



# CUYAMA BASIN GROUNDWATER SUSTAINABILITY AGENCY STANDING ADVISORY COMMITTEE

## Committee Members

Roberta Jaffe (Chair)  
Brenton Kelly (Vice Chair)

Brad DeBranch  
Louise Draucker  
Jake Furstenfeld

Joe Haslett  
Mike Post  
Hilda Leticia Valenzuela

## AGENDA

June 27, 2019

**Agenda for a meeting of the Cuyama Basin Groundwater Sustainability Agency Standing Advisory Committee to be held on Thursday, June 27, 2019 at 4:00 PM, at the Cuyama Valley Family Resource Center, 4689 CA-166, New Cuyama, CA 93254. To hear the session live, call (888) 222-0475, code: 6375195#.**

### **Teleconference Locations:**

Cuyama Valley Family Resource Center 4689 CA-166 New Cuyama, CA 93254	7870 Fairchild Ave Winnetka, CA 91306
--	--

The order in which agenda items are discussed may be changed to accommodate scheduling or other needs of the Committee, the public or meeting participants. Members of the public are encouraged to arrive at the commencement of the meeting to ensure that they are present for Committee discussion of all items in which they are interested.

*In compliance with the Americans with Disabilities Act, if you need disability-related modifications or accommodations, including auxiliary aids or services, to participate in this meeting, please contact Taylor Blakslee at (661) 477-3385 by 4:00 p.m. on the Friday prior to this meeting. Agenda backup information and any public records provided to the Committee after the posting of the agenda for this meeting will be available for public review at 4689 CA-166, New Cuyama, CA 93254. The Cuyama Basin Groundwater Sustainability Agency reserves the right to limit each speaker to three (3) minutes per subject or topic.*

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Minutes
5. Groundwater Sustainability Plan
  - a. Groundwater Sustainability Plan Update
    - i. Discussion on Updated GSP Draft and Response to Comments
    - ii. 90-Day Public Comment Process
    - iii. Notice of Intent to Adopt the GSP
    - iv. Set Public Hearing Date

- v. Set SAC and Board Meetings through January 2020
- b. Stakeholder Engagement Update
- 6. Groundwater Sustainability Agency
  - a. Report on the Standing Advisory Committee Vacancy
  - b. Report of the Executive Director
  - c. Board of Directors Agenda Review
  - d. Report of the General Counsel
- 7. Items for Upcoming Sessions
- 8. Committee Forum
- 9. Public comment for items not on the Agenda

*At this time, the public may address the Committee on any item not appearing on the agenda that is within the subject matter jurisdiction of the Committee. Persons wishing to address the Committee should fill out a comment card and submit it to the Executive Director prior to the meeting.*

- 10. Correspondence
- 11. Adjourn

# Cuyama Basin Groundwater Sustainability Agency Standing Advisory Committee Meeting

May 30, 2019

## Draft Meetings Minutes

Cuyama Valley Family Resource Center, 4689 CA-166, New Cuyama, CA 93254

**PRESENT:**

Jaffe, Roberta – Chair  
Kelly, Brenton – Vice Chair  
DeBranch, Brad (*telephonic*)  
Draucker, Louise  
Furstenfeld, Jake  
Haslett, Joe  
Valenzuela, Hilda Leticia  
Beck, Jim – Executive Director  
Hughes, Joe – Legal Counsel

**ABSENT:**

Post, Mike – listen only

**1. Call to Order**

Chair Roberta Jaffe called the Standing Advisory Committee (SAC) to order at 4:02 p.m.

**2. Roll Call**

Hallmark Group Project Coordinator Taylor Blakslee called roll of the Committee (shown above).

**3. Pledge of Allegiance**

The pledge of allegiance was led by Chair Jaffe.

**4. Approval of Minutes**

Cuyama Basin Groundwater Sustainability Agency (CBGSA) Executive Director Jim Beck presented the April 25, 2019 SAC minutes.

**MOTION**

Vice Chair Kelly made a motion to adopt the April 25, 2019 CBGSA SAC meeting minutes. The motion was seconded by Draucker, a roll call vote was made, and the motion passed.

Vice Chair Kelly made a correction to his comment on page 9 that should have read “can do no better than the worst we can do.” (reference to threshold milestones).

AYES: Committee Members DeBranch, Draucker, Jaffe, Kelly, Haslett, Valenzuela  
NOES: None  
ABSTAIN: None

ABSENT: Committee Members Furstenfeld, Post

## 5. Groundwater Sustainability Plan

### a. Groundwater Sustainability Plan Update

Mr. Van Lienden provided an update on GSP activities including the schedule and May 2019 accomplishments, which is included in the SAC packet.

-----  
*Committee Member Furstenfeld arrived at 4:15 pm*  
 -----

### i. Discussion on GSP Public Draft

Chair Jaffe asked SAC members if they would like to make a statement on the GSP.

#### *Committee Member Haslett*

Committee Member Haslett commented that this has been an interesting process. He said he thinks you could probably rework the entire GSP and update 85% of it, and the lack of a financial sustainability component is concerning. He said it seems a lot of decisions are being made without financial considerations and thinks the SAC should have understood the financial impacts of items they provided recommendations on. He thanked the Woodard & Curran (W&C) and Hallmark Group team for their professionalism.

#### *Committee Member Draucker*

Committee Member Draucker said she enjoyed learning more about the geology of Cuyama. She expressed concern about the destruction of the native habitat in the valley. She said it is good to work together with people even when they do not agree. She commented that more work needs to be done on the GSP since there are data gaps, and lastly, there is not enough time to get everything done.

#### *Vice Chair Kelly read the following statement:*

*“To: The SAC Meeting, May 30, 2019*

*From: Brenton Kelly, SAC Vice-Chair, Ventucopa,*

*Re: Agenda Item No. 5ai, Discussion on GSP Public Draft*

*To the GSA Directors and fellow SAC.*

*At this point in the GSP Development Process I am of two very conflicted opinions. The first is as regards how much ground has been covered in the last couple of years as many of us have attended to crafting this local solution to a long standing local problem. My other opinion is as regards the enormous reality gap between what is happening on the ground right now in this valley and what this Plan calls for in pumping restrictions. How can these two realities be merged? My general concern is that in spite of all we have done not enough local solution has be crafted yet to move toward where we need to get.*

*There are a number of glaring omissions which could be completed, if not now, then in another timeline and budget. The repeated explanation for these omissions is generally always a lack of “time & money”. Some of these omissions are as follows:*

- *No Economic Analysis.*

- *No viable funding mechanism.*
- *No local agency experience in the selection of the Monitoring Network*
- *Inadequate recognition and protection of GDEs*
- *No Sensitivity Analysis of discreet parameters of the Model*
- *No viable governance of the Management Areas*
- *No incentives or enforcement*
- *No Technical Support Services Grant*
- *No prioritizing and down scaling for cost saving.*

*Of further concern are the many parts of this Plan that were not adequately discussed at either the SAC or GSA public meetings or the workshops. These include major policy implications and for a lack of "time & money" W&C were under pressure to come up with something and keep "moving forward". That may be regrettably true, however the Plan is flawed because of it and more time & money will be spent because of it. Some of the things I feel have been proposed without adequate discussions include the following, some of which are on our agenda today:*

- *Basin-wide Undesirable Results (30% of Wells Exceeding Thresholds)*
- *Interim Milestones for Representative Wells*
- *Minimum Thresholds for:*
  - *Groundwater Quality*
  - *Subsidence*
  - *Interconnected surface water*
- *Sustainability Goal*
- *Pre-existing Undesirable Results*
- *Adaptive Management Triggers*
- *Management Areas defined by a 2" drop in a Model with untested uncertainties & Data Gaps*
- *Budgets for Implementation & Projects, Sticker shock*

*The results of these shortcomings and expediency is a GSP which instills very little confidence in its success. I am concerned with how much more work there is to gain the confidence needed to support a funding measure at the polls. I recommend we get to work with today's agenda and resolve these issues before attempting to adopt this Draft GSP.*

*Thank you,  
Brenton"*

*Committee Member Furstenfeld*

Committee Member Furstenfeld said he wished he understood the economic impact and how things were going to be paid for. He said he sees the CBGSA hitting a wall with either the decrease of pumping and loss of jobs, or continued water usage and a decline of their resource.

*Committee Member Post*

Hallmark Group's Taylor Blakslee read the following statement from Committee Member Post who was not able to attend the meeting in-person:

*“COMMENTS REGARDING THE DRAFT GSA PLAN DEVELOPMENT: May 29, 2019*

*One of the greatest concerns of all stake holders in this process after being assured of access to water is the costs that will be incurred to manage the basin back into sustainability. Current costs are being bourn by grants and public agencies and thus little impact is being felt locally however projected budgets of about \$2,000,000 into future years has raised a red flag for Cuyama GSA stake holders. How is this budget to be raised? More particularly, why does the budget need to be so large?*

*An examination of the line items shown in the consultants brief public overview raises more questions than answers. Many items listed are, to the average Cuyama water user, inexplicable. Please note the following examples (just a sample of the many to be found):*

- 1. GSA and SAC meetings require \$18,000 in support for a 2-3 hour meeting in a public space from the two consulting entities. Without detailed explanation, this seems excessive. Other line items seem to cover the actual consulting work that produces the GSA draft plan data used in the conduct of the meetings, so the perceived value received for the cost of this line item is troublesome. What services are rendered for the \$18,000 that are not covered by any other line item?*
- 2. Projected budgets show a yearly cost of \$25,000 to \$50,000 for “monitoring satellite imagery”. This may well be a legitimate service, but it requires explanation and justification. What is this task and why is it a necessity? There may well be good answers for this example and many other line items, but they have not yet been provided.*
- 3. Hourly rates being charged for consultant services range from \$162 to \$320 with the mean closer to \$300 per hour. While this may be within industry standards, it is imperative that the Cuyama GSA water user, who lives in an economically depressed area, understand and appreciate why those hourly costs are so high.*

*The crux of this issue is the fact that there has never been a detailed line item budget discussion conducted in a public forum for the benefit of the stake holders. This is an important and necessary step before the Cuyama GSA water users are subjected to any costs associated with the formation and on-going maintenance of the Cuyama GSA. Water rates must by necessity be relevant to the costs of administering the GSA.*

*Mike Post  
Stakeholder Advisory Committee member”*

*Committee Member Valenzuela*

Committee Member Valenzuela thanked the SAC for the opportunity to serve on the Committee. She expressed concern regarding the impact the Sustainable Groundwater Management Act (SGMA) will have on the community. She said the High School only has 44 students and a lot have moved away. She said another issue is the monitoring of the wells. One of her kids asked her if the water runs out of what happens. She expressed concerns about the funding of the plan and said we are all working together for the benefit of the children.

*Committee Member DeBranch*

Committee Member DeBranch did not have a comment.

