



CUYAMA BASIN GROUNDWATER SUSTAINABILITY AGENCY STANDING ADVISORY COMMITTEE MEETING

Committee Members

Brenton Kelly (Chair)	Jake Furstenfeld	Roberta Jaffe
Brad DeBranch (Vice Chair)	Jean Gaillard	<i>Vacant</i>
Louise Draucker	Joe Haslett	<i>Vacant</i>

AGENDA

June 30, 2022

Agenda for a meeting of the Cuyama Basin Groundwater Sustainability Agency Standing Advisory Committee meeting to be held on Thursday, June 30, 2022, at 5:00 PM at the **Cuyama Recreation District, 4885 Primero St, New Cuyama, CA 93254**. Participate via computer at: <https://global.gotomeeting.com/join/203153453>, or telephonically at (646) 749-3122, code: 203-153-453#.

Teleconference Locations:

4885 Primero St,
New Cuyama, CA 93254

1262 Patterson Alley,
Eugene, OR 97401

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 Wednesday prior to this meeting. 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. Update on SAC Membership
5. Approval of Minutes
6. Groundwater Sustainability Plan
 - a. Review of Amended Groundwater Sustainability Plan
 - b. Update on Model Refinement
 - c. Direction on Central Management Area Policies
 - d. Direction on GSA Well Permit Policy
 - e. Direction on Effort to Identify Potential Non-Reporting Pumpers
 - f. Direction on Public Workshop
 - g. Update on Groundwater Sustainability Plan Activities
 - h. Update on Adaptive Management Analysis
 - i. Update on Monitoring Network Implementation

7. Groundwater Sustainability Agency
 - a. Report of the Executive Director
 - b. Report of the General Counsel
 - c. Board of Directors Agenda Review

8. Items for Upcoming Sessions

9. Committee Forum

10. 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.

11. Correspondence

12. Adjourn

2022

Board Ad hoc List

CUYAMA BASIN GROUNDWATER SUSTAINABILITY AGENCY

Adaptive Management	Bantilan Shephard Vickery Yurosek
Aquifer Test	Bantilan Shephard Vickery Wooster
DWR / CBGSA Coordination	Bantilan Chounet Shephard Wooster Yurosek
Fiscal Year 2022-2023 Budget	Bantilan Chounet Vickery Williams Wooster
Grant Review Committee	Bantilan Compton Williams Wooster Yurosek
Management Area Policy	Bantilan Chounet Shephard Vickery Wooster
Meter Implementation	Shephard Vickery Wooster Yurosek
Model Refinement	Bantilan Shephard Vickery Yurosek
New Well Permits Policy	Compton Shephard Stoller Williams Yurosek
Unknown Extractors	Shepard Vickery



TO: Standing Advisory Committee
Agenda Item No. 6a

FROM: Jim Beck / Alex Dominguez / Brian Van Lienden

DATE: June 30, 2022

SUBJECT: Review of Amended Groundwater Sustainability Plan

Issue

Review of Amended GSP.

Recommended Motion

Advisory feedback requested.

Discussion

The Cuyama Basin Groundwater Sustainability Agency (CBGSA) submitted its Groundwater Sustainability Plan (GSP) to the California Department of Water Resources (DWR) on January 28, 2020. On January 21, 2022, DWR made an “incomplete” determination of the GSP.

On May 4, 2022, the CBGSA reviewed the updated technical memo addressing DWR’s corrective actions and incorporated final edits, based on Board feedback, into the amended GSP which is posted on the CBGSA website at www.cuyamabasin.org.

The amended GSP includes the information from the technical memo and is shown in blue text throughout the amended GSP. The technical memo is also included as a standalone document in the appendices of the GSP.

A public hearing to consider adopting and submitting the amended GSP to DWR by the July 20, 2022, regulatory deadline is scheduled for 5 p.m. on July 6, 2022.

Additional slides on this item are provided as Attachment 1.

Cuyama Basin Groundwater Sustainability Agency

6a. Review of Amended Groundwater Sustainability Plan

Jim Beck / Brian Van Lienden

June 30, 2022



Official DWR GSP Determination

- **January 28, 2020:** Cuyama Basin GSP submitted to DWR
- **June 3, 2021:** DWR Consultation Letter
 - Four (4) deficiencies identified
- **November 5, 2021:** GSA tech memo submitted to DWR
- **January 21, 2022:** [Official DWR GSP determination](#)
 - “Incomplete”
 - Same information from June 3rd consultation letter
 - Did not account for tech memo in review of GSP
- **February 10, 2022:** Consultation with DWR to review tech memo
- **March 2, 2022:** CBGSA Board provides direction on updating tech memo
- **April 28, 2022:** Consultation with DWR on updated tech memo
- **May 4, 2022:** CBGSA Board provides direction on updating tech memo

GSP Resubmittal Process

DWR Guidance/Direction

- The GSA's legal counsel should consider if re-adoption of the GSP is necessary
- If re-adoption is needed, GSAs should follow processes laid out in SGMA and the Regulations, such as a 90-day advance notice to Cities and Counties can be done well in advance of finalizing amendments
- Materials to be submitted:
 - Clean and redline-strikeout version of revised GSP(s)
 - Updated GSP elements guide to identify those sections modified
 - Edits must be clear part of GSP and planned implementation
 - If re-adopted, provide those materials

- Upload revised GSP to portal

Cuyama Basin GSA Board Direction

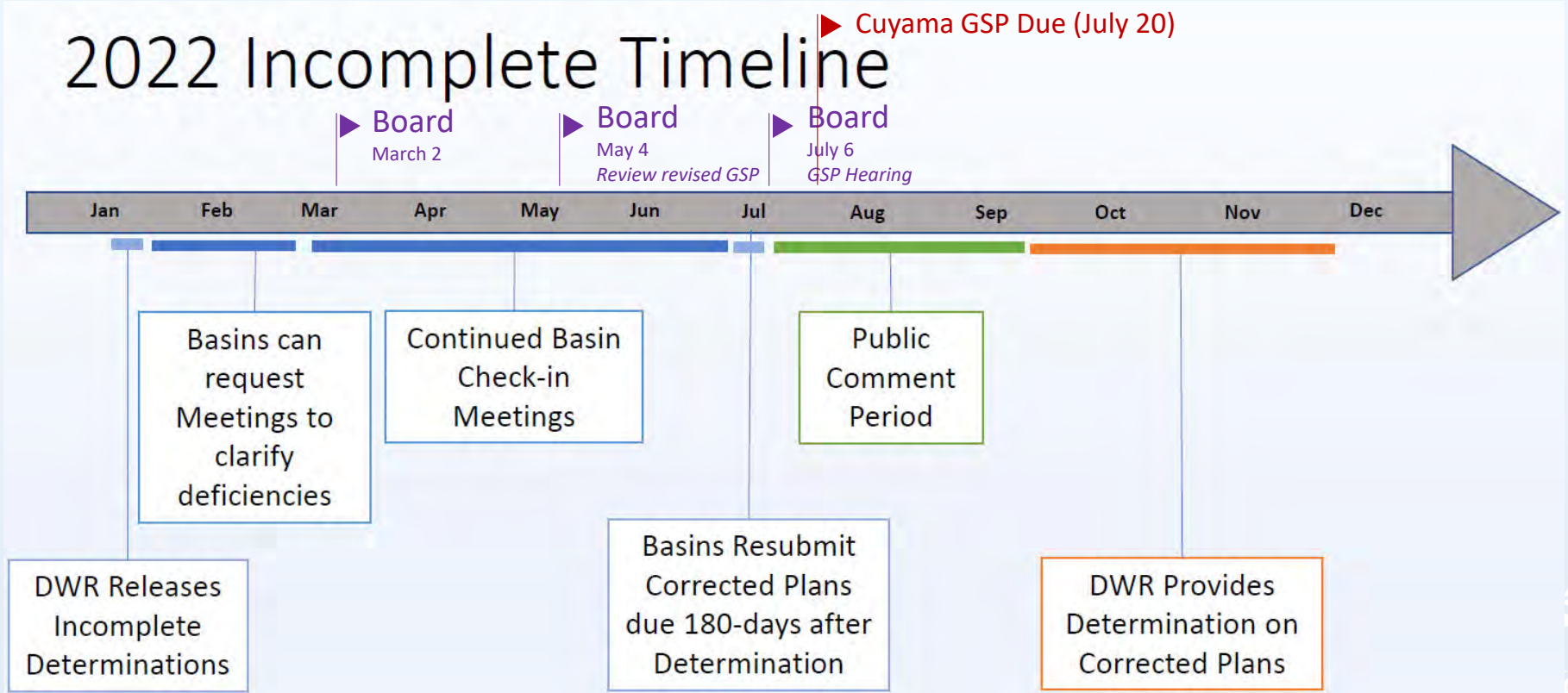
- Provide 90-day notice and set hearing date for July 6, 2022
- Develop draft revised GSP with an ad hoc
- Review revised GSP with Board and stakeholders at May 4, 2022, Board meeting
- Hold public hearing to adopt revised GSP on July 6, 2022
- Submit revised GSP that will include:
 - Revised GSP with inserts from revised technical memo at end of each section directly in GSP document
 - Entire revised technical memo as Appendix

GSP Resubmittal Process

- Revised GSP has been posted to the Cuyama Basin website here:
 - <https://cuyamabasin.org/resources>
 - Posted files include:
 - Revised Executive Summary and Main Report
 - Revised Appendices
- Once approved by the CBGSA Board, a combined pdf file will be uploaded to the CA DWR SGMA portal

Timeline

2022 Incomplete Timeline





TO: Standing Advisory Committee
Agenda Item No. 6b

FROM: Jim Beck / Brian Van Lienden

DATE: June 30, 2022

SUBJECT: Update on Model Refinement

Issue

Update on model refinement.

