

**LETTER OF PROTEST AND DEMAND FOR CORRECTIVE ACTION BY THE BOARD OF THE GOLETA WATER DISTRICT TO IMMEDIATELY NOTIFY ALL RELEVANT PERSONS AND GOVERNMENTAL ENTITIES THAT THE DECEMBER 2005 URBAN WATER MANAGEMENT PLAN IS INCOMPLETE AND MISLEADING AS TO THE DISTRICT'S ABILITY TO SUPPLY WATER FOR NEW DEVELOPMENT.**

To the Directors of the Goleta Water District

September 18, 2007

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INTRODUCTION

The Goleta Water District is subject to the provisions of the Urban Water Management Planning Act (UWMP Act) which is set forth in the California Water Code section 10610 et seq. Certain urban water suppliers, such as the Goleta Water District, must fully comply with the provisions of the Act concerning information set forth in its UWMP. Included in any UWMP is the requirement that there is a full discussion and analysis of the quantity of ground water and its reliability or availability of the water for its customers 20 years into the future.

The Goleta Water District in December, 2005, approved and filed its required UWMP. The plan is currently available for viewing on the District's website through the link entitled "documents".

For the past several months the undersigned has advised the staff and Directors of the Goleta Water District that its UWMP is wholly defective and needs to be revised to correct the complete exclusion from the plan of any mention or analysis of the voters approved Safe Water Supplies Ordinance which was adopted in 1991. The terms of the Safe Water Supplies Ordinance can not be ignored by the Directors since the terms can only be modified by the vote of the District's electorate. Accordingly, for better or worst per the personal preferences of any particular Director or even the entire Board, the District must fully comply with applying the provisions of the Safe Water Supplies Ordinance.

I have requested that a notice be immediately sent by the District to all persons and governmental entities informing them that the District's UWMP is defective and must be modified. My prior requests have been completely ignored by the Directors of the District. The inaction of the Directors is a flagrant and unsupportable violation of the applicable provisions of the UWMP Act and can be the source of great public harm.

## II

THE INFORMATION WHICH MUST BE ACCURATELY SET FORTH IN THE UWMP OF THE GOLETA WATER DISTRICT IS TO BE USED BY VARIOUS GOVERNMENTAL ENTITIES AND INDIVIDUALS IN MAKING DECISIONS IN REGARD TO ENVIROMENTAL REVIEWS OF DEVELOPMENT PROJECTS AND THE UPDATES OF THE GENERAL PLANS OF THE COUNTY AND CITY OF GOLETA.

The Directors of the Goleta Water District have been placed on notice and are now fully aware of the great legal significance of the factual information and analysis which is to be set forth in its UWMP. The exclusion in the UWMP of all reference to the terms and consequences on the availability of its water under the Safe Water Supplies Ordinance needs to be immediately corrected.

The District set forth the following statement in its introduction at page one of its current UWMP:

“The UWMP represents a long range planning document for water supply which can be used by cities and counties in the service area during environmental review of development projects and updates of their General Plans. The UWMP is also the foundation and source document for any Water Supply Assessments ( pursuant to Senate Bill 221) and a written Verification of Water Supply( pursuant to Senate Bill 610) prepared by the District in response to requests by Santa Barbara County and / or the City of Goleta for land development projects in the District’s service area”.

Thus, the District’s UWMP serves a crucial function as supplying relevant facts and analysis to other governmental entities when the issue of the availability of water is being considered as to specific developments and as to formulation of the General plan of the County and City of Goleta. Incomplete facts and misleading analysis can be the basis for the County and/or the City of Goleta making erroneous and possibly irreparable decisions on future development in the Goleta Valley. The District’s failure to mention and do any analysis the terms and consequences of the Safe Water Supplies Ordinance in its UWMP is a complete breach of its fiduciary duties to the public and other governmental entities in the County.

The failure to analysis the provisions of the Safe Water Supplies Ordinance make the District’s UWMP completely misleading as to the availability of water for new development from the District’s aquifers, and its use of water from the State Water Project for new development .There are clear and sever restrictions on how much water is actually available on an annual basis for new development from the Goleta Water District. In addition, there are specific restrictions on the District in time of drought using any of it water stored in the aquifer for new meters issued after 1991. These voter approved restriction were specifically adopted to restrict the availability of the District’s water supplies for new development. Apparently key members of the District’s staff and several Directors are of the mind to hide these provisions and exclude them from the UWMP.WHY HAS THE GENERAL MANAGER AND THE DIRECTORS OF THE GOLETA WATER DISTRICT GONE TO SUCH GREAT LENGTHS TO HIDE THIS CRUCIAL INFORMATION ON THE LACK OF WATER FOR NEW DEVELOPMENT FROM THE PUBLIC AND RELEVANT GOVERNMENTAL ENTITIES?

