

Fox Canyon Groundwater Management Agency

EXECUTIVE COMMITTEE

**Full Agenda Packet
of
July 15, 2016**



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*
Eugene F. West, *Director, Camrosa Water District*

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 at 1:00 p.m. on Friday, July 15, 2016** in the **Mediterranean Conference Room, 3rd Floor** of the Ventura County Government Center, Hall of Administration Building, at **800 South Victoria Avenue, Ventura, California.**

FCGMA EXECUTIVE COMMITTEE MEETING AGENDA July 15, 2016

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 January 21, 2014 Executive Committee meeting.
- E. **Brackish Groundwater Pumping Policy** – Review draft Brackish Groundwater Pumping Policy and provide recommendation to Board regarding implementation of the policy which criteria for evaluating and approving projects for the pumping and treating of poor quality groundwater.
- F. **Pumping Issue in the Outcrop and Expansion Areas** – Request Board direction regarding processing of well applications submitted by grandfathered water purveyors operating in the Las Posas Basin.
- G. **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 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.*

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Dr. Michael Kelley, *Director, Zone Mutual Water Company*

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MINUTES

Minutes of the Fox Canyon Groundwater Management Agency's (FCGMA) Executive Committee meeting held **Tuesday, January 21, 2014** in the Atlantic Conference Room, Main Level Plaza of the Ventura County Government Center, Hall of Administration, 800 South Victoria Avenue, Ventura, California.

- A. Call to Order** – The meeting commenced at 3:01 p.m.
- B. Introductions** – In attendance were: (1) Lynn Maulhardt, FCGMA Executive Committee Chair; (2) Charlotte Craven, FCGMA Executive Committee Co-Chair; (3) Gerhardt Hubner, WPD, Deputy Director; (4) Kathleen Riedel, Groundwater Specialist; (5) Rick Viergutz, Groundwater Manager; (6) Jessica Rivera, FCGMA Interim Clerk of the Board; (7) Alberto Boada, Agency Counsel; (8) Jessica Kam, FCGMA Clerk of the Board; (9) Robert Eranio, Crestview Mutual Water Company (CMWC) and Las Posas Users Group (LPUG); (10) Daryl Smith, grower; (11) Ian Prichard, Camrosa Water District (Camrosa); (12) Tony Stafford, Camrosa; (13) Bryan Bondy, Calleguas Municipal Water District (CMWD); (14) Bob Krimmer, Pleasant Valley County Water District (PVCWD); (15) Rob Saperstein, Oxnard; (16) Henry Graumlich, CMWD; (17) William A. Miller, grower; (18) Carol Schoen, Zone Mutual Water Company (ZONE); (19) Frank Brommenschenkel; (20) Lucia McGovern, City of Camarillo; (21) Mike Solomon, United Water Conservation District (UWCD); and (22) Glen Carmichael.
- C. Public Comments** – Chair Maulhardt welcomed back Mr. Rick Viergutz, WPD, Groundwater Manager, and Ms. Jessica Kam was introduced as the new FCGMA Clerk of the Board.
- D. Meeting Minutes** - The Executive Committee approved the minutes from the November 15, 2013 meeting.
- E. Application for Well Permit, Carmichael Property**
- Item E was requested to be heard after Item F. Ms. Kathleen Riedel, Groundwater Specialist, introduced this item and provided a brief presentation. She reviewed: (1) the Carmichael property map; (2) a map of the proposed area for irrigation; (3) aerial photographs; and (4) provided an analysis of the current and proposed acreage.

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There was a brief discussion regarding the correct number of proposed total acres as part of the well permit. The second and third columns reporting the irrigated acres as of 2012 and the proposed additional increase in irrigated acres not equaling 225 acres. Mr. Robert Eranio requested the information for LPUG and Ms. Riedel informed him that she would work with Mr. Glen Carmichael to revise the table before sending it to LPUG. Ms. Riedel clarified that the well permit application was for 225 acres (including current and proposed acres).

