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Water lawsuit hits a clog in settlement

By Erin Carlyle/Staff Writer

Hundreds of people and agencies involved in a seven-year fight over Santa Maria Valley groundwater are close to working out details of a settlement agreement - but one group is refusing to budge.

A group of rural landowners represented by Stewart Johnston of Santa Maria has rejected the settlement proposal and plans to continue a court battle over certain issues. Johnston refused Tuesday to describe exactly what those issues are, and the most recent court statement only vaguely referred to them.

"I think it's pretty plain that we didn't sign the outline agreement (of the settlement)," Johnston said, refusing to explain the position of his clients, who are known as the landowners group, or "LOG."

However, attorneys say the settlement will continue with or without the participation of Johnston and fellow attorney Robert Dougherty, who represent only a small fraction of the hundreds of parties involved.

Attorneys in the case met Tuesday in a San Jose courtroom to move the settlement ahead.

The fight over Santa Maria Valley groundwater began when the Santa Maria Valley Water Conservation District sued Santa Maria, Guadalupe, and Cal Cities Water Company, which provides water in Orcutt and Nipomo, over perceived threats to rural groundwater rights.

The district feared Santa Maria would "bank" increasing amounts of its State Water Project entitlement in the groundwater basin, eventually pushing out the traditionally superior rights of rural landowners. Though the city called that theory far-fetched, the lawsuit swelled to include hundreds of individuals and agencies.

After seven years of fighting, attorneys reached a settlement in late December, presented it to their clients, and returned to Santa Clara Superior Court Judge Jack Komar's court Tuesday to move the deal ahead. Lawyers are scheduled to return to court Feb. 15 to present details that have been worked out, said Eric Garner, who represents Santa Maria.

"Others have particular issues they are concerned about, but LOG is the only one actively opposing the whole settlement," Garner said.

"We're going to move forward with this case with or without LOG. And they know that," said Jim Markman, who represents the Nipomo Community Services District.

The LOG's refusal to settle means that issues it raises would be addressed through a trial, attorneys say.

"We're going to contend that they are treated fairly" in the settlement, Markman said. "That's why 95 percent of the people agree to it."

A short trial phase is also expected to hash out details of the settlement.

The court will have jurisdiction over the settlement agreement in perpetuity because it is a settlement-judgment, Markman said. Essentially, the plan spells out who has rights to groundwater, imported state water, and flows from Twitchell Dam, and establishes a management committee to oversee the basin.

Markman said the attorneys are considering having three management committees for the basin's three sub-areas: the Santa Maria Valley, the Nipomo Mesa, and the northern cities of Pismo Beach, Arroyo Grande, Oceano and Grover Beach.

"I think the judge thinks there's enough progress to keep working on it," said Kevin O'Brien, who represents the water conservation district. "Most of the parties seem pretty committed to try to get it done."

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