



FOX CANYON GROUNDWATER MANAGEMENT AGENCY

A STATE OF CALIFORNIA WATER AGENCY

BOARD OF DIRECTORS

Lynn E. Maulhardt, *Chair, Director, United Water Conservation District*
Charlotte Craven, *Vice Chair, Councilperson, City of Camarillo*
David Borchard, *Farmer, Agricultural Representative*
Steve Bennett, *Supervisor, County of Ventura*
Dr. Michael Kelley, *Director, Zone Mutual Water Company*

EXECUTIVE OFFICER

Jeff Pratt, P.E.

NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that the Fox Canyon Groundwater Management Agency (FCGMA) will hold an **Executive Committee Meeting** from 2:00 p.m. to 4:00 p.m. on **Tuesday, April 9, 2013** in the **Atlantic Conference Room**, Main Plaza Level of the Ventura County Government Center, Hall of Administration Building, at **800 South Victoria Avenue, Ventura, California**.

FCGMA EXECUTIVE COMMITTEE MEETING AGENDA

April 9, 2013

- Members:** Chair Lynn Maulhardt
Co-Chair Charlotte Craven
- A. Call to Order**
 - B. Introductions**
 - C. Public Comment** - Audience members may speak about FCGMA-related matters not on today's Agenda.
 - D. Minutes** – Approve the minutes from the February 4, 2013 Executive Committee meeting.
 - E. City of Oxnard's Groundwater Recovery Enhancement and Treatment (GREAT) Project Review** – Discuss and provide feedback regarding the City of Oxnard's GREAT project.
 - F. Adjourn the Executive Committee Meeting** – Adjourn until the next Executive Committee meeting, to be scheduled at a later date.

NOTICES

The FCGMA Board strives to conduct accessible, orderly, and fair meetings where everyone can be heard on the issues. The Board Chair will conduct the meeting and establish appropriate rules and time limitations for each item. The Board can only act on items designated as Action Items. Action items on the agenda are staff proposals and may be modified by the Board as a result of public comment or Board member input. Additional information about Board meeting procedures is included after the last agenda item.

Administrative Record: Material presented as part of testimony will be made part of the Agency's record, and 10 copies should be left with the Board Clerk. This includes any photographs, slides, charts, diagrams, etc.

ADA Accommodations: Persons who require accommodation for any audio, visual, or other disability in order to review an agenda or to participate in the Board of Directors meeting per the Americans with Disabilities Act (ADA), may request such accommodation in writing addressed to the Clerk of the FCGMA

Board, 800 So. Victoria Avenue, Location #1610, Ventura, CA 93009-1610, or via telephone by calling (805) 654-2014. Any such request should be made at least 48 hours prior to the meeting so staff can make the necessary arrangements.

Availability of Complete Agenda Package: A copy of the complete agenda package is available for examination at the FCGMA office during regular working hours (8:00 a.m. to 5:00 p.m. Monday through Friday) beginning five days before the Board meeting. Agenda packet contents are also posted on the FCGMA website as soon as possible, and left there for archival retrieval in case reference is needed on previously considered matters. Questions about specific items on the agenda should be directed to the Agency's Executive Officer.

Continuance of Items: The Board will endeavor to consider all matters listed on this agenda. However, time may not allow the Board to hear all matters listed. Matters not heard at this meeting may be carried over to the next Board meeting or to a future Board meeting. Participating individuals or parties will be notified of the rescheduling of their item prior to the meeting. Please contact the FCGMA staff to find out about rescheduled items.

Electronic Information and Updates: Our web site addresses are www.foxcanyongma.org (for weather station data) or <http://www.fcgma.org> (for home page information). Information available online includes the Board's meeting schedule, a list of the Board members and staff, weather station data, general information, and various Agency forms. If you would like to speak to a staff member, please contact Miranda Nobriga, the FCGMA Clerk of the Board at (805) 654-2014.

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MINUTES

Minutes of the Fox Canyon Groundwater Management Agency's (FCGMA) Executive Committee meeting held **Monday, February 4, 2013** in the Atlantic Conference Room at the Ventura County Government Center, Hall of Administration, 800 South Victoria Avenue, Ventura California.

- A. Call to Order** – The meeting commenced at 3:30 p.m.
- B. Introductions** – In attendance were: (1) Lynn Maulhardt, FCGMA Executive Committee Chair; (2) Charlotte Craven, FCGMA Executive Committee Co-Chair; (3) Neal Andrews, FCGMA Executive Committee Alternate; (4) Alberto Boada, Agency Counsel; (5) Gerhardt Hubner, WPD, Deputy Director; (6) Jessica Rivera, FCGMA Clerk of the Board; (7) Henry Graumlich, Calleguas Municipal Water District (CMWD); (8) Robert Eranio, Crestview Mutual Water Company (CMWC) and Chair of Las Posas Users Group (LPUG); (9) Carol Schoen, Zone Mutual Water Company; (10) Daryl Smith, Adaboy Acres; and (11) Bill Miller, grower.

C. Public Comments – None.

D. Meeting Minutes

Co-Chair Craven made the motion to approve the minutes, and Chair Maulhardt seconded the motion.

E. Proposed Amendment to the GMA Act

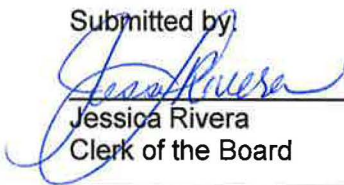
Mr. Gerhardt Hubner, WPD, Deputy Director, provided a brief description of this item, noting it had been pulled from the January 23, 2013 regular Board meeting for Executive Committee review. He noted, due to timing, the item had been introduced into legislation as a "Spot" bill, "unbacked", with Das Williams' office. Agency staff, County Counsel and the Executive Committee discussed this item in detail, along with alternatives to the Proposed Amendment.

