

LAS POSAS BASIN POLICY ADVISORY COMMITTEE MEETING

NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that the Las Posas Basin Policy Advisory Committee (PAC) will hold a meeting at 3:00 P.M. on **Thursday, November 7, 2024** in the Board Room of the Calleguas Municipal Water District and via Zoom.

Calleguas Municipal Water District, 2100 Olsen Road, Thousand Oaks, CA 91360

Via Zoom:

<https://us06web.zoom.us/j/84816327542?pwd=Y-bN4zt674FOphU6wRyxXw9swYTqvA.9bNuXf3yWWBZyrae>

Webinar ID: 848 1632 7542 | Passcode: 400774

AGENDA

A. Call to Order

B. Roll Call

C. Agenda Review

D. Public Comments

E. PAC Member Comments

F. Regular Agenda

1. Approve the minutes of the October 17, 2024 Regular Meeting

2. Del Norte Protest Response

On October 23, 2024, the Watermaster Board discussed the PAC's request that Watermaster assign the Del Norte Water Company Basin Assessment Protest for Water Year 2023 to the Technical Advisory Committee (TAC) for review. The Board adopted the staff recommendation to deny the PAC request for TAC consultation and directed staff to return the item to the PAC for consideration, with direction to prepare and provide a recommendation report to the Watermaster no later than November 08, 2024.

As such, Watermaster staff returned the Del Norte Water Company Basin Assessment Protest for Water Year 2023 to the PAC for deliberation, requesting feedback to the Watermaster by November 08, 2024.

Pertinent memos and background are attached for the PAC's review.

3. Committee Consultation: LPV 5-Year Groundwater Sustainability Plan (GSP) Update

The GSP ad hoc committee, formed at the September 19, 2024 regular meeting of the PAC, will present refined comments on the GSP update for discussion by the PAC. The GSP Update is available on the FCGMA website.

G. PAC Subcommittee Reports

PAC representatives on subcommittees will provide reports

- a. Operations Subcommittee
- b. Executive Subcommittee

- c. Fiscal Subcommittee
- d. TAC Subcommittee

H. Written Communication

None.

I. Future Agenda Items

The PAC will consider items for future agendas.

J. Adjourn

LAS POSAS VALLEY BASIN POLICY ADVISORY COMMITTEE

Meeting Minutes for October 17, 2024

The Las Posas Valley Basin Policy Advisory Committee (PAC) held a meeting at 3:00 PM on Thursday, October 17, 2024, in the Board Meeting Room of the Calleguas Municipal Water District Office and via Zoom.

A. Call to Order: Vice-Chair Grether served as Acting Chair at this meeting, and called the meeting to order at 3:04 PM.

B. Roll Call: The following PAC members were present:

1. West Las Posas Large Agriculture – Rob Grether, Vice-Chair
2. Zone Mutual Water Company – John Menne
3. Ventura County Waterworks District Nos. 1 and 19 – David Fleisch – via Zoom
4. Watermaster (non-voting) – Farai Kaseke – via Zoom
5. East Las Posas Large Agriculture – David Schwabauer
6. East Las Posas Mutual Water Company – Laurel Servin – via Zoom
7. West Las Posas Small Agriculture – Richard Cavaletto
8. West Las Posas Mutual Water Company – Steven Murata

C. Agenda Review: There were no comments or requests related to the agenda.

D. Public Comments:

Ernie Menendez of Grimes Rock, Inc. indicated that he is interested in filling the vacant seat for the Commercial constituency group. He inquired about steps required to get Watermaster approval to move forward. Farai Kaseke, speaking on behalf of Watermaster, stated that a notice has already been sent to all constituents in the Commercial group notifying them of the vacancy, and now it is incumbent upon the group to organize an initial meeting date and to conduct an official vote.

PAC member David Fleisch indicated that he will take the lead among Commercial users to set up a meeting, to notify Watermaster so that official notice can be posted, and to conduct the vote as mandated by the Final Judgment.

E. PAC Member Comments:

PAC member Laurel Servin asked for guidance and perhaps the addition of a future agenda item to consider the establishment of a process for reporting (potential) observed violations of the Judgment. Ms. Servin stated that there is a water user in the LPV who regularly irrigates a large ranch with no allocation as listed in Exhibit C of the Judgment. The neighboring water rights holders have reached out to Ms. Servin with their concerns over this pumper's access to LPV Basin water without proper rights to the water.

Farai Kaseke agreed to talk with County Counsel to get direction on this matter. Ms. Servin will forward a letter from local constituents regarding this issue to Watermaster/FCGMA for reference.

F. Regular Agenda

1. Approve the Minutes of the September 19, 2024, Regular PAC meeting: John Menne moved to approve the minutes as stated for the September 19, 2024, meeting; Richard Cavaletto seconded the motion which passed with a vote of 7-Ayes, 0-Nays, 0-Abstentions.
2. Committee Consultation: LPV 5-Year Groundwater Sustainability Plan (GSP) Update:

The PAC discussed the draft GSP 5-Year Update, and the PAC ad hoc committee provided its initial report of nine items in the plan that are policy-related and should be highlighted for review by the PAC. The draft GSP Update and the PAC's Draft Outline – PAC Consultation Recommendation Report dated October 17, 2024, are available on the LPV Watermaster website.

