

SHAWN D. HAGERTY, Bar No. 182435
shawn.hagerty@bbklaw.com
BEST BEST & KRIEGER LLP
655 West Broadway
15th Floor
San Diego, California 92101
Telephone: (619) 525-1300
Facsimile: (619) 233-6118

CHRISTOPHER MARK PISANO, Bar No. 192831
christopher.pisano@bbklaw.com
BEST BEST & KRIEGER LLP
300 South Grand Avenue
25th Floor
Los Angeles, California 90071
Telephone: (213) 617-8100
Facsimile: (213) 617-7480

Attorneys for Defendant and Cross-Complainant
CITY OF SAN BUENAVENTURA

EXEMPT FROM FILING FEES PURSUANT
TO GOVERNMENT CODE SECTION 6103

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

SANTA BARBARA CHANNELKEEPER, a
California non-profit corporation,

Petitioner,

v.

STATE WATER RESOURCES CONTROL
BOARD, et al,

Respondents.

CITY OF SAN BUENAVENTURA, et al.,

Cross-Complainant,

v.

DUNCAN ABBOTT, an individual, et al.,

Cross-Defendants.

Case No. 19STCP01176
Judge: Hon. William F. Highberger

~~PROPOSED~~ STIPULATED INTERIM
ORDER PENDING A PHYSICAL
SOLUTION

Date: January 14, 2025
Time: 9:00 a.m.
Dept: 10

Action Filed: Sept. 19, 2014
Trial Date: Not Set

~~PROPOSED~~ STIPULATED INTERIM ORDER PENDING A PHYSICAL SOLUTION

On January 14, 2025 at 9:00 a.m., the parties appeared in Department 10 of the above-captioned Court on the Motion for Approval of a Stipulated Interim Order Pending a Physical Solution (Motion). The appearances of the parties are as noted in the record. Having read and considered the Motion, all of the supporting papers and declarations, evidence admitted, and having heard argument of counsel, and good cause appearing therefore, the Court GRANTS the Motion and APPROVES the Stipulated Interim Order Pending a Physical Solution (Stipulated Interim Order) as follows:

BACKGROUND

1. This case is a comprehensive adjudication involving the Ventura River Watershed (Watershed) that is proceeding in accordance with Code of Civil Procedure sections 830 and following, commonly known as the Comprehensive Adjudication Statute. The case has been designated as complex pursuant to California Rules of Court, 3.400(a).

2. This case was originally filed by Plaintiff and Petitioner Santa Barbara Channelkeeper (Channelkeeper) against the State Water Resources Control Board (State Board) and the City of San Buenaventura (Ventura). Ventura subsequently filed and served a Cross-Complaint against certain named surface or groundwater users in the Watershed, as well as all property owners in the four groundwater basins that are located, at least in part, within the Watershed, in accordance with the notice procedures in Code of Civil Procedure section 836. The State Board and the California Department of Fish & Wildlife (CDFW) have intervened in Ventura's Cross-Complaint. Channelkeeper has not intervened in Ventura's Cross-Complaint.

3. In accordance with the Comprehensive Adjudication Statute, the Court has previously entered the following Orders that govern the continued processing of this case:

a. On June 21, 2021, the Court entered an Order based on the Stipulation for Dismissal between Ventura and Channelkeeper. That Order dismissed with prejudice Channelkeeper's First Amended Complaint as against the City, but confirmed certain rights retained by Channelkeeper, including, but not limited to, the "ability to comment on, support, or

1 challenge the physical solution proposed by any party in the Action pursuant to Section 1.5 of the
2 Amendment to Settlement Agreement.”

3 b. On January 13, 2022, the Court entered the Order Establishing Watershed
4 and Basin Boundaries. That Order defines the boundaries of the Watershed as well as the
5 boundaries of the following four groundwater basins that are located, at least in part within the
6 Watershed: Upper Ojai Valley Groundwater Basin, the Ojai Valley Groundwater Basin, the
7 Ventura River Valley—Upper Ventura River Subbasin and the Ventura River Valley—Lower
8 Ventura River Subbasin.

9 c. On October 7, 2022, the Court entered the Interim Order Confirming an
10 Exempt Cross-Defendant Class. That Order confirmed the existence of an Exempt Cross-
11 Defendant class consisting of Cross-Defendants who currently self-identify as diverting or
12 extracting less than five (5) acre-feet per year (AFY) of water from the Watershed.