After much discussion and deliberations, the Executive Committee advised Agency staff to make the requested changes to the Proposed Amendment and bring the item before the Board for approval to proceed. The Committee further noted comments from stakeholders and the Las Posas Users Group should be considered and/or included in the final document to the Legislature.

F. Adjourn the Executive Committee Meeting

The meeting adjourned at 4:30 p.m.

Submitted by:



Jessica Rivera
Clerk of the Board

800 South Victoria Avenue, Ventura, CA 93009-1610
(805) 654-2014 FAX: (805) 654-3350
Website: www.fcgma.org

Item D – Page 1 of 1



Fox Canyon GMA
Executive Committee Meeting
April 9, 2013

**City of Oxnard GREAT Program Phase I,
RW Agreement and Draft GMA Resolution**

Presentation by:
Gerhardt Hubner, Deputy Director
Watershed Protection District

Presentation Overview

- Project Overview
- Background
- Agreement for Recycled Water Management and Use
- Key Elements of the Proposed Resolution No. 2013-01
- Staff Analysis of Benefits and Impacts



Background

- Since the February 27, 2013 Board meeting, Agency staff has been diligently working with City staff and their representatives:
 - Current state of the GREAT Program,
 - Proposed Agreement with RW Users and the City, and
 - Under what conditions of approval the GMA would grant for Phase I of the Program.
- City prepared an initial draft Resolution.
- On March 15, 2013, Agency staff, Agency Board Chair Maulhadt, UWCD, PVWD, Southland Sod and Reiter Brothers representatives met to discuss the GREAT Phase I Program and proposed Agreement among RW Users.

Background

- Based upon the agreed upon Meeting principles and concepts, Agency staff modified the initial draft Resolution, and forwarded it back to the City; and
- A subsequent conference call on March 20, 2013 between Agency staff and the City clarified most of the remaining issues, resulting in a 3rd Draft Version (March 21st) of the Resolution.

Agreement for Recycled Water Management and Use

- City to Finance /Construct all Facilities
- Connect to PV and PTP System
- Available to Individual Users
- 10 Year Term
 - 2 year test period
- Recycled Water Pumping Allocation
 - Cost implication to City and Users

Recycled Water Management Agreement Users

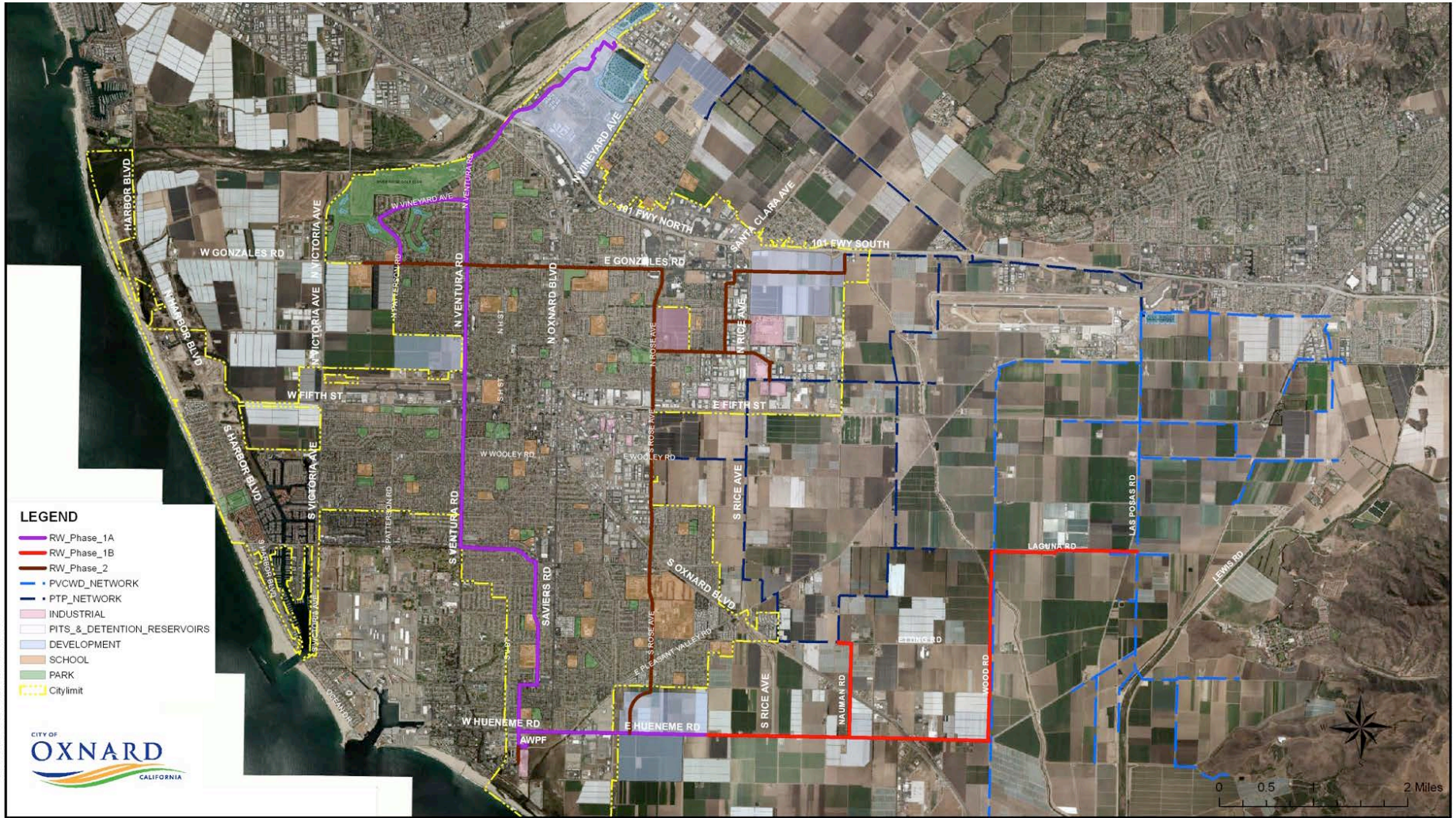
- City of Oxnard
- Pleasant Valley County Water District;
- United Water Conservation District;
- Houweling Nurseries;
- Reiter Affiliated Companies; and
- Southland Sod

