

12/5/13 WRAC Santa Maria Groundwater update, John Snyder Example of Disclaiming in a Quiet Title Case

The crux of the Koch Quiet Title Complaint in the Santa Maria Groundwater Litigation:

<http://www.sccomplex.org/docfiles/fablaws/d1/1a.rtf>

Plaintiff's overlying groundwater rights are superior to all other rights to water in the Basin, except to the correlative rights of other overlying owners to put to reasonable and beneficial water from the Basin on their respective overlying property. (Page 4)

Plaintiff seeks to quiet title to the superior priority of its right to extract and put to Reasonable and beneficial use groundwater from the basin on the Koch Property against the claims of each of the Defendants to a superior or co-equal right to extract and use groundwater from the Basin for non-overlying use. (Page 7)

The Appellate court decision:

City of Santa Maria, et al. v. Adam, et al., Case: H032750, 6th District

Disposition Reversed & Remanded to trial court w/directions

http://appellatecases.courtinfo.ca.gov/search/case/disposition.cfm?dist=6&doc_id=1202314&q=338457&f=628993166

I. DISPOSITION

The judgment is reversed. The matter is remanded to the trial court with instructions to modify the judgment as follows:

As to those appellants that pleaded quiet title causes of action, **the court shall declare their overlying rights to native groundwater prior to the rights of all appropriators** less the amount to which the City of Santa Maria and Golden State Water Company are entitled pursuant to their prescriptive rights and shall reconsider, if necessary, the prevailing party determination and allocation of costs.

Notes:

In groundwater, "superior" and "prior" are used synonymously.

In this case "Defendants" were the "Appropriators"

The exact amount of prescription if any, is still being litigated but was called "de minimus" by the court.

Was it worth 15 years and 15-20 million Dollars to get a "de-minimus" right?
That can only be used to pump water when the shortage is so extreme that NCSD, Guadalupe and the Northern Cities can't pump water?

The zero cost option, San Luis Obispo's Disclaimer in the Santa Maria Groundwater case:

Submit Date: 10/02/2001

<http://www.sccomplex.org/home/docInfo.jsp?FormCaseId=VAE2661C98F&FormDocId=D13F8F9A14C3>

See copy of document on back

John Snyder

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(FEE SCHEDULE FOR FILING STAMP ONLY)
Government Agency No Fee Per
Govt. Code § 6103

Attorneys for Defendants and Cross-Defendants County of San Luis Obispo
and San Luis Obispo County Flood Control and Water Conservation District

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

SANTA MARIA VALLEY WATER
CONSERVATION DISTRICT, a public
entity,

SANTA MARIA GROUNDWATER
LITIGATION

Plaintiff,
v.
CITY OF SANTA MARIA, etc., et al.,
Defendants.

LEAD CASE NO. CV770214
Consolidated for All Purposes with Case Numbers:
CV784900 CV784921 CV784926
CV785509 CV785511 CV785515
CV785522 CV785936 CV786971
CV787150 CV787151 CV787152
CV790597 CV790599 CV790803
CV 790741

[Assigned For All Purposes to: Hon. Conrad
L. Rushing, Dept. 17]

AMENDED ANSWER DISCLAIMING
INTEREST IN REAL PROPERTY AND
ORDER THEREON

Second Phase Trial Date: October 9, 2001

Attorneys for Defendants and Cross-Defendants County of San Luis Obispo and San Luis
Obispo County Flood Control and Water Conservation District ("SLO Entities") answering the
Complaints, Cross-Complaints and Appearance Forms by various parties named in Exhibit "A"
hereto disclaim any right, title, interest, estate or lien in the parcels of property described in the
Complaints, Cross-Complaints and Appearance Forms and pray that Judgment be entered
quieting title against them as to said parcels, a list of which is attached hereto as Exhibit "A."
Nothing in this disclaimer shall preclude these disclaiming parties from exercising correlative
overlying water rights on properties which they own. Furthermore, nothing in this disclaimer

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AMENDED ANSWER DISCLAIMING INTEREST IN REAL PROPERTY AND ORDER THEREON

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shall affect the right of the SLO Entities to enforce (1) liens for property taxes or assessments; (2)
recorded judgment liens; (3) recorded easements; (4) recorded rights of entry; (5) recorded rights
of way; (6) recorded rights of possession, including without limitation, leasehold or license
interests; or (7) any other right of record in said parcels presently held by the SLO Entities or
either of them; nor affect their ability, acting within their legal authority, to acquire, impose or
enforce such rights in the future.

The list of parties and assessor parcel numbers attached hereto and incorporated herein by
reference as Exhibit "A" show the assessor parcel numbers commonly associated with the
property descriptions of the parcels in this action. The actual property descriptions, and not this
list, are controlling. Exhibit "A" also contains a list of LOG Parties, which in some instances,
may differ from the record owner of the property. Again, the property description and current
deeds on each respective parcel will control over whom is the current title holder as well as whom
is the LOG Party bringing the particular action.

IT IS RESPECTFULLY REQUESTED that County of San Luis Obispo and San Luis
Obispo County Flood Control and Water Conservation District be removed from any mailing
matrix concerning the above entitled action.

I, Janet Goldsmith, declare under penalty of perjury that the foregoing is true and correct
and that I am authorized to execute this declaration on behalf of County of San Luis Obispo and
San Luis Obispo County Flood Control and Water Conservation District and that this declaration
was executed on September 28, 2001 at Sacramento, California.

Dated: September 28, 2001 COUNTY OF SAN LUIS OBISPO

By: Janet K. Goldsmith
Janet K. Goldsmith
Authorized Signatory

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AMENDED ANSWER DISCLAIMING INTEREST IN REAL PROPERTY AND ORDER THEREON

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