



COUNTY OF COLUSA
DEPARTMENT OF AGRICULTURE
GROUNDWATER COMMISSION
100 Sunrise Boulevard Suite F
Colusa, CA 95932

JOSEPH J. DAMIANO
Agricultural Commissioner
Sealer of Weights & Measures

Lorraine Marsh, Chair | Jeff Moresco | Mark Morris | Bruce Rolen, Vice Chair | Darrin Williams

MEETING NOTICE OF THE COLUSA COUNTY GROUNDWATER COMMISSION

Location: Colusa Industrial Park Conference Room

100 Sunrise Boulevard, Colusa, CA 95932

Date: January 15, 2015

(Note: this meeting was originally scheduled for December 11, 2014 but was rescheduled due to stormy weather and road closures)

Time: 1:30-3:30 p.m.

Meeting Agenda

1. CALL TO ORDER (*action item)

- a. Pledge of Allegiance
- b. Introductions
- c. Roll Call
- d. *Acceptance of Agenda
- e. *Approval of Minutes from September 11, 2014
- f. Comments by Commissioners
- g. Period of Public Comment

Any person wishing to address the Commission on any item not on today's Agenda may do so at this time. The Commission will not be making a decision or determination on items brought up during Public Comment.

2. GENERAL BUSINESS (*action item)

- a. *Set 2015 quarterly meeting dates (currently, 2nd Thursdays in March, June, September, December)

3. STANDING AGENDA ITEMS

- a. Staff Report
 - i. General Staff activities
 - ii. Water Users Group (WUG) activities (to be discussed in item 5.a)
 - iii. Technical Support Team activities



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4. INFORMATION ONLY

- a. Presentation – Fall Groundwater Measurements, Roy Hull, DWR

5. DISCUSSION/ACTION ITEMS (*action item)

- a. WUG Activities - recommendations for Groundwater Ordinance updates
 - i. Discussion and recommendations from WUG
 - ii. *Input from Commission members and possible action for moving forward
- b. Items for next agenda

6. ADJOURNMENT

Next meeting date: To be determined at this meeting

TO THOSE WHO PARTICIPATE IN COMMISSION PROCEEDINGS: California Government Code Section 84308 requires you to disclose campaign contributions to Groundwater Management Commissioners if they amount to \$250 or more and were made within the last twelve months. Please announce your applicable campaign contributions when you speak. Any disabled person needing special accommodation to participate in the Commission proceeding is requested to contact the Colusa County Agriculture Department prior to meeting and arrangements will be made to accommodate you.



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SPECIAL MEETING OF THE COLUSA COUNTY GROUNDWATER COMMISSION

Location: **Colusa Industrial Park Conference Room**
100 Sunrise Boulevard, Colusa, CA 95932

Date: **October 23, 2014**

Meeting Minutes

1. CALL TO ORDER :

Chair Lorraine Marsh called the meeting to order at 1:30 pm

a. Pledge of Allegiance

b. Introductions

In attendance:

Dan McManus, DWR

Suzie Dawley, Colusa County Env. Health

Derick Strain, Landowner

Denise Carter, Colusa county Supervisor

John Garner, Farm Bureau

Tom Charter, WUG

Sandy Denn, WUG

Elly Gutierrez, Colusa County Department of Agriculture

Mary Fahey, Staff

c. Roll Call

Present: Commissioners Marsh, Moresco, Morris, Williams

Absent: Commissioner Rolen

d. *Acceptance of Agenda

Motion to accept agenda made by Darrin Williams, Motion seconded by Mark Morris and accepted.

e. *Approval of Minutes from September 11, 2014

Motion to accept Minutes from September 11, 2014 GW Meeting made by Darrin Williams, seconded by Jeff Moresco and accepted.

f. Comments by Commissioners



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Commissioner Morris asked Suzie Dawley from Environmental Health if there were any reports of well issues. Suzie reported that there are no reports of domestic wells being dry.

g. Period of Public Comment

None

2. GENERAL BUSINESS

- a. *Discussion and possible action to approve Annual Statement of Goals and Objectives**

Mary Fahey reported that this Annual Statement of Goals and Objectives needs to be produced once a year. It was tabled from last meeting. Jeff Moresco asked if the new legislation will change our goals. Mary reports that it will not change our goals, but we will hear more in the presentation and these goals are always able to be changed.

Jeff Moresco Moved to accept the Annual Statement of Goals and Objectives, Motion was Seconded by Darrin Williams. Passed 4 yes, 0 noes, one absent.

