

MEETING SUMMARY August 24, 2016

Colusa Sustainable Groundwater Management Act (SGMA) – Governance Workgroup Meeting #6

MEETING RECAP

- There were several new participants at this meeting, mostly private pumpers.
- The group discussed two Governance Subcommittee proposed governance options and requested the Subcommittee to merge the two options for the Workgroup’s further consideration.
- Private Pumpers expressed concerns about equitable representation.
- More clarification is needed on what “balance” means for representation on a multi-agency GSA board.

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

Dave Ceppos introduced himself as the facilitator for the Colusa County GSA formation process and the Associate Director of the Center for Collaborative Policy. Mr. Ceppos gave some background on past meetings and reviewed the agenda.

SGMA Process Updates

Glenn County formed a Guiding Principles Subcommittee to help with the process of forming governance. The Board of Supervisors approved formation of a Glenn County Private Pumper Advisory Committee. The facilitators are working to align Glenn and Colusa Counties so the two counties can begin coordinating efforts.

Glenn and Tehama Counties held a preliminary coordination meeting regarding the Corning Subbasin.

Mr. Ceppos has reached out to the facilitator in the Butte County portion of the West Butte Subbasin. Vicki Newlin, Butte County Water and Resource Conservation, reported that Butte County has completed an assessment of local agencies’ interest in SGMA. Butte County is addressing GSA overlap. Their private pumpers are working through Farm Bureau. Meetings are held the third Thursday of every month.

Presentation and Discussion – Proposed Governance Options

Mary Fahey, Colusa County Water Resources Coordinator, gave a brief overview of the role of the Governance Subcommittee and the two governance options developed by the Governance Subcommittee at the group’s August 12 meeting (see Appendix A).

Ms. Fahey presented a map of proposed Management Areas (MA) (see Appendix B). Darrin Williams (PPAC member) described the thought behind the MAs. The map is simple, yet takes hydrology into consideration. The Management Areas are a way to address unique challenges in the different areas. Mr. Ceppos reminded everyone that with SGMA, sustainability must be basin-wide. GSAs and Management Areas must work together.

Question (landowner): There are groundwater pumpers within Districts. Are those Private Pumpers?

Answer: Private Pumpers are agricultural well operators outside of Districts. Groundwater users within Water Districts are not considered Private Pumpers. Mr. Ceppos reminded the group that per statute, counties are responsible for white areas. White areas are the private pumper areas plus the boundaries of any GSA-eligible agency that does not participate as a GSA.

Darrin Williams, PPAC member, expressed that he likes the Management Area concept because it brings the governance down to the local level. There will be committees in each MA. This is where the problems will be solved.

Jim Wallace (Colusa Drain Mutual Water Company) described Option #2 which was his idea (Appendix A). Mr. Wallace is not opposed to the idea of Management Areas. He wanted to include the Charter idea because he believes, as he has heard from many others, that we will not be successful unless we have everyone at the table. Many have rejected the 1st, 2nd, 3rd among equals. We need to find a solution that works for us as a community. We all have a stake in this. That idea does not fit with how the legislation is written. Option #2 addresses this. The County can create a Chartered organization. He would like to see a Charter that includes all the entities with an equal place at the table. Once we get that done, it will take years to resolve all of the details.

Mr. Williams stated that he feels strongly that SGMA does a disservice to private pumpers. It creates a government agency made up mainly of surface water districts and excludes private pumpers who make up in his opinion about 99% of groundwater use. The legislation gives water agencies the authority to levy taxes and set groundwater rules in perpetuity. It seems illogical that the 1% has the authority. Private Pumpers want to be included at the highest level of governance. They are asking that GSA-eligible agencies consider this. They want a balanced approach.

Thad Bettner (Glenn Colusa Irrigation District-GCID) described his District's intent. GCID has landowners who have a right to pump. It's not correct to say that the District and its landowners cannot pump. Surface supply reliability and costs are changing. Costs of surface water are becoming unsustainable for many. There are things that districts need going forward and things that private pumpers need. GCID wants to make sure it doesn't have to carry the burden for other areas of the county that are not sustainable. Between Glenn and Colusa Counties, GCID has 1,000 landowners, 170,000 acres. If GCID were to get one vote, the same as a smaller District, that wouldn't been viewed as equitable by GCID's landowners. GCID has the ability to go alone, but would like to cooperate. GCID just needs to be sure that it has a fair share and equitable vote.

