



***Santa Barbara Channelkeeper's lawsuit against the City of Ventura
and State Water Resources Control Board***

Timeline of Events

January 16, 2020

- In 1998, the State of California formally recognized that the Ventura River was impaired by excessive pumping and diversions by adding it to the state's List of Water Quality Limited Segments pursuant to the federal Clean Water Act. Though most groundwater pumping in the Ventura River watershed is in some way hydrologically linked to surface flows in the Ventura River, ONE pumper – the City of Ventura – pumps roughly twice as much as all other pumpers in the Upper Ventura River Basin¹ and has a critical impact on water levels in the river.
- In 2007, the National Marine Fisheries Service concluded that water withdrawals from the City's Foster Park well field are detrimental to the survival and recovery of Southern California steelhead,² yet the City of Ventura evaded regulatory action to prevent dewatering of endangered species habitat by circumventing requirements to obtain federal permits to repair its wells.
- In 2010, Channelkeeper began actively engaging in advocacy by petitioning State agencies to address the reduction of flow in the Ventura River caused by excessive pumping and diversions of water.
- In 2013, the City of Ventura's own hydrology consultants concluded that the City's pumping was detrimental to critical habitat for endangered steelhead in the Ventura River.³ The City continued to pump unabated.
- In September 2014, Channelkeeper filed a legal action in State court against the State Water Resources Control Board and the City of Ventura in an attempt to compel them to initiate proceedings that would address the City's excessive pumping of water from the Ventura River. The primary causes of action alleged violations of the public trust doctrine and State constitutional requirements prohibiting the waste and unreasonable use of water. The City of Ventura responded by petitioning to have our lawsuit dismissed, but the Court rejected the City's petition. The City also simultaneously filed cross-complaints against all other water right holders in the watershed. Channelkeeper filed opposition to the City's cross-complaints.
- In April 2015, the State Superior Court sided with Channelkeeper and struck down the City's cross-complaints. The City responded by petitioning the State Appellate Court to review the Superior Court ruling.

¹ State Water Resources Control Board, Electronic Water Rights Information System, https://www.waterboards.ca.gov/waterrights/water_issues/programs/ewrims

² National Marine Fisheries Service, 2007. Draft Biological Opinion. Issuance of an Army Corps 404 Permit Authorization for the City of Ventura's Foster Park Well Facility Repairs Project.

³ City of Ventura Preliminary Hydrogeological and Surface Water/Groundwater Interaction Study (Hopkins, 2013)

- From 2014–2016, the Ventura River was pumped completely dry at Foster Park for a significant portion of the year. The City’s own daily pumping records exhibit a direct correlation between pumping and diminishment and disappearance of flows at Foster Park.⁴
- From 2014 to 2018 Channelkeeper attempts to convince the City of Ventura into entering into settlement negotiations to resolve our litigation in an expedited and cost-minimizing fashion. The City repeatedly refuses to enter settlement negotiations. City Council members refuse to meet with Channelkeeper staff to discuss the issue.
- On February 22, 2016 Channelkeeper provides oral public comments to the Ventura City Council, encouraging the council to enter into settlement negotiations rather than approving an additional \$978,000 of spending to fight Channelkeeper’s litigation. City council unanimously votes to approve spending to fight the litigation.
- In April 2018, the Appellate Court sided with Ventura and allowed the City’s cross-complaints to proceed. Channelkeeper filed an amended complaint against the State Water Board and City of Ventura, which included additional data and facts demonstrating the City’s unique and disproportionate role in dewatering the Ventura River compared to any other pumper in the watershed.
- In September 2018, the City of Ventura filed amended cross-complaints against all water right holders in the Ventura River watershed and issued a notice of commencement of adjudicatory proceedings.
- In Spring of 2019, Channelkeeper enters into mediated settlement negotiations with the City of Ventura.
- In September 2019, Channelkeeper and the City of Ventura signed an interim settlement agreement. The agreement secured certain habitat improvement projects at the Foster Park well field and bound the City of Ventura (for a period of 164 days) to reduce or possibly halt pumping in the event winter rains were insufficient to maintain certain minimum levels of flow. The agreement also provided fee recovery to the legal firm representing Channelkeeper. Representation had been provided to Channelkeeper on a contingency basis. Channelkeeper does not maintain in-house attorneys.

Channelkeeper’s claims against the City for excessive pumping/unreasonable use of water from the river will remain active once the 164-day period has expired and until a stipulated adjudication is finalized. A renewed commitment will need to be revisited once the interim settlement period has expired to maintain adequate flows in the river until finalization of the adjudication.

- In January 2020, the City of Ventura served summonses to all water rights holders in the Ventura River watershed.
- Moving forward, Channelkeeper will remain a party to the adjudication, with the sole intent of ensuring that the final outcome preserves sufficient flows in the Ventura River to support endangered species and other wildlife and uses.

⁴ USGS National Water Information System, Station 11118500, https://waterdata.usgs.gov/ca/nwls/uv?site_no=11118500