

What is this lawsuit about and why should I care?

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This lawsuit is about protecting a critical waterway—the Ventura River. The Ventura River is being pumped dry. The State Water Board is the agency responsible for preventing the unreasonable use of the state's waters, and in this case it has failed to do so, putting the health of the Ventura River in serious jeopardy. This lawsuit seeks simply to compel the State Water Board to fulfill its duty and conduct a Reasonable Use Analysis of the City of Ventura's use of the river. That analysis can then be used to determine what steps must be taken to ensure that all beneficial uses of the river are met.

Is the lawsuit against the SWRCB or the City?

The primary claims are against the SWRCB for failing to prevent the City's unreasonable use of the river and to consider impacts to public trust resources resulting from the City's use of the river. The lawsuit does however include a singular claim for declaratory relief against the City as a defendant. It simply seeks a declaration from the court that the City's use is unreasonable. Such a declaration would trigger the SWRCB's mandatory duty to prevent the City's unreasonable use, if the court finds that the state board has a mandatory duty. However, even if the court found no mandatory duty, it could still issue a declaratory ruling that the city's use is unreasonable.

What is a Reasonable Use Analysis?

A Reasonable Use Analysis is a formal process where the State Water Board considers the amount of water available and required to ensure that all beneficial uses are protected, including domestic uses of water but also the preservation of fish and wildlife, which currently isn't being considered. The results of a beneficial use analysis could include a variety of measures including restricting diversions and implementation of a water conservation plan to efficiently manage all water resources.

Why is this important to me/Why should I care?

We all need water, people as well as wildlife, and when it comes to the Ventura River—a critical source of water—time and water are running out. Our vision, and we think the vision shared by most people, is that we as humans balance the multiple needs and demands on our resources in a way that results in the least harm to our environment. But even if you don't care about wildlife and environmental impacts, what's happening on the Ventura River should be a wake-up call and clear sign that the City's current water supply strategy is unsustainable and needs to be re-examined, especially as the City considers plans for significant growth. It can't continue pumping at its current rate forever. We and the river are headed towards crisis, and if we don't address this issue now, the very survival of the river, and *all* the life it sustains, is at serious risk.

Eventually, wouldn't the river go dry anyway?

If the drought continues for long enough, all of the State's rivers and waterways could be in serious jeopardy. However, the stretch of the lower river in question (Reach 4) is known as the "Live Reach" because underground geologic formations force water to the surface, providing year-round flows. Additionally, studies have shown that even in prolonged dry periods, this portion of the river's aquifer recharges relatively rapidly, meaning that river flows would be present for far longer if the City was not pumping at its current unsustainable rate.

Is the health of the river really in serious jeopardy?

Recent years have been tough on the river. The severe drought has dramatically reduced the amount of available water, yet over-pumping and diversion have been an ongoing problem for many decades. Those who pump water from the river, in particular the City of Ventura, continue to do so at an unreasonable and unsustainable rate.

This situation is heading toward a crisis, especially as Ventura discusses plans for significant growth without having a clear plan to meet the additional water demand. Some stretches of the river known to flow year-round have now gone dry. Meanwhile, other stretches have been reduced so much that water quality and aquatic habitat are being severely degraded by algal blooms and rising water temperatures.

Why is this analysis important?

The California Constitution and the Water Code mandate that the State Water Board prevent the waste and unreasonable use of the state's waters. While other agencies continue to study the impacts that pumping and diversions have on the river and on endangered steelhead in particular, a Reasonable Use Analysis would guide the City in better balancing the various demands for the river's water with the health and vitality of the river.

Who is Santa Barbara Channelkeeper and why are you suing?

Santa Barbara Channelkeeper is a nonprofit organization that has worked for the past 15 years to protect and restore the Santa Barbara Channel and its watersheds, including the Ventura River, to ensure safe and clean water for all those who need and use it. Our scientists, advocates and volunteers have worked together to monitor the health of the Ventura River and stand up when necessary to defend it from harm.

Over the past several years, Channelkeeper and others have explored many different avenues to call attention and find remedies to the excessive pumping and diversion of water from the Ventura River. Yet the City of Ventura continues to pump through persistent low-flow periods and even long after the river has gone totally dry, resulting in elimination of critical habitat and impairment of downstream water quality. Lacking effective alternative solutions—and with time and water running out—Channelkeeper decided to file a lawsuit against the State Water Board to compel a Reasonable Use Analysis.

Will the lawsuit affect my water rates?

No. The lawsuit will simply compel the State Water Board to fulfill its duty and conduct the analysis it is required by law to do.

That said, water rates are already set to increase each year for the next four years. Depending on the results of the Reasonable Use Analysis, the City may or may not determine it needs to increase water rates further. Currently, water rates in the City of Ventura are well below rates in other Southern California cities. (Santa Barbara's rate is \$3.28 for 0-4 hcf; Goleta's is \$5.04 for 0-4 hcf; Thousand Oaks' is \$3.73 for 0-15 hcf; Ventura's is \$2.23 for 0-14 hcf.)

What will happen if you win the lawsuit?

If we win this lawsuit, the State Water Resources Control Board will simply be compelled to fulfill its duty and conduct the analysis it is required by law to do. That analysis can then be used to determine what steps must be taken to meet the City's municipal and domestic needs while also keeping water in the river for nature, fish and recreation.

What will happen if you lose the lawsuit?

We believe we have a strong case and that the State Water Board will undertake the required analysis. At a minimum, this lawsuit will put the facts of the unsustainable pumping before the State Water Board and the City of Ventura. If the Court declines to take action now, Channelkeeper could petition the State Water Board to conduct the required analysis and, if necessary, bring a follow-on lawsuit based on the State's and the City's continued roles in the degradation of the Ventura River.