13 4. The case has been stayed in accordance with Code of Civil Procedure section
14 848(a) since April 12, 2022 to allow a structured mediation to occur. The stated purpose of the
15 structured mediation is to develop and propose to the Court a Physical Solution to govern the
16 Watershed. As reflected in Code of Civil Procedure section 849, this Court has the authority and
17 the duty to consider and impose a Physical Solution where necessary and consistent with Article
18 X, Section 2 of the California Constitution.

19 5. The following parties are currently directly engaged in the structured mediation,
20 and have stipulated to the Court’s approval of this Stipulated Interim Order: Ventura, Cross-
21 Defendants Casitas Municipal Water District (Casitas), the City of Ojai (Ojai), Ventura River
22 Water District (VRWD), Meiners Oaks Water District¹ (MOWD), the Wood-Claeyssens
23 Foundation (Foundation), Rancho Matilija Mutual Water Company (Rancho Matilija), and the
24 Ventura County Watershed Protection District (Watershed Protection), and Interveners the State
25 Board and CDFW. These parties are collectively referred to in this Stipulated Interim Order for
26 convenience as the “Moving Parties”. Ventura and the Cross-Defendant parties listed in this
27 paragraph are collectively referred to in this Stipulated Interim Order for convenience as the
28

¹ A Cross-Defendant listed on the Court’s docket as “Meiners Oaks County Water District.”

1 “Watershed Parties”. Notwithstanding the use, for convenience, of the defined terms “Moving
2 Parties” or “Watershed Parties”, the obligations of the individual members of the Moving Parties
3 or the Watershed Parties in this Stipulated Interim Order are not joint and several, unless
4 expressly provided in this Stipulated Interim Order (by, for example, the use of the phrase “Each
5 Watershed Party shall . . .” to demonstrate that each member has an obligation). As more fully
6 explained in paragraph 20 of this Stipulated Interim Order, each Watershed Party or Moving
7 Party shall only be responsible for the specific obligations assigned to it in this Stipulated Interim
8 Order.

9 6. On December 20, 2024, Ventura filed a Motion, with the stipulated support of the
10 Moving Parties, requesting the Court to enter the Stipulated Interim Order, and thereby impose
11 certain specific requirements on specific members of the Moving Parties, establish a specific
12 timeline and schedule to complete the structured mediation, and continue the stay. The Court
13 finds good cause for approving the Stipulated Interim Order, and hereby GRANTS the Motion
14 and ADOPTS the Stipulated Interim Order.

15 **Interim Flow Protocols and Conservation Requirements**

16 7. Foster Park Protocols: Ventura will implement the following operational protocols
17 at Foster Park (Foster Park Protocols) during the term of this Stipulated Interim Order (as the
18 term is defined in paragraph 15 below). Ventura will cease water extraction at Foster Park when
19 flow measured at Foster Park in a “wet” month is less than 9 cfs, when flow measured at Foster
20 Park in a “moderate” month is less than 7 cfs and when flow measured at Foster Park in a “dry”
21 month is less than 5 cfs. The manner in which it will be determined whether a month is a “wet”,
22 “moderate” and “dry” month is described in Exhibit “A” to this Stipulated Interim Order.
23 Ventura shall measure the flow for purposes of the Foster Park Protocols at its Ventura River 1
24 (VR1) gage. If VR1 is not operational, Ventura shall measure the flow for purposes of the Foster
25 Park Protocols using the United States Geological Survey gage 11118500 located at Casitas
26 Bridge. Ventura’s implementation of the Foster Park Protocols is subject to the specific
27 emergency exceptions and noticing provisions set forth in Exhibit “B” to this Stipulated Interim
28 Order.

1 8. San Antonio Creek Flow Protocols: Casitas will assure a minimum flow of 0.5 cfs
2 to exist in San Antonio Creek as measured within Camp Comfort in the vicinity of the potential
3 habitat project referenced herein in paragraph 11.c below. This minimum flow requirement may
4 be suspended by Casitas when Casitas has declared the existence of a Stage 5 condition as
5 described in its current Water Efficiency and Allocation Program (WEAP) at a noticed public
6 meeting and has provided notice of the proposal to adopt, and of the adoption of, such a
7 declaration by the Casitas Board to the Court. Casitas will assure this minimum flow by whatever
8 means it elects, including, but not limited to, flow augmentation from groundwater or other
9 sources. Initiation of flow augmentation measures will be subject to applicable regulatory
10 approvals. Casitas will provide the State Board and CDFW with an initial identification of flow
11 augmentation options, applicable permitting requirements, and a proposal as to the timing of
12 implementation by on or before February 17, 2025. Casitas will also consider, and meet and
13 confer with the State Board and CDFW about, setting minimum flows for “moderate” and/or
14 “wet” periods as a result of the technical work that will be completed through this Stipulated
15 Interim Order. Casitas will measure flow at the location within Camp Comfort once per week
16 during the pendency of this Stipulated Interim Order. Results and details about these
17 measurements (including a detailed description of the method for measurement and the quality
18 assurance and quality control efforts related to the measurement) will be provided in the quarterly
19 reports.

