MEETING SUMMARY November 16, 2016
Colusa Sustainable Groundwater Management Act (SGMA) – Governance Workgroup Meeting #9

MEETING RECAP
➢ Mary Fahey, Colusa County Water Resources Coordinator ran the meeting in the absence of a facilitator.
➢ The Workgroup decided to pursue completing a water balance that would be voluntarily funded by Agency members.
➢ The Workgroup reviewed and commented on the County of Colusa’s draft Principles.
➢ The Workgroup had a productive discussion on the first cut at a draft Agreement that will become a MOU and eventually a JPA.

For more local information visit the Colusa County Water Resources Webpage. For information on SGMA visit the Department of Water Resources SGMA Webpage.

MEETING SUMMARY
Opening Remarks
Mary Fahey, Colusa County Water Resources, announced that the facilitator would not be attending today due to a family emergency.

Ms. Fahey took time to thank the agencies, private pumpers and members of the public and CA Department of Water Resources who have been attending and participating in the Groundwater Sustainability Agency (GSA) Workgroup meetings. She noted that she has heard from other counties and from DWR that Colusa County is doing an excellent job. It’s a long process and it’s hard, but the Colusa County group is making excellent progress.

SGMA Process Updates
Ms. Fahey reported that a final notice letter to the GSA-eligible Agencies that have not been participating in governance planning meetings has been sent out and recipients had until November 11, 2016 to reply. She received six responses:

- These Agencies will not participate as a GSA: the Colusa County Resource Conservation District, Glenn Valley Water District, and Holthouse Irrigation District.
- The City of Colusa will be participating as part of a multi-agency GSA.
- The Arbuckle Public Utility District is interested in supporting the County but Ms. Fahey will follow up to gain clarification on their intent.
- Roberts Ditch Irrigation District has not yet decided.
- Charles Marsh (RD 479) stated that he did not receive the letter and Mr. Marsh indicated that RD 479 will participate. Mr. Marsh also stated that Colusa Drain Mutual Water Company will participate.

Agencies that did not respond to the letter are assumed to not be participating as a GSA.

PPAC – The PPAC did not have an update.

Ms. Fahey reported that Glenn County’s next Governance Workgroup meeting is tomorrow (November 17) at 1:00 p.m. in Willows. The first meeting of the new Glenn County PPAC will be held November 22.
Ms. Fahey discussed efforts to identify wells in the County. Known wells, based on DWR well completion reports, have been mapped in GIS. In the beginning stages of SGMA implementation, we can utilize best available data, so mapping of well locations can be an ongoing work in progress.

Ms. Fahey discussed the subsidence resurvey that will be taking place in the Sacramento Valley in spring, 2017, and asked if agencies had staff available to help in the field. DWR has not yet figured out the schedule. GCID and RD 108 will be providing staff and they have both been in communication with DWR. Data from this survey will be important for our Groundwater Sustainability Plans (GSPs).

Ms. Fahey mentioned that the first round of DWR’s draft Best Management Practices (BMPs) are available. A public meeting was held Monday in Willows and comments on the BMPs are due November 28. Brett Matzke (Cortina Rancheria) mentioned that the Tribal Engagement Guidance Document is almost completed. He expressed concern that Tribes are not mentioned in the draft Agreement for Colusa County.

Discussion – Draft SGMA Work Plan (as prepared by Grant Davids, Davids Engineering)(Appendix A)
Ms. Fahey stated that no comments were received from the Workgroup on the draft Work Plan. She has reformatted the document by color-coding studies based on priority. The items in green are in progress. These items are part of the County’s Proposition 1 grant-funded project. The items in yellow, she feels the group should consider completing in the near future. These items include a hydrogeologic conceptual model (HCM), a groundwater and surface water model, and a water budget. The estimated cost to complete those items is approximately $250,000 according to a rough estimate provided by Mr. Davids. If we complete these soon, it will be prior to a Proposition 218 process so the Agencies participating in governance will have to figure out how to fund these efforts.

Comment: Page 1 of the Work Plan has to get done. Those tasks are foundational and will help shape governance and answer the question of whether or not we are sustainable. How do we put together some options for funding? (Page 1 includes the in-progress items, the hydrogeologic conceptual model, a groundwater and surface water model, and a water budget).

Comment: What are the funding options? The agencies can chip in, or the other option is that we don’t complete these studies.

Question: Legally, can we charge an assessment soon?
Comment: Mary Randall, DWR, mentioned that this is a question from every group. Is it a tax or a fee?
Comment: If we just do a straight water budget, it’s estimated to cost $150,000 and is the most critical component. The water budget could be phase 1 and the HCM could be phase 2.

Question: Is there another round of grant funding coming? Answer: Yes, there will be funding for GSP development, which is $86 million statewide. $10 million is for severely disadvantaged communities. DWR is drafting the Proposal Solicitation Package (PSP) now and they expect it to be available in the spring. The final PSP will be available after June 30, 2017. There will be a lot of competition.

Question: When do you think the MOU will be completed? Answer: We are going to look at that today.

Question: How many agencies do we have now to participate in the GSA? Answer: Nine or ten.

Comment: We could do the funding similar to the Sites Reservoir JPA; all agencies that are signatories contribute. If we do a Prop. 218 later, the agencies can be reimbursed.

Action Item: Ms. Fahey to work on a more detailed scope of work with more accurate cost estimates.

Action Item: Put a funding mechanism in place; Put language in the Agreement regarding this.
Discussion – Draft County Principles (Appendix B)

Ms. Fahey explained the format of the County Principles. At the top of the page are potential threats and risks to citizens and land use. The County looked at those as a basis for the Principles. Under each Principle is a number that relates to the threats/risks. The document is divided into three sections. Ms. Fahey read through each Principle and discussion followed.

Comment: Sustainability #1: “For the good of groundwater users” should be “all water users.”
Comment: #7: What does “incentivized” mean? Answer: not sure.
Comment: Mr. Ceppos had mentioned that we might want to integrate Sites Reservoir into a conjunctive Use Principle.

Comment: #6: Should we consider making it illegal to do a groundwater substitution outside of the County? Answer: This is the current Ordinance. Comment: Currently, a permit is required to transfer water outside of the County when groundwater is substituted. All applicants are required to go before the Groundwater Commission.

Question: Has the Groundwater Commission ever declined a permit? Answer: Yes.
Comment: This could dramatically affect the ability to invest in Sites Reservoir, if investors can’t sell the water in some years. Surface water Districts don’t agree with this.

Comment: As we develop our GSP, this may be revised. It gives the chance for the community to look at the transfer and see if it makes sense. It offers some protection.

Comment: This is not a sword we want to die on, but we don’t want to just glaze over this. Ms. Fahey asked if we should take this out of the Principles. The ordinance is already in place. Action Item: Remove this Principle.

Comment: The next time an application is submitted to the Commission, it will be looked at differently under SGMA.
Comment: This addresses out of the County transfers, but not out of basin.

Comment: I feel like the Ordinance is more rigorous than SGMA will be. There may be an opportunity to meld the two. The County requires a permit to extract groundwater any way, they have to get a permit to get a well. You could change the language.

Question: #8: What “contributions” are we talking about? Action Item: take out the word “the” and leave it as “…and contributions to the system…”
Comment: Referring back to the bullets at the top. Bullet #1: Is a high cost really a risk or a threat to the County? Answer: No, not to the County, but to citizens.

Comment: Is it better to say that the cost will be higher if we don’t comply? Not just the high cost of SGMA, but the higher cost if the State intervenes.