Recommended Motion

None – information only.

Discussion

On May 5, 2021, the Cuyama Basin Groundwater Sustainability Agency (CBGSA) Board approved a model update as part of the Fiscal Year 2021-2022 budget. The Cuyama Basin Water Resources Model (CBWRM) has been updated to version 0.20 and Attachment 1 provides the update model results.

Cuyama Basin Groundwater Sustainability Agency

6b. Update on Model Refinement

Jim Beck / Brian Van Lienden

June 30, 2022



Model Refinement Tasks

- Update model to incorporate additional data and to extend to water year 2021 from 2017
- Update crop evapotranspiration estimates using the CIMIS station
- Perform model-recalibration
- Develop updated historical and projected water budget estimates
- Evaluation of range of uncertainty of re-calibrated model

Model Refinement Outreach and Engagement Schedule

- **Technical Forum – 4 meetings**
 - **Mar 1:** Kick-off call to discuss work plan and task sequence and the updated input data; any additional data that may be needed
 - **Apr 26:** Discuss calibration targets (i.e., locations, trends, and periods of greatest water-level residual error) and parameters to be adjusted to reduce residual error
 - **Jun 2:** Discuss changes in parameters made by W&C during recalibration and preliminary final model results
 - **Jun 23:** Discuss final model and any observations or qualifiers to be noted
- **SAC & Board Meetings:**
 - March, May 2022: progress reports
 - July 2022: present updated modeling results

Model Calibration Statistics

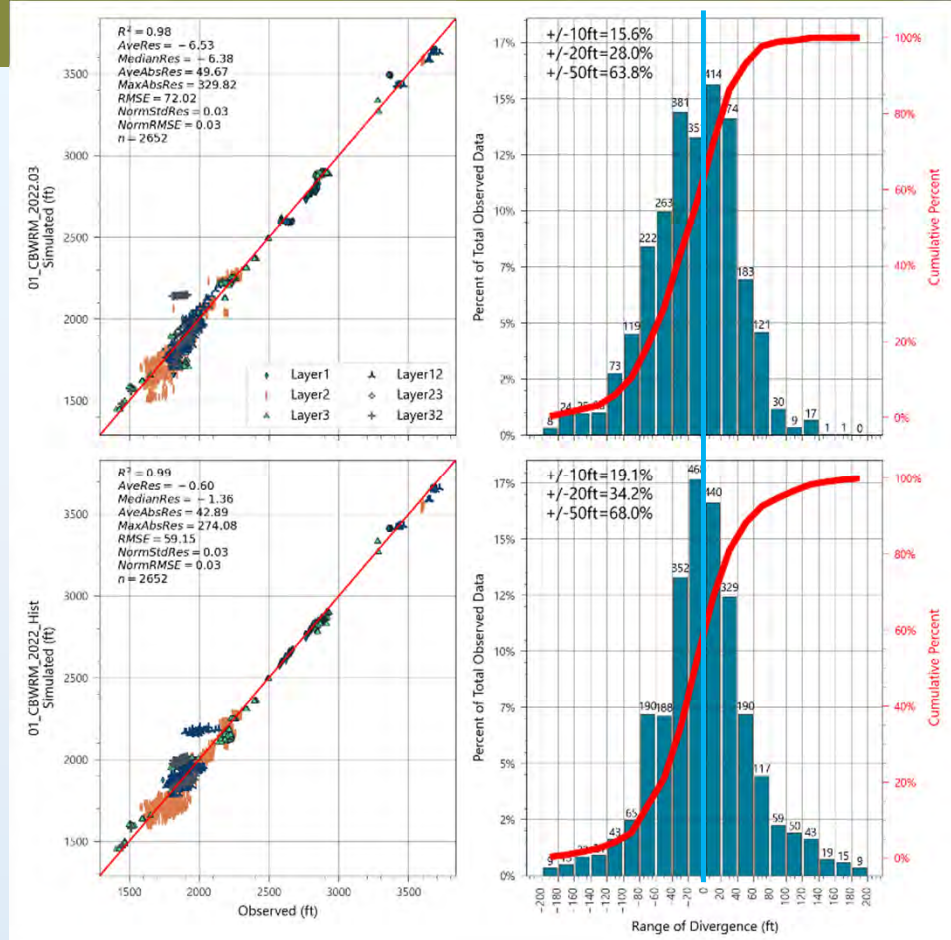
Observed GWLs vs. Simulated GWLs

“better results would be closer to the blue line and distributed symmetrically”

“perfect results would be on the red line”

Model Version	Average Residual <i>“0 is the best”</i>	Root Mean Square Error <i>“lower is better”</i>	% of residuals within +/- 20ft <i>“higher is better”</i>
GSP (v0.10)	-6.5 ft	72 ft	28 %
Updated (v0.20)	-0.6 ft	59 ft	34 %

Updated model shows improved residual statistics compared to GSP version of model.

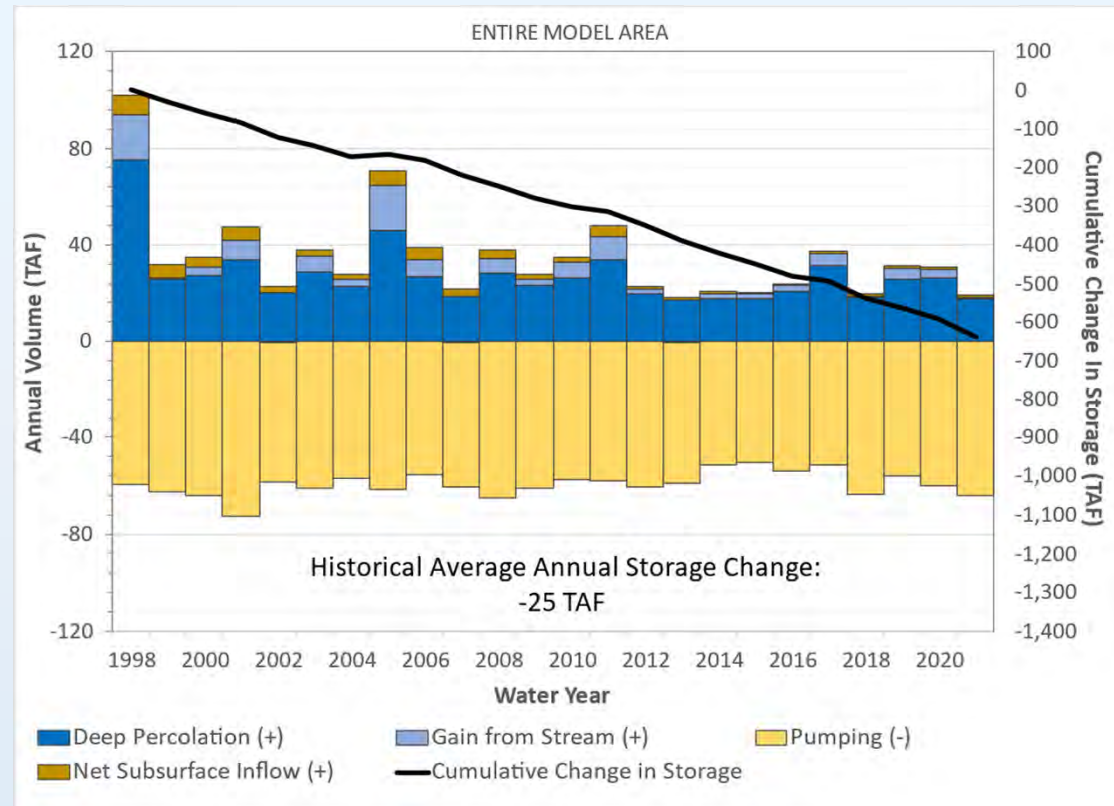


Updated Basin-Wide Conditions

Historical Groundwater Budget

Water years 1998-2021

Component	GSP – v0.10 (1998-2017) AF/Yr	Updated – v0.20 (1998-2021) AF/Yr
Inflow		
Deep Percolation	28,000	27,000
Stream Seepage	3,000	4,700
Subsurface Inflow	5,000	2,800
<i>Total Inflow</i>	<i>36,000</i>	<i>34,500</i>
Outflow		
Groundwater Pumping	59,000	59,300
<i>Total Outflow</i>	<i>59,000</i>	<i>59,300</i>
GW Storage Deficit	23,000	24,800