The PAC ad hoc committee will continue to refine its report and prepare a draft response to Watermaster for consideration at the next PAC meeting. If a member wishes to make comments before November 7, the comments should be submitted to Chair Prichard individually for integration into the discussion and the draft report as appropriate.

G. PAC Subcommittee Reports:

1. Operations Subcommittee: No meeting; nothing to report.
2. Executive Subcommittee: The October 14, 2024, Executive Committee meeting focused on FCGMA staffing issues and a review of the report from Hallmark Group who was contracted to analyze the FCGMA's staffing needs. The FCGMA currently employs 12 FTEs, and should have a minimum of 15 FTEs. Hallmark Group's report further contemplates a staffing level of 21 FTEs to accomplish tasks that are not being done today. Of these roles, 2/3 are clerical in nature, and 1/3 are senior roles. Further analysis will be done to determine which roles should be filled by County employees versus those that can or should be outsourced.

The estimated FCGMA payroll budget is \$5.7 million including the full staff of 21 FTEs. PAC discussed the cost concerns and the desire to weigh in on the size and makeup of the Agency's staffing. PAC would like to understand which tasks are mandated versus those that are optional. Additional cost concerns about the cost of housing a larger staff and other administrative costs were discussed.

At the Executive Committee meeting, Chair West circulated a draft job description for the Executive Director position and proposed soliciting input from the stakeholders on and through the hiring process.

3. Fiscal Subcommittee: No meeting; nothing to report.

4. TAC Subcommittee: The Technical Advisory Committee met on October 15, 2024. The committee reviewed and approved their draft response to the GSP Update and laid out their timeline for work on the Basin Optimization Plan, their next deliverable.

H. Written Communication: None.

I. Future Agenda Items: An item will be added to a future agenda to discuss a policy for reporting of observed water extractions without allocations.

J. Adjournment: Vice-Chair Grether adjourned the meeting at 4:31 PM until the next regular PAC meeting on November 7, 2024.

FOX CANYON GROUNDWATER MANAGEMENT AGENCY

LAS POSAS VALLEY WATERMASTER



MEMORANDUM

Date: October 29, 2024
To: Las Posas Valley Watermaster Policy Advisory Committee
From: Kudzai F. Kaseke, Assistant Groundwater Manager
Subject: Policy Advisory Committee Request for Technical Advisory Committee Consultation on Del Norte Water Company (WMID 3500) Basin Assessment Protest.

Dear Las Posas Valley Watermaster Policy Advisory Committee (PAC):

On October 23, 2024, the Watermaster Board (Board) discussed your committee's request that Watermaster assign the Del Norte Water Company Basin Assessment Protest for Water Year 2023 to the Technical Advisory Committee (TAC) for review. The Board adopted the staff recommendation to deny the PAC request for TAC consultation and directed staff to return the item to the PAC for consideration, with direction to prepare and provide a recommendation report to the Watermaster no later than November 08, 2024 (attached as Item 26).

As such, staff return the Del Norte Water Company Basin Assessment Protest for Water Year 2023 to the PAC for deliberation per the Board's direction. Please provide feedback to the Watermaster by November 08, 2024.

Please contact me at 805 654 2010 or LPV.Watermaster@ventura.org with any questions or concerns.

FOX CANYON GROUNDWATER MANAGEMENT AGENCY

A STATE OF CALIFORNIA WATER AGENCY



BOARD OF DIRECTORS

Eugene F. West, *Chair, Director, Camrosa Water District*
Kelly Long, *Vice Chair, Supervisor, County of Ventura*
Michael Craviotto, *Farmer, Agricultural Representative*
Lynn Maulhardt, *Director, United Water Conservation District*
Tony Trembley, *Mayor, City of Camarillo*

INTERIM EXECUTIVE OFFICER

Arne Anselm

October 23, 2024

Board of Directors
Fox Canyon Groundwater Management Agency
800 South Victoria Avenue
Ventura, CA 93009-1600

SUBJECT: Policy Advisory Committee Request for Technical Advisory Committee Consultation on Del Norte Mutual Water Company (WMID 3500) Basin Assessment Protest – (New Item)

RECOMMENDATIONS: (1) Receive a presentation from Agency staff on the Las Posas Valley (LPV) Watermaster Policy Advisory Committee (collectively, the PAC) request for LPV Watermaster Technical Advisory Committee (collectively, the TAC) consultation on Del Norte Mutual Water Company's protest to payment of Water Year (WY) 2023 LPV Adjudication Basin Assessment; and (2) Deny the PAC request for TAC consultation and refer the matter back to the PAC for deliberation and recommendation.