Comment: Combine #1 and #5.

Comment: Bullet #1, SGMA will cost landowners money. If we’re not efficient, it will cost them more. It’s a burden on landowners on top of the other programs they have to pay for. Maybe it’s not a threat or a risk, but more of a burden.

Comment: Bullet #1 makes it sound like it’s going to be really expensive to growers if we do it ourselves; as though failure to come up with local solutions is going to be costly.

Comment: Bullet #2 rubs the wrong way. Is this a land use issue? Are we going to prevent certain wells and depths? How are you going to regulate that? How you do that is very important.

Comment: That statement might not totally be true, depending on the aquifer.

Comment: It feels a lot like a reaction to District wells threatening landowners.
Answer: Not necessarily. We’ve had situations with landowner wells affecting neighboring domestic wells.

Comment: It’s really not larger, deeper wells, it’s more the number of wells and water use.
Comment: If the solution is that the GSA needs to go in and say no more wells, I don’t think that’s the solution. It’s more how the water is being used, how much water is actually coming out of the wells, not how big or deep the wells are.

Comment: It’s a local, adjacent landowner issue. We will always have that issue.

Action: Change the language to “Increased extractions threatening the groundwater...”

Discussion – Draft MOU Agreement; Consolidated Comments
(Appendix C – Consolidated Comments)
Ms. Fahey described that Mr. Ceppos had received comments on the draft MOU and he consolidated them into a document that has been provided as a hand-out.

Question: How did Mr. Ceppos incorporate the comments into the draft MOU? Answer: There are some items in the draft MOU highlighted in green. Those are items that received the greatest amount of comments. Mr. Ceppos didn’t describe to Ms. Fahey exactly how he incorporated the comments, but he did take them all into consideration (except one comment from outside of the subbasin).

Comment: Commenter #1 (from Consolidated Comments), item #2: (...not having the zone of depression of a well extend beyond property lines where the well is located), this would limit a lot of people from pumping.

Comment: Commenter #1, item #3: (having a permitting process in place that identifies future use) The water Districts have to do that already if we put a well in. Is that going to be a permit requirement going forward for anyone that puts in a well? Will they have to identify water use, crops, etc.? If this is going to apply to a District well, it should apply to any well that is going in.

Comment: Commenter #3 has questions about “historical banking” of groundwater. As a group of Districts we are not claiming a right to historic banking of groundwater. We have never said that, it’s not what we’re looking for. This is why we think it’s important to do a water balance. We have to let the numbers answer some of these questions. We need the data to help inform ultimately what some of these Principles will look like.

Comment: Commenter #3, bullet #7: We have talked about police powers. The Districts have them as well as the cities and the County. We have the MOU structured so that everyone is using their police powers consistent with SGMA. As long as they’re doing what they’re supposed to, they retain those police powers. If they aren’t doing what they are supposed to, the MOU would ultimately trump those authorities. We can’t put governance together that strips agencies’ authorities.

Comment: Ms. Fahey relayed a comment from Mr. Ceppos that under SGMA, any agency that is going to be a GSA is going to have those police powers per SGMA, so it’s not really questionable that each member agency retains current authorities and also has the authorities of a GSA.

Comment: So if you’re going to have a multi-agency GSA, you have to make a decision as to where those authorities are going to exist. For example, enforcement should happen at the local level, but if that fails, it will go up to the overarching GSA to provide enforcement.

Comment: The last sentence (Commenter #3, bullet #7) says that the power should be only with the County. We are talking about a broader MOU/JP, not just the County. We want to make sure the County is using its land use authorities, but if the County is not using those authorities, the GSA needs to call the County out.

Comment: Commenter #3: District-Specific Principles, Bullets #2 and #3: The water balance will help answer some of those questions.

Bullet #4: From the surface water Districts’ position, there has to be recognition that pumping affects the environment. Districts are not the only ones causing impacts to the environment.
**Commenter #6:** We are trying to figure out if we are going to have to rely a little more on groundwater, do we rely on wells that we already have or do we tell our landowners to put in their own wells? We’re trying to do more programs that are defined. If we tell our growers that they are on their own, we will have a more chaotic approach to things. This is about District level programs vs. growers being on their own.

**Comment:** That comment (Commenter #6) came from a stakeholder meeting with John Garner (attorney). The concern is that if GCID puts wells in one location to supplement all of its acreage, there will be a localized impact.

**Comment:** I have heard the discussion that Districts have a secondary right to groundwater. If landowners are to put in their own wells and utilize their pumping rights, it would be more costly to the landowners, and would not have the transparency as if it was a district-run program. I hear people pushing us in this direction. If we did something as a District we would be open about it. This is something we are going to have to resolve.

**Discussion – Draft MOU Agreement (Appendix D – Draft MOU)**

Ms. Fahey explained that Mr. Ceppos received the most comments on three main items:

1. Surface water Districts receiving credit for recharge. We need to think about how we define this. The basin is not confined, the water is moving. How do we quantify this? This is something that the group is going to have to work through and agree on.

**Comment:** We need to also take into consideration recharge from the 2047 canal, the creeks and the sloughs.

**Question:** Do we need a special study, like the water balance?

**Comment:** I think this is going to be a very minimal piece of our groundwater issues.

**Comment:** Our (Districts) intent when we put our Principles together was not to limit the pumpers in any way. We were just saying that these are things that we want included in the conversation. If the pumpers have that kind of a Principle, please provide it. The PowerPoint presentation from the private pumpers was really helpful, but it would be good if the private pumpers could come up with some principles that we could discuss and then we could put in the MOU. If we could put this Agreement together without any surprises, that would be great. We don’t want to see things blow up later in the process.

**Comment:** We (private pumpers) need more detailed studies, sponsored by the GSA, not by a specific water District, that would quantify the recharge contribution. Now we have no idea what Districts are contributing and how much of that contribution is pump-able. We are assuming that you want to pump all of it.

**Comment:** I think we need to flesh out more the intent of what the surface Districts mean. There is some confusion about exactly what the Districts want and it’s causing these issues.

**Comment:** We are forgetting the contributions in some of the white areas from folks that are using surface water pumped from the Sacramento River.

**Comment:** As stated earlier, I think this is a small issue and we tend to focus on controversial things.

2. The second item that received the most comments is allowing transfers.

3. The third item is Police powers of Districts over their landowners. We have determined that this is not a big issue. If a District is a GSA or part of a multi-agency GSA, they have those powers under SGMA.

**Question:** Does SGMA give water Districts the right to be trustee over their landowners? I didn’t realize that SGMA gives Districts the right to assert control over landowners’ water within their service area.
boundaries. **Answer:** We are not saying we are going to assert this. We are talking more about coordinating. We are going to come into these meetings with one coordinated message, not 1300 separate landowners. That’s all we’re trying to say, coordination from a District standpoint. We have our landowners organized. It seems to be advantageous to the process. We will hold landowner meetings in January/February to tell them where we are in this process.

**Question:** What does the word “trustee” mean? It gives a sense of “control.” **Answer:** We could change the language. **Action:** Change the word “Trustee” to “representative” in MOU and District Principles.

**Question:** I’m worried about the West Butte Subbasin. Are we talking about doing a separate MOU? **Answer:** Not sure. **Action:** Ms. Fahey will discuss with Mr. Ceppos.

**Comment:** On the MOU, bottom of page 2, under General Principles of Understanding, #1, can we say balanced representation of all landowners instead of just private pumpers? **Action:** Change “private pumpers” to “beneficial users.”

