



**Stanislaus County
Water Advisory Committee**

Minutes

September 30, 2015, 9:00 a.m.
Alliance's Kirk Lindsey Center
1020 10th St, Suite 102
Modesto, California

Members Present:

Daniel Bays (9:08 am)
Louis Brichetto
Larry Byrd
Francisco Canela
Frank Clark
Richard Gemperle

Jim Mortensen
Tom Orvis
Rob Santos
Sean Roddy
Cooper Rossiter

Rod Vilas
Walter Ward
Terry Withrow
Wayne Zipser
Bill Zoslocki (9:12 am)

Members Absent:

Vince Dykzeul
Neil Hudson

Thomas Smith
Ray Kablanow

I. Called to Order at 9:02 a.m.

II. Pledge of Allegiance Upon request of Chairman Wayne Zipser, the attendees participated in the pledge of allegiance.

III. Public Comment

No comments were received by the public.

IV. Roll Call

A quorum of voting members was present.

V. Approval of July 29, 2015 Meeting Minutes

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

Motion: Tom Orvis
Second: Jim Mortensen
Vote: Unanimous

VI. Approval to move forward with GSA formation activities

That the WAC via action by formal vote concurring with the following actions:

1. Ratify the amended MOU with the STRGBA
2. Ratify the Post-SGMA MOU with the TGBA
3. Agree to become a formal member of the ESJ SGMA Workgroup

and recommend that the Stanislaus County Board of Supervisors take such actions as necessary to memorialize the described agreements between the County and other interested parties.

Motion: Rob Santos
Second: Tom Orvis
Vote: Unanimous

VII. Measuring What Matters: Setting Measurable Objectives to Achieve Sustainable Groundwater Management in California (Juliet Christian-Smith, Union of Concerned Scientists)

One of the key provisions of the Sustainable Groundwater Management Act of 2014 (SGMA) is that local groundwater sustainability agencies (GSAs) must develop Groundwater Sustainability Plans (GSPs) by 2020 or 2022, depending on the whether or not the particular groundwater basin is in a condition of critical overdraft or, conversely, is identified as a high/medium priority basin.

As part of this, GSAs must set “Measurable Objectives” in their plans to achieve “the sustainability goal for the basin.” However, the legislation does not specifically define Measurable Objectives or how they should be set or evaluated over time. Rather, the legislation directs GSAs to set Measurable Objectives that will avoid what the act refers to as “undesirable results” (such as the chronic lowering of groundwater levels) or significant and unreasonable removal of groundwater from storage.

To understand how GSAs might develop effective Measurable Objectives and to inform the GSP regulations currently under development by the Department of Water Resources (DWR), the Union of Concerned Scientists prepared a report provides a review of the state of knowledge and practice related to setting Measurable Objectives for groundwater management.

The report summary reflects that effective Measurable Objectives are critical to providing the following foundations:

- Define clear baselines.
- Set quantitative thresholds
- Develop protective triggers
- Incorporate regular measurement and monitoring
- Account for uncertainty
- Adapt to changing conditions and knowledge.
- More information on this topic, including the full report, can be found on line at:

<http://www.ucsusa.org/global-warming/regional-information/california-and-western-states/measuring-what-matters>

VIII. Temporary Water Assistance (TWA) Program Update – Paul Gibson, Stanislaus County Office of Emergency Services

Paul Gibson, with the Stanislaus County Office of Emergency Services, provided an overview of the Temporary Water Assistance (TWA) Program. On March 27, 2015, Governor Brown approved a \$1 billion emergency drought relief package to take effect immediately to meet interim emergency drinking water needs for those communities with a contaminated water supply or that suffers drought related water outages or threatened emergency.

There are State programs through the California Disaster Assistance Act (CDA) which address essential community services and relief efforts for families experiencing drinking water shortages due to drought.

As such, on July 28, 2015, the Board of Supervisors proclaimed a local state of emergency in Stanislaus County due to the severity of the water shortage and the impacts of the drought to County residents. Additionally, the Board accepted the Stanislaus County Water Contingency Plan which includes the TWA Program, the funding of which is provided via the CDA mentioned above.

The TWA is administered by Self-Help Enterprises, a private non-profit organization, which places temporary water tanks at homes where a domestic well has run dry and provides water to that tank on a rotating schedule until such time as a permanent water supply solution (such as the drilling of a deeper more efficient water well or hooking up to a local municipal supply source) is found.

As of the end of September 2015, the following actions had been taken:

- 55 applications received;
- 34 tanks installed;
- 40 water delivery sites;
- 5 permanent solutions;
- 1 site pending assessment.

A TWA Program Hotline has been established to assist the public in receiving the services needed. The Hotline number is 552-3880 and directs callers to the County's website www.stancounty.com for a Homeowners Application, with options to speak to someone at the Stanislaus County Office of Emergency Services (OES) or Self-Help Enterprises. The application can be found at:

<http://www.stancounty.com/pdf/application-homeowner.pdf>

IX. Legislative Update – Paul Yoder, Shaw / Yoder / Antwih, Inc.

Paul Yoder, a legislative lobbyist for Stanislaus County, provided a brief recap of this year legislation as it pertains to groundwater management. A number of water bills were enacted in the 2015 legislative session and the Governor and

legislature are by no means done with this topic such that we can expect more bills to be introduced and debated in 2016.

The bills of particular interest in 2015 include:

AB 617 (Perea): This bill would define "in-lieu use" for the purposes of the act and would provide that, where appropriate, measures addressing in-lieu use shall be included in a groundwater sustainability plan. This bill contains other related provisions and other existing laws.