3. STANDING AGENDA ITEMS

- a. Staff Report**

- i. General Staff activities**

Mary Fahey reports they are looking at the monitoring network, working with DWR to put together well frequency charts and reviewing Ground Water Legislation.

- ii. Water Users Group activities**

No update on WUG. They have not met since the last Commission meeting.

- iii. Technical Support Team activities**

Wood Rodgers is in the budget for Technical Assistance but they have been put on hold to preserve those funds to be used at a later date as we learn more about the new groundwater legislation. They are developing Well frequency charts and looking at CASGEM and Monitoring Network. A student at DWR is putting the excel data together so Ms. Fahey can create these charts. They will be able to help in choosing wells to monitor and find any gaps in data. This will allow us to be ready when funding becomes available. Commissioner Morris requested a copy. The TST goal is to have something in place by the spring.

- iv. MOUs with water purveyors**

No updates to report on the MOU's.



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4. INFORMATION ONLY

a. Presentation - Groundwater Legislation signed September 16, 2014
Presentations and Q&A:

- Colusa County Supervisor, Kim Vann
Kim Vann was not present. Denise Carter spoke on her behalf. Ms. Carter reports that our Supervisors were able to keep Ground Water Management controlled at the local level. Legislation has provided a framework and timeline for this process on how to improve the GW Management on the local level. Colusa County is going to study the options of a Basin boundary adjustment, and how to form a groundwater sustainability agency. At this point we are keeping our options open. We will be working with all the water agencies in the area and figure out what will be best for all of us. When we go through the process the agency will morph out of the GW Commission. We have a great commission and Water Users Group in place. We want to be inclusive with all the districts, private pumpers and municipalities and develop a program that will work for our county. Through this process we will be able to develop a plan that will accurately represent our county so that we can manage our groundwater on a local level.
- Dan McManus, Department of Water Resources
Dan McManus provided handouts, including the Groundwater Legislation Timeline. Power Point Presentation given on 2014 Sustainable GW Management Legislation. New legislation requires that a groundwater sustainability plan (GSP) be adopted for the most important groundwater basins in California. Limited to "high & medium priority basins" which are 127 out of 515 basins in the State. These 127 basins account for over 97% of California's groundwater use. Adjudicated basins are exempt, except for minimal reporting. Low and very low priority basins are exempt, though they are encouraged to adopt plans. Basin priority will be updated in January 2015 to include impacts to habitat and stream flow.

Legislation Timeline was presented. Local Groundwater Sustainability Agencies need to be identified by 2017. Groundwater Sustainability Plans for Basins in Overdraft need to be completed by 2020. All other Plans to be completed in 2022. By 2040 all high and medium priority basins must achieve sustainability. What this legislation does is empower local agencies to manage their basins sustainability by giving the local agencies the authority to: Adopt and enforce rules, require registration of groundwater wells, measure and manage groundwater extraction, require reporting of use and assessment of fees and



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request revisions of groundwater basin boundaries. "Local Agency" means any local public agency that has water supply, water management, or land use responsibilities within a groundwater basin.

The Legislation Establishes Basic Requirements for GSPs:

- *Description of physical setting*
- *Identification of groundwater conditions: (levels, quality, subsidence, groundwater – surface water interaction)*
- *Historic and projected water demands and supplies*
- *Maps: basin and agency boundaries, recharge areas.*
- *Measurable Objectives with Interim Milestones (every 5 yrs.) to achieve sustainability in 20 yrs.*
- *Description of how GSP is given consideration in General Plans*

Legislation also provides for a limited state role. DWR will evaluate groundwater sustainability plans within two years of submission. State Water Board may temporarily intervene in four limited circumstances.

- *No governance structure for a basin after two and a half years*
- *No plan after five years (overdrafted basins) or ten years in other basins*
- *If plan is inadequate and the basin has serious groundwater problems*
- *If the local agency has not adequately implemented the plan and if the basin has serious groundwater problems.*

DWR will determine if the basin has a serious groundwater problem.

State Board must return control to local agencies as soon as they adopt an adequate plan.

The State Board may limit its temporary control to the portion of the basin not being managed.

Referring to the legislation timeline:

If a County has not developed a Groundwater Management Plan by Jan 2015, hold off. By Jan. 31, 2015 we have to update our basin priorities. There are generally three things that GW agencies need implement this plan. 1. They need to know the priority of their basin. 2. They need to know if their basin is in overdraft. 3. They need to know what area they are working with. These things need to be laid out before they start to develop their plan.

