

1 RUTAN & TUCKER, LLP
Jeremy N. Jungreis (State Bar No. 256417)
jjungreis@rutan.com
2 Douglas J. Dennington (State Bar No. 173447)
ddennington@rutan.com
3 Travis Van Ligten (State Bar No. 301715)
tvanligten@rutan.com
4 18575 Jamboree Road, 9th Floor
Irvine, CA 92612
5 Telephone: 714-641-5100
Facsimile: 714-546-9035

6 Attorneys for Cross-Defendant
7 CASITAS MUNICIPAL WATER DISTRICT a California
special district
8

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 FOR THE COUNTY OF LOS ANGELES, DISTRICT
SANTA BARBARA CHANNELKEEPER, a
11 California non-profit corporation,

Case No. 19STCP01176

12 Petitioner,

Judge: *Hon. William F. Highberger*
Dept: 10

13 vs.

14 STATE WATER RESOURCES CONTROL
BOARD, et. al.,

**DECLARATION OF CASITAS
MUNICIPAL WATER DISTRICT
GENERAL MANAGER MICHAEL FLOOD
IN SUPPORT OF JOINT EX PARTE
APPLICATION FOR AN ORDER TO
CONTINUE THE CURRENT STAY FOR
AN ADDITIONAL SIX MONTHS TO
SEPTEMBER 30, 2023**

15 Respondents.
16

*[Filed concurrently with the Joint Ex Parte
Application and [Proposed] Order]*

17 CITY OF SAN BUENA VENTURA, et. al.,

18 Cross-Complainant,

Date: March 21, 2023
Time: 10:00 a.m.
Dept.: 10

19 vs.

20 DUNCAN ABBOTT, an individual, et al.,

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

21 Cross-Defendants.
22
23
24
25
26
27

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

DECLARATION OF MICHAEL FLOOD

I, Michael Flood, declare:

1. I am the General Manager of Casitas Municipal Water District (“Casitas”). I have personal knowledge of the facts set forth in this declaration, and if called as a witness, could competently testify to all matters set forth herein.

2. I make this declaration in support of the Joint Application for an order from the Court continuing the current stay in this action for an additional six (6) months to September 30, 2023.

3. I have been appointed by the Casitas Board to serve on the Casitas Negotiating Team in connection with the mediation in this matter.

4. In this role, I have attended all mediation sessions held with the mediator, David Ceppos, and representatives of the cities of Ojai and Ventura and the East Ojai Group (collectively the “Initial Mediation Parties”) as well as representatives of the Ventura River Water District (VRWD), Meiners Oaks Water District (MOWD), the Wood-Clyaessens Foundation (Foundation), Rancho Matilija Mutual Water Company (Rancho Matilija) and the Ventura County Watershed Protection District (Watershed Protection District).

5. Since the last extension of the stay in September of 2022, I have attended mediations sessions on November 15 and 16, 2022, December 16, 2022 and February 10, 2023.

6. In my role on the Casitas Negotiating Team, I have also participated in other meetings with the mediator as requested, and in other meetings with other Ventura Watershed stakeholders to discuss possible components of a physical solution and associated governance structure. Good progress has been made, but much work remains.

7. I believe that the parties in the mediation are making good progress towards a resolution of the issues presented in the litigation. The parties worked with the mediator and prepared an Exempt Class Proposal that defines the basis to be classified as an Exempt Party, while still ensuring that said parties remain under the Court’s jurisdiction and able to address changed circumstances that may arise. The Court previously approved the Proposal. While much

-2-

1 additional work is required, the progress that is being made suggests to me that additional
2 mediation should be pursued.

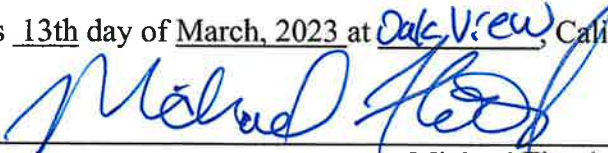
3 8. While significant progress has been made towards a final settlement and physical
4 solution, it will not be feasible to complete the mediation by March 30, 2023. The weather
5 unfortunately did not cooperate with Casitas' efforts to complete all required tasks associated with
6 the mediation. The storms that battered Ventura County in January, February and March 2023
7 caused severe flooding and substantial damage to critical Casitas facilities on the Ventura River,
8 including the Robles Diversion into Lake Casitas, so significant attention—by necessity—had to
9 be focused on operational issues associated with protecting public safety and keeping critical
10 water supply facilities functional. As a result, several mediation sessions were delayed or had to
11 be postponed.

12 9. More work and mediated discussions are required by the mediating parties, and
13 other parties will need to be incorporated into the mediation over the next six months, including
14 Channelkeeper, the State Water Resources Control Board, and the California Department of Fish
15 & Wildlife, before a final settlement proposal can be submitted for the Court's consideration.

16 10. Obtaining an additional six months extension of the stay to September 30, 2023
17 should provide the parties with time to continue to making diligent progress towards a settlement.

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

20 Executed this 13th day of March, 2023 at Oak View, California.



21
22 Michael Flood
23 General Manager, Casitas MWD
24
25
26
27