

**Written Testimony of C. Charles Evans Regarding Discussions Leading to  
Settlement Agreement In Compliance with Section 3(d) of State Water Resources  
Control Board Order WR 94-5**

*Cachuma Conservation Release Board and  
the Santa Ynez River Water Conservation District, Improvement District No. 1*

**Background**

I am a Director of the Goleta Water District, and that District's Representative to the Cachuma Conservation Release Board, serving in both positions since December 2002. I was Consultant Manager of the Cachuma Conservation Release Board (CCRB) from January 2000 to December 2002. Prior to my retirement in 1999, I was the General Manager of the Montecito Water District for 22 years, and was also concurrently the principal staff person for CCRB, for 24 years. I served as City of Santa Barbara Water Resources Manager from 1974-1978. I also served as a Board Member of the California Regional Water Quality Control Board, Region 3, from 1987-1991. I hold a Master's Degree in Civil Engineering from the University of Southern California.

I am familiar with institutional and water right issues involved with the Cachuma Project, including the substantial effort made by the Cachuma Member Units to comply with and to assist the United States Bureau of Reclamation (Reclamation) to comply with, the requirements of State Water Resources Control Board (SWRCB) Order WR 94-5. I am familiar with the efforts of the Cachuma Project Member Units and the City of Lompoc to resolve issues regarding any impact of the Cachuma Project on the City of Lompoc's water resources, and the efforts of the Cachuma Project Member Units, the Santa Ynez River Water Conservation District I. D. No. 1 (I.D. No. 1), the City of Lompoc, and the Santa Ynez River Water Conservation District (SYRWCD) to resolve water rights issues on the lower Santa Ynez River through the Cachuma Project Operations Settlement Agreement.

**Cachuma Member Units Consideration of City of Lompoc Concerns**

In 1993, the Cachuma Project Authority (CPA), a joint powers authority consisting of the Cachuma Member Units, entered into an agreement with the City of Lompoc to, among other things, establish a process for negotiations to address and resolve the City of Lompoc's water quantity and quality concerns associated with the Cachuma Project's impacts, if any, on the lower Santa Ynez River. The City of Lompoc presented a preliminary claim that the Cachuma Project had degraded the groundwater pumped by the City of Lompoc by a Total Dissolved Solids (TDS) concentration of 40 mg/l.

During the negotiations, the parties offered various management solutions.

In August 1995, the City of Lompoc concluded that the Cachuma Project had no impact on Lompoc Plain groundwater levels, but had impacted Lompoc Basin

groundwater quality and caused increased treatment costs for the City. Thus, Lompoc indicated that Cachuma Project operations did not affect the quantity of, but did affect the quality of, Lompoc Basin groundwater.

In WR 94-5, the State Water Board acknowledges the 1993 agreement providing for the CPA-Lompoc negotiations (Finding No. 15), and provides for reporting back to the State Board the results of those negotiations (Paragraph 3(d)). Those negotiations did not result in any specific resolution of the issues. During the mid-1990's, Lompoc filed several claims and lawsuits concerning the effects of operation of the Cachuma Project.

### **Workplan Manager Process**

Then, in 1996, the Member Units, Lompoc and SYRWCD agreed to initiate a "Workplan Manager" Process, under the auspices of the County Water Agency to: 1) determine the impacts, if any, and make recommendations to abate the impacts, if any, of the Cachuma Project on groundwater quality in the Lompoc Plain and on the City of Lompoc's water supply, and to improve the quality of the Lompoc Plain groundwater basin and the water supplies of the City of Lompoc, and 2) refine existing water quality and hydrology models to better evaluate the above. The Work Plan Manager consultant started work in July 1997 and continued until November 1999, when it was concluded that the analysis could not satisfactorily answer questions about the impacts of the Cachuma Project. Efforts to develop consensus-based models, including an improved Santa Ynez River water quality model based on the Santa Ynez River Hydrology Model were continued by Stetson Engineers, together with an Ad Hoc Technical Advisory Committee representing all parties, and were used for the water quality analysis which it is believed was included in the State Water Board's Cachuma Project EIR.

