

# FOX CANYON GROUNDWATER MANAGEMENT AGENCY

A STATE OF CALIFORNIA WATER AGENCY



## BOARD OF DIRECTORS

**Eugene F. West, Chair**, *Director, Camrosa Water District*  
**David Borchard, Vice Chair**, *Farmer, Agricultural Representative*  
**Steve Bennett**, *Supervisor, County of Ventura*  
**Michael W. Mobley**, *Director, United Water Conservation District*  
**Tony Trembley**, *Councilperson, City of Camarillo*

## EXECUTIVE OFFICER

**Jeff Pratt, P.E.**

## NOTICE OF MEETING

**NOTICE IS HEREBY GIVEN** that the Fox Canyon Groundwater Management Agency (FCGMA) will hold a **TeleConference Executive Committee Meeting at 2:00 p.m. on Thursday, May 14, 2020**, in the **Atlantic Conference Room**, Ventura Government Center, Hall of Administration, Main Plaza, 800 S. Victoria Ave, Ventura, CA 93009.

**IN ACCORDANCE WITH THE CALIFORNIA GOVERNOR'S EXECUTIVE STAY AT HOME ORDER AND THE COUNTY OF VENTURA HEALTH OFFICER DECLARED LOCAL HEALTH EMERGENCY AND BE WELL AT HOME ORDER RESULTING FROM THE NOVEL CORONAVIRUS, THE HALL OF ADMINISTRATION BUILDING IS CLOSED TO THE PUBLIC. TO FIND OUT HOW YOU MAY ELECTRONICALLY ATTEND THE MEETING AND PROVIDE PUBLIC COMMENT PLEASE REFER TO "NOTICES" ON PAGE 2 OF THIS AGENDA**

## FCGMA EXECUTIVE COMMITTEE MEETING AGENDA

**May 14, 2020**

**Members:** Chair Eugene F. West  
Vice Chair David Borchard

- A. Call to Order**
- B. Introductions**
- C. Public Comment** – Audience members may speak about FCGMA-related matters not on today's Agenda.
- D. Approval of Minutes** – Approve the minutes of the February 12, 2020 Executive Committee meeting.
- E. Extraction Allocation During Transition to Water Year** – Receive a presentation from FCGMA staff on setting extraction allocation during transition months from the current reporting period to water year (July through Sept. for M&I and Domestic operators; Aug. and Sept. for Ag operators); discuss and provide feedback and recommendations for consideration at the May 27, 2020, Board meeting of an ordinance establishing transition period allocations.
- F. OPV Variance Review Committee** – Discuss and provide recommendations for establishing a variance review committee per Resolution No. 2020-03 “an applicant for a variance [in the Oxnard and Pleasant Valley Basins] seeking additional allocation related to change in crops, change in land use, or receipt of water from a water purveyor shall have the request submitted to a variance review committee representative of the groundwater extractors in the basins.”

**G. Future Agenda Items and Next Meeting Date**

**H. Adjourn the Executive Committee Meeting**

**NOTICES**

*The following information is provided to help you understand, follow, and participate in the meeting:*

*Public Comments – Public comment is the opportunity for members of the public to participate in meetings by addressing one or more agenda or non-agenda items.*

*The following options allow for public participation:*

**1. Join the Zoom Meeting as an Attendee**

*Please click the link below to join the webinar:*

<https://us02web.zoom.us/j/82882906359?pwd=eWR5amRkV3k3TEp1Vkp5cHdKYWh3Zz09>

Password: **092824**

*With this option you will be able to raise your hand, and the Clerk of the Board will give you speaking abilities to make a public comment.*

**2. Call-In to listen to the meeting:**

Telephone: 1 669 900 6833

Conference ID: 828 8290 6359

Password: **092824**

*Options 2 will not allow you to make direct speaking comments. If you wish to make a comment please follow the steps below.*

**2. If you wish to make a comment please submit your comment to the Clerk of the Board at [fcgma@ventura.org](mailto:fcgma@ventura.org). Please indicate in the Subject Line, the Agenda item number (e.g., Item No. 9). Your email will be read and placed into the record.**

*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.*

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**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 Three days before the Board meeting. Agenda packet contents are also posted on the FCGMA website as soon as possible, and*

Approved & Posted: 02/07/2020

At: Ventura County Government Center Main Entrance Bulletin Board, 800 S. Victoria Avenue, Ventura, CA

At: <http://www.fcgma.org>

*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.*

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**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.*

