

SAN LUIS OBISPO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
WATER RESOURCES ADVISORY COMMITTEE (WRAC)

City/County Library Community Room
995 Palm Street, San Luis Obispo CA

Wednesday, May 2, 2018
1:30 pm

AGENDA

1.	Determination of a Quorum and Introductions	1:30 pm
2.	Approval of March and April Minutes	1:35 pm
3.	Ongoing Updates: a. Rain & Reservoir Report b. Groundwater Basin Management Efforts c. Various County Water Programs, Policies, and Ordinances d. Open Reporting on Water Conservation Opportunities & Information e. WRAC and/or SGMA Mailing Updates	1:45 pm
4.	Review and Discuss Proposed San Luis Obispo Flood Control and Water Conservation District budget for FY 2018/2019 and Consider Actions	2:00 pm
5.	Follow-up Discussion on April 4 th Water Law Forum Special Meeting and Consider Actions	2:15 pm
6.	Discuss Future Agenda Items	2:25 pm
7.	Public Comment	2:30 pm

--- Adjourn by 3:30 pm ---

Next Regular Meeting: June 6, 2018
 City/County Library Community Room
 995 Palm Street, San Luis Obispo CA

<http://www.slocountywater.org/site/Water%20Resources/Advisory%20Committee>

Purpose of the Committee:

To advise the County Board of Supervisors concerning all policy decisions relating to the water resources of the San Luis Obispo County Flood Control and Water Conservation District. To recommend to the Board of Supervisors specific water resource and water conservation programs with recognition of the economic and environmental values of the programs. To recommend methods of financing water resource programs.

Excerpts from WRAC By-Laws dated August 15, 2017

MINUTES (DRAFT)

Chairperson: Andy Pease
Vice Chairperson: Linda Seifert
Secretary: Ray Dienzo

The following action minutes are listed as they were acted upon by the Water Resources Advisory Committee (WRAC) and as listed on the Regular Meeting agenda for **March 7, 2018** together with staff reports and related documents attached thereto and incorporated therein by reference.

The audio recording of the meeting and materials submitted to the WRAC are available online: <http://www.slocountywater.org/site/Water%20Resources/Advisory%20Committee>

Call to order at 1:30PM.

1. Determination of a Quorum and Introductions

New District 3 WRAC representatives: Linda Seifert, member and Natalie Risner, member alternate.

A quorum of 18 is established (12 is required).

2. Approval of February Meeting Minutes

A motion by member T. Mora and a second by S. Luft moves to approve the February meeting minutes with a correction from January to February on the agenda. Minutes approved (17-0-2).

3. Consider Submitting the WRAC 2017 Annual Report to the County Board of Supervisors

There is an error in the 3rd paragraph regarding committee members. A correction should be made from “two new county water districts” to “one county water district” and the addition of the Avila Beach Community Service District.

A motion by member B. Garfinkel and a second by member D. Chipping moves to accept the cover letter to the board of supervisors as amended. A hand count vote is made, motion approved (18-0-0).

4. WRAC Elections for Chairperson and Vice-Chairperson

Member D. Chipping and a second by member E. Greening nominates Andy Pease for WRAC Chairperson. Andy Pease approved as WRAC Chairperson (20-0-0).

Member S. Luft and a second by member B. Harmon nominates L. Seifert for WRAC Vice-Chairperson. L. Seifert approved as WRAC Vice-Chairperson (20-0-0).

5. Ongoing Updates:

a. Rain & Reservoir Report

There are no comments.

b. Groundwater Basin Management Efforts

Member E. Greening mentions a public process started by the Board of Supervisors to request a boundary modification in the fringes of the Santa Maria Basin at the Pismo Creek Area. County staff C. Howard explains recent technical studies and administrative processes taken to submit a boundary modification. A public draft regarding the boundary modification will be available by the end of the month.

c. Various County Water Programs, Policies, and Ordinances

There are no comments.

d. Open Reporting on Water Conservation Opportunities & Information

Member J. Hendrickson mentions an annual joint water conservation staff meeting held for San Luis Obispo County and Santa Barbara County.

e. WRAC and/or SGMA Mailing Updates

There are no comments.

6. Consider Forming an Ad-hoc Subcommittee to Review the Proposed San Luis Obispo County Flood Control and Water Conservation District budget for FY 2018/2019

County staff R. Dienzo states the yearly process to submit a budget for the Flood Control District. A subcommittee can be formed to review the budget prior to the presentation in May. County staff C. Howard states that there is no expectation of large shifts that signifies a new program or service.

No Ad-hoc Subcommittee is formed.

7. Consider Forming an Ad-hoc Subcommittee to Consider Additional Water Conservation Measures that can be submitted to the Board of Supervisors for Their Consideration

The subcommittee will discuss what conservation measures that can be suggested for county wide action to be presented at WRAC meetings for approval to be sent to the Board of Supervisors.

A motion by member L. Seifert and a second by member L. Chipping moves to form an Ad-hoc subcommittee for additional water conservation measures. A hand count vote is made, formation of Ad-hoc subcommittee is approved (18-0-2).

Subcommittee members: L. Chipping, L. Seifert, S. Wald, D. Chipping, A. Pease

Subcommittee chair: L. Chipping

8. Report from Ad-hoc Subcommittee to Plan a Water Law Informational Forum, and Consider Actions

The Water Law Informational Session next month will be located at the County Board of Supervisors Chambers. One of the confirmed speaker is Stephanie Hastings. A representative from the State Water Resources Control Board intends to participate. A flyer will be made next week.

Member L. Chipping will moderate.

9. Discuss Future Agenda Items

Member D. Chipping discusses vineyards moving out of the East Paso Robles Basin to the West Paso Robles Basin and potential explorations in handling groundwater drawdown in non-alluvial basins. Member E. Greening mentions the creation of extensive and intensive agricultural zones. Patricia Wilmore suggests a future presentation by wineries in the west Paso area to discuss their water conservation techniques for their winery operations. Member S. Wald mentions future presentations regarding groundwater development ecosystems.

10. Public Comment

There are no comments.

Meeting adjourns at 2:34PM.

MINUTES (DRAFT)

Chairperson: Andy Pease
Vice Chairperson: Linda Seifert
Secretary: Ray Dienzo

The following action minutes are listed as they were acted upon by the Water Resources Advisory Committee (WRAC) and as listed on the Special Meeting agenda for **April 4, 2018** together with staff reports and related documents attached thereto and incorporated therein by reference.

The audio recording of the meeting and materials submitted to the WRAC are available online:

<http://www.slocountywater.org/site/Water%20Resources/Advisory%20Committee>

Call to order at 2:00PM.

- 1. DETERMINATION OF A QUORUM** - A quorum of 17 is established.
- 2. Presentation and Discussion on Groundwater Law for the Central Coast**

Moderated by Linda Chipping

Ray Dienzo, WRAC Secretary, read a disclaimer that all opinions expressed by the forum speakers are their own and do not reflect the views or opinions of the County or County staff.

Forum speakers:

Nicole Kuenzi, Attorney, from State Water Resources Control Board

Stephanie Osler Hastings, Attorney, from Brownstein Hyatt Farber Schreck, LLP

Wayne Lemieux, Attorney, from Olivarez Madruga Lemieux O'Neill LLP

All forum speaker also stated similar disclaimers stating that their opinions are their own.

A compilation of questions that were provided by the WRAC Water Law Subcommittee were address by each of the forum speakers.

The Committee voted unanimously to extend the meeting till 4:30pm.

The forum speakers took questions from the audience.