Ms. Riedel continued her presentation with a discussion on the unusual factors within the application and raised threshold questions regarding farming in the outcrop, groundwater use in the expansion area, and the important considerations that would need to be addressed before the permit could be approved.

Discussions ensued concerning Mr. Carmichael's topography, limited farmable areas, and his shares with his water purveyor Del Norte Water Company (DNWC). According to Mr. Carmichael, he is unable to utilize 50-60% of his shares because of limitations within DNWC's bi-laws; however, if the permit was approved, he still planned to receive water from DNWC and use the well as a back-up.

Chair Maulhardt provided background on the Ordinance and discussed his concerns with the expansion area. Mr. Carmichael inquired if his application would be approved if he could show no net detriment. Chair Maulhardt responded that the decision would need to take water quality (runoff, pesticides, etc.), not just water quantity, into consideration. Director Craven recommended that Mr. Carmichael communicate with DNWC before moving forward with Agency staff.

Chair Maulhardt and Director Craven suggested Mr. Carmichael meet with Agency staff to define what was needed and concluded the application would require significant review by Agency staff, who would need to refer to the Ordinance Code to approve or deny the permit.

F. Conejo Creek Project, Proposed Agreement Between Pleasant Valley (PV) County and Camrosa Water Districts and Consideration of a FCGMA Resolution to Provide Credits

Item F was heard prior to Item E as applicant had not yet arrived to the meeting.

Mr. Gerhardt Hubner, WPD, Deputy Director, introduced this item and provided a brief presentation. He reviewed the specific request and highlighted photos of the Conejo Creek Project facilities. He confirmed that the blue line running North/South represented the Calleguas Creek. He reviewed: (1) previous agreements and approvals; (2) similarities and contrasts between the agreements; and (3) discussed the major tenants of the agreement.

He reviewed Mr. Steve Bachman's impact analysis and discussion ensued regarding the origin of credits and where a new well would go in relation to the existing Camrosa Woodcreek well. Mr. Hubner reviewed the benefits to both parties, policy implications and options for consideration. He concluded his presentation by recommending the Committee proceed to the Board with a Draft Resolution with conditions.

Mr. Tony Stafford, Camrosa Water District, provided a short presentation reviewing the Agreement with Thousand Oaks, possibility of establishing an Agreement with Pleasant Valley or using excess water from the Santa Rosa basin, and noted the key decision element pertained to credits and/or pumping allocation to Camrosa. He discussed Camrosa's offer of a 5 year sunset clause, what would happen if the GMA did not approve this agreement and noted Calleguas' and Pleasant Valley's Agreement would terminate once Camrosa and Pleasant Valley had established an Agreement.

Discussions ensued regarding revising the term "credit" to "pump back authorizations", developing a methodology to quantify the reduction of pumping to water levels and providing an operational condition report. In addition, concerns were discussed regarding a clear definition that the pump backs were not redeemable in the boundaries of the GMA or Oxnard Plain. Chair Maulhardt stated Alberto Boada, Agency Counsel, and Agency staff would need to think about the issue of outside entities thinking they have "credits" on the books; and that to solve this potential issue would be to have the GMA act as the bookkeeper to transfer the "credits" or "pump backs" from Pleasant Valley to Camrosa. He recommended that this be built into the Agreement to guarantee the "pump backs" would stay between Pleasant Valley and Camrosa, as the GMA would not sell, trade or transfer to any other entity.

Discussions then ensued concerning a sunset requirement. Mr. Hubner stated Agency staff felt it necessary to have a sunset agreement or operational policy for that area to protect the aquifer. Chair Maulhardt leaned away from a sunset clause but agreed an operational plan was viable and would need to be submitted to the GMA for review to ensure the aquifer was being protected.