BACKGROUND:

The LPV Adjudication Judgment (Judgment) requires the Watermaster to levy and collect a Basin Assessment from Water Right Holders: "Watermaster shall set, levy, and collect Basin Assessments and fees from Water Right Holders[.]" (Judgment, § 7.1.) The Judgment also provides that the Watermaster "may reduce the amount of the Basin Assessments levied on Water Right Holders that pay an assessment to [United Water Conservation District] if Watermaster determines, after Committee Consultation, that such a reduction is appropriate as a matter of equity." (Judgment, § 7.9.)

DISCUSSION:

On December 15, 2023, with the adoption of Resolution 2023-03¹, Watermaster Board adopted a \$64 WY 2023 Basin Assessment and levied it in two equal installments, effective March 1, 2024, and June 1, 2024, although the second installment was later rescinded by the Watermaster Board with the adoption of Resolution 2024-04².

On April 18, 2024, DNMWC submitted a written protest challenging payment of the WY 2023 Basin Assessment, claiming its WY 2023 Basin Assessment should be reduced under Section 7.9 of the Judgment because it paid assessments to United Water Conservation District (attached as Exhibit 26A). Subsequently, on July 12, 2024, DNMWC submitted a second protest letter

¹ Resolution 2023-03: https://s42135.pcdn.co/wp-content/uploads/2024/04/Resolution-2023-03_website.pdf

² Resolution 2024-04: <https://s42135.pcdn.co/wp-content/uploads/2024/07/Resolution-2024-04.pdf>

invoking Sections 9.2.1.1 and 9.2.1.2 of the Judgment, which prescribe potential avenues for resolving Basin Management Actions before Judicial Review (attached as Exhibit 26B).

DNMWC's total WY 2023 Basin Assessment was \$75,272.96 with an additional \$112.55 in accrued interest. DNMWC has protested the full amount because, "DNWC is informed and believes the Watermaster assessment is for activities and administration that either duplicate the activities of the UWCD or has no benefit to DNWC and its Shareholders."

On July 17, 2024, Watermaster staff submitted DNMWC's protest letters to the PAC for consultation as required by Section 7.1 of the Judgment (attached as Exhibit 26C).

The PAC discussed the issue at its August 1 and 15, 2024 meetings and submitted their recommendation report on August 16, 2024 (attached as Exhibit 26D). The PAC states that, "There are clearly policy aspects to the second question, but there are hydrogeological aspects to it, as well, and the PAC determined that without a technical foundation, it cannot develop any policy recommendations for the Watermaster. As such, at this juncture, the PAC recommends, per Section 6.4 of the Judgment, that Watermaster assign this issue to TAC for review. Once a TAC recommendation report has been developed and returned to the PAC, the PAC can discuss the policy implications and develop a recommendation report to the Watermaster regarding the Del Norte protest."

Under the Judgment, the "PAC is the primary advisory body to Watermaster on policy-related matters of a non-technical nature to be considered by Watermaster," while the "TAC is the primary advisory body to Watermaster on all matters requiring expertise to be considered by Watermaster relating to Groundwater management and sustainability of the Basin." (Judgment, § 6.10.1, 6.11.1.)

Although the PAC's responsibilities are limited to "policy-related matters of a non-technical nature," the PAC may request that the Watermaster assign **a matter involving a technical question** to TAC for review and issuance of a Recommendation Report to Watermaster." (Judgment, § 6.4 (emphasis added).) But the DNMWC protest does not involve a "technical question." Basin Assessments are calculated based on a Water Right Holder's annual allocation once calculated by staff, reviewed and approved by the PAC and the TAC, and adopted by your Board. (Judgment, §§ 4.2, 7.2.) Nor does adjustment of Basin Assessments under Section 7.9 of the Judgment require any "technical foundation" or understanding of "hydrogeological aspects" of the LPV Basin. Section 7.9 of the Judgment authorizes the Watermaster to reduce the Basin Assessments of those "Water Right Holders that pay an assessment to United Water Conservation District[.]" Consideration of factors other than whether the Water Right Holder paid an assessment to United Water Conservation District are irrelevant. The only issue is whether the Water Right Holder paid a United Water Conservation District assessment, which does not involve technical experience or expertise. Finally, the plain language of Section 7.9 is clear that any decision to reduce a Basin Assessment shall be determined "as a matter of equity" rather than on any technical basis or evaluation.

CONCLUSION:

Whether DNMWC's WY 2023 Basin Assessment should be reduced under Section 7.9 of the Judgment does not involve a technical matter. Watermaster forwarded the matter to the PAC, as required by the Judgment, for its members and their constituents to provide policy opinions and recommendations on whether DNMWC should be allowed to avoid paying its total WY 2023 Basin

Assessment only because it paid a United Water Conservation District assessment the same year. No technical assistance or evaluation from the TAC would aid the PAC in providing a recommendation on this issue. Accordingly, staff recommends that your Board deny the PAC request for TAC consultation on the DNMWC protest, and direct staff to return the item to the PAC for their consideration with direction to prepare and provide a recommendation report to the Watermaster no later than November 8, 2024.