Meeting adjourned at 4:30pm

Water Resources Advisory Committee - Roll Call Vote Form
Meeting Date: 3/7/18

Organization	Representative		MOTION 1				MOTION 2				MOTION 3				MOTION 4			
			AYE	NO	ABSTAIN	ABSENT												
DISTRICT																		
District 1	Dennis Loucks	M	X							X					X			
	(Vacant)	A																
District 2	Bill Garfinkel	M	X							X					X			
	Neal MacDougall	A																
District 3	Linda Seifert	M	X							X					X			
	Natalie Risner	A																
District 4	Jim Garing	M																
	(Vacant)	A																
District 5	Greg Grewal	M	X							X					X			
	Erin Faulkner	A																
AT-LARGE																		
Agriculture At-Large	Kurt Bollinger	M			X					X					X			
	Patrick Williams	A																
Agriculture At-Large	Jason Yeager	M																
	Steve Lohr	A																
Development At-Large	Greg Nester	M																
	Tim Walters	A	X							X					X			
Environmental At-Large	Sue Luft	M	X							X	X				X			
	Christine Mulholland	A																
Environmental At-Large	Eric Greening	M	X							X					X			
	Della Barrett	A																
Environmental At-Large	David Chipping	M	X							X					X			
	Stephnie Wald	A																
RCDS																		
Coastal San Luis RCD	Linda Chipping	M	X							X					X			
	Rob Rutherford	A																
Upper Salinas RCD	Michael Broadhurst	M																
	Tom Mora	A	X							X					X			
OTHERS																		
Atascadero Mutual	John Neil	M																
	Jaime Hendrickson	A	X							X					X			
California Men's Colony	Scott Buffaloe	M																
	Mike Schwartz	A																
Camp SLO	John Reid	M			X					X					X			
	Jubilee Satele	A																
County Farm Bureau	George Kendall	M	X							X					X			
	Joy Fitzhugh	A																
Cuesta College	Edralin Maduli	M																
	Terry Reece	A																
Golden State Water	Anthony Lindstrom	M	X							X					X			
	Matthew Hubbard	A																
Shandon-San Juan Water District	Stephen Sinton	M				X				X					X			
	Kevin Peck	A																
CITIES																		
City of Arroyo Grande	Barbara Harmon	M	X							X					X			
	Kristen Barneich	A																
City of Atascadero	Roberta Fonzi	M																
	Nick DeBar	A																
City of Grover Beach	Debbie Peterson	M																
	Jeff Lee	A																
City of Morro Bay	Matt Makowetski	M																
	Rob Livick	A																
City of Paso Robles	Christopher Alakel	M																
	Kirk Gonzales	A																
City of Pismo Beach	Marcia Guthrie	M	X							X					X			
	Sheila Blake	A																
City of San Luis Obispo	Andy Pease	M	X							X					X			
	Aaron Gomez	A																
CSDs																		
Avila Beach CSD	Brad Hagemann	M																
Cambria CSD	Bob Gresens	M																
	Jerry Gruber	A																
Heritage Ranch CSD	John D'Omellas	M																
	Jason Molinari	A																
Los Osos CSD	Chuck Cesena	M																
	Renee Osborne	A																
Nipomo CSD	Craig Armstrong	M	X							X					X			
	Ed Eby	A																
Oceano CSD	James Coalwell	M																
	Andrew Brunet	A																
San Miguel CSD	Anthony Kalvans	M																
	Dan Gilmore	A																
San Simeon CSD	Charles Grace	M																
	Renee Osborne	A																
Templeton CSD	Tina Mayer	M																
	Navid Fardanesh	A																
			17	0	2	1	18	0	0	0	20	0	0	0	20	0	0	0

QUORUM (MIN. 12): 20

MOTION 1

Item #: 2 Pass/Fail?: PASS

Motion Maker: Mora Second: Luft

AYE: 17 NO: 0 ABSTAIN: 2 ABSENT: 1

Approve 2018 February Meeting Minutes - With change from January to February.

MOTION 2

Item #: 3 Pass/Fail?: PASS

Motion Maker: Garfinkel Second: D. Chipping

AYE: 18 NO: 0 ABSTAIN: 0 ABSENT: 0

Hand Count Vote Annual Letter to County of Supervisors - Changes: Error in 3rd paragraph.

MOTION 3

Item #: 4A Pass/Fail?: PASS

Motion Maker: _____ Second: _____

AYE: 20 NO: 0 ABSTAIN: 0 ABSENT: 0

WRAC Chairperson Election - Andy Pease

MOTION 4

Item #: 4B Pass/Fail?: PASS

Motion Maker: _____ Second: _____

AYE: 20 NO: 0 ABSTAIN: 0 ABSENT: 0

WRAC Vice Chairperson Election - Linda Seifert

WATER RESOURCES ADVISORY COMMITTEE (WRAC) 2018

Organization	Representative	Member	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
SUPERVISOR DISTRICT														
District 1	Dennis Loucks	M		X	X	X								
	(Vacant)	A												
District 2	Bill Garfinkel	M		X	X	X								
	Neal MacDougall	A												
District 3	Linda Seifert	M			X									
	Natalie Risner	A			X									
District 4	Jim Garing	M					X							
	(Vacant)	A												
District 5	Greg Grewal	M		X	X	X								
	Erin Faulkner	A												
AT-LARGE														
Agriculture At-Large	Kurt Bollinger	M			X									
	Patrick Williams	A												
Agriculture At-Large	Jason Yeager	M		X		X								
	Steve Lohr	A												
Development At-Large	Greg Nester	M					X							
	Tim Walters	A		X		X								
Environmental At-Large	Sue Luft	M		X	X	X								
	Christine Mulholland	A		X	X	X								
Environmental At-Large	Eric Greening	M		X	X	X								
	Della Barrett	A		X	X	X								
Environmental At-Large	David Chipping	M		X	X	X								
	Stephnie Wald	A			X									
RCDS														
Coastal San Luis RCD	Linda Chipping	M		X	X	X								
	Rob Rutherford	A												
Upper Salinas RCD	Michael Broadhurst	M												
	Tom Mora	A		X	X	X								
	Devin Best	O												
OTHERS														
Atascadero Mutual	John Neil	M												
	Jaime Hendrickson	A		X	X	X								
California Men's Colony	Scott Buffaloe	M												
	Mike Schwartz	A												
Camp SLO	John Reid	M			X	X								
	Jubilee Satele	A				X								
County Farm Bureau	George Kendall	M		X	X	X								
	Joy Fitzhugh	A												
Cuesta College	Edralin Maduli	M												
	Terry Reece	A												
Golden State Water	Anthony Lindstrom	M		X	X									
	Matthew Hubbard	A												
Shandon-San Juan Water District	Stephen Sinton	M		X	X	X								
	Kevin Peck	A												
CITIES														
City of Arroyo Grande	Barbara Harmon	M		X	X									
	Kristen Barneich	A												
City of Atascadero	Roberta Fonzi	M												
	Nick DeBar	A												
City of Grover Beach	Debbie Peterson	M		X										
	Jeff Lee	A												
City of Morro Bay	Matt Makowetski	M												
	Rob Livick	A												
City of Paso Robles	Christopher Alakel	M												
	Kirk Gonzalez	A		X										
	Keith Larson	O												
City of Pismo Beach	Marcia Guthrie	M			X									
	Shella Blake	A												
	Chad Stoehr	O		X										
City of San Luis Obispo	Andy Pease	M		X	X									
	Aaron Gomez	A												
	Aaron Floyd	O		X	X									
	Carrie Mattingly	O												
	Dean Furakawa	O												
	Mychal Boerman	O		X										
CSDs														
Avila Beach CSD	Brad Hagemann	M												
	(Vacant)	A												
Cambria CSD	Bob Gresens	M												
	Jerry Gruber	A												
	Amanda Rice	O												
Heritage Ranch CSD	John D'Ornellas	M												
	Jason Molinari	A												
Los Osos CSD	Chuck Cesena	M												
	Renee Osborne	A												
Nipomo CSD	Craig Armstrong	M		X	X	X								
	Ed Eby	A		X	X	X								
	Mario Iglesias	O				X								
Oceano CSD	James Coalwell	M				X								
	Andrew Brunet	A												
	Paavo Ogren	O												
San Miguel CSD	Anthony Kalvans	M												
	Dan Gilmore	A												
San Simeon CSD	Charles Grace	M												
	Renee Osborne	A												
Templeton CSD	Tina Mayer	M		X										
	Navid Fardanesh	A												
STAFF														
Board of Supervisors	Jen Caffee	Staff												
Agricultural Commissioner	Lynda Auchinachie	Staff		X		X								
Planning and Building	Megan Martin	Staff												
	Jane Kim	Staff		X	X									
	Brian Pedrotti	Staff												
		Staff												
Public Health Services	Leslie Terry	Staff												
	Megan Lillich	Staff												
Public Works	Courtney Howard	Staff												
	Ray Dienzo	Staff												
	Carolyn Berg	Staff												
	Mladen Bandov	Staff		X										
	Angela Ruberto	Staff												
		Staff		X										

Notes: M = Member; A = Alternate Member; O = Other Representative (Staff, Council, Board, etc.)