**Comment:** There will need to be some language including Tribes in the MOU.

**Question:** Page 3, #6, regarding a multi-agency GSA, are we moving forward to re-submit a GSA notification to DWR? Is the County pulling back? Are the other agencies relinquishing their GSAs? **Answer:** Yes, that is what this is about. This is the first cut at an Agreement for a multi-agency GSA. Once the Agreement is in place, the noticed GSAs will rescind their GSA filings and a new, single, multi-agency GSA will be formed.

**Question:** Is that the way everyone is heading? **Answers:**
- GCID is still having Board discussions.
- RD 108 is willing to sign on as long as there is language that they can become their own GSA if things go south.

**Comment:** We need to make sure we get the proper legal language for this (#6).

**Comment:** Yolo County has some language in their draft MOU.

Ms. Fahey mentioned that after today’s meeting, she and Mr. Ceppos will work on an updated version of the MOU based on comments received and the document will then go to Mr. Donlan, outside legal counsel, for review.

**Comment:** Is everyone maintaining their own GSA and forming a JPA? **Answer:** No, each agency, including the County, will relinquish their GSA notification and re-form one multi-agency GSA. It can be JPA or a MOA/MOU. A JPA is more legally binding.

**Comment:** The County currently participates in four or five JPAs and we have standard practices.

**Action Item:** **Page 3, #11:** Change “Large, deep wells” to “increased extractions.”

**Comment:** **Page 3, #12:** Should we put agricultural wells in there too? How about all wells?

**Question:** What is the point of #12?

**Comment/Action:** **Page 3, #12:** Reword this to say “aquifers within the basin can be threatened by unsustainable management of groundwater resources.”

**Comment:** **Page 4, #18:** This is identical to #6. **Action:** Delete #18 and incorporate into #6.

**Question:** **Page 4, Section 5, #2:** Does the Act affect all citizens of the county? **Answer:** No, it is limited to all citizens overlying the basins. **Action:** Add “overlying the basin” after “citizens.”

**Question:** Is it just the County that will implement? It should be the GSA. **Action:** Change “County” to “GSA.”

**Question:** **Page 4, Section 5, #3:** Do we know how many will be on the Board? All of the 28 agencies could potentially be a board member, right? **Answer:** They could but the letter went out and we have a pretty good idea of who is participating.

**Question:** “...invited by the conveners of the agency,” would that be a unanimous invitation, by all of the Board members? **Answer:** I would think so, but that would be defined in the Bylaws.

**Question:** Would a Mutual Water Company have to be invited by the full Board? **Answer:** It could possibly be invited by one agency. I believe that would be defined in the Bylaws.
Comment: Page 4, Section 5, #4 and #5: “County” should be replaced by “Agencies.”

Question: Page 4, Section 5, #6: Does this mean that there are multiple GSAs?

Comment: I think the key word here is “preserve” and I don’t think it’s worded correctly. This is the block that is trying to say that GSA-eligible agencies down the road can still become their own GSA.

Question: Our deadline is June 30 to have our GSA formed. What happens 6 months later if things change and agencies want to go off and become their own GSA? Answer: We wouldn’t be non-compliant, we’ll still be covered county-wide. The agency that wants to back out would have to refile. We would have to have it in the Agreement that they can back out.

Question: But would DWR accept that? Answer: They have said that they will. Yolo County has it in an email from DWR.

Comment/Action: On #6, I would reword this to say that local agencies would retain discretion to determine whether...this is in the Surface Water Districts’ Principles.

Comment: #7: Page 5, Section 5: I have concern about the white areas adjacent to Districts. How do we ensure that there is proper coordination and communication between the District and the white area?

Comment: Management Areas would help with this.

Question: Are we all going to be playing under the same set of rules? What happens if pumping needs to be cut back? Comment: I see this from the point of view of a District, if there is a percentage cutback, we would work with our landowners to implement that within our District. Landowners outside the District would figure out a way to do that as well. My problem with this is that it says you retain authorities, but I think you need a sentence that says “unless you don’t achieve sustainability goals.” If a District doesn’t comply, then the GSA would need to step in.

Comment: I would say, as long as it’s achieving the goals or something like that, it’s conditional. Action: Change language

Comment: I think it will be more difficult for the water agencies to know what is going on in the white areas. We will be talking to our landowners and holding regular meetings but the white areas won’t be as coordinated.

Sustainability section

Comment: Page 5, Sustainability, #3: This probably doesn’t need to be included. It’s a county ordinance and it could change. Action: Delete #3

Comment: Page 5, Sustainability, #4: Could we change the word “incentivized” to “encouraged,” or something like that? Comment: This states that only surface water users should be encouraged. I think all water users should be motivated to find ways to bring in surface water. If it was written more that way, it would be a great statement.

Action: Change language on #4: All users should maximize surface water use when available and should be encouraged to utilize surface water to its full extent...

Comment/Action: Page 5, Sustainability, #5: Take out “the.”

Comment: Page 5, Sustainability, #6: This is too restrictive. Singling out importers of surface water makes it sound like they’re the only ones that can use recharge. This is the only place in the document where “importers” is used. It disregards the contributions of riparian users and other folks that are not surface water importers. Comment: This is one of the small issues that is causing problems. Is there a way we could reword this? Comment: I would be okay with relying on #4 and saying that we’re all better off with surface water. Action: Take out #6.

Comment: We just want recognition for the recharge provided. For example, when we do our water balance, it will show a number of acre feet of recharge. We are not looking to take that all out, but there should be recognition.

Question: Couldn’t we modify #4? Answer: Okay. Mr. Bettner will work on tweaking this language.

Comment: Page 5, District-Specific Principles: Should there be District-specific principles? Isn’t this an inclusive MOU? Action: Do not have separate categories of Principles.
Page 5, District-Specific Principles #1: **Comment:** This is the same as #17 on page 4. **Action:** Combine this with #17.

**Comment:** Page 6, District-Specific Principles #2: Districts are claiming rights to recharge on private lands in their districts. **Comment/Action:** Change “trustee” to “representative.”

**Comment:** Page 6, District-Specific Principles #3: Districts should not manage “natural recharge.”

**Comment:** It’s a secondary right.

**Comment:** If we’re a GSA we have a greater responsibility.

**Question:** Aren’t the districts’ representatives for their landowners’ pumping? **Answer:** Yes, if we are a single GSA. But if we form a multi-agency GSA, it’s up to the organization. I think we are looking at delegating those authorities down to the local level.

**Comment:** If you pump all of your contributed artificial recharge, it now shifts to an appropriative right and you are using natural recharge. Once this switches, those with overlying rights take precedence. They get first priority.

**Question:** Once the water goes into the ground, who owns it? The landowner has paid for it. Why does the District own it? Why isn’t it the landowner’s water? Title has been transferred. **Answer:** Districts have rights to the water and landowners pay for it. It never transfers ownership to the landowner. They only pay for the right to use it. This is where it gets vague. This is why it’s all about working together. The Districts don’t want to pump groundwater. But we’re looking at the restrictions on the Delta now. That’s our fight and if we use groundwater, it will be for that purpose only. That’s all we’re looking for out of this. If we can reword this to make it more comfortable, we can do that.

**Comment:** “Must” and “will” is used a lot when referring to groundwater users. “May” is used a lot for the Districts. There is strong language for groundwater users, and vague language for Districts. We need to make sure that all private pumpers are comfortable with this language.