This letter has been reviewed by Agency Counsel. If you have any questions, please call me at (805) 654 2954.

Sincerely,



Kudzai Farai Kaseke (PhD, PH, PMP, CSM)
Assistant Groundwater Manager

Attachments:

- Exhibit 26A – Del Norte Water Company Protest Letter (April 18, 2024)
- Exhibit 26B – Del Norte Water Company Protest Letter (July 12, 2024)
- Exhibit 26C – Watermaster Memo to PAC (July 17, 2024)
- Exhibit 26D – PAC Recommendation Report Letter (August 16, 2024)

Del Norte Water Company

Post Office Box 4065
Ventura, California 93007
Phone (805) 647-1092 Fax (805) 647-2805

April 18, 2024

Via E-Mail Transmission

Las Posas Valley Watermaster
LPV.Watermaster@ventura.org

Re: Protest of Basin Assessment - Release Date: 03/05/2024

Dear Sir or Madam:

Del Norte Water Company (“DNWC”) received a Notice of Basin Assessment Release Date: 03/05/2024 made pursuant to Final Judgment filed 07/10/2023 in *Las Posas Valley Water Rights Coalition, et al. v. Fox Canyon Groundwater Management Agency, et al.*, Case No. VENCI00509700. A copy of said Notice is attached hereto as Exhibit “A”.

As you are aware, appeals of the Judgment are pending, although it has not been stayed.

On April 6, 2024, DNWC forwarded a check to the Watermaster of the funds collected by it from its Shareholders in response to the Notice of Assessment.

DNWC, for itself and each of its Shareholders (see List of WMIDs attached hereto as Exhibit “B”), hereby Protests the payment of the Basin Assessments made, with full reservation of all applicable rights against the Las Posas Valley Watermaster, because of the provisions of Section 7.9 of the Judgment which reads:

“7.9 **Adjustments to Basin Assessments for UWCD Assessments.** Water Right Holders located in the western portion of the Basin within the UWCD’s service area presently pay assessments to UWCD, a portion of which is used to finance UWCD’s ongoing activities that are designed to replenish the Basin and neighboring basins. Watermaster may reduce the amount of the Basin Assessments levied on Water Right Holders that pay an assessment to UWCD if Watermaster determines, following Committee Consultation, that such a reduction is appropriate as a matter of equity.”

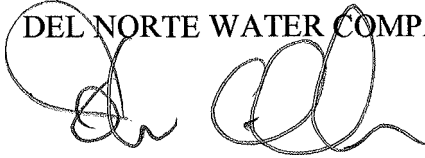
DNWC completed the UWCD’s Semi-Annual Groundwater Production Statements (attached hereto as Exhibit “C”) for the period 07/01/2023 to 12/31/2023. DNWC has partially paid 25% of the \$187,832 that was due and will pay the balance on June 30, 2024.

Las Posas Valley Watermaster
April 18, 2024
Page 2

The UWCD assessment is based on replenishment activities that benefit DNWC and its Shareholders. DNWC is informed and believes the Watermaster assessment is for activities and administration that either duplicate the activities of the UWCD or has no benefit to DNWC and its Shareholders.

DNWC apologizes that, due to clerical error, this Protest was not made at the time the assessment monies were forwarded to the Watermaster on April 6, 2024.

Very Truly Yours,

DEL NORTE WATER COMPANY

JOHN C. ORR, President

JCO:mjr

cc: Shareholders of DNWC

✓

Del Norte Water Company

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Ventura, California 93007
Phone (805) 647-1092 Fax (805) 647-2805

July 12, 2024

Via E-Mail Transmission

Las Posas Valley Watermaster
LPV.Watermaster@ventura.org

Re: Protest of Basin Assessment-Release Date 03/05/2024

Dear Sir or Madam:

By letter dated April 18, 2024, Del Norte Water Company (“DNWC”) sent a letter to the Watermaster protesting the payment of the Basin Assessment based on Section 7.9 of the Final Judgment (the “April 18 Protest”). [A copy of the April 18 Protest is attached hereto as Exhibit “1”.] No response has been received from the Watermaster. Please be advised that DNWC intends to seek relief pursuant to the provisions of Section 9.2 of the Final Judgment:

Section 9.2.1.1 of the Final Judgment provides: “Any Party seeking judicial review of a Basin Management Action must have timely exhausted opportunities for relief through the submission of written comment(s) to Watermaster, either individually or through a written report submitted by PAC or TAC, concerning the Basin Management Action.”

Section 9.2.1.2 of the Final Judgment provides: “Prior to seeking judicial review of a Basin Management Action, Watermaster and the disputing Party(ies) shall first engage in mediation unless both Watermaster and the disputing Party(ies) agree in writing to forego mediation. Watermaster may waive the requirement to engage in mediation in which case a Party that has exhausted its administrative remedies with Watermaster may seek judicial review without having engaged in mediation.”