20 9. Robles Diversion Flow Protocols: Casitas will continue to maintain the flow
21 protocols, summarized in Exhibit “C” hereto, in the existing 2003 National Marine Fisheries
22 Service Biological Opinion issued to the United States Bureau of Reclamation for the operation
23 of the Robles Diversion and Fish Passage Facility.

24 10. Conservation Requirements: Each of the individual Watershed Parties shall
25 implement all legally required water conservation measures. For public agency parties, the
26 conservation measures shall be no less than those required by existing laws, ordinances and
27 agreements applicable to them. For agricultural parties, industry standard agricultural
28 conservation measures shall be implemented. This provision does not address nor impair in any

1 manner the water rights claims of the Watershed Parties and does not specify a specific water
2 consumption amount for agricultural parties. The Watershed Parties will provide detailed
3 information about the water conservation measures they are implementing, and any actions taken,
4 in the quarterly reports.

5 **Interim Watershed Projects**

6 11. The Watershed Parties with jurisdictional authority to act and as identified in the
7 following paragraphs shall implement the projects listed below:

8 a. Removal of Pipeline Passage Barrier at Foster Park: Ventura shall
9 implement the pipeline passage barrier removal project at Foster Park. Ventura will use good
10 faith efforts to complete a passage barrier removal feasibility study and identify preferred
11 alternatives by July 31, 2025. Following selection of the preferred alternative, Ventura will
12 develop a design, permitting and construction schedule for the project, in coordination with the
13 permitting agencies, and shall report that schedule to the Court by December 31, 2025 and also
14 provide updates through the quarterly reporting process in this Stipulated Interim Order. This
15 Stipulated Interim Order may be amended to include the design, permitting and construction
16 schedule through the process described in this Stipulated Interim Order.

17 b. Fraser Street Road Passage Barrier Improvement: The Watershed Parties,
18 as expressly provided for in this Stipulated Interim Order, shall support project-specific efforts
19 toward improvements to the Fraser Street Road Crossing. This support may include future
20 monetary contributions to fund feasibility studies, engineering design, and project permitting and
21 potential project-specific implementation. The Watershed Parties shall commence the
22 preliminary planning process on or before June 1, 2025, and will include in that preliminary
23 planning process an assessment of the permitting requirements, the anticipated cost for
24 implementation of the project, and identification of funding sources (including grants) or local
25 funding options. Updates on this preliminary planning process will be reported to the Court
26 through the quarterly reporting process contained in this Stipulated Interim Order. Any
27 improvements selected will be subject to a final feasibility study, appropriate funding, permitting
28 and all required approvals.

1 c. Steelhead Habitat Enhancement Pilot Project: This project involves
2 planning for the creation of habitat complexity components to improve *O. mykiss* rearing and
3 holding opportunities in San Antonio Creek. The planning process shall include the physical,
4 hydrological and biological assessment of a range of projects such as installation of a pool or
5 pools downstream of Camp Comfort, large woody debris, or other enhancements. The planning
6 process will also include an assessment of the permitting requirements, the anticipated cost for
7 implementation of the projects, and identification of funding sources (including grants) or local
8 funding options (including potential future funding commitments of specific Watershed Parties or
9 other funding options through a final Physical Solution). Casitas shall commence this planning
10 process on or before June 1, 2025, and will report progress to the Court through the quarterly
11 reporting process contained in this Stipulated Interim Order.