The Committee directed Agency staff to remove the word "credit" and create a term that represented the authorization to pump-back. In addition, the Committee requested that Camrosa quantify their pumping procedures and present the Board with their operational methodology/plan that would create a closed loop system, including: (1) how they will monitor the aquifer levels; (2) when they will implement drawn-down limits and pumping; (3) identify triggers; and (4) an agreeable timeline (i.e. every 10 years) to brief the Board on their progress. The proposed agreement should also state that the credits are "*not redeemable, transferrable, etc. within the boundaries of the Agency or Oxnard Plain.*" He instructed Agency staff to provide Mr. Stafford with timelines for the February and March 2014 Board meetings.

G. Adjourn the Executive Committee Meeting

Chair Maulhardt adjourned the Executive Committee meeting at 4:47 p.m.

Submitted by:



Erin Rodgers
FCGMA Clerk of the Board

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July 15, 2016

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

SUBJECT: BRACKISH GROUNDWATER PUMPING POLICY - (Returning Item)

RECOMMENDATION: Review draft Brackish Groundwater Pumping Policy and provide recommendation to Board regarding implementation of the policy which criteria for evaluating and approving projects for the pumping and treating of poor quality groundwater.

BACKGROUND:

At the January 27, 2016 Board meeting, staff was directed to prepare a policy to provide groundwater-pumping authorization for projects utilizing brackish groundwater for new water supply. Your Board has directed staff to revise the policy to ensure consistency with the Sustainable Groundwater Management Act (SGMA) and to consider comments and suggestions from stakeholders provided in writing and verbally during the Board meeting.

DISCUSSION:

Attachment 1 is the revised Brackish Groundwater Pumping Policy, key revisions include:

- FCGMA Executive Officer will recommend approval of the Monitoring and Contingency Plan to your Board as part of the approval process;
- Project proponent must include an analysis of existing users and uses on the brackish groundwater;
- Project proponent must describe distribution plan for the water and include any agreements associated with the plan;
- The Monitoring and Contingency Plan must be reevaluated every five years;
- Policy suggests that your Board may consider additional replenishment fee as part of project approval; and
- Additional references to SGMA compliance.

The revised policy was posted on the FCGMA website to solicit comments from stakeholders. Additionally, a meeting was held on June 29, 2016 with several stakeholders to further discuss and refine the draft policy. These stakeholders expressed several concerns that have not yet been addressed:

- Measurable objectives and action triggers associated with the project may not be compatible with the sustainability indicators, measurable objectives, and interim milestones associated with the Groundwater Sustainability Plan. This could lead to the project being inconsistent with the GSP.

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The stakeholders believe it would be very difficult for the Board to remove pumping authorizations at that time if pumping is still consistent with the monitoring and contingency plan;

- It may be difficult for proponents to clearly articulate the purpose of the project;
- The policy does not discuss water rights; and
- If additional replenishment fees are charged they should be based on requirements of the GSP;

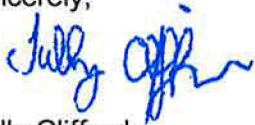
The revisions to the draft policy have met the direction of your Board. The policy as written does not provide the project proponent with any other authorizations. They must still follow typical procedures and receive authorization for items such as well drilling, distribution systems, distribution area, and more. Staff believes the policy and procedures should provide many opportunities for stakeholders to participate as projects are considered by your Board.

CONCLUSION:

Approval of a policy for the development of brackish groundwater supply projects provides a framework for project proponents to follow to ensure conformance with FCGMA ordinances, resolutions, and practices and conformance with requirements under the SGMA. It provides stakeholders with a better understanding of FCGMA requirements for project approval. The policy should provide access to the brackish groundwater resource for the project, as long as pumping does not result in undesirable results. The Executive Committee is requested to review the policy and make recommendations to the Board.

This letter has been reviewed by Agency Counsel. If you have any questions, please call me at (805) 654-2040.

Sincerely,



Tully Clifford
Assistant Executive Officer

- Attachment:
1. Draft Brackish Groundwater Pumping Policy (E1)
 2. Brackish Groundwater Flow Chart (E2)

DRAFT BRACKISH GROUNDWATER PROJECT PUMPING POLICY

Policy Statement

The Fox Canyon Groundwater Management Agency (FCGMA) Board may authorize groundwater pumping for supply projects utilizing brackish groundwater, subject to the constraints and restrictions of an approved monitoring and contingency plan and the requirements under the Sustainable Groundwater Management Act (SGMA).