The April 18 Protest was DNWC’s good faith attempt to initiate a dialogue with Watermaster regarding Section 7.9 assessment reductions. Having received no response from Watermaster on the protested matter, DNWC has exhausted administrative remedies and will continue to pursue its sought-after remedies through the above-referenced channels. The Watermaster assessment is for activities and administration that either duplicate the activities of

Las Posas Valley Watermaster
July 12, 2024
Page 2

the UWCD or has no benefit to DNWC and its Shareholders. Notwithstanding the protest, DNWC complied with the Notice of Assessment and paid the \$187,832.00 basin assessment in full. DNWC seeks the following remedies:

- 1) An Amended Notice of Assessment reflecting a reduction that is proportionate to the duplicative or non-beneficial activities and administration referenced above; and
- 2) Reimbursement that is proportionate to the reduction in the Amended Notice of Assessment.

DNWC remains hopeful that an agreement can be reached without resorting to mediation or judicial review. Please advise whether mediation or review by the Santa Barbara Superior Court will be necessary to enforce Section 7.9 of the Final Judgment.

Very truly yours,

DEL NORTE WATER COMPANY



JOHN C. ORR, President

JCO:nsh
Attachment

cc: DNWC Board of Directors – *Via E-Mail Transmission*
Barbara Brenner, Esq. – *Via E-Mail Transmission*

FOX CANYON GROUNDWATER MANAGEMENT AGENCY

LAS POSAS VALLEY WATERMASTER



MEMORANDUM

Date: July 17, 2024
To: Las Posas Valley Watermaster Policy Advisory Committee
From: Kudzai F. Kaseke, Assistant Groundwater Manager
Subject: Protest of Water Year 2023 Basin Assessment levied on Del Norte Water Company (WMID 3500).

Dear Las Posas Valley Watermaster Policy Advisory Committee (PAC):

Attached for committee consultation is communication from Del Norte Water Company (WMID 3500) protesting the Water Year 2023 Basin Assessment levied against the company and its shareholders.

The Las Posas Valley Adjudication Judgment states that, the Watermaster, following Committee Consultation, may reduce the amount of the Basin Assessments levied on Water Right Holders that pay an assessment to United Water Conservation District (UWCD), if such a reduction is appropriate as a matter of equity. (Judgment § 7.9). The Las Posas Valley Adjudication Judgment also provides that, “Any Party seeking judicial review of a Basin Management Action must have timely exhausted opportunities for relief through the submission of written comment(s) to Watermaster, either individually or through a written report submitted by PAC or TAC, concerning the Basin Management Action;” (Judgment § 9.2.1.1).

Watermaster brings this issue before the PAC for discussion in compliance with the Judgment. Please provide feedback to the Watermaster by August 9, 2024.

Please contact me at 805 654 2010 or LPV.Watermaster@ventura.org with any questions or concerns.

Del Norte Water Company

Post Office Box 4065
Ventura, California 93007
Phone (805) 647-1092 Fax (805) 647-2805

July 12, 2024

Via E-Mail Transmission

Las Posas Valley Watermaster
LPV.Watermaster@ventura.org

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The April 18 Protest was DNWC’s good faith attempt to initiate a dialogue with Watermaster regarding Section 7.9 assessment reductions. Having received no response from Watermaster on the protested matter, DNWC has exhausted administrative remedies and will continue to pursue its sought-after remedies through the above-referenced channels. The Watermaster assessment is for activities and administration that either duplicate the activities of

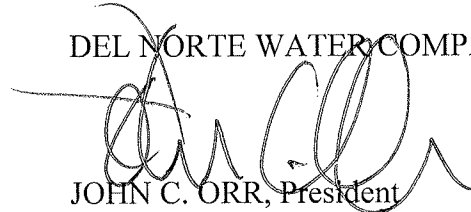
the UWCD or has no benefit to DNWC and its Shareholders. Notwithstanding the protest, DNWC complied with the Notice of Assessment and paid the \$187,832.00 basin assessment in full. DNWC seeks the following remedies:

- 1) An Amended Notice of Assessment reflecting a reduction that is proportionate to the duplicative or non-beneficial activities and administration referenced above; and
- 2) Reimbursement that is proportionate to the reduction in the Amended Notice of Assessment.

DNWC remains hopeful that an agreement can be reached without resorting to mediation or judicial review. Please advise whether mediation or review by the Santa Barbara Superior Court will be necessary to enforce Section 7.9 of the Final Judgment.

Very truly yours,

DEL NORTE WATER COMPANY

A handwritten signature in black ink, appearing to read "John C. Orr", is written over the printed name below.