*Chair Jaffe read the following statement:*

*“The Public Draft has been released and comments submitted. We are at our own “Interim milestone” in the development of the Cuyama Basin GSP.*

*While there is certainly a diversity of opinions, I believe there is an overall desire to submit a plan that will be acceptable to DWR and that acknowledges all the different usages that need to co-exist in our Basin.*

*We have all worked hard and I appreciate the important role the SAC has played in bringing community perspectives to the process. I also appreciate the efforts of Woodard & Curran and Director Beck to base decision making on good science in developing a refined model that verifies previous scientific studies showing the overdraft conditions.*

*SGMA is new....and it involves change....so none of it is easy. However, real implementation of SGMA is important bothfor Cuyama and the state of California.*

*Now is the time for us to think about revisions to our Plan that will help it better meet SGMA regulations and get DWR’s approval. Based on SGMA we need to look at the Basin as a whole—and we need to look to the future for all beneficial users. This means, and as our Plan calls for, the pumping in the Central Basin needs to change and we need to have a complex monitoring network to track pumping and water quality in the Basin as a whole.*

*However, much of the draft plan seems incomplete.*

*Of utmost concern to me are the criteria for Undesirable Results and Interim Milestones which we will be discussing later in the meeting.*

*Additional areas of concern include:*

- *Undesirable Results for Water Quality*

*We need to monitor for more constituents than TDS. Between existing CCSD data and monitoring; and the comment letter recommendations from the Central Coast Water Board constituents should be expanded.*

- *Pumping Allocations*

*We also need to look at pumping allocations and include a plan for setting them. No matter what projects are ultimately implemented, reduction of pumping is going to be core to maintaining groundwater levels in the Basin. To do this successfully we need to monitor and make allocations for current wells and consider a moratorium on drilling of new wells.*

- *Groundwater Dependent Ecosystems*

*As described in the comments from the Dept. of Fish and Wildlife and The Nature Conservancy, more attention needs to be paid to GDEs in the GSP. The DFW refers to their restoration project in the northwest region. With the recent increase in pumping by the new vineyard in this area and the MTs set for their wells allowing them to draw down another 100 feet, I am extremely concerned that we are setting up a framework for what has happened in the Central Basin to repeat itself in the northwest section. I request that the sensitivity of the GDEs in this region be considered and that the Interim Milestones for the northwest region be set to maintain the groundwater level close to its current level.*

*I have been involved in agriculture since 1970 and been farming my own land since 1975. My strong belief and experience is in support of an agriculture that works with the environment*

*and does not over-extract natural resources. Together we can and need to make this happen for the sustainability of the Cuyama Basin.*

*Respectfully submitted,  
Roberta Jaffe, Chair  
Cuyama Basin Standing Advisory Committee*

*May 30, 2019”*

**1. Summary of Comments**

Mr. Van Lienden provided an overview of the public comments received which included over 70 comments from 40 individuals and entities. He presented a summary of similar comments received, which is provided in the SAC packet, and will be addressed in the comment response matrix that will be released in June 2019.

**2. Direction of Sustainability Goal Definition**

Mr. Van Lienden noted that the definition of the sustainability goal was identified from the public comments to have more detail and asked the SAC for their feedback on any changes to that definition.

Vice Chair Kelly asked if we will recognize the pre-existing condition in the Valley prior to 2015. Mr. Beck said this is getting into more of a policy decision and he may want to make this comment at the Board meeting.

Committee Member Haslett commented that the term “beneficial” is very broad and undefined but commented that since this flows into the specific undesirable results, this seems to be ok to him.

Vice Chair Kelly recommended adding “with the absence of undesirable results” after resource and remove the number “1.”

Chair Jaffe recommended adding “To establish and maintain...” the Sustainability Goal statement.

**MOTION**

Vice Chair Kelly made a motion to change the Sustainability Goal “To establish and maintain a viable groundwater resource, with the absence of undesirable results, for the beneficial use of the people and the environment of the Cuyama Groundwater Basin now and into the future.” The motion was seconded by Haslett, a roll call vote was made, and the motion passed.

AYES:	Committee Members Draucker, Furstenfeld, Jaffe, Kelly, Haslett, Valenzuela
NOES:	None
ABSTAIN:	Committee Member DeBranch
ABSENT:	Committee Members Post

**3. Direction on Basin-wide Undesirable Results (30% of Wells Exceeding Thresholds)**

Mr. Van Lienden presented a map showing the representative wells in the different



threshold regions and the percentages that those wells represent for those areas.

Steve Gliessman asked why you would have a network for monitoring water quality and levels separately. Committee Member Haslett said if they are agricultural wells they may just be reporting on water quality and not submitting water level data.

Mr. Beck clarified that the 30% threshold indicates that the plan has failed and will be reported to DWR. However, the CBGSA will take corrective actions when individual representative thresholds are triggered.

Mr. Beck commented that it sounds like the SAC is in consensus that the 30% number is appropriate to signal State intervention, but W&C will reference the section of the document that considers representative wells that trigger adaptive management actions, and Chair Jaffe confirmed this.

Vice Chair Kelly asked if any wells in the management area are already in violation of their thresholds and Mr. Beck said we will research and report back on this.

#### **4. Direction on Interim Milestones for Representative Wells**

Mr. Van Lienden presented an overview of the interim milestones for the threshold regions.

Chair Jaffe expressed concern that allowing the levels to approach the minimum threshold is not appropriate.

Mr. Beck said the interim milestones are intended to approximate the groundwater level changes that will follow the glidepath and the model will be updated with the pumping reductions and better estimates for the interim milestones will be generated in the future.

Chair Jaffe suggested allowing the interim milestones to equal the minimum thresholds for the first five years but adjusting them in 2025.

##### ***Central Region***

Vice Chair Kelly suggested targeting 25% above the distance between the minimum threshold and measurable objective by 2025, half of the measure of operational flexibility by 2030 and targeting the measurable objective by 2038, conditional on revising the interim milestones in 2025.

Joe said the Eastern Region wells are widely different than the Central Region and should be treated differently.

##### ***For All Other Regions***

Implement a linear progression from 2015 to the measurable objective, conditional on revising the interim milestones in 2025.

Chair Jaffe suggested exploring the Department of Fish & Wildlife's comments on potential loss of Groundwater Dependent Ecosystems if groundwater levels decline.

**5. Direction on Adaptive Management Triggers**

The SAC reached consensus to drop the second sentence from the first adaptive management action as presented in the SAC packet.

The SAC reached consensus to change the second trigger to read “If a representative well...” and strike “the Basin,” and change the action to: “CBGSA will investigate the cause and determine appropriate actions.”

The SAC reached consensus to remove the third adaptive management trigger and action since this action would be covered in the 30% exceedance trigger.

The SAC asked to clarify that the listed adaptive management actions require mandatory actions, but additional adaptive management actions can be brought to the CBGSA Board for consideration.

Mr. Beck suggested adding: “The CBGSA Board will take action on the following triggers,” and adding that “The CBGSA Board may elect to take action based on information provided from stakeholders or produced from monitoring or other data sources.”

**ii. Model Sensitivity Analysis**

W&C Ali Taghavi, Ph.D., P.E. Senior Water Resources Engineer presented an overview of the model sensitivity analysis which is provided in the SAC packet. He reported that there are uncertainties in the model, but he feels confident with the modeling they have done until more data is produced and does not think additional refinements to the model data and parameters are necessary at this time. His conclusions and recommendations are summarized in the SAC packet.

Mr. Van Lienden commented that the annual 23,000 acre-feet (af) deficit shown is over the 20-year period of 1996 through 2016, and the 50-year period models the 26,000 af deficit that has been presented to the CBGSA.

-----  
*Committee Member Haslett left at 7:03 pm*  
-----

**b. Stakeholder Engagement Update**

Mr. Van Lienden provided an update on stakeholder engagement activity. Mr. Blakslee reported that he will provide an update on the public review process for the 90-day public comment period at the June 5, 2019 CBGSA Board meeting.

**6. Groundwater Sustainability Agency****a. Report on the Standing Advisory Committee Vacancy**

Chair Jaffe reported that the Cuyama Valley Family Resource Center assisted in the noticing of the vacancy for the SAC. She reported that one application was received from Jose Valenzuela Jr.

**MOTION**

Committee Member Furstenfeld made a motion to recommend Jose Valenzuela be appointed to

the SAC to fill the vacancy. The motion was seconded by Draucker and passed.

AYES:	Committee Members Draucker, Furstenfeld, Jaffe, Kelly, Valenzuela
NOES:	None
ABSTAIN:	None
ABSENT:	Committee Members DeBranch, Haslett, Post

**b. Report of the Executive Director**

Mr. Beck reported that the Hallmark Group will be providing less detailed minutes since the major work of the GSP work has been done and we are reducing costs appropriately.

**c. Board of Directors Agenda Review**

Mr. Beck provided an overview of the June 5, 2019 CBGSA Board of Directors agenda.

**d. Report of the General Counsel**

Nothing to report; Mr. Hughes was not in attendance.

**7. Items for Upcoming Sessions**

Nothing to report.

**8. Committee Forum**

Committee Member Draucker reported that the CBGSA alternate for the Cuyama Community Services District.

**9. Public comment for items not on the Agenda**

Mathais Mullner, a current resident in the Cuyama Valley, read a statement on the sustainability of the Cuyama Valley.

**10. Adjourn**

Chair Jaffe adjourned the meeting at 7:25 p.m.

-----  
Minutes approved by the Standing Advisory Committee of the Cuyama Basin Groundwater Sustainability Agency the 27th day of June 2019.

STANDING ADVISORY COMMITTEE OF THE  
CUYAMA BASIN GROUNDWATER SUSTAINABILITY AGENCY

Chair: \_\_\_\_\_

ATTEST:

Vice Chair: \_\_\_\_\_

DRAFT



TO: Standing Advisory Committee  
Agenda Item No. 5a

FROM: Brian Van Lienden, Woodard & Curran

DATE: June 27, 2019

SUBJECT: Groundwater Sustainability Plan Update

**Issue**

Update on the Cuyama Basin Groundwater Sustainability Agency Groundwater Sustainability Plan.

**Recommended Motion**

None – information only.

**Discussion**

Cuyama Basin Groundwater Sustainability Agency (CBGSA) Groundwater Sustainability Plan (GSP) consultant Woodard & Curran's (W&C) GSP update is provided as Attachment 1.