12 d. Arundo Removal: The Watershed Parties, the State Board and CDFW, as
13 provided in this Stipulated Interim Order, will support and expedite Arundo removal and related
14 maintenance work through the efforts of Cross-Defendant Ojai Valley Land Conservancy
15 (OVLC) and/or other subsequently identified and agreed upon parties. The Watershed Parties
16 have met and will continue to meet with OVLC to develop a feasibility plan to support OVLC's
17 efforts, including eradication prioritization efforts in upstream locations. Ventura and any other
18 Watershed Party who elects to participate will also develop a funding plan to support OVLC's
19 efforts. The Watershed Parties will update the Court on this feasibility plan through the quarterly
20 reporting process. Ventura will similarly update the Court on the funding plan through the
21 quarterly reporting process. Each Watershed Party shall only be responsible for its specific
22 commitments, if any, made in the feasibility plan, and/or, as applicable, any financial or "in kind"
23 commitments as made in the funding plan, which commitments are all subject to public agency
24 approval, as applicable, for any public agency that has chosen to participate. The Watershed
25 Parties understand that OVLC will be responsible for its procurement, permitting and other
26 aspects of implementation of the Arundo removal work. The Moving Parties will also cooperate
27 in and, as appropriate, support OVLC's efforts to expeditiously obtain all required state and
28 federal authorizations for conducting Arundo removal efforts.

1 e. Human Encampments. Interested members of the Watershed Parties with
2 jurisdictional authority, control of specific private property or who otherwise wish to participate,
3 the State Board and CDFW shall meet to discuss ways in which they may be able to work in good
4 faith to support the removal of human encampments in the Watershed that have a negative impact
5 on Watershed conditions. It is understood that not all Moving Parties have jurisdictional
6 authority over addressing conditions in human encampments and that the only requirement under
7 this provision is to meet to discuss the issue in good faith.

8 f. Matilija Dam Removal Efforts: The Watershed Parties will reasonably
9 support the Matilija Dam removal efforts.

10 g. Permitting Requirements: All of the projects and activities identified in
11 this paragraph are subject to compliance with all applicable laws and the obtaining of all
12 applicable permits, including, but not limited to, approvals as necessary from Watershed
13 Protection in implementing Ordinance No. WP-2.

14 **Initial Governance Efforts**

15 12. The Watershed Parties will work with the Ojai Basin Groundwater Management
16 Agency (OBGMA) and the Upper Ventura River Groundwater Agency (UVRA) to seek to cause
17 those agencies to commence any required processes necessary for those agencies to serve as
18 potential Management Entities in a permanent Physical Solution. The requirements of this
19 paragraph and the actions required under it will not prejudice what is to be included in any
20 permanent Physical Solution, which may include different or additional Management Entities,
21 including, but not limited to, the Foundation and Cross-Defendants in the Upper Ojai Basin, who
22 may also play a management role as part of a permanent Physical Solution. The purpose of this
23 paragraph is solely for the Watershed Parties to work with OBGMA and UVRA to commence
24 any processes that are required such that those entities would be available for timely designation
25 by the Court as Management Entities in the event that they are proposed as such in the permanent
26 Physical Solution and agree to such a role.

Quarterly Reporting and Court Oversight

13. The Moving Parties shall file quarterly reports with this Court regarding the status of conditions in the Watershed, status of implementation of the Stipulated Interim Order, and the status of the structured mediation. Ventura will be responsible for coordinating the preparation and filing of these quarterly reports. Conditions in the Watershed to be included in these quarterly reports shall include, at a minimum, publicly available measured flow data at Foster Park and Camp Comfort and general information about precipitation in the Watershed, the measured level of Lake Casitas and other publicly reported information relevant to this Court's understanding of Watershed conditions. The quarterly report shall also include material updates on actions, if any, taken to implement the specific terms of this Stipulated Interim Order.

14. The Court, upon request of one or more of the Moving Parties, may consider amendments to this Stipulated Interim Order based on the information contained in the quarterly reports. To the extent that the Moving Parties wish to propose such amendments, they shall do so in the quarterly reports, and the Court may provide instructions to the Moving Parties regarding such proposed amendments.

Term of Stipulated Interim Order, Extension of the Stay and Negotiating Schedule

15. This Stipulated Interim Order and its terms shall end on April 1, 2026, subject to extension by the Court for good cause shown.

16. The current stay of this case shall be extended for all purposes to April 1, 2026, subject to extension by the Court for good cause shown.

17. The Moving Parties shall continue the structured mediation in accordance with the specific negotiating schedule, including monthly, in-person meetings of the mediating parties, attached to this Stipulated Interim Order as Exhibit "D".

