

# Settlement could help secure basin health

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Concerns over the health of the Santa Maria groundwater basin — including Nipomo's sub-basin — are being assuaged as a seven-year water-rights lawsuit nears a conclusion.

It's an end that could help landowners secure water rights and bring water from Santa Maria to supplement the Nipomo Mesa's groundwater supplies. It also aims to ease experts' worries that pumping too much groundwater could lead to sea-water intrusion.

Today a Santa Clara County judge will meet with lawyers representing hundreds of parties from Pismo Beach to Orcutt in the Santa Maria groundwater basin lawsuit to formally accept or reject settlement outlines that many farmers, landowners and water agencies are calling fair and rational.

"I think everybody's coming out as a winner in that we will have a monitoring plan and a management plan for the Mesa area" under the Nipomo section of the settlement, said Larry Vierheilg, president of the Nipomo Community Services District board of directors. "I think both the purveyors ... plus the landowners are going to have a much better understanding as to how the basin operates."

The fight over the Central Coast's groundwater began when the Santa Maria Valley Water Conservation District, representing primarily agricultural interests, sued Santa Maria, Guadalupe and the Cal Cities water company, a water provider in Orcutt and Nipomo, over concerns that the urban users would erode agricultural water rights.

Settlement terms for the Santa Clara Valley were outlined Dec. 23. They hinge on compromises about the distribution of

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## LAWSUIT:

*Continued from page A3*

rights to Twitchell Reservoir water, state water return flows and the creation of a groundwater management group.

The Nipomo Mesa section of the agreement, which will be added to the public record today, consists of two basic understandings:

■ Land owners would retain their historic water rights — meaning that farmers, corporations and individual property owners can pump as much as they want without meters attached to their wells. However, if drought conditions are detected on the Mesa, they could be required to limit their use to no more than 110 percent of what they are pumping now.

■ The NCS D would continue to take steps to purchase supplemental water from the city of Santa Maria, but not alone. Other water purveyors, including Cal Cities, and smaller water companies formed around specific de-

velopments would be required to buy into the system as well.

The first understanding would authorize the creation of a committee of hydrologists. These water experts would be charged with the responsibility of keeping careful tabs on the basin's health and encouraging water users to take appropriate actions if a resource shortage is detected.

"The idea is not to wait until there's a problem but to look at the warning signs so that we can take action," said Craig Par-ton, lawyer for Conoco-Phillips refinery. "We're trying to set up a system so that there will be some yellow-flag warnings that there are problems that need to be addressed."

The second understanding would spread the financial burden of the NCS D's purchase of 3,000 acre-feet of water per year from Santa Maria and construction of the estimated \$4 million pipeline to deliver it, said Michael LeBrun, the district's general manager.

An acre-foot of water is enough to serve approximately

two families for one year, according to the NCS D's calculations.

Last year NCS D board members expressed fears that decisions made by the San Luis Obispo County Board of Supervisors had destroyed incentives for other water providers to join the NCS D in their purchase of water.

The battle over the Central Coast's water has cost water agencies, their customers and landowners millions of dollars.

A relatively small player in the overall suit, the NCS D alone has already spent close to \$2 million on its legal bills, LeBrun said. About half of the revenue from water bills paid by the district's 3,600 customers goes to pay for these costs.

"Once the litigation ends, it's going to be a financial burden taken off the ratepayers' back, and I think everyone's looking forward to that," Vierheilg said.

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