Cuyama Basin Groundwater Sustainability Agency

---

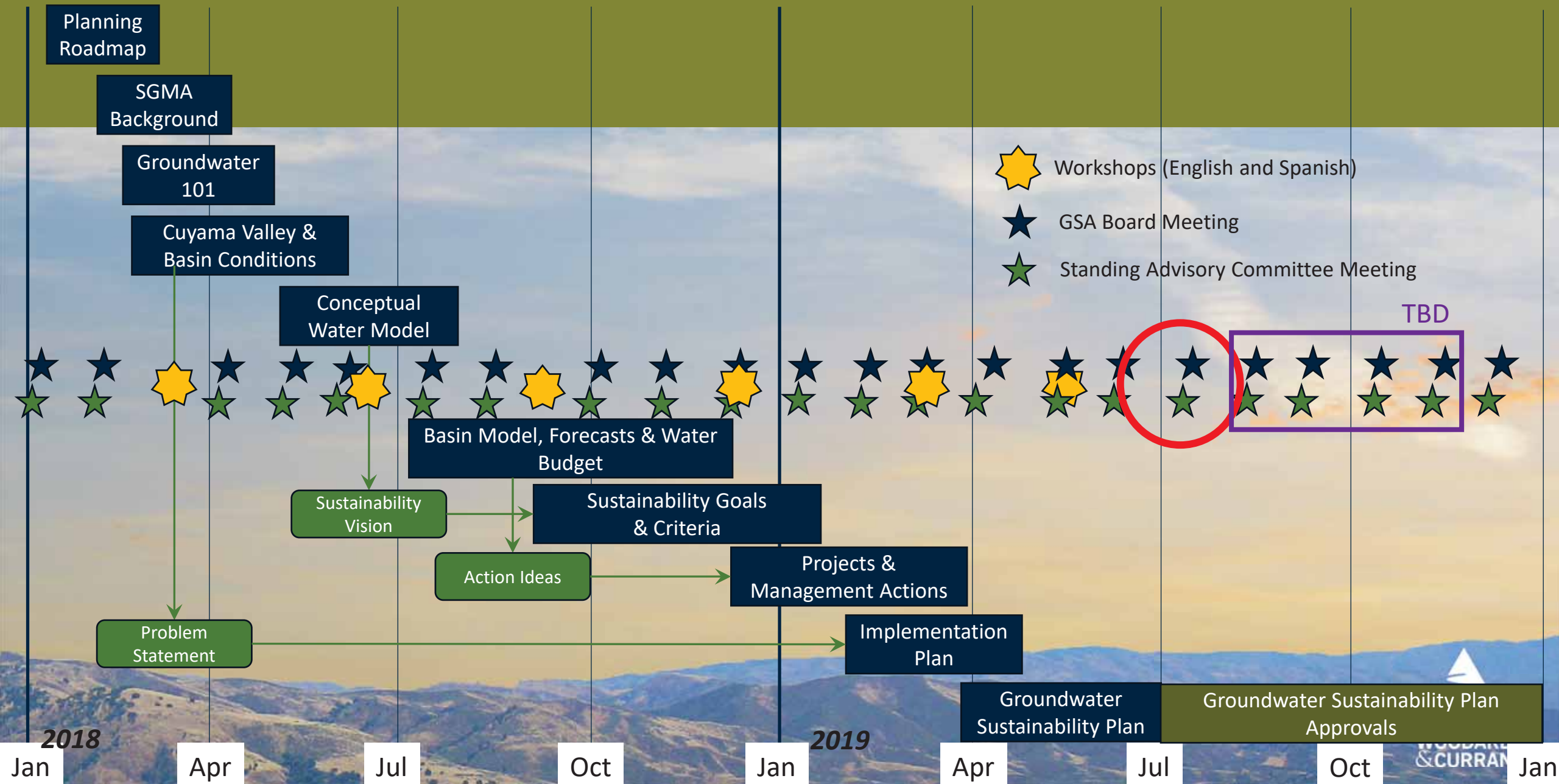
# Groundwater Sustainability Plan Update

---

June 27, 2019



# Cuyama Basin Groundwater Sustainability Plan – Planning Roadmap <sup>15</sup>



# June GSP Accomplishments

- ✓ Participate in discussions with Budget Ad-hoc committee
- ✓ Reviewed and developed responses to comments on GSP Public Draft
- ✓ Developed and submitted GSP Final Draft, including all sections, for review





TO: Standing Advisory Committee  
Agenda Item No. 5ai

FROM: Brian Van Lienden, Woodard & Curran

DATE: June 27, 2019

SUBJECT: Discussion on Updated GSP Draft and Response to Comments

**Issue**

Discussion on updated Groundwater Sustainability Plan draft and response to comments.

**Recommended Motion**

None – information only.

**Discussion**

Provided as Attachment 1 is an update on the Groundwater Sustainability Plan (GSP) draft and Woodard & Curran's (W&C) response to comments matrix from the 30-day public comment period. Provided as Attachment 2 is a list of the GSP public draft commenters from the April 22<sup>nd</sup> through May 22<sup>nd</sup> 30-day public draft GSP comment period.

Cuyama Basin Groundwater Sustainability Agency

---

# Discussion on Updated GSP Draft and Response to Comments

---

June 27, 2019

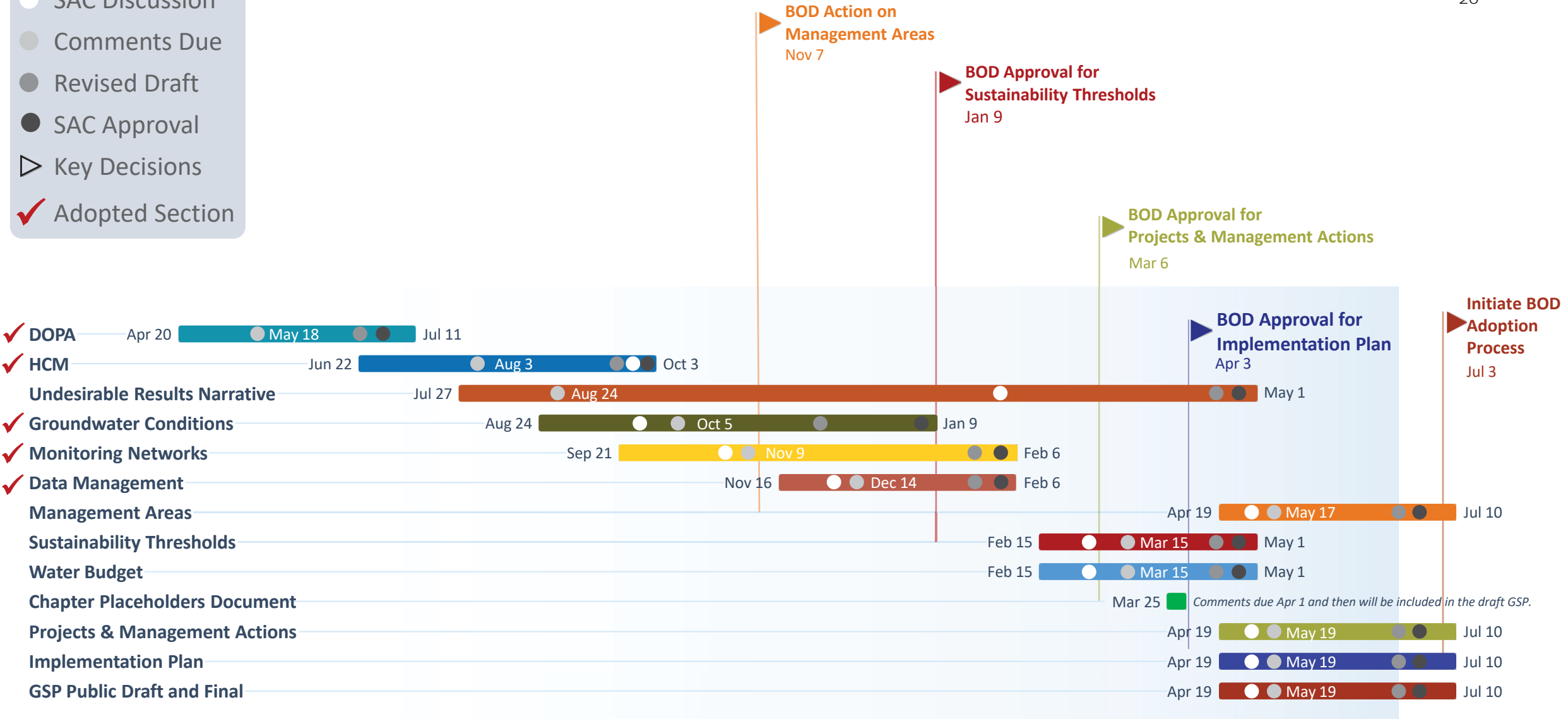
# GSP Sections

1. Introduction
  - 1.1 Intro & Agency Information
  - 1.2 Plan Area
  - 1.3 Notice and Communication
2. Basin Settings
  - 2.1 HCM
  - 2.2 GW Conditions
  - 2.3 Water Budget

*Appendix:* Numerical GW Model Documentation
3. Undesirable Results
  - 3.1 Sustainability Goal
  - 3.2 Undesirable results statements
  - 3.2 ID Current Occurrence
4. Monitoring Networks
  - 4.1 Existing Monitoring Used
  - 4.2 GSP Monitoring Networks
5. Sustainability Thresholds
  - 5.1 Threshold Regions
  - 5.2 Minimum Thresholds, Measurable Objectives, Margin of Operational Flexibility, Interim Milestones
6. Data Management System

*Appendix:* DMS User Guide
7. Projects & Management Actions
8. Implementation Plan

- SAC Discussion
- Comments Due
- Revised Draft
- SAC Approval
- ▷ Key Decisions
- ✓ Adopted Section



2018

2019

Apr Jun Aug Oct Dec Feb Apr Jun

Today

# Public Comments on Draft GSP

- Public Comments Received as of May 22
  - May 1 Workshop (40 participants, 70 comments)
  - Written comments from 27 individuals and organizations, including:
    - Central Coast Regional Board
    - CA Department of Fish and Wildlife
    - San Luis Obispo and Santa Barbara Counties
    - Cuyama Basin Water District/EKI
    - Twitchell Management Authority
    - Santa Maria Conservation District
    - The Nature Conservancy
    - Community Environmental Council
    - Cuyama Family Resource Center

# Major Comments on which Board discussed and provided direction at June 5<sup>th</sup> Board meeting

- Sustainability Goal
- Reporting Threshold for Basin-wide Undesirable Results
- Interim Milestones for Representative Wells
- Adaptive Management Triggers
- Model Uncertainty

# Other Common Public Comments reviewed at June 5<sup>th</sup> Board meeting

- Not specific enough about steps to achieve sustainability
- Should be more explicit about undesirable results that existed prior to 2015
- Doesn't achieve measurable objectives or improve conditions
- Should include guidance on water use efficiency
- Should include an economic evaluation
- Valley can't afford the plan
- Sustainability Criteria should be revised
  - Water quality
  - Subsidence
  - Interconnected surface water
- Groundwater Dependent Ecosystems are not documented or protected
- Pumping restrictions/allocation should apply outside Central Area
- Comments on potential impacts of stormwater capture and cloud seeding
- Moratorium on new wells
- Connection between glidepath and potential for undesirable results
- Cost allocation should be based on groundwater use

# Comment Response/GSP Approach

- Two common themes regarding level of detail in GSP:
  - The plan needs more detail
  - The plan has more detail than the data supports
- Recommended approach:
  - The plan satisfies DWR requirements
  - The plan includes the processes needed to develop and implement monitoring and management actions over the first five years



# Comment Response/GSP Approach

- Comments about economic impacts, implementation costs and cost allocation approach
- Recommended approach:
  - We are completing an economic analysis
  - Estimated implementation costs included in the GSP
  - CBGSA board is reviewing costs and considering potential cost allocation approaches

# Final Draft GSP

- Final Draft reflects:
  - Updates in response to comments received on Public Draft
  - Board direction provided at June 5<sup>th</sup> meeting
- Seeking SAC recommendation that the Board accept Final Draft GSP at their July 10 meeting
  - Are there any additional issues that should be discussed by the Board prior to adoption?