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**Electronic Information and Updates:** *Our web site address is <http://www.fcgma.org>. Information available online includes the Board's meeting schedule, a list of the Board members and staff, general information, and various Agency forms. If you would like to speak to a staff member, please contact the FCGMA Clerk of the Board at (805) 654-2014.*

# FOX CANYON GROUNDWATER MANAGEMENT AGENCY

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## EXECUTIVE OFFICER

**Jeff Pratt, P.E.**

## MINUTES

Minutes of the Fox Canyon Groundwater Management Agency's (FCGMA) Executive Committee Meeting held **Wednesday, February 12, 2020** in the Pacific Conference Room of the Hall of Justice, 1<sup>st</sup> Floor, Ventura, CA 93009.

### **A. Call to Order**

Chair West called the meeting to order at 10:02 a.m.

### **B. Introductions**

In attendance were: (1) Eugene West, Chair; (2) David Borchard, Vice Chair; (3) Kim Loeb, FCGMA; (4) Keely Royas, FCGMA; (5) Dolores Conlin, FCGMA; (6) Glenn Shephard, WPD; (7) Bert Perello, City of Oxnard; (8) Thien Ng, City of Oxnard; (9) Jennifer Tribo, Ventura Water; (10) Alden Broome, Broome Ranches; (11) Greg Lewis, Duda Farms; (12) Jorge Reyes, Marz Farms; (13) Tim Nicely, GS/Water Solutions.

### **C. Public Comments**

Greg Lewis asked if there was an update about the facilitation process. Mr. Loeb replied that the Agency applied to the Department of Water Resources (DWR) to fund the facilitation process, DWR and the facilitator are working on a contract and that the Agency is supposed to receive that by the end of the week. He said once it was done the Agency would bring it to the Board. Mr. Lewis asked who the Agency's contact was working with DWR. Mr. Loeb answered Jeff Pratt.

Bert Perello asked who sets the scope. Chair West stated that the facilitator sets the scope with approval from DWR.

Thien Ng asked if the Board could put on a future agenda if state water were available again, what would possibly been done to receive it. Chair West said that if there were a way to fund it, it would be great.

### **D. Approval of Minutes – July 15, 2019**

Vice Chair Borchard made a motion to approve the July 15, 2019 minutes. Chair West seconded the motion, and the motion was approved.

### **E. Approval of Minutes – October 1, 2019**

Vice Chair Borchard made a motion to approve the July 15, 2019 minutes. Chair West seconded the motion, and the motion was approved.

**F. New Pumping Allocation System Variance Request Process and Penalties**

Kim Loeb introduced the item and described that with the new Oxnard and Pleasant Valley (OPV) allocation ordinance the Agency anticipates a good deal of variance requests and needs direction on the process and penalties. He described what was discussed at the October 1, 2019 Executive Committee meeting regarding having a maximum annual penalty, what an ‘innocent’ owner is versus a new owner, and if five or more years were reported the allocation average could be calculated with the years that were reported. He also said that the penalties could be prorated and that a portion of any penalties should go toward the basin.

Mr. Loeb went through the variance portion of the OPV ordinance. He said that non-reported extractions during the base period are not really a variance, but really bringing the account into compliance. He described the proposed process for non-reported extractions for five or less years and the process for non-reported extractions for five or more years.

For non-reported extractions of five or less years, the allocation would be calculated on the average of the years reported. If an owner/operator wishes to file the years non-reported to increase the average allocation, the pumping fees, interest, and civil penalty would apply. Mr. Loeb said that because of the base period the non-reported extractions could be up to 15 years old, which would make the civil penalty amount unrealistic. To help with this he said that staff recommended a tiered penalty structure that considers how many base years missed and the size of the grower in terms of extractions. He presented a table that calculates what the civil penalties would be based on these two factors. Vice Chair Borchard fears that it would make too much work for the Agency. Chair West said that the extra work does not bother him. Mr. Loeb asked if the penalty amounts seem reasonable. Chair West said that they seem reasonable and he likes that the amounts don't accumulate from when the non-reporting occurred.

Next, Mr. Loeb described the processed for accounts that have more than five years non-reporting. He said that the burden of proof is on the applicant to prove pumping records and they could be assessed the full civil penalties of \$50 per day. Vice Chair Borchard said that it is common for a property to be purchased without verifying that reporting has been kept up. Chair West said that the more than five-year non-reporting amounts seem high and that maybe a maximum should be established.

