

MEETING SUMMARY October 25, 2016

Colusa Sustainable Groundwater Management Act (SGMA) – Governance Workgroup Meeting #8

MEETING RECAP

- Workgroup members discussed a draft Work Plan and agreed to provide feedback on the document. The Work Plan will continue to be updated.
- Colusa County has drafted a “Final Notice” letter to the GSA-eligible Agencies that have not been participating in governance planning meetings.
- Workgroup members discussed thoughts/concerns about the Surface Water Districts’ draft Principles.

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 (California State University, Sacramento) and reviewed the agenda. Today’s discussion will focus on items that were requested at the last meeting which include: continued discussion of the Management Areas (MA), development of a Work Plan, and development of a draft Agreement. The MA discussion will not be about hydrogeologic concepts but about the pros and cons of MAs. The Draft Agreement has proven to be a much more difficult task than originally thought because Mr. Ceppos was attempting to put an Agreement together before the entire group had an opportunity to discuss the proposals on the table.

➤ SGMA Process Updates

Mary Fahey, Colusa County Water Resources, reported that **Colusa County** has drafted a “Final Notice” letter to the GSA-eligible Agencies that have not been participating in governance planning meetings. The recipients have until November 11, 2016 to reply that they either plan to participate as a GSA partner or they prefer the County to assume responsibility over their service area. If an agency does not reply by November 11, the County will assume GSA responsibility for their service area. The letter will be mailed October 26, 2016. The letter is not legally binding but allows the County to create a paper trail.

PPAC – The PPAC did not have an update and stated that nothing has changed since the last meeting.

Mr. Ceppos reported that **Glenn County** continues to develop their PPAC. The Board of Supervisors received a handful of applications, but not enough to fill all openings. The first PPAC meeting will be held November 15. Roles and responsibilities of the PPAC have not been established. Glenn County is following a similar path as Colusa County. They have held their first Governance Subcommittee meeting. They will be following Colusa County’s initiative to develop a Work Plan and Agreement and to discuss Management Areas.

➤ **Discussion – Draft SGMA Work Plan** (as prepared by Grant Davids, Davids Engineering)

Ms. Fahey stated that the Work Plan is in very draft form and she and Mr. Davids would like input from the Workgroup. Items on the Work Plan are based on the GSP Regulations. This document provides information on the studies that will need to be done in Colusa County, and potential costs associated. These studies do not have to be done until we start to put a GSP together but Mr. Davids suggested that the group should think about the benefits of completing some of these studies earlier.

Question: Where are water transfers in this document? Transfers are integral to what we can do as a GSA. **Answer:** This document is about technical work that is going to have to get done as we develop a GSP. Transfers will be addressed as we develop a GSP.

Mr. Ceppos added that the studies included in the Work Plan can help define exactly what we are going to have to govern. They will also provide insight into development of Management Areas. These studies are going to have to be paid for by someone. It will not be possible to get a fee assessment for at least another year. It will be up to the agencies that participate as GSAs to fund these studies, and potentially some grant funding could be applied.

Ms. Fahey mentioned that Glenn Colusa Irrigation District (GCID) has already said they would contribute initial funding as long as they receive credit. If there are studies in the Work Plan that we want to get completed sooner than later, we need to think about that. Mr. Ceppos added that if we have local agencies providing initial funding for studies, we may consider adding funding language in an initial Agreement. Currently the financial burden falls completely on the participating agencies.

Ms. Fahey provided an overview of the first items on the Work Plan chart which comprise the County's current Proposition 1 grant funded project. The project is a monitoring and data management program which will be integrated into a future GSP.

Question: Will the data management program be an off-the-shelf product? Have you thought about this? **Answer:** The Consultant team will provide several options. They will begin by working with County Information Technology (I.T.) staff to determine the capacity of the County's systems. Glenn County also has a data management element in their Proposition 1 grant project and we will coordinate with them. We anticipate the initial program will be basic and flexible enough to be upgraded in the future.