### **Ad Hoc Committee Process**

In January 1999, after it was determined that consensus would not be reached in the Workplan Manager process, CCRB and I.D. No. 1 invited the City of Lompoc and SYRWCD to participate in discussions that could lead to a cooperative program of water quality improvement for the Lompoc Groundwater Basin.

The parties met beginning in June 1999 for a total of thirteen Ad Hoc Committee meetings, with the final meeting in November 2002, corresponding with the approval of the Cachuma Project Operations Settlement Agreement. The Ad Hoc Committee consisted of two elected officials from each of the governing boards of the four Ad Hoc Committee members: CCRB, I.D. No. 1, the City of Lompoc and the SYRWCD. In addition, the managers of the four entities (Utility Director for the City of Lompoc) provided staff assistance at the meetings. The negotiations were in effect a continuation of the CPA-Lompoc negotiations referenced in WR 94-5.

During the negotiations, it was very important to the City of Lompoc and SYRWCD that the "Modified Winter Storm Operations", which had been promulgated by the Santa Barbara County Flood Control and Water Conservation District, and had been adopted by Reclamation, would continue to be used for flood control purposes. This program provides for early release of storm waters from Bradbury Dam to help

protect life and property along the Santa Ynez River downstream of the Dam. It was also very important to Lompoc and SYRWCD that deliveries of water from the State Water Project (SWP) into Lake Cachuma be scheduled to allow the maximum commingling with water right releases from Bradbury Dam, subject to a not to exceed 50:50 flow limitation on SWP water (imposed in the National Marine Fisheries Service Biologic Opinion (NMFS BO)), with the objective of lowering the TDS concentrations of water right releases for the lower Santa Ynez River downstream of Bradbury Dam. It was very important to the Cachuma Member Units that the four water entities would mutually support each other in the State Water Resources Control Board Hearing, and that the previous claims and lawsuits by the City of Lompoc against the operation of the Cachuma Project would be ended. These provisions were all agreed to in the Settlement Agreement.

### **Settlement Agreement Resolves Water Right Issues and Protects Public Trust Resources**

The parties to the Settlement Agreement agreed to resolve actual and potential disputes which exist among them regarding the obligation of Reclamation to make releases from Bradbury Dam for protection of downstream water rights. The result is that, entering into Phase 2 of the WR 94-5 Hearings, the parties agree that downstream water right holders are protected by the provisions of the Agreement, and the SWRCB need not take any additional actions in protection of downstream water right holders at this time. Importantly, however, the Settlement Agreement also provides that, if the State Water Board issues an order that does not require downstream water right releases to continue to be made consistent with WR 89-18, as modified by the Settlement Agreement, without any material change, the Agreement will terminate and the cooperative agreement will thus be ended.

The parties to the Settlement Agreement, all of whom were involved in the consensus process leading to the Fisheries Memoranda of Understanding to protect public trust resources, further indicated, through the terms of the Settlement Agreement, that they wished to coordinate the protection of public trust resources and downstream water right releases. Their purpose in doing so was to provide for protection of such public trust resources while, at the same time, maximizing the beneficial use of water from the Santa Ynez River, all in a manner consistent with the Lower Santa Ynez River Fish Management Plan and the Terms and Conditions of the NMFS BO.

The Settlement Agreement between the signatory parties is supported by Reclamation, and it is also supported by the City of Solvang. It is an historic agreement reached by all of the water entities on the lower Santa Ynez River, as well as the Contractors along Santa Barbara County's South Coast who receive water from the Cachuma Project. It represents the first time in many decades that all the water entities – both the Contractors receiving Project water and all downstream water interests – are in agreement on the Cachuma Project operations required for the protection of downstream water rights. They are also in agreement that the terms of the Settlement Agreement provide for protection of public trust resources.