Mr. Loeb moved on to the willful versus accidental non-reporting. Vice Chair Borchard stated that there is a large amount of fluidity in the Oxnard Basin. Mr. Loeb said that for unregistered wells all the extractions are subject to surcharges and the burden would be on the applicant to provide proof of water use. Vice Chair Borchard asked what the Agency's defense would be if the applicant claimed that they were never notified that they were in violation. Mr. Loeb responded that there were two major outreach efforts in the 1990's and 2010-2011 to get missing information. Vice Chair stated that he thinks there should be a ceiling of fees for owners who never registered. Mr. Loeb said that that issue could be brought to the full Board based on the circumstances of non-registered wells.

Mr. Loeb discussed that there are cases of extenuating circumstances. Chair West said that the concept on innocent landowner versus new landowner needs to be better defined. He asked if there are different levels on innocence. Chair West suggested to discuss other types of variance requests. Mr. Loeb said that there have been requests for variances based on a change in crops. Chair West stated that the variance request process should be different in those cases because they will affect other growers as well. Vice Chair Borchard said that before there are steep cutbacks in order to achieve sustainability, the need for projects to increase the supply will need to be implemented.

Mr. Loeb said that a similar kind of variance request is when a grower receives water from a water purveyor. Chair West said to not include those cases in the variance process, but rather have those come to the Board with the circumstances surrounding the request. Vice Chair Borchard said that he agrees that they shouldn't be part of the variance process, but if someone wants a well, they should be able to use water delivered as an allocation to pump.

Chair West said that there are administrative fees associated with processing variance requests and that the application fee does not seem like too high of an amount to require. Mr. Loeb talked about how the civil penalties should be used. He said that a portion would be used to cover administration costs. Chair West said that recovered pumping amounts should go into the operating account and civil penalties should go into a designated account for future use of increasing water supply.

Alden Broome asked who is getting the communication of the new allocation amounts. Mr. Loeb said that letters are going out to operators and owners. Mr. Broome asked what the confidence is in the database records. Mr. Loeb said that the confidence is high, but that there is always human error. Mr. Broome said that getting the letters out the sooner the better.

Bert Perello had a question about the dates on the proposed penalty chart. Mr. Loeb said that they are arbitrary dates to show amounts.

Greg Lewis asked what the allocation letter would include. Mr. Loeb explained what would be included in the letters. Mr. Lewis said that he was glad the letters were going out soon so growers could plan for the fall. He asked if there were enough staff to handle variance requests because he believes many will be many with extenuating circumstances. He said that he hopes that if variance requests granted increases allocation, then it directly affects the sustainable yield.

Chair West said that he likes the idea of the Agency having a series of workshops.

Thien Ng asked if the owner doesn't want the extra allocation, would the penalty fees still apply. Chair West answered that technically, yes, the fees still apply if they are in noncompliance of agency ordinance code.

**G. New Advisory Committee(s)**

Mr. Loeb discussed the background of what the Board instructed the Executive Committee to establish the criteria of what the new advisory committee would look like. Vice Chair Borchard asked what staff envisions. Mr. Loeb stated that he thinks at the least there needs to be members from different sectors to give input on replenishment fees, project evaluation, and basin optimization. He said that the Agency thought that these would be appointed positions or at least the Board would approve a selection of appointments.

Thien Ng said that he thinks that basin optimization is most important and that a lot of time needs to be devoted to that. He also suggested that the Board members alternates chair the committees.

Greg Lewis stated that he thinks committees are a great idea whether it is one or several He said that there needs to be members who understand the way water moves throughout the basins. He said that he thinks that there needs to be multiple small committees to address the different areas.

Chair West suggested having two committees, implementation planning groups, one for Oxnard and Pleasant Valley (OPV) and one for Las Posas. He said that it needs to be stakeholder driven with possibly hydrogeologists and engineers as resources, tasking each group with the best way to implement the Groundwater Sustainability Plans (GSPs). He is thinking that the time limit should be a couple of years. He said that he likes the idea of Alternates chairing the committees and having possibly five seats per committee. Vice Chair Borchard said that he had nothing to add.

Chair West asked for an idea to best solicit members.

Jennifer Tribo stated that first it needs to be decided what type of groups they are going to be. For example, Ag and M&I. she said to first decided that and then put it back on those categories of stakeholders to select the members for each.

Chair West stated that maybe the alternates chair the opposite area that they are directly involved in.

Greg Lewis said that he doesn't think that there will be an issue finding people to sit on the committees.

Alden Broome stated the he thinks the committees should have more responsibility and their recommendations to the whole Board be taken more seriously under consideration.