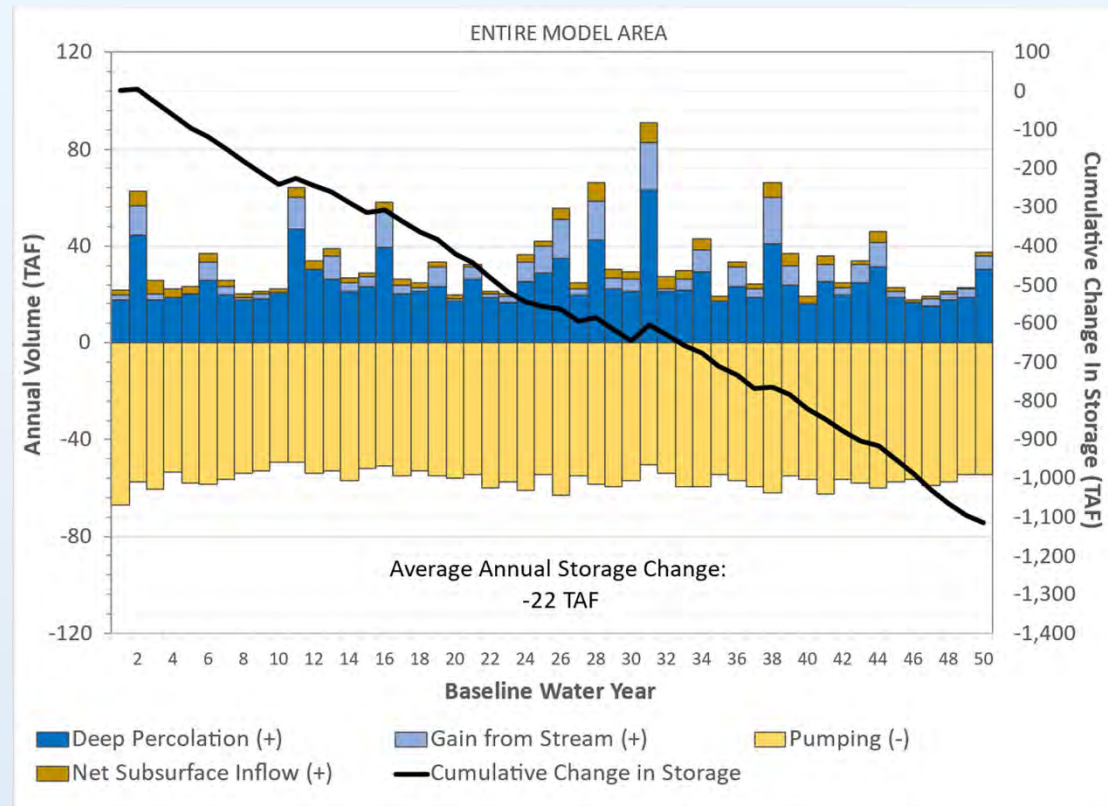


Updated Basin-Wide Conditions

Projected Groundwater Budget

- Based on the 50-year hydrology (1968-2017)

Component	GSP – v0.10 Projected AF/Yr	Updated – v0.20 Projected AF/Yr
Inflow		
Deep Percolation	25,000	24,800
Stream Seepage	5,000	5,600
Subsurface Inflow	5,000	2,900
<i>Total Inflow</i>	<i>35,000</i>	<i>33,300</i>
Outflow		
Groundwater Pumping	60,000	56,500
<i>Total Outflow</i>	<i>60,000</i>	<i>56,500</i>
GW Storage Deficit	25,000	22,300

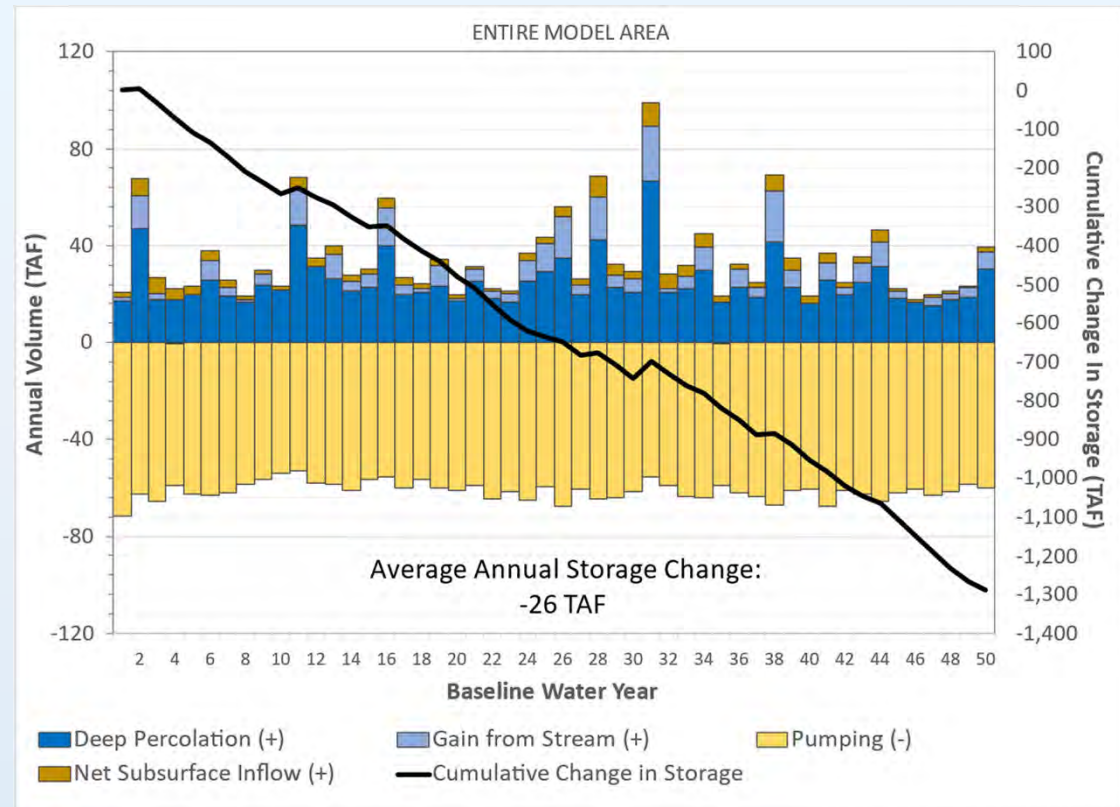


Updated Basin-Wide Conditions

Projected with Climate Change Groundwater Budget

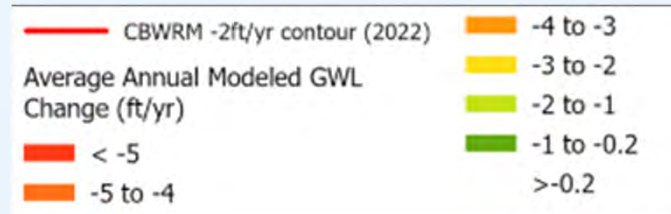
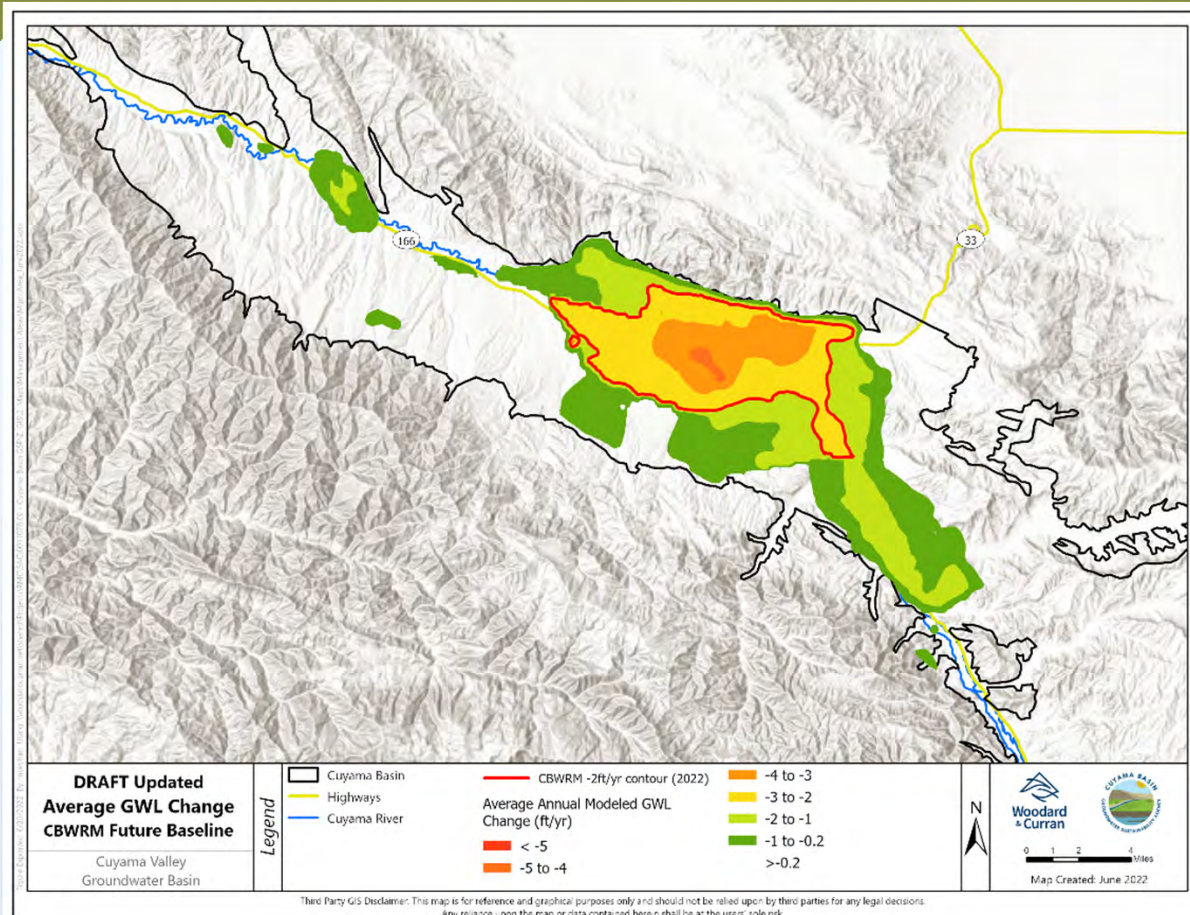
- Based on the 50-year hydrology (1968-2017) perturbed by DWR's climate change factors.

