

A Solution of the Mind, Not Fact

By: Casitas Municipal Water District

The current groundwater adjudication involves a multitude of parties and as such also involves a multitude of opinions in what should be involved in its resolution.

One opinion of particular note is the notion of:

“The Physical Solution is needed now to reduce or prevent SWRCB pumping/diversion regulations.”

This premise has been put forward by various attorney firms involved in this complex case as the most compelling reason for the defendants, such as Casitas, to urgently adopt what is commonly known as the Stipulated Judgment and Physical Solution.

A review of this document reveals that while it has some worthwhile aspects in regard to habitat improvement for steelhead, it lacks additional streamflow criteria, an outcome that the State’s representatives flatly reject.

Those that continue to promote the ‘solution’ to the public are not acknowledging the State’s position on the lack of sufficient stream flows in the proposed Physical Solution document.

Early on in this adjudication, Casitas recognized that the ability of the court to foreclose on the State’s desires in regard to stream flows in the watershed is unlikely.

Casitas also recognizes that while all of the parties are free to challenge the science and assumptions asserted by the State in court, it is unlikely that an agreement that attempts to completely exclude the State will ultimately achieve settlement of this case.

A settlement agreement that entirely leaves out one of the major participant’s interests, a participant with regulatory authority over water quality and diversions of surface waters, risks failing to provide complete relief, and could result in a process that’s even more lengthy and expensive with attorneys continuing their arguments for years in court.

With the recent release of the State’s instream flow model for the watershed, which Casitas is carefully evaluating, Casitas continues to move forward with the common-sense approach of engaging the State to ensure an objective, science-based understanding of this watershed and meaningful input on regulation that is supported by region and watershed appropriate data and flow regimes.

A copy of Casitas' expert report on the State's instream flow model study plan can be found here: <https://www.casitaswater.org/home/showpublisheddocument/4131/637626440440500000>

Casitas supplies reliable drinking and agricultural water supply for more than 60,000 residents and hundreds of farms in western Ventura County.