Reason for the Policy

A policy for the development of brackish groundwater supply projects provides a framework for project proponents to follow to ensure conformance with FCGMA ordinances, resolutions, and practices and conformance with requirements under the SGMA. It also provides stakeholders with a better understanding of FCGMA requirements for project approval. The policy should provide access to the brackish groundwater resource for the project, as long as pumping does not result in undesirable results.

Procedure Overview

The project determination flowchart, attached, provides the initial guidance as to whether or not a project is eligible for consideration under the brackish groundwater pumping policy. Project proponents must be able to technically support their responses as they proceed through the flowchart. Preference will be given to projects with a regional purpose/benefit.

The Board may determine that project proponents be required to pay additional replenishment fees over and above any fees already levied by the Agency depending on the purpose/purposes of the project. This fee may be levied on all extractions over and above an existing allocation.

This policy may consider authorizations for pumping, without additional replenishment fees, for projects associated with, and for which there is no viable alternative:

- Providing emergency water source;
- Improving water quality; or
- Regulatory compliance;

The above options may be restricted in duration until such time as viable alternatives exist.

This policy may consider authorizations for pumping, with additional replenishment fees, for projects associated with:

- Risk reduction (reliability);
- Economics (cost savings, rate stabilization, etc.);
- Supply export/profit;

- Water market;
- Offsetting other water source such as State Water;
- Expansion of use; or
- New use.

The policy does not provide proponents with the opportunity to circumvent the requirements of SGMA. Any pumping authorized under this program must be in compliance with SGMA and be subject to regular review and revision as necessary.

The project proponent must prepare a proposal complete with a proposed pumping quantity, project life, and a monitoring and contingency plan associated with the pumping. To maintain the integrity of the groundwater basin there needs to be specific constraints and conditions placed on the brackish groundwater project to ensure adequate resources are available for the beneficial uses and users of the groundwater, without undesirable results.

The monitoring and contingency plan must include action triggers that essentially ramp down pumping until conditions have returned to an acceptable level. Action triggers should be consistent with, but not limited to, the sustainability indicators in the SGMA regulations. This should enable the allocations to work seamlessly with the sustainability goal(s) and allocation systems identified through the Groundwater Sustainability Plan.

Once all technical analyses have been completed and an acceptable monitoring and contingency plan has been developed, staff will prepare a report to the FCGMA Board requesting the pumping authorization for the brackish groundwater project. The monitoring and contingency plan is subject to review and revision every five years.

Project proponents not meeting the requirements of the monitoring and contingency plan will have their pumping authorization cancelled by the FCGMA Executive Officer and reported to the Board. If pumping continues it will be subject to extraction surcharges immediately.

Project proponents requesting an extension of the project life must undertake an analysis of the underlying groundwater conditions supporting the project, update the monitoring and contingency plan, suggest the desired groundwater extraction, and request a specific time extension from the FCGMA Board.

Responsibilities

Project Proponent

The project proponent must complete a project proposal which includes:

- Project description;
- Proposed project brackish groundwater extractions;
- Substantiation/definition of brackish groundwater;

- Project life;
- Water use analysis (all users and uses);
- Description of proposed water distribution;
- Preparation of a groundwater study to demonstrate no undesirable results to the groundwater basin due to groundwater extractions associated with the project;
- Preparation of a monitoring and contingency plan associated with the groundwater extractions;
- Compliance with the requirements under the California Environmental Quality Act (CEQA);
- All agreements associated with the proposal; and
- Detailed review of project compliance with the requirements under the SGMA.

The above mentioned monitoring and contingency plan must:

- Identify undesirable results as defined below, per the SGMA;
- Identify minimum thresholds with respect to undesirable results;
- Identify measurable objectives (action triggers) and associated mitigation with respect to undesirable results;
- Specify monitoring and reporting program; and
- Be reviewed and resubmitted every five years, or sooner if directed by the FCGMA Board

FCGMA Staff

The FCGMA Executive Officer recommends approval of an acceptable project monitoring and contingency plan, and subsequent resubmissions of the plan.