Component	GSP – v0.10 Projected w/CC AF/Yr	Updated – v0.20 Projected w/CC AF/Yr
Inflow		
Deep Percolation	26,000	25,000
Stream Seepage	6,000	6,200
Subsurface Inflow	5,000	3,300
<i>Total Inflow</i>	<i>37,000</i>	<i>34,500</i>
Outflow		
Groundwater Pumping	64,000	61,200
<i>Total Outflow</i>	<i>64,000</i>	<i>61,200</i>
GW Storage Deficit	27,000	25,800



Updated Management Area

Average Annual Groundwater Level Change during Projected BL

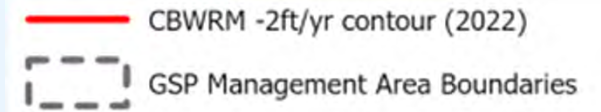
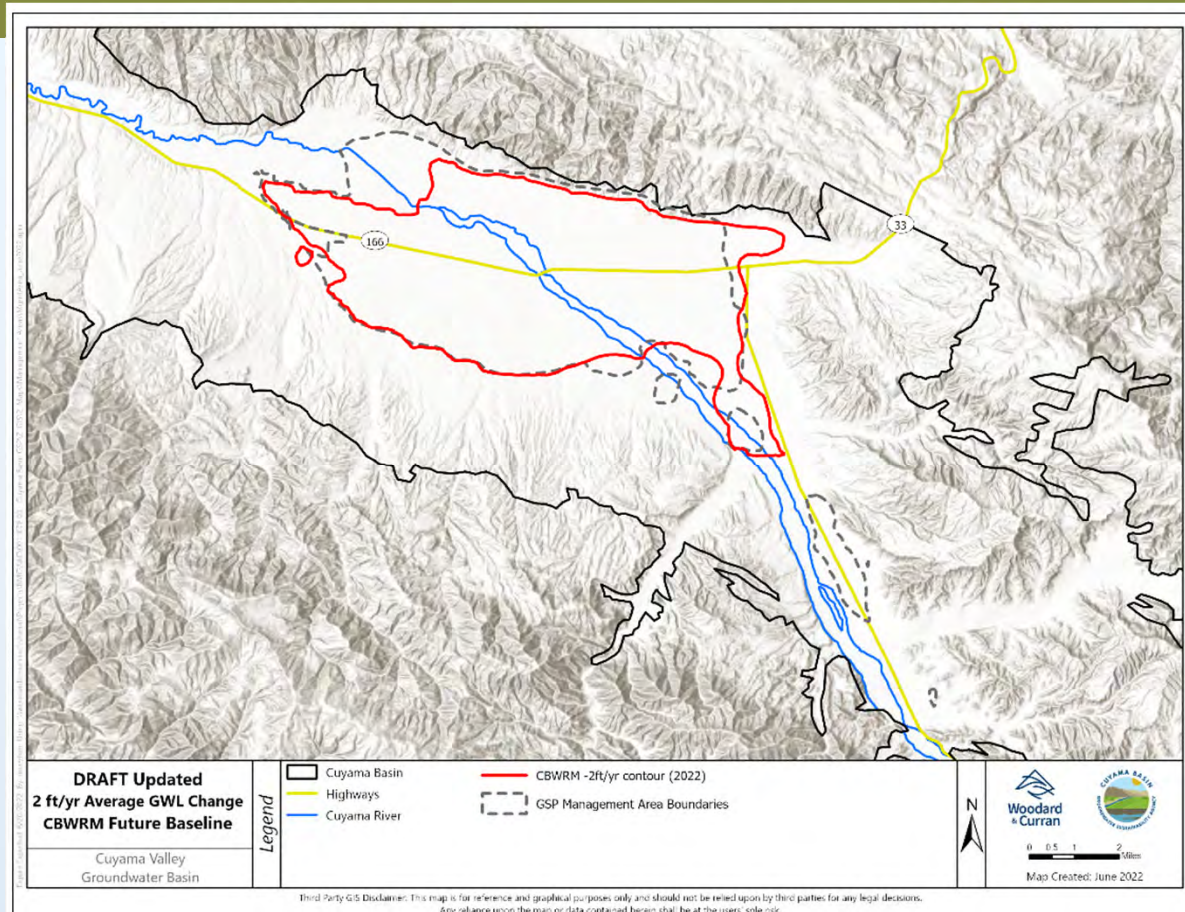


Based on the simulated 2 ft/yr decline criteria

DRAFT

Third Party GIS Disclaimer: This map is for reference and graphical purposes only and should not be relied upon by third parties for any legal decisions. Any reliance upon the map or data contained herein shall be at the user's sole risk.

Updated Management Area GSP Version vs. Updated 2 ft/yr Contour



- Total area was reduced from 25,600 acres to 22,500 acres (12% reduction).
- Operational boundary will be discussed in the upcoming agenda item.

DRAFT

Updated Sustainable Yield Estimate

- Sustainable yield is the average annual pumping level where long-term storage change = 0
- For this model update, sustainability conditions reflect pumping reductions only (i.e. no water supply projects)

Updated Sustainable Yield Estimate

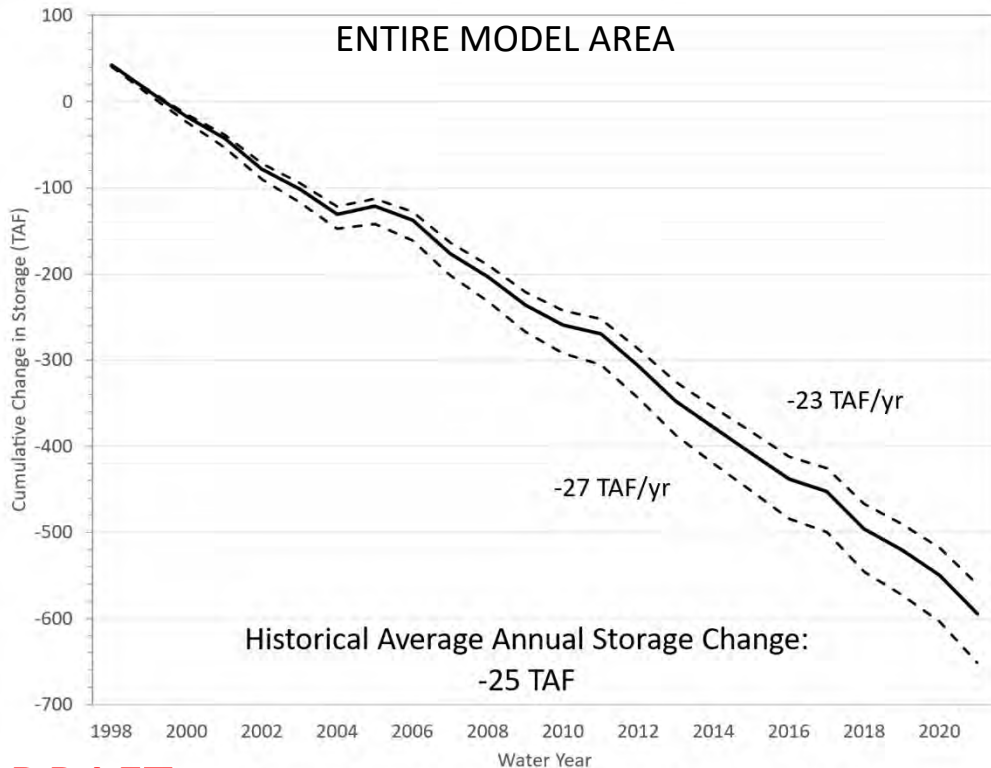
Component	Projected Baseline AF/Yr	Sustainable Conditions AF/Yr
Inflow		
Deep Percolation	24,800	14,000
Stream Seepage	5,600	5,600
Subsurface Inflow	2,900	2,800
Total Inflow	33,300	22,400
Outflow		
Groundwater Pumping	56,500 <i>(GSP: 59,000)</i>	23,900 <i>(GSP: 20,000)</i>
Total Outflow	56,500	23,900
GW Storage Deficit	22,300	1,400*

Reduction in Annual Pumping:
32,600 AF/Yr (GSP: 40,000 AF/Yr)

Sustainable Pumping estimate for
the updated Central Basin Management Area:
9,400 AF/Yr

**reported deficit happens outside the Central region*

Uncertainty Analysis Approach



- Total uncertainty in GW Storage Depletion is calculated as the sum of individual estimated uncertainties:

- ET
 - Pumping
 - Deep percolation
- Boundary Inflows (From Small Watersheds)
- Stream Gain

Preliminary Uncertainty estimate is:

- ~+/- 2 TAF/year in Basin-Wide GW Storage Depletion
and
- ~+/- 3 TAF/year in Basin-Wide GW Pumping

DRAFT

Key Outcomes

- Ventucopa no longer meets the 2 feet per year GWL decline criteria for being a management area,
- Central management area reduced by 3,100 acres (12% reduction),
- Sustainable yield in the central management area is estimated as 9,400 AF/Yr.
- Uncertainties in the basin-wide historical GW storage depletion and pumping are estimated as +/- 2,000 AF/Yr and 3,000 AF/Yr respectively.