*WOODARD & CURRAN'S RESPONSE TO COMMENTS MATRIX FROM THE 30-DAY PUBLIC COMMENT PERIOD WILL BE PROVIDED ONCE DRAFTED.*

On April 22, 2019 the Cuyama Basin draft GSP was released for public comments. The 30-day public comment period ended May 22, 2019. Please find a link to the GSP public comments and a list of the commenters below.

GSP Public Comments: <https://hgcpm.sharefile.com/d-s108d27a9b62486ea>

1. Central Coast Water Board, James Bishop
2. Public Comments from Stakeholder Workshop on 5/1/19
3. Richard and Susie Snedden, Kern County Landowner
4. John Comstock, New Cuyama Resident
5. Cheryl Tomchin, Cuyama Stakeholder
6. The Nature Conservancy, Sandi Matsumoto
7. Cottonwood Canyon Residents/Landowners
8. Community Environmental Council, Sigrid Wright
9. Jane Wooster, CBGSA Director/Landowner
10. Joshua Bower, Farm Intern at Quail Springs
11. Grapevine Capital, Neil Currie, Cleath Harris
12. Twitchell Management Authority, Michelle Ruiz
13. Brenton Kelly, SAC Vice Chair/Quail Springs Permaculture Center
14. Cuyama Basin Water District, Matt Klinchuch
15. Dept of Fish and Wildlife, Julie Vance
16. Joe Haslett, SAC Member/Landowner
17. John Orcutt, Cuyama Stakeholder
18. Karen Lewis, Cuyama Landowner
19. Kern Ridge Growers, LLC., Bob Giragosian
20. Cuyama Valley Family Resource Center, Lynn Carlisle
21. Meg Brown, Cuyama Stakeholder
22. Robbie Jaffe, SAC Chair; Steve Gliessman, Condor's Hope
23. County of San Luis Obispo, Cathy Martin
24. Santa Barbara County Water Agency, Matt Young
25. Santa Maria Conservation District, Tom Gibbons
26. Sue Blackshear, Cuyama Stakeholder
27. Santa Barbara Pistachio Company, Dennis Gibb
28. Dept of Fish and Wildlife, Erinn Wilson
29. Matthias Müllner, Interested Party



TO: Standing Advisory Committee  
Agenda Item No. 5aii

FROM: Brian Van Lienden, Woodard & Curran

DATE: June 27, 2019

SUBJECT: 90-Day Public Comment Process

**Issue**

Overview of the 90-day public comment process.

**Recommended Motion**

None – information only.

**Discussion**

The Cuyama Basin Groundwater Sustainability Agency's (CBGSA) Board will consider issuing a Notice of Intent to Adopt the final draft Groundwater Sustainability Plan (GSP) at the July 10, 2019 Board meeting. The Notice Intent to Adopt will start a 90-day public comment period and comments will be accepted leading up to and at a public hearing concluding the 90-day comment period.

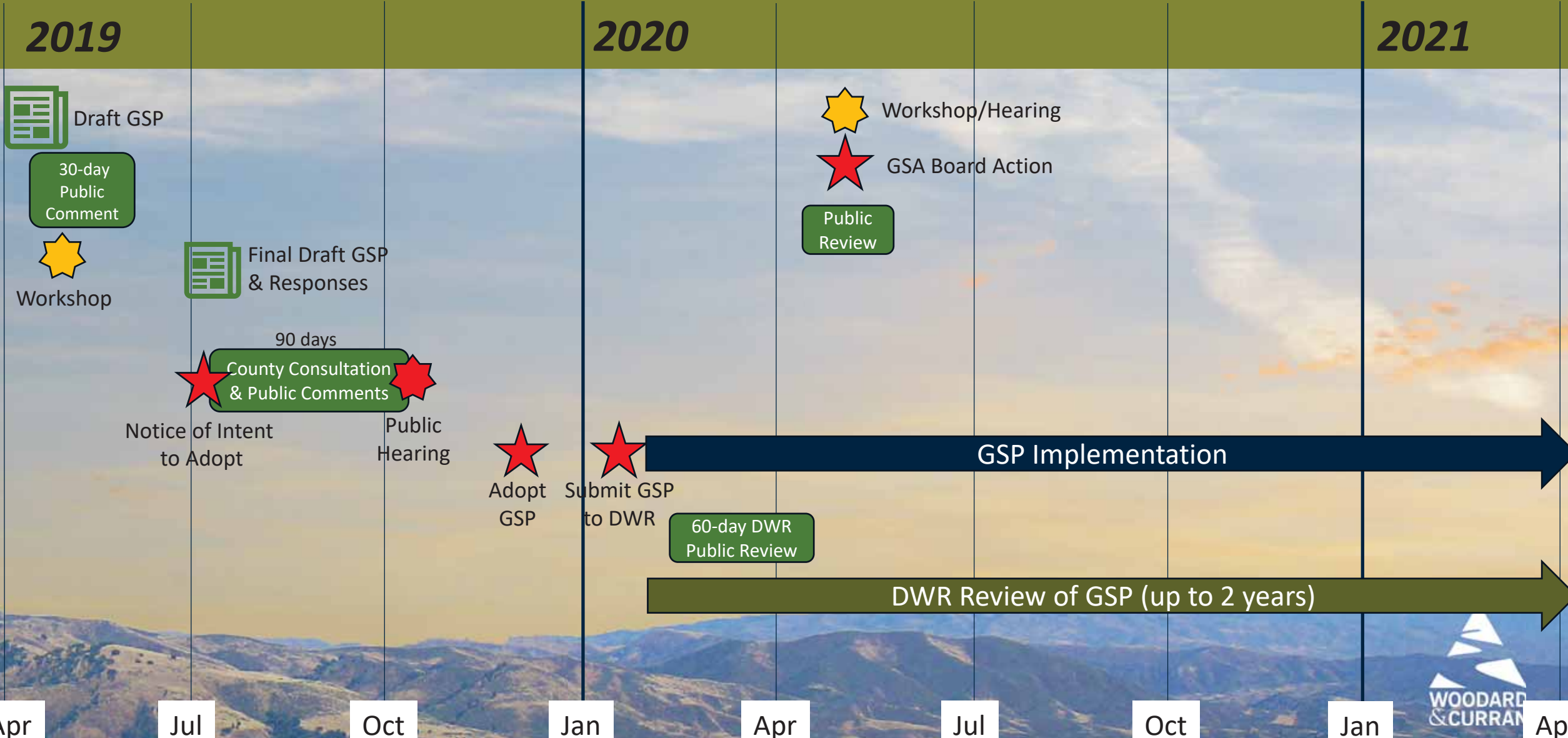
Attachment 1 describes the 90-day public comment process and how to submit comments.

# Cuyama Basin Groundwater Sustainability Agency

## 90-Day Public Comment Process

June 27, 2019

# Final Draft GSP Public Review & Adoption Process



# Next Steps

- July 10, 2019:** Board accepts Final Draft GSP and issues Notice of Intent to Adopt
- July 10, 2019:** 90-day public comment period starts
- Oct 9, 2019:** 90-day public comment period ends
- Oct 9, 2019:** Public Hearing to receive comments on Final GSP
- Dec 4, 2019:** Board adopts Final GSP
- Jan 31, 2020:** CBGSA submits Final GSP to DWR



# Public Comments on Final Draft GSP

- Public Comments on Final Draft GSP will be accepted throughout the 90-day comment period
  - In writing to: CBGSA, 4900 California Ave, Tower B, 2nd Floor, Bakersfield, CA 93309
  - Via email to: [tblakslee@hgcpm.com](mailto:tblakslee@hgcpm.com)
  - In writing and orally at Public Hearing on Oct 9, 2019 (*pending Board approval*)

# Outreach for 90-Day Comment Period and Public Hearing on Final Draft GSP

- Post card mailing to New Cuyama PO Box holders and Parcel owners
  - *Announce 90-day public comment period and public hearing date*
- Email to CBGSA contact list and post to website
- Flyer for distribution throughout the Cuyama Basin
- Biweekly emails to CBGSA Board, SAC, and stakeholders with updated commenter list and link to comments
- Discuss comments received to-date at the Aug 29 SAC and Sep 4, 2019 Board meeting if needed.



TO: Standing Advisory Committee  
Agenda Item No. 5aiii

FROM: Brian Van Lienden, Woodard & Curran

DATE: June 27, 2019

SUBJECT: Notice of Intent to Adopt the GSP

**Issue**

Review of the Notice of Intent to Adopt a Groundwater Sustainability Plan.

**Recommended Motion**

Recommend approving the Notice of Intent to Adopt a GSP.

**Discussion**

Provided as Attachment 1, for review, is the draft Notice of Intent to Adopt a Groundwater Sustainability Plan (GSP).

*ATTACHMENT 1 WILL BE PROVIDED ONCE DRAFTED.*



TO: Standing Advisory Committee  
Agenda Item No. 5aiv

FROM: Joe Hughes, Legal Counsel

DATE: June 27, 2019

SUBJECT: Set Public Hearing Date

**Issue**

Set the public hearing date.

**Recommended Motion**

Recommend setting a public hearing date concluding the 90-day public comment period.

**Discussion**

Following the 90-day public comment period for the Groundwater Sustainability Plan (GSP), there will be a public hearing to conclude the public comment period. Consultants are recommending the October 2, 2019 Cuyama Basin Groundwater Sustainability Agency (CBGSA) regular Board meeting be pushed back a week to Wednesday, October 9, 2019 (to accommodate a full 90 days starting July 10, 2019) and a public hearing be held that same day.



TO: Standing Advisory Committee  
Agenda Item No. 5av

FROM: Jim Beck, Executive Director

DATE: June 27, 2019

SUBJECT: Set SAC and Board Meetings through January 2020

**Issue**

Set the Standing Advisory Committee and Board meetings through January 2020.

**Recommended Motion**

Recommend setting the remaining Groundwater Sustainability Agency Board of Directors and Standing Advisory Committee meetings through January 2020 according to the schedule provided in Agenda Item No. 5av to the Standing Advisory Committee meeting on June 27, 2019.

