

Federal Court Returns Freeman Dam Case To California State Court, Advancing The Fight For Isha'kowoch On The Utom River

Wishtoyo Chumash Foundation and its partners will continue to press their claims that United Water Conservation District's dam operations violate California law

VENTURA, CA, UNITED STATES, July 30, 2026 /EINPresswire.com/ -- On Thursday, July 23, 2026, a

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Mati Waiya

federal judge sent the Wishtoyo Chumash Foundation's lawsuit (Wishtoyo Foundation et al v. United Water Conservation District, No. 2:22-cv-08657-DOC-BFM) over the Vern Freeman Diversion Dam back to Los Angeles County Superior Court, ruling that the case belongs before a state judge because it rests entirely on California law. The decision clears the way for Wishtoyo and its partners to pursue their claims in the same court system that, in June, upheld California's endangered species protections for the Southern California steelhead, known to the Chumash

people as Isha'kowoch.

U.S. District Judge David O. Carter ruled from the bench that the suit, brought by the Wishtoyo Chumash Foundation, its Ventura Coastkeeper program, the Center for Biological Diversity, and the Ecological Rights Foundation, involves “only state claims.” Carter, who has presided over nearly a decade of related federal Endangered Species Act litigation concerning the same dam, said he would not delay the jurisdictional decision any further.

Filed in 2022, the lawsuit challenges United Water Conservation District's operation, maintenance, and water diversions at the Freeman Dam on the Santa Clara River, known to the Chumash people as the Utom. It brings claims under Article X of the California Constitution, the Public Trust Doctrine, and the California Fish and Game Code, and seeks a court order requiring the district to comply with state environmental law. The complaint alleges that the dam impedes fish passage and harms five native fish species, namely the Southern California steelhead (Isha'kowoch), the arroyo chub, the partially armored threespine stickleback, the Pacific lamprey, and the Santa Ana sucker.

“Our ancestors did not need a courtroom to know that when fish cannot migrate, the river is

dying,” said Mati Waiya, founder and executive director of the Wishtoyo Chumash Foundation. “For more than thirty years, we have watched this dam impede Isha’kowoch’s natural migration cycle. California’s laws were written to protect these sacred species, and now a state court will decide whether those laws mean what they say.”

Returning the case to state court matters because California protects native fish that federal law leaves out. Arroyo chub and partially armored threespine stickleback are safeguarded under state law but are not listed under the federal Endangered Species Act. And in 2024, the California Fish and Game Commission listed Southern California steelhead as endangered under the California Endangered Species Act (CESA), the designation a Los Angeles County Superior Court upheld last month. The environmental groups have moved to add a CESA claim to the Freeman Dam case, resting on the same allegations of harm to steelhead.

At the hearing, Carter explained that he had held off on the jurisdictional ruling in hopes that state and federal agencies would assemble funding for a permanent fish passage structure at the dam, a solution he has long favored. Escalating costs and the failure to secure financing ended that possibility, he said, leaving the court with only the question of where the case belongs. Carter also rejected a receivership proposal advanced by the water district, calling it untenable and noting that a court-appointed receiver cannot commit a public agency to spending or displace decisions that require public participation.

Before adjourning, Carter directed the parties to meet with former U.S. Magistrate Judge James Smith to discuss next steps and to report back within two weeks, while making clear that his decision to remand the state-law action was final.

Wishtoyo will continue to stand with its partners and the broader community to ensure that Isha’kowoch, and the sacred rivers it calls home, are protected and restored for future generations.

Jake Yablonski
Plus4 Public Relations
+1 310-948-9743
[email us here](#)

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