TO: Standing Advisory Committee
Agenda Item No. 6c

FROM: Jim Beck / Alex Dominguez

DATE: June 30, 2022

SUBJECT: Direction on Central Management Area Policies

Issue

Discussion on Central Management Area policies.

Recommended Motion

Standing Advisory Committee feedback requested.

Discussion

On May 4, 2022, the Cuyama Basin Groundwater Sustainability Agency Board of Directors (CBGSA) directed staff to develop specific policies for the below eight (8) Central Management Area (CMA) items to implement pumping reductions in the CMA for 2023 and 2024 and are provided as Attachment 1 for review. **Attachment 1 will be provided on Monday, June 27, 2022.**

1. Pumping Reduction Baseline/Starting Point
2. Allocation Methodology
3. Changed Water Use Inside the Central Management Area
4. Central Management Area Boundary (Hydrologic vs Operational)
5. Management Area Criteria Evaluation
6. Management Area Update
7. Administration of Pumping Reduction
8. Non-Compliance/Over-Pumping Enforcement



TO: Standing Advisory Committee
Agenda Item No. 6d

FROM: Jim Beck / Alex Dominguez

DATE: June 30, 2022

SUBJECT: Direction on GSA Well Permit Policy

Issue

Direction on GSA Well Permit Policy

Recommended Motion

Standing Advisory Committee feedback requested.

Discussion

A presentation on the Cuyama Basin Groundwater Sustainability Agency well permit policy is provided as Attachment 1.

Cuyama Basin Groundwater Sustainability Agency

6d. Direction on GSA Well Permit Policy

Jim Beck / Joe Hughes

June 30, 2022



Background

- March 28, 2022 – Governor Executive Order regulating well permits (exempts de minimis and public water supply wells)
- May 4, 2022 – Cuyama Basin GSA Board adopts the following *interim* policy to be reviewed at the July 6, 2022, Board meeting:
 - Well applicant required to develop hydrogeologic study/analysis with technical firm and finance all GSA review costs to determine the proposed well is complying with section 9a
- Staff met with Santa Barbara, San Luis Obispo and Ventura EHS staff to communicate GSA policy and coordinate review process (summarized on next slide)
- Since March 28, 2022, there have only been 2 well permits pending in Santa Barbara County, but both are de minimis

Well Permit Process with Counties

- Landowner submits well permit application to EHS
- EHS determines if application is de minimis or public water system (exempt from EO) or requires GSA permission (EHS will forward permit to GSA regardless)
 - EHS de minimis, private/domestic determination includes permittee declaration (will perform satellite investigation/ensure well serves facility, etc.)
- If permit requires GSA approval, EHS will inform the driller (on behalf of applicant) they need to get GSA approval (for section 9a)
- GSA to require hydrologic study demonstrating well does not prevent basin from achieving sustainability
- For non-de minimis/public wells, EHS 9b requiring geologist letter to comply with impacts to existing wells and subsidence
- Previous well review process was roughly 1 week, likely several weeks due to EO requirements

Additional New Well Requirements

- A flow meter is required on all new, non-de minimis wells

Well Permit GSA Study Requirement

For Modifications to Existing Wells

- Modified wells may be constructed no larger or deeper than the existing well and no greater than a 100 feet away for replacement wells
- Applicant to provide existing well construction information as attachment
- Applicant to compare the following well construction information between the existing well and proposed modified well
 - Well depth, borehole size, flow information, pump size, proposed use
- Applicant to submit final modified well construction report to the GSA for review

Well Permit GSA Study Requirement

For Construction of New Wells

- Determine if the proposed well is inside or outside of the Central Management Area (CMA)
- If inside the CMA, well permit acknowledges an allocation is being established and pumping will be limited in the CMA for 2023 and 2024
- For wells both inside and outside the CMA, applicant must demonstrate extractions will not cause groundwater levels to fall below minimum thresholds at nearby representative monitoring wells
- All permit applications must demonstrate they do not impact water quality standards set in the GSP
- Outstanding question:
 - How to handle new wells outside the CMA delivering water inside the CMA



TO: Standing Advisory Committee
Agenda Item No. 6e

FROM: Jim Beck / Brian Van Lienden

DATE: June 30, 2022

SUBJECT: Direction on Effort to Identify Potential Non-Reporting Pumpers

Issue

Discuss effort to identify potential non-reporting pumpers.

Recommended Motion

SAC feedback requested.

Discussion

On March 2, 2022, the Cuyama Basin Groundwater Sustainability Agency (CBGSA) Board directed staff to strategize how to identify potential non-reporting pumpers.

An ad hoc was appointed and met to develop a strategy to identify potential non-reporting extractors which is summarized in Attachment 1.

Cuyama Basin Groundwater Sustainability Agency

6e. Direction on Effort to Identify Potential Non-Reporting Pumpers

Jim Beck / Brian Van Lienden

June 30, 2022



Background

- On May 4, 2022, the Board directed staff to develop a plan to investigate potential non-reporting pumpers
- An ad hoc was set (Directors Anselm and Vickery) and met on June 6, 2022
- The following process was reviewed with the ad hoc and staff is performing the analysis

Approach to Identify Potential Unknown Pumpers

- Compile and QA/QC APNs that were reported by water users to be irrigated in 2021 (from the 2021 groundwater extraction fee process)
- Determine which parcels have irrigated acreage by overlaying GIS layers of parcels and irrigated acres (irrigated acres data from 2018 DWR and 2021 landowner-reported cropping data)
- Use lists of irrigated parcels from parts (a) and (b) above to generate a list of parcels that are potentially irrigated but have not been reported by Cuyama landowners
 - QA/QC results (desktop analysis)
- For potential non-reporting parcels:
 - Identify landowner
 - Communicate with landowner to confirm that parcel is actually irrigated and if so, communicate CBGSA Board policies including extraction fee, meter requirement, etc.
 - Determine contact info with local landowners/CBWD, direct mailing to parcel address, field visit (P&P or other staff), fees on tax roll
 - Board to consider back fees, penalties and meter compliance hearing (if applicable)



TO: Standing Advisory Committee
Agenda Item No. 6f

FROM: Jim Beck/ Taylor Blakslee

DATE: June 30, 2022

SUBJECT: Direction on Public Workshop

Issue

Review of public workshop.

Recommended Motion

SAC feedback requested.

Discussion

The Cuyama Basin Groundwater Sustainability Agency (CBGSA) has attempted to host an informational workshop for landowners for the past two years but has been unable to do so due to the COVID-19 pandemic.

Since meeting restrictions have begun to lift across the State, staff is looking for feedback on a public workshop to discuss a variety of GSA-related issues.

Draft topics and meeting format options for Standing Advisory Committee consideration is provided as Attachment 1.

Cuyama Basin Groundwater Sustainability Agency

6i. Direction on Public Workshop Format

Jim Beck

June 30, 2022



Proposed Community Workshop

- **Purpose:** Update and discussion of GSA activities as they relate to landowners
- **Audience:** Landowners and groundwater users less engaged in GSA activities
- **Draft, Potential Topics:**
 - GSP purpose, approach, and update
 - Basin conditions, monitoring, and modeling
 - Metering and well information collection
 - Management Area and two-year pumping allocation approach
 - Grant funding and pumping fees
 - 5-year update
 - Potential changes to groundwater management
- **Timing:**
 - After GSP update submittal – August or September?
 - On Board/SAC day or on a separate day (weekend, etc.)?
 - What time works best?
 - In-person, with online/call-in option?



TO: Standing Advisory Committee
Agenda Item No. 6g

FROM: Brian Van Lienden, Woodard & Curran

DATE: June 30, 2022

SUBJECT: Update on Groundwater Sustainability Plan Activities

Issue

Update on Groundwater Sustainability Plan Activities.

Recommended Motion

None – information only.

Discussion

Cuyama Basin Groundwater Sustainability Agency (CBGSA) Groundwater Sustainability Plan (GSP) activities and consultant Woodard & Curran's (W&C) accomplishments are provided as Attachment 1.

Attachment 1

Cuyama Basin Groundwater Sustainability Agency

6g. Update on Groundwater Sustainability Plan Activities

Brian Van Lienden

June 30, 2022



May-June Accomplishments

- ✓ Performed data update and re-calibration of Cuyama Basin model
- ✓ Developed updated historical and projected water budgets and sustainability estimates
- ✓ Developed revised GSP and tech memo in response to DWR Basin GSP determination
- ✓ Developed approaches for adaptive management relating to Basin sustainability criteria
- ✓ Ongoing management of Basin monitoring program, including data management system updates



TO: Standing Advisory Committee
Agenda Item No. 6h

FROM: Jim Beck / Brian Van Lienden

DATE: June 30, 2022

SUBJECT: Update on Adaptive Management Analysis

Issue

Discussion on adaptive management analysis.