18. The Watershed Parties shall provide a complete response (Counter-Offer) to the State Board and CDFW's proposal (Offer) regarding the elements of a permanent Physical Solution to the State Board and CDFW on or before May 1, 2025. The Counter-Offer shall include proposed implementation measures, including measures designed to increase flow, as feasible. To facilitate development of this Counter-Offer, the Watershed Parties have provided a

Counter-Offer development roadmap to the State Board and CDFW. In addition, Casitas and Ventura will, in consultation with the Watershed Parties, the State Board and CDFW, develop a proposed means for defining water-year and/or water-month types by January 31, 2025, for discussion in the structured mediation. The Offer, the Counter-Offer, the Counter-Offer development roadmap, the proposed water-year and/or water-month types shall be considered confidential settlement proposals and are covered by the applicable mediation privilege, unless otherwise agreed to by all the Moving Parties. If the State Board, CDFW, and/or one or more of the Watershed Parties contend that one or more of the Watershed Parties have not timely fulfilled the obligations of this paragraph in good faith, the State Board, CDFW, and/or one or more of the Watershed Parties may, after good faith meet and confer efforts, file a request with this Court to terminate this Stipulated Interim Order and the stay, or to otherwise seek appropriate relief from the Court.

Reservation of Rights and Responsibilities to Implement this Stipulated Interim Order

19. The Moving Parties expressly reserve all of their rights, claims and defenses, including all water rights claims, claims of respective priority and their ability, as needed, to adjudicate such rights and claims in the future in accordance with the Comprehensive Adjudication Statute. In addition, this Stipulated Interim Order has no impact on any of the rights, claims and defenses, including all water rights claims, claims of respective priority and ability, as needed, to adjudicate such rights and claims in the future, of any other Party to this case. All such rights, claims and defenses are reserved.

20. This Stipulated Interim Order only obligates the Moving Parties as expressly provided herein. The obligations of the Watershed Parties set forth in this Interim Order are not joint and several, unless expressly provided. Obligations in this Interim Order that are expressly assigned to a specific party or to specific parties shall be the sole responsibility of that specific party or those specific parties.

21. This Order subject to further terms stated on the record, to be included in City's Notice of Ruling.

IT IS HEREBY ORDERED:

Dated: 01/14/2025


JUDGE WILLIAM F. HIGHBERGER

STIPULATION FOR [PROPOSED] INTERIM ORDER — EXHIBIT A

Interim Water Period Typing Definition for Foster Park Protocols

Introduction

The City of San Buenaventura (City of Ventura, City) has developed a definition of interim water period typing for implementation of the temporary Foster Park Protocols that are included in the proposed Ventura River Adjudication Interim Order, to satisfy the requirement in Item 3 of the Term Sheet for the Interim Order.

On October 11, 2024, the Term Sheet for the Interim Order was agreed upon during a Joint meeting of State and Watershed Parties Principals, including a deadline for submittal of the Foster Park interim water period typing method to the State by December 1st 2024, and agreement by the State and City on the method by January 1, 2025. Over the subsequent month, the City worked on development of potential interim water period typing methods.

City staff conferred with staff from the State Water Resources Control Board and the California Department of Fish and Wildlife (State) on two occasions during the development of the definition. The City incorporated feedback from the State and on December 12, 2024, City and State staff agreed on the interim water period typing definition. The water period typing definition was presented to Principals for the City and State on December 18, 2024 and was approved by all parties.

Proposed Water Period Typing for the Foster Park Protocols in the Proposed Interim Order

Water Month Type Definition

Water month types were defined by precipitation, using thresholds (i.e., “bins”) developed from evaluation of historical precipitation and streamflow data. This method accounts for antecedent watershed conditions by including the previous water year’s (WY) precipitation total as well as the current WY’s cumulative precipitation to date in the water month type calculation.

The water month type for implementation of the Foster Park Protocols in the Proposed Interim Order is defined as inches of precipitation output from a weighted precipitation formula, using daily total precipitation data from the Ventura County Watershed Protection District’s (VCWPD) rainfall gage 030D (Ojai-County Fire Station):

Table 1. Water Month Type and Flow Criteria

Water Month Type	Interim Order Foster Park Protocol Flow Criteria
Wet	9 cfs*
Moderate	7 cfs
Dry	5 cfs

* cfs = cubic feet per second

Table 2. Water Month Type Definitions Using a Weighted Precipitation Formula to Incorporate Antecedent Conditions