TO: Water Resources Advisory Committee

FROM: Ray Dienzo, Supervising Water Resources Engineer

DATE: May 2, 2018

SUBJECT: Agenda Item 3: Ongoing Updates

Recommendation

Receive updates on various ongoing efforts.

Discussion

- a) **Rain & Reservoir Report:** See attached report.
- b) **Groundwater Basin Management Efforts**

BOARD OF SUPERVISORS MEETINGS AND BASIN UPDATES:

Basin	Update:
Los Osos Basin Fringe Area	<ul style="list-style-type: none"> • The Flood Control District is continuing efforts on the basin characterization study of the basin “fringe areas” through its consultant, Cleath-Harris Geologists, in preparation for submitting a basin boundary modification application to the Department of Water Resources (DWR) in June 2018. On March 6, 2018, the County Board initiated the basin boundary modification process. The County has engaged with basin users and water purveyors through two public meeting in March 2018. On June 5, 2018, the County is presenting the proposed basin boundary modifications to Board. Pending Board action, the County may be formally initiating the basin boundary modification request with DWR.
Atascadero Basin	<ul style="list-style-type: none"> • The Atascadero Basin Groundwater Sustainability Agency applied for the DWR’s Proposition 1 Sustainable Groundwater Planning (SGWP) Grant and was awarded \$809,250 to help offset the cost of developing a Groundwater Sustainability Plan for the Atascadero Basin. • In addition to the County’s Atascadero SGMA Page, further updates on the Atascadero Basin GSA can be found by visiting: http://atascaderobasin.com/
Santa Maria Basin Fringe Area	<ul style="list-style-type: none"> • The Flood Control District is currently working on the Basin Boundary Modification Request (BBMR) application to DWR. Draft copies of the characterization study and the BBMR technical reports for the basin fringe areas are both available for viewing and comments online at: https://www.slocountywater.org/site/Water%20Resources/SGMA/santamaria/ • Approval to formally initiate the BBMR application by the County Board will be held on June 5, 2018 at the County BOS Chamber.

<p>Paso Robles Basin</p>	<ul style="list-style-type: none"> • The Paso Basin Cooperative Committee is having a series of Special Meetings and Public Workshops to provide basin users and interested community members the opportunity to learn more about, and provide initial input on, GSP Development in the Paso Basin. The upcoming meetings are at 5:30PM at Kermit King Elementary on April 30, May 14, and May 21. • The Paso Basin Cooperative Committee has pursued grant funds through the DWR's Proposition 1 Sustainable Groundwater Planning (SGWP) Grant and has been awarded \$1.5M to help offset the cost of developing a Groundwater Sustainability Plan for the Paso Basin.
<p>Cuyama Basin</p>	<ul style="list-style-type: none"> • Cuyama Basin GSA Board of Directors holds regular meetings on the 1st Wednesday of every month starting at 4pm in New Cuyama, California. The next anticipated Board meeting is May 2nd and will discuss groundwater sustainability plan, budget, and outreach. Cuyama Basin GSA includes the Counties of Santa Barbara, San Luis Obispo, Ventura, and Kern, the Cuyama Community Services District, and the Cuyama Basin Water District.
<p>San Luis Obispo Basin</p>	<ul style="list-style-type: none"> • The Groundwater Sustainability Commission of the San Luis Obispo Valley Groundwater Basin had its first meeting on April 18, 2018. The next meeting will be on June 13, 2018 to discuss work plan for the upcoming RFP for the Groundwater Sustainability Plan.

The following are important recent updates and/or deadlines related to the State Water Resources Control Board and the **California Department of Water Resources' (DWR)** efforts on SGMA:

- **April 19, 2018 – Final Awards for the DWR's Prop 1 funding for Groundwater Sustainability Plans (GSps) and Projects are posted. For more information, please visit: <https://www.water.ca.gov/Work-With-Us/Grants-And-Loans/Sustainable-Groundwater>**
Because of the County's role as a partner with other local agencies in each of the five basins, the grant funding will help to offset County costs associated with Plan development by approximately \$2 million cumulatively (of the total \$5.8 million) over the next four years.

County SGMA website - An interactive mapping tool is available for each medium and high priority basin in the county. Residents can verify whether a specific parcel is within a priority basin boundary, and, therefore, whether the parcel is subject to SGMA requirements. The website also includes other informative materials, such as SGMA fact sheets and recent presentation materials. Visit the website to sign up for the County's SGMA email list, and to visit basin-specific pages at: www.slocountywater.org/sgma

WRAC members and interested stakeholders are encouraged to join the various mailing lists for groundwater basin management efforts:

San Luis Obispo County's SGMA Mailing List
<http://www.slocountywater.org/sgma>

c) **Various County Water Programs, Policies, and Ordinances**

1. **COUNTYWIDE WATER CONSERVATION PROGRAM**

<http://www.slocountywwcp.org>

Following approval by the Board of Supervisors on July 11, 2017 to amend the Turf Removal Incentive Program (“cash for grass”) and the Plumbing Retrofit Program of the adopted Countywide Water Conservation Program (Resolution 2016-288) staff revealed the new Water Conservation Program website (url and link above). The website is an improvement on the old Paso Basin website as it provides a much more user-friendly, geographically based, navigation approach. Users simply select the geographic area they reside (Paso, Nipomo, Los Osos), and choose which program they are interested in learning more about (Ag offset, plumbing retrofit, cash for grass). For any questions or if anyone has any comments or suggestions on the new website, please contact Jane Kim (805) 781-1391.

- a. **Paso Robles Groundwater Basin** – The County is continuing to process building permits that are subject to the fees of the PRGWB. The Cash for Grass program offers \$1 per square foot up to a maximum rebate amount of \$6,000 per household. The Washer Rebate Program offers \$250 per household when replacing an old washer with a new water efficient washer (replacement must save at least 15 gallons). The Plumbing Retrofit Program offers homeowners the opportunity to replace old fixtures with new water efficient fixtures in their homes (limited to 2 toilets, 2 showerheads, and 2 faucet aerators) at no cost from the homeowner.
- b. **Nipomo Mesa Water Conservation Area** – The County is continuing to process building permits subject to the fees of the NMWCA. The Cash for Grass program offers \$1 per square foot up to a maximum rebate amount of \$6,000 per household. The Washer Rebate Program offers \$250 per household when replacing an old washer with a new water efficient washer (replacement must save at least 15 gallons). The Plumbing Retrofit Program offers homeowners the opportunity to replace old fixtures with new water efficient fixtures in their homes (limited to 2 toilets, 2 showerheads, and 2 faucet aerators) at no cost from the homeowner.
- c. **Los Osos** – The retrofit to build and retrofit on sale program within the community of Los Osos is allowing property owners to retrofit washers within and outside the prohibition zone to acquire retrofit credits. At this time, to earn enough credits to build one single family residence (300 credits), a property owner would need to replace 6-8 washers; a total cost ranging between \$4,000-\$6,000.

d) **Open Reporting on Water Conservation Opportunities & Information**

WRAC members or members of the public may openly report on any topic related to water conservation including opportunities to be a part of a water conservation focus group, reporting back on water conservation groups that they are a part of, or providing information on water conservation items.

e) WRAC and/or SGMA Mailing Updates

Currently, the WRAC communicates and distributes materials either through U.S. postal service or through e-mail. We are encouraging everyone to go paperless and receive communication and materials from the WRAC through e-mail.