Recommended Motion

SAC feedback requested.

Discussion

On May 4, 2022, the Cuyama Basin Groundwater Sustainability Agency Board provided direction to perform analyses to assess potentially adjusting the undesirable results criteria for the chronic lowering of groundwater levels and the lowering of minimum thresholds.

A draft approach is provided as Attachment 1 for review.

Cuyama Basin Groundwater Sustainability Agency

6h. Update on Adaptive Management Analysis

Jim Beck / Brian Van Lienden

June 30, 2022



Board Direction at May Board Meeting

- Direct staff to perform the following analysis (for options 3 [Revise (Lower) Minimum Thresholds] and 4 [Revise Undesirable Results Trigger (30% for 2-years)]) for direction at a subsequent meeting:
 - CBWRM analysis to estimate future groundwater levels as pumping reductions are implemented following the glidepath
 - GIS-based analysis to assess potential impacts to beneficial uses and users

Staff Recommended Approach

- **Step 1:**
 - Perform well survey of all wells in the basin (including domestic/de minimis wells) to assist in determining if revisions to MTs are protective of those users
 - Staff to prepare surveys and send out to well owners
 - Response expected by August 30, 2022
- **Step 2:**
 - Analyze water level trends at representative monitoring wells with respect to historical hydrology and groundwater extraction (DWR request).
 - Based on historical trends, would undesirable results be avoided under more favorable hydrogeologic conditions than have occurred since 2015?
 - Analysis to be completed for Sep 2022 Board meeting

Staff Recommended Approach

- **Step 3:**
 - Perform CBWRM analysis to estimate future groundwater levels as pumping reductions are implemented following the glidepath
 - Perform 18-year (2003-2020) model simulations with pumping levels set at the glidepath reductions for each year
 - Perform with wet, average, and dry hydrologic sequences to estimate groundwater levels in 2020 under each condition
 - Analysis to be completed for Nov 2022 Board meeting
 - GIS-based analysis to assess potential impacts to beneficial uses and users
 - Use county well data and GIS location data to assess impacts to beneficial users at potential minimum threshold levels (for Nov 2022 Board meeting)
 - This analysis can be updated once the well survey in Step 1 is completed



TO: Standing Advisory Committee
Agenda Item No. 6i

FROM: Brian Van Lienden, Woodard & Curran

DATE: June 30, 2022

SUBJECT: Update on Monitoring Network Implementation

Issue

Update on Monitoring Network Implementation.

Recommended Motion

None – information only.

Discussion

An update regarding the monitoring network implementation is provided as Attachment 1.

Cuyama Basin Groundwater Sustainability Agency

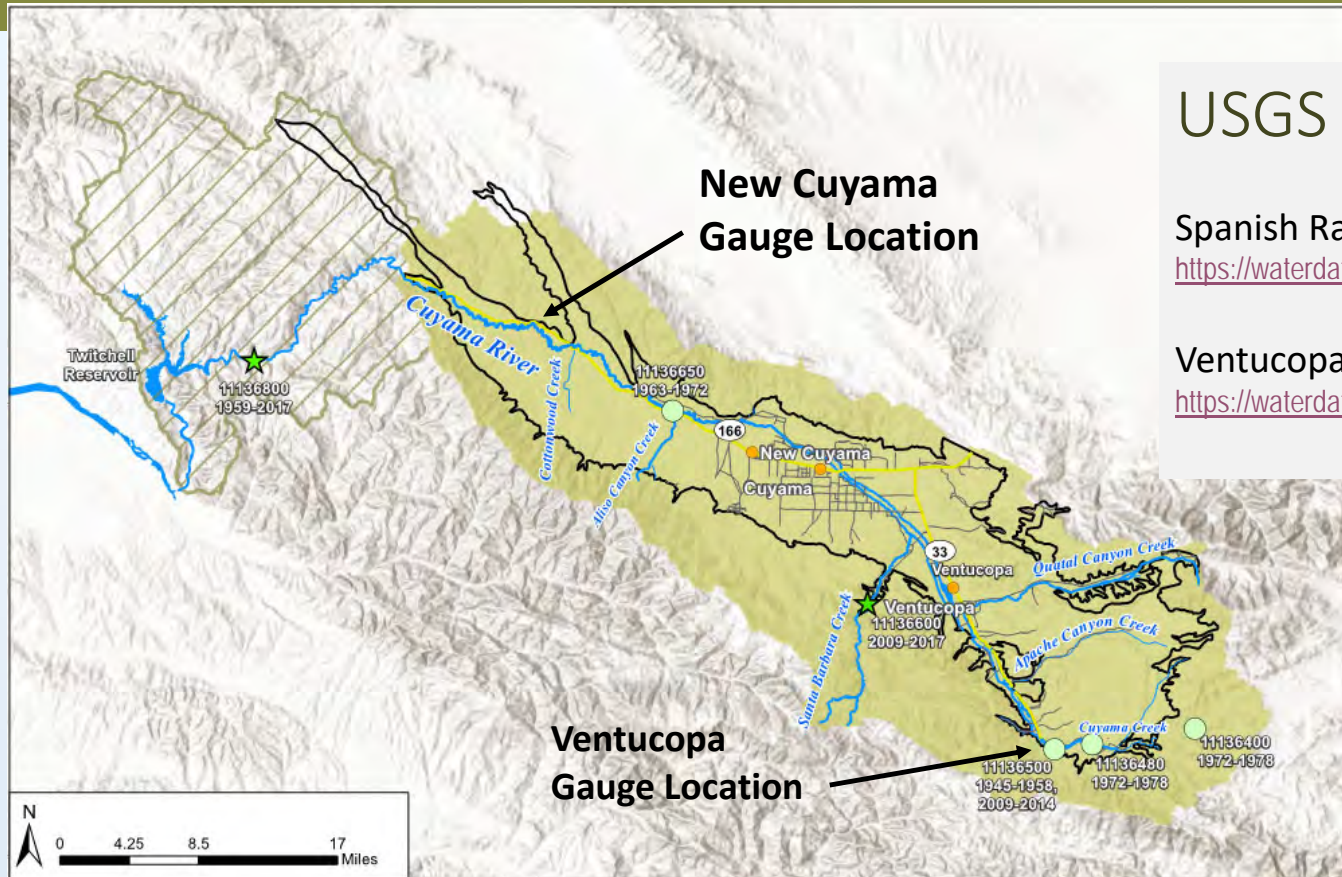
6i. Update on Monitoring Network Implementation

