

# Nipomo moratorium unnecessary

**R**ecently, the San Luis Obispo County Board of Supervisors voted to reduce growth rates in Nipomo based upon the declaration of a Level 2 severity finding for Nipomo's water resources under the county's Resource Management System.

Comments at the meeting and elsewhere by Mike Winn, a current member of the Nipomo Community Services District (NCSD), improperly characterized the purpose of the Resource Management System. Using this inaccurate information, Winn had demanded that the board declare a Level 3 severity for Nipomo. This finding would impose a growth moratorium.

I led the team that wrote and implemented the Resource Management System for San Luis Obispo County during my 21-year tenure as county planning director. Not only did Winn mischaracterize the intent of the system, as a Nipomo Community Services District director, his stance is irresponsible. It is the duty of the elected directors of the NCSD to assertively pursue solutions to district problems, not simply sit back and demand a moratorium whenever challenges arise.

The Resource Management System is an early-warning tool for the county and its service districts that goes into effect whenever a resource, in this case water, is deemed to be insufficient to meet the demand called for at 100 percent of build-out of the county's current 20-year general plan.

A Level 1 designation means that the district should begin thinking about solutions to the anticipated problem and calls for a resource capacity study so a solution can be implemented and completed within a seven-year timeframe.

Level 2 is a critical stage because it sig-

nals that the time has come for the district to act, to hire a contractor or enter into an agreement so the solution to improve or enhance the resource can be completed within four years.

Level 3 is the fail-safe and should be declared only if the resource is at capacity and the district's directors have failed in their primary responsibility to properly plan for and manage the resource.

## Ned Rogoway Guest Commentary

One of the reasons it is so important that service district directors act responsibly and timely to correct resource imbalances is to avoid a Level 3 declaration and its resulting restrictions. Declaration of Level 3 would not be a solution to Nipomo's water problems, it would be a very severe crisis that couldn't easily be undone. Just ask the residents of Cayucos or Los Osos who've had to cope with moratoriums for many years. The property owners in these towns have had their private-property rights severely restricted, thanks to ineffective resource planning and execution. I don't think the residents of Nipomo want to join them.

Winn was elected by voters in the district to address and enhance the community's resources, not throw his hands in the air and start discussing moratoriums. His actions are particularly egregious when there is a clearly identified solution to Nipomo's future water problems and when the NCSD has moved forward in addressing this issue.

Nipomo could have purchased water from the state pipeline that runs through the middle of town in 1962, but it chose not to.

About a decade ago there was another opportunity to purchase water but Nipomo passed again. Now, Nipomo has yet another chance to meet its future water needs by

purchasing water from Santa Maria.

It is certainly no secret that Nipomo could have a problem with future water shortages, but that problem has a solution. Winn was elected to implement solutions, not to damage private property rights by effecting an unwarranted moratorium on growth. The NCSD has an agreement in principle to purchase water from Santa Maria. Santa Maria has water it wants to sell. The district has begun the initial planning for a pipeline to carry the water. Santa Maria has already made some infrastructure improvements to support the pipeline on its end.

The water adjudication lawsuit currently before the California Superior Court is close to settlement, a settlement which specifically outlines the Santa Maria water purchase as the NCSD's solution. Since this stated intention to buy water from Santa Maria will alleviate any potential water shortage during the 20-year period covered by the current general plan, why would Winn advocate for a completely unneeded Level 3 designation?

Yes, the pipeline will certainly be expensive. But doing nothing would be even more expensive. Sooner or later, growth or no growth, Nipomo will need to act to ensure its future water supply. Infrastructure improvements never get any cheaper.

Local property owners and developers have offered to help fund the project with up-front payments for future water now. The solution is in place, help with project funding is available. What Nipomo needs now is constructive action from its elected NCSD directors, not building moratoriums and the economic hardships moratoriums bring.

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*Ned Rogoway was the San Luis Obispo County Planning director from 1959 to 1981.*

# Santa Maria Valley water options

**W**hen reading the newspaper accounts of Nipomo growth, available water and sale of Santa Maria water to Nipomo to service

this growth, it seems that it would be well to consider that Nipomo may be buying and Santa Maria selling water that may not be theirs to buy or sell.

This proposal may become more clear as the litigation progresses (SMWCD vs. City of Santa Maria) in a case now being heard in Santa Clara County. It would now seem that overlying land owners' rights in the Santa Maria ground water basin would be adversely affected by such an agreement, and thus would be an issue for litigation.

Santa Maria's claim to any Twitchell Dam water, native water, state water return flows and all other waters by any other name may be adversely impacted by their position as an appropriator of water (as is the receiver, Nipomo) and second in right to the overlying land owners in the basin.

Further, Santa Maria has at times asserted an overdraft in the Santa Maria basin, as has Santa Barbara County (Orcutt Community Plan, WAT-02). The movement and sale of water to deficient areas of the counties would seem to be counter and inconsistent to these assertions.

In an effort to more fully understand the situation that now exists, consider the following:

■ Nipomo may be in the Santa Maria ground water basin, but most areas so defined do not have sufficient water under the parcels.

■ The Santa Maria ground water basin litigation in Santa Clara County has issued a tentative ruling that the Santa Maria ground water basin is not in overdraft.

■ Santa Barbara County holds that area under the Orcutt Community Plan at this point in time is in overdraft.

■ Litigation to establish order to these inconsistencies is ongoing.

With this in mind, it is my opinion that the transfer negotiations of water from one entity

to another be put on hold, as to continue this course would certainly lead to additional litigation that would force the same result.

Before renting or selling water outside of our valley, we should make sure our future needs are met. Then, if water is sold or leased, it should be state water to which the city of Santa Maria has ownership. It could be rented or sold at a price high enough to lower the city residents' water bills, and should have a cost-of-living clause in it so that perhaps in the future the city residents will pay extremely low water bills.

If Nipomo rented state water from Santa Maria's quota, it could be taken out at the outlet in Nipomo and the need for an expensive pipeline from Santa Maria would not be necessary.

I have asked for a water discussion at the Santa Maria City Council level, but I was refused. Where do you suppose this discussion has been held?

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*Jack Adam is a former 12-year councilman and vice mayor of the city of Santa Maria. During his term of office, the city acquired state water.*

**Jack  
Adam**  
Guest  
Commentary