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MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Coast Regional Water Quality Control Board

May 31, 2012

San Luis Obispo County Superior Court
1050 Monterey Street
San Luis Obispo, CA 93408

REGARDING THE INTERLOCUTORY STIPULATED JUDGMENT, LOS OSOS COMMUNITY SERVICES DISTRICT V. GOLDEN STATE WATER COMPANY, COUNTY OF SAN LUIS OBISPO, S&T MUTUAL WATER COMPANY: SAN LUIS OBISPO COUNTY SUPERIOR COURT, CASE NO. CV 040126

Dear San Luis Obispo County Superior Court:

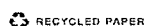
With the court's permission, the Central Coast Regional Water Quality Control Board (Water Board) submits this letter regarding the Interlocutory Stipulated Judgment, *Los Osos Community Services District v. Golden State Water Company, County of San Luis Obispo, S&T Mutual Water Company*. The Water Board has a unique interest in, and perspective on, this matter that the Water Board would like to share with the Court. The Water Board is charged with protecting and restoring the beneficial uses of surface and groundwater throughout the Central Coast Region, including the Los Osos Valley. See Cal. Wat. Code §§13000 et. seq.) (Deteriorating groundwater quality in the Los Osos basin due to seawater intrusion is an urgent matter because it has resulted in the loss of beneficial uses of the groundwater in a basin where that groundwater is the sole source of drinking and irrigation water. The parties to the Interlocutory Stipulated Judgment (ISJ) are developing a Basin Management Plan (BMP), but the parties have not provided an opportunity for participation by the Water Board and the interested public in the development of the BMP. The Water Board asks the Court to set a deadline for the local water purveyors and the County for release of the draft BMP for public comment. Given the Water Board's statutory authority and expertise, the Water Board may provide useful input in the development of the BMP.

Stipulated Judgment

In the litigation entitled *Los Osos Community Services District v. Golden State Water Company, Case No. CV 040126* (San Luis Obispo County Superior Court), the parties entered into an ISJ to establish a process for Los Osos groundwater basin management. Domestic water for the Los Osos community is produced by three main water purveyors, Golden State Water Company (GSWC), Los Osos Community Services District (LOCSD), and S and T Mutual Water Company (S&T). To resolve the above-cited formal complaint, the three main water purveyors and San Luis Obispo County entered into the ISJ on August 5, 2008. The ISJ allows for the parties to cooperatively assess, develop, and implement a plan to address groundwater rights and use in the Los Osos Basin. The purpose of this BMP is to define the strategy for management of the

JEFFREY S. YOUNG, CHAIR | ROGER W. BRIGGS, EXECUTIVE OFFICER

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**Item No. 12 Attachment No. 3
Los Osos Wastewater Project
Sept. 6-7, 2012 Meeting**

May 31, 2012

Los Osos Valley Groundwater Basin ("Basin"). The County's participation in the ISJ Working Group allows coordinated efforts between water management in Los Osos and the County's construction of the Los Osos wastewater project. Basin management is now critical. The basin is currently not in balance; pumping withdrawals exceed the safe yield of parts of the basin's aquifers, causing on-going seawater intrusion. Where seawater intrudes a fresh water aquifer, most beneficial uses of the groundwater (e.g., use for drinking or irrigation) are destroyed.

The ISJ Working Group notified the public of the group's efforts through a May 5, 2010 Los Osos Groundwater Basin Plan Update, and through a presentation at an October 6, 2011 LOCSD meeting. The updates included a discussion of various activities the ISJ Working Group is considering to balance the Los Osos groundwater basin, and a draft water conservation plan evaluation.

Basin Management Plan Delay

The ISJ Working Group indicated it will release the draft BMP for public review and comment as soon as possible. Water Board staff inquired in late January 2012, about the release date for the draft BMP. The ISJ group still has not committed to any specific date for releasing a draft, let alone producing a final BMP. It has been three and a half years since the parties entered into the ISJ on August 5, 2008, and yet the ISJ group is unwilling to say when the draft BMP will be done. During those years, sampling results indicate seawater intrusion has not only continued, but has accelerated significantly in certain areas.

Request of the Court

The Water Board asks the Court to set a deadline for the ISJ (GSWC, S&T, LOCSD, and the County) of July 1, 2012, for release of the draft BMP for public comment, and October 1, 2012, for a final report (allows a month for comment and two months to respond to comments and produce a final report).

If you have any questions, please feel free to contact me at (805) 549-3140, **David LaCaro at (805) 549-3892**, or Harvey Packard at (805) 542-4639.

Sincerely,



Digitally signed by Roger W. Briggs
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Date: 2012.05.31 14:53:18 -07'00'

Roger W. Briggs
Executive Officer

cc:

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