Question: Will you also coordinate with the West Butte Subbasin? **Answer:** Yes, when the timing is right. The project is just getting under way.

Question: Is it expected that the County will manage this program or will it be handed over to the GSA?

Answer: The monitoring and data management programs will likely be handed over to the GSA when they are completed, but we are not there yet. It will definitely be shared.

Question: On the Work Plan, the notes say that this is in progress. Who's doing the work now? **Answer:** The grant project is in progress. The consultants are doing the work and the County Water Resources department is administering the grant.

Question: Is it fair to say that the project is just getting under way, so outreach to the group has not started and we haven't had a chance to give input? Is the idea is to work with the group? **Answer:** Yes.

Question: Do you have a critical timeline on these studies (monitoring and data management program) and when the workgroup is going to start these discussions? **Answer:** The Consultants have not specified. (**Action Item:** Ms. Fahey will follow up with Mr. Davids.)

Ms. Fahey described a well mapping project that was completed by an intern hired by the County Water Resources department. The intern has mapped all known wells in the County dating back to 1951. The information, however, is not complete because it is based on DWR well logs which are not a complete data set. We also do not know if all of these wells are still in operation. This is a good platform that we can build on to understand groundwater development in the County.

Questions arose about how we will get accurate information on all wells in the county. Some suggestions included:

- Well permits issued by Environmental Health
- Irrigated Lands Regulatory Program (ILRP) – there are already wells documented through the ILRP. (**Action Item:** Ms. Fahey/Mr. Ceppos will follow up to see if this data is available)
- Water agencies data on landowner and district wells in their service areas (**Action Item:** vague action item for Districts to compile this information and share it with the County)

Question: What is the GSP requirement for well location identification?
(**Action Item:** Get clarification on this.)

Ms. Fahey confirmed that the County will share the Proposition 1 grant project work with the GSA Workgroup, it will not be proprietary to the County. (**Action Item:** Ms. Fahey will contact Mr. Davids about presenting the project to the GSA Workgroup for feedback.)

Question: Are we close to the tipping point of forming a GSA board?

Answer: There was a tipping point at the last meeting, but we still have work to do. We still need to decide how the Private Pumpers are going to be involved. Surface water diverters have provided their principles. We are taking a multi-pronged approach which includes drafting an Agreement and completing the Work Plan. The Agreement will likely lead to an MOU that will lead to a JPA.

Question: Will we have to enact a Proposition 218 process in order to assess fees?

Answer: Presumably, yes.

Mr. Ceppos encouraged everyone to read the GSP Regulations and become familiar with what is required in a GSP. Groundwater characterization will need to take place ASAP in order to make the decisions on actions.

Question: Where is the list of high and medium priority basins? **Answer:** Mr. Ceppos discussed the DWR GIS-based Water Management Tool. (**Action Item:** Ms. Fahey will send out the link to the Water Management Tool.)

➤ **Discussion - Management Areas (MAs)**

Mr. Ceppos described some of the nuances of MAs. Different thresholds and measurable objectives can be applied to different MAs. MAs can be formed if it helps to implement the Plan. Overlapping MAs are an option. There is nothing that defines MAs as governance constructs. Mr. Ceppos asked the group to consider the pros and cons of MAs and posed the following questions: What are the impacts of drawing that line between MAs? What will this mean in terms of impacts to water users? It's not just drawing a line on the map, there are implications. Is this something we need to define now?

Question: Do we have to specifically define MAs now, or over the next year? Can we use MAs in two different ways? For instance, we utilize MAs as tools for public outreach now. We don't have enough data yet to use MAs for management. Can we redefine them later? **Answer:** Yes.

Question/Comment: Isn't it more complicated than this? We won't know until we do the baseline studies, but if we try to manage the issues county-wide that's not going to work. Smaller areas could be working together to work on localized issues. The northwest area is not going to want to attend meetings in the southern part of the county.

Question: Can we get to governance without defining MAs? **Answer:** Yes.

Comment: Yolo County by creating MAs is giving them an opportunity to come up with localized solutions. They may not have the legal authority. Giving the MAs authority might help with trust issues.

