

# Fox Canyon agency added to complaint over water diversions

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VENTURA, Calif. - Four environmental and civic groups that claim water diversions conducted by the United Water Conservation District have irreparably degraded the Santa Clara River have expanded their complaint, alleging the agency responsible for managing the underground basins of the Oxnard Plain is also complicit in harming the river.

The groups on Thursday amended their complaint with the State Water Resources Control Board to include the Fox Canyon Groundwater Management Agency.

The original complaint asks the board to review United's permits that allow for diversions and require that additional water be allowed to flow in the river.

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The amended complaint further asks the state board to order the Groundwater Management Agency "to implement measures necessary to protect the Santa Clara's public trust resources and to achieve reasonable use of the water" in the basins it manages.

The issues raised by the complaint are academic for the time being, as the lack of rainfall during a drought now entering its fourth year has resulted in so few river flows that almost no water is available for natural purposes, aquifer replenishment or any other uses.

The two agencies named in the complaint have had "a longstanding disregard" for implementing responsible policies that would balance agricultural and municipal water uses with environmental considerations, and have thus deprived residents of the Santa Clara Valley "of the benefits a live Santa Clara has to offer," said Jason Weiner, general counsel for the Wishtoyo Foundation and its Ventura Coastkeeper Program.

Those groups, joined by the Center for Biological Diversity and the Ventura-based community organizing group CAUSE, filed their original complaint in late 2013.

In March 2014, the United Water District formally responded, asserting there “is no credible evidence” to support allegations that the district’s diversions harm wildlife and violate the public-trust doctrine that underlies water rights in California.

Because the state water board’s staff has been directed to focus its efforts on drought-related issues, the agency has yet to investigate the allegations or decide whether to schedule hearings on the complaint.

At issue are a series of permits dating from the 1950s that allow United to divert water from the river so that it can be directly used by farmers to irrigate fields or directed into spreading grounds to replenish aquifers.

The agency’s authority to divert water was expanded in 1991 when it completed construction of a concrete dam near Saticoy, called the Vern Freeman Diversion Dam.

United officials assert their ability to divert water is essential to replenish underground basins and hold back the intrusion of seawater from the coast.

The public-interest groups allege the diversions have threatened the survival of the endangered Southern California steelhead trout, contributed to the growth of nonnative riparian vegetation that has driven out plants that had historically been habitat to various species of birds, and eliminated the possibility for recreational use of the river.

“The entire Santa Clara’s state of decline can be traced directly to the state-permitted and -licensed activities and operations of the United Water Conservation District that result in the diversion of almost all of the Santa Clara’s flows,” the complaint says.

The amended allegation asserts the Groundwater Management Agency is complicit in stopping the river’s flows because its policies “do not require or adequately incentivize” farmers and cities from doing all they can to conserve water or to promote the use of reclaimed water to recharge aquifers.

The agency last year ordered a 20 percent reduction in pumping from the basins beneath the Oxnard Plain as part of its efforts to reach a sustainable level of pumping.

United officials assert they are already taking multiple, expensive steps to address environmental issues.

After the Southern California steelhead was listed as endangered in 1997, district officials were required by the federal Fisheries Service to develop a recovery plan to facilitate the fish's upstream migration to spawn.

The plan, still in development, will require modifications to the Freeman Diversion and the district's Santa Felicia Dam at Lake Piru. The plan will require that millions of dollars be spent for construction of a fish passage, habitat improvements and extensive monitoring.

District officials estimate they will spend about \$80 million to comply with the federal requirements and that the steps they take will reduce the district's ability to divert water by 15,000 to 30,000 acre-feet per year.

If the state water board were to find merit in the complaint, it could order diversions be reduced by an even greater amount.

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