



For Immediate Release: Oct. 14, 2013

City of Santa Maria Media Contact: Rick Sweet • (805) 925-0951 ext. 7211

BB&K Media Contact: Jennifer Bowles • 951.826.8480 • jennifer.bowles@BBKlaw.com

Two Pages

U.S. Supreme Court Denies Review of Challenge to Santa Maria Groundwater Plan

Move by Nation's Highest Court Ends 16 Years of Litigation; Leaves Santa Maria With Favorable Court Decision

SANTA MARIA, Calif. _ The U.S. Supreme Court declined to review a challenge to the Santa Maria groundwater basin plan, ending 16 years of litigation over the issue and ensuring long-term water supplies for the City and a large portion of the Central Coast.

Last November, the management plan for the groundwater basin was validated by a State appellate court. After the California Supreme Court later refused to hear the case, some landowners upset with the appellate decision petitioned the nation's highest court, which on October 7 declined to review whether a State court had the power to allocate water from a Federal reclamation project contrary to Federal irrigation preference.

"We are thrilled that our City's residents and businesses have a reliable source of water that is no longer in question," said Gilbert A. Trujillo, Santa Maria City Attorney.

Eric Garner, a water rights attorney with Best Best & Krieger LLP who has handled the case for the City from the beginning, said the question at issue before the Supreme Court was the allocation of water from the Twitchell Reclamation project, a key reservoir in the region.

"The Supreme Court's refusal to hear the case means that the appellate decision is unchanged," Garner said. "The City has a right to the Twitchell water allocated to it by the trial court and the right of the City to use groundwater in times of shortage remains strengthened."

The Santa Maria Groundwater Basin underlies 163,700 acres in northern Santa Barbara County and portions of San Luis Obispo County, and is the principal source of water for thousands of residents and landowners.

Questions over the basin's use surfaced in 1997 when the Santa Maria Valley Water Conservation District filed the first lawsuit.

A Superior Court judge several years later upheld Santa Maria's right to pump water from the local aquifer and approved a court-supervised management plan identifying and prioritizing the water rights held by the hundreds of users of the groundwater basin.

The court-supervised management plan addressed the concern that aging infrastructure and a growing population would lead to shortages in the future. Thus, the groundwater management plan also involved a method to pay for the ongoing maintenance and operation of Twitchell Reservoir, which provides flood control protection and helps to recharge the groundwater basin.

Some farmers and landowners who had refused to sign the management plan filed an appeal, claiming the cities and public agencies had very limited rights to the water in the Santa Maria Valley.

But on Nov. 21, the 6th District Court of Appeal in *City of Santa Maria v. Richard E. Adam* largely upheld the lower court's decision, saying the trial court had acted within its discretion in approving the management plan hammered out by the City of Santa Maria and the other users of the groundwater basin.

A key part of that ruling, Garner said, confirmed that cities in California and other public agencies, which invest money and resources into building and maintaining infrastructure such as the Twitchell Reservoir or to import water from the State Water Project and deliver it to their residents, have rights to that water even after it seeps into an aquifer, such as when a resident waters their lawn.

In this case, the farmers had wanted rights to that groundwater.

This case was also the first where "prescriptive" water rights were fully tried in California. It clarified an area of the law where cities or public agencies as well as farmers have been pumping from an aquifer that has been in overdraft for a long time.

Garner said the appellate court found that people have at least an equal right to crops in a water shortage, and the court importantly recognized that Santa Maria's historical pumping can continue into the future and be protected during a shortage.

###

Best Best & Krieger LLP is a national law firm that focuses on environmental, business, education, municipal and telecommunications law for public agency and private clients. With 200 attorneys, the law firm has nine offices nationwide, including Los Angeles, Sacramento, San Diego and Washington D.C. For more information, visit www.bbklaw.com