Recycled Water Management Agreement

1. Priority of users and delivery;
2. Cost structure to users with comparisons between groundwater exchange versus no groundwater exchange;
3. Volume limit on recycled water pumping allowance;
4. Timing and location of pumping; and
5. A monitoring program.

Recycled Water Management Agreement

- Phase II and future expansion Phases of the GREAT Program handled under separate Agreement, will require a separate GMA Resolution and separate approval from the GMA Board.
- Therefore, any conditions from this Agreement and this Resolution will not be binding or precedent setting for any future Phases or Agreements.

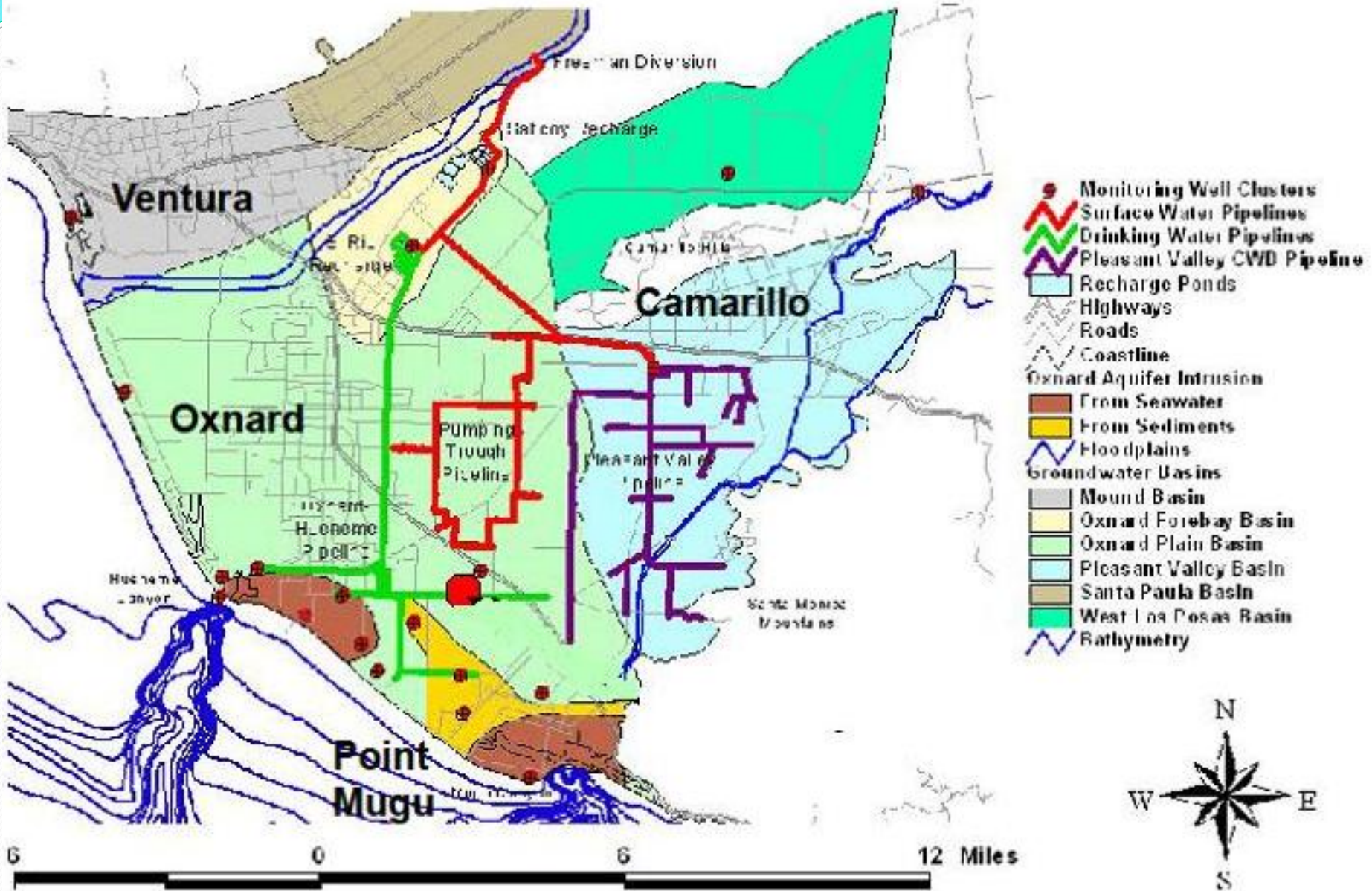


Recycled Water Distribution System

Recycled Water Management Agreement – Phase I: 7,000 AFY

- 1,800 AFY for In-City Uses and 5,200 AFY for Agricultural Uses Outside City.
- In-City uses - Fall 2013
 - RiverPark and community medians,
 - City parks & common landscaping,
 - City's River Ridge Golf Club, and
 - New Indy Containerboard company
- Future Expansion could include over 20,000 AFY, participation from the City of Ventura and additional storage options.

