

**LETTER TO DIRECTORS OF GOLETA WATER DISTRICT PER  
INFORMATION PROVIDED AT THE BOARD OF DIRECTORS MEETING ON  
FEBRUARY 14, 2006.**

In light of the fact that the Board of the Goleta District at its meeting on February 14 announced that there will be a Special Board meeting on March 28<sup>th</sup> to consider the proposal of staff of the District to institute a radical and unprecedented change in how local farmers will be billed for their irrigation water, the undersigned who gave public comments on the availability of Lake Cachuma water for agricultural use at the Board meeting of 2/14/06, feels it is necessary and appropriate to memorialize the specifics of my public comments for the benefit of the public and both staff and the Directors of the District. This is appropriate for several specific reasons which are set forth below.

First, during my limited 5 minutes of comments it appeared that none of the Directors were taking down any notes of the statistical facts upon which my comments and conclusions were based. I felt that I was addressing five mannequins who could not wait for my five minutes of time to expire.

Next, the minutes of the Board meetings are always non specific as to the nature and contents of any public comments made to the Board. I have previously objected to the inadequacies of the Board's minutes and have always been advised that there format was what the Board wished. Accordingly, the minutes of the meeting on the 14<sup>th</sup>, if consistent with the past practice of the Board, will merely state that "Jack Ruskey spoke about water from Lake Cachuma". This is hardly an adequate public record for any purpose except to show a person was in attendance and spoke to the Board.

Last, I have been just advised by the District's legal counsel, pursuant to my request for a partial transcript of the November 8,2005 Special Director's meeting, that the Board policy and practice is to destroy the audio tapes of the Director's meetings 30 days after the date of the meeting. I regard to the November 8<sup>th</sup> meeting, this practice seems inappropriate since that was the meeting in which over a hundred concerned citizens attended and 30 persons spoke and, except for one speaker, all were opposed to the proposed changes in how the local farmers are to be billed for their irrigation water. Apparently the content and specifics of these comments from the concerned public have now been erased for all times from the records of the District. The minutes of the Special Board meeting of November 8<sup>th</sup>, which were approved by the Board at its December 5<sup>th</sup> meeting , contains the following: "The following individuals approached the Board with input regarding issues pertaining to items 1 and 2....( listed the names of the thirty speakers. ) After lengthy discussion during public comments, t was the consensus of the Board to take no action on items 1 and 2."

My comments and factual information was specifically directed to the various prior comments of a few Directors at previous meetings to the factual conclusion that the amount of water used by the local farmers has to be limited due to the lack in the future of inexpensive water being available for irrigation. The unspoken premise of this conclusion is that the District can not obtain enough water from Lake Cachuma's normal supply and therefore must buy and use more expensive State Water for irrigation use by the local farmers. In addition, this false factual conclusion also completely ignores the District's current ground water supply of approximately 40,000 acre feet of water, a large percentage of which is dedicated for agricultural use.

I had made comments and supplied facts on three specific areas pertaining to the above incorrect conclusions of the staff and certain Directors. The substance of my comments and the supporting facts are set forth as follows:

**I. LAKE CACHUMA WAS BUILT BY THE FEDERAL GOVERNMENT FOR THE USE OF LOCAL FARMERS AND THE RECORDS OF HISTORICAL USE OF WATER FROM THE LAKE BY THE LOCAL FARMERS CLEARLY SHOWS THAT FIRST PRIORITY FOR THE LAKE' WATER HAS BEEN FOR FARMERS.**

The Cachuma Operations and Management Board (COMB) have maintained records of the Historical use of water from the Lake from 1955 to 2005. I have obtained this data which show the following percentage use of agricultural water versus the amount of water used for all other purposes. The following data was given by me to the Board on the 14<sup>th</sup>:

Time period	Percentage of agricultural use
1955-60	86%
1960-65	85%
1965-70	79%
1970-75	72%
1975-80	71%
1980-85	76%
1985-90	82%
1990-95	82%
1995-00	38%
2000-05	31%

Therefore the above 50 years of historical use clearly establishes that Lake Cachuma was constructed primarily for the use of local farmers and the current proposals being considered by the Board of the District completely ignores this history and are designed to eliminate all agricultural use of Lake Water.