Brian Van Lienden

June 30, 2022



Stream Gauge Locations



USGS DATA

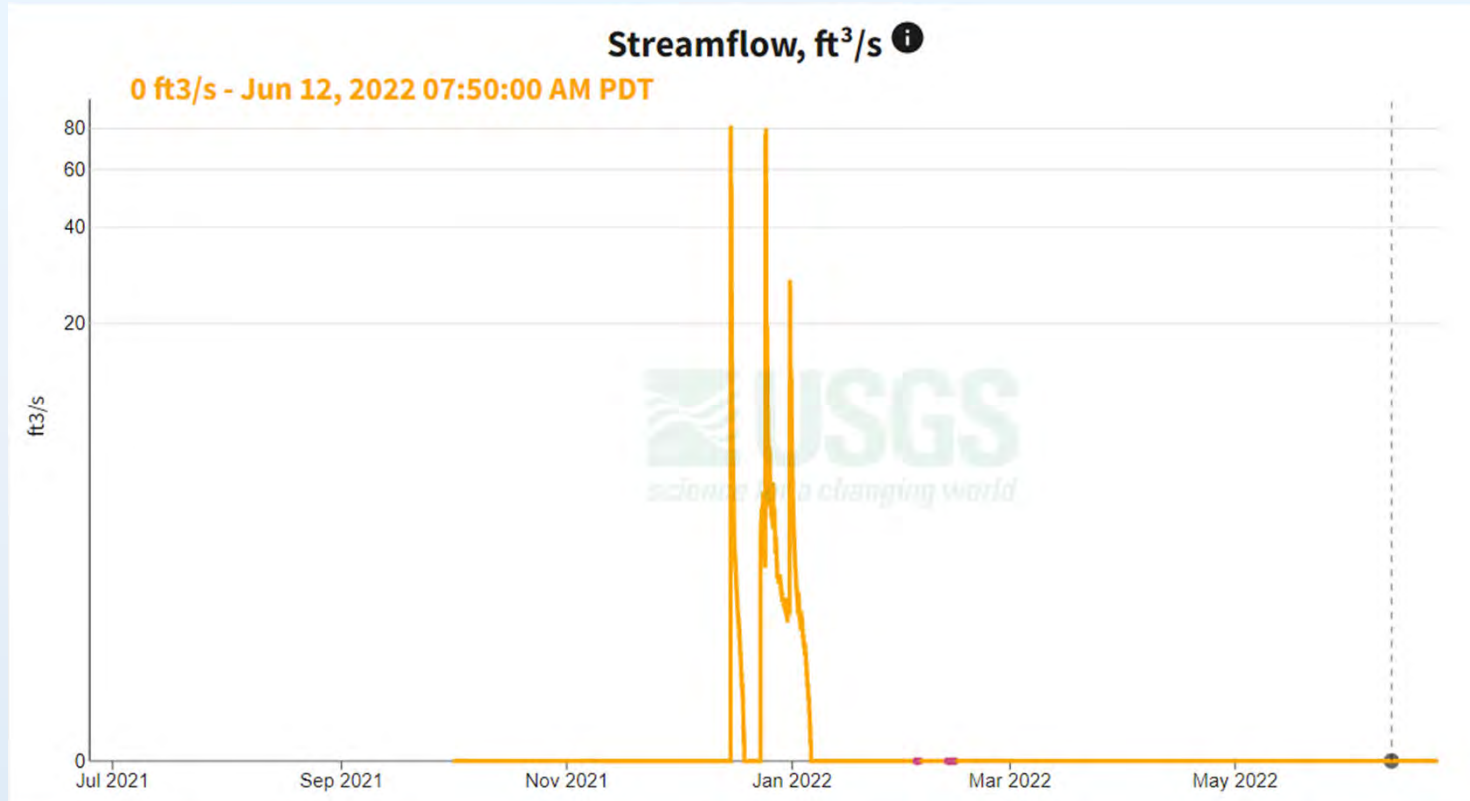
Spanish Ranch Location

https://waterdata.usgs.gov/ca/nwis/uv?site_no=11136710

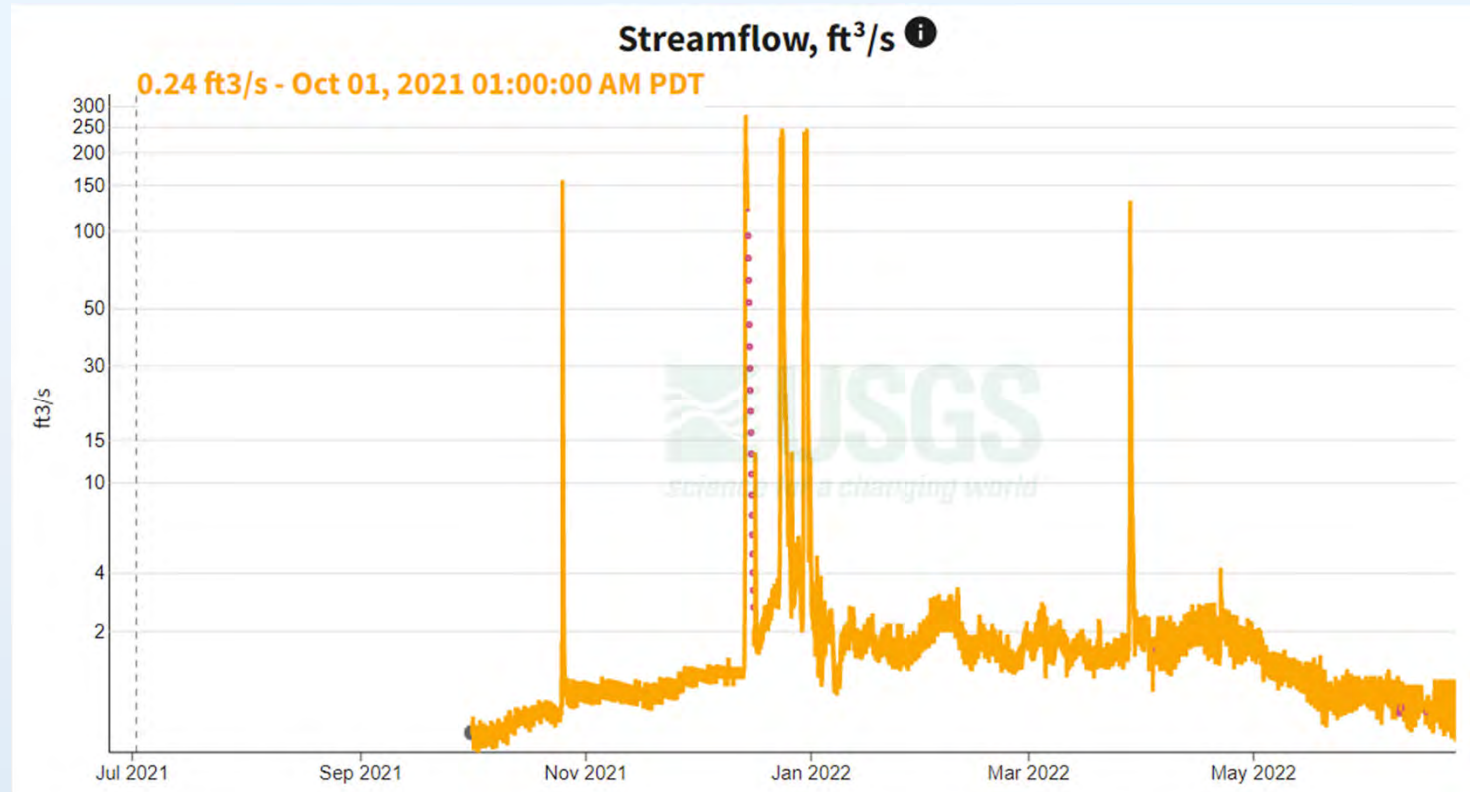
Ventucopa Location

https://waterdata.usgs.gov/ca/nwis/uv?site_no=11136500

Ventucopa Stream Gauge: Discharge Data



New Cuyama Stream Gauge: Discharge Data



Schedule for Cuyama Basin Monitoring in 2022

- Quarterly groundwater levels monitoring:
 - January, April, July, November
- Water quality testing:
 - Per the GSP, perform a single EC measurement in July
 - As discussed in response letter to DWR, the CBGSA would perform a single measurement and lab testing for nitrates, arsenic and TDS
 - Staff proposed performing this sampling and testing during July

Update on DWR TSS Program

- DWR installed three new multi-completion monitoring wells in the Cuyama Basin in 2021
 - Staff is continuing to work with DWR to install transducers in these wells



TO: Standing Advisory Committee
Agenda Item No. 7c

FROM: Jim Beck, Executive Director

DATE: June 30, 2022

SUBJECT: Board of Directors Agenda Review

Issue

Board of Directors Agenda Review.

Recommended Motion

None – information only.

Discussion

The Cuyama Basin Groundwater Sustainability Agency Board of Directors agenda for the July 6, 2022, Board of Directors meeting is provided as Attachment 1 for review.



CUYAMA BASIN GROUNDWATER SUSTAINABILITY AGENCY

BOARD OF DIRECTORS MEETING

Board of Directors

Derek Yurosek Chair, Cuyama Basin Water District

Paul Chounet Vice Chair, Cuyama Community Services District

Cory Bantilan Secretary, Santa Barbara County Water Agency

Matt Vickery Treasurer, Cuyama Basin Water District

Byron Albano Cuyama Basin Water District

Lynn Compton County of San Luis Obispo

Zack Scrivner County of Kern

Arne Anselm County of Ventura

Lorena Stoller Cuyama Basin Water District

Das Williams Santa Barbara County Water Agency

Jane Wooster Cuyama Basin Water District

AGENDA

JULY 6, 2022

Agenda for a meeting of the Cuyama Basin Groundwater Sustainability Agency Board of Directors to be held on Wednesday, July 6, 2022, at 2:00 PM at the **Cuyama Recreation District, 4885 Primero St, New Cuyama, CA 93254**. Participate via computer at: <https://global.gotomeeting.com/join/203153453>, or telephonically at (646) 749-3122, code: 203-153-453#.

Teleconference Locations:

4885 Primero St, New Cuyama, CA 93254	1055 Monterey Street, San Luis Obispo, CA 93408	414 W. Tehachapi Blvd Unit H, Tehachapi, CA 93561	5241 8th Street, Carpinteria, CA 93013
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The order in which agenda items are discussed may be changed to accommodate scheduling or other needs of the Board or 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 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. 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. Introduction of New Director
3. Roll Call (Blakslee)
4. Pledge of Allegiance
5. Standing Advisory Committee Meeting Report

CONSENT AGENDA

6. Approval of Minutes – May 4, 2022
7. Approval of Payment of Bills for April and May 2022
8. Approval of Financial Report for April and May 2022
9. Approval of a Groundwater Level and Water Quality Measurement Contract with Provost & Pritchard

ACTION ITEMS

10. Penalty Hearing Regarding Compliance with Meter Installation Requirement
11. Review of Amended Groundwater Sustainability Plan
12. Update on Model Refinement
13. Direction on Central Management Area Policies
14. Direction on GSA Well Permit Policy
15. Direction on Effort to Identify Potential Non-Reporting Pumpers
16. Consider for Approval Resolution No. 2022-xxx Authorizing the Submission of FY 21-22 and FY 22-23 Delinquent Groundwater Extraction Fees to County Tax Collectors for Collection
17. Direction on Upcoming DWR SGMA Round 2 Grant Funding Opportunity
18. Direction on Public Workshop

REPORT ITEMS

19. Administrative Updates
 - a. Report of the Executive Director
 - b. Report of the General Counsel
20. Technical Updates
 - a. Update on Groundwater Sustainability Plan Activities
 - b. Update on Adaptive Management Analysis
 - c. Administration of Grant-Funded Projects
 - d. Update on Monitoring Network Implementation
21. Report of the Ad Hoc Committee
22. Directors' Forum
23. Public comment for Items Not on the Agenda
24. Correspondence

PUBLIC HEARING

25. **PUBLIC HEARING** Regarding Proposed Amended Groundwater Sustainability Plan (5 p.m.)
26. Consider for Approval Resolution No. 2022-071 Adopting an Amended Groundwater Sustainability Plan (Beck/Hughes)
27. Adjourn

June 22, 2022

To: Chair Yurosek and GSA Board Members
 Chair Kelly and SAC Members
 Jim Beck and Taylor Blakeslee

From: Roberta Jaffe and Stephen Gliessman



We are not able to participate in the three GSA meetings taking place between June 30 and July 6, so we are writing this letter to share our comments and request they be considered as part of the discussion for both the SAC (June 30th) and GSA Board (July 6th) meetings and submitted as public comment during the public hearing (July 6th). Our purpose in writing is to raise questions and areas of concern to the GSA response to the DWR letter of January 21, 2022 which determined our GSP as incomplete. Our comments are based on the draft tech memo received by email from Taylor Blakeslee on June 18, 2022. Our focus is to raise questions and to share what we actually see happening in the Basin, especially in the area to the west of Russell Fault.