Comment: Maybe we start out with the Supervisorial districts and let it evolve from there. If there is an issue in a private pumper area within an MA, the agencies within that MA could help with the solutions. Boundaries should designate the areas that need to be managed and the people there should be like-minded.

Comment: I am concerned about defining MAs by problem areas. Groundwater issues are bigger than the problem area. Cutting back pumping in that area won't solve the problem. We need basin-wide management.

Comment: In Yolo County, if there are problems across MAs, they have to work together to find solutions. It's not like a concrete wall.

Comment: A groundwater model and water balance will help define connectedness.

Question: How will this work in an area like Yolo-Zamora, where they are all private pumpers? **Answer:** They may need to work with Yolo Flood Control or RD 108. I envision there would be cooperation.

Comment: We really need to work together. We have a lot of Private Pumper acreage.

Mr. Ceppos asked Workgroup members for their thoughts on fee assessments.

Comment: Mr. Williams (PPAC) discussed the three tiered approach that was presented in the PPAC proposal (parcel fee, per acre foot fee, and per well assessment). Everyone should have some skin in the game, and those that are using the resource should pay more.

Comment: To start, there should be a per acre charge.

Question: Mr. Ceppos asked the surface water diverters, since they want credit for their recharge contributions, would they expect an extraction fee to apply to them. **Answer:** Yes, we see the value.

Question: Is there an appropriate study in the Work Plan that would define the amount of recharge to be credited? **Answer:** It's difficult without a bowl shaped basin. Water moves. Certainly the districts are recharging and the private pumpers aren't. We need to know if surface supply is really recharging the whole county. This will be part of all of the studies to find out where the water is coming in and where it is going. As long as we all recognize this will be part of it, there could be different values based on the extractions. (**Action Item:** Add to the Work Plan, much more nuanced analysis to characterize and quantify what the surface water diverters are contributing to recharge.)

Comment: There are many things contributing to recharge, creeks, the 2047 canal, etc. Farmable acres are not the only places where recharge occurs.

➤ Discussion - Agreement

Mr. Ceppos stated that trying to develop a draft Agreement was premature for today's discussion. Today we will look at the Glenn County Common Principles which are a refined version of Colusa's Principles, and look at the primary themes from the Surface Water Diverters Principles. We haven't had a chance to hear how folks feel about the Diverter's Principles. We need to make sure that everyone's interests are represented and people feel that their interests are protected.

Question: Does SGMA give surface water districts authority over groundwater use? Under the District Specific bullet #2 (*WD's/ID's act on behalf of and serve as trustee for all landowners within their service area. WD's/ID's will cooperate with their landowners to manage and optimize their share of the natural recharge to the Basin*), what gives surface water districts authority over groundwater? What gives the districts the right to manage the groundwater for their landowners?

Answer: The intent is that the districts would act as a GSA for their landowners. For you, "trustee" means something different. What do you see as being different?

Answer: I see them trying to exert additional control not only over private pumpers but also over pumpers within districts. Landowners have the right to the groundwater on their land, not the districts.

Answer: Overlying right is the first right. Public agencies like a district have a secondary right. If the landowners choose to work with the district, the district can use groundwater as a collective. All we are saying is that we will carry out SGMA for the landowners.

Comment: It looks to me like they are asserting a right to a landowner's water.

Answer: We will need to look at that because it is not what we are intending.

Question: How would you want that adjusted?

Answer: I have significant concerns about a district asserting control over my well.

Comment: What this means to me is that districts will use the groundwater from their landowners' wells and use it efficiently throughout the district. The problem is if a district has a large well that pumps all summer long, it may affect the landowner that is adjacent. The landowner is using an overlying right and the district is using an appropriative right.

Comment: We would agree that the landowner could protest if there is an impact.

Comment: There will be accountability on the GSA board. It would be covered by SGMA/GSA if a district's well is affecting private pumper wells.