**H. Future Agenda Items and Next Meeting Date**

Was not discussed.

**I. Adjourn the Executive Committee Meeting**

Chair West adjourned the Executive Committee meeting at 12:01 p.m.

Submitted by:

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Keely Royas  
Clerk of the Board

# FOX CANYON GROUNDWATER MANAGEMENT AGENCY



## MEMORANDUM

**Date:** May 14, 2020  
**To:** Executive Committee  
**From:** Kim Loeb, Groundwater Manager *KRL*  
**Subject:** Item E – Extraction Allocation During Transition to Water Year

The Sustainable Groundwater Management Act (SGMA) requires reporting on a water-year basis (October through September). The Agency Board adopted an ordinance establishing a new extraction allocation system for the Oxnard and Pleasant Valley Basins beginning October 1, 2020. The Board intends to adopt new allocation ordinances for the Arroyo Santa Rosa Valley and Las Posas Valley Basins also beginning October 1, 2020. The current Agency extraction and allocation reporting period ends June 30, 2020 for Municipal and Industrial (M&I) and Domestic Operators, and July 31, 2020, for Agricultural Operators.

Under Emergency Ordinance E, all Agricultural Operators' extraction allocations are based on Annual Efficiency Allocation from August 1 through July 31. M&I Operators' allocation is based on Temporary Extraction Allocation (TEA) reported on a calendar year. Domestic Operators also report on a calendar year with allocations based on Agency Ordinance Code Historical or Baseline Allocation. The Agency must adopt allocations for the transition months of August and September 2020 for Agricultural Operators and prorate the annual extractions for M&I and Domestic Operators through September 30, 2020.

One of the principal challenges to establishing transition period allocations, especially for Agricultural Operators, is that extractions vary significantly over the year and the August-September transition period is a time of intensive irrigation. Comparison of typical extractions during the transition period compared to the overall year provides a good indication of the portion of annual allocation used during this time. Agricultural Operators were required to install AMI and report monthly extractions in 2019 which provides these data. M&I Operators were not required to install AMI until October 1, 2019; however, larger urban water suppliers are required to report their monthly potable water production to the State Water Resources Control Board and these data are available for the cities of Camarillo, Oxnard, Port Hueneme, and Ventura, and Ventura County Waterworks District No. 1. Data after September 2018 are not available at the State Board website for Camrosa Water District.

Staff analyzed agricultural AMI data for 2019. Fully commissioning AMI installations has been an ongoing effort and AMI data was not yet fully reliable for all of the agricultural wells. The analysis was limited to wells with verifiable AMI data during calendar-year 2019. The analysis shows the majority of agricultural wells analyzed extracted 30% or less of annual extractions, and 89% of the wells extracted 35% or less during August and September (Figure 1). About 11% of the agricultural wells analyzed may have extracted more than 35% during this time.

Staff analyzed the monthly urban water supplier production reported to the State Board by M&I Operators in the Fox Canyon area. While the "production" data reported to the State Board includes both groundwater extraction and imported water, the groundwater extraction portion should follow the trend of total water each month. This analysis shows that M&I Operators typically used between 75% and 76% of their total annual potable water production in January through September 2019 (Figure 2).

Staff recommends that allocations for the transition period be established to allow groundwater extractions that would have been allowed under the current extraction ordinance. Additionally, these short-term allocations should be straightforward to understand and administer. Based on the analyses, staff recommends:



1. Extraction allocation for Agricultural Operators for the two-month transition period of August and September 2020 be set at 35% of each operator’s Crop Year 2019/2020 efficiency allocation.
2. Extraction allocation for M&I Operators for January 1 through September 30, 2020, be set at 76% of the operator’s 2020 TEA.
3. Extraction allocation for Domestic Operators for January 1 through September 30, 2030, be set at 76% of the operator’s Historical or Baseline Allocation, as applicable.
4. A simplified variance process be established for operators to provide evidence of different usage during the transition period.