This year is the first efforts in updating basin priorities to include impacts to habitat & stream flow. Outreach will begin in two or three weeks. There will be workshops where DWR will talk about the process that they have developed for the basin prioritization. They will take the data they are able to collect from input and other agencies and add into tools they already



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have to analyze all of this. Then there will be another round of workshops where people can come and review.

In January 2016, DWR will have to adopt regulations to adopt basin boundaries. The basin priority depends on the revising boundary conditions. DWR will get back into a cycle of updating the Bulletin 118 and develop regulations to describe the path to change the regulations for adopting basin boundaries. By June 30 GW sustainability needs to be identified. By April 2016 adjudicated basins start their annual reports to DWR. By June 2016 they need to evaluate how to implement a sustainable plan. By December 2016 DWR reports on water availability for groundwater replenishment statewide.

As part of the sustainable management plan we should be looking at possible areas for recharge.

DWR's Bulletin 118 needs to be done in years ending in 0 and 5 because the California Water Plan needs to be done in years ending in 3 and 8. This is so that the Bulletin 118 can feed into our California Water Plan.

Based on all these things that are happening the goal is to identify the new basin boundaries, talk about prioritization and in January 2017 DWR will publish practices for sustainable groundwater management plans.

For people who are already doing a good job and if their plan already contains most of these things, they will only need to modify their existing plans to accommodate the new legislation regulations.

In summary the new Sustainable GW Management Legislation establishes new state policy for sustainable management of groundwater resources. It requires sustainable groundwater management for High & Medium priority basins. It establishes basic requirements for Groundwater Sustainability Plans. It empowers local agencies to manage their basins sustainably. It does not alter or determine any surface water rights. It does not alter the State Water Resources existing authority under current law. It provides for temporary State intervention in limited circumstances.

Darrin Williams asked considering how large Colusa Basin is, how we will interact with other agencies in the area to work together to come up with a plan.

Mr. McManus replied: Colusa could sit down with other agencies and go over the goals and objectives and let them know that Colusa does not want to infringe upon the goals and objectives of other agencies. And if they do, then come up with a buffer. The new plan requires much more coordination than it has in the past.



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Colusa County can be their own basin and there can also be multiple basins within one agency. There is the freedom to choose what agencies are within the boundaries of that basin.

Denise Carter commented that Colusa County needs to figure out what our goals and objectives are to see what our boundary changes need to be.

Sandy Denn (WUG) asked, since this legislation gives the districts within the counties some authorities that they didn't have in the past, how does that affect the counties that overly that area?

Mr. McManus replied that in the way the water code is written now, if someone wants to do a management plan the county can't impose that plan. So the county needs to coordinate with that district.

Mr. McManus' presentation will be posted on the Water Resources page of the Colusa County Website.

5. DISCUSSION/ACTION ITEMS

a. Items for next agenda

Mary Fahey mentions that Roy Hull from DWR will give a presentation on the Fall Groundwater measurements. We will also discuss the 2015 meeting dates and the groundwater ordinance.

6. ADJOURNMENT

Commissioner Moresco moved to adjourn the meeting. Motion seconded by Darrin Williams. Meeting adjourned at 3:02pm

Next meeting date is December 11, 2014 at 1:30 at Colusa Industrial Properties

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**Groundwater Commission, regular meeting (rescheduled from December 11, 2014)
January 15, 2015**

STAFF REPORT

Water Users Group

The WUG has been working on developing recommended revisions to the County Groundwater Ordinance. The goal is to have new language in place to address groundwater substitution transfers by spring of 2015, before transfer requests come in. In order to expedite the process, three ad hoc committees were formed and have met to address the following:

1.) Develop language for Administration Review of in-county Transfers:

Sandy Denn, Ben Carter, Lorraine Marsh, Pete Bradford, Jeff Sutton, Mary Fahey (staff)

2.) Develop language for gw substitution transfers during drought conditions:

Doug McGeoghegan, Richard Selover, Sandy Denn, Lorraine Marsh, Jeff Sutton, Mary Fahey (staff)

3.) Develop language for Out of County Transfers:

Doug McGeoghegan, Sandy Denn, Ben Carter, Jeff Moresco, Darrin Williams, Jeff Sutton, Mary Fahey (staff)

Ad Hoc meeting notes are included in the agenda packet. These notes summarize the Ad Hoc discussions. Recommendations from the WUG will be presented to the Groundwater Commission at their January 15, 2015 meeting. When ready, the Commission will make final recommendations to the Board of Supervisors, and the BOS will make the ultimate decision.