**Comment:** Page 6, District-Specific Principles #3: We will have to work on #3. **Comments:**

- How are we going to ensure that no harm is going to come to adjacent landowners?
- “Districts will provide...” should be scratched.
- It should say “The Agency will provide....”
- How about “Studies will provide....”
- Strike “no harm...”
- Add monitoring and mitigation programs

**Comment/Action:** Page 6, District-Specific Principles #4: Strike “**must be.**” Remove “**must**” and add “**all water users**” instead of “**groundwater users.**”

**Question:** Are you referring to natural recharge? How is it borne by all groundwater users in the basin? **Answer:** This goes back to the State asking for more water to be put back into the river. Everyone is taking water out of the river, groundwater use affects it. Everyone has a shared obligation. **Comment:** Groundwater pumping that occurs in the Valley affects the river. This is a shared problem that we all have. The State is saying we can’t use as much water as we have in the past. We are looking for recognition from groundwater pumpers that they have an effect on the river. It doesn’t seem equitable that the surface water Districts bear the burden?

**Question:** Are you asking for the pumpers to cut back in certain circumstances? What is the “obligation”? **Answer:** We will be forced to use some of our groundwater, so yes, you will probably need to cut back. We are dependent on surface water coming into the basin. If we reduce that, we are all going to share the pain. **Comment:** The current action being considered by the State Water Resources Control Board is to take 1 million or 2 million more acre feet out of the Sacramento River.

**Question:** To sum up #4, Districts may need to pump more groundwater and in turn private pumpers may have to cut back on pumping? **Comment:** Yes, if the water balance comes back that way.

**Comment:** Restrictions on the river are the biggest threat to our SGMA efforts right now.
Comment: Page 6, District-Specific Principles #5: “When the subbasin is considered sustainable per the Act,” This is a non-starter for the Districts. We will need this tool as the State comes after the water supplies. Comment: By saying this, you are saying that we are not sustainable. Action: Remove “When the subbasin is considered sustainable per the Act” from #5.
Comment: Page 6, District-Specific Principles #7: This doesn’t make much sense. Action: Scratch this.
Everyone has to contribute.
Comment: We don’t need a separate section for District-specific Principles.
Question: Page 6, Agency Financing and Support #1: Is this the money that would be put up potentially in the next six months before we can assess landowners?
Comment/Action: There needs to be something more specific regarding funding in this document, and a reimbursement provision.

Action Items:
- Ms. Fahey to work on a more detailed scope of work with more accurate cost estimates for a water budget.
- Add language to the draft Agreement regarding a funding mechanism for early studies that will be funded by the participating agencies.
- Ms. Fahey will discuss with Mr. Ceppos the possibility of including the Colusa County portion of the West Butte subbasin in this draft Agreement.
- Add language regarding Tribes in the draft Agreement.
- Other Action Items include specific changes to language in the draft Agreement.

Participant List

<table>
<thead>
<tr>
<th>Brett Matzke</th>
<th>Cortina Rancheria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shelly Murphy</td>
<td>Colusa County Water District</td>
</tr>
<tr>
<td>Lance Boyd</td>
<td>Princeton Codora Glenn and Provident Irrigation Districts</td>
</tr>
<tr>
<td>Lorraine Marsh</td>
<td>Colusa County Groundwater Commission/Private Pumper Advisory Commission (PPAC)</td>
</tr>
<tr>
<td>Shelly Murphy</td>
<td>Colusa County Water District</td>
</tr>
<tr>
<td>Chuck Bergson</td>
<td>City of Williams</td>
</tr>
<tr>
<td>Jesse Cain</td>
<td>City of Colusa</td>
</tr>
<tr>
<td>Darrin Williams</td>
<td>Colusa County Groundwater Commission/PPAC</td>
</tr>
<tr>
<td>Jeff Moresco</td>
<td>Colusa County Groundwater Commission/PPAC</td>
</tr>
<tr>
<td>Bill Vanderwaal</td>
<td>Provost and Pritchard Engineering</td>
</tr>
<tr>
<td>Erin Steidlmeyer</td>
<td>Attorney</td>
</tr>
<tr>
<td>Mary Randall</td>
<td>Department of Water Resources</td>
</tr>
<tr>
<td>Kim Vann</td>
<td>Colusa County Supervisor</td>
</tr>
<tr>
<td>Denise Carter</td>
<td>Colusa County Supervisor</td>
</tr>
<tr>
<td>Mike Mitchell</td>
<td>City of Williams</td>
</tr>
<tr>
<td>Terry Bressler</td>
<td>RD 1004</td>
</tr>
<tr>
<td>Charles Marsh</td>
<td>RD 479</td>
</tr>
<tr>
<td>Lewis Bair</td>
<td>RD 108</td>
</tr>
<tr>
<td>Jim Peterson</td>
<td>PPAC</td>
</tr>
</tbody>
</table>

Staff
- Mary Fahey Colusa County Water Resources Coordinator
## Appendix A: Revised Draft Work Plan

**DRAFT Work Plan, Amended 11.15.2016**

### Selected Pre-GSP Foundational Actions

<table>
<thead>
<tr>
<th>Description</th>
<th>Associated Cost</th>
<th>Costs Notes</th>
<th>Funding Source</th>
<th>SUM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Technical and Reporting Standards (Article 3): Develop County-wide monitoring plan, involving assessment of existing monitoring well network, other existing wells, and the need for additional monitoring sites.</td>
<td>$71,000.00</td>
<td>Additional County In-kind</td>
<td>Prop 1 Grant</td>
<td>$71,000.00</td>
</tr>
<tr>
<td>Technical and Reporting Standards (Article 3): Develop a groundwater data management system to support SGMA-mandated analyses and reporting.</td>
<td>$50,000.00</td>
<td>Additional County In-kind</td>
<td>Prop 1 Grant</td>
<td>$50,000.00</td>
</tr>
<tr>
<td>Description of Plan Area (Article 5, Subarticle 1, §554.6) Describe existing groundwater development</td>
<td>$78,000.00</td>
<td>Additional County In-kind</td>
<td>Prop 1 Grant</td>
<td>$78,000.00</td>
</tr>
<tr>
<td>Hydrogeologic Conceptual Model (Article 5, Subarticle 2, §554.14)</td>
<td>$75,000.00 ± 30%</td>
<td></td>
<td></td>
<td>$75,000.00</td>
</tr>
<tr>
<td>Water Budget (Article 5, Subarticle 2, §554.14) Develop detailed surface layer water budgets (on par with those developed for the Area of interest).</td>
<td>$100,000 ± 30%</td>
<td></td>
<td></td>
<td>$100,000</td>
</tr>
<tr>
<td>Water Budget (Article 5, Subarticle 2, §554.14) in areas with declining groundwater levels, prepare estimates of the reductions of groundwater storage over time and of sustainable groundwater yield.</td>
<td>$50,000.00 ± 50%</td>
<td></td>
<td></td>
<td>$50,000.00</td>
</tr>
<tr>
<td>Develop integrated surface water and groundwater model - Compare and evaluate alternative existing models and select preferred model to be refined to support GSP development</td>
<td>$15,000.00 ± 30%</td>
<td></td>
<td></td>
<td>$15,000.00</td>
</tr>
<tr>
<td>Develop integrated surface water and groundwater model - Identify new and induce refinements to selected model to incorporate local data, calibrate refined model</td>
<td>$100,000.00 to $210,000</td>
<td></td>
<td></td>
<td>$100,000.00</td>
</tr>
</tbody>
</table>

