

February 20, 2025

Dear Watermaster,

Section 4.10 of the Judgment requires that the Watermaster prepare a Basin Optimization Yield Study (BOYS) through Water Year 2039. This study will establish the Basin Optimization Yield, Operating Yield, and Rampdown Rate as defined in the Judgment (Judgment 4.10.1.4).

On December 24, 2024, Kudzai Kaseke, Assistant Groundwater Manager, informed the Las Posas Basin Policy Advisory Committee (PAC) by letter of the following:

Exigent circumstances necessitate an extension of the schedule included in the Judgment, originally and as amended, for preparation of the BOYS. Currently, Watermaster estimates completion of the BOYS, consistent with the committee consultation required by the Judgment and inclusive of additional consultation requested by the LPV Technical Advisory Committee, by the end of December 2025.

Additionally, the correspondence noted that:

The revised schedule for preparation of the BOYS assumes United Water Conservation District (UWCD) provides Watermaster access to certain model(s) and/or modeling services. If Watermaster is unable to obtain access to UWCD's model(s) and/or modeling services, Watermaster must rely on alternative model(s) and/or technical services to characterize future groundwater conditions within the West Las Posas Management Area (WLPMA) and complete preparation of the BOYS.

The Agency's consultant, Dudek, has prepared alternatives to complete the necessary work if access to UWCD's models cannot be obtained. One such alternative involves developing a new model for the WLPMA, which would duplicate previous work by UWCD, incur additional expenses, and delay the BOYS completion by an additional 18 to 24 months.

Historically, the Agency has contracted with UWCD for modeling scenarios in the WLPMA, including for both the Basin's groundwater sustainability plan (GSP) and its recent periodic evaluation. However, as noted in the staff report from the January 22, 2025, Board of Directors meeting:

To date, FCGMA has been unable to contract with United for similar modeling services for preparation of the basin optimization yield study. In October 2024, FCGMA staff thought it had reached an agreement with United for such services, and consequently prepared a board letter and draft contract for your Board's approval at the October 23, 2024, meeting. But at United's request, the item was pulled from the agenda. Since October 2024, FCGMA has tried unsuccessfully to discuss and obtain an agreement with United for the necessary modeling services at the staff level, the executive management level, and at the counsel level.

A footnote in that report further states:

On January 16, 2025, United's outside counsel reported that United would accept the draft contract proposed by FCGMA (based on United's standard contract template), but it is still reviewing the scope of work which includes the model files and modeling services.

As of February 20, 2025, the Agency has not secured an agreement with UWCD to perform the modeling necessary for the BOYS. Given that UWCD is a public agency partly funded by assessments on groundwater extractions from users within the Basin, and considering UWCD's mission "to manage, protect, conserve, and enhance the water resources of the Santa Clara River, its tributaries and associated aquifers in the most cost-effective and environmentally balanced manner," the inability to secure the necessary modeling services is a serious concern.

Therefore, the PAC finds that UWCD's prolonged refusal to enter into an agreement with the Agency—despite several months of negotiations based on UWCD's standard contract template—is contrary to the public interest and inconsistent with UWCD's mission. The PAC sincerely hopes that UWCD will promptly execute an agreement to provide the necessary groundwater modeling services.

By way of this letter, PAC formally recommends that the Watermaster direct Agency staff to make all reasonable efforts to secure such an agreement expeditiously.

Sincerely,

Ian Prichard
Chair, Las Posas Basin Policy Advisory Committee