

Farm, ranch water users ponder suit

SERVICES DISTRICT ASKED COURT FOR ADDED AUTHORITY

BY KATHE TANNER
THE TRIBUNE

Cambria ranchers and farmers might organize to fight for their water rights in the face of a lawsuit by the local services district.

Numerous ranchers and farmers who draw from the San Simeon Creek watershed were sued on Jan. 15 by the Cambria Community Services District.

The lawsuit asks the court to determine how much water each user in the watershed is entitled to draw. It also asks that the district be given equal footing with agriculture in times of drought.

At issue, three water-rights lawyers said at a meeting of ranchers and farmers Monday night, was how water from the San Simeon Creek watershed will be divided up in the future.

About 75 ranchers and farmers shoehorned themselves into the Treetop Room of the Cambria Pines Lodge on Monday to learn more about the suit.

Cambria Farm Center, a divi-

sion of the county Farm Bureau, sponsored the meeting and one held Feb. 3 in San Luis Obispo. Another meeting is planned for March 3.

The services district has set aside up to \$1 million toward legal fees for the suit.

Rancher Walter Fitzhugh said that no matter how landowners fight the battle, "It's going to cost the ranchers a lot of money to defend their water, and ranchers aren't operating on that big a margin already.

"And the settlement — whether they get to keep their water or get curtailed — is another potential loss," he added.

Commenting on the \$1 million the district has set aside for the lawsuit, Fitzhugh said: "If they budgeted that, it will cost that much or more for the ranchers to defend themselves."

Services district General Manager Vern Hamilton cautioned "against getting the townspeople all riled up to grab their pitchforks and torches to storm the monster's castle.

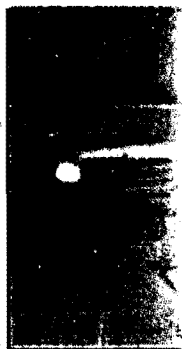
"Cooler heads always prevail in cases like this," he said. "So beware the individuals who spit fire and urge others to do the same."

Please see WATER, B3

PENSIVE IN THE RAIN: JUST ME, MY BI



Luke Reis, 3, of San Luis Obispo keeps a firm grip on his umbrella following a music program for toddlers on a rainy Wednesday.



Storm

Collette Street dressed for the occasion and stationed at a park in Monterey and San Luis Obispo.

Benches in the park as rain beaded on Monterey Street.

The showers t

State bar seizes SLO attorney's files

LAWYER WOULDN'T

document found at www.

The 58-year-old attorney was formally



used money by selling raffle tickets and their "Great Old Friends" calendar. Krantz was crowned Sunday raising \$2,739, the most of the candidates.

Krantz was very surprised and grateful to all my family and friends who helped me raise all this money," she said, giving special thanks to the Quota Club of Morro Bay, her sponsor.

Lifespan Executive Director Linda Mendelson said that a handful of other candidates attracted more than \$2,000. The prom attracted a nearly full house of 170 people to the Donna Inn.

"It just seemed like New Year's Eve," said Krantz, last year's queen runner up. Mendelson said the total amount raised won't be tallied until the calendar sale ends at the end of February. Calendars are available for purchase by calling Lifespan at 782-1111 or at AdCare facilities and National Bank branches throughout the county.

— Adam Jarman

Water

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The battle could mirror a similar lawsuit in the Santa Maria groundwater basin, "which has gone on for several years, and still isn't solved," Fitzhugh added.

That water-rights lawsuit involves many property owners in the Nipomo Mesa and surrounding areas.

Ken Bornholdt, one of the three attorneys at the Farm Center meeting, noted that because such cases are so complex, can take long to complete and are costly to fight, many wind up being settled out of court.

Bornholdt told ranchers and farmers they can accomplish a lot by banding together to fight the lawsuit.

Currently, ranchers and farmers can take from their wells as much water as they need to maintain their agricultural operations, their homes and for other needs.

The services district has the right to take 1,230 acre-feet of water a year from the aquifer,

with some restrictions on when the water can be diverted.

One acre-foot equals 325,900 gallons, enough water for a year's use by two average Cambria families. Families in the unincorporated community use, on average, much less water than others in the county.

Both Hamilton and district legal counsel Art Montandon asserted emphatically that taking ranchers' water is not the lawsuit's aim.

Montandon said the purpose of the litigation is to determine water rights as of the date the suit was filed, not to take anyone else's water.

He noted that the services district could wind up with lessened water rights than it now has.

Even so, "it's important for our planning purposes to have the court quantify what our main source of water is," Montandon said.

He added that if the services district got equal footing on rights to the aquifer in a drought, "everyone would share the pain equally.

"Now, the ranchers and farmers could pump what they need, and we could go dry,"

Montandon said.

Dave Crowther, who grows avocados in the area, said at Monday's meeting, "I don't see (the lawsuit) as a hostile or malicious act by CCSD. They have a need for more water for fire protection, emergency growth."

To get that water, the district can expand the facilities it already has, add new ones, such as a desalting plant or reservoir, or "they can go find somebody else's water and take it," he said.

The lawsuit hasn't yet been served on defendants, though many have already seen their names in the filing.

As the lawsuit proceeds, the extent of the watershed has to be defined, and exactly which properties are in it must be determined.

The amount of water available must also be figured, as well as who's using how much water and when.

Hamilton said he hopes to sit down with the agricultural community and discuss the issues, looking toward the possibility of a settlement.

"We don't want to cost people a lot of money," he said.

Attorney

From Page B1

on Wednesday.

Calls to Milstein's office are now routed to a state bar number in Los Angeles. A recorded message at that number informs Milstein's clients that the bar is conducting an inventory of the attorney's files. His clients, the message says, will be sent letters with instructions

According to a bar attorney, Milstein had an advertisement that promised to help inmates with life sentences earn early release from prison. After accepting money, the bar charged, Milstein would either write very short briefs or do nothing at all.

In some cases, clients paid \$6,000, the bar reported, even though the inmates would have had little chance of early release even with a vigorous defense.

cleared after a conviction for bribing a witness was overturned on appeal.

During a trial 10 years earlier, Milstein defended a client facing the death penalty in connection with two Los Angeles County murders.

The client was acquitted on several charges and took a plea of manslaughter, avoiding the death penalty and a life term. Sometime after that, prosecutors went after Milstein, saying

SCADERO

eria to share its Valentine's Day sales

Nardonne's Pizzeria in Atascadero will donate 10 percent of profits to the American Heart Association on Valentine's Day. The pizza parlor will be making heart-shaped pizzas in 12-, 14- and 16-inch sizes. Hours are 11 a.m. to 4:30 p.m., Nardonne's is located at 8501 El Camino. Call 466-8858 for information to order.