Comment: John Garner (Princeton and Provident Irrigation Districts) We need to be thinking about what we need to do to help the areas that aren't recharging. We shouldn't pit the districts against Private Pumpers. We need to work together and find solutions. Let's focus on that.

Comment (landowner): We need to remember that surface water and groundwater are related. We need to work together.

Comment (Mr. Williams): There are misconceptions floating around. It's not private pumpers vs. water districts. It would be a good idea if water districts invited private pumpers to their board meetings.

Comment: (Mr. Moresco, PPAC) commented that he is a landowner in a water district and also has land outside of a water district, dependent on groundwater. The priorities and concerns are different. He

feels he is covered under the water district, but wants to know how he will be represented as a private pumper, and how the representation will be accountable.

Mr. Williams stated that he would still like to know how many acres in the County comprise the private pumper areas in relation to the Districts and the rest of the county. The County has a role to represent private pumpers and agencies that don't want to participate. That's a lot of area. Can't the private pumpers be on the Board as agents of the County, as voting members of the GSA? Mr. Ceppos said that he believes there are limits to the authorities that private citizens can have on a JPA Board. Mr. Ceppos stated that this is a conversation that needs to happen in the near future with the County. The PPAC was originally developed as an advisory body, but that role is now expanding. The County needs to clarify what it is willing to commit to acting as the private pumpers' proxy.

Comment (Mr. Garner): Option 2 would work for this.

Comment (Landowner): Agrees that Option 2 is better. Management Areas create more divisions that can pit one against another.

Comment (Mr. Wallace): Regarding accountability, in a Chartered organization, each agency has representation.

Mr. Ceppos asked how this works for private pumpers.

Mr. Wallace replied that we need legal guidance. We need to get legal detail to figure out how the private pumpers can have representation. We won't be successful unless we have everyone at the table. An example is GCID, it is large and has many resources. If we don't get GCID to the table we won't be successful. Under what circumstances would GCID be willing to participate?

Mr. Bettner replied that GCID is here at the table. We want to try to make it work. There is a lot we need to talk through. He would like to sit down with the other Districts and the private pumpers and have these discussions. He questioned, who wants to be the enforcer? GCID is accountable already to the state and at so many levels. This may be new to many in the room. Counties have always had the authorities we are talking about. Are we all going to be accountable? If everyone agrees that we are all accountable for our areas, then GCID is in, but we need to have these conversations.

Mr. Ceppos brought attention to the Roles, Responsibilities and Authorities handout (Appendix C). Regarding the private pumpers, he has heard they would like to see balance and protection as a private well owner.

Question (Terry Bressler, RD 1004): Is this an issue for SGMA or the County through a well ordinance? The County would create the Ordinance.

Answer: It could be the County or it could be done by the GSA.

Comment (Mr. Wallace): I would be most comfortable with the County being the authoritative entity. The County is the logical entity to enforce the rules. We shouldn't redo the structure. SGMA is going to be very expensive. We should get in front of that. I already pay taxes to the County. In Option #2, the Chartered organization would make the decisions and the County would implement those decisions.

Mr. Williams replied that he likes Option #2. It defines the role of the County. He has some fear about the County providing representation for private pumpers because although the politics today favor

private pumpers, the politics could change. He would like to see representation on the GSA provided by the private pumpers themselves, not through the County.

Mr. Ceppos noted that for the next conversation we need to define:

- What are the issues?
- What are we going to have to govern?
- What are the interests of water districts?
- What are the interests of private pumpers?
- How do authorities get distributed?

Mr. Ceppos asked the group if they see a way of merging Governance Option #1 and Option #2.

Comment (Mr. Williams): I like both options. The strong point of the MAs is that it creates better communication with the landowners.

Comment (landowner): Put MA from Option #1 under the GSA in Option #2. The Charter would define who is on the GSA board and they would all be equal. It would be a way for the private pumpers to have an equal voice.

Question (Mr. Williams): Directed to water district managers: What are your thoughts on a board that allows balanced representation between agencies and private pumpers?

Question (landowner): What is balance?

Comment (landowner): Disagrees with one entity, one vote concept. We are talking about groundwater. A surface water agency having the same vote as a groundwater user is the minority controlling the majority.

Question (Derrick Strain, PPAC): Directed to the water agencies, why do you want to be a GSA?

Answer (Shelly Murphy, Colusa County Water District): We filed to be a GSA to protect our landowners and to help keep costs down for our landowners.

