include the following recommendations:

- (1) The District should make releases into Coyote Creek sufficient to keep endangered steelhead and other fish species in good condition.
- (2) The District should not divert from the Robles Diversion Dam during the time the transfer is in effect to protect listed endangered steelhead in the Ventura River.
- (3) The District should release half of the transferred amount of water in incremental amounts over the period of the proposed transfer from Casitas Dam to protect listed endangered steelhead and to benefit other fish and their habitat.
- (4) The District should release water into Coyote Creek to dilute chemicals associated with treating water released at Casitas Reservoir.
- (5) The SWRCB should investigate and determine whether the proposed retrofitting, in conjunction with the proposed water transfer, will have adverse impacts to Coyote Creek and the Ventura River, and also to the Casitas Reservoir fisheries, resulting from chemicals used by the District for water treatment purposes.

Adding a requirement to release water from Casitas Dam is not appropriate as a result of the petition for temporary transfer because the District is not currently required to make releases as a condition of its license. Consideration of a petition for change is limited to the effect of the change and not other issues which pertain to the underlying water right. In addition, the proposed retrofitting of Casitas Dam is not an action before the SWRCB, only the effects of the transfer of water needed to lower the level of Lake Casitas to perform the

work. In regard to CSPA's request that the District not divert water at the Robles Diversion Dam during the time the transfer is in effect, the District has stated that such diversions will not occur since the aim of their proposal is to maintain the reduced level of Lake Casitas.

## **5.0 WATER TRANSFER CRITERIA**

Water Code section 1725, et seq., provides that a permittee or licensee may temporarily change the point of diversion, place of use, or purpose of use of water due to a transfer or exchange if certain criteria are satisfied. The SWRCB must make findings that each of the following criteria is satisfied before approving a temporary transfer.

**5.1 Availability of Water** The first criterion is that the transfer will involve only the amount of water which would have been consumptively used or stored by the permittee or licensee in the absence of the proposed temporary change. In this transfer, the District proposes to transfer water that would have been stored in Lake Casitas under License 11834 for use within its service area. Consequently, I find that the proposed transfer will only involve the amount of water that would have been consumptively used or stored by the licensee in the absence of the proposed temporary change.

**5.2 Effect on Other Legal Users of Water** The second criterion is that the transfer will not injure any legal user of water. A transfer cannot be approved if available information shows that the transfer will injure any legal user of the water during any potential hydrologic condition, through resulting significant changes in water quantity, water quality, timing of diversion or use, consumptive use of the water, reduction in return flows, or reduction in the availability of water within the watershed of the transferor.

Because this transfer is being made with water that, absent this transfer, would have remained in storage in Lake Casitas, no legal user of water will be directly injured by the proposed transfer of water to City of Ventura.

**5.3 Effect on Fish, Wildlife, and Other Instream Beneficial Uses** The third criterion is that the transfer will not unreasonably affect fish, wildlife, or other instream beneficial uses. Because all historic releases from Lake Casitas have been made to the water distribution system and the District is not required to make releases to the stream, downstream flow will not be affected by the transfer. Additionally, during the course of the Dam Seismic Safety Modification Project, the flows of the Ventura River will be enhanced by virtue of the fact the diversions from Robles Diversion Dam will be curtailed. Thus, I find that the proposed transfer will not have an unreasonable effect upon fish, wildlife or other instream beneficial uses.

**5.3.1 Exemption from the California Environmental Quality Act** A temporary change under Water Code section 1725 et seq. is exempt from the requirements of the California Environmental Quality Act set forth in Division 13 (commencing with section 21000) of the Public Resources Code (Water Code section 1729).



STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**

**ORDER**

APPLICATION 15998 PERMIT 10364 LICENSE 11834

ORDER ALLOWING CHANGE IN PURPOSE  
OF USE AND AMENDING THE LICENSE

**WHEREAS:**

1. License 11834 was issued to Casitas Municipal Water District and was filed with the County Recorder of Ventura County on January 27, 1986, @ 10:30 a.m. (Document # 86-009853).
2. A petition to add incidental power as a purpose of use has been filed with the State Water Resources Control Board and said Board has determined that good cause for such change has been shown.
3. The Board has determined that the petitioned change does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
4. The license condition pertaining to the continuing authority of the Board should be updated to conform to Standard Term 12 as contained in Section 780(a), Title 23 of the California Code of Regulations.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. The condition of this license regarding purposes of use is amended to read as follows:

Municipal, Domestic, Irrigation, Industrial, Recreational,  
Incidental Power, and Standby Emergency uses.