Technical Support Team (TST)

Continued work on Monitoring Network

The county currently has a monitoring grid in place, including GMP and CASGEM wells; however, these chosen wells need to be reevaluated based on current information. It was decided at the last TST meeting to wait for the DWR spring (2015) measurements before updating the network. This decision was based on a few factors:

- 2014 was a critically dry year during one of the worst drought periods on record – it will be valuable to see how/if groundwater levels recover (and how much precipitation occurs during the rainy season)
- Recent changes in cropping patterns - row crops and pasture shifting to permanent crops
- Changes in irrigation methods - flood to drip

When looking at potential wells for the monitoring network, we will need to consider:

- What parameters are used to define different areas of the county (crop types, population, surface water supply, groundwater supply, number of wells in the area, geology, etc.)
- Should we have more monitoring wells in problem areas, less in areas with good groundwater levels
- 2-dimensional vs 3-dimensional network
 - Our current network is 2-dimensional - dots on a map that cover areas of ground

- A 3-dimensional network will give us better information, and ensure that each well represents its area. This approach takes into consideration not just the geographical area of the well, but also what is happening underground – the depth and screening intervals of wells in the area, whether there is a surface water/groundwater interaction happening

In the meantime, I would like to move forward by evaluating the different areas of the county, and looking closely at the well frequency charts that were provided by DWR, along with other available data. Developing a good monitoring network is proving to be challenging due to a variety of variables, many of which are mentioned above. I would also like to note that DWR staff was asked if there are any counties in the region with an adequate monitoring network in place that would provide the type of information we are seeking and he could not identify any.

Other projects:

GIS mapping of wells - Chelsea from the Ag Department is waiting on a computer to start the mapping project

Updating groundwater and surface water use statistics – DWR is completing a 2014 Land and Water Use report for Colusa County. Also, Ben Reische will update Figure I.1 from the GMP (Land Use map)

Water Users Group

Ad Hoc Committees, joint meeting

#1: Develop language for administrative review of in-county groundwater substitution transfers

& #2: Develop language for transfers during drought conditions

December 11, 2014; 9-11 a.m.

Colusa Industrial Properties Conference Room

In attendance:

Ad Hoc Committee #1: Lorraine Marsh, Pete Bradford, Ben Carter, Jeff Sutton, Mary Fahey

Ad Hoc Committee #2: Lorraine Marsh, Jeff Sutton, Mary Fahey

Also in attendance: Darrin Williams, Jeff Moresco (*As per Brown Act, Commissioners Williams and Moresco did not participate in discussion as they are not on either Ad Hoc Committee #1 or #2*).

MEETING NOTES

Previous Recommendations from Ad Hoc Committee #1:

1. A permit process should exist for out of county transfers
2. Groundwater substitution transfers outside of the county should be prohibited during a State declared drought emergency and/or a Shasta Critical year
3. It should be required that during all groundwater substitution transfers (in-county and out-of-county) monthly monitoring results are provided to the Groundwater Commission (via Staff)
4. Out-of-County groundwater substitution transfers will be reviewed on a case by case basis
5. Permits will be good for one year only

General discussion items:

Ben Carter presented a chart breaking out different transfer scenarios to consider:

1. In-county and in-basin
2. In-county and out of basin
3. Out of county and in-basin
4. Out of county and out of basin

Also to take into consideration is the location where gw substitution transfers originate – what if there are multiple proposals from one area of the County?

A common theme was discussed – that lack of technical data prevents development of BMOs, which makes decision-making difficult. Example – is a 40' drop in groundwater levels during

drought conditions bad? We don't know. Until we have more information, we need to be conservative.

There was discussion regarding other transfer scenarios:

- A landowner transfers groundwater from one of their parcels to another of their parcels, either within the county or outside of the county, versus someone that transfers to another person's parcel.
- If the transferring entity is selling water to another entity, therefore profiting from the transfer, a permit is required.

It was also mentioned that perhaps we should broaden where/how we look for impacts – what are other agencies doing? Example – Because of groundwater conditions, NRCS eliminated some areas from their recent waterbird program that involved use of groundwater to flood rice fields.