As of Date ¹	Formula ²	Water Month Type Based on the Results of the Formula Calculation
Oct 1 st	If Sep total precipitation $\leq 0.9"$, then same month type as June. If Sep. total precipitation $> 0.9"$, then month type is wet.	
Nov 1 st	If Oct. total precipitation $\leq 3.3"$, then same month type as June. If Oct total precipitation $> 3.3"$, then water month type is wet.	
Dec 1 st	$= (0.7 * \text{Precip}_{\text{pre}}) + (0.3 * (\text{Oct} + \text{Nov Precip}))$	Wet: ≥ 21.4 Moderate: 11.9 – 21.3 Dry: ≤ 11.8
Jan 1 st	$= (0.4 * \text{Precip}_{\text{pre}}) + (0.6 * (\text{Oct} + \text{Nov} + \text{Dec Precip}))$	Wet: ≥ 18.1 Moderate: 9.5 – 18.0 Dry: ≤ 9.4
Feb 1 st	$= (0.3 * \text{Precip}_{\text{pre}}) + (0.7 * (\text{Oct} + \text{Nov} + \text{Dec} + \text{Jan Precip}))$	Wet: ≥ 16.0 Moderate: 11.2 – 15.9 Dry: ≤ 11.1
Mar 1 st	$= (0.2 * \text{Precip}_{\text{pre}}) + (0.8 * (\text{Oct} + \text{Nov} + \text{Dec} + \text{Jan} + \text{Feb Precip}))$	Wet: ≥ 23.3 Moderate: 13.8 – 23.2 Dry: ≤ 13.7
Apr 1 st	$= (0.2 * \text{Precip}_{\text{pre}}) + (0.8 * (\text{Oct} + \text{Nov} + \text{Dec} + \text{Jan} + \text{Feb} + \text{Mar Precip}))$	Wet: ≥ 27.2 Moderate: 15.7 – 27.1 Dry: ≤ 15.6
May 1 st	$= (0.1 * \text{Precip}_{\text{pre}}) + (0.9 * (\text{Oct} + \text{Nov} + \text{Dec} + \text{Jan} + \text{Feb} + \text{Mar} + \text{Apr Precip}))$	Wet: ≥ 27.3 Moderate: 16.2 – 27.2 Dry: ≤ 16.1
Jun 1 st	$= (0.1 * \text{Precip}_{\text{pre}}) + (0.9 * (\text{Oct} + \text{Nov} + \text{Dec} + \text{Jan} + \text{Feb} + \text{Mar} + \text{Apr} + \text{May Precip}))$	Wet: ≥ 26.0 Moderate: 15.7 – 25.9 Dry: ≤ 15.6
Jul 1 st	Same water month type as June.	
Aug 1 st	Same water month type as June.	
Sep 1 st	Same water month type as June.	
Notes: ¹ The water month type of the previous month is determined as of the first day of the month, and implementation of flow criteria starting on the second day of each month. The water month type will be re-evaluated on the fifteenth of the month using the next month's formula. See <i>Implementation</i> for details. ² Precipitation data to be used in formula: - Precip = current water year's cumulative precipitation total (inches) - Precip _{pre} = previous water year's annual precipitation total (inches)		

Implementation

From an operational perspective, the City must determine a water month type to inform forward-looking management of pumping. For implementation of the interim Foster Park flow protocols, the City proposes evaluating on the first day of each month what month type has just finished and the fifteenth (15th) day of each month what month type is upcoming. The determined month type will govern operations from the second day of the month through the fifteenth day of the same month when the water month type is re-evaluated. For example, operations in January will be governed by precipitation

through the end of December input into the formula, with the determination of water month type made on January 1st, and the corresponding flow criteria in place from January 2nd through January 15th. On January 15th, the water month type will be evaluated using the February formula and this water month type and corresponding flow criteria will be in place until February 1st. Evaluation of water month type and implementation of a change in flow criteria will occur on workdays only (i.e., Monday – Friday, excluding holidays). If the 1st, 2nd, 15th, or 16th days of the month fall on weekends or holidays, the evaluation and/or implementation will occur on the following weekday.

STIPULATION FOR [PROPOSED] INTERIM ORDER — EXHIBIT B

1.1 The flow regime at Foster Park may be temporarily modified or suspended under emergency conditions. Emergency conditions include Act of God, unforeseen pipe failure, and the inability of the City to obtain sufficient usable replacement water from Casitas Municipal Water District or other sources to serve its customers. The City shall promptly notify the State Board, CDFW and the Court in writing whenever such an emergency condition exists. The notification shall include the justification for the modification, and supporting documentation. If necessary, the City, the State Board and CDFW shall meet and confer about the modification or suspension to limit its impact on Southern California steelhead and other impacted species.