To receive, or continue receiving, e-mail correspondence from the WRAC:

Please sign up for our mailing list at:

<https://www.slocountywater.org/site/Water%20Resources/Advisory%20Committee/>

and scroll down to “Subscribe to the WRAC notification list” to sign up.

Or email request to Ray Dienzo at rdienzo@co.slo.ca.us

Also, if you want to receive email updates from Sustainable Groundwater Management Act (SGMA) updates from the various basin management efforts, please sign up at:

<https://www.slocountywater.org/site/Water%20Resources/SGMA/>

and scroll down to the “SGMA Mailing List” to sign up.

Or email request to Ray Dienzo at rdienzo@co.slo.ca.us.

Rainfall and Reservoir Update

Sub-Region	Area / Rain Station	Average Annual Rainfall	2016-17 Water Year Total Rainfall	2017-18 Water Year													Cumulative Total	% of Total Average
				July 17	Aug 17	Sep 17	Oct 17	Nov 17	Dec 17	Jan 18	Feb 18	Mar 18	Apr 18	May 18	Jun 18			
North Coast	Cambria (ALERT #717)	22.0	34.9 ^B (159%)	0	0	0.08	0.20	1.02	0.04	3.19	0.12	9.41	0.67 ^A			14.73	67%	
	Whale Rock Reservoir (County Site #166.1)	16.0	25.5 (159%)	0	0.06	0.12	0.22	0.62	0.08	2.31	0.08	7.54	0.57 ^A			11.60	72%	
Inland	Paso Robles (County Site #10.0)	14.1	23.4 (166%)	0	0	0.16	0.08	0.22	0.04	2.08	0.25	7.74	0.21 ^A			10.78	76%	
	NE Atascadero (ALERT #711)	17.0	22.2 (130%)	0	0	0.08	0.08	0.04	0.08	2.08	0.24	6.15	0.35 ^A			9.10	54%	
	Atascadero MWC (County Site #34.0)	17.5	29.8 (170%)	0	0	0.14	0.07	0.11	0.11	2.62	0.29	8.53	0.30 ^A			12.17	70%	
	Santa Margarita (ALERT #723)	24.0	36.0 (150%)	0	0	0.28	0.07	0.24	0.08	3.11	0.32	9.49	0.20 ^A			13.79	57%	
	Salinas Dam (County Site #94)	20.9	33.4 (160%)	0	0	0.29	0.11	0.16	0.05	2.85	0.24	9.73	0.34 ^A			13.77	66%	
South Coast	SLO Reservoir (ALERT #749)	24.0	35.1 (146%)	0	0	0.20	0.12	0.27	0.08	3.39	0.12	8.47	0.43 ^A			13.08	55%	
	Lopez Dam (ALERT #737)	21.0	33.5 (159%)	0	0	0.15	0.07	0.30	0.05	3.06	0.20	7.38	0.50 ^A			11.71	56%	
	Nipomo South (ALERT #730)	16.0	23.3 (146%)	0	0	0.32	0	0.15	0	2.13	0.20	5.55	0.43 ^A			8.78	55%	
	Nipomo East (ALERT #728)	18.0	32.3 (179%)	0	0.04	0.20	0.04	0.19	0.04	2.29	0.16	6.22	0.44 ^A			9.62	53%	

A - Report generated at 4:00 p.m. on 04/24/2018

B - Due to an equipment malfunction, not all rain was recorded at this site.

Notes:

This table contains provisional data from automated gauges and has not been verified.
All units reported in inches.

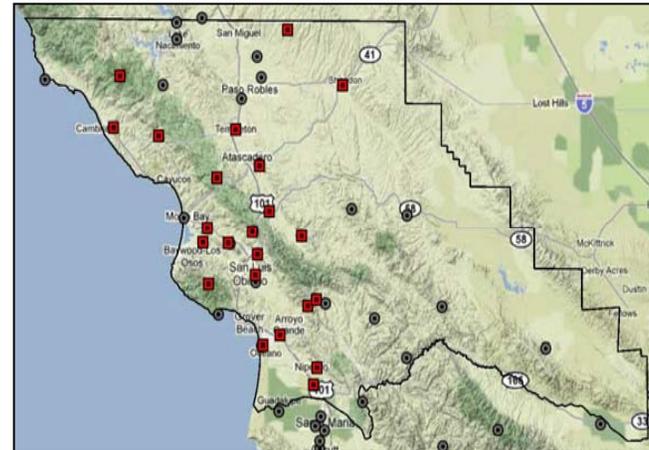
Reservoir Update

Reservoir	Date	Water Elevation (ft)	Spillway Elevation (ft)	Storage (acre-feet)	Capacity (%)
Nacimiento Reservoir	April 24, 2018	760.6	787.75 - 800.0 (w/gates fully inflated)	189,290	50%
	April 24, 2017	793.2		340,130	90%
Lopez Reservoir	April 23, 2018	491.3	522.7	25,714	52%
	April 23, 2017	498.9		30,513	62%
Salinas Reservoir (Santa Margarita Lake)	April 24, 2018	1,299.0	1300.7	22,605	95%
	April 24, 2017	1,301.0		24,057	101%
Whale Rock Reservoir	April 18, 2018	200.8	218.3	30,702	79%
	April 18, 2017	200.6		30,601	79%
Twitchell Reservoir	April 23, 2018	538.5	651.5	2,132	1%
	April 17, 2017	607.1		73,493	38%

Note 1: Historically, Twitchell Reservoir elevation gauge does not report values below 539 ft. Twitchell Reservoir was designed for protection from flood and drought. Excess rain runoff is stored in the reservoir protecting the valley from flood, then water is released as quickly as possible while still allowing it to recharge the groundwater basin.

Note 2: In May 2014, the Whale Rock Commission adopted a new Bathymetric Study and Volumetric Analysis with new lake capacity and spillway elevation values. Those new values are reflected in this report.

Select Real-Time Rain Gauges in SLO County



Notes:

Sites maintained by County staff are identified with red squares.
Sites maintained by other agencies are identified with black circles.
For more information, please contact Dustin Idler, (805)781-5272.

TO: Water Resources Advisory Committee

FROM: Courtney Howard, Water Resources Division Manager

DATE: May 2, 2018

SUBJECT: Agenda Item #4: Review and Discuss Proposed San Luis Obispo County Flood Control and Water Conservation District budget for FY 2018/2019 and Consider Actions

Recommendations

Receive a presentation from Public Works Department Staff on the proposed Flood Control and Water Conservation District (FCD) Fiscal Year (FY) 2018/19 budget request and consider taking related actions.

Discussion

The proposed FY 2018/19 budget for "Flood Control General" (Attachment 1) has been prepared in accordance with the District policies adopted by the Board on November 1, 2016 (Attachment 2) and includes an updated 5-year plan. Attachment 3 provides a general description of the work programs included in the budget request. In the past, the WRAC has opined on whether it supports the proposed budget.

The budgeting practices implemented last year have been continued, including:

- Requesting funding consistent with the 5-year plan rather than on a case by case basis
- Providing information on labor, operations and special projects
- Designation of two reserves – one to isolate \$3.1M for emergencies and one to isolate the balance of reserves that are available for special projects and/or additional priorities

After accounting for regional services, commitments and organizational needs, funding is included to support Sustainable Groundwater Management Act (SGMA) efforts in each basin should additional technical work be

necessary for completing Groundwater Sustainability Plans on time. Unused funds return to reserves for future allocation to support District needs.

While not likely, please note that the proposed budget may be subject to modification to address any unanticipated needs prior to Board budget hearings that are scheduled for June 11 – 13, 2018.