Comment: Regarding the bullet at the bottom of page 2 (“WD’s/ID’s will use surface water and groundwater for local transfers to meet local demands. Following transfers will also occur both in and outside of the groundwater basin, with transfer quantities based on avoided consumptive use. Revenue from transfers will be used by WD’s/ID’s to help fund their increasing surface water costs, sustainable groundwater management, infrastructure improvements, restoration activities, and other water management obligations, including SGMA, and initiatives. Surface water transfers will potentially serve as a tool to settle disputes over environmental obligations or to mitigate impacts during drought periods”), districts are getting addicted to transfers in order to operate the district and keep water costs low. There is concern that you have to have these transfers in order to operate. The more transfers the more reliance on groundwater.

A lengthy discussion about water transfers followed.

Comment: We could strike the funding language in this Principle. If we invest in Sites, we will have to transfer water. Everyone that invested in Sites that has other water supply will be selling the Sites water. The idea that the groundwater users have a right to tell the surface water users how they can manage their water is not right. As a water agency, I have concern that this could be restricted by SGMA if we are not in overdraft conditions.

Comment: I would like to see language that would address sustainability in the basin as a priority.

Comment: We will never use groundwater with a transfer outside of the basin, only following. But the first priority would be in-basin. However, it’s an economical decision too. We need to be accountable to our landowners.

Comment: No water should leave the basin unless and until everyone is whole. Following and other conservation methods utilized to facilitate transfers also have a negative impact on the community.

Comment: Surface water diverters look at recharge as a benefit on the years we bring it in. Our board doesn’t like transfers. 1%-2% of water use in the county is transferred. It is a very small volume of water and it only happens in dry year types. We’re not willing to say that we would have to take our surface water to make sure that our neighbors that don’t pay for surface water are sustainable. We (Sacramento River Districts) would maintain control of our surface water supply. We are willing to say that we are not going to go pump groundwater to supplement sales of surface water. That’s where the districts are now.

Next Steps/Action Items

- Ms. Fahey will email the Workgroup the Surface Water Diverters Principles and the Glenn County Common Principles documents. Workgroup members will have 10 days to provide feedback to Mr. Ceppos. Mr. Ceppos will utilize the comments to complete the next iteration of the Agreement.
- Ms. Fahey will get clarification on GSP requirements for identification of well locations.
- Ms. Fahey will follow up with Mr. David to set up a presentation of the Proposition 1 monitoring and data management program.
- Ms. Fahey/Mr. Ceppos will follow up to see if it is possible for the Colusa Glenn Subwatershed Program to share their well data with the County.
- Vague action item for Water Agencies to compile data on landowner and district wells in their service areas and share it with the County.

- Ms. Fahey will send out the link to the DWR Water Management Tool.
- Ms. Fahey will follow up with Mr. Davids to add to the Work Plan an analysis to characterize and quantify what the surface water diverters are contributing to recharge.

Participant List

➤ Lorraine Marsh	Colusa County Groundwater Commission/Private Pumper Advisory Commission (PPAC)
➤ 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
➤ Jesse Cain	City of Colusa
➤ Jim Wallace	Colusa Drain Mutual Water Company
➤ Vickie Newlin	Butte County
➤ Darrin Williams	Colusa County Groundwater Commission/PPAC
➤ Jeff Moresco	Colusa County Groundwater Commission/PPAC
➤ Bill Vanderwaal	Provost and Pritchard Engineering
➤ Sharon Ellis	Glenn County Landowner
➤ Erin Steidlmeyer	Attorney
➤ Mary Randall	Department of Water Resources
➤ Kim Gallagher	PPAC
➤ Denise Carter	Colusa County Supervisor
➤ Clarke Ornbaun	Landowner
➤ Mike Mitchell	City of Williams
➤ Terry Bressler	RD 1004
➤ Greg Plucker	Colusa County Planning and Building
➤ Charles Marsh	RD 479
➤ Lewis Bair	RD 108
➤ Jim Peterson	PPAC

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- Dave Ceppos Center for Collaborative Policy