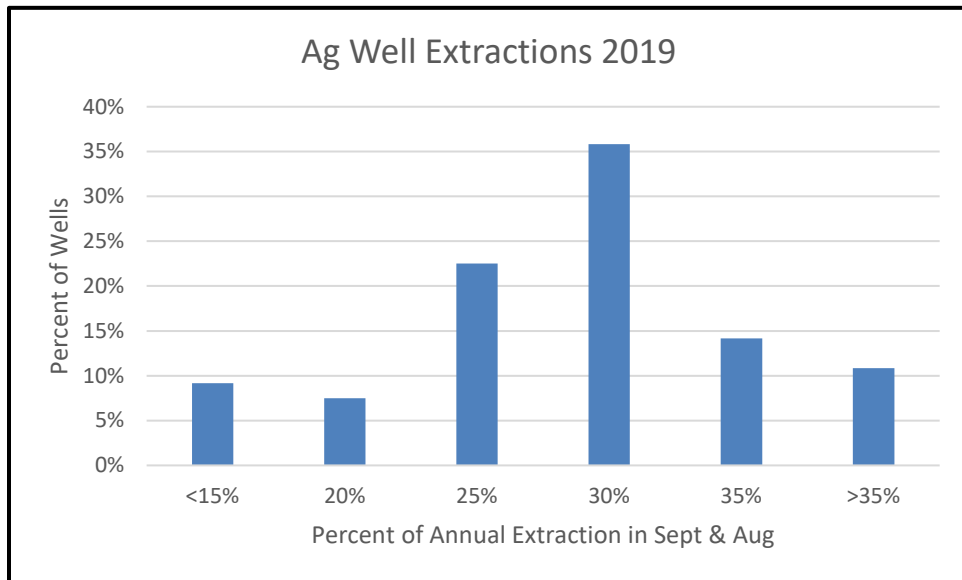


Figure 1

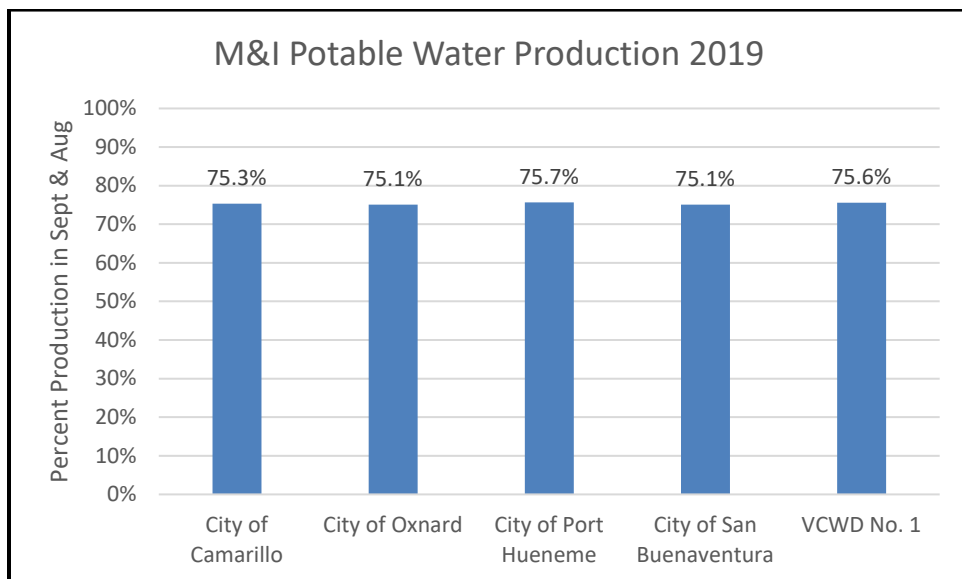


Figure 2

# FOX CANYON GROUNDWATER MANAGEMENT AGENCY



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Under Emergency Ordinance E, all Agricultural Operators' extraction allocations are based on Annual Efficiency Allocation from August 1 through July 31. M&I Operators' allocation is based on Temporary Extraction Allocation (TEA) reported on a calendar year. Domestic Operators also report on a calendar year with allocations based on Agency Ordinance Code Historical or Baseline Allocation. The Agency must adopt allocations for the transition months of August and September 2020 for Agricultural Operators and prorate the annual extractions for M&I and Domestic Operators through September 30, 2020.

One of the principal challenges to establishing transition period allocations, especially for Agricultural Operators, is that extractions vary significantly over the year and the August-September transition period is a time of intensive irrigation. Comparison of typical extractions during the transition period compared to the overall year provides a good indication of the portion of annual allocation used during this time. Agricultural Operators were required to install AMI and report monthly extractions in 2019 which provides these data. M&I Operators were not required to install AMI until October 1, 2019; however, larger urban water suppliers are required to report their monthly potable water production to the State Water Resources Control Board and these data are available for the cities of Camarillo, Oxnard, Port Hueneme, and Ventura, and Ventura County Waterworks District No. 1. Data after September 2018 are not available at the State Board website for Camrosa Water District.