Attachment:

1. FCD FY 2018/19 proposed budget request and 5-year plan
2. FCD Policy
3. FCD Work Programs

**San Luis Obispo County Flood Control and Water Conservation District
Flood Control Zone General
Budget Comparison**

OPERATIONS 1

A

B

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Account Number	Approved Budget 2017-2018	Proposed Budget 2018-2019	Increase / (Decrease)
Sources			
PROPERTY TAX INCOME	2,716,039	2,848,431	
INTEREST EARNED	25,000	35,000	
OTHER REVENUE	0		
GRANT REVENUE (DWR / PROPOSITIONS)			
TRANSFER IN FROM OTHER FUNDS	133,135		
LOAN REPAYMENTS 2	297,199	297,199	
TOTAL SOURCES	3,171,373	3,180,630	9,257
Uses			
MANAGEMENT			
GENERAL 450R140101	203,194	183,259	
PUBLIC INQUIRY (FLOOD CONTROL) 450R140105	48,217	16,391	
CONTRIBUTION TO ISF/NEW EQUIP 450R140106	0	0	
COUNTY WIDE OVERHEAD 450R140120	25,502	51,620	
SB2557 3 450R140121	49,248	44,314	
MASTER WATER CONTRACT-LAKESIDE USERS 450R140124	55,022	67,438	
RESOURCE MGMT SYSTEM (PLANG COORD) 450R140407	25,993	12,333	
WRAC - COORDINATION 450R140408	62,863	45,069	
CSA23 EMERGENCY INTERTIE MAINTENANCE 450R140558	3,920	4,124	
SUBTOTAL	473,959	424,548	-49,411
WATERSHED PROGRAM			
DRAINAGE STUDIES & COORDINATION 450R1405XX	257,219	277,246	
WINTER STORM PREP 450R140555	3,539	6,799	
SUBTOTAL	260,758	284,045	23,287
GROUNDWATER PROGRAM			
GROUNDWATER MANAGEMENT PROG 300533	1,401,182	2,430,912	
SUBTOTAL	1,401,182	2,430,912	1,029,730
TECHNICAL PROGRAM			
HYDROLOGIC DATA MANAGEMENT 450R1403XX	498,040	668,077	
CASGEM 450R140321	113,389	158,835	
PRELIMINARY ANALYSIS/USGS COOP 450R140401	48,519	47,999	
SUBTOTAL	659,948	874,911	214,963
REGIONAL PROGRAM			
WATER CONSERVATION MANAGEMENT 450R140203	44,951	10,301	
IRWM GRANT PREPARATION 450R140208	135,120	5,014	
RCD MOBILE LAB EVALUATIONS 450R140566	33,242	33,542	
CLOUD SEEDING PROGRAM 450R140570	6,289	0	
IRWM GRANT ADMINISTRATION 300538 & 300587	27,557	219,444	
IRWM PLAN IMPLEMENTATION 300565	503,323	242,967	
REGIONAL RESILIENCY 30591	248,674	249,925	
IRWM PLANNING GRANT (2016) STORMWATER 300593	0	25,176	
SUBTOTAL	999,156	786,369	-212,787
TOTAL USES	3,795,003	4,800,785	1,005,782

[b]

[c]

[a]

	Approved Budget 2017-2018	Proposed Budget 2018-2019	Increase / (Decrease)
Uses Comparison: Special Projects			
Special Projects included in Budget (from 5 Yr Plan: Category A and C)	1,395,000	1,995,000	600,000
Operations excluding Special Projects	2,400,003	2,805,785	405,782
Total Uses	3,795,003	4,800,785	1,005,782

[b]

[c]

[a]

	Approved Budget 2017-2018	Proposed Budget 2018-2019	Increase / (Decrease)
Labor Extract			
Water Resources	16,799	17,963	1,164
Admin: GIS	1,080	1,600	520
Environmental	60	60	0
Utilities	410	148	(262)
Finance	1,805	865	(940)
LABOR HRS ⁴	20,154	20,636	482
LABOR DOLLARS (including OH)	\$1,659,080	\$1,976,007	\$316,927

	2017-2018	2018-2019	Balance
Reserves ^{5,6}			
BALANCE AS OF 6/30/2017			5,691,427
PROJECTED INCREASE / (DECREASE) TO RESERVES	1,254,030	(1,690,656)	(436,626)
ANTICIPATED BALANCE 6/30/19			5,254,801
LESS \$3.1 MINIMUM THRESHOLD (BOS 11/1/16)			(3,100,000)
ANTICIPATED BALANCE AVAILABLE 6/30/19 ⁷			2,154,801

Footnotes

- Operations budget excludes Non Operations budgets involving timing differences between years: grants (net zero over length of grant), loans (net zero over length of loan), and budget carryforwards from prior year. Non Operations budget available upon request
- Annual repayment of Loans: Los Osos Fund FY1516 \$1,567,000 (Debt Reserve requirement) and FY1617 \$1,185,000 (cash flow) and to CSA16 FY1516 \$89,662 (cash flow).
- Auditors Office charge to pay for their costs associated with the collection of property taxes.
- Labor increase due to (1) increase in GIS support, (2) increase in hours spent on SGMA efforts.
- Influences on Reserves include Operations (above), and Non Operations (primarily grants and loans timing differences between fiscal years.)
- Reserve accounts 3250115 "Facilities" and 3250264 "Monitoring Equipment" were replaced with 3250315 "Emergencies" (to isolate the \$3.1M emergency threshold) and 3250540 "Projects and Seeds" (balance of reserves). This change does not change the cumulative dollar amounts in Reserves
- Anticipated Reserve Balance Available as of 6/30/19 ties to Water Resources 5 Year Plan.

Flood Control General

5-Year Special Priority Project Plan

SUMMARY: PAGE 1 OF 2

District General Fund 5-Year Projection

				2017/18 Budgeted	2018/19 Projected	2019/20 Projected	2020/21 Projected	2021/22 Projected
REVENUES								
	Beginning Balance			\$ 6,310,169				
Operations	Property Taxes			\$ 2,716,039	\$ 2,848,431	\$ 2,933,884	\$ 3,021,900	\$ 3,112,557
	Other Revenue			25,000	35,000	25,000	25,000	25,000
	<i>Subtotal</i>			\$ 2,741,039	\$ 2,883,431	\$ 2,958,884	\$ 3,046,900	\$ 3,137,557
Other	From Other Funds		[D] pg 2: expense offset	\$ 133,135	\$ -	\$ -	\$ -	\$ -
	Loan Reimbursements		[E] pg 2: expense offset	3,447,198	1,877,198	1,877,198	1,877,198	1,877,198
	Grants Pass-Through (Budgeted)		[F] pg 2: expense offset	3,482,681	-	-	-	-
	Grants Pass-Through (Anticipated)		[G] pg 2: expense offset	3,623,942	3,735,570	3,410,580	3,410,580	
	<i>Subtotal</i>			\$ 10,686,956	\$ 5,612,768	\$ 5,287,778	\$ 5,287,778	\$ 1,877,198
	Total Revenues			\$ 13,427,995	\$ 8,496,199	\$ 8,246,662	\$ 8,334,679	\$ 5,014,756
EXPENSES								
Operations	Payroll			\$ 1,786,395	\$ 2,050,107	\$ 2,152,612	\$ 2,260,243	\$ 2,373,255
	Ongoing Operations and Overhead			613,608	755,678	793,462	833,135	874,792
	Limited Term Contracts from Prior Year			445,475				
	<i>Subtotal</i>			\$ 2,845,478	\$ 2,805,785	\$ 2,946,074	\$ 3,093,378	\$ 3,248,047
	Money Available for Special Projects Categories A, B, and C			\$ 10,582,517	\$ 9,535,871	\$ 7,455,390	\$ 6,044,870	\$ 2,375,500
	Assuming allocation to Special Projects Categories A and B, Remainder Available for Category C			\$ 1,205,287	\$ 3,554,801	\$ 1,884,310	\$ 608,790	\$ (0)
Special Projects	A) Regional Services and Commitments		[A] pg 2	\$ 825,000	\$ 595,000	\$ 510,000	\$ 375,000	\$ 775,000
	B) Organizational Needs		[B] pg 2	8,552,230	5,386,070	5,061,080	5,061,080	1,600,500
	C) Other Projects and Programs		[C] pg 2	570,000	1,400,000	1,080,740	-	-
	<i>Subtotal</i>			\$ 9,947,230	\$ 7,381,070	\$ 6,651,820	\$ 5,436,080	\$ 2,375,500
	Total Expenses			\$ 12,792,708	\$ 10,186,855	\$ 9,597,894	\$ 8,529,458	\$ 5,623,547
RESERVES SUBTOTAL				\$ 6,945,457	\$ 5,254,801	\$ 3,903,570	\$ 3,708,790	\$ 3,100,000
	Maintain \$3.1M Minimum Threshold (BOS 11/1/16)			(3,100,000)	(3,100,000)	(3,100,000)	(3,100,000)	(3,100,000)
PROJECTED AVAILABLE RESERVES PER PROPOSED POLICY				\$ 3,845,457	\$ 2,154,801	\$ 803,570	\$ 608,790	\$ (0)

