



**Stanislaus County  
Water Advisory Committee**

**Minutes**

October 29, 2014, 9:00 a.m.  
Alliance's Kirk Lindsey Center  
1020 10<sup>th</sup> St, Suite 102  
Modesto, California

**Members Present:**

Louis Brichetto	Jim Mortensen	Chris Vierra
Larry Byrd <i>(left before 2<sup>nd</sup> vote)</i>	Tom Orvis	Walter Ward
Francisco Canela	Donald Petersen <i>(arrived after 1<sup>st</sup> vote)</i>	Forrest White
Vince Dykzeul <i>(arrived after 1<sup>st</sup> vote)</i>	Sean Roddy	Terry Withrow
Richard Gemperle	Cooper Rossiter	Wayne Zipser
Neil Hudson	Rob Santos	Bill Zoslocki <i>(arrived after 1<sup>st</sup> vote)</i>
Michael Lynch	Thomas Smith	

**Members Absent:**

Ray Kablanow

- I. **Called to Order at 9:00 a.m.** - Chair Wayne Zipser opened the meeting at 9 am.
- II. **Pledge of Allegiance** Upon request of the Chair the attendees participated in the pledge of allegiance.
- III. **Public Comment**  
None.
- IV. **Roll Call**  
A quorum of voting members was present.
- V. **1. Approval of October 8, 2014 Meeting Minutes**

The minutes of the last meeting were presented by the Chair. The members were asked to consider the minutes and the action was taken as follows:

Motion: Thomas Smith  
Second: Jim Mortensen  
Vote: Unanimous

**2. Review and Approve Groundwater Ordinance Revision No. 1**

The principal item for discussion at the meeting was consideration of the proposed revised groundwater ordinance. At the request of the Chair, County staff representative Walter Ward presented the item. Ward opened that the original County groundwater ordinance was adopted exactly one year to the day of this meeting. Several portions of the ordinance were recognized as needing change very quickly, especially during the construction of the first 100 day implementation plan and even

further during the more recent second 100 days. The most significant reason for some of the changes was the State legislation that was signed by Governor Brown on September 16<sup>th</sup>. Since the County staff maintained a constant vigilance over the development of the new law, several elements that appeared were already considered and added to the early drafts of the updated ordinance. Concepts such as “groundwater sustainability” and new groundwater plans were influential in the development of the revisions. Since the new law was signed those elements were firmed up.

Ward used a PowerPoint to describe the changes to the draft ordinance that were not only influenced by the new law but discussed by the Advisory Committee or subjected to legal review and change by County Counsel. The main changes involved the concepts of “sustainability”, “undesirable impacts” of groundwater extraction and a major addition of groundwater monitoring so as to obtain the data necessary for ongoing assessment of the conditions of the groundwater and the resulting analysis to determine whether current use was sustainable or not in the areas of jurisdiction of the County ordinance.

During the discussion the changes of most concern to some members of the Committee included an exemption for replacement wells, a broader definition for the “de minimis” user and how CEQA requirements would be triggered by the ordinance. A lot of discussion and concerns were expressed regarding how the permit would only pertain certain groundwater users located in the unincorporated County lying outside the service area of an irrigation district and data monitoring and reporting requirements. Since the rules for the applicability were not part of the process, as yet, and it appeared the data requirements were substantial, several members proposed the new ordinance was not yet in a condition for Board approval.

Others on the committee believed the ordinance must move forward and be adopted so as to get the data necessary to determine the conditions and that further changes could be made to the ordinance if problems or flaws were found. The discussion went around both the committee and the public members in attendance. The public comments generally supported moving forward with the adoption by the Board.

Ultimately members of the committee called for the question as to whether or not to have the Board consider the revised ordinance. It was approved by a majority vote 10 – 6 in favor.

Numerous public comments were made during the discussion. Meeting notes pertaining to those comments are attached to these minutes.