JOHN C. ORR, President

JCO:nsh
Attachment

cc: DNWC Board of Directors – *Via E-Mail Transmission*
Barbara Brenner, Esq. – *Via E-Mail Transmission*

Del Norte Water Company

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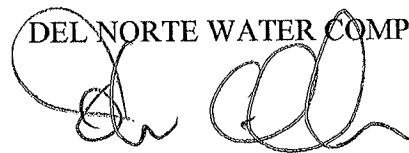
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Las Posas Valley Watermaster
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Very Truly Yours,

DEL NORTE WATER COMPANY

JOHN C. ORR, President

JCO:mjr

cc: Shareholders of DNWC

✓

Gene West, Chair
Las Posas Valley Watermaster
800 S. Victoria Ave.
Ventura, CA 93009

August 16, 2024

Re: PAC Recommendation Report concerning Del Norte Protest

Chair West:

At its August 1 and 15, 2024 meetings, the PAC discussed the Del Norte basin assessment protest letters submitted for committee consultation by Watermaster staff July 17, 2024.

The PAC understands Del Norte's position to be that United Water Conservation District (UWCD) provides sufficient basin management to protect and maintain Del Norte's pumping capacity, and that no activity on the part of the Watermaster, administrative or otherwise, can benefit Del Norte in any way that is not duplicative of UWCD activities. As such, as matter of equity, Del Norte believes it should not pay any basin assessment.

After much discussion, two central questions presented themselves to the PAC:

1. Where does Del Norte's water come from? That is, how much of the water produced at their wells comes from UWCD's recharge efforts and how much from other basin inflows?
2. What is the generalized benefit to the Del Norte service area of being in the Las Posas Valley Basin and party to the Judgment? That is, can the benefit accrued to Del Norte's wells of Watermaster activity be quantified? And, if so, what would that value be?

There are clearly policy aspects to the second question, but there are hydrogeological aspects to it, as well, and the PAC determined that without a technical foundation, it cannot develop any policy recommendations for the Watermaster.

As such, at this juncture, the PAC recommends, per Section 6.4 of the Judgment, that Watermaster assign this issue to TAC for review. Once a TAC recommendation report has been developed and returned to the PAC, the PAC can discuss the policy implications and develop a recommendation report to the Watermaster regarding the Del Norte protest.

Thank you for the opportunity to weigh in on this important matter of equity.

Sincerely,



Ian Prichard, Chair, LPV Watermaster PAC

TO: Las Posas Valley Watermaster

FROM: Las Posas Valley Watermaster Policy Advisory Committee

RE: Recommendation Report – Draft Las Posas Valley Basin – 5 Year Groundwater Sustainability Plan (GSP) Evaluation

DATE: November 8, 2024

Recommendation:

See memo below for recommended changes/additions to the draft GSP Five-Year Update.

Policy Rationale for Recommendation:

See memo below for rationale.

Summary of Facts in Support of Recommendation:

See memo below for complete memo.

Tally of Committee Member Votes:

	YES	NO	ABSTAIN	ABSENT
Ian Prichard, Callegaus MWD				
David Fleisch, VC WWD No. 1				
John Menne, Zone MWC				
VACANT, Commercial				
Rob Grether, West LPV Large Ag				
David Schwabauer, East LPV Large Ag				
Josh Waters, East LPV Small Ag				
Richard Cavaletto, West LPV Small Ag				
Laurel Servin, East LPV MWC				
Steven Murata, West LPV MWC				

Report of Bases for Majority and Minority Committee Member Positions:

PAC Recommendation Report Regarding the Draft Las Posas Valley Basin Five-Year Groundwater Sustainability Plan (GSP) Evaluation

On August 26, 2024, the Fox Canyon Groundwater Management Agency (FCGMA), serving in its capacity as the Las Posas Valley Basin Watermaster (Watermaster), sent a Committee Consultation request to the Las Posas Valley Policy Advisory Committee (PAC) regarding the Draft Las Posas Valley Basin – 5-Year Groundwater Sustainability Plan (GSP) Evaluation (Draft GSP Evaluation), entitled the First Periodic GSP Evaluation for the LPVB, as prepared by Dudek, the FCGMA’s consultant.

Overall, the document is well-done, and the PAC recognizes the significant effort put forth to prepare the Draft GSP Evaluation by the FCGMA and their consultant, Dudek. Together, they have evidently devoted substantial effort to organizing a comprehensive report assessing and documenting groundwater conditions and management strategies.

Following a thorough review, the PAC is submitting this Recommendation Report to provide recommendations for the Watermaster to consider before finalizing the Draft GSP Evaluation for submission to the California Department of Water Resources (DWR). While the PAC submits these recommendations to help improve the Draft GSP Evaluation for submission to DWR, we also recognize the critical role the Draft GSP Evaluation will have as a foundation for amendments to the GSP Update, the 2025 Basin Optimization Yield Study and the Basin Optimization Plan, all of which are key steps toward achieving long-term groundwater sustainability in the Las Posas Valley.

Following are the policy recommendations approved by the PAC on November 7, 2024.

I. MODELING AND DATA ACCURACY

Recommendation 1: Clearly Distinguish Between Model Predictions and Observed Data Throughout the Draft GSP Evaluation

Explicitly label both simulated (modeled) water levels and actual water level measurements in all figures, tables, and discussions. This distinction is crucial for evaluating the model's calibration and its reliability in predicting future groundwater conditions. Accurate calibration, informed by observed data, enhances the model's predictive accuracy.

