

11/5/14 WRAC Santa Maria Groundwater update  
Santa Maria Groundwater Basin Status

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Letter from Northern Cities use the term "Current state of Overdraft"

From part of a letter to NCSD in 10/22/14 E3 agenda at:  
<http://ncsd.ca.gov/wp-content/uploads/2014/06/E3.pdf>

October 1, 2014

110 2014

NIPOMO COMMUNITY  
SERVICES DISTRICT

Michael LeBrun  
General Manager  
Nipomo Community Services District  
148 South Wilson Street  
Nipomo, CA 93444-0326

RE: Santa Maria Ground Water Basin

Mr. LeBrun:

The Cities of Arroyo Grande, Grover Beach and Pismo Beach, member cities of the Northern Cities Management Area (NCMA), appreciate the steps the Nipomo Community Services District (NCSD) has taken to bring supplemental water into the NCSD/Nipomo Mesa Management Area (NMMA). However the current state of overdraft in the NMMA created by the NCSD and your water purveyor partners, as outlined in the 2013 NMMA Annual Report, is causing us grave concern. As you are aware there has been a historic northwesterly groundwater flow from the NMMA to the NCMA and the coast, thereby helping to maintain an offshore gradient. As reported in the 2013 NMMA Annual Report, this historic groundwater flow pattern is now reversed by the expanded pumping depression in the central NMMA, resulting in groundwater flow from the NCMA and ocean area toward the inland NMMA. This reversal of groundwater gradients creates conditions favorable for seawater intrusion. In April of 2013, the Mayors of Arroyo Grande, Pismo Beach and Grover Beach sent similar letters to you endorsing your supplemental water project on behalf of their respective City Councils. Those letters expressed concern of your potential overdraft of the SMGB and asked that the NCSD stop issuing will serve letters until such time as the terms of the 2008 Settlement have been met. To quote from the letters:

Golden State water Attorney, Saperstein makes statement on overdraft and prescription at the August 20<sup>th</sup> court hearing.

Found in August 20, 2014 transcript:

..... THEIR QUIET TITLE IS EFFECTIVE AS OF PERHAPS THE DATE OF JUDGMENT, THE DATE OF FILING OF THE LAWSUIT. THEY QUIETED TITLE TO A CORRELATIVE, OVERLYING RIGHT TO GROUNDWATER IN THE BASIN. **IT DOESN'T MEAN THEY CAN'T BE PRESCRIBED AGAIN IN THE FUTURE. IT DOES NOTHING TO PROTECT THEM ON AN ONGOING BASIS AS TO THE INTEGRITY OF THEIR RIGHTS IN THE FUTURE ..... THERE'S NOTHING IN THE JUDGMENT THAT PROTECTS THEM FROM FUTURE PRESCRIPTIVE RIGHT CLAIMS.** IT'S NO DIFFERENT THAN QUIET TITLE TO

A FENCE LINE ON YOUR PROPERTY. YOU GET QUIET TITLE EFFECTIVE AS OF THE DATE OF THE JUDGMENT, **BUT YOU HAVE TO GUARD AGAINST FUTURE POTENTIAL ADVERSE PHYSICAL POSSESSION. THAT'S THE POSITION THEY'RE IN NOW AND THE POSITION THEY WERE IN AT THE TIME THE JUDGMENT WAS ENTERED.** THEY REALLY HAVE RECEIVED NOTHING FROM THIS CASE.

How do landowners “Guard against future potential adverse physical possession”?

Prescription of groundwater results from

1. An overdraft.
2. Purveyors pumping more than is legally allowed under a low priority appropriative water right.
3. Which creates an ability of the prior rights holders to get an injunction to cut the unlawful pumping.
4. Prior rights holding Landowners failing to request the injunction before the statute of limitations runs out.

Landowners must ask the court for an injunction to cut low priority pumping to just the point where the basin is not in Overdraft but allows for maximum use under the constitution section 10 – 2.

Before the Statute of limitations runs out.

John Snyder