**Discussion**

The proposed Cuyama Basin Groundwater Sustainability Agency (CBGSA) Board and Standing Advisory Committee (SAC) meeting calendar through January 2020 is provided as Attachment 1 for consideration of approval.

## Cuyama Basin Groundwater Sustainability Agency Draft 2019 Meeting Calendar

BOD
  SAC
  Cancelled Date
  Holiday

August						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

September						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

October						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

November						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

December						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				



TO: Standing Advisory Committee  
Agenda Item No. 6c

FROM: Jim Beck, Executive Director

DATE: June 27, 2019

SUBJECT: Board of Directors Agenda Review

**Issue**

Review of the July 10, 2019 Cuyama Basin Groundwater Sustainability Agency Board of Directors meeting agenda

**Recommended Motion**

None – information only.

**Discussion**

The July 10, 2019 Cuyama Basin Groundwater Sustainability Agency Board of Directors meeting agenda is provided as Attachment 1 for review.



*JULY 10, 2019 CUYAMA BASIN GROUNDWATER SUSTAINABILITY AGENCY  
BOARD OF DIRECTORS AGENDA WILL BE PROVIDED ONCE FINALIZED.*

*Agenda Item No. 10 - Correspondence*

**Walking U Ranch, LLC, a California Limited Liability Company**  
**Kathleen P. March, Managing Member**  
**10524 W. Pico Blvd, Suite 212, LA, CA 90064**  
**Phone: 310-559-9224 Fax: 310-559-9133**  
**Email: kmarch@BKYLAWFIRM.com**

June 9, 2019

Cuyama Basin Groundwater Sustainability Agency ("GSA")  
 4900 California Avenue, Tower B, 2<sup>nd</sup> Floor,  
 Bakersfield, CA 93309  
**Attention Taylor Blakslee, Project Manager**

By mail, and by email to TBlakslee@hgcpm.com

To Directors of the Cuyama Basin GSA:

I write to the Cuyama Basin Groundwater Sustainability Agency ("GSA"), as the managing member of Walking U Ranch, LLC ("Ranch"), which owns and runs a 989 acre cattle ranch located at 1850 Miranda Canyon, New Cuyama, CA 93254, in the western part of the Cuyama Valley.

Ranch has 28 cows, 2 bulls, and until they are sold later this month, has 13 calves, grazing over its 989 acres. Ranch uses very little water, because it is cattle grazing only, with no crops of any kind. Ranch's water use is only to water cattle, and to water Ranch's horses used to work cattle, and for house use of the resident Ranch manger and his family, and of additional persons visiting and working for Ranch. The cattle, horses, and people, drink water that Ranch pumps from a well located on Ranch, using a solar pump, plus from springs Ranch licenses from the US Forest Service.

Ranch, and the other cattle Ranches in the Cuyama Valley, have not, and are not, using more water than is sustainable. Ranching is NOT depleting the water table. It is farming that is depleting the water table in the Cuyama Valley, particularly in the Central Basin portion of the Cuyama Valley, where growing carrots, alfalfa, and other crops uses more water than the water table can supply on a sustainable basis.

In addition, the 500,000 grape vines that North Fork (aka Harvard University) has planted in the last couple of years, only a couple of miles east of Ranch, are NEW water usage. Because, before Harvard University planted its 500,000 grape vines, that land was cattle grazing land.

The western portion of the Cuyama Valley, where Ranch is located, does not have an over-drafting, falling water table, problem, because the majority of the western portion of the Valley is cattle ranching, NOT farming, and the cattle ranchers do NOT use more water than the water table in the western portion of the Valley can sustain.

Ranch understands some of the big farming operations, in the Central Basin part of the Cuyama Valley, are proposing that any tax, levy, or assessment to pay for developing, implementing, and

enforcing a groundwater sustainability program in the Cuyama Valley, or to charge for water itself, should be assessed on the basis of acres owned by each landowner in the Cuyama Valley, instead of being assessed based on the amount of water used by each landowner in the Cuyama Valley.

If the Cuyama Basin GSA were to charge a tax, levy or assessment, to fund a groundwater sustainability program, or for water use, on the basis of number of acres owned, instead of charging on the basis of amount of water used by each landowner, such a tax, levy or assessment would be so irrational and unfair as to be wholly illegal, including illegal as a violation of due process, and illegal as taking by a government agency, without right, and without compensation. This is because there is no correlation between acres owned, and water consumption. Example: the 793 acre property immediately east of Ranch has no water at all, and so uses no water at all. Should that 793 acres, that uses zero water--because it has zero water--be assessed/levied/taxed, for the costs of the groundwater sustainability program, the same as a 793 acre carrot field, or alfalfa field, or vineyard, that consume HUGE amounts of water to grow those crops. Of course not, because that would be irrational, and so would be an illegal taking. The undersigned and husband own an alfalfa farm in Creston, CA, and we pump 335 gallons of water a minute, 14 hours a day, 7 days a week, for the 6 months alfalfa growing period, to grow 25 acres of alfalfa per year, 5 or 6 cuttings. So I know the HUGE amount of water that such crops require, first hand.

Anyone who checks the electric bills of the large farms can determine how much water they are pumping, from those farms' electric bills. I can tell GSA how to do that, if you don't know how, because I check the electric bills on our Creston alfalfa farm, to see how much water is being pumped, to irrigate the alfalfa. Ranch suggests the GSA should demand to see the electric bills of those large farms. As a governmental agency, GSA has the ability to demand production of those electric bills. Electric utilities keep those bills for several years back. Checking the electric bills will show exactly which farming operations are pumping more water than is sustainable.

In addition to being illegal, if an assessment/tax/levy to pay the costs of the groundwater sustainability program were assessed based on acreage owned--instead of assessed based on water consumed--doing so would not make economic sense. A per acre assessment/tax/levy would have the effect of forcing ranchers (who use little water) to subsidize farmers, who use excessive amounts of water, for the cost of the groundwater sustainability program. There is no legal or equitable basis for imposing farming costs on ranch properties. Ranchers aren't asking farmers to subsidize ranchers' costs, and shouldn't have to pay assessments that farmers should be paying, based on farmers' high (unsustainably high) water use. Moreover, farmers can add the cost of the groundwater sustainability program assessments to what farmers charge for their crops, when they sell their crops. In contrast, if ranchers were forced to pay an assessment that was, irrationally, assessed on acreage owned--to try to fix a problem that farmers created--the ranchers cannot pass on that assessment cost, by adding it to the price of crops sold. Requiring everyone to pay according to water usage will put the majority of the cost of the groundwater sustainability program where it belongs, which is on the large farms which use huge amounts of water, more than is sustainable, who are the ones who have caused the water overuse problem. In addition, assessment based on water usage will encourage water conservation.

It is Ranch's understanding that North Fork (aka Harvard University) supports any assessment/tax/levy to pay for the costs of the groundwater sustainability program, being assessed on the basis of water usage, not on the basis of acres owned.

The big farmers in the Central Basin are the ones who caused the depletion of the water table in the Central Basin, and they are the ones who should pay for their over-use of water, including paying for developing, implementing, and enforcing a groundwater sustainability program, in the Cuyama Valley. The way to charge the people that have overused water, for causing the need for a water sustainability program, is to charge any levy, assessment or tax for developing, implementing, and enforcing a water sustainability program, in the Cuyama Valley, based on amount of water each landowner uses--**NOT based on acreage** each landowner owns--and to charge an additional levy, on the farms which have depleted the Central Basin water table (by taking out more water, than the water table can sustain), for the cost of developing and running a groundwater sustainability program, to try to fix the groundwater depletion problem these large farming operations have caused.

Ranch, and every other property owner which does NOT over-consume water, should demand, that any levy, assessment or tax, relating to developing, implementing, and enforcing a groundwater sustainability program, in the Cuyama Valley, or relating to water use itself, must be calculated based on amount of water each landowner uses, NOT based on acreage each landowner owns. Walking U Ranch, LLC demands this. In every city and town in the US, there are water meters charging houses and businesses for gallons of water used, NOT for the number of square feet owned by each house or business.

If there must be a levy, assessment or tax to develop, implement and enforce a groundwater sustainability program in the Cuyama Valley, that assessment must be based on amount of water each landowner uses, NOT based on acreage each landowner owns. If based on acreage, instead of water usage, it will be illegal, and any Agency, which tries to implement such an illegal assessment, will get sued. My husband and I are both lawyers, so we know a few things about suing, if necessary.

Moreover, the farms in the Central Basin portion of the Cuyama Valley, which have for DECADES used more water than is sustainable, to irrigate their carrots, alfalfa, and other crops—NOT caring how much they depleted the water table--**should be charged an additional amount**, for having created the water depletion that now requires having a water sustainability program. It is the greedy, irresponsible, excessive, water use of those big farms, that is causing this water depletion crisis for the whole Cuyama Valley.

The excessive water use of those big farms is NOT being responsible businesses, or good neighbors. That conduct is selfish, greedy behavior, damaging all the rest of the landowners in the Cuyama Valley, and damaging to the environment. Those of us, like Ranch, which do not, and never have, used more water than is sustainable, should NOT pretend these big farms have acted properly, because they have NOT acted properly. The farms guilty of excessive water use,

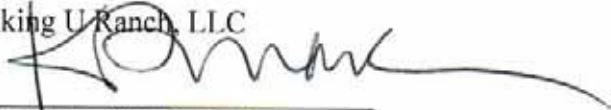
which has been depleting, and continues to deplete, the water table in the Central Basin, should pay **MORE OF THE COSTS** of creating, implementing and enforcing a water sustainability program, **because it is fair and proper to charge these large irresponsible farms for fixing the water depletion problem THAT THEY HAVE CAUSED.**

Therefore, Ranch proposes that:

- (1) any levy, assessment or tax, to develop, implement and enforce a groundwater sustainability program in the Cuyama Valley, or for water use itself, should be assessed based on **amount of water each landowner uses, NOT based on acreage each landowner owns**; and
- (2) that landowners who can be demonstrated to have used more water than is sustainable **should be charged an extra assessment**, to pay for trying to undo the damage they have caused--and continue to cause--to the water table in the Cuyama Valley, particularly the Central Basin portion of the Cuyama Valley.

Cattle ranchers, and other responsible water users, stop acting like sheep. Don't let these big farmers force you to pay **per acre owned**. Join Ranch in demanding (1) and (2).