Recycled Water Management Plan



Recycled Water Management Agreement

Priority	Initial Price (\$/Acre-Foot) (No Groundwater Exchange)	Initial Price (\$/Acre-Foot) (With Groundwater Exchange)
1	1,365	NA
2	1,445	465
3	1,285	365
4	1,285	250 (\$365 – \$115 Management Discount)

- Annual Price Adjustment
 - CPI
 - Pump Charges

Key Elements of the Proposed Resolution No. 2013-01

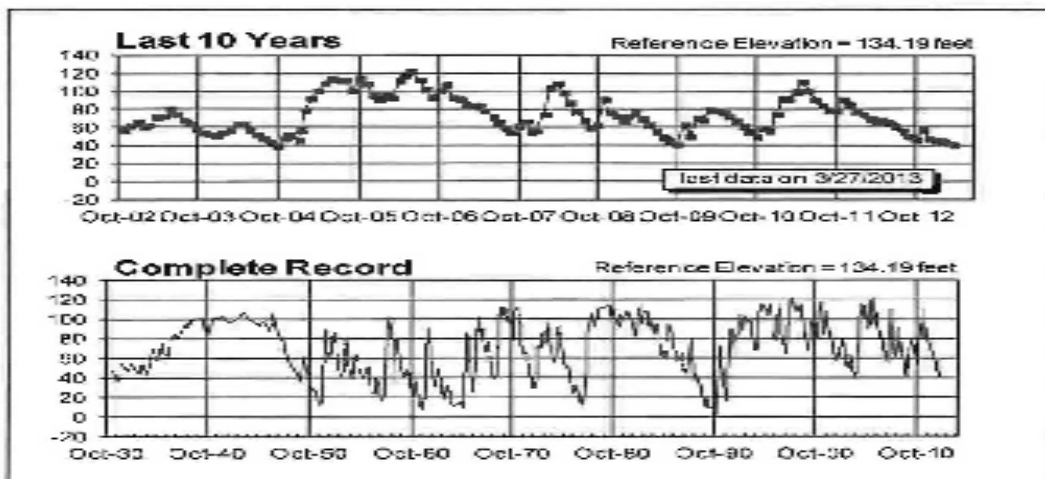
- CEQA Compliance
- Monitoring and Contingency Plan
- Annual Agency Coordination
- Annual Report and Reporting
- RWPA and RWPA Accruals
- Operations Control & Triggers
- Length of Term for Resolution and RW Plan

CEQA Compliance

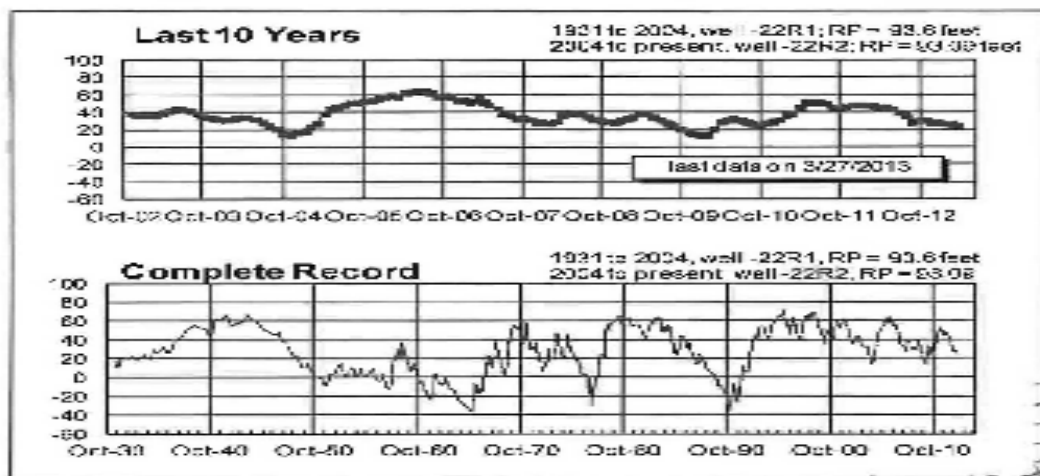
- CEQA is primarily provided through the GREAT Program Final Environmental Impact Report (SCH #2003011045), certified in September of 2004 by the City of Oxnard.
- Agency Staff and Board (as Responsible Agency)
 - GMA needs to consider the environmental effects of the City's proposed pumping as shown in the City's EIR
 - GMA needs to make a finding that: (a) the project will not have a significant effect on the aquifer; or (b) those effects have been mitigated to less than significant.
 - If mitigation was required, GMA needs to adopt a monitoring program.
 - GMA should file a notice of determination
 - Substantial Evidence in the Record to support Bullet No. 2

Monitoring and Contingency Plan

- GW monitoring program - Water level & Water quality to detect current conditions within the Pleasant Valley sub-basin, the Oxnard Plain sub-basin, and the Forebay.
- Use of the Ventura Regional Groundwater Model (when available).
- An assessment of historic and current conditions in the Forebay, Oxnard Plain and Pleasant Valley sub-basins and anticipated impacts to those sub-basins
- Overseen and approved by a State of California Licensed Professional Geologist or Engineer