1.2 If the City seeks to modify the flow regime pursuant to Section 1.1 above because it is unable to obtain replacement water from Casitas Municipal Water District, the City shall provide the State Board, CDFW and the Court with 30 days written notice, if such notice is feasible in light of water management plans or testing trends, or as much advance notice as is feasible when the inability results from an unexpected event. If the modification is based on the inability to obtain replacement water from Casitas, the City shall implement the following specific water conservation measures in the impacted service area during the emergency period of modification or suspension:

1.2.1 City Actions.

- a. Encourage maximum conservation by all customers and users in the impacted area.
- b. No outdoor irrigation using potable water will be allowed.
- c. All water use not required for health and safety is prohibited.
- d. Suspend the issuance of any new development approvals and new water connections in the impacted area other than those required to be processed by state law. Building permits which do not create new demand for water or which are for emergencies, public safety and water conservation may be exempted by the City Manager.

1.2.2 Water Customer Actions.

- a. Comply with mandatory water conservation regulations.
- b. Prohibition of all outside water use unless necessary for the preservation of health and safety and the public welfare.
- c. Watering with hand-held five gallon maximum bucket, filled at exterior hose bib or interior faucet (not by hose) shall be allowed at any time. This will assist in preserving vegetable gardens or fruit trees.
- d. The filling of swimming and wading pools is prohibited.

STIPULATION FOR [PROPOSED] INTERIM ORDER — EXHIBIT C

Existing Flow Protocols at the Robles Diversion and Fish Passage Facility

Casitas, as well as the United States Bureau of Reclamation (“USBR”), have been active participants in the recovery of SC steelhead in the Ventura River since the federal listing of Southern California steelhead (*Oncorhynchus mykiss* or “O. Mykiss”) in 1997, through the design, construction, and operation of a fish passage facility at the Robles Diversion and Fish Passage Facility (“Robles Facility”). The Robles Facility, owned by USBR and operated by Casitas, diverts water from the Ventura River to Lake Casitas only when there are sufficient flows in the Ventura River to meet the in-stream flow requirements previously imposed by the 2003 National Marine Fisheries Service (“NMFS”) Biological Opinion for the Robles Diversion and Fish Passage Facility (the “Biological Opinion”).

The Robles Facility is located on the “Dry Reach” of the Ventura River and there is little to no flow in the Dry Reach for most of the year.¹ Prior to diverting at the Robles Facility, a minimum flow of 20 cubic feet per second (CFS) must be confirmed in the Ventura River at the Robles Facility. Diversions rarely occur during summer and fall months due to dry conditions, and there have been some years in the recent past where Casitas has been unable to divert from the Ventura River to Lake Casitas at all.

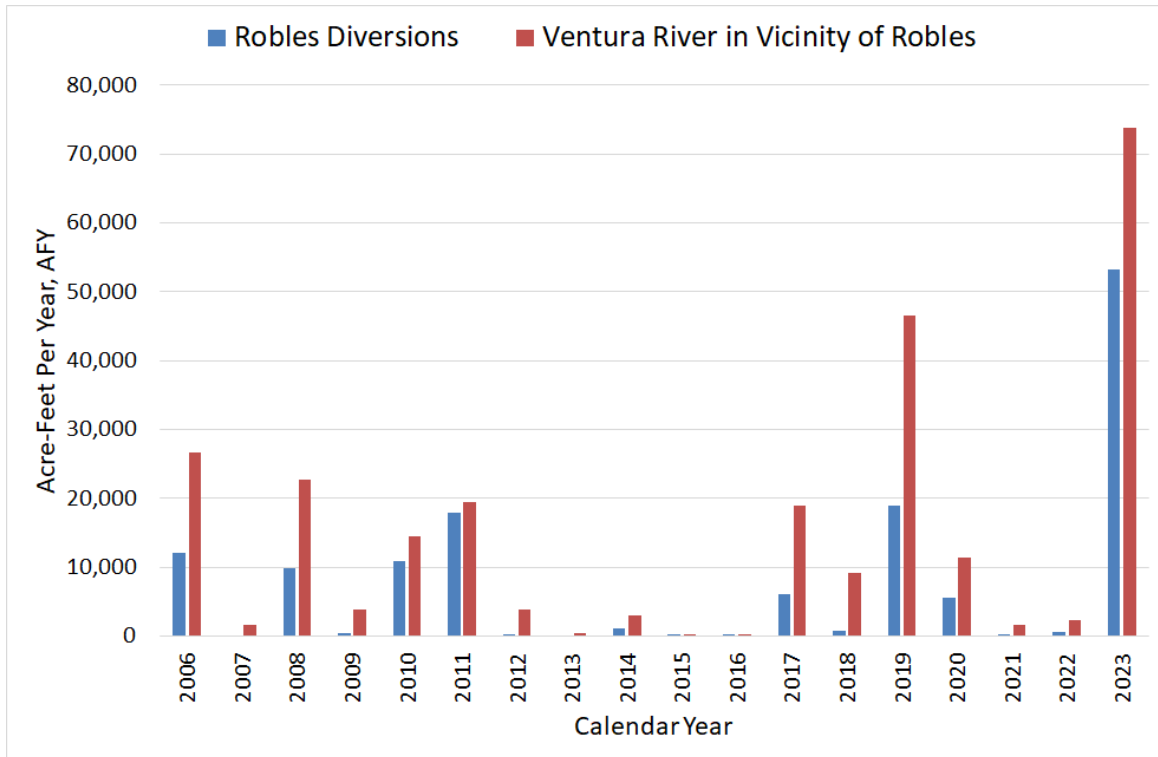
In accordance with the Biological Opinion, during the fish passage augmentation season (January 1 – June 30²), the instream flow requirements imposed on Casitas at the Robles Facility increase before and after storm events. For example, once a defined storm event first occurs, the Biological Opinion imposes a minimum flow in the Ventura River at the location of the Robles Facility of 30 CFS before Casitas can divert from the Ventura River to Lake Casitas. The minimum instream flow bypass requirement increases to 50-171 CFS for 10-12 days after subsequent migratory storm events. Therefore, Casitas, at all times, already bypasses between 20 and 171 CFS at the Robles Diversion per the existing Biological Opinion in order to protect Steelhead.