Walking U Ranch, LLC



By Kathleen P. March, Esq.,  
sole managing member of LLC

WALKING U RANCH, LLC, a California LLC  
 C/O Kathleen P. March, Esq., managing member  
 10524 W. Pico Boulevard, Suite 212, Los Angeles, CA 90064  
 Phones: office 310-559-9224 and cell 213-700-6638 and Fax: 310-559-9133  
 E-mail: [kmarch@bkylawfirm.com](mailto:kmarch@bkylawfirm.com) Website: [www.bkylawfirm.com](http://www.bkylawfirm.com)

June 12, 2019

To:

Cuyama Basin Groundwater Sustainability Agency ("GSA")  
 4900 California Avenue, Tower B, 2<sup>nd</sup> Floor,  
 Bakersfield, CA 93309

and To:

GSA Project Manager (Executive Director), Jim Beck, attn. to Taylor Blakslee, assistant to Mr. Beck, by email to [TBlakslee@hgcpm.com](mailto:TBlakslee@hgcpm.com)

To Directors of the Cuyama Basin GSA and to Jim Beck, as Project Manager (Executive Director) of GSA:

This is my second letter to the Cuyama Basin Groundwater Sustainability Agency ("GSA"). As I did in my 6/9/19 letter, I write again, as the managing member of Walking U Ranch, LLC ("Ranch"), which owns and runs a 989 acre cattle ranch located at 1850 Miranda Canyon, New Cuyama, CA 93254, in the western part of the Cuyama Valley.

I ask that you, Mr. Beck/Mr. Blakslee, give this letter to the members /directors of the Cuyama Basin Groundwater Sustainability Agency ("GSA"). As you declined, yesterday, to give me Mr. Beck's email, I cannot email directly to Mr. Beck. **Please REPLY to me, Mr. Blakslee, to [kmarch@bkylawfirm.com](mailto:kmarch@bkylawfirm.com) to confirm you will do so. Thank you.**

Please include a copy of this letter (and my 6/9/19 letter and email) in the packet of materials that you Mr. Beck/Mr. Blakslee will provide to Water Board members for the upcoming July 10, 2019 a 4pm Water Board meeting in New Cuyama, CA. **Please REPLY to me, to [kmarch@bkylawfirm.com](mailto:kmarch@bkylawfirm.com) to confirm you will do so.**

You confirmed to me, Mr. Beck, when we spoke by phone today, that at the July 10, 2019 meeting, the Water Board will be considering the question of whether assessments/ levies/ taxes that GSA charges landowners, to fund the Cuyama Basin Groundwater Sustainability Plan ("GSP") should be charged on a **water used** basis, or should be charged on an **acres owned** basis.

You, Mr. Beck, confirmed to me, on the phone, that you, Mr. Beck, as Project Manager for GSA, are "**neutral**" on the question of whether GSA should charge landowners such assessments/levies/taxes for GSP on a **water used** basis, or on an **acres owned** basis. Neither you, Mr. Beck, nor GSA's water use attorney (you told me GSA has a water use attorney), should be "neutral" on this question. Both you, Mr. Beck, as Project Manager for GSA, and GSA's water use attorney, should tell GSA, and the Water Board, that GSA cannot assess

property owners for costs of creating or running a GSP, based on an **acres owned** basis, instead of assessing property owners on a **water used** basis, because charging property owners on an **acres owned** basis, for the costs of creating or running GSP, would be **illegal**.

As I said in my 6/9/19 letter, and as I told you, Mr. Beck, on the phone today, it would be **illegal**, if GSA were to assess landowners for costs of GSP, based on **acres owned** by each landowner, instead of assessing based on **water used** by each landowner.

“Acres owned” assessment would violate California Water Code §10730.2; plus would violate California Constitution Articles XIII C and D (particularly Proposition 218, which was passed to prevent government agencies from assessing landowners’ property based fees, which are actually property taxes, without following the constitutionally required procedure for passing a new property tax by a 2/3rds vote of voters), and Proposition 26 (defines what is a tax); plus would violate due process rights guaranteed to landowners by both the California and United States Constitutions.

Each of those laws make it **illegal**, to assess landowners for costs of developing/ implementing/ performing monitoring of water use, pursuant any Cuyama Basin Groundwater Sustainability Plan (“GSP”), on a **per acre** basis, as opposed to assessing on a **water used** basis.

Here’s a little detail on the controlling law:

1. **California Water Code §10730.2(a)** states:

“(a) A groundwater sustainability agency that adopts a groundwater sustainability plan pursuant to this part **may impose fees on the extraction of groundwater** from the basin **to fund costs** of groundwater management...”

The words “fees on the extraction of groundwater”, means fees assessed based on **water usage**.

In addition, California Water Code §10730.2(d) says that fees imposed may include:

**“fees charged on a volumetric basis, including, but not limited to, fees that increase based on the quantity of groundwater produced annually...”**

NOTHING in California Water Code §10730.2(a) allows assessing landowners for a GSP based on **acreage owned by each landowner**.

2. **Articles XIII C and XIII D of the California Constitution, and Proposition 218**, have been held, by the CA Supreme Court, in *Silicon Valley Taxpayers Assoc v. Santa Clara County Open Space Authority*, 44 Cal.4<sup>th</sup> 431 (2008) to prohibit local government (this includes GSAs) from subjecting taxpayers to assessments, fees, or charges on property that are in fact taxes, but such taxes have not been approved by the required 2/3<sup>rds</sup> vote of taxpayers. Proposition 26 defines what is a tax, and therefore cannot be charged without the required 2/3rds vote of taxpayers, after proper notice. There has not been proper notice, nor has there been a 2/3rds vote of taxpayers approving assessing landowners on a



per acre basis, for GSP costs. There are not enough big farming operations in the Cuyama Valley to give GSA the 2/3rds “we approve new tax” vote of landowners that would be required, to keep a “acres owned” assessment from violating these provisions of the California Constitution. Mr. Beck told me today that GSA’s land use attorney agrees that an acres owned assessment to pay for GSA costs would have to be approved, by a vote of 2/3rds of the landowners in the Cuyama Basin. GSA trying to get such a vote would cost a lot of money to properly notice and hold the required election, and would not get a 2/3rds vote, and so would fail.

But complying with Proposition 218 would not change the fact that an acres owned based assessment would violate **California Water Code §10730.2**, quoted at 1. Supra; would still violate due process (discussed at 3 immediately infra); and would be contrary to achieving the stated statutory purpose of GSPs, which is to achieve sustainable water use.

**Achieving Statutory Purpose of GSAs/GSPs:** Assessing landowners, based on **water usage**, for the costs of developing/running a GSP, **further the statutory goal of GSPs**, which is to encourage/achieve **sustainable** water use. Assessing GSP costs, based on **water usage**, will encourage landowners to conserve water, in order to reduce their water usage assessments. Conservation of water is essential to reaching the statutory goal of GSAs, of achieving sustainable water use. In contrast, assessing costs of developing and running GSAs, on an acres owned basis, has no relationship to the stated statutory purpose of GSAs of achieving sustainable water use, because acreage owned has nothing to do with water used. Faced with the alternatives of adopting a **water usage** based assessment, or an **acreage based** assessment, the only choice that furthers the statutory purpose of GSAs is a **water usage** based assessment, because only that choice will encourage water conservation, which is essential to reach the goal of achieving sustainable water use.

3. **Due Process Rights that landowners have, pursuant to the California Constitution, and US Constitution**, would additionally be violated by GSA assessing landowners for costs of GSP, based on an acres owned basis, instead of assessing costs of GSP, based on a water used basis. Assessing GSP costs based on acres owned is a violation of due process because, *inter alia*, acres owned has NO relationship to water used, and GSP’s statutory purpose is to achieve sustainable water use. Briefing the law on federal and state due process would take too long to put in this letter. But GSA’s water use attorney knows this law, and should confirm the above law (1, 2, 3), and should tell GSA that that acres owned assessment would violate landowners state and federal due process rights, would violate the California Water Code 10730.2, and would violate Articles XIII C and XIII D of the California Constitution, particularly violating Proposition 218.
4. Many of the properties in the Cuyama Valley are in the California Williamson Act, which provides that no property tax shall be levied on acres owned, that property taxes shall only be charged on structures on Williamson Act land. Assessing GSP costs on an “acres owned” basis would be **contrary** to the Williamson Act. The statutory purpose of the Williamson Act is to foster ranching and farming, as being activities beneficial to society as a whole.

Mr. Beck, you committed to me on the phone today that you would forward this letter, briefing applicable law, to GSA's water use attorney. Please do so promptly, and please ask that water use attorney to respond to my law firm, regarding the law briefed herein, to [kmarch@bkylawfirm.com](mailto:kmarch@bkylawfirm.com). If he responds promptly, maybe he and I will agree on controlling law, before the July 10, 2019 meeting.

GSA's water use attorney should be advising GSA that assessing GSP costs to landowners, based on acres owned, instead of assessing based on water used, would be **illegal**. GSA's water use attorney is undoubtedly aware that the statutory purpose of GSAs, the California Water Code, the California Constitution, and due process rights of landowners pursuant to the California and US Constitutions, **all prohibit** a GSA/GSP from assessing costs of developing/implementing/doing monitoring, on a **per acre** basis, as opposed to assessing on a **water used** basis. It took me exactly 15 minutes, on the phone with a water law attorney, to get the above law from him, which he told me is **basic GSA water law**.

In light of this controlling law, for you, Mr. Beck, as project manager (executive director) of GSA, to say you are "neutral" on whether GSP should assess based on acres owned, or based on water used, is violating your project manager's duty to advise GSA (and Water Board). Due to the fact that it would be **illegal** to assess based on a **per acre owned basis**, instead of assessing on a **water usage** by landowner basis, you, **Mr. Beck, and GSA's water use attorney**, should **not** be "neutral" as to whether GSA should vote to assess based on a **per acre owned basis**, as opposed to assessing on a **water usage by landowner basis**. Rather, you, Mr. Beck, as GSA's project manager, and GSA's water use attorney, should both advise GSA, and the Water Board, that GSP costs **cannot** be charged to landowners, on an acres owned basis, and can only be assessed, on a water used basis.


Walking U Ranch, LLC, by me as its managing member, requests that you, Mr. Beck, and GSA's land use attorney, both tell GSA, and the Water Board, at the July 10, 2019 meeting, that any assessments for GSP must be on the basis of water usage, and that GSA/GSP would be **acting illegally**, if GSA/Water Board were to assess landowners for costs of developing/implementing/ running the Cuyama Basin GSP on an **acres owned** basis.

In addition, you Mr. Beck, and GSA's land use attorney, have a duty to tell GSA that GSA will be subject to being sued, for **acting illegally**, if GSA were to assess GSP costs based on acres owned, instead of based on water used.

The law is so clear that it would be illegal—and contrary to statutory purpose of GSAs-- to assess landowners for GSP costs, on an **acreage owned basis**, that I cannot think of any legitimate reasons why you, Mr. Beck, as GSA's project manager would be saying you are "**neutral**" on whether the GSP assessment should be on an acres owned, or on a water used basis. As GSA's project manager, you Mr. Beck, should be urging GSA to assess landowners for the costs of developing and implementing a GSP, on a **water used basis**, so that the assessment will further the statutory purpose of GSAs/GSPs, which is to encourage sustainable water use, and so that it will not violate the controlling laws, briefed supra this letter. I urge you to do so at the 7/10/19 meeting.