FCGMA Board

The FCGMA Board may authorize pumping for supply projects utilizing brackish groundwater, subject to the constraints and restrictions of an approved monitoring and contingency plan, any conditions consistent with the purpose of this policy, and compliance with the SGMA.

Definition of Terms

Brackish Groundwater – Groundwater which includes total dissolved solids (TDS) greater than 1,000 mg/Liter and exceeds Regional Water Quality Control Board Basin Plan Objectives for TDS and/or chloride with limited beneficial use. This does not include groundwater subject to seawater intrusion.

Monitoring and Contingency Plan –The plan prepared to identify and mitigate the undesirable results associated with the groundwater extractions of the brackish groundwater project. The components of the monitoring and contingency plan must be measurable, with associated actions identified. For example, the plan may include measurable objectives, such as

groundwater levels, and the associated action, such as stepped pumping reductions when a trigger/action level is reached.

Project Proponent – The local agency or organization responsible for the design, funding, and implementation of the proposed brackish groundwater supply project.

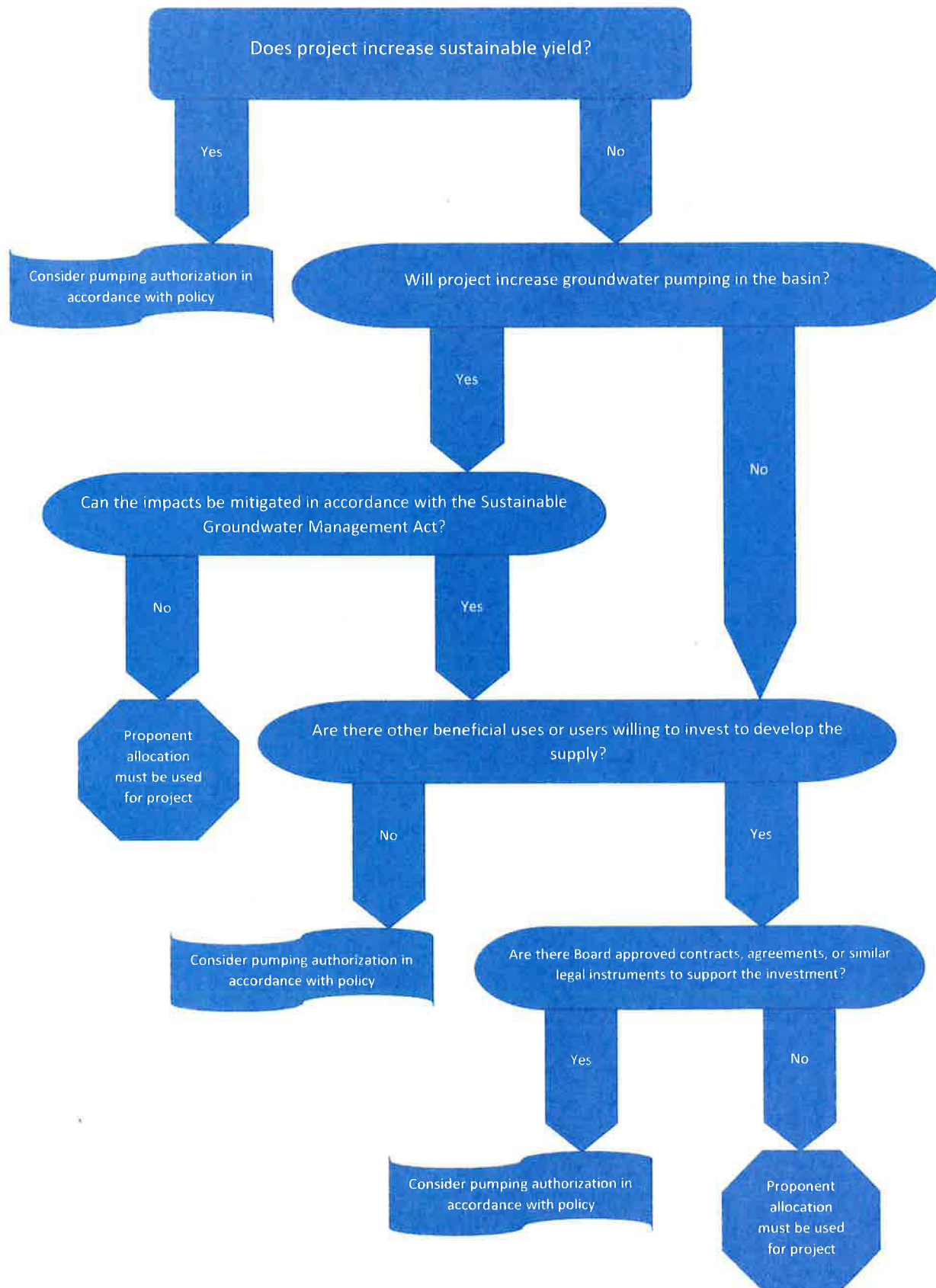
Supplemental Water – groundwater not currently used or allocated for use for beneficial users or uses which adds to the volume of water available for allocation within the basin.