We have both been active in the development of the GSP since the inception of the GSA. We both have regularly participated in SAC and GSP meetings and Roberta (Robbie) serves on the Standing Advisory Committee (SAC) and was its first chairperson. We are most specifically familiar with the area to the west of Russell Fault where we have been dry-farming a small family vineyard and olive orchard since 1995. Steve also brings his academic strength to these comments, with his Ph.D. in California Plant Ecology from UC Santa Barbara.

Our comments follow the outline of the Tech Memo:

- Section 2.1.2

“Identification of Undesirable Results

The result of undesirable results is considered to occur during GSP implementation when 30 percent of representative monitoring wells (i.e., 18 of 60 wells) fall below their minimum groundwater elevation thresholds for two consecutive years.”

Throughout the GSP and the tech memo, Minimum Thresholds (MT) are referred to as fixed levels which were adopted by the GSA and incorporated in the GSP. The MTs for wells were established by dividing the Basin into six Threshold Regions and then using a formula for each region to identify MTs for each well that was designated as part of the monitoring network. These MTs form the basis for determining if the Basin is headed toward Undesired Results related to groundwater level, groundwater storage, and other areas as well. At the regular meetings of the GSA and SAC, a pie chart has been incorporated into the groundwater report to show the status of how many wells were near or below their MT. There has been a continued trend of more wells being below MT. It was reported at the GSA meeting on Jan 5, 2022 that “as of October 2021, 30% of wells have been below minimum threshold for 6 or more months and if the current levels hold, we will exceed GSP limitations in 18 months (~April 2023).”

An adaptive management committee has been formed within the GSA to address these concerns. one of the options under consideration is to actually lower the Minimum Thresholds. If

this is an option under serious consideration, then the GSP needs to include this as an adaptive management option in the GSP and present it to DWR. We are extremely concerned that the baseline of MTs that was established would actually be altered as it is being approached. We feel that MTs should not be a moving target, but rather a fixed benchmark. Instead, robust investigation for causes of the continued depletion of wells in the monitoring network needs to be undertaken. The tech memo response to the DWR letter continues to use these MTs and the 30% of wells below MT over 2 years as a key foundation for monitoring URs. If this is the case, then changing these should not be considered an optional adaptive management strategy. Rather than lower the MTs we need to examine why we continue to approach these MTs. We need to understand causal effects and address those, most likely in the form of extraction reductions.

- In DWR's letter, they specifically asked why the MTs for the Northwest Threshold Region were allowed to decrease the water level 140 feet. The tech memo responded to this in a section headed:

“Modeling Analysis of Northwestern Threshold Groundwater Levels Minimum Thresholds” and stated:

“Specifically, DWR questioned what impact(s) may occur to nearby domestic wells and GDEs if groundwater levels were to reach MTs in representative wells. To address this, the Cuyama Basin Water Resources Model (CBWRM) was used to simulate groundwater level conditions by artificially dropping groundwater levels near Opti Wells 841 and 845 to the set MTs. This was done by assigning specified head boundary conditions at the MT levels for the model nodes near these well locations. The

simulation was run for 10 years over the historical period between water years (WY) 2011 to 2020 during which the specified head boundary conditions at the MT levels were continuously active.”

We don't understand why water years 2011-2020 were used for this modeling. These wells were not drilled until 2015-2016. And they were not pumping to meet full irrigation needs until around 2020 when the vineyard canopy was fully developed. More information is needed to understand what this modelling actually shows and why more accurate information wasn't used in the model. Will the rate of pumping affect this model? Furthermore, we think the current developments in North Fork Vineyards, the major pumper within the Northwest Threshold Region, need to be considered. Over the past few years, new wells have been drilled in their vineyard, including a well after the Governor's recent Executive Order establishing new criteria for new well drilling in critically overdrafted basins. Are these wells registered with the GSA and included in the updated modeling process currently taking place? In addition, and of potentially significant impact, North Fork Vineyard currently has a land use permit under review by Santa Barbara County that if permitted would allow for construction of three reservoirs to be used as frost ponds. Each reservoir would have the capacity to hold 45 acre feet of water. These would be filled only with groundwater. Shouldn't the impact of these reservoirs be considered in terms of the impact on the Northwest Region, downstream domestic wells and nearby GDEs? It seems that this modeling analysis does not take into consideration current pumping and impact of potential future increased extraction. And the deep MT that was set for this region will allow continued depletion of the area before reaching any warning signals from the set MT levels.

In the last section of the tech memo there is a statement as to how the MTs for the Northwest Region were established:

“ The Cleath-Harris Geologists (CHG) document Sustainability Thresholds for Northwestern Region, Cuyama Valley, dated December 7, 2018¹, developed under contract with the North Fork Vineyard. This document identified minimum thresholds for this area that would be protective of groundwater pumping capacity for production wells in this area. CHG estimated that the proposed minimum thresholds proposed for the region would result in a twenty percent reduction in the saturated thickness screened by the production wells, which would correspond in very general terms to produce a similar reduction in transmissivity and pumping capacity of the production wells. As discussed above, the CBGSA set thresholds that are somewhat more conservative than this, representing a fifteen percent reduction”

Thus, the GSA adopted MTs for the Northwest Region that were recommended by the consultants to North Fork Vineyard, and not the consultants hired by the GSA, and has not addressed the need to modify them in the tech memo response to DWR. North Fork Vineyard continues to develop plans to further extract groundwater from this area for which there is no evidence of recharge and which would ultimately lead to complete depletion.

• 3.3.1 Summary of Potential Undesirable Results for Interconnected Surface Waters (ISW)

“The primary areas of concern for ISW are on stretches of the Cuyama River upstream of Ventucopa and downstream of the Russell Fault, and on the four major contributing streams to the Cuyama River, including Aliso Creek, Santa Barbara Creek, Quantal Canyon Creek, and Cuyama Creek... Therefore, the intent of the ISW monitoring network and sustainability criteria is to ensure that long-term groundwater level declines do not occur in the vicinity of the connected stretches these interconnected surface water flow reaches of the Cuyama River. system.”

We would like to bring to your consideration the following information included in the tech memo that we think is relevant to ISW protection in the Northwest Region to the west of Russell Fault:

Figure 3-1. *Potential Stream Interconnectivity using Historical Modeled Groundwater Levels in January 2015* shows that the area to the west of Russell Fault as a “gaining connected stream”. Figure 2-3. *Change in Groundwater Levels in Northwestern Region from CBWRM Test Simulation* shows that the modeling for wells 841 and 845 will be depleted to 150-200 feet directly over the Cuyama River. Thus, the modeling of these two wells demonstrates that the interconnected surface water in the northwestern area will directly impact the interconnected surface water here. We don’t understand how this continued extraction can be allowed and the UR for Interconnected Surface Waters not be reached in this region, one of the last ISWs in the Basin.

In response to the DWR letter, the tech memo establishes a new network of monitoring wells to monitor the ISW. These wells are mapped in Figure 3-2. *Interconnected Surface Water Monitoring Network*. We are concerned here, that four of the five wells identified to monitor the northwest region, are to the west of Cottonwood Canyon Creek which flows into the Cuyama River and would impact the groundwater level of these wells. The only well in this region that is identified to the east of Cottonwood Canyon Creek is well #906 which was recently constructed as a monitoring well and thus there is no historical data here. In addition, it is at the eastern end of North Fork Vineyard, and thus may not account for impact of the increased pumping in the vineyard. We strongly recommend that the proposed piezometers be set along the river parallel to the vineyard wells and be incorporated into the ISW Monitoring Network.

There is really no need to model the impact of drawing the groundwater level down 120 feet on the impact on the rootzone of GDEs, since the root depths of most GDE species is less than 40 feet from the surface. It will only be through limiting extraction from this area that the ISW and GDEs will be protected.

- 5.3.2 Northwestern Region

“In regard to the northwestern region, management actions were not included in the GSP for this region because the available information did not indicate a projected overdraft in that region. The following information was considered during development of the GSP: The CBWRM model indicated a balance between groundwater inflows and outflows in the region in all of the water budget scenarios that were simulated.”

We are concerned that the rationale for not setting management actions in the Northwest Region is circular in its logic. The MTs were set 120 feet below the 2015 level based on a recommendation from consultants to North Fork Vineyard using a water availability methodology different from the rest of the Basin. This was also a very different recommendation from Woodard and Curran, whose formulae for all of the other Threshold Regions was adopted by the GSA. The MTs for the Northwest Region are set at such a low mark