

1 DOUGLAS DEITCH  
3540 PORTER GULCH ROAD  
2 APTOS, CA 95003  
831-476-7662  
3 IN PROPRIA PERSONA  
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**FILED**  
DEC 11 2006  
ALEX CALVO, CLERK  
BY DEBORAH ROJAS  
DEPUTY, SANTA CRUZ COUNTY

8 SUPERIOR COURT OF CALIFORNIA  
9 COUNTY OF SANTA CRUZ

10 CV 155917

11 DOUGLAS DEITCH, ) Case No.:  
12 )  
Petitioner, )  
13 and )  
14 )  
SANTA CRUZ COUNTY BOARD OF )  
15 SUPERVISORS, )  
16 Respondent )

17  
18 Comes now Petitioner to allege as follows:

19 I.

20 Petitioner Douglas Deitch is a resident and taxpayer in the County of  
21 Santa Cruz. To exhaust administrative remedies and to secure from the  
22 Respondent Board of Supervisors the performance of their ministerial duty  
23 which they have failed to perform as set out below, Petitioner Deitch has  
24 appeared before the Respondent Board of Supervisors on numerous times over  
25 the last eight years and in written letter and by email, requested  
agendization and action on the county-wide groundwater emergency matter under

1 Title 7 Santa Cruz County Ordinance, Section 7.70.130. Petitioner Deitch has  
2 additionally previously filed suit on this matter, (see CV13887), which  
3 Respondent claims is now barred by the statute of limitations.

4 The Petitioner brings this action on behalf of himself, of who resides  
5 in the immediate vicinity of the water supply which is being over-drafted and  
6 depleted as hereinafter alleged. Petitioner is beneficially interested in  
7 the faithful performance by Respondent of its official duties concerning the  
8 protection and preservation of the environment in Santa Cruz County.

9 Petitioner is aggrieved and has suffered irreparable injury from the actions  
10 complained of herein in that there is no adequate remedy at law to make up  
11 for the failure of the Respondent to agendize this matter, to hold a public  
12 hearing, and to declare a water emergency as required by the local county  
13 ordinance.

14 II.

15 Respondent Santa Cruz County Board of Supervisors is that body which  
16 directly governs Santa Cruz County and has ultimate responsibility for the  
17 enforcement of all county ordinances including Title 7, Section 7.70.130.

18 III.

19 Pursuant to Title 7 Santa Cruz County Ordinance, Section 7.70.130 the  
20 Respondent Board of Supervisors has a ministerial duty of declare a  
21 groundwater emergency upon presentation of evidence that the areas to be  
22 designated are experiencing a groundwater overdraft exceeding the long-term  
23 average annual recharge of groundwater resources, and has been so  
24 continuously since at least 1988 (please see [www.begentlewiththeearth.org](http://www.begentlewiththeearth.org),  
25 com. or net.) when the Board of Supervisors first reviewed and approved the  
first comprehensive county-wide Water Resources Management Report, that the

1 creation of new wells or the expansion of existing wells in the designated  
2 area will significantly increase the demand on the affected aquifer and  
3 thereby increase overdraft; and that the continuation of the overdraft will  
4 result in further depletion and degradation of the water resource that can  
5 lead to impairment of the aquifer or allowing the ingress of low quality or  
6 saline waters. In fact, since 1998, the County Report has indicated that  
7 water resource loss has been 15,000 acre feet per year to salt water  
8 intrusion. The Respondent Board further has a ministerial duty pursuant to  
9 Section 7.70.130(B) to establish water conservation measures, to limit new  
10 wells and to regulate pumping from existing wells in order to prevent further  
11 degradation or depletion of the affected aquifer.

12 IV.

13 At a duly noticed public hearing held on February 15, 2000, and  
14 numerous times before this date and thereafter, the Respondent took testimony  
15 concerning whether the conditions requiring the declaration of a groundwater  
16 emergency as defined in Section 7.70.130 existed in the Pajaro River Valley  
17 groundwater basin. There was and is substantial uncontradicted evidence that  
18 the conditions set out in Section 7.70.130 requiring the declaration of a  
19 groundwater emergency do still today exist in the county groundwater basins,  
20 and have continuously since April 1998. Notwithstanding such evidence and  
21 the lack of any substantial evidence to show the conditions warranting the  
22 declaration of a groundwater emergency did not exist, the Respondent refuses  
23 to perform its ministerial duty to declare such a groundwater emergency.

24 Wherefore Petitioner prays as follows:  
25

- 1 1. For alternative and peremptory writs of mandate compelling
- 2 Respondent to perform its ministerial duty to declare a
- 3 groundwater emergency in all county groundwater basins;
- 4 2. For costs of suit including reasonable attorneys fees
- 5 pursuant to Code of Civil Procedure Section 1021.5;
- 6 3. For such other further relief as the Court deems just and
- 7 reasonable.
- 8 4.

9  
10 Date 12/11/2006

  
 \_\_\_\_\_ Petitioner  
 Douglas Deitch

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15 VERIFICATION

16 I Douglas Deitch declare under penalty of perjury of the laws of the  
 17 state of California that all the information the stated herein is true and  
 18 correct to the best of my knowledge.

19 Date 12/11/2006

  
 \_\_\_\_\_ Petitioner  
 Douglas Deitch