There was time at the end of the meeting to discuss **out-of-county transfers**. (*As per Brown Act, Commissioners Williams and Moresco participated in this discussion, Commission Chair Marsh did not participate*)

- A recommendation was made that there should be a **fee structure** put in place to help sustain our monitoring program. An idea is to charge a base fee plus an additional charge per acre/foot
- Some language regarding beneficial use should be included
- Water quality should be addressed

The following Recommendations were made:

1. Draft Drought Language for Out-of-County GW Substitution Transfers:

Groundwater Substitution transfers outside of the County will be prohibited during any of the following circumstances:

1. A Critically Dry Year as determined by the DWR's Sacramento Valley Water Year Index
**note: When do they make this determination? If it is made at the end of the water year this item may not be applicable???*
2. An emergency drought Declaration by the County of Colusa
3. An emergency drought Proclamation by the State of California

2. Draft Language for Administrative Review of In-County GW Substitution Transfers:

Any entity that intends to extract groundwater to replace a surface water supply that has been, is being, or will be transferred for use within the county boundaries shall supply the Groundwater Commission and/or Water Resources Staff with the following:

1. A signed County of Colusa "In-County GW Substitution Agreement" *
2. A copy of the full transfer submittal prior to transfer commencing
3. Copies of all monthly monitoring documents to be supplied at the time they are reported to DWR and the Bureau of Reclamation
4. A copy of the Final Transfer Report upon completion (or should it be by a specific date? ie: March 30 of the year following the transfer...)

*Staff will draw up a draft "In-County GW Substitution Agreement"

Staff will obtain County Council assistance on language for these items after receiving feedback from the full Groundwater Commission and Board of Supervisors.

Water Users Group

Ad Hoc Committee #3:

Develop procedure for processing out-of-county groundwater substitution transfers

November 25, 2014; 10:00-12:00

Colusa Industrial Properties Conference Room

In attendance: Sandy Denn, Ben Carter, Jeff Moresco, Darrin Williams, Doug McGeoghegan, Mary Fahey

Meeting Notes

General discussion items:

- It was noted that decisions regarding gw substitution transfers should be based on gw conditions. Without BMOs in place, it is difficult for the TAC & WUG to make a recommendation and difficult for the Commission to make a decision.
- Discussion on Warren Act transfers
 - Out of county Warren Act transfers do go through the Commission
 - Common Law addresses negative impacts associated with these transfers
 - Water moved out of the area is an appropriative right, not an overlying right
- There was discussion about basing decisions on county boundaries vs. gw basin boundaries.
- It was stressed that first and foremost, we need to protect the gw resource
- Also noted that we should take care of our needs (Colusa County) first, before considering sending water outside of the county
- It was agreed that the County should be very conservative when it comes to decisions on GW substitution transfers outside of the county
- A good monitoring program and data analysis are key
- It was mentioned to tie in data with water year index

Recommendations:

1. A permit process should exist for out of county transfers
2. Groundwater substitution transfers outside of the county should be prohibited during a State declared drought emergency and/or a Shasta Critical year
3. It should be required that during all groundwater substitution transfers (in-county and out-of-county) monthly monitoring results are provided to the Groundwater Commission (via Staff)
4. Out-of-County groundwater substitution transfers will be reviewed on a case by case basis
5. Permits will be good for one year only

For future discussion (not discussed at this meeting):

- Possible fee structure for transfer requests to support water resources program

In-County Groundwater Substitution Transfer Agreement

The Colusa County Groundwater Commission requires all parties engaging in Groundwater Substitution transfers of water within Colusa County boundaries to read and sign this agreement and to follow through with all required reporting.

This agreement is made this _____ day of _____, between _____ (District), and the Colusa County Groundwater Commission (Commission).

The above named District intends to transfer surface water within Colusa County boundaries and utilize groundwater to replace the sold surface water. As part of this process, the District has completed a Transfer Proposal, including an Environmental Review, a monitoring plan and a Mitigation Plan. The District has also agreed to provide the Bureau of Reclamation with monthly monitoring information and a final Transfer Report.

By signing this Agreement, the District will:

1. Provide the Commission, via Staff, with a signed copy of this Agreement, prior to the transfer commencing
2. Provide the Commission, via Staff, with a copy of the Transfer Proposal, prior to the transfer commencing
3. Provide the Commission, via Staff, with copies of all monthly monitoring documents at the time they are reported to the California Department of Water Resources and the Bureau of Reclamation

4. Provide the Commission, via Staff, with a copy of the Final Transfer Report, upon completion

Signatures

District Representative

Title

Date

Commission Representative

Title

Date