**II. THERE IS NO SHORTAGE OF LAKE CACHUMA WATER FOR THE PRESENT AND FUTURE USE BY THE LOCAL FARMERS.**

The District's own records, which are part of its monthly financial statements, establishes the following per year use of water by the local farmers reported on the District's fiscal year basis of June 1<sup>st</sup> to May 31<sup>st</sup>:

Fiscal year	Amount of farmers' use per acre feet
1998	2158
1999	2471
2000	2599
2001	2200
2002	2529
2003	2348
2004	2984
2005	2239
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	19,528

The total amount of use of water by the local farmers for the above 8 year period was chosen because it is the period beginning when State Water was first available to the District. For this eight year period, the local farmers used a total of 19,528 acre feet of water or an average of 2,441 acre feet of water per year.

Per the contract with the Bureau of Reclamation concerning the allocation of Lake Cachuma and the records of COMB, for the above 8 year time period, the GWD had an allocation of lake water totaling 9,322 acre feet per year. For the last 8 years the total amount of agricultural water per year ordered by the District has been a little less than 31% of the total allocation or approximately 2,889 acre feet per year. Therefore the total amount of agricultural water which was specifically earmarked exclusively for use by the local farmers over the past eight years had been 23,112 acre feet and yet only 19,528 acre feet have been delivered to and used by the local farmers. There has been an accumulation of excess agricultural water ordered by and deliverable to the District during this 8 year time period of 3,584 acre feet. Per the specific terms of the current contract with the U.S. Bureau of Reclamation, all water designated and delivered as agricultural water must be used for the local farmers and can not be diverted to other users. Thus, the GWD over the past eight years has had excess irrigation water available which has been kept in storage in the Lake, subject to loss by evaporation and spills in time of heavy rains.

The exact amount of carryover agricultural water available to the GWD from Lake Cachuma as of the current date is available and the undersigned is currently in the process of obtaining this data. This data is currently in the records of GWD since COMB provides this data on a monthly basis to each District using Cachuma water. The Directors should personally review the contract with the Bureau of Reclamation and the records from COMB on the amount of water from Lake Cachuma which is specifically earmarked for use as irrigation. Per the contract with the Department of Reclamation, all water designated as irrigation water **MUST** be used by the District for irrigation and no other purposes! The most current report of COMB for the end of December 2005 shows that the GWD has a carryover of 4,832 acre feet of total water, but does not have the breakdown between irrigation water and other water designated as M&I water ( non agricultural).

Sadly the above highly relevant information concerning the amount of Cachuma water specifically designated and set aside for exclusive use by the local farmers has never been mentioned or discussed by the District in the approximately 15 months since the issue of the alleged inadequate supply of water was first raised by the District. The data set forth above was obtained through the independent investigation and personal efforts of the undersigned working with another concerned citizen. The suppression of this vital information is completely unjustified and a breach of fiduciary duty by both the staff and the directors of the District. If any of the Directors are truly unaware of these facts, they are now on notice to engage in the proper due diligence and to act in accordance with the facts and not the factually unsupported opinions or conclusions being asserted by staff and certain Directors. To completely ignore the above facts is grossly negligent and a complete breach of the Director's fiduciary duties as the elected officials charged with the duty to properly manage the affairs of the District.

**III. IT HAS BEEN ALLEGED BY CERTAIN DIRECTORS AND STAFF THAT IF THERE IS ANY FUTURE INCREASE IN THE AMOUNT OF WATER BEING USED BY INDIVIDUAL FARMERS THAT SAID FARMERS WILL BE USING EXPENSIVE STATE WATER WHICH WILL BE UNFAIRLY BILLED TO THE FARMERS AT THE LOWER AGRICULTURAL RATE.**

The above assertion is completely false as shown per the above analysis of the facts on the actual use of water by the local farmers and the amount of Lake Cachuma water which is earmarked for use by the local farmers. The last 8 years was chosen for factual analysis since that is the time period during which State Water first became available.

