

WRAC Santa Maria Groundwater Basin update for 10/06/10, by John Snyder

Santa Maria Groundwater Appellate Court Opening Brief posted:

The longer version, Filing Date: 08/13/2010

<http://www.sccomplex.org/cases/noticelink.jsp?FormCaseId=VAE2661C98F&FormDocId=R73CADD4651C>

The Shorter operative version, Filing Date: 09/14/2010

<http://www.sccomplex.org/cases/noticelink.jsp?FormCaseId=VAE2661C98F&FormDocId=D7514E67A05D>

Some of the items covered:

Clarify what is needed for prescription, and what is the result of prescription of groundwater.

Clarify legal standard for the amount of water that can be legally pumped (overdraft):

Long term average demand vs Long term average supply (Phase 3)

Yearly demand vs Long term average supply

Yearly demand vs Yearly supply (Phase 4)

Clarify who owns the return flow rights to imported water:

The State, the diverter of water and owner of the pipe coming into the watershed.

Golden State who receives water in the watershed and distributes it.

Laguna Sanitation that captures the water and places it back in the ground.

Clarify what is the nature of the return flow rights from imported water.

Clarify if there is a groundwater right based upon surface water imported from outside the watershed of the basin?

Clarify rights to water as a result of Twitchell Reservoir.

Clarify rights to water derived from percolation ponds.

Clarify monitoring standards.

Clarify the nature of injunctions, physical solutions and there application.

Clarify the common law, Settlements and there application under Continuing Jurisdiction.

The lower court should follow the case law that exists.

After the appeal the rulings will become case law that the lower court should follow during Continuing Jurisdiction.