**SUMMARY**

| SUM | $318,000.00 |

---

3/22/2014
### DRAFT Work Plan, Amended 11.15.2016

<table>
<thead>
<tr>
<th>Selected Pre-GDP Foundational Actions</th>
<th>Other Potential Benefits/Utility during GSA Formation and Early GSP Development</th>
<th>Associated Cost</th>
<th>Costs Rates</th>
<th>Funding Source</th>
<th>SUM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notice and Communication (Article 5, Subarticle 1, §541.10) - Identify and describe all beneficial uses and uses of groundwater in the county.</td>
<td>Provides clarity and transparency to County decision-making, ensures effective outreach. Provides basis for estimating County costs for outreach and public participation.</td>
<td>$30,000.00</td>
<td>± 50%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Management Area Description (Article 5, Subarticle 2, §542.10) - Based on assessment of Groundwater Conditions and Water Budgets, identify Management Areas based on the likelihood that management actions and projects will be needed to achieve sustainability.</td>
<td>Identifies groundwater pumping who may need to cooperate in planning and implementing management actions and projects, and sharing related costs. Enables early input from stakeholders and the public.</td>
<td>$20,000</td>
<td>± 30%, may require completion of other efforts first</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sustainable Management Criteria (Article 5, Subarticle 3) *</td>
<td>Sustainability Goal, Undesirable Results, Minimum Thresholds, and Measurable Objectives for each applicable sustainability indicator over the 10-year Plan implementation. * Supported by basin conditions, basin setting, and mass N/A</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monitoring Networks (Article 5, Subarticle 4) - Based on the Monitoring Plan being developed under the Prop. 1 grant project, identify and implement selected monitoring improvements to address high-priority data gaps; seek grant funding for same.</td>
<td>Improves knowledge of groundwater conditions. Establishes baseline conditions for Management Areas. Supports development of GSP.</td>
<td>$175,000.00</td>
<td>$250,000 to $1,000,000+</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Projects and Management Actions (Article 5, Subarticle 5) - Identify most cost-effective options for achieving sustainability. Provides basis for asking grant funding to conduct more detailed planning and design, if necessary.</td>
<td></td>
<td>$100,000.00</td>
<td>± 50%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Groundwater Conditions as related to Undesirable Results (Article 5, Subarticle 2, §541.16) - assemble and analyze available data to evaluate existing and potential future effects on land subsidence, streamflow depletion and Groundwater-Dependent Ecosystem (GDE) due to groundwater pumping. Assess the probability of each of these GDEA Sustainability Indicator reaching limits on operation of the subaide, and potentially requiring implementation of management actions and projects (tools).</td>
<td>Provides a more reliable basis for assessing subaide sustainability for identifying the types and locations of management actions and projects that may be required to achieve sustainability, and for initiating discussion of Minimum Thresholds and Measurable Objectives. Inform the decision of whether management actions and projects to address sustainability should be formulated.</td>
<td>$90,000.00</td>
<td>± 50%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Groundwater Conditions as related to Undesirable Results (Article 5, Subarticle 2, §541.16) - assemble and analyze well drawdown and water use data in areas with declining groundwater levels to assess the degree to which declining levels are due to local versus regional pumping.</td>
<td>Analysis will improve understanding and identify data gaps regarding whose pumping is contributing to groundwater level declines.</td>
<td>$40,000.00</td>
<td>± 50%</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,077,000.00</strong></td>
<td><strong>$935,000.00</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

**Potential Action Plan: Pathways to Implementation**

- In progress
- N/A
- Needs more data, during Plan development

---

**Potential Action Plan: Pathways to Implementation**

1. **Funding Plan:** To bridge period between present and initiation of GSP Development (generally including a Prop 1 grant).
Appendix B: Draft County of Colusa Principles

COUNTY OF COLUSA DRAFT PRINCIPLES 11.1.2016

POTENTIAL THREATS/RISKS TO COUNTY CITIZENS AND LAND USE
1. High costs of SGMA implementation
2. Larger, deeper wells threatening the groundwater resources of smaller well owners
3. Domestic wells, community wells, industry threatened by impacts to groundwater resources
4. Future of Agriculture threatened by lack of available water resources
5. State Intervention
6. Lack of organization, engagement among private citizens
7. Threats to the natural resources of the County resulting from impacts to groundwater resources

PRINCIPLES
(Numbers in parentheses after each Principle correspond to the numbers on the potential threats/risks above.)

SGMA and GSA Formation
1. Colusa County (County) is committed to achieve local solutions to SGMA compliance and avoid at all costs State intervention and management of the groundwater resource. (5)

2. The County is committed to represent the common and unique interests of groundwater users located in the white areas of the County (Water Code §10724). (5, 6)

3. The Sustainable Groundwater Management Act (SGMA) affects all citizens of Colusa County. The County will implement SGMA in a manner that optimizes the law’s beneficial opportunities to achieve sustainable groundwater conditions to support our vital agricultural economy, other industry, and domestic and public water uses. (2, 3, 4, 6, 7)

4. The County supports diverse representation on a multi-agency GSA board including all eligible local agencies (Water Code §10723), mutual water companies, and private groundwater pumpers that are unaffiliated with any other organization. (5, 6)

5. The County supports a partnered approach to SGMA implementation. A partnered approach to groundwater management is in the best interest of County citizens because it will maximize efficiencies, keep costs at a minimum and capitalize on skills and strengths of various partners. (1, 5)

6. The County supports formation of, and participation in, one multi-agency GSA covering the portions of the basins that lie within county boundaries (Water Code §10723.6) (5)

7. SGMA implementation is new to all of us and there are many unknowns. Willingness by all participants to adapt and adjust during GSA formation and GSP development and implementation is crucial to our success. (5)

Sustainability
1. Achieving and maintaining groundwater sustainability for the good of all groundwater users in the County should be a GSA’s first priority and main focus, especially in the early stages of SGMA
implementation while agencies learn to work together and strive to alleviate any existing fear and distrust. (2, 3, 4, 5)

2. Data collection and groundwater studies are essential to increase knowledge and to support groundwater management decisions. Funding and implementing such studies is a priority and a shared responsibility among all GSA members and landowners. (1, 2, 3, 4, 5, 7)

3. The County intends to preserve and exercise all existing authorities necessary to protect its citizens while working cooperatively with other agencies. (1, 2, 3, 4, 5, 6, 7)

4. The County is committed to pursue financial and infrastructure solutions and beneficial partnerships with other agencies to provide sustainable water supplies for all constituents. (2, 3, 4)

5. Groundwater impacts throughout the County and region are not equal. Conditions will vary by location and water year type. While all beneficial users (Water Code §10723.2) will share the burden, solutions will need to reflect these differences. (1)

6. The County requires a permit to extract groundwater for transfer purposes outside of the county. (Ord. No. 770, Chapter 43). (2, 3, 4, 5, 7)

7. Surface water supplies should be used conjunctively with groundwater. Surface water diverters and landowners should be incentivized to utilize surface water to its full extent as feasible and groundwater should be available for use during dry periods when surface water is not readily available. (2, 3, 4)

8. The County recognizes the interconnectedness of groundwater and surface water resources, and the contributions to the system from surface water applications. (4, 7)

**Community**

1. Extensive landowner outreach shall be a priority among GSA members to inform and update all beneficial users about SGMA implementation and potential impacts, and to ensure beneficial users are involved in the SGMA process where applicable. (6)

2. The County expects all beneficial users of groundwater to cooperate with the GSA(s) and abide by the guidelines put forth in the Groundwater Sustainability Plan(s) for Colusa County. (1, 2, 3, 4, 5, 6, 7)
Appendix C: Consolidated Comments on Draft Principles

Consolidated Comments on Draft District Principles (11.15.2016)
The following provides verbatim excerpts from commenters on the current Draft Principles prepared by Surface Water Districts in Glenn and Colusa Counties. Comments were provided by the following: 2 individuals that are private pumpers only, 2 individuals that are private pumpers and members of a district, 1 City, 1 County, one advocacy organization outside of the Colusa Subbasin, and an emerging water district.