Undesirable Results – One or more of the following effects caused by groundwater conditions occurring throughout the basin, or within critical portions of the basin:

- 1) Chronic lowering of groundwater levels indicating a significant and unreasonable depletion of supply if continued over the planning and implementation horizon.
- 2) Significant and unreasonable reduction of groundwater storage.
- 3) Significant and unreasonable seawater intrusion.
- 4) Significant and unreasonable degraded water quality, including the migration of contaminant plumes that impair water supplies.
- 5) Significant and unreasonable land subsidence that substantially interferes with surface land uses.
- 6) Depletions of interconnected surface water that have significant and unreasonable adverse impacts on beneficial uses of the surface water.
- 7) Significant and unreasonable impact on recharge to other downgradient basins or areas.
- 8) Significant and unreasonable impact on production of adjacent wells.

Attachment: Brackish Groundwater Pumping Policy – Project Determination Flowchart

Brackish Groundwater Pumping Policy – Project Determination Flowchart



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**SUBJECT: REQUEST BOARD DIRECTION REGARDING PROCESSING OF WELL APPLICATIONS
SUBMITTED BY GRANDFATHERED WATER PURVEYORS OPERATING IN THE LAS
POSAS BASIN – (New Item)**

RECOMMENDATIONS: (1) Hear a presentation on policy issues confronting staff in processing applications for new or replacement extraction facilities in the Las Posas Basin; and (2) provide staff with direction for processing those applications.

BACKGROUND:

Two purveyors in the Las Posas Basin are seeking permits for replacement wells. Both purveyors have service areas that include land outside of the Fox Canyon Groundwater Management Agency (FCGMA) and were granted "grandfathered" status by your Board on the basis that both were in existence prior to the formation of FCGMA. Applications from La Loma Ranch Mutual Water Company (LLRMWC) and Del Norte Mutual Water Company (Del Norte MWC) were reviewed for compliance with the Ordinance Code, and Emergency Ordinance E, as described in the following paragraphs.

Ordinance Code, Chapter 4

Beginning in 1987, the Board began adopting a series of ordinances intended to limit groundwater use in the Expansion Area, located north of the Las Posas Basin. Chapter 4 of the Ordinance Code contains the current rules for groundwater use in this portion of FCGMA's territory. As pertinent here, section 4.2.1.1 provides that a permit must be obtained prior to:

- initiating any new or increased use of groundwater in the Expansion area; or
- constructing a new or replacement extraction facility in the Las Posas Basin.