Courtesy H.

BEFORE THE BOARD OF SUPERVISORS

of the

SAN LUIS OBISPO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

Tuesday, November 1, 2016

PRESENT: Supervisors Frank R. Mecham, Bruce S. Gibson, Adam Hill, Debbie Arnold,
and Chairperson Lynn Compton

ABSENT: None

RESOLUTION NO. 2016-281

RESOLUTION ESTABLISHING A POLICY REGARDING MANAGEMENT OF THE SAN LUIS OBISPO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT GENERAL FUND BUDGET AND RESERVES

The following resolution is now offered and read:

WHEREAS, in 1968, the San Luis Obispo County Flood Control and Water Conservation District (District) Board of Supervisors approved Resolution No. 68-223 which established a policy regarding surveillance of potential drainage problems within the District and the manner in which any necessary remedial measures (planning, design, construction, financing and maintenance of drainage facilities) would be funded (1968 Policy); and

WHEREAS, consistent with the objects and purposes of the District set forth in the San Luis Obispo County Flood Control and Water Conservation District Act, the District provides services that extend beyond drainage and flood control services, including, without limitation, services related to the prevention of waste or diminution of the water supply in the District; and

WHEREAS, in addition to being narrowly focused, the 1968 Policy contains provisions, particularly provisions related to financing, that have not been updated to reflect changes in law, including, without limitation, Proposition 218; and

WHEREAS, based on the foregoing, the District has determined that the 1968 Policy should be replaced with an updated policy that reflects the broad range of services provided or anticipated to be provided by the District to help achieve sustainable water resources in all areas of the District and that is consistent with public financing laws.

NOW, THEREFORE, BE IT RESOLVED, ORDERED AND DETERMINED by the Board of Supervisors of the San Luis Obispo County Flood Control and Water Conservation District, State of California, that the District General Fund budget and reserves shall be managed in accordance with the following principles:

1. The District shall use available funds for services intended to result in the following:
 - a. Development of a common understanding of conditions (e.g. regional data collection, technical studies);
 - b. Definition of sustainability goals (e.g. Integrated Regional Water Management (IRWM) Program implementation);
 - c. Identification of feasible solutions to meet goals (e.g. feasibility studies); and
 - d. Facilitation of the initial implementation of identified solutions (e.g. District zones of benefit)

2. In its determination of the manner in which various services falling within Section 1 will be funded through the development of the annual District General Fund budget, the District shall allocate funding in accordance with the following priority order:
 - a. Existing regional programmatic services and commitments;
 - b. District financing needs and other County-provided services related to water resources; and
 - c. Other projects and programs that come forward through the IRWM project solicitation and grant application process or are otherwise identified by regional and/or sub-regional stakeholder groups and are financially supported by entities other than the District (e.g. cost-shared, grant-funded or otherwise cost-recoverable area-specific services such as basin characterizations/models and drainage studies).

3. When a long-term solution(s) is identified for implementation, such as an infrastructure project, management of a shared source of supply or management of flood and/or storm waters, use of the annual District General Fund budget shall be limited to facilitating services related to its initial implementation, including institutional structure formation (e.g. creation of a zone of benefit of the District) and funding processes (e.g. establishment of a fee, assessment or tax), preliminary project

development and cash flow/start-up costs. If such services become funded, the District shall seek reimbursement (e.g. from a successfully formed and funded zone of benefit of the District) to the extent possible.

4. The annual District General Fund budget shall be developed and managed in a manner that builds reserves in times while needs beyond existing regional programmatic services are still being identified so that funding is available when services to address such needs are ready for implementation.
5. For annual budgeting and emergency preparedness purposes, the minimum threshold for District reserves shall be \$3,100,000.
6. This policy shall supersede the 1968 Policy.

Upon motion of Supervisor Gibson, seconded by Supervisor Mecham, and on the following roll call vote, to wit:

AYES: Supervisors Gibson, Mecham, Hill, Arnold and Chairperson Compton

NOES: None

ABSENT: None

ABSTAINING: None

the foregoing Resolution is hereby adopted on the 1st day of November, 2016.

Lynn Compton
Chairperson of the Board of Supervisors

ATTEST:

Tommy Gong

Clerk of the Board of Supervisors

By: Jandy Currens
Deputy Clerk

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: /s/ Erica Stuckey
Deputy County Counsel

Dated: October 14, 2016

STATE OF CALIFORNIA, }
County of San Luis Obispo, } ss.

I, Tommy Gong, County Clerk and ex-officio Clerk of the Board of Supervisors of the San Luis Obispo County Flood Control and Water Conservation District, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this 15th day of November, 2016.

Tommy Gong
County Clerk and Ex-Officio Clerk of the Board of Supervisors

By Sandy Currens
Deputy Clerk



San Luis Obispo County
Flood Control and Water Conservation District
District General Fund
Work Programs

A. Management

Efforts in this category include supporting the Water Resources Advisory Committee (WRAC), District strategic planning and budgeting efforts, public information requests and inter/intra-department coordination. Staff has created a multi-department water “superteam” that meets monthly to discuss key interrelated water management efforts such as the Resource Management System, data collection and organization efforts and other projects and programs with water resources implications. Its mission is to influence and create consistency amongst water-related policies and programs for the purpose of achieving sustainable communities in alignment with the County’s values.

B. Regional Program

a. Integrated Regional Water Management (IRWM) Program

IRWM Program efforts include implementing and updating the Plan, coordinating with the Regional Water Management Group, monitoring State and funding area activities relevant to IRWM, administration of the implementation and planning grant agreements with the State and project proponents, and the development of future implementation grant applications.

b. Water Conservation Management

A condition of obtaining an IRWM grant includes compliance with AB 1420, which requires implementation of certain conservation best management practices (BMPs) by wholesalers. Certain BMPs are best implemented by the District on a regional basis, while others should be addressed in the Lopez Zone 3 Funds. For example, BMPs 1.11, 2.1, 2.2 – Conservation Coordinator, Public Information and School Education should be implemented regionally, while BMP 1.13– Wholesale Agency Assistance Programs and BMP 1.2 – System Water Audits, Leak Detection/Repair are specific to the wholesale operations. Additionally, recent Resource Management System recommendations and the updated Conservation Element speak to implementation of regional conservation programs. In addition to labor, funding is included to cover the cost of outreach materials and programs, and supporting the Resource Conservation District’s mobile irrigation audit lab program.

c. Regional Resiliency Planning

Due to concerns associated with extended drought, efforts under the regional program include preliminary, updated investigations into the feasibility of additional regional infrastructure, cloudseeding, recharge with stormwater and desalination as options to address drought

resiliency, existing deficiencies and future needs.