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2. Extraction allocation for M&I Operators for January 1 through September 30, 2020, be set at 76% of the operator’s 2020 TEA.
3. Extraction allocation for Domestic Operators for January 1 through September 30, 3030, be set at 76% of the operator’s Historical or Baseline Allocation, as applicable.
4. A simplified variance process be established for operators to provide evidence of different usage during the transition period.

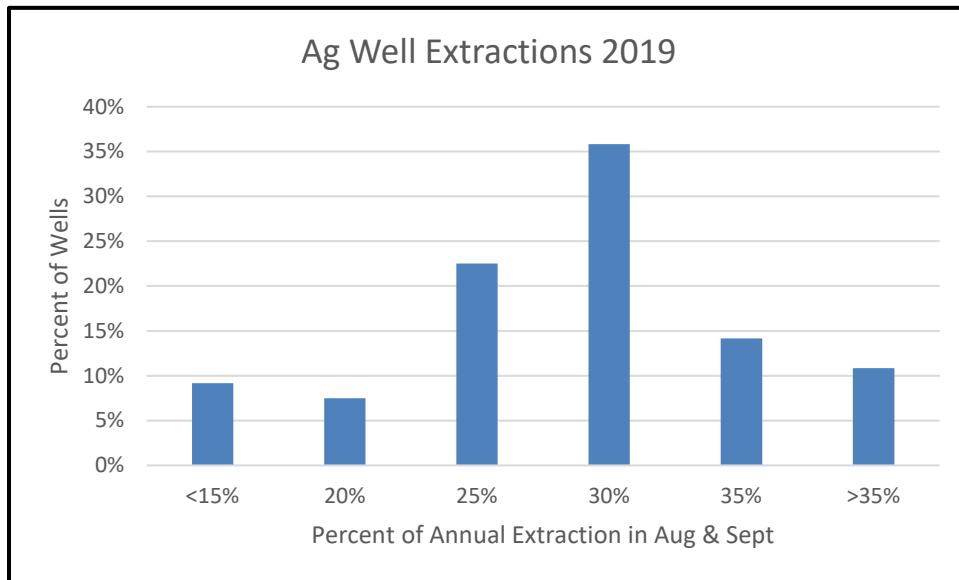


Figure 1

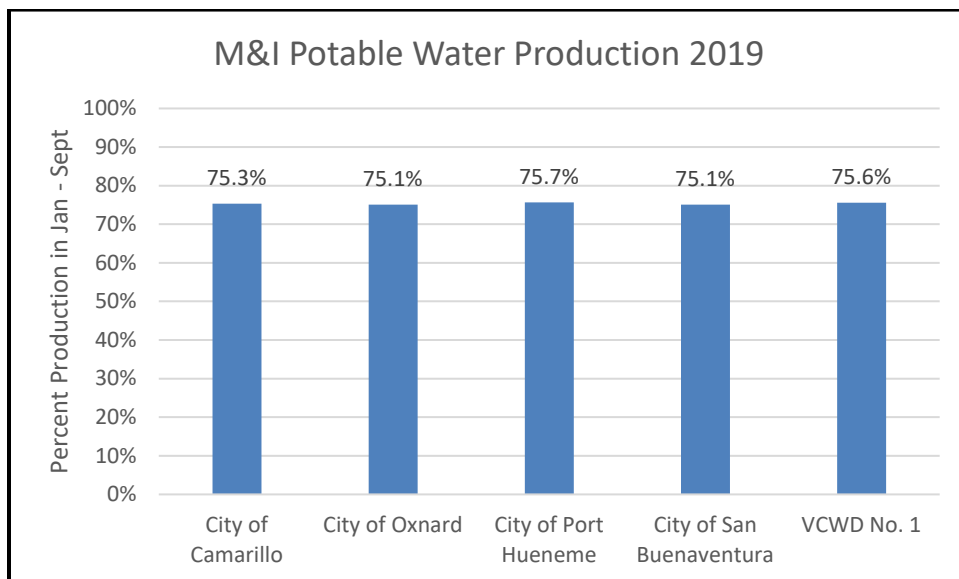


Figure 2

# FCGMA Executive Committee Meeting

May 14, 2020



## **E. Extraction Allocation During Transition to Water Year**

# Background

- SGMA requires reporting on a water-year basis
- Board adopted new allocation ordinance for Oxnard & PV Basins effective Oct. 1, 2020
- Board intends to adopt new allocation ordinances for LPV & ASRV Basins also effective Oct. 1, 2020