Commenter 1
A couple of comments on surface water district's proposed principles relate to: 1) pumping groundwater without being able to demonstrate that any claimed recharge will, in fact, recharge aquifers from which water is being drawn (e.g. gcid's Hamilton city "test" wells pumping water from relatively deep aquifers for some use at least 15-20 miles south of the wells) and 2) total lack of concern for protection of interests of groundwater users within the boundaries of surface water districts (how about a "private pumpers' advisory group of well-owners in the districts?)

A couple of comments on "management areas' " principles will relate to: 1) using groundwater on only the acreage from which the water is pumped (directly pumping into a canal next to the parcel from which water is pumped does not count as use on the parcel); 2) not having the "zone of depression" of a well extend beyond the property lines where the well is located; and 3) having a permitting process in place which identifies future use of the new pumped ground water, the potential future environmental impacts of said well on other environmental considerations, and, in fact is, a meaningful permitting process that goes through a serious, multifaceted review before the well is even drilled.

Commenter 2
After reading through the material, quite frankly, it sounds pretty good. After attending many meetings, it seems our biggest stumbling blocks are the private pumpers not feeling that are adequately represented to protect themselves against their perceived fear of what the Districts may do. There is a lack of trust, and they have to sit down with the County, and agree to whatever assurances the group can agree to. The elephant in the room is getting a plan that ALL the private pumpers feel comfortable with.

Commenter 3
These proposals of governing principals and District- Specific Principles, show a lack of understanding of the main principals of SGMA. Many of the stated proposals are suggesting their rights to leverage control of Groundwater to makeup for surface water cutbacks, or to be able to use groundwater transfers to pay for implementation of plans or increasing surface water costs.

In Governing Principals, bullet 2 states “Importers of surface water have a right to use the recharge attributable to leakage of surface water from canals......etc. How is this “historical banking” of groundwater proved and calculated? What are they saying by this? Because we’ve contributed to these many ways of recharge, we reserve the right to pump groundwater?

Bullet number 6, is questionable, “preserving the members respective authority to manage the water resources available to their constituents or customers.” Could be abused, seen as a taking or power to use stakeholders wells, groundwater.
Bullet #7, last sentence “each member agency retains and preserves any police powers or other authority it has to regulate groundwater use within its boundaries in order to achieve sustainability.” I just question police powers, and authority to regulate. This power should be only with the County, after all, the coordination and implementation has to be the same for the whole county.

District-Specific Principles

Bullet 2. “WD’s/ID’s act as trustee for all landowners in their service area. Will help landowners manage and optimize their share of the natural recharge to the Basin. This needs to be explained.

Bullet #3. Again as in other section bullet 2, How is this calculated and determined?

Bullet #4. To the extent that additional Groundwater pumping is needed within WD’s/ID’s to offset dedication of surface water to environmental requirements.....shared obligation of the entire basin and must be borne by all groundwater users in the basin. Very opposed to this. We are responsible to the sustainability of our Groundwater in our County, and protecting the interest of our neighbors. Surface Water Districts with water rights to the Sacramento River, they own those issues. It is not realistic to expect us to manage our Counties’ sustainability and at the same time meet the needs of the Delta and beyond. And, “or for other purposes”. The Districts need to define this better.

Bullet #5. Here is discussed surface and groundwater for local “in-county” use and demand. Fallowing transfers both in and outside of the groundwater basin, and revenue from transfers (in-county or out-of county?) to fund WD’s many costs. All of this needs clarification. Many of these actions happen only in extreme years.

Commenter 4
[Comments were only editorial in nature and were hand written on a copy of the original and then sent as a pdf scan to CCP]

Commenter 5
[Comments were embedded as track changes straight into the digital version of the DistrictPrinciples and were incorporated in the DRAFT MOU distributed on 11/14.]

Commenter 6
We prefer that when surface WD’s are supplementing their water deliveries with groundwater, the groundwater is drawn from a dispersed area in order to avoid local impacts or draw-downs that might happen if it’s drawn from a concentrated area.

Commenter 7
The one principle I had a problem with was the irrigation district principle of the right to use the recharge attributed to their surface water use. I am of the opinion all beneficial water users have the right to extract groundwater regardless of whether they have the benefit of a surface water right or not. I do support the position that surface water does contribute to groundwater recharge, but I don’t think it grants a surface water right holder a “special right” to groundwater extraction apart from any other groundwater user. I did not include anything about water transfers. I wasn’t sure this topic is necessary for the common principles. If the irrigation districts want that included, that is fine. It might be better to avoid that topic for now, to proceed forward.
NOTE: The following comments are presented verbatim as provided by an advocacy representative located outside of the Colusa Subbasin. These comments are provided for public review but were not incorporated into the suggested revisions and compilation of principles that make up the DRAFT MOU.

Commenter 8
These comments were drafted 09/30/2016 and shared via a presentation during a poorly attended, public working group meeting 10/11/2016. Does a list of the SW districts who met 09/29/2016 exist? Why is this list not included? The title of this draft document indicates it was produced by surface water districts, but midway through there exists a shift to use of more inclusive terms (Water/Irrigation Districts). Do the original authors believe that other ELA’s, not signatory to these principles as of date of adoption, willingly accept these guidelines as they stand? Which districts have signed off on these principles? Have these principles been vetted by the entire board of each respective district (SW, WD, ID)? Why is a list of board members not part of this publication? Where are the voices of those district representatives that supported the need for both private pumper representation and a voice in this process?

It would be helpful if this document was consistent in use of terms.

1) Private Pumpers, overlying landowners, and groundwater users are all used at least once. Are these terms representative of one category of stakeholder? Please define each if meaning is different.

2) Does “groundwater user” also apply to habitat and streams reliant on groundwater?

3) Why the use of the term “white areas” in the varying contexts found in this draft?

4) How is “natural recharge” defined in the context of this document?

The SGMA and corresponding regulations will affect water resource management, land use decision making, municipal and agricultural water use, and many other aspects of California life. We need to embrace these facts now and begin working cooperatively to form the appropriate County entities for governance that is equitable for all stakeholders.

The following comments reflect the structure of the “Draft Joint Proposal” and cover only those sections addressing principles.

Background
B1: The underlying principles for groundwater sustainability found in the SGMA negate surface water districts from becoming a GSA for any area where groundwater dependent citizens live.

B2: The overlap issue is very specific to jurisdictional authorities of land use and groundwater management and the associated police powers granted only to cities and counties.

B3: The SGMA requires that ELAs form to govern the entire B-118 subbasin. Local agencies are expected to collaborate and coordinate the GSA(s) on a basin-wide scale to sustainably manage groundwater at a local level. Multiple-agency governance places a considerable burden on the
Counties to manage and maintain coordination agreements and limits their ability as an equitable voice in the management of the commons for the whole.

**Primary Themes**
Surface water and groundwater are considered “common pool.” Groundwater usage is based upon correlative rights that cannot be overturned by implementation of the SGMA.

Top-down methodologies invoke images of protecting and improving the resource as a whole; whereby, each member agency works for the betterment of the “common pool” resource for all, not just agency membership.