C. Technical Program

Overall, the Program, as described below, includes ongoing Hydrologic Data collection and management efforts, California Statewide Groundwater Elevation Monitoring (CASGEM) Program compliance efforts and a contract with the US Geological Survey to share the cost of 3 stream gauges.

a. Hydrologic Data

This budget allocation covers the following efforts:

Data Management System. This includes processing and entering all historical hydrologic data into the data management software and web interface, developing standardized reports for the data, and utilizing Geographic Information Systems (GIS) to report and organize the information. Other efforts include trouble shooting data errors as well producing guidance manuals for the overall program.

Groundwater Data. This includes groundwater data collection efforts including groundwater monitoring, measuring, management, and analysis, and both field and office work related to groundwater sites and the associated data.

Stream Data. This includes stream data collection efforts including stream calibrating, management, and analysis, and both field and office work related to stream gauging sites and the associated data.

Precipitation Data. This includes rain data collection efforts including rain gauge maintenance, management, and rainfall/intensity analysis, and both field and office work related to rain sites and the associated data.

Hydrologic Reporting. Once the Data Management System is implemented, it is anticipated that the District will generate an annual Hydrologic Report, using the Data Management System report formatting and a GIS interface.

Office Technical Support. This includes technical support of computer software and equipment related to the automated collection and reporting of Groundwater Data, Stream Data, or Precipitation, and other office-related efforts such as maintenance and enhancement of the slocountywater.org website.

CIMIS (California Irrigation Management Information System) Stations. This includes working on existing CIMIS station maintenance efforts.

b. CASGEM

The budget allocation is for CASGEM program compliance tasks such as efforts to add new

volunteer wells to the program, developing and implementing monitoring plans, and coordinating with State and local agencies.

c. Joint Monitoring with USGS

This budget allocation is for sharing the cost of the operation and maintenance of three stream gauges: one on the Salinas River (in Paso Robles), a second station is upstream of the Lopez Reservoir and the third is in Santa Barbara Canyon Creek near Ventucopa.

D. Groundwater Management Program

Work efforts under this program include coordination with stakeholders in 6 groundwater basins that are subject to the Sustainable Groundwater Management Act (SGMA), and with stakeholders in 17 other groundwater basins as resources allow, in accordance with the County's SGMA Implementation Strategy. Tasks include participating on or coordinating with Groundwater Sustainability Agencies, monitoring State activities, helping to establish formal groundwater basin boundaries with the State, providing data and other requested technical support as resources allow in the development of Groundwater Sustainability Plans (GSPs).

E. Watershed Management Program

This allocation supports general drainage and flood control efforts in 25 watersheds including responding to constituents, investigating drainage issues, programs, and flooding problems for all County areas, consistent with the Board of Supervisors adopted policy on surveillance of drainage and flood control problems. Efforts to update drainage studies are anticipated to involve consideration of integrated water management objectives of supply enhancement and water quality improvement. The intent of the program is to provide the technical support needed should communities wish to pursue grants and/or establish Zones of Benefit that would fund maintenance, design, and implementation of watershed/drainage/flood management projects.

Zones of Benefit

The following is a brief description of the various funding efforts for the established Zones of Benefit.

- a) *Zone 1/1A* - This zone's budget includes annual vegetation and maintenance for the 3.5 miles of the Arroyo Grande Creek Levee system.
- b) *Zone 3* - This budget includes all tasks related to Lopez dam maintenance, the Lopez water treatment plant, water deliveries, and associated water distribution system.
- c) *Zone 4* - Funding transferred to Santa Barbara County for the maintenance of the Santa Maria levee system.
- d) *Zone 9* - Funding for the San Luis Obispo Creek Watershed. The City of San Luis Obispo and County coordinate on vegetation and sediment management

- of San Luis Obispo Creek and its tributaries as well as project development of flood control improvement projects such as the Mid-Higuera By-Pass project.
- e) *Zone 16* – Provides for maintenance of thirty-five (35) drainage basins throughout the District.
 - f) *Zone 18* – Funding for maintenance of the Cambria detention basin. The basin was constructed with FEMA grant funding and is required to have separate funding for its maintenance and environmental compliance measures.

TO: Water Resources Advisory Committee

FROM: Ray Dienzo, Supervising Water Resources Engineer

DATE: May 2, 2018

SUBJECT: Agenda Item #5 Follow-up Discussion on April 4th Water Law Forum Special Meeting and Consider Actions

Recommendation

Follow-up discussion on April 4th Water Law Forum Special Meeting. Express summary thoughts, lessons learned, and consider actions.

Discussion

During the WRAC meeting November 1, 2017, a Water Law subcommittee was formed to develop and informational forum on Water Law. Debbie Peterson, David Chipping, Linda Chipping, Debbie Peterson, and Andy Pease volunteered to participate in the sub-committee.

An update was provided on the December 6, 2017 and Feb 7, 2018 WRAC meetings. The WRAC directed the subcommittee to continue their efforts.

The water law forum special meeting took take place on April 4, 2018 at the County Board of Supervisors Chamber, 2-4pm. The meeting was moderated by Linda Chipping and the forum speakers were Nicole Kuenzi, Stephanie Osler Hastings, and Wayne Lemieux.

Attachment:
Summary Notes from the Special Meeting

Attachment to Agenda Item 5 – Summary Notes from the Special Meeting

INTRODUCTIONS

Forum speakers:

Nicole Kuenzi, Attorney, from State Water Resources Control Board

Stephanie Osler Hastings, Attorney, from Brownstein Hyatt Farber Schreck, LLP

Wayne Lemieux, Attorney, from Olivarez Madruga Lemieux O'Neill LLP

All forum speaker also stated similar disclaimers stating that their opinions are their own.

JURISDICTION OF THE STATE WATER BOARD:

What is the scope of the State Water Board's jurisdiction over surface water and groundwater?

The State Water Board's permitting authority extends to surface water but not to groundwater or percolating groundwater. The authority also does not extend to riparian water rights or appropriative water rights that were acquired prior to the Water Commission Act of December 19th, 1914. The State Water Board also has the responsibility to prevent wasteful use and has an interest in public trust.

Explain the difference between underflow and groundwater?

Subterranean streams or underflow is treated analogous to surface water and is subjected to the State Water Board's permitting authority. Percolating groundwater is outside the jurisdiction of the State Water Board unless there is an issue with wasteful use and public trust.

What is the State Water Board's role in permitting groundwater recharge projects?

Groundwater recharge projects that divert surface water to storage underground are generally subject to State Water Board permitting authority, with exceptions if there is an existing pre-1914 appropriative water right.

WATER RIGHTS:

What types of water rights pertain to groundwater basins?

- Overlying Right – the right of property owners to pump water from a basin under the property owner's land for use on the land overlying the basin.

- Appropriative Right – the right to pump from a basin that is not an overlying owner.
 - A property owner but not overlying the basin.
 - A property owner that is overlying the basin but not using the water for the land over the basin.
- Prescriptive Right – an appropriator has the right to pump water that is surplus to the needs of the overlying owner.

What is the meaning of correlative rights, reasonable and beneficial use, prescription and historic use?

- Correlative Right – if owners pump more water than there is in the basin, then the owners must reduce their pumping by correlative amounts.
- Reasonable and Beneficial Use – set of regulations adopted during the drought to determine water uses.
- Historic Use – the amount of water required to be cut back for landowners. This is used to determine waste and unreasonable use.

Does conservation affect water rights?

Conservation affects water rights in a technical way. For example, in Los Angeles County; if one takes recycled water in lieu of pumping, pumping rights are not affected.

What is developed water and who owns it?

Developed water is water that would not be available if it were not for the efforts of someone. The people who spent the money to create developed water gets the water.

What are return flows and who owns them?

Return flow is when an agency imports water and puts it into the ground, then another agency pumps that water which later returns to the basin, that water is still owned by the original agency.