AB 939 (Salas): The act requires a local agency, any time the department changes these basin priorities and elevates a basin to a medium- or high-priority basin after January 31, 2015, to either establish a groundwater sustainability agency within 2 years of reprioritization and adopt a groundwater sustainability plan within 5 years of reprioritization, or to submit an alternative to the department that the local agency believes satisfies the objectives of these provisions within 2 years of reprioritization. This bill would impose the requirement to establish a groundwater sustainability agency or submit an alternative after reprioritization on a local agency or combination of local agencies overlying a groundwater basin. This bill contains other related provisions and other existing laws.

AB 1390 (Alejo): This bill would establish special procedures for a comprehensive adjudication, which is defined as an action filed in superior court to comprehensively determine rights to extract groundwater in a basin. The bill would authorize the court to determine all groundwater rights of a basin, whether based on appropriation, overlying right, or other basis of right, and use of storage space in the basin. The bill would provide that these special procedures governing comprehensive adjudications do not apply in certain cases that do not involve a comprehensive allocation of a basin's groundwater supply. The bill would authorize a judge of the superior court to determine if the action is a comprehensive adjudication, as specified. This bill contains other related provisions and other existing laws.

SB 13 (Pavley): The act authorizes the State Water Resources Control Board to designate a basin as a probationary basin if the state board makes a certain determination and to develop an interim plan for the probationary basin. The act requires a local agency or groundwater sustainability agency to have 90 or 180 days, as prescribed, to remedy the deficiency if the board designates the basin as a probationary basin. This bill would specify that the board is authorized to designate a high- or medium-priority basin as a probationary basin. This bill would provide a local agency or groundwater sustainability agency 90 or 180 days, as prescribed, to remedy certain deficiencies that caused the board to designate the basin as a probationary basin. This bill would authorize the board to develop an interim plan for certain probationary basins one year after the designation of the basin as a probationary basin. This bill contains other related provisions and other existing laws.

SB 226 (Pavley): The California Constitution requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable.

Existing law specifies the jurisdiction of the courts. Under existing law, courts may adjudicate rights to produce groundwater and exercise other powers relating to the supervision of a groundwater basin. Existing law authorizes a court to order a reference to the State Water Resources Control Board, as referee, of any and all issues involved in a suit brought in any court of competent jurisdiction in this state for determination of rights to water. This bill would authorize the state to intervene in a comprehensive adjudication conducted as specified in AB 1390 of the 2015-16 Regular Session. This bill contains other related provisions and other existing laws.

SB 20 (Pavley): Makes well completion reports available to the public provided that:

- Persons requesting a report to do so on a form identifying the name and address of the requestor, and the reason for the request.
- The release of the well logs to comply with the privacy and other provisions of the Information Practices Act.
- Requires a disclosure statement regarding the appropriate use of the data.
- Authorizes the DWR to charge a fee for providing the well completion reports.

In addition, the Dean Cortopassi ("No Blank Checks") Initiative, which would require a majority vote of support by the people related to the approval of the funding of large-scale public infrastructure projects (like the Delta Twin Tunnels which is the impetus behind the initiative) is gaining momentum. It's setting up to be a heated issue of the November, 2016 statewide ballot.

Significant changes in the legislative leadership have occurred. Specifically, there is a new Senate Minority Leader (Jean Fuller - Bakersfield), a new Assembly Minority Leader (Chad Mayes - Yucca Valley) and a new Assembly Speaker-elect (Anthony Rendon - LA). Under California's new term limit laws, Anthony Rendon could theoretically be Speaker until 2024. Rendon's term coincides with Assemblyman Adam Gray's so will be interested for Stanislaus County to pay attention to how Gray is situated in the new regime... he obviously has not been shy thus far on water related legislation (e.g., in-stream flow issue).

Of other interest is the legislation pertaining to defining "groundwater recharge" as a beneficial use of water. Whereas these bills, AB 647(Eggman) and SB 228 (Canella) were not successful in the latest legislative session they have been designated as "two year" bills and are expected to be carried over for further discussion and deliberation in the 2016 legislative session.

X. Sustainable Groundwater Management Act (SGMA) Implementation Update (Ward)

DWR has established a comprehensive, multi-phased outreach approach to better understand issues and topics and collect information associated with the

development of GSP regulations. These regulations are required by law to be developed and adopted by June 30, 2016.

In order to advance the communication and outreach efforts related to this task, DWR has been meeting regularly with SGMA advisory groups and they have conducted numerous public meetings and webinars to gather perspectives from other statewide stakeholders, partners, and local agencies.

There are many complex issues associated with the development and implementation of GSPs. The topics require meaningful and focused discussions with advisory groups, stakeholders, partners, and the public.

DWR has divided the issues into ten separate, though related, topics. This so called "Wheel of Sustainability" include the following:

Topic 1 – Pre-SGMA Conditions and Undesirable Results

Topic 2 – Measurable Objectives and Interim Milestones

Topic 3 – Land Use and County Involvement

Topic 4 – Alternative GSP Submittals

Topic 5 – Boundaries – Overlapping and Unmonitored Areas

Topic 6 – Intra-Basin Coordination Agreements

Topic 7 – Water Budgets and Coordination

Topic 8 – State Agency Coordination

Topic 9 – Data Collection, Management and Reporting

Topic 10 – Adaptive Management and Focus Areas

DWR has completed draft discussion papers for each of the ten GSP topics. These are available at the following electronic address:

<http://www.water.ca.gov/groundwater/sgm/gsp.cfm#Phase1>

XI. Meeting adjourned at 10:53 a.m.

Next Meeting:

Wednesday, November 18, 2015, at 9:00 a.m.
Alliance's Kirk Lindsey Center
1020 10th Street, Suite 102
Modesto, California

PREPARED BY:
ANETTE ARIAS, Administrative Secretary