# Current Allocations & Reporting Periods

- Ag Operators
  - Emergency Ordinance E Annual Efficiency Allocation (aka IAI)
  - Aug. 1, 2019, through July 31, 2020
- M&I Operators
  - Emergency Ordinance E Temporary Extraction Allocation (TEA)
  - Jan. 1, 2020, through Dec. 31, 2020
- Domestic Operators
  - Agency Ordinance Code Historical or Baseline Allocation
  - Jan. 1, 2020, through Dec. 31, 2020

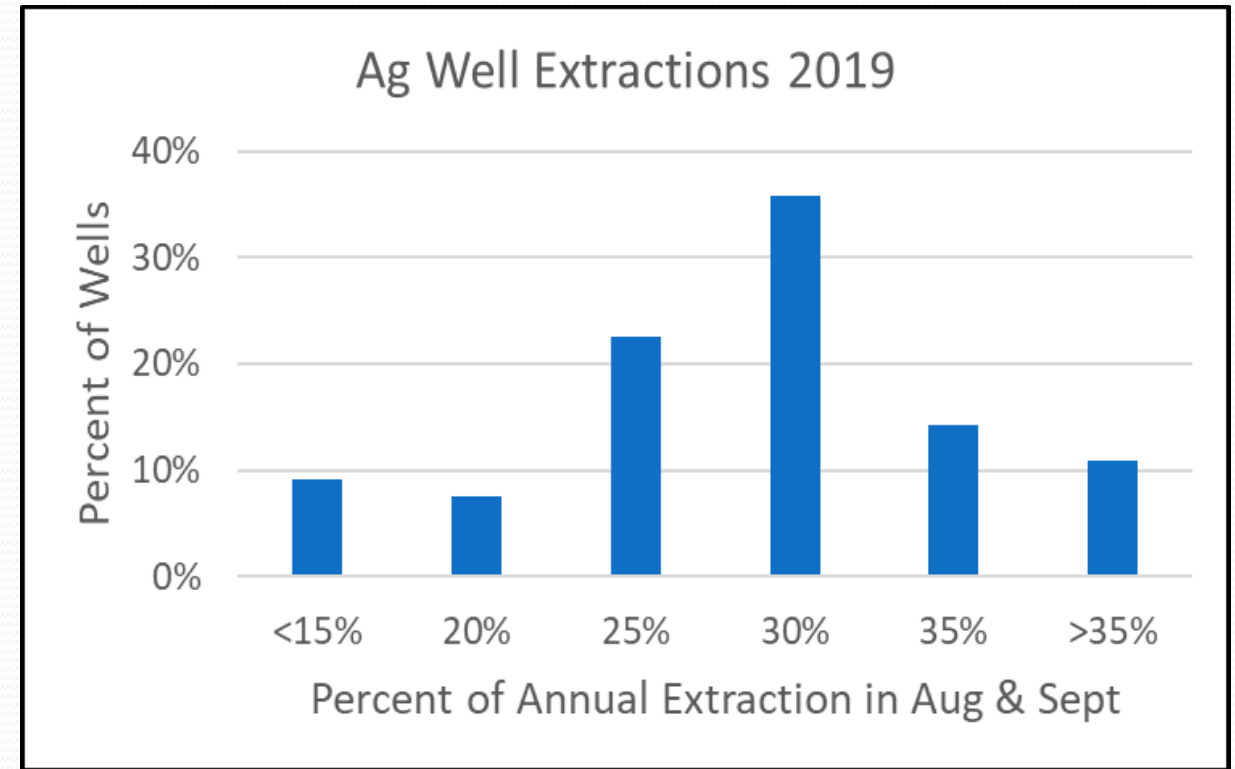
# Need to Transition to Water Year Reporting

- For Ag Operators – need allocation for two-month gap between end of current reporting year (July 31) and start of new allocation (Oct. 1)
- For M&I and Domestic Operators – need to prorate current reporting year from current ending on Dec. 31 to Sep. 30
- Goal is to establish allocation to allow groundwater extractions that would have been allowed under current ordinance