The answers to the above question must be supplied to the public!

### III

THE COURT OF APPEAL IN FRIENDS OF THE SANTA CLARA RIVER v. THE CASTAIC LAKE WATER AGENCY et al. HAS HELD THAT A WATER AGENCY'S UWMP WHICH FAILED TO DISCUSSED THE RELIABILITY OF THE WATER FROM THE AGENCY'S GROUNDWATER AQUIFERS WAS SUFFICIENT TO FIND THAT THE PLAN WAS INADEQUATE UNDER THE CAL. WATER CODE .

The court of Appeal in the Friends of the Santa Clara River case was presented with the question of whether a UWMP prepared and adopted by four water providers covering a wide service area in the Santa Clarita Valley was an improper UWMP per the provisions of the California Water Code. A non profit organization and the County of Ventura challenged the plan as not complying with the UWMP Act. The objections to the UWMP was that it failed to adequately consider an analysis of the reliability of the groundwater supply in light of contamination of the water by perchlorates .The court in finding that the UWMP was inadequate stated :

“Without a reliable analysis of the availability of water, the UWMP is fatally flawed. THE PUBLIC AND THE VARIOUS GOVERNMENTAL ENTITIES THAT RELY ON THE UWMP MAY BE SERIOUSLY MISLED BY IT AND, IF THE WRONG SET OF CIRCUMSTANCES OCCUR, THE CONSEQUENCES TO THOSE WHO RELIED ON THE UWMP, AS WELL AS THOSE WHO SHARE A WATER SUPPLY WITH THEM, COULD BE SEVERE” (emphasis added) 123 Cal. App. 4<sup>th</sup> 1 at 27, (2004).

A full copy of this court decision will be emailed separately to each Director so that each can read it for their own analysis and action.

The reasoning of the court in the friends of the Santa Clarita River case is fully applicable the Goleta Water District's UWMP plan approved in December of 2005. The complete failure to have any discussion or analysis of the Safe Water Supplies Ordinance in the Goleta UWMP makes the plan fatally flawed. The Safe Water Supplies Ordinance has a limitation of 1% of the District's potable water supply which can be available annually for new development. In addition ,the amount of State Water to be received by the District has a provision that at least 2000 A/F of that water, plus 2/3 of the amount of water given out in any year for new development must be injected each year into the District's aquifer as a drought buffer. The water injected as part of the drought buffer may not be used by any new customers in time of drought. Finally there are several events set forth in the Safe Water Supplies Ordinance which absolute prohibit the issuance of any new meters for development while said events are occurring. These provisions of the Safe Water Supplies Ordinance, since they are not disclosed by the Goleta Water District in its UWMP, causes the plan to give a completely misleading analysis and statement of the real availability of the District's water supply which can be used for new development.

Currently the facts concerning the amount of water from the Goleta Water District for new development are of crucial public concern. Both the County and City of Goleta are engaged in the analysis concerning their General Plans and the University of California is nearing the time for the unveiling of its own plan for what may be substantial expansion of its campus with the corresponding need for an increase of water from the Goleta Water District.

This is not the time for secrets concerning the restrictions on the Goleta Water District to supply water for new development. Why is the District doing everything it can to continue the suppression of this crucial information?

To amend the Goleta Water District's UWMP will most likely take some time to complete, especially in light of the recent death of the consultant who worked with the District's General Manager in the preparation of the current UWMP. Accordingly, to prevent inappropriate reliance of the defective UWMP and as a matter of doing the right thing, the Directors of the District should at their next meeting vote to have a public notice prepared and delivered to all appropriate entities and persons that its current UWMP is not adequate as to its statements as to the amount of the water supplies available for new development and that the current UWMP should not be relied upon for any purposes concerning new development.

The above is respectfully submitted for the prompt action by the Directors of the Goleta Water District

customer

Jack Ruskey, esq. a

Of the Goleta Water District