In my 40 plus years of being an attorney, the most common reason I have seen, for someone to stay "neutral", as between a legal option, and an illegal option, when their duty requires that the person NOT be neutral, is that someone is paying the person money, or other consideration, to be "neutral", unbeknownst to the client (here GSA), which is relying on its project manager to give GSA unbiased advice. I suggest that GSA should require you, Mr. Beck, to give an explanation to GSA as to why you, Mr. Beck-- GSA's project manager--should claim to be "neutral" as regards to whether GSA should adopt a **legal** means of assessment (**water used**), that will help achieve water sustainability (the statutory purpose of GSAs/GSPs, **versus** adopting an **illegal** means of assessment (**acres owned**), that is completely unrelated to achieving water sustainability. "Neutrality" is a dereliction of duty in this situation.

I plan to attend the 7/10/19 Water Board meeting, and I request to be allowed to address the Board, regarding the issue of whether GSP should assess property owners for GSP costs on an **acres owned basis**, or on a **water used basis**. Please Mr. Beck, or Mr. Blakslee, reply to [kmarch@bkylawfirm.com](mailto:kmarch@bkylawfirm.com), to confirm that I will be allowed to do so. I will be bringing a second attorney with me, who may also wish to address the Water Board.

Sincerely,  
Walking U Ranch, LLC  
  
By Kathleen P. March, Esq.  
Sole Managing Member of LLC

WALKING U RANCH, LLC, a California LLC  
 C/O Kathleen P. March, Esq., managing member  
 10524 W. Pico Boulevard, Suite 212, Los Angeles, CA 90064  
 Phones: office 310-559-9224 and cell 213-700-6638 and Fax: 310-559-9133  
 E-mail: kmarch@bkylawfirm.com Website: [www.bkylawfirm.com](http://www.bkylawfirm.com)

June 13, 2019

To:

Cuyama Basin Groundwater Sustainability Agency ("GSA")  
 4900 California Avenue, Tower B, 2<sup>nd</sup> Floor,  
 Bakersfield, CA 93309

and To:

GSA Project Manager (Executive Director), Jim Beck, attn. to Taylor Blakslee, assistant to Mr. Beck, by email to TBlakslee@hgcpm.com

To Directors of the Cuyama Basin GSA and to Jim Beck, as Project Manager (Executive Director) of GSA:

The very experienced water use lawyer, who has been assisting me with briefing controlling law, sent me the attached article, which says the Santa Rosa GSP's proposal, being voted on today by the Santa Rosa GSA, is to assess landowners for GSP costs on a water used basis, and will only assess large water users for GSP costs. That article reports what I have already briefed for you, in my 6/12/19 letter to you, which is:

**"Strict constitutional requirements on fees and taxes narrowed the funding options [for funding GSP] to a fee based on actual or estimated groundwater use."**

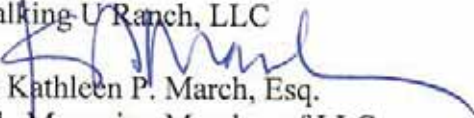
Looking at GSAs/GSPs throughout California, on the internet, no GSA in California has adopted a GSP that assesses landowners for GSP costs, on a per acre owned basis, so far as I have seen. This situation is no coincidence. This is because assessing landowners on a water used basis **furtheres the statutory purpose** of GSAs/GSPs, which is to achieve sustainable water use. Assessing landowners based on a landowner's water use encourages each water user to conserve water (because the less water used, the lower the assessment will be), and conserving water is essential to reach GSA/GSP's goal of sustainable water use. Second, as I have briefed for you, controlling law **does not allow** assessing landowners for GSP costs on an acres owned basis. That controlling law is briefed in my letter to you dated 6/12/19, and was mentioned in my letter to you of 6/9/19.

Why is the Cuyama Basin GSA the only GSA in California that is considering assessing GSP costs on an acres owned basis, instead of assessing GSP costs on a water used basis. Why does your Project Manager, Jim Beck, say he is **"neutral"** on whether Cuyama Basin GSA should adopt a **legal (water used)** assessment, that furthers the statutory purpose of GSAs/GSPs, versus adopting an **illegal (acres owned)** assessment, that does not further the statutory purpose?

Cuyama Basin GSA, and the Water Board, should require Mr. Beck to explain his "neutrality", including asking Mr. Beck if he has been offered, or paid, consideration, to procure his

“neutrality”. You need to find out.

Sincerely,  
Walking U Ranch, LLC

  
By Kathleen P. March, Esq.  
Sole Managing Member of LLC

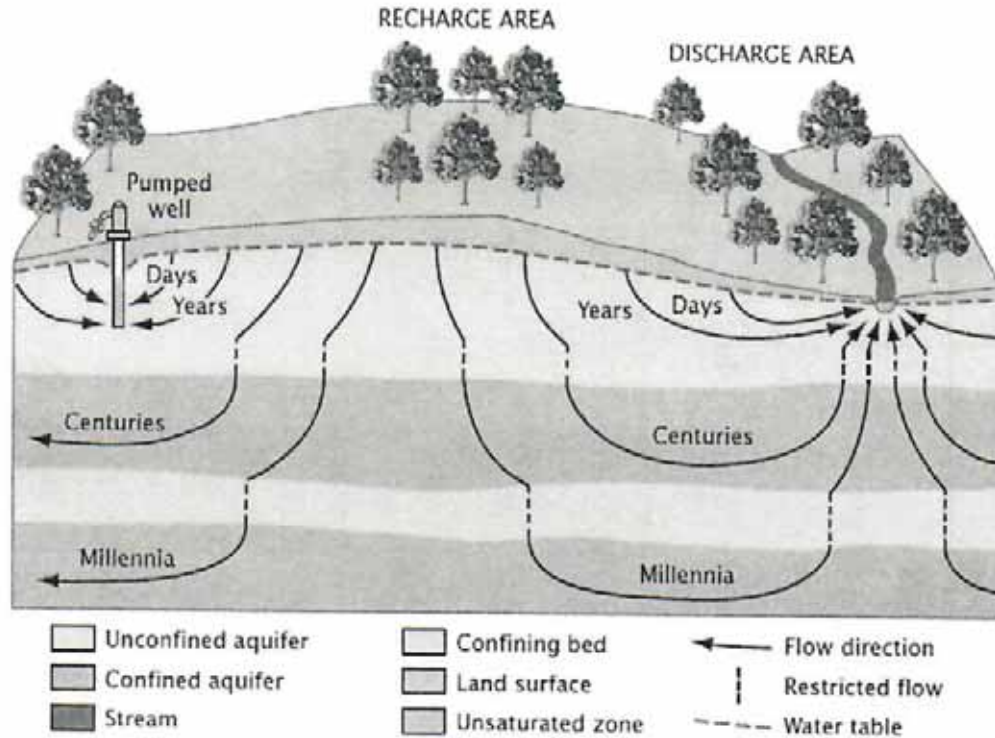
Attachment: Article regarding Santa Rosa Plain Groundwater Sustainability Agency GSP  
funding from 6/11/19 Sonoma County Gazette

# SONOMA COUNTY GAZETTE

SEARCH (/SEARCH-RESULTS.HTML)

LOG IN (HTTPS://WWW.SONOMACOUNTYGAZETTE.COM/LOGIN/INDEX.HTML?RTN=HTTP://WWW.SONOMACOUNTYGAZETTE.COM/)

## GROUNDWATER



## LOW PATHS FROM RECHARGE TO DISCHARGE AREAS

Idealised cross section showing groundwater flow paths from recharge to discharge areas. An unconfined aquifer below the water table flows into a stream. Below that, two confined aquifers are renewed over much longer time scales (Source: CSIRO, 2011).

### Groundwater Agency Schedules Public Meeting June 13 on Proposed Fee

Jun 11, 2019

Share:

The Board of Directors of the **Santa Rosa Plain Groundwater Sustainability Agency** is holding a public meeting on Thursday, June 13, 1 p.m. at 35 Stony Point Road to consider adoption of a groundwater sustainability fee and a groundwater user registration ordinance.

If **approved** by the Board, a groundwater sustainability fee would be assessed on groundwater users in the Santa Rosa Plain subbasin (an area extending from Santa Rosa west to Sebastopol and from Windsor south to Cotati). The fee would be based on actual or estimated groundwater pumped annually, and would be levied based on either pumping records or published studies of average groundwater use for irrigated crops and rural residents.

P.3 17.5

If approved, the fee amount would be \$19.90 per acre-foot of groundwater pumped annually. For rural landowners who use water for household and landscaping irrigation, the amount of water used annually is estimated to average 0.5 acre-feet annually (approximately 446 gallons per day), resulting in a fee of \$9.95 per year. The fee would take effect on July 1, 2019 and be fixed for three years.

While the proposed fee is calculated based on use by all groundwater users in the basin, an annual financial contribution to the GSA by the County of Sonoma and Sonoma Water would result in the fee only being paid by major municipal pumpers (the cities of Cotati, Rohnert Park, Santa Rosa and Sebastopol; the Town of Windsor; and Sonoma Water). The financial contribution would offset the fees that would otherwise be paid by all non-municipal groundwater users, including rural residential well owners, farmers and businesses through June 2022.

The groundwater user ordinance would be rolled out over three years and would add groundwater user information to a GSA database. People would be notified via mail about the registration program. They would not be required to take any action, but would have an opportunity to share information with the GSA about their well, water quality issues and groundwater use through an on-line or paper system.

Go to [santarosaplaingroundwater.org](http://santarosaplaingroundwater.org) (<http://santarosaplaingroundwater.org/>) for the meeting agenda, materials and to view the fee resolution, groundwater user ordinance and other materials.

SGMA defines sustainable management as:

***"Management and use of groundwater in a manner that can be maintained during the planning and implementation horizon without causing undesirable results."***

The Santa Rosa Plain GSA will be tracking six main sustainability indicators:



Lowering Groundwater Levels



Seawater Intrusion



Reduction of Storage



Land Subsidence



Degraded Groundwater Quality



Surface Water Depletion

The Santa Rosa Plain GSA will be tracking six main sustainability indicators:

For more information about groundwater, visit our [Understanding Groundwater page](http://santarosaplaingroundwater.org/gw/) (<http://santarosaplaingroundwater.org/gw/>) (<http://santarosaplaingroundwater.org/gw/>) or read our [Groundwater Primer](http://santarosaplaingroundwater.org/wp-content/uploads/5-7-18-Groundwater-Primer.pdf). (<http://santarosaplaingroundwater.org/wp-content/uploads/5-7-18-Groundwater-Primer.pdf>)

#### **ABOUT THE RATE AND FEE STUDY**

The Sustainable Groundwater Management Act (SGMA) was passed into California law in fall 2014. The Act requires that State-designated medium (including Santa Rosa Plain) and high priority basins form a GSA and develop a Groundwater Sustainability Plan (GSP). In compliance with SGMA, the Santa Rosa Plain GSA was created in June, 2017.