Bottom-up methodologies invoke images of team work and decision-making by all stakeholders. Any GSA structure must implement the best of both methodologies.

An interesting application of the term “white areas” to private pumpers. Use of the term appears to demand jurisdictional rights not previously afforded surface water districts and comes across antithetical of stated aversion to a top-down methodology. How do the districts propose to ensure balanced representation for private pumpers outside of district boundaries? The use of “balanced” and not “equitable” also speaks volumes to the economic interests and intent of the surface water districts.

As a community dependent for life on a regionally-shared resource, it is inconceivable that we would allow surface water districts to establish sustainability thresholds for water quality and groundwater elevations.

**Governing Principles**
B1: All overlying landowners have a correlative right to groundwater for beneficial use on their overlying land and duty to sustainably maintain that supply for all beneficial users. All private pumpers must be recognized as holding senior priority water rights to those previously dependent on surface water.

B2: Recharge must be reasonably calculated based on a publicly vetted water balance. Water leaving district distribution networks will have to be measured for a substantive and quantitative water balance assessment. If shallow percolation is shown to occur that is attributable to leakage of surface water from canals, distribution, drainage systems and applied surface water for crop irrigation then a thorough analysis will have to be developed that shows how that percolation moves laterally to supply water for recovery in production locations (where pumping occurs) and vertically for recharge calculations. And further analysis must be completed that clearly quantifies and qualifies deep percolation to aquifer production zones. Flux and flow calculations across service area boundaries will also have to be developed.

Recognition that groundwater users also contribute to deep percolation and their net groundwater use must be based on same calculations used for surface water use and presence.

B4-B8: Surface water districts were formed to provide water for agricultural purposes only. SGMA loosely provides a mechanism to manage water as a common pool resource and provide local governance (with associated police powers) for broad social welfare. Collegial implies a shared responsibility for the good of the whole. A member cannot decide in a vacuum to pull out of a
cooperative, collaborative system.

The Counties have and maintain the only authority and policy power over groundwater resources. They alone hold land use and well permitting authority. The districts’ never had authority over domestic use of groundwater and should not. Districts cannot gain authority over individual landowners any more than their willingness to give up discretion or authority to the Counties.

District-Specific Principles:

B1: It should be argued that landowners with rights to surface water do not hold the same first in time, first in right priorities of landowners fully dependent on groundwater.

B2: Objection to this ‘principle’ has been stated above.

B3: Arguments to this ‘principle’ have stated above.

B4: This ‘principle’ should be recognized as a violation of Article X, Section 2 of the CA Constitution.

B5-B6: These are bold statements in light of other stated principles throughout this document. What would groundwater users be expected to “contribute?”
Appendix D: Draft MOU

DRAFT
Memorandum of Understanding
Defining Colusa Subbasin Groundwater Sustainability Interests

This Memorandum of Understanding (MOU) is made and entered into by and among the (names of parties) which are referred to herein individually as a “Party” and collectively as “Parties,” for the purposes of potentially forming a joint powers agency to serve as the Groundwater Sustainability Agency in the Colusa County portion of the Colusa Subbasin in support of Senate Bills 1168, 1319 and 13, and Assembly Bill 1739, known collectively as the Sustainable Groundwater Management Act (the Act. This MOU shall hereinafter be known as the Colusa County Groundwater Sustainability Agency MOU.

Recitals
WHEREAS, on September 16, 2014 Governor Jerry Brown signed the Act into law; and

WHEREAS, the Act went into effect on January 1, 2015; and

WHEREAS, the Act was amended on January 1, 2016; and

WHEREAS, the Act seeks to provide sustainable management of groundwater basins, enhance local management of groundwater, establish minimum standards for sustainable groundwater management, and provide local groundwater agencies with the authority and the technical and financial assistance necessary to sustainably manage groundwater; and

WHEREAS, section 10720.7 of the Act requires all basins designated as high-or-medium priority basins designated in Bulletin 118 be managed under a Groundwater Sustainability Plan or coordinated Groundwater Sustainability Plans pursuant to the Act; and

WHEREAS, the Colusa Subbasin within the Sacramento Valley Basin is a Bulletin 118 designated medium priority basin; and

WHEREAS, a local public agency is defined in Section 10721 of the Act as a having water supply, water management, or land use responsibilities within a groundwater basin; and

WHEREAS any local public agency is an eligible Groundwater Sustainability Agency; and

WHEREAS, each of the Parties to this MOU is a local public agency within the jurisdictional footprint of the County of Colusa; and

WHEREAS, groundwater extractors in the County portion of the Colusa Subbasin also include private individuals and corporations unaffiliated with local public agencies within the County; and

WHEREAS, the Parties, acting through this MOU intend to work cooperatively with other Groundwater Sustainability Agencies operating in the Colusa Subbasin to manage the subbasin in a sustainable manner pursuant to the requirements set forth in the Act.
NOW, THEREFORE, in consideration of the promises, terms, conditions, and covenants contained herein, the Parties hereby agree as follows.

Section 1. Definitions
As used in this MOU, unless context requires otherwise, the meanings of the terms set forth below shall be as follows:

2. “Agency” means the Colusa County Groundwater Sustainability Agency.
3. “Beneficial Use and Users” is defined in Section 10723.2 of the Act as holders of overlying groundwater rights, including: Agricultural users, Domestic well owners, Municipal well operators, Public water systems, Local land use planning agencies, Environmental users of groundwater, Surface water users, if there is a hydrologic connection between surface and groundwater bodies, the federal government, including, but not limited to, the military and managers of federal lands, California Native American tribes, Disadvantaged communities, including, but not limited to, those served by private domestic wells or small community water systems, Entities listed in Section 10927 of the Act that are monitoring and reporting groundwater elevations in all or a part of a groundwater basin managed by the groundwater sustainability agency.
4. “Committee” shall mean any committee established pursuant to this MOU.
5. “County” shall mean the County of Colusa in its role as a local public agency (as defined in the Act) and as a governing jurisdiction.
6. “Effective Date” means the date on which the last Party executes this MOU.
7. “Fiscal Year” means July 1 through June 30.
8. “Governing Board” means the governing body of the Agency.
9. “Member’s Governing Body” means the Board of Directors or other voting body that controls the individual local public agencies that are signatory to this MOU.
10. “Party” and “Parties” shall mean all organizations, individual and collective that are signatories to this MOU.
11. “Plan” refers to one or more Groundwater Sustainability Plans.
12. “State” means the State of California.

Section 2. Purpose
1. The purpose of this MOU is to define general and specific principles that reflect mutual understanding by the Parties about commitments and requirements associated with implementing the Act and creating a multi-party Agency.

2. This MOU also defines mutually understood tasks and associated potential costs of tasks that may be encountered as the Parties implement the Act through a multi-party Agency. (TBD)

Section 3. Term
1. This MOU shall become effective upon execution by each of the Parties and shall continue in full force and effect until terminated pursuant to the provisions of a subsequent joint powers agreement (JPA) (as per California Government Code Section 6500).

Section 4. General Principles of Understanding
1. A partnered approach should be fostered for groundwater management that: supports the Act; achieves sustainable conditions in the Subbasin; reflects mutual respect for each Party’s
discretion, governmental authority, expertise, knowledge of groundwater conditions, demands and concerns; and ensures a balanced representation of private pumper interests.