Comment (Mr. Moresco): A City Council is elected, a Board of Supervisors is elected, water district Boards are elected. No one is elected for the private pumpers. We are not represented by anyone, other than the County. If we are going to get taxed, I want to be represented.

Question: (Mr. Williams): Again, to district managers, what are your thoughts on a governance approach that achieves balance between those who hold surface water rights and those who do not?

Response (Mr. Bettner): We have been given tools through SGMA to become sustainable. GCID is willing to use every tool. At the last meeting, regarding metering, there were different opinions. If everyone is agreeable about using every single tool in the tool box, then it's good. But if everyone is not on the same page, then we're going to have problems. We want to work with private pumpers. Will accountability be as balanced as representation? We also want to know from the County's perspective that they are willing to use a surgical approach rather than blunt objects to solve problems.

Mr. Williams replied that as private pumpers we do not have a tool box. We want to be there with the GSA-eligible agencies deciding on what tools to use.

Comment (Jesse Cain, City of Colusa): The City of Colusa needs to be part of a bigger GSA. We have been doing reporting, metering, etc. This is nothing new. We are small and would like to be part of a bigger GSA rather than a GSA on our own.

Comment (Bryan Busch, Reclamation District (RD) 108): RD 108 wants to be part of a bigger group. We agree that private pumpers need a voice. I am not sure what “balance” means. It’s not necessarily one person one vote. RD 108 is looking for a balanced approach. RD 108 really only has control over its own area and is not looking to expand outside of its boundaries.

Comment (Ms. Murphy): Colusa County Water District (CCWD) is a water service contractor, not a water rights agency. The last two years CCWD has had zero allocation and it is important for our landowners to be able to pump. We need to work with the private pumpers and we are not fearful of that.

Comment (Mr. Bressler, RD 1004): We want to protect the interests of our growers. We have not been affected by drought. We are concerned about the west side affecting the east side. Per the legislation, private pumpers are under the County. They have more representation than districts.

Comment (Mr. Garner, Provident and Princeton Irrigation Districts): We have no problem with equal representation. Rather than focus on having the County do everything, we should focus on getting the legal right for the private pumpers to be on the GSA board. We want to avoid giving the supervisors all the power, because they will change. Give the private pumpers equal numbers.

Action Items:

To be discussed at the next Governance Workgroup meeting:

- What are the issues, dive deeper
- What are we going to have to govern?
 - Utilize information from Grant Davids’ presentation on Sustainability Indicators
- What are the interests of the Districts on a GSA Board?
- What are the interests of the Private Pumpers on a GSA Board?
- How do authorities get distributed?
- What tools are we willing to use - can we make it equitable, a balanced playing field?

To be discussed at the next Governance Subcommittee meeting:

- How can we merge and hybridize Governance Option #1 and Option #2 into a mutual proposal that starts getting into delegation of authority?

To be researched and reported back:

- Number of acres of private pumper area, subbasin area
- How far is DWR on BMP document?
- What was the rationale for the recharge conclusions in the Colusa County Groundwater Assessment?
- Determine the legal representation of a private citizen on a JPA board
- The County needs to clarify what it is willing to commit to acting as the Private Pumpers proxy.