Historic groundwater elevation records, well 02N22W12R01S, Oxnard Forebay basin

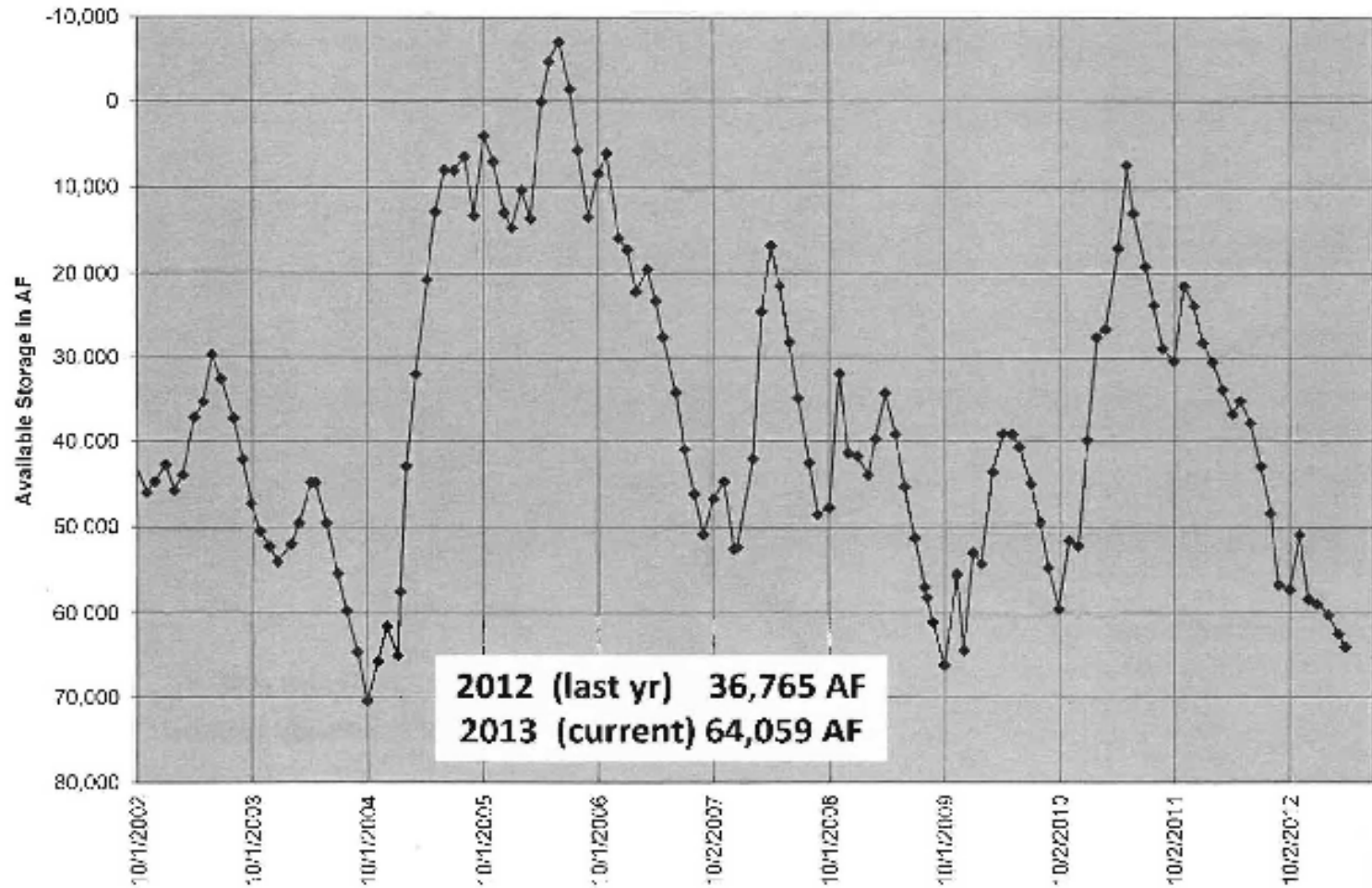


Historic groundwater elevation records, well 02N22W22R02S, Oxnard Forebay



United Water Conservation District

Available Storage in the Forebay Basin



Annual Agency Coordination

- Agencies meet during March of each year (and more frequently as necessary), to discuss any:
 - Refinements to the implementation of the RW Plan, current accounting of RWPA,
 - Expected limitations on use of RWPA because of Forebay water levels, and
 - Existing hydrologic conditions
- Meeting will be used to establish the locations and volume of RWPA that shall be available to the City for pumping through the following year.

Annual Report and Reporting

- Assessment of conditions in the Forebay, Oxnard Plain and Pleasant Valley sub-basins and any impacts directly associated with the pumping approved under the RW Plan.
- GMA staff annually review and report to the Agency Board on compliance and effectiveness of the RW Plan.
- Development of protocol and format acceptable to the RW user, the Agency and the City, to account for the RW user's annual water use. (Prior to receipt of any RW).
- RW users will report their water use and Quantity of RW delivered to the Agency on semi-annual extraction reports.

