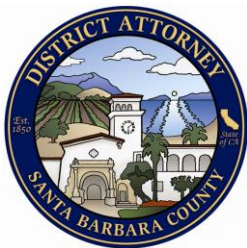


OFFICE OF THE
DISTRICT ATTORNEY
COUNTY OF SANTA BARBARA

JOYCE E. DUDLEY
District Attorney



DA 07-540

RELEASE NUMBER

July 18, 2019

RELEASE DATE

Joyce E. Dudley

APPROVED BY JOYCE E. DUDLEY, DISTRICT ATTORNEY

Christopher Dalbey, Deputy District Attorney

CONTACT (805) 568-2436

******* PRESS RELEASE *******

Montecito Creek Water Company Settles Environmental Violations with the District Attorney

Water Company Diverted Water Without Streambed Alteration Agreement

Santa Barbara County District Attorney Joyce E. Dudley announced today the resolution of an environmental-protection action against Montecito Creek Water Company.

The defendant and the District Attorney stipulated to the entry of final judgment, without admission of liability, in this civil case filed on June 25, 2019, in the Superior Court for Santa Barbara County.

Montecito Creek Water Company has property rights to some of the water in Hot Springs Creek for residential use. The Department of Fish and Wildlife discovered that the Water Company had not obtained the permit under the Fish and Game Code that is required to substantially divert water from a stream (even if the person diverting the water has property rights to the water). In addition, the Department of Fish and Wildlife documented broken, galvanized water pipes abandoned in the creek and the use of cement to install diversion pipes. Wet cement contains pH levels that can sterilize fish and plant life in a creek bed. In the civil suit, the District Attorney alleged that the Water Company, without proper authorization from the Department of Fish and Wildlife, substantially diverted water from the creek, used concrete to install diversion pipes, and abandoned old pipes in the creek.

Montecito Creek Water Company cooperated with the authorities to reach a settlement that includes mandatory provisions for streambed remediation and restoration.

The Final Judgment includes the following provisions:

- \$20,000 in civil penalties;
 - \$10,000 payable to the County of Santa Barbara, Fish and Wildlife Propagation Fund.
 - \$10,000 payable to the California Department of Fish and Wildlife, Fish and Game Preservation Fund.
- \$5,000 to the District Attorney's Office as reimbursement for costs of investigation and prosecution; and
- Injunction requiring Montecito Creek Water Company to comply with the terms of the Streambed Alteration Agreement that it negotiated with the Department of Fish and Wildlife. This Agreement contains detailed provisions for remediation and restoration.

District Attorney Dudley said, "These violations threatened the health of our valuable natural resources. We are grateful that the defendants agreed to resolve this matter, take appropriate remedial actions, and take the necessary steps to comply with the law in the future."