Participant List

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|--------------------|--|
| ➤ Thad Bettner | Glenn-Colusa Irrigation District |
| ➤ Bryan Busch | Reclamation District 108 |
| ➤ Terry Bressler | Reclamation District 1004 |
| ➤ John Garner | Princeton Codora Glenn and Provident Irrigation Districts |
| ➤ Shelly Murphy | Colusa County Water District |
| ➤ Dan Ruiz | Westside Water District and Maxwell Irrigation District |
| ➤ Chuck Bergson | City of Williams |
| ➤ Mike Mitchell | City of Williams |
| ➤ Jesse Cain | City of Colusa |
| ➤ Jim Wallace | Colusa Drain Mutual Water Company |
| ➤ Lisa Hunter | Glenn County |
| ➤ Vickie Newlin | Butte County |
| ➤ Darrin Williams | Colusa County Groundwater Commission/Private Pumper Advisory Commission (PPAC) |
| ➤ Derrick Strain | PPAC |
| ➤ Jeff Moresco | Colusa County Groundwater Commission/PPAC |
| ➤ Bill Vanderwaal | Provost and Pritchard Engineering |
| ➤ George Pendell | Stony Creek |
| ➤ Sharon Ellis | Glenn County Landowner |
| ➤ Carol Perkins | Butte Environmental Council |
| ➤ Luke Steidlmeyer | Attorney |
| ➤ Ron Arens | Landowner, Arens Trust |
| ➤ Roy Hull | Department of Water Resources |
| ➤ Theresa Bright | Landowner, Jeffries Ranch |
| ➤ Aimee Williams | Landowner, Williams Farm |
| ➤ Hilary Reinhard | RD 108/Provost & Prichard |
| ➤ Dan Griffith | Sycamore Mutual Water Company |
| ➤ Jim LaGrande | Landowner |
| ➤ Donita Hendrix | Dunnigan Water District |
| ➤ Michael Doherty | Landowner, Chamisal Creek Ranch |
| ➤ Oscar Serrano | Colusa Indian Community |
| ➤ Kim Gallagher | PPAC |
| ➤ Jeff Moresco | Colusa County Groundwater Commission/PPAC |
| ➤ Carli Morengo | Colusa County Farm Bureau |
| ➤ Charles Marsh | RD 479 |
| ➤ Glenn Huffman | Landowner, H&G Huffman |
| ➤ Rod Bradford | Landowner, Mayflower Farms |
| ➤ Craig Bradford | Landowner, Mayflower Farms |
| ➤ Joe Carrancho | Landowner, Joe Carrancho Farms |
| ➤ Bob Arens | Landowner, Dry Slough Ranch |
| ➤ Greg Plucker | Colusa County Planning and Building Director |
| ➤ Walt Seaver | Landowner, Seaver Trust |
| ➤ Lorraine Marsh | Colusa County Groundwater Commission/PPAC |
| ➤ Gilbert Ramos | Landowner |