RWPA and RWPA Accruals

- City will receive 1 acre-foot of RWPA for each acre-foot of RW use that results in 1 acre-foot decrease in groundwater pumping by RW users;
- RWPA accrue only in the instance that reduced groundwater pumping by RW users was groundwater pumped based upon a Historical Allocation or Irrigation efficiency/Allowance Allocation;
- No RWPA for RW use that displaces groundwater pumping subject to Agency surcharges;

RWPA and RWPA Accruals

- RWPA has no trade, barter or exchange value;
- No RWPA that Displaces Surface Deliveries;
- No New Water Right or Allocation;
- City may not transfer or assign all or any portion of its RWPA, except to facilitate its use of the RWPA in coordination with UWCD;
- RWPA expires 60 months (5 years) from the end of the calendar year in which the RWPA accrued;
- Good Standing Provision.

RWPA and RWPA Accruals:

- Total of 25,000 AF of RWPA shall accrue, and no more than 5,000 AFY will be utilized or pumped in any one calendar year under this RW Plan.
- Irrigation Efficiency/Allowance Allocation Users, a cap of 4.0 AFY/AC will be established for Agriculture Users.
- City shall be deemed to pump its RWPA before its Historical Allocation.
- No conservation credits on unused Historical Allocation associated with reduced groundwater pumping resulting from use of RW.

Operations & Triggers

- Only Registered City or UWCD owned wells and UWCD's O-H system.
- Trigger - No RWPA will be utilized from the Forebay when water levels reach the 1991 historic low water levels (mean sea level, or 80,000 AF of evacuated storage) for Forebay operations.
- Resumption of pumping of RWPA from the Forebay shall occur pursuant to a plan authorized pursuant to the Coordination Meetings; and

Resolution & RW Plan Term & Modifications:

- Supersedes Resolution No. 2003-05;
- After 2 years, the RW Plan (or no later than January 1, 2016) will be evaluated for its effectiveness by all Parties;
- 10 year term;
- At the end of the Agreement, City is to pump its remaining RWPA pursuant to the terms and conditions of the RW Plan.

Resolution & RW Plan Term & Modifications:

The Agency Board may reconsider and modify any provision of this Plan based upon:

- a. Concurrent with expiration of the “Performance Test” ;
- b. A material modification in the terms and conditions;
- c. Provisions of any update to the GMA Management Plan approved by the Agency Board, or
- d. A finding by the Agency Board that implementation of this Plan is having a material net detrimental impact on the water resources in the Forebay, Oxnard Plain and Pleasant Valley sub-basins.

Resolution & RW Plan Term & Modifications:

- A minimum of six months advance notice to the RW users before implementing any material change to the Plan

Program – What it Is Not

- Overdraft Problem - Helps but Does Not In Itself Solve
- No Seawater Intrusion Barrier, Or Injection Storage Program
- Without Regulatory Control or Oversight
- Cheap

Staff Analysis of Benefits & Impacts of Program

- Generation of approximately 7,000 AFY of new water supplies for the region;
- Shifting of groundwater pumping - Coastal and Pleasant Valley basin areas (difficult to recharge), to the Forebay, (easier to recharge);
- Increased use of supplemental water supplies and the concomitant reduced groundwater pumping in the areas of the Oxnard Plain and Pleasant Valley sub-basins that are subject to the most intense over-use;
- Introduction of RW into the PTP and PVCWD systems increases UWCD's ability to recharge surface water in the Forebay under certain conditions;

Staff Analysis of Benefits & Impacts of Program

- Supplemental M&I Water Program recently terminated by agencies, eliminating the Forebay pumping associated with it (6,000 AFY);
- Removal of significant amount of salts from desalting of wastewater and reduction in imported water use, and
- Overall net zero impact, with incremental benefit of pumping shift and groundwater recharge.

Next Steps

- Draft Resolution and Staff Report
 - Submittal of Complete Monitoring and Contingency Plan
 - Copy of RW Agreement
 - Resolve Remaining Items/Language in Resolution and Technical Analysis , including No Significant Effect on Aquifer Determination – Need Substantial Evidence in Record to Support
- Targeting May 2013 GMA Board meeting



FEEDBACK?

Draft March 21, 2013

**Resolution 2013 –
of the Fox Canyon Groundwater Management Agency**

**A RESOLUTION CONCERNING THE IMPLEMENTATION OF FIRST PHASE OF
THE CITY OF OXNARD’S GREAT PROGRAM AND THE ASSOCIATED RECYCLED
WATER MANAGEMENT PLAN**

WHEREAS, the Fox Canyon Groundwater Management Agency (“Agency”) was established to preserve the integrity of the quality and quantity of groundwater resources within its boundaries; and

WHEREAS, the Agency exercises its regulatory authority through ordinances, resolutions, and implementation of its adopted groundwater management plan; and

WHEREAS, the current Agency groundwater management plan (“GMA Management Plan”) was updated and adopted in May 2007; and

WHEREAS, the GMA Management Plan provides an extensive evaluation of the varying conditions in aquifers within the Agency, and an assessment of the water management strategies that various entities propose for implementation within the Agency; and

WHEREAS, the City of Oxnard (“City”) is in the final stages of constructing the first phase of its Groundwater Enhancement and Treatment Program (“GREAT Program”), through which the City will make available approximately 7,000 AFY of advanced treated recycled water (“RW”) for use within the City, the Oxnard Plain and Pleasant Valley area; and

WHEREAS, the GMA Management Plan describes the use of RW generated from the GREAT Program as an important management strategy that will result in improvements to water supply reliability and water quality conditions within the Agency; and