The actual data shows that the local farmers in the past 8 years have not been increasing the total amount of water used for irrigation. The District in its Urban Water Management Plan ,which was just completed at the end of last December and per statutory requirements filed with the State and other governmental agencies, specifically concluded there was no contemplated increase in the future use of agricultural water. The fact is that in the last decade the total number of farmers has decreased approximately 25%. With the currently policy of the District in regard to the new water charge for new agricultural water meters, the District in its recent Urban Water Management Plan specifically stated there was no reason to expect there would be anyone applying for a new water meter in order to start a new agricultural operation.

Based upon the above disclosed facts that the local farmers are not even using all of the water allocated to them, the rationale for the proposed new water charge for a new water meter is defective. The stated reason for the new water charge is to insure that the farmers pay for their use of State Water yet the facts show that there is more than enough Lake Cachuma and ground water to support new local farmers. State Water was never intended to be used for irrigation and there is no need for its use for irrigation.

In November of last year the written materials supporting the change in the billing of irrigation for local farmers was based on the alleged fact that historically the actual use of water by the farmers has been increasing at an unacceptable high rate. The facts when they were actually examined by certain customers and then made public clearly showed the above reason for the proposed changes was completely false. This false fact has been recognized by Director Rogers at a recent Board of Director's meeting; however in a completely new change of direction, Director Rogers has now asserted at a recent meeting that there is now a problem created because certain individual farmers have in the past few years increased their individual water use. Assuming the above fact is true,

so what is the problem with such a situation? If there is a long range study done it will probably show that historically that has always been the situation that certain farmers go through cycles of different water use depending on changing of crops and other factors beyond their control in the normal course of farming. The total use of water by all farmers has not been increasing!

The stated purpose or mission statement for which the Goleta Water District was formed was “to provide an adequate supply of water at a reasonable price” There is no stated purpose, law or authority that the District has the power or right to regulate the type of crops that the local farmers are to grow or not to grow. Unfortunately the legal counsel for the District at one of the Special meetings of the Board considering water use proclaim in no uncertain terms that the District has the right and power to stop farmers from growing certain crops because of the amount of water the crops would use. This astounding pronouncement by the Board’s legal counsel is with out any legal basis and is apparently part of the new alleged concern about certain individual farmers increasing their individual water use over the last few years. If this were a bona fide problem, why was it not given as one of the reasons for the need for the proposed change in billing of agricultural water when the issue was first raised in November 2004? The answer to this question is that it is a false issue and is now being used as a last ditch effort to support the proposed changes. The Board and the staff needs to set forth for public review and examination how the proposed changes in billing of all farmers will cure the alleged problem of a few farmers who have or will change the amount of water they may use in the future. Legal counsel for the District should issue a legal opinion setting forth the basis of any authority of the GWD to regulate the business of farming by controlling the amount of water which can be used by individual farmers. To set a limit on the annual amount of water which can be used by a particular farmer with the amount of any water used above the limit set by the District billed at the Urban rate , is a clear improper exercise of the powers granted the District. There is no state of any type of water emergency that would justify any form of rationing especially when the total supply of Lake Cachuma water earmarked for irrigation by local farmers is not being used by the farming community.

In the past my written comments on the issues presented to the Board by my letters have never been directly responded to by the Board or its legal counsel, and basically the response has been complete silence or a blanket response that my facts are so wrong that the staff and the Board did not wish to waste time by responding. Such conduct is completely inappropriate for persons in a fiduciary position, especially when the decisions concerning agricultural will have such a profound and possibly irreversible impact on the future of the entire community. If the farmers are driven out of business, their lands will end up being converted to urban use and the nature of the community will be gone forever.

The points raised by the above should be responded to by the Board at its regularly scheduled meeting on March 14<sup>th</sup>.

Respectfully submitted,

Jack Ruskey