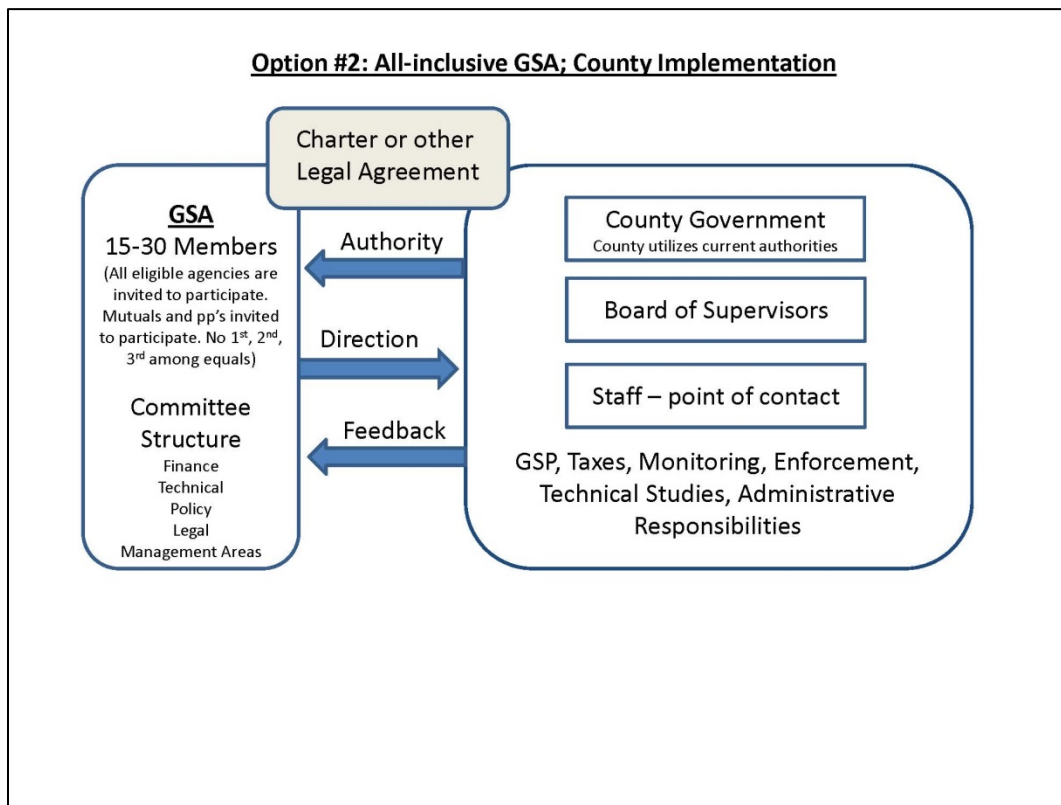
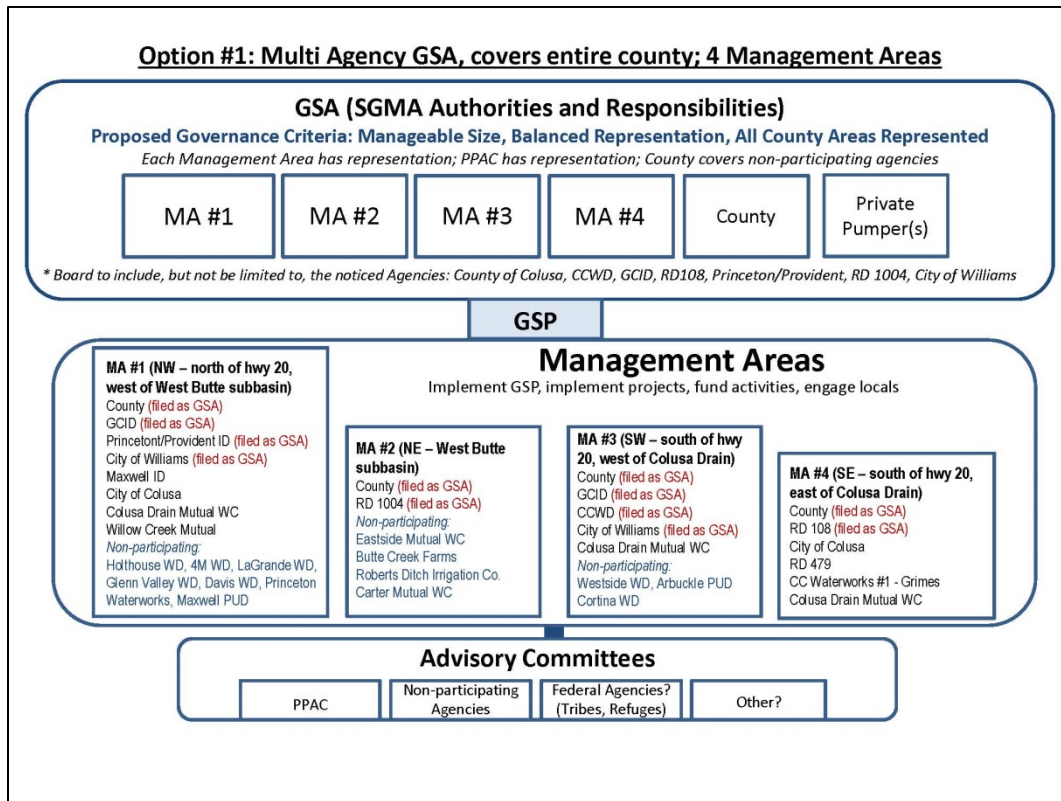
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| ➤ Christy Scofield | Landowner |
| ➤ Clark Ornbaun | Landowner |
| ➤ Bill Wallace | Landowner |
| ➤ Chuck Bergson | City of Williams |
| ➤ Greg Hinton | Colusa County Agricultural Commissioner |
| ➤ | |

Staff

- Mary Fahey Colusa County Water Resources Coordinator
- Dave Ceppos Center for Collaborative Policy