About 80% of the time there is no significant surface flow in the Ventura River at the Robles Facility (Cardno-Entrix 2012³), and the chart below shows that diversions do not occur during dry periods (e.g. 2012-2016).

¹ In the Dry Reach of the Ventura River water percolates rapidly through the highly permeable riverbed to the groundwater alluvium flowing from north to south, following the surface drainage of the Ventura River. Except during very wet rainfall years, surface water in the Dry Reach generally disappears underground once storm flows have passed—even when surface flow is still present in other reaches of the Ventura River upstream and downstream of the Dry Reach.

² The greatest potential for flow in the vicinity of the Robles Facility falls between January and June each year.

³ Cardno-Entrix. 2012. Ventura River Watershed Protection Plan Report. Prepared for Ventura County Watershed Protection District. February 2012.



The table below shows the estimated amount of Casitas' water that remained in the Ventura River as instream flows since implementation of the NMFS Biological Opinion. After the Biological Opinion was implemented, the Ventura River Watershed experienced extremely dry conditions from 2012-2022 which allowed for little to no diversions at the Robles Facility.. Prolonged drought conditions are common in this flashy Southern California watershed where drought can be immediately followed by extreme precipitation and flooding, sometimes during the same water year.

Casitas Water Remaining in the Ventura River as Instream Flows under NMFS Biological Opinion Operations for Southern CA Steelhead (Estimated based on Calendar Year 2006-2023 Operations)	
Minimum, Acre-Feet per Year	0
Maximum, Acre-Feet per Year	19,724
Average, Acre-Feet per Year	4,256

STIPULATION FOR [PROPOSED] INTERIM ORDER — EXHIBIT D

Monthly meetings between the Watershed Parties and the State shall occur on one day during the third week of each month during the term of the Stipulated Interim Order. The meeting schedule would therefore be as follows:

<u>Mediation Session No.</u>	<u>Month & Year</u>	<u>Mediation Dates</u>
1	January 2025	1/22/25
2	February 2025	2/18/25 – 2/20/25
3	March 2025	3/17/25 – 3/20/25
4	April 2025	4/21/25 – 4/24/25
5	May 2025	5/19/25 – 5/22/25
6	June 2025	6/23/25 – 6/26/25
7	July 2025	7/28/25 – 7/31/25
8	August 2025	8/19/25 – 8/21/25
9	September 2025	9/16/25 – 9/18/25
10	October 2025	10/21/25 – 10/23/25
11	November 2025	11/18/25 – 11/20/25
12	December 2025	12/16/25 – 12/18/25
13	January 2026	1/20/26 – 1/22/26
14	February 2026	2/17/26 – 2/19/26
15	March 2026	3/17/26 – 3/19/26