



RUNNING ON EMPTY

Water fight could last awhile, cost millions

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SANTA MARIA — The Santa Maria basin will continue to provide plenty of water for agricultural and municipal uses in the future, but only if Twitchell Dam sedimentation problems can be solved.

And money is the solution to sedimentation, according to an engineer and a mediator attempting to resolve a massive lawsuit involving the basin.

The suit started over water rights, but it has since expanded to the issue of financing Twitchell's problems. Only a portion of the water basin pays property taxes to support the dam, which saves water for dry period recharge.

Former judge and mediator William Cahill gathered all sides Thursday morning as he began two days of work here to settle the five-year-old civil suit involving the Santa Maria Valley Water Conservation District against the city of Santa Maria, with other entities and more than 500 individual property owners brought in later.

Santa Maria, Guadalupe, Sisquoc and the Nipomo region were in the suit, with Oceano, Arroyo Grande, Grover Beach and Pismo Beach added officially as of December. Also involved are all landowners with a well and at least 10 acres of land in the overlying area.

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Attorneys representing 11 different sides and their clients gathered to face Cahill in the Santa Maria City Hall Council chambers.

After a morning session, he planned to go from side to side to listen to the various viewpoints in confidential conversations, seeking settlement points, compromises and consensus. More meetings were planned for today and next week if needed. Cahill said it could take 10 days.

Cahill said that if efforts at mediation fail, it will take a couple of years to prepare all the depositions, followed by a three- to six-month trial. It will cost millions and millions of dollars, he said.

"Litigation is a disaster," Cahill warned. He said up to 80 percent of the evidence gathering in the complex suit has been collected, but it is the last 20 percent when "money is spent so quickly."

He warned "you will not like the outcome... the basic elements of the basin will remain unaltered... you will not have what you want when it is over."

Even if litigation deals with all the water rights, it will still be a piece of paper that will not deal with the critical needs to keep Twitchell operating at a successful level, he said.

When built, Twitchell could hold back 250,000 acre-feet for both water conservation and flood control. Now, sediment has limited the storage to 205,000 acre feet. Because the flood control capacity must

remain at the same storage, all the loss is in water conservation capacity.

The water is released during dry periods to trickle down the Santa Maria River and recharge the basin.

The average contribution from Twitchell is an estimated 25,000 to 30,000 acre-feet a year, according to Joe Scalmanini.

This consulting engineer is the author of a March 2000 study on the water basin prepared for the Santa Maria Valley Water Conservation District.

It is estimated, according to water district attorney Kevin O'Brien, that \$1 million a year, for 20 years, will be needed just to stop sedimentation at Twitchell. It would not include restoration of the volume already lost.

The cost must be spread to everyone who uses water from the basin, not just those in the center of the Santa Maria Valley who make up the present water conservation basin, the agency says.

Scalmanini reviewed his newest findings Thursday.

"The basin ain't broke and ain't likely to be broke," Scalmanini said. "The basin has enough water to go around." It meets the water needs of today and "I expect it to tomorrow," the engineer reassured.

"The basin is not overstressed or over-drafted," he said. But, without Twitchell's recharge capacity, wells would drop and less water would be held in the basin, he said.

Scalmanini predicted 16,000 acres of new lands would go into cultivation or urbanization from 2020 to 2050, requiring a jump from the present demand of an estimated 144,000 acre-feet to 170,000 acre-feet of water for the Santa Maria Valley.

The Nipomo Mesa appears as more of a question mark, he said, because of growth. This area might need supplemental water sources, to come up from 10,700 to 16,200 acre-feet of water.

The San Luis Obispo County cities and Cienega (Oceano zone) Valley's increase will jump from 12,000 to 15,000 acre-feet.

Despite his report, there is much debate surrounding growth and water needs. Some people in the suit argue that replacing agriculture with homes reduces the water demand. They do not see Twitchell's needs as critical for anybody but the farmers.

Agriculture uses 120,000 acre-feet of water a year, to municipal use of 24,000 acre-feet, Scalmanini said.

Attorney Henry Weinstock, representing South San Luis Obispo entities and individuals, basically the Zone 3 Water Conservation District, said that these people already support Lopez Dam with their property taxes.

He said he believes his clients should not have been brought into the suit and would like to settle before they are dragged into the lengthy litigation.