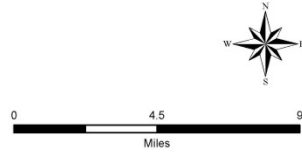
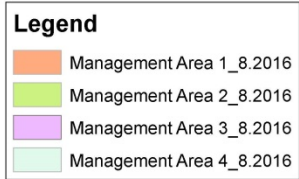
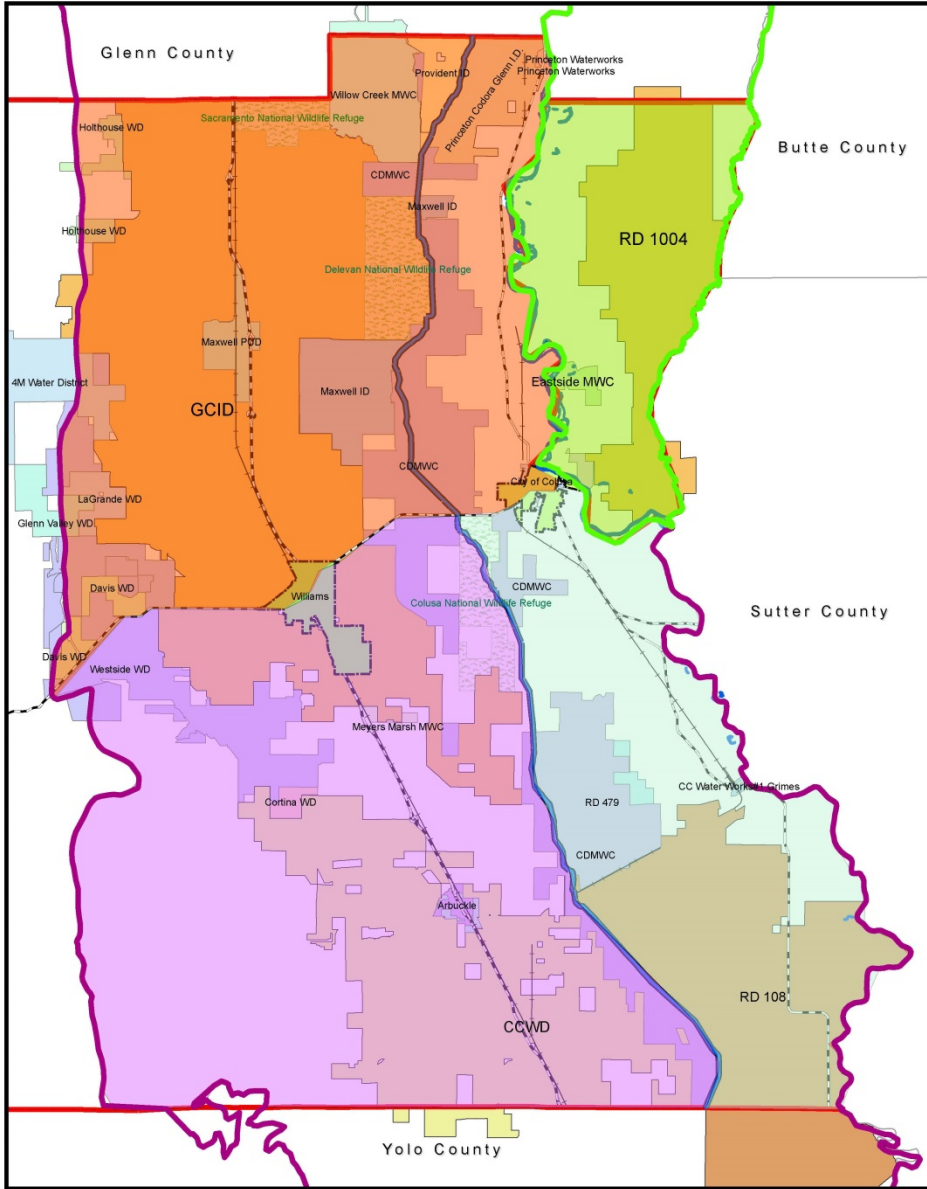
See the following pages for Appendices

Appendix A: Two Proposed Governance Structures



Appendix B: Management Areas Map

**COLUSA COUNTY GSA WORKGROUP SUBCOMMITTEE
PROPOSED MANAGEMENT AREAS; AUGUST 12, 2016**



Appendix C: Roles, Responsibilities and Authorities Chart

| GSA ROLES AND RESPONSIBILITIES |
|---|
| Ensure that the GSA is compliant with SGMA laws and GSP Regulations |
| Contribute/generate funds for GSP development, GSA operating expenses, GSP implementation |
| Develop a Groundwater Sustainability Plan |
| Appoint and coordinate with a single point of contact for each basin |
| Provide <i>extensive</i> stakeholder outreach and engagement |
| Conduct Technical Studies |
| Monitor groundwater conditions and log data |
| Provide Annual Reporting and 5-year reviews to DWR |
| Periodically review and update GSP |

| GSA AUTHORITIES |
|---|
| Adopt rules, regulations, ordinances, resolutions |
| Conduct investigations such as recharge studies, subsidence studies, etc. |
| Require registration of extraction facilities |
| Require metering at well owner's expense |
| Require annual reporting of groundwater extractions |
| Impose well spacing requirements |
| Regulate, limit or suspend extractions |
| Regulate, limit or suspend well construction |
| Impose fees on extraction of groundwater |
| Inspect properties and facilities |
| Other (Acquire property; Acquire, transfer or exchange groundwater and surface water; Import surface water, including but not limited to purposes of recharge; Manage wastewater, stormwater and seawater for subsequent use; Manage wastewater, polluted water and other waters for subsequent reuse; Provide a program for voluntary fallowing) |