WHEREAS, the primary benefits of the GREAT Program include: a) generation of approximately 7,000 AFY of new water supplies for the region; b) increased use of supplemental water supplies and the concomitant reduced groundwater pumping in the areas of the Oxnard Plain and Pleasant Valley subbasins that are subject to the most intense over-use; c) introduction of RW into the PTP and PVCWD systems increases UWCD’s ability to recharge surface water in the Forebay under certain conditions; d) shifting of some groundwater pumping from the coastal and Pleasant Valley areas that are most difficult to recharge, to the Forebay, which is easily recharged; e) overall increase in groundwater recharge; and f) the removal of tons of salts from the Oxnard Plain and Forebay groundwater; and

WHEREAS, the Agency has adopted Resolutions Nos. 2003-4, and 2003-5 in support of the implementation of the GREAT Program; and

Draft March 21, 2013

WHEREAS, United Water Conservation District's ("UWCD") mission is to manage, protect, conserve and enhance the water resources of the Santa Clara River, its tributaries, and associated aquifers; and

WHEREAS, UWCD has and continues to serve an integral role in evaluating groundwater conditions within the Agency jurisdiction and developing strategies to optimize the management and use of water resources within the region. United's efforts in this regard are documented in the GMA Management Plan and its ongoing responsibilities in monitoring aquifer conditions and regularly operating and updating Ventura Regional Groundwater Model; and

WHEREAS, UWCD, Pleasant Valley County Water District ("PVCWD") and the City have developed a plan to utilize RW within the UWCD Pumping Trough Pipeline ("PTP") and PVCWD ("PV") distribution systems, along with direct delivery of RW to certain agricultural users along the pipeline alignment (collectively, "RW users"). The RW users have documented this plan to use RW through an agreement titled, "Full Advanced Treatment Recycled Water Management and Use Agreement" entered into by and between the City of Oxnard, Pleasant Valley County Water District, United Water Conservation District, Houweling Nurseries, Reiter Affiliated Companies and Southland Sod ("RW Agreement"). The RW Agreement is an attachment to the Agency staff report accompanying this Resolution; and

WHEREAS, the City, UWCD and PVCWD will oversee and coordinate the ongoing delivery of RW to agricultural users in the Pleasant Valley and Oxnard Plain subbasins; and

WHEREAS, as a component of the RW Agreement, the City, UWCD and PVCWD are to develop a "Recycled Water Management Plan" ("RW Plan") pursuant to which basin conditions will be monitored and criteria set under which the City will be able to pump groundwater from City owned wells and the UWCD Oxnard-Hueneme system ("OH System"). The RW Plan is set forth in this Resolution; and

WHEREAS, the use of RW and the implementation of the RW Plan will contribute to the improvement of groundwater supply and quality issues within the Agency; and

WHEREAS, from 2006 through 2011 the City, UWCD and PVCWD previously collaborated on the implementation of the Conejo Creek – Supplemental M&I Water Program. This program provided PVCWD approximately 6,000 AFY of additional surface water supplies. All or some portion of the displaced groundwater pumping from PVCWD was then transferred to the Forebay through extraordinary groundwater delivered to UWCD's Oxnard-Hueneme Pipeline customers, including the City. The intent of this program was to shift groundwater pumping from the Pleasant Valley subbasin to the Forebay; and

WHEREAS, the data obtained from the implementation of the Supplemental M&I Water Program is valuable in assessing the capabilities and impacts of shifting additional pumping to the Forebay; and

WHEREAS, the termination of the pumping from the Forebay associated with the Supplemental M&I Water Program eliminates Forebay pumping of approximately the same magnitude as that associated with this RW Plan; and

WHEREAS, the Groundwater Recovery Enhancement and Treatment (GREAT) Program Final Environmental Impact Report (SCH #2003011045) assessed the potential environmental impacts associated with Phase 1 of the GREAT Program and this RW Plan, and was certified in September, 2004, concurrent with the City's approval of the construction of Phase 1 of the GREAT Program.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND RESOLVED AS FOLLOWS: The Agency grants its approval of the RW Plan subject to the following conditions:

1. This Resolution supersedes and restates in its entirety Resolution 2003-5.
2. As a element of the RW Plan, the City, UWCD and PVCWD shall implement a Monitoring and Contingency Plan ("MCP") for the proposed groundwater pumping allowed pursuant to this Resolution. The MCP is included as an attachment to this Resolution and contains the following:
 - [[to be further summarized based on UWCD's assessment and input]]**
 - a. A description of groundwater monitoring program consisting of water level and water quality monitoring that is designed to detect ongoing conditions within the Pleasant Valley subbasin, the Oxnard Plain subbasin, and the Forebay. The MCP shall collect data that is used to assess basin conditions and provide for the ongoing use of the Ventura Regional Groundwater Model in evaluating basin conditions. The MCP shall include a tabulation of the wells used for the monitoring program.
 - b. An assessment of historic and current conditions in the Forebay, Oxnard Plain and Pleasant Valley subbasins and anticipated impacts to those subbasins associated with the implementation of the RW Plan and the MCP.
 - c. Limitations or restrictions on Forebay pumping based upon groundwater level triggers and hydrologic conditions.
 - d. Annual coordination meetings and reporting between the City, UWCD, PVCWD and the Agency regarding the annual report and implementation of the MCP.
 - e. All monitoring and reporting shall be overseen and approved by a State of California Licensed Professional Geologist or Engineer.
3. The Agency, the City, UWCD, and PVCWD shall meet during March of each year ("Coordination Meeting"), and more frequently as necessary, to discuss any needed refinements to the implementation of this RW Plan, the current accounting of RWPA, and any expected limitations on the City's use of Recycled Water Pumping Allocation ("RWPA") because of Forebay water levels and then existing hydrologic conditions. As a result of these annual meetings, the Agency, the City and UWCD shall establish the locations and volume of RWPA that shall be available to the City for pumping through the following year. This provision shall

Draft March 21, 2013

not prevent the parties from meeting more frequently to consider alterations to the implementation of the RW Plan given changing hydrologic conditions.

