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State water slashed

Unallocated water supply cut to a trickle

By Ann Fairbanks
Telegram-Tribune

Slow-growth won big Wednesday when the county Board of Supervisors agreed to

■ SLO petitions delivered, A-14

take only 300 acre-feet a year of unclaimed state water.

The county Engineering Department had recommended that the board reserve the county's entire 25,000 acre-foot allot-

ment, even though communities have signed contracts for only 7,728 acre-feet.

But during an 11-hour public hearing featuring a long series of 3-2 votes, the board committed to a total of only 8,028 acre-feet — a commitment that could shrink to 5,000 acre-feet with none going to San Luis Obispo.

"What is this? 'Let's Make a Deal?'" a member of the audience shouted out late in the evening as the supervisors considered multiple motions ranging — in the case of the unclaimed water — from 10,000 acre-feet to none.

By the time the supervisors adjourned at 10:45 p.m., they had hammered out agreements to:

■ Reserve only 300 acre-feet of the unclaimed water for two years, despite requests for up to 11,426 acre-feet of it from 28 agencies and individuals.

■ Contract for the 7,723 acre-feet committed to by 10 agencies, even though some of those refused to go along with the county's requirement that state water be used to offset ground water pumping.

■ Relinquish San Luis Obispo's share of 3,000 acre-feet if the city can't resolve

the referendum on its participation in the State Water Project by Dec. 1.

■ Begin negotiations to sell off the remainder of the 25,000 acre-feet the county is entitled to under the 1964 agreement with the state.

Voting to limit the county's commitment to state water were Bud Laurent, David Blakely and Evelyn Delany. Opposing it were Ruth Brackett and Harry Ovitt.

San Luis Obispo County's commitment for no more than 8,028 acre-feet a year

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represents 32 percent of that entitlement. But it could drop down to 25 percent if San Luis Obispo ends up, in Blakely's words, "up the creek with no water."

That wouldn't bother most of the people who spoke to the supervisors Wednesday. Of some 50 speakers, 40 of them were adamantly opposed to the State Water Project. Most of them urged the board to heed the San Luis Obispo voters' will and to ignore developers' pleas for the unclaimed water.

"One clear fact has emerged: The people of San Luis Obispo do not want state water," Pat Veasart, a San Luis Obispo building contractor, told the board.

"Developers, on the other hand, want state water so bad they can already taste the trihalomethanes," he said, referring to the suspected carcinogen formed when decaying vegetation in water reacts with chlorine.

Beginning at 9 a.m., the board listened to nearly three hours of staff reports and four hours of public testimony before spending four hours negotiating amounts and logging varying combinations of 3-2 votes.

The eventual 3-2 decision on the unclaimed water was probably the most protracted. It required a half-dozen motions before Blakely agreed to 300 acre-feet because — he explained later — he was afraid Delany would up the ante.

Blakely had initially proposed that no unclaimed water be reserved. Delany countered that she couldn't support all of the requests for the "unallocated" water, but felt that some were "valid" — such as Varian Ranch's request for 65 acre-feet to blend with its unreliable well water

and Avila Valley's request for 40 acre-feet for similar reasons.

But Ovitt's motion to take 10,000 acre-feet of unclaimed water was supported only by Brackett.

Delany's motion for 1,000 acre-feet died for lack of a second; Brackett's motion for 4,000 acre-feet got support only from Ovitt; and only Board Chairman Laurent supported Blakely's motion for none and Delany's subsequent motion for 500 acre-feet.

Finally, Laurent proposed — and got support from Delany and Blakely — that 300 acre-feet be reserved for up to two years. If after that time no agency has contracted for it, it will be returned to the state.

There should be no shortage of county buyers for that water. A total of 28 water companies, developers and landowners asked for up to 11,426 acre-feet of the untapped water — including requests misplaced last August and unearthed by county officials only this week for 1,000 acre-feet for five developments proposed by Rob Rossi.

Christine Peralta of San Luis Obispo said the flurry of requests refute proponents' claims that state water won't induce growth.

"With the current lineup of developers making requests for the unallocated water," she said, "it's become obvious to me that someone has been trying to pull someone's leg."

Carla Sanders, a San Luis Obispo resident and vocal state water opponent, called those requests "a proposal to have county taxpayers guarantee forever the performance of real estate speculators and paper water companies."

Blakely repeatedly voiced his objections Wednesday to taxing county residents to reserve water for future users. County Engineer Clint Milne estimated a tax rate of 15-cents per \$100,000 assessed valuation will be necessary to reserve 300 acre-feet.

However, he said, the current tax rate of \$10.90 will be retained until the

county sells off the rest of its share — which could take a couple of years. Once that's done, the tax rate would drop to about 15-cents and then nothing when the 300 acre-feet are bought up.

At that point, only those receiving state water will pay for it. And it's possible San Luis Obispo residents won't be among them.

That's because a referendum has been filed calling for an election on the city's participation in the State Water Project.

County Counsel Jim Lindholm told the supervisors they could reject the city's contract for 3,000 acre-feet or, with permission from the state, they could give the city a deadline by which to make a firm commitment.

Carol Nelson, the state Department of Water Resources' coastal branch project manager, said the state has given Vandenberg Air Force Base a Dec. 1 deadline because its commitment depends on the passage of the federal budget.

She said the state would be willing to do the same for San Luis Obispo, whose commitment is clouded by factors beyond the city's control.

It required several votes before Laurent reversed himself and the board voted 3-2 — with Blakely and Delany dissenting — to keep San Luis Obispo in the project but give the city until Dec. 1 to make a firm commitment.

Blakely said he's concerned that the referendum will be challenged and that those "legal maneuverings ... will circumvent the will of the people."

In explaining his vote later, Laurent said he's "counting on" the opponents of state water prevailing — either in a November election or by litigation tying up the issue past the deadline.

On Dec. 1, the county will notify the state to drop San Luis Obispo if the city hasn't confirmed its commitment for 3,000 acre-feet.