In order to grant a permit, the Executive Officer must find that the proposed groundwater use will result in no net detriment to the Las Posas Basin by determining that:

- The Las Posas outcrop is not exposed to potential degradation of water quality of any type;
- Recharge to the Las Posas Basin from the Las Posas outcrop is not diminished;
- 4.2.1.3.3. "Neither baseline nor efficiency allocation will be used, directly or indirectly, to support groundwater use on the Expansion Area;
- No groundwater will be exported beyond the Expansion Area; and
- Proposed extractions will not interfere with attainment of basin management objectives or implementation of management strategies for the Las Posas Basin.

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Chapter 5 of the Ordinance Code - Annual Efficiency Allocation

Chapter 5 of the Ordinance Code allows use of an efficiency allocation when historical allocation is insufficient for agricultural operation. Per Section 5.6.1.2.1., “An Efficiency Allocation may be used when no historical allocation exists or when the historical allocation is not sufficient for the crop being grown. AND an historical allocation shall not be used in conjunction with an efficiency allocation.” Per Section 5.2.1.1., “...All wells used by an operator in any given basin shall be operated on either a combination of historical and baseline or an efficiency allocation except water purveyors as approved by the Executive Officer.

Both grandfathered water purveyors report as agricultural operators using an Annual Efficiency Allocation. LLRMWC has applied for and been granted an Annual Efficiency Allocation for the past 23 years. Del Norte MWC has applied for and been granted an Annual Efficiency Allocation for the past 18 years.

Table 1 – Allocation Systems used by Grandfathered Water Purveyors

COMBCODE	Pre-Emergency Ordinance E filed using AHA ¹	Post Emergency Ordinance E		Number of filings using IE/IAI ³
	AHA	M&I	Filing as Ag ²	
ALTA	x		x	1
BBWA			x	14
CMWD	x	x		0
CMRSA	x	x		0
VTA	x	x		0
COASTBC	x		x	2
DNWC			x	18
GUAD	x		x	3
LLRM			x	23
PVCWD	x		x	0
SOLANO	x	x		0
WWD-1	x	x		0
WWD-19	x	x		0

- Notes: 1. AHA means Adjusted Historical Allocation
 2. Ag means Agricultural Operator
 3. IE/IAI means Annual Efficiency Allocation using Irrigation Efficiency and/or Irrigation Allowance Index methods for calculations

Emergency Ordinance E

Emergency Ordinance E prohibits the issuance of well permits for new wells other than replacement, backup or standby wells which do not allow initiation of any new or increased use of groundwater. The LLRMWC application proposes an increase in groundwater extractions and irrigated acres. The Del Norte MWC proposes no increase in extractions or irrigated acreage.

La Loma Ranch Mutual Water Company (LLRMWC)

LLRMWC’s service area is located in the north-central portion of the West Las Posas Basin. The service area includes eight lots and provides water to eight domestic water connections. Portions of four lots are within the Outcrop area, and portions of two of the four lots are within the Expansion area.

On May 27 1988, the FCGMA Board granted permission to a property owner with LLRMWC to plant approximately 20 acres of trees on his lot in the "Expansion Area" after June 30, 1988. The Board granted the permission based on water being supplied by Municipal and Industrial (M&I) operators - FCGMA Board meeting Minutes from May 27, 1988, indicate that LLRMWC was considered an M&I operator).

Since 1993, LLRMWC filed for (and was granted) an Annual Efficiency Allocation. This allocation allowed for the unauthorized expansion of use in the combined Outcrop and Expansion Areas – see. Table 2 below.

Table 2 – LLRMWC acres planted and irrigated after June 30, 1988

Expansion Area			
APN 110-0-010-215	1.89	acres irrigated	
Las Posas Outcrop			
APN 110-0-010-195	0.36	acres irrigated	
APN 110-0-010-205	1.51	acres irrigated	7.34 acres irrigated
APN 110-0-010-215	5.47	acres irrigated	
Total	9.23	acres irrigated added after June 30, 1988	
Reported Irrigated	116.30	acres in LLRMWC Service Area, 2014-1	
Measured Irrigated	86.27	acres in LLRMWC Service Area, Fall 2014	

The proposed extractions as presented in the current well application are 250 acre-feet per year. Reported groundwater extractions by LLRMWC have ranged from approximately 41 AF/yr (1984 and 1985) to 225 AF/yr (2003). The average of reported extractions for the period 2003 to 2012 is 135 acre-feet per year. LLRMWC proposes to irrigate 125 acres. Per Efficiency Applications on file, the largest reported area irrigated acreage prior to April 11, 2014 was 121.5 acres reported in both 2002 and 2003. The historical allocation associated with the LLRMWC well is 72.362 AF/yr.