The following was the summary of the motions and vote:

Motion: Jim Mortensen  
Second: Neil Hudson  
Vote: 10 Ayes, 6 Nays, Passed

### **3. Discuss and Recommend a Direction Regarding a Groundwater Moratorium**

After consideration of the revised ordinance staff and Board member Terry Withrow reminded the WAC that consideration of a moratorium on well drilling was still on the table and that the Board needed clear direction from the WAC on the necessity of such an action. The item was discussed by the Committee but very quickly the general consensus was that with the new ordinance much more information would be made available that could inform the County as to the necessity for a moratorium and that since such actions in other Counties had resulted in expensive litigation the Board would be best advised to postpone such an action.

Some comments were provided by the public concerning this topic and these are included as an attachment to these minutes.

A motion recommending the Board table any action on a moratorium was quickly made and adopted as follows:

Motion to Table: Jim Mortensen  
Second: Michael Lynch  
Vote: Unanimous

**VI. Meeting adjourned at 11:39**

**Next Meeting:**

Wednesday, November 19, 2014 at 9:00 a.m.  
Alliance's Kirk Lindsey Center  
1020 10th St, Suite 102  
Modesto, California

PREPARED BY:  
ANETTE ARIAS, Administrative Secretary

**Ordinance Comments:**

Brad Barker of Modesto:

*Feels that everything should be transparent.*

Emerson:

*Wants clarification on the term, "All Persons."*

Al Rossini of Eastside Water District:

*Wants the County to coordinate all their efforts and formats of data collection with the surrounding counties.*

Peter Drekmeier of Tuolumne River Trust:

*Appreciates our efforts to move forward and feels all information collected should be available to the public. He is concerned about current activities will deplete our water resources. He wants the ordinance to pass.*

Eric Caine:

*Wants to know how the WAC will determine "sustainability."*

Doug Ryerson of Modesto:

*Stated that JPL and NASA satellites are watching the activity in the ground, so if we don't monitor the activity, those entities will intervene.*

Emerson Drake:

*Wants WAC to move forward.*

Stacy Henderson, a lawyer in the Ripon/Salida area:

*Pleased with the WAC's efforts and is for moving forward with the ordinance, but she is concerned the. Her biggest concern was that livestock should be added to the "de minimus*

*extractions” portion of the proposed ordinance. Her other concern is the need to establish criteria prior to implementation of the ordinance.*

*Dave Nicholson of Modesto:*

*Concerned about the homes/ranchettes that need wells and suggests adding a surcharge to water usage to help the “small guys.” He says it should be standard operating procedure to publicly disclose information. Freedom of Information Act will uncover it anyway.*

*Noe Paramo from California Rural Legal Assistance:*

*Wants:*

- *The definition of “Person” to make a distinction between one person and a corporation.*
- *Clarification on the definition of Groundwater Extraction*
- *Accountability and transparency of data we collect.*
- *Funding to facilitate the collection and study of data to have accurate reporting.*
- *Mitigation of groundwater laws*

*Audrey Hermanson of Modesto:*

*Believes the exemptions are unnecessary and has a problem with the “secrecy of data.” She wants the WAC to move forward in such a way that protects the resources for all and for the future.*

***Moratorium Comments:***

*Randy Heinrich from West Modesto:*

*Believes that a moratorium will not solve our water problems, but will actually cause many people to rush in and apply for well permits just so they can have one in their pocket for later.*

*Sharon Getchil of Oakdale and Stanislaus Water Coalition:*

- *She wants us to educate the public through data and criteria to show that we don’t need a moratorium.*
- *Fear, secrecy, unknown, and special interests impede creativity in solving problems. She believes that there are a lot of people with dry wells that have not applied for the grant, not because there isn’t a need, but because they didn’t qualify.*
- *She wants us to visually educate the districts the water pumping data.*
- *She wants us to hold a “town hall meeting” to publicly discuss these topics.*

*Peter Drekmeier:*

*Believes that the best way to get “out of a hole is to stop digging,” and he encourages us to not make the problem worse.*

DRAFT