

Water lawsuit begins poss

▶ Those who have yet to settle risk losing rights

BY QUINTIN CUSHNER
SENIOR STAFF WRITER

What could be the last drop of litigation in a long-running fight over Santa Maria Valley groundwater begins Monday.

A lawsuit pitting landowners and government entities bubbled up eight years ago and at one time included more than 1,000 parties.

The case began in 1997, when the Santa Maria Valley Water Conservation District sued several public purveyors over fears that the growing thirst of city dwellers would erode the traditionally superior water rights of farmers and ranchers.

Santa Maria was then ordered to file

a cross-complaint against anyone owning 10 or more acres in the Santa Maria Valley.

The case expanded to include municipalities, private companies and landowners from Pismo Beach to Orcutt.

At stake was control of native groundwater, water captured from the Cuyama River by the Twitchell Dam before it flows into the Pacific Ocean, and imported State Water banked in

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This fifth phase of the long-running trial is expected to last about two weeks.

Komar heard arguments in February in San Jose between the 70 holdout landowners and a coalition of government agencies in the fourth phase of the water trial.

At the conclusion of the trial, Komar dismissed the holdout landowners' request for ownership of underground water storage space on their properties and would not consider their claims to residual and stored State Water.

The judge placed the burden on landowners to present more evidence Monday before he rules on whether they should receive ownership of all water on their property and if they warrant priority rights to water at Twitchell Reservoir.

The judge also ruled that government producers have established their rights to State Water return flows in times of shortage.

The public water suppliers also have established a right to Twitchell water.

All of the rulings from the fourth phase are tentative until the conclusion of the water trial, which could occur in the next week.

For those who have signed, the settlement is secure and Komar must either create a separate settlement agreement or order the holdouts to honor the same terms.

The reasons suggested for the group of 70 landowners not settling have differed. Court documents indicate that they are simply dissatisfied with the settlement terms. Others speculate that the landowners are driven by an anti-government, anti-growth bias.

Attorneys for both the government and private entities did not return calls for comment Friday.

Quintin Cushner can be reached at 739-2217 or qcushner@santamariatimes.com.

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the groundwater basin.

Under the settlement pact signed by about 750 parties, the public purveyors receive 80 percent of the Twitchell Reservoir water, with the landowners entitled to the remaining 20 percent.

The settlement allocates all of the residual water imported by the cities to the municipal interests and gives the landowners pumping rights to native groundwater.

About 70 landowners have actively

opposed the settlement and an additional 200 have taken no action.

Those parties are due Monday in Santa Clara County Superior Court for the likely final phase of the trial.

Judge Jack Komar is set to rule on whether the hold-out landowners and default parties who have not indicated a preference about the settlement must settle or risk losing water rights.

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