2. Local control of groundwater must be ensured and State intervention to implement the Act must be avoided.

3. Locally controlled compliance with the Act must be ensured.

4. Implementation of the Act will be expensive and all beneficial users need to contribute to implementation.

5. A partnered approach to groundwater management and implementation of the Act is in the best interest of County beneficial users because it will maximize efficiencies, keep costs at a minimum and capitalize on skills and strengths of various partners provided such partnership also creates and maintains collegial relationships and flexible implementation of the Act.

6. As allowed for in Section 10723.6 (5) of the Act, the Parties support formation of, and participation in, one (1), multi-agency GSA covering the portions of the Subbasin that lies within Colusa County.

7. All beneficial users of groundwater will be required to cooperate with the Agency and abide by the guidelines put forth in the Plan(s) for Colusa County and the Subbasin.

8. Being a Party to this MOU is not a condition to participate in Plan development. All beneficial users have an equal opportunity to participate in Plan development.

9. No Party’s land use or other authority is limited by this MOU.

10. Sustainable groundwater conditions must support, preserve, and enhance the economic viability and social well-being of all beneficial uses and users

11. Large, deep wells may threaten the groundwater resources of well owners with smaller, shallow wells and such impacts must be avoided and/or mitigated.

12. Domestic wells, community wells, and industrial use wells can be threatened by unsustainable management of groundwater resources.

13. The economic and cultural future of agriculture in Colusa County can be threatened by the lack of available groundwater and surface water resources.

14. Threats to the natural resources of Colusa County resulting from impacts to groundwater resources must be avoided.

15. All beneficial users must have an open, transparent, timely opportunity to be engaged with the Agency and provide their input on Plan development and implementation of the Act. Extensive landowner outreach shall be a priority of all Agency Parties to inform and update all beneficial users about SGMA implementation and potential impacts, and to ensure beneficial users are involved in the SGMA process where applicable.
16. Implementation and enforcement of the Plan should take place at the most local level possible and should allow each Party to approve its Plan chapter or section, and to preserve the Party’s respective authority to manage the water resources available to their constituents or customers as long as said conditions are consistent with sustainability requirements of the Act and Plan.

17. All overlying landowners in the Colusa Subbasin have a right to share the Subbasin’s natural recharge for beneficial use on their overlying land.

18. The County supports formation of, and participation in, one multi-agency GSA covering the portions of the basins that lie within county boundaries (Water Code §10723.6) (S)

19. Act implementation is new for all County beneficial users and there are many unknowns. Willingness by all participants to adapt and adjust during Agency formation and Plan development and implementation is crucial to success.

20. Achieving and maintaining groundwater sustainability for the good of all groundwater users in the County should be the Agency’s first priority and main focus, especially in the early stages of Act implementation while all beneficial users work together and strive to alleviate any existing fear and distrust.

Section 5. Specific Principles of Understanding

Governance and Implementation of the Act

1. The County will represent the common and unique interests of groundwater users located in the unmanaged areas of the County’s portion of the Subbasin as per Section 10724 of the Act

2. The Act affects all citizens of the County. The County will implement the Act in a manner that optimizes the Act’s beneficial opportunities to achieve sustainable groundwater conditions to support our vital agricultural economy, other industry, and domestic and public water uses.

3. The Agency Board will reflect diverse representation of beneficial users and will include all local public agencies willing to serve, mutual water companies as invited by the conveners of the Agency, and private groundwater pumpers that are unaffiliated with any other organization and as appointed by the County.

4. The County will preserve and exercise all existing authorities necessary to protect its citizens while working cooperatively with other agencies.

5. The County will pursue financial and infrastructure solutions and beneficial partnerships with other Parties to provide sustainable water supplies for all constituents.

6. Implementation of the Act should preserve local public agency discretion to determine whether to be an Agency individually, join in a Agency created by another agency that is a Party to this MOU, or where a separate JPA is created, to have the JPA serve as the Agency for the local agency’s area (and, if desired, to include the member on the JPA’s governing board).
Governance and implementation must avoid duplicative or conflicting governmental authorities. Each Party will have the right to approve the provisions of the Plan governing Act implementation within its own boundaries and to implement the Act within its boundaries. Subject to those limitations, each Party retains and preserves any police powers or other authority it has to regulate groundwater use within its boundaries in order to achieve sustainability.

**Sustainability**

1. Data collection and groundwater studies are essential to increase knowledge and to support groundwater management decisions. Funding and implementing such studies is a priority and a shared responsibility among all Agency Parties and Subbasin beneficial users.

2. Groundwater impacts throughout the County and Subbasin are not equal. Conditions will vary by location and water year type. While all beneficial users will share the burden to achieve sustainability, solutions will need to reflect these differences.

3. The County requires a permit to extract groundwater for transfer purposes outside of the county. (County Ordinance No. 770, Chapter 43).

4. Surface water supplies should be used conjunctively with groundwater. Surface water diverters and landowners should be incentivized to utilize surface water to its full extent as feasible and groundwater should be available for use during dry periods when surface water is not readily available.

5. All Parties recognize the interconnectedness of groundwater and surface water resources, and the contributions to the system from surface water applications.

6. Importers of surface water have a right to use the recharge attributable to leakage of surface water from canals and distribution and drainage systems, and the deep percolation of applied surface water for crop irrigation.

7. All beneficial users, whether using surface water or groundwater in the basin, have an obligation to use water consistent with their respective rights, which may include an obligation to mitigate impacts on waterways, creeks, streams and rivers.

**Water District and Irrigation District (District)-Specific Principles (applicable to all Districts and their members / constituents overlying the groundwater basin)**

1. Landowners within Districts are overlying landowners and have the same overlying rights to groundwater as overlying landowners in the unrepresented areas.

2. Districts act on behalf of and serve as trustee for all landowners within their service area to ensure collective compliance with the Act. Districts will cooperate with their landowners to manage and optimize their share of the natural recharge to the Subbasin.

3. Districts recharge the groundwater basin with surface water through leakage from canals and distribution and drainage systems and deep percolation of applied crop water. If cutbacks to surface water supplies occur to the extent that Districts must supplement their supplies with...
groundwater, Districts reserve the right to manage and use the water attributable to such recharge. Districts will provide professional studies to quantify availability of such recharge, and provisions will be in place, such as targeted monitoring programs, to ensure that no harm will come to adjacent landowners.

4. To the extent that additional groundwater pumping is needed within Districts to offset dedication of surface water to environmental requirements in reservoirs, rivers, or the Bay-Delta, or for other purposes, the additional groundwater pumping, although pumped within the Districts, is a shared obligation of the entire Subbasin and must be borne by all groundwater users in the Subbasin.

5. Districts will use surface water and groundwater for in-basin transfers to meet local demands. When the subbasin is considered sustainable per the Act, following transfers will also occur both in and outside of the groundwater subbasin, with transfer quantities based on avoided consumptive use.

6. Surface water transfers will potentially serve as a tool to settle disputes over environmental obligations or to mitigate impacts during drought periods.

7. Where local actions are necessary to address falling groundwater levels and subsidence caused by localized groundwater extraction in excess of sustainable yield, Districts will attempt to contribute to solutions, but all beneficial users will be required to contribute.

**Agency Financing and Support**

1. Provisions are included for Party contributions of capital and operating funds, personnel, services, equipment or property to convening the Agency and Plan development.

2. Recognizing that there will be costs for the development, implementation and administration of the Plan, the Parties must agree on governance that maximizes the potential for State funding, and to allocate the local share of these costs by one or more mutually agreeable and equitable formulas (to be determined).

**Future Modifications to this Memorandum**

1. Maximum flexibility will be provided to adapt to changes in Agency membership, funding, planning oversight, et cetera, as the parties build their relationships and mutual trust.