Recommendation 2: Provide Documentation and Confidence Information for the UWCD Model Used in GSP Evaluation

The documentation for the UWCD model used in the Draft GSP Evaluation has not been made available, leading to reservations within the PAC regarding reliance on a model that has not undergone review by the Las Posas Valley Technical Advisory Committee (TAC). While models aim to replicate real-world conditions, they are inherently imperfect, and confidence in their findings is especially challenging given the limited number of wells (especially in the WLPMA) available for calibration. This limited data set raises concerns about the appropriate confidence interval for the

model results. The PAC recommends that the Draft GSP Evaluation include comprehensive information from the UWCD model, including documentation and details on confidence intervals, to address these concerns and improve transparency.

Recommendation 3: Address Deficiency in Monitoring Data Collection

A considerable portion of the monitoring data required by the GSP was not collected during the review period. This data is critical for evaluating the sustainability of the WLPMA and East Las Posas Management Area (ELPMA) and for ensuring compliance with the Judgment. The PAC recommends that the Draft GSP Evaluation clearly outline how the FCGMA plans to address this deficiency, detailing steps to promptly acquire the necessary monitoring data to support future updates and model runs.

II. CROSS-BASIN AND AREA INTERACTIONS

Recommendation 4: Clarify the Impact of West Las Posas Management Area (WLPMA) Pumping on Oxnard Subbasin Seawater Intrusion

The Draft GSP Evaluation should address the quantifiable relationship between WLPMA pumping and its incremental effect on seawater intrusion in the Oxnard Subbasin. This can be achieved by either including a detailed discussion of this relationship under various management scenarios or by outlining a process and timeline to conduct a focused assessment. Additionally, the PAC recommends that this topic be robustly addressed in the Basin Optimization Yield Study, utilizing the updated United Water Conservation District (UWCD) Coastal Plain Model.

Recommendation 5: Recharacterize Groundwater Underflows Between Oxnard Subbasin and WLPMA

The evaluation document should recharacterize groundwater underflows from the Oxnard subbasin to WLPMA, and reductions in underflow from WLPMA to Oxnard, which are currently labeled as “losses” of recharge to the Oxnard subbasin. This framing overlooks the fact that many WLPMA extractors have long understood that some of their groundwater has been replenished from the UWCD spreading grounds and for this reason have paid UWCD extraction fees. Given this understanding of the interconnection between the basins, if the claimed underflows are occurring as stated, they should not simply be viewed as a “loss” for the Oxnard subbasin.

The Draft GSP Evaluation should amend its language to remove the characterization of these underflows as “losses” and instead acknowledge them as part of a balanced, cross-basin groundwater system. Additionally, it would be appropriate for the FCGMA to outline a process to periodically review and update minimum thresholds and measurable objectives on both sides of the boundary between the Las Posas Valley and Oxnard Basins. This approach would ensure an

accurate, equitable, and proportional understanding of recharge dynamics, benefiting the sustainability of both basins.

Recommendation 6: Provide Justification for Projected Increase in Simi Valley Inflows

The Draft GSP Evaluation's future baseline scenario projects nearly 2,000 acre-feet per year (AFY) more in Simi Valley inflows than recent flow levels. The PAC recommends that the Draft GSP Evaluation provide a detailed explanation for this anticipated increase, clarify, and provide supporting data and assumptions that justify this projection. Clear documentation of these projections will enhance stakeholder understanding of the expected inflows and their impact on the overall water management strategy.

III. MANAGEMENT AND PROJECT OVERSIGHT

Recommendation 7: Articulate a Clear Master Plan and Leadership for Advancing GSP Management Projects

The Draft GSP Evaluation outlines various management projects, however, there appears to be no overarching master plan to manage accountability and progress in advancing these projects, nor a designated leader responsible for their progression. Given that the 15-year timeline is relatively short for implementing some of the projects being considered, the PAC recommends that the Draft GSP Evaluation specify how the FCGMA intends to oversee and drive these initiatives. For instance, FCGMA could assign staff to engage periodically (e.g., quarterly) with each project proponent, tracking progress and providing regular updates to FCGMA and stakeholders on any advances or delays. Stakeholders have expressed a strong desire to be informed promptly if a project faces delays or challenges where stakeholder involvement could help mitigate issues, ensuring that the projects are effectively managed within the available timeframe.

Recommendation 8: Clarify the Impact of the Proposed Moorpark Desalter on Groundwater Supply, Recharge, and Water Balance

The PAC recommends that the Draft GSP Evaluation provide a comprehensive discussion of the anticipated effects of the proposed Moorpark desalter on groundwater supply, recharge, and the overall water balance in the ELPMA. Specifically:

- **Groundwater Supply and Recharge Interaction:** The Draft GSP Evaluation should explain how the desalter will influence groundwater extractions and recharge dynamics. If the desalter increases extractions without offsetting them through in-lieu deliveries, it could lead to lower water levels that may undermine sustainability efforts. However, these effects could be mitigated if the desalter's operations encourage dewatering in high groundwater areas near the arroyo, thereby inducing greater recharge, or if the product water is used to reduce extractions in other targeted Basin areas. The Draft GSP Evaluation should address

these factors generally and outline specific actions in the Basin Optimization Plan.