GSA member agencies contributed funds to pay for the first two years of GSA operating costs. Raftelis (a financial consulting firm) began a fee study in December 2017 to develop options for funding the agency through 2022, when the GSP is completed. In spring 2018, the GSA was awarded a \$1 million Proposition 1 grant from the California Department of Water Resources (DWR) for developing the GSP. The grant funds significantly offset GSA costs. Funding is needed to cover the remaining operating costs of approximately \$337,000 annually.

P4165

*note* Strict constitutional requirements on fees and taxes narrowed the funding options to a fee based on actual or estimated groundwater use. Dividing the annual cost of operating the GSA -- \$337,000 -- by the estimated annual groundwater extraction from the Santa Rosa Plain basin (16,934 acre-feet) equals a rate of \$19.90 per acre-foot. *note* This rate is half of the \$40 per acre-foot rate that the state established it would charge groundwater users in the Santa Rosa Plain if the state were to intervene. With a rate of \$19.90 per acre-foot multiplied by the actual and estimated use factors, the following fees are proposed:

- Rural residential groundwater users would pay \$9.95 per year
- Large groundwater users would pay \$19.90 per acre-foot of water pumped annually (for example, a vineyard with 100 acres of irrigated vines (60 AFY) would pay \$1,194 annually)
- Urban well owners would pay \$1.99 per year

As noted above, a contribution by the County/Sonoma Water would offset the fees for all but municipal groundwater pumpers (the cities of Cotati, Rohnert Park, Santa Rosa and Sebastopol; the town of Windsor; and Sonoma Water). If the GSA does not impose fees, and as a result, cannot complete and implement the GSP, the state could intervene and impose fees that would range from \$100 annually for residential well owners to \$300 (base fee) plus \$40 per acre-foot of groundwater use for agriculture, cities, mutual water systems, golf courses and commercial users.

For more information about the Santa Rosa Plain GSA, go to [www.santarosaplaingroundwater.org](http://www.santarosaplaingroundwater.org) (<http://www.santarosaplaingroundwater.org/>).

### Comments:

**LOGIN TO MAKE A COMMENT** [. \(https://www.sonomacountygazette.com/login/index.html?rtn=/sonoma-county-news/groundwater-agency-schedules-public-meeting-june-13-on-proposed-fee\)](https://www.sonomacountygazette.com/login/index.html?rtn=/sonoma-county-news/groundwater-agency-schedules-public-meeting-june-13-on-proposed-fee)

Please support our sponsors:



[\(https://www.sonoma-marinfair.org/tickets/\)](https://www.sonoma-marinfair.org/tickets/)  
**June 19-23, 2019**  
[sonoma-marinfair.org](http://www.sonoma-marinfair.org)  
[\(http://www.sonoma-marinfair.org/\)](http://www.sonoma-marinfair.org/)



GENEROUSLY SPONSORED BY ANNY NEEL/THE NEEL FOUNDATION  
[\(https://www.cloverdaleperformingarts.com/\)](https://www.cloverdaleperformingarts.com/)  
Cloverdale Performing Arts Center  
209 N Cloverdale Blvd, Cloverdale  
(707) 894-2214

*P.5 of 5*



## Taylor Blakslee

---

**From:** K. P. March <kmarch@bkylawfirm.com>  
**Sent:** Friday, June 14, 2019 5:27 PM  
**To:** Taylor Blakslee  
**Subject:** To Cuyama Basin Groundwater Sustainability Agency, and to Jim Beck, its project manager: Some questions for you, Mr. Blakslee, and you boss, Mr. Beck

061419

To Cuyama Basin Groundwater Sustainability Agency, and to Jim Beck, its project manager

From Walking U Ranch, LLC by KPMarch, Esq., sole managing member of LLC

Mr. Blakslee/Mr. Beck:

When Mr. Beck and I spoke by phone earlier this week, I suggested to Jim Beck that he forward all my letters to GSA's water use attorney, Joe, and have Joe respond to me on the law that I briefed in the 3 letters.

Mr. Beck said he was going to forward my letters to GSA's water use attorney, Joe, and have the water use attorney reply to me re. the law briefed in my 3 letters.

**Question:** Have my 3 letters been forwarded to GSA's water use attorney, Joe, by either you, or by Becks? **REPLY and tell me please.**

If yes, when were my letters forwarded to water use attorney, Joe, and **when can I expect to hear from Joe.**

It is quite possible that GSA's water use attorney (Joe) will **agree that the controlling law is what I briefed, if Joe were to REPLY to my briefing, since the law I briefed is the controlling law.**

It could move things forward, before the July 10, 2019 Water Board meeting, if Joe were to REPLY to the briefing in my 3 letters (6/9/19, 6/12/19 and 6/13/19 letters), because I think Joe will agree with that briefing, and that will be the end of "per acre" assessment proposal.

Alternatively, if you/Beck do NOT promptly forward my 3 letters to GSA's water use attorney Joe, I will bring that failure up, at the 7/10/19 meeting, and it will be obvious to the Water Board that Mr. Beck does NOT want GSA's water attorney to consider the law briefed in my 3 letters. \_

**Reply please. Thx.**

Also, the experienced water use attorney assisting me has found 2 additional GSPs in California, already adopted, which EACH assess landowners for GSP costs, **based on water use**, as California Water Code requires. Those are the GSP of the Kings River East GSA, and of the of the Indian Wells Valley GSA. I'll print some materials from the websites for each of those GSPs and will send those materials to you next week.

**PS: please include this 6/14/19 email in the packet of materials you will be sending to each Water Board member, before the 7/10/19 meeting. Reply to confirm you will do so.**

KPMarch

Kathleen P. March, Esq., sole managing member of  
 Walking U Ranch, LLC  
 10524 W. Pico Blvd, Suite 212  
 Los Angeles, CA 90064  
 Phone: 310-559-9224  
 Fax: 310-559-9133  
 E-mail: [kmarch@BKYLAWFIRM.com](mailto:kmarch@BKYLAWFIRM.com)  
 Website: [www.BKYLAWFIRM.com](http://www.BKYLAWFIRM.com)  
*"Have a former bankruptcy judge for your personal bankruptcy attorney"*

---

**From:** Taylor Blakslee [mailto:TBlakslee@hgcpm.com]  
**Sent:** Friday, June 14, 2019 4:27 PM  
**To:** K. P. March  
**Subject:** RE: To Cuyama Basin Groundwater Sustainability Agency, and to Jim Beck, its project manager: Please see attached letter attaching article that "Strict constitutional requiremens narrow fees [for GSPs] to a fee based on actual or estimated groundwater use

Will do.

Taylor Blakslee  
 Project Coordinator  
 (661) 477-3385



[To send me a file click here.](#)

Corporate (916) 923-1500  
[www.hgcpm.com](http://www.hgcpm.com)

Confidentiality Note: The information contained in this email and document(s) attached are for the exclusive use of the addressee and may contain confidential, privileged and non-disclosable information. If the recipient of this email is not the addressee, such recipient is strictly prohibited from reading, photocopying, distributing or otherwise using this email or its contents in any way.

---

**From:** K. P. March <[kmarch@bkylawfirm.com](mailto:kmarch@bkylawfirm.com)>  
**Sent:** Thursday, June 13, 2019 5:03 PM  
**To:** Taylor Blakslee <[TBlakslee@hgcpm.com](mailto:TBlakslee@hgcpm.com)>  
**Subject:** RE: To Cuyama Basin Groundwater Sustainability Agency, and to Jim Beck, its project manager: Please see attached letter attaching article that "Strict constitutional requiremens narrow fees [for GSPs] to a fee based on actual or estimated groundwater use

Thx, please give both to Jim Beck.

Kathleen P. March, Esq.  
 The Bankruptcy Law Firm, PC  
 10524 W. Pico Blvd, Suite 212  
 Los Angeles, CA 90064  
 Phone: 310-559-9224  
 Fax: 310-559-9133  
 E-mail: [kmarch@BKYLAWFIRM.com](mailto:kmarch@BKYLAWFIRM.com)  
 Website: [www.BKYLAWFIRM.com](http://www.BKYLAWFIRM.com)  
*"Have a former bankruptcy judge for your personal bankruptcy attorney"*

---

**From:** Taylor Blakslee [<mailto:TBlakslee@hgcpm.com>]

**Sent:** Thursday, June 13, 2019 4:56 PM

**To:** K. P. March

**Subject:** RE: To Cuyama Basin Groundwater Sustainability Agency, and to Jim Beck, its project manager: Please see attached letter attaching article that "Strict constitutional requiremens narrow fees [for GSPs] to a fee based on actual or estimated groundwater use

I replied to your later email, but just to confirm, I received this email and the attached letter.

Thank you,

Taylor Blakslee

Project Coordinator

(661) 477-3385



Persistence | Proficiency | Performance

**[To send me a file click here.](#)**

Corporate (916) 923-1500

[www.hgcpm.com](http://www.hgcpm.com)

Confidentiality Note: The information contained in this email and document(s) attached are for the exclusive use of the addressee and may contain confidential, privileged and non-disclosable information. If the recipient of this email is not the addressee, such recipient is strictly prohibited from reading, photocopying, distributing or otherwise using this email or its contents in any way.

---

**From:** K. P. March <[kmarch@bkylawfirm.com](mailto:kmarch@bkylawfirm.com)>

**Sent:** Thursday, June 13, 2019 12:00 PM

**To:** Taylor Blakslee <[TBlakslee@hgcpm.com](mailto:TBlakslee@hgcpm.com)>

**Subject:** To Cuyama Basin Groundwater Sustainability Agency, and to Jim Beck, its project manager: Please see attached letter attaching article that "Strict constitutional requiremens narrow fees [for GSPs] to a fee based on actual or estimated groundwater use".

061319

To Cuyama Basin Groundwater Sustainability Agency, and to Jim Beck, its project manager:

Please see attached letter attaching article that "Strict constitutional requiremens narrow fees [for GSPs] to a fee based on actual or estimated groundwater use".

Please include this letter and article in the packet you will be giving Water Board members for the July 10, 2019 Water Board meeting in cuyama. **Please REPLY to this email Mr. Blakslee, to confirm you/Mr. Beck will do this. Thx.**

KPMarch

Kathleen P. March, Esq.  
 The Bankruptcy Law Firm, PC  
 10524 W. Pico Blvd, Suite 212  
 Los Angeles, CA 90064  
 Phone: 310-559-9224

Fax: 310-559-9133

E-mail: [kmarch@BKYLAWFIRM.com](mailto:kmarch@BKYLAWFIRM.com)

Website: [www.BKYLAWFIRM.com](http://www.BKYLAWFIRM.com)

*"Have a former bankruptcy judge for your personal bankruptcy attorney"*