(0000003)

2. The continuing authority condition of this license shall be amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: MAY 13, 1993

**ORIGINAL SIGNED  
BY ROGER JOHNSON**

*ehl* Edward C. Anton, Chief  
Division of Water Rights

5



STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

## License for Diversion and Use of Water

APPLICATION 15998  
Page 1 of 3

PERMIT 10364

LICENSE 11834

THIS IS TO CERTIFY, That Casitas Municipal Water District  
P. O. Box 37  
Oak View, California 93022

has made proof as of September 28, 1982 (the date of inspection)  
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of  
(1) Ventura River and (2) Coyote Creek in Ventura County

tributary to (1) Pacific Ocean (2) Ventura River thence Pacific Ocean

for the purpose of Municipal, Domestic, Irrigation, Industrial, Recreational and  
Standby Emergency uses

under Permit 10364 of the Board and that the right to the use of this water has been perfected  
in accordance with the laws of California, the Regulations of the Board and the permit terms; that the  
priority of this right dates from August 16, 1954 and that the amount of water to which  
this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated  
purposes and shall not exceed thirty-three and six-tenths (33.6) cubic feet per  
second by direct diversion to be diverted from January 1 to December 31 of each  
year and one hundred one thousand (101,000) acre-feet per annum by storage to  
be collected from November 1 of each year to June 30 of the succeeding year.  
The total amount of water to be taken from the sources (direct diversion plus  
collection to storage) shall not exceed 107,800 acre-feet per year. The total  
amount of water to be placed to beneficial use (direct diversion plus  
withdrawal from storage) shall not exceed 28,500 acre-feet per year.

The maximum rate of diversion to offstream storage shall not exceed 500 cubic  
feet per second.

The maximum amount held in storage has been 254,000 acre-feet.

THE POINT OF DIVERSION AND DIVERSION TO OFFSTREAM STORAGE OF SUCH WATER IS  
LOCATED:

Robles Diversion Dam - By California Coordinates, Zone 5, North 354,095 and  
East 1,611,550, being within SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 33, T5N, R23W, SBB&M.

THE POINT OF DIVERSION, REDIVERSION AND STORAGE OF SUCH WATER IS LOCATED:

Casitas Dam - By California Coordinates, Zone 5, North 318,875 and East  
1,596,500, being within NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of projected Section 6, T3N, R23W, SBB&M.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE  
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

Within the boundaries of Casitas Municipal Water District, as shown on map  
filed with State Water Resources Control Board.

Licensee shall either itself or in cooperation with competent agencies,  
maintain suitable facilities for measurement of amounts of water diverted,  
stored and later placed to beneficial use under this license and the amounts of  
water remaining in the stream channels below the points of diversion and  
storage. Licensee shall, when required, by the State Water Resources Control  
Board submit records of such measurements.

(0090900)

The diversion and/or storage of water under this license shall not result in  
unreasonable interference with prior rights to the use of underground water.

(0160400)

Upon a finding of emergency caused by drought or by other threatened or  
existing water shortage as provided for in Water Code Section 71640, or upon  
determination that a water shortage emergency condition prevails, as provided  
for in Water Code Section 350, licensee may exceed the amount of water  
authorized to be placed to beneficial use under this license for the duration  
of the emergency. During periods of deficient water supply, licensee may  
withdraw additional water for emergency uses in areas of deficiency. Prior to  
withdrawal of the stored water, licensee shall (1) file with the State Water  
Resources Control Board a certified copy of the document evidencing the finding  
or determination of emergency, and (2) demonstrate the ability to provide said  
water to areas with deficient water supplies, either directly or by exchange.

?18

(0440900)

\*\*\*\*\*

Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.

The quantity of water diverted under this license is subject to modification by the State Water Resources Control Board if, after notice to the licensee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

Pursuant to California Water Code Sections 100 and 275 and the public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses, prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

This continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to minimizing waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the board determines, after notice to affected parties and opportunity for hearing, that such action takes into account the public interest and is necessary to protect public trust uses. All such actions shall conform to the standard of reasonableness contained in Article X, Section 2 of the California Constitution.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: JANUARY 17 1986