- **Net Impact on Water Balance:** The Draft GSP Evaluation presents conflicting statements about the desalter’s effects, suggesting reductions in both groundwater pumping and reliance on imported water. This leaves ambiguity about the net effect on ELPMA’s water balance. The Draft GSP Evaluation should clarify the desalter’s anticipated impacts on groundwater pumping and imported water usage, with additional analysis in the Basin Optimization Plan to ensure alignment with long-term water balance and sustainability goals.

IV. STAKEHOLDER RESPONSIBILITIES AND TRANSPARENCY

Recommendation 9: Clarify Responsibility for Sustaining Groundwater Dependent Ecosystems (GDEs) along Arroyo Simi/Las Posas

The PAC recommends that the Draft GSP Evaluation clearly specify that groundwater users will not be held responsible for sustaining vegetation along Arroyo Simi/Las Posas, which is currently supported by inflows from Simi Valley wastewater discharge and dewatering wells. The Draft GSP Evaluation should explicitly state that any impact on vegetation due to reductions in these discharges should not be considered an undesirable result under SGMA in the GSP. Additionally, the PAC recommends that FCGMA establish long-term monitoring to track any potential changes in vegetation health related to GDEs. This ongoing monitoring will allow for a proactive approach to understanding and managing impacts without placing responsibility on groundwater users, thus preventing unintended obligations regarding GDE sustainability.

Recommendation 10: Refine and Clarify the Impact Analysis on Northern ELPMA Wells

The PAC recommends that the Draft GSP Evaluation provide greater clarity and consideration in the impact analysis for wells in the northern ELPMA, specifically regarding assumptions about well performance and the effects of minimum thresholds on all well owners.

- **Well Performance Assumptions:** The current analysis assumes wells will not experience significant effects until static groundwater levels reach the top of well screens and that partially desaturated screens can still support pumping. While this may be defensible, sustaining pumping at lower rates depends on appropriate pump placement below the adjusted water levels. The Draft GSP Evaluation should discuss the implications of these assumptions, including the key policy question of what constitutes “significant and unreasonable” impacts for this area, as these criteria influence FCGMA and Dudek’s approach to the analysis.
- **Consideration of ASR Wells:** The analysis should also account for the effects on Aquifer Storage and Recovery (ASR) operations, as 10 out of the 22 wells in the evaluation area are Calleguas ASR wells (not solely agricultural wells, as Table 2-1 indicates). The Draft GSP Evaluation should provide an accurate representation of well types and address the

potential impact of minimum thresholds on ASR storage and recovery operations.

- **Impact of Minimum Thresholds on All Well Owners:** Finally, the PAC recommends that the Draft GSP Evaluation discuss how established minimum thresholds will impact all well owners in the area, ensuring a comprehensive understanding of threshold implications across different types of groundwater users.

Recommendation 11: Enhance Transparency and Accessibility in Sections and Tables 7.1 – 7.3

The PAC recommends that the following updates be made to improve transparency and ease of access for stakeholders regarding surcharge rates, fee adoption, compliance, and amendment terminology:

- **Table 7-1:** Update the table to provide details on how the Watermaster establishes extraction surcharge rates. At a minimum, add explanatory footnotes or references to relevant FCGMA Resolutions that outline the basis for these rates.
- **Section 7.1.3 – Funding:** Include footnotes, citations, or references that allow readers to locate documents where the FCGMA adopted specific fees, improving accessibility and clarity.
- **Section 7.2 – Enforcement and Legal Actions:** Provide references or links to each of the listed groundwater extractor responsibilities. This addition would support stakeholder compliance with FCGMA and Watermaster requirements by offering clear guidance on necessary steps.
- **Section 7.3 – Plan Amendments:** Clarify the distinctions between a “GSP amendment,” “this Update,” and “periodic GSP evaluation,” and specify whether the “amendment” planned for Quarter 1 of 2025 aligns with the GSP “evaluation” for submission to DWR.

These additions will improve stakeholder understanding of key processes, requirements, and terminology used within the document.

CONCLUSION

We respectfully submit the above policy-related recommendations for consideration by the FCGMA and Dudek. These recommendations reflect the PAC’s commitment to ensuring that the Draft GSP Evaluation is clear, precise, and thoroughly aligned with the objectives set forth in SGMA and the Judgment. We believe these actions will contribute meaningfully to the sustainable management of groundwater in the Las Posas Valley Basin. As stakeholders with a vested interest in the Basin’s long-term health, we look forward to continued collaboration with the FCGMA and Dudek to address these critical areas and to support a balanced, forward-thinking approach in the GSP Evaluation.