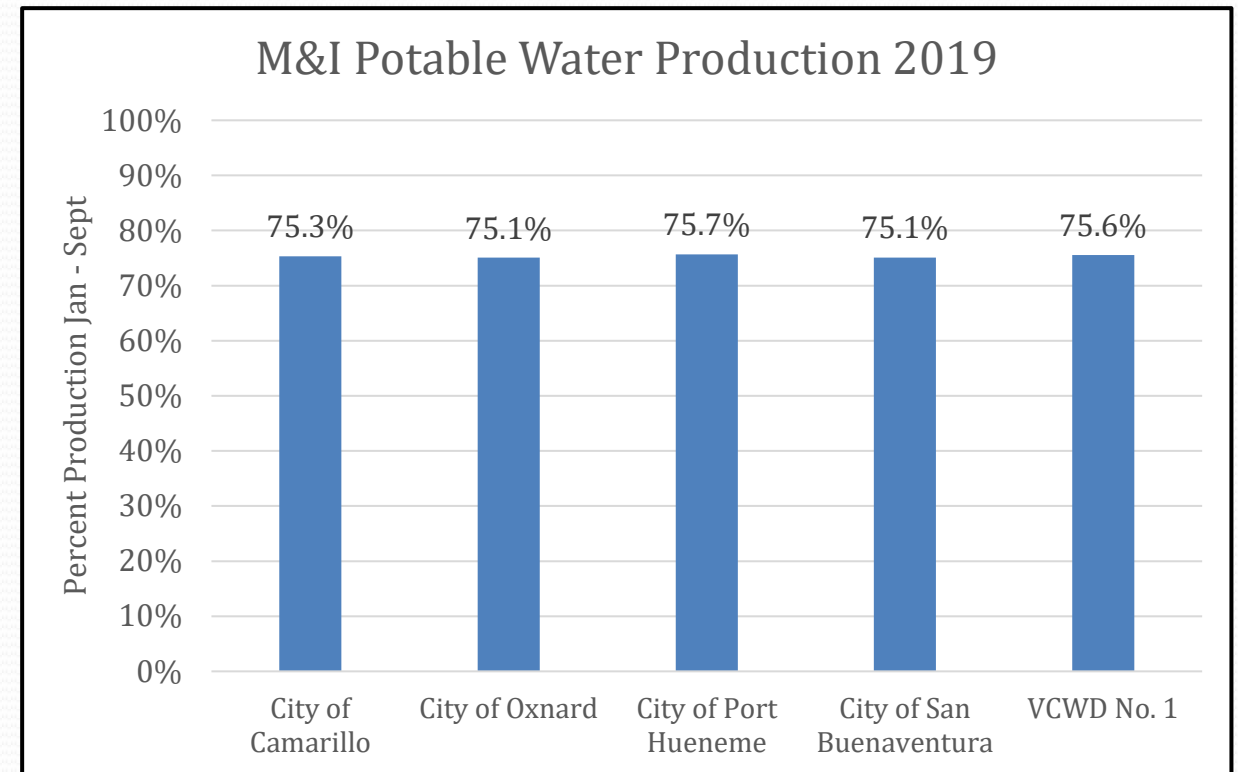
# Agricultural Operators

- Ag well extractions vary significantly over the year
- Aug. and Sept. are peak irrigation months
- Monthly AMI data for calendar year 2019 analyzed for portion of extractions during Aug. and Sept.
- 89% of wells analyzed extracted 35% or less of total year in Aug. and Sept.



# M&I Operators

- AMI not required until Oct. 1, 2019
- Monthly potable production reported to State Water Board
- Analysis shows M&I Operators typically used between 75% and 76% of total annual water production from Jan. – Sept.



# Recommendations

1. Extraction allocation for Ag Operators for the two-month transition period of Aug. & Sept. 2020 be set at 35% of each operator's Crop Year 2019/2020 efficiency allocation
2. Extraction allocation for M&I Operators for Jan. 1 through Sept. 30, 2020, be set at 76% of the operator's 2020 TEA
3. Extraction allocation for Domestic Operators for Jan. 1 through Sept. 30, 2030, be set at 76% of the operator's Historical or Baseline Allocation
4. Establish a simplified variance process for operators to provide evidence of different usage during the transition period

## **F. OPV Variance Review Committee**

# Resolution 2020-03

## Section 3. Other Variance Requests

An applicant for a variance seeking additional allocation related to change in crops, change in land use, or receipt of water from a water purveyor shall have the request submitted to a variance review committee representative of the groundwater extractors in the basins. The recommendation of the committee shall be provided to the Board for its consideration of the variance request.

# Committee Selection

- Staff plans to send out solicitations seeking interest in serving on committee
- Executive Committee recommendations for:
  - Size of committee
  - Structure of committee  
("representative of the groundwater extractors in the basins")
  - Process for selection and appointment