STATE WATER RESOURCES CONTROL BOARD

*Lloyd Johnson*  
Chief, Division of Water Rights

3

# ATTACHMENT 4



STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

## License for Diversion and Use of Water

APPLICATION 11311

PERMIT 7601

LICENSE 1M38

**THIS IS TO CERTIFY, That**

CASITAS MUNICIPAL WATER DISTRICT  
P. O. BOX 37, OAK VIEW, CALIFORNIA 93022

HAS made proof as of APRIL 6, 1972 (the date of inspection)  
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of  
MATILIJA CREEK IN VENTURA COUNTY

tributary to VENTURA RIVER

for the purpose of IRRIGATION, DOMESTIC AND MUNICIPAL USES  
under Permit 7601 of the Board and that the right to the use of this water has been perfected  
in accordance with the laws of California, the Regulations of the Board and the permit terms; that the  
priority of this right dates from MARCH 11, 1946 and that the amount of water to which  
this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated  
purposes and shall not exceed FOUR THOUSAND THREE HUNDRED (4,300) ACRE-FEET PER ANNUM,  
TO BE COLLECTED FROM JANUARY 1 TO DECEMBER 31 OF EACH YEAR. THE MAXIMUM WITH-  
DRAWAL IN ANY ONE YEAR SHALL NOT EXCEED 4,570 ACRE-FEET.

THE MAXIMUM AMOUNT THAT CAN BE HELD IN STORAGE AT ANY ONE TIME SHALL NOT EXCEED  
2,470 ACRE-FEET.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

MATILIJA DAM - SOUTH 72° 22' WEST, 1,895 FEET FROM E1/4 CORNER OF SECTION 29,  
T5N, R23W, SBB&M, BEING WITHIN NW1/4 OF SE1/4 OF SAID SECTION 29.

THE POINT OF REDIVERSION IS LOCATED:

AT ROBLES DIVERSION DAM - BY CALIFORNIA COORDINATE, ZONE 5, X = 354,095 AND  
Y = 1,611,600, BEING WITHIN SE1/4 OF SECTION 33, T5N, R23W, SBB&M.

A DESCRIPTION OF LANDS OR THE PLACE WHERE  
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

3,400 ACRES NET WITHIN A GROSS AREA OF 93,000 ACRES WITHIN THE CASITAS  
MUNICIPAL WATER DISTRICT, AS SHOWN ON MAP FILED WITH STATE WATER RESOURCES  
CONTROL BOARD.

Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.

All rights and privileges under this license, including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

~~This continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to minimizing waste of water and to meeting the reasonable water requirements of licensees without unreasonable draft on the source. Licensees may be required to implement such programs as (1) reusing or reclaiming the water allocated, (2) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow, (3) suppressing evaporation losses from water surfaces, (4) controlling phreatophytic growth, and (5) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.~~

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: MAY 31 1973

STATE WATER RESOURCES CONTROL BOARD

*K. L. Woodward*  
Chief, Division of Water Rights



1 **PROOF OF SERVICE**

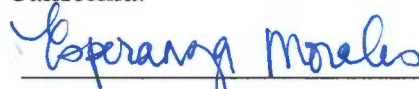
2 STATE OF CALIFORNIA, COUNTY OF VENTURA

3 I am employed in the County of Ventura, State of California. I am over the age of 18 and am  
4 not a party to the within action; my business address is 300 Esplanade Drive, Suite 2100, Oxnard, CA.

5 On May 28, 2021, I served the foregoing document described as VERIFIED INITIAL  
6 DISCLOSURES on interested parties in this action by electronic service as follows:

- 7  BY MAIL: As follows: I am "readily familiar" with the firm's practice of collection and  
8 processing correspondence for mailing. Under that practice it would be deposited with the  
9 U.S. postal service on that same day with postage thereon fully prepaid at Oxnard, California,  
10 in the ordinary course of business. I am aware that on motion of the party served, service is  
11 presumed invalid if postal cancellation date or postage meter date is more than one day after  
12 date of deposit for mailing in affidavit.
- 13  BY OVERNIGHT COURIER: I enclosed the documents in an envelope or package provided  
14 by an overnight delivery carrier and addressed to the persons at the addresses listed above. I  
15 placed the envelope or package for collection and overnight delivery at an office or a regularly  
16 utilized drop box of the overnight delivery carrier.
- 17  BY FACSIMILE: I caused to be transmitted the document described herein via the fax number  
18 listed above. Upon completion of said facsimile transmission, the transmitting machine issued  
19 a transmission report showing the transmission was complete and without error.
- 20  BY ELECTRONIC TRANSMISSION: Pursuant to Court Order Authorizing Electronic  
21 Service, I provided the document(s) listed above electronically on the File & ServeXpress  
22 website for distribution to the SERVICE LIST maintained for this matter.
- 23  BY E-MAIL: I caused the document to be sent to the person at the e-mail address listed above.  
24 I did not receive, within a reasonable time after the transmission, any electronic message or  
25 other indication that the transmission was unsuccessful.
- 26  (**STATE**) I declare under penalty of perjury under the laws of the State of California that the  
27 foregoing is true and correct.

28 Executed on May 28, 2021, at Oxnard, California.

  
\_\_\_\_\_  
Esperanza Morales