Del Norte Mutual Water Company (Del Norte MWC)

Del Norte MWC's service area is located in the northwestern corner of the West Las Posas Basin. Del Norte MWC provides water to 38 parcels, with 63 domestic connections and 38 agricultural connections. Del Norte MWC has been reporting as an agricultural operator and has filed 18 Irrigation Efficiency (IE) Allocation/ Irrigation Allowance Index applications.

The total area served is approximately 3,711 acres, of which approximately 2,953 acres are within the FCGMA boundary. Of the area within the FCGMA boundary, approximately 390 acres are within the outcrop area. Additional land has been developed in the Outcrop and Expansion areas subsequent to June 30, 1988 (i.e., unauthorized expansion of use) - see Table 3 on the following page.

Table 3 – Del Norte MWC acres planted and irrigated after June 30, 1988

Expansion Area		
APN 107-0-130-255	25.04	acres irrigated
Las Posas Outcrop		
APN 109-0-031-155	1.56	acres irrigated
APN 109-0-031-125	1.00	acres irrigated
APN 109-0-031-035	1.88	acres irrigated
APN 107-0-130-255	4.86	acres irrigated
Total	34.34	acres irrigated added after June 30, 1988
Reported Irrigated	1975.95	acres in Del Norte MWC Service Area, 2014-1

Del Norte MWC filed a well permit application for a backup well, and the application was deemed incomplete on April 11, 2016. The proposed extractions are estimated to be 2,340 AF/yr to irrigate 1,489 acres. Del Norte MWC's reported extractions have ranged from 887.230 AF in 1998 to 3078.217 AF in 2013. Del Norte reported irrigating 1975.95 acres during the first half of calendar year 2014. Del Norte is not proposing a new or increased use above the previously unauthorized expansion of use (Table 3).

DISCUSSION

Within both the LLRMWC and Del Norte MWC service areas, land has been planted and irrigated in the Expansion area after June 30, 1988. A permit was not obtained prior to initiating new planting in the expansion area within the Del Norte MWC service area. A conditional (Municipal and Industrial) time extension was granted in May 1988 for planting in the expansion area within LLRMWC service area.

Both LLRMWC and Del Norte MWC use an irrigation efficiency allocation to irrigate land developed after June 30, 1988 in the Expansion area, and propose to continue that practice. In general, the Ordinance Code prohibits the use of an Annual Efficiency Allocation on lands planted in the Outcrop and Expansion Area subsequent to June 30, 1988. The Board considers plantings in the outcrop and expansion areas that occurred before June 30, 1988 to be the same as having been planted within the Agency boundaries.

The result of the planting and irrigation of land in the Expansion and Outcrop areas after June 30, 1988, is that The Executive Officer cannot make a finding of no net detriment unless he disregards the prior expansion of use into these areas.

Another option is that the Executive Officer issue a permit conditioned on the use of an allocation other than an Annual Efficiency Allocation for irrigated lands located in the Expansion Area.

CONCLUSION:

Applications have been received from two grandfathered water purveyors providing groundwater to their service areas in the Las Posas Basin. Land within their service areas, which also lies within the Expansion and Outcrop areas, were developed after June 30, 1988. These water purveyors have been utilizing an efficiency allocation.

This letter has been reviewed by Agency Counsel. If you have any questions, please call me at (805) 654-2954 or Tully Clifford at (805) 654-2040.

Sincerely,

Tully Clifford, Assistant Executive Officer, for Kathleen Riedel, C.E.G.
 Groundwater Specialist