What is water banking?

Water banking is when one puts water in the basin that not normally in the basin then later withdrawing it.

Can groundwater rights be sold/transferred/exported?

Groundwater rights can be transferred if it is adjudicated by a water master, which keeps records of transfers. Generally, adjudications do not allow exports of groundwater.

GROUNDWATER MANAGEMENT AND SGMA:

What is SGMA? Does it apply to all groundwater basins?

The Sustainable Groundwater Management Act (SGMA), by its terms does apply to all percolating groundwater in the state. It has specific requirements for priority basins, priority basins are determined by the Department of Water Resources. The medium and high priority basins are required to have a Groundwater Sustainability Agency (GSA) and a Groundwater Sustainability Plan (GSP).

Can the county, a city or water districts override the GSA? For example, can the County adopt an ordinance that prohibits new wells? groundwater exports?

The courts have confirmed that under a county's police power, the county can implement ordinances that manage groundwater. The county, city, and GSA, have similar powers as it relates to SGMA. The SGMA powers are in addition to and do not conflict with any powers that an existing public agency already has.

How does "safe yield" differ from SGMA's "undesirable results"?

"Safe yield" is a legal term that has been developed by the courts through the common law. "Safe yield" describes the quantity of water that can be reliably extracted from a basin over a long-term period annually. "Sustainable yields" is a definition that describes the management of a basin in a way that does not result in "undesirable results."

What are a GSA's powers?

The GSA can, and must adopt in medium and high priority basins, a groundwater management plan. A GSA also has a list of powers that relates to groundwater management, such as metering and monitoring.

Can SGMA change water rights?

SGMA does not adjudicate water rights and does not modify water rights.

Can groundwater be managed by the pumpers themselves?

There are many provisions in SGMA that make available stakeholder participation. There are very significant notices and hearing requirements that allows for

committees of stakeholders to provide input in the development of the sustainability plan.

Can a GSA have pumpers on its governing board?

It is possible for a private land owner to be appointed to a GSA.

What if only a portion (or subarea) of a basin is in overdraft?

A basin can only either be in overdraft or not in overdraft. SGMA requires groundwater management for the smallest basin described by DWR, which often includes many sub-basins. SGMA does not allow for independent management of sub-basins.

What information about groundwater use will be made available to the public? How will potential conflicts on privacy vs. information needed for basin management be resolved?

SGMA will require land owners in the basin to produce information about their water use. Trade secret information such as crop yield production information is exempt from production. When groundwater information requests are made, lawyers who represent the GSA will identify these exemptions.

ADJUDICATION:

Does an adjudicated basin have to comply with SGMA?

A basin that is identified in the SGMA statute as formerly adjudicated is expressly exempt from the application of SGMA.

What is a comprehensive (or "streamlined") groundwater adjudication?

The comprehensive streamlining of groundwater adjudication is to make more efficient, quicker, and less expensive to get to sustainable groundwater management.

How do future adjudications tie into SGMA? Does SGMA limit what a judge can do in an adjudication?

There are important intersections both procedurally and substantively between a streamlined adjudication and the GSA does with its implementation of SGMA. The court must be coordinating the process of adjudication with what is going on with SGMA implementation. Courts must make a finding that does not interfere with sustainable groundwater management.

THE STATE'S ROLE UNDER SGMA:

What are the respective roles of the Department of Water Resources and the State Water Board under SGMA?

The Department of Water Resources is the first line of regulatory agency and reviews the GSPs and develop regulations for reviewing those plans. The Department of Water Resources also provide technical support and funding to assist GSAs. The State Water Board has the role of the enforcer.

What factors might cause the State Water Board to intervene in a basin, and what happens if that occurs?

Pumpers who do not fall under the jurisdiction of a GSA must report extractions to the State Water Board. The State Water Board can also designate a basin probationary and develop interim plan until local GSAs can regain control and sustainably manage that basin.

QUESTIONS AND ANSWERS:

If SGMA affects all groundwater basins, does it affect groundwater and possibilities for managing or resolving disputes in groundwater that is simply in fractured rock pockets? Has there been any change in our ability to resolve issues there?

The designated basin in DWR's bulletin 118, those basins extend all the way down, as far as any alluvial layers including pockets that would be in bedrock.

How instream flow studies or lack thereof set or not set a clear number of instream flow needed for what the fish need?

There are some watersheds that has been prioritized under the California Water Action Plan, where Fish and Wildlife and the State Water Board are considering instream flow recommendations. In streams where there are no instream flows set or recommended by Fish and Wildlife and the State Water Board, it is up to the GSA in some extent to consider those factors.

How will SGMA handle situations where irrigation cannot be cutback without enduring significant losses in future crops? E.g. pistachios.

The management techniques will differ from basin to basin. Historical use and correlative rights can be used to analyze the amount of water allocated. Irrigation and agricultural production are both respected as beneficial use under the law and does not give preference for any one type of agriculture.

How will SGMA handle measurements of groundwater use? Will there metering and if so, how will the gathered data be handled?

SGMA does not mandate the methodology of measuring groundwater use. The data produced will be held by the public agency and the attorneys will determine whether the data is required to be released when the public makes a request.

How does SGMA handle those who continuously pump for historic use? Why aren't the pumpers who are causing the problem to be forced to reduce pumping instead? Is the term "overdraft" determined by the courts?

The GSA hires experts, who examines and offers an opinion as whether the basin is in overdraft or not in overdraft.

Are there any movements afoot legislatively or through the courts that may have an influence on the principle of the landowner's rights to pump water?

There is currently no legislation that specifically addresses the nature of the water right.

How can we use and manage water from desalination?

In Southern California, recycled water has been injected into the ground to form seawater intrusion barriers. Those have been successful, and the water is later treated into drinking water standards.

How quickly is litigation going to come and what impact will those litigations have on the GSAs trying to implement their plans?

The stakeholders can challenge specific individual actions and can challenge after the GSP is developed.

What roles do federal land managers, federal well owners, state land managers, and state water consumers have in the GSA and SGMA process?

In some situations, to some extent federally held water rights might be subjected to limits under SGMA. In other situations, with federally reserved rights that pumping may fall outside of the regulatory authority of the GSAs.

That pumping does need to be taken into account when developing their GSPs.

TO: Water Resources Advisory Committee

FROM: Ray Dienzo, Supervising Water Resources Engineer

DATE: May 2, 2018

SUBJECT: Agenda Item #6: Discuss Future Agenda Items

The WRAC Secretary, in cooperation with the Chairperson, prepares the agenda for each WRAC meeting. Inclusion of suggested future agenda items on the agenda will be limited to include review for consistency with District and Board of Supervisors priorities, the mandate of the WRAC, and available time.

Areas of Interest

- In-stream requirements for ecosystem species
- Projects/Programs that integrate flood management, water quality and groundwater recharge
- On-site water/energy efficiency practices (e.g. energy generating greywater systems, septic system conversions)
- Well permitting regulation as a tool for groundwater management
- Additional or expanded ordinances to increase water use efficiency
- Regional recycled water distribution opportunities
- Desalination opportunities

Ongoing Updates/Regular Items – other items not shown here can be seen in the previous month’s agenda

- Groundwater basin management Updates
- Various County-led water programs, policies and ordinances
- Open reporting on water conservation opportunities and information

Excerpt from WRAC By-laws dated August 15, 2017

Administration: The Secretary, in cooperation with the Chairperson, shall prepare the agenda for each regular and special meeting of the WRAC. Any WRAC member may contact the Secretary and Chairperson and request that an item be placed on the regular meeting agenda no later than 4:30 p.m. twelve calendar days prior to the applicable meeting date. Such a request must be also submitted in writing either at the time of communication with the Secretary or delivered to the County Public Works Department within the next working day. Consideration of the request by the Secretary, in cooperation with the Chairperson, for inclusion on the agenda will be limited to include review for consistency with District and Board of Supervisors priorities, the mandate of the WRAC, and available time.