4. Concurrently with the Coordination Meeting, the City and UWCD will provide the Agency with an annual report. The report shall include an assessment of conditions in the Forebay, Oxnard Plain and Pleasant Valley subbasins and an evaluation of any impacts directly associated with the pumping approved under the RW Plan. GMA staff will annually review and report to the Agency Board on compliance and effectiveness of this RW Plan.

5. The City shall accrue a RWPA, which allows the City to obtain groundwater in a volume and subject to the conditions provided in this Resolution.

6. The City will receive 1 acre-foot of RWPA for each acre-foot of RW use that results in 1 acre-foot decrease in groundwater pumping by RW users. Further, the City will receive RWPA only in the instance that the reduced groundwater pumping by RW users was groundwater that would have been pumped based upon a Historical Allocation or Irrigation Efficiency/Allowance Allocation.

7. For those RW users who report to the Agency using Irrigation Efficiency/Allowance Allocation, a cap of 4.0 AFY/AC will be established for Agriculture Users. [[We discussed this at our last group meeting, but did not necessarily agree to include it in this Resolution. This may not be the appropriate place or situation to introduce this limitation on ag folks in the OPUG area. It may unnecessarily create anxiety over indirect controls placed in the OPUG area without first having appropriate discussions among all the stakeholders.]]

8. No RWPA will accrue to the City for RW use that displaces groundwater pumping that would have been subject to Agency surcharges.

9. No RWPA shall accrue to the City for RW use that displaces UWCD surface water deliveries to those same users, when and if UWCD is concurrently physically not capable of diverting that volume of surface water to UWCD recharge basins because the recharge basins and the Forebay are full.

10. RW users shall not earn conservation credits on unused Historical Allocation associated with reduced groundwater pumping resulting from use of RW.

11. The City will report annually to the Agency and UWCD the quantity of RW delivered to each RW user. Prior to receipt of any RW, each RW user shall develop a protocol and format acceptable to the RW user, the Agency and the City, to account for the RW user's annual water use, including RW.

12. RW users will report their water use to the Agency on semi-annual extraction reports as required under Agency rules and procedures, and otherwise consistent with the requirements provided in Section 11 above.

13. City shall pump the RWPA from City owned wells and UWCD's O-H system.

14. Unless otherwise authorized pursuant to the Coordination Meetings, the City shall not pump its RWPA from the Forebay when water levels reach the 1991 historic low water levels (minus 120 feet below sea level, or 80,000 AF of evacuated storage) for Forebay operations. Resumption of pumping of RWPA from the Forebay shall occur pursuant to a plan authorized pursuant to the Coordination Meetings.

15. Each year's RWPA shall expire 60 months from the end of the calendar year in which the RWPA accrued. No more than a total of 25,000 AF of RWPA shall accrue and no more than 5,000 AFY will be utilized or pumped in any one calendar year under this RW Plan. However, the accrual period and maximum accrual amount shall be extended to account for any extraordinary restrictions in pumping of RWPA as may be imposed pursuant to this RW Plan. Similarly, the annual RWPA pumping limitation may be modified pursuant to the Coordination Meetings provided in this RW Plan.

16. City shall be deemed to pump its RWPA before its Historical Allocation.

17. RWPA shall have no trade, barter or exchange value. The City may not transfer or assign all or any portion of its RWPA, except to facilitate its use of the RWPA in coordination with UWCD.

18. Except as expressly provided in this Resolution, the RWPA does not create a new Agency water right or allocation.

19. Only RW users who have filed all required extraction reports with and have paid all required fees and charges due and payable to the Agency and UWCD are eligible to generate a RWPA for the benefit of the City.

20. After 2 years the RW Plan (or no later than January 1, 2016) will be evaluated for its effectiveness by all Parties. The Agency Board may reconsider and modify any provision of this Plan based upon: a) concurrently with the expiration of the "Performance Test" as provided in the RW Agreement; b) a material modification in the terms and conditions set forth in the RW Agreement, c) to make this Plan consistent with provisions of any update to the GMA Management Plan that has been approved by the Agency Board, or d) a finding by the Agency Board that the implementation of this Plan is having a material net detrimental impact on the combined water resources in the Forebay, Oxnard Plain and Pleasant Valley subbasins. The Agency shall provide a minimum of six months advance notice to the RW users before implementing any material change to this Plan.

21. Extractions associated with this Plan shall be from registered UWCD or City extraction facilities.

22. Except for the pumping of any accrued RWPA, this Resolution and the RW Plan terminate on the date in which the first 10 year term of the RW Agreement. Subsequent to the termination, the City shall pump its remaining RWPA pursuant to the terms and conditions of the RW Plan.

Draft March 21, 2013

On motion by Director _____, seconded by Director _____,
the foregoing resolution was passed and adopted on this _____, 2013.

By: _____
Lynn Maulhardt, Chair, Board of Directors
Fox Canyon Groundwater Management Agency

ATTEST: I hereby certify that the above is a true and correct copy of Resolution 2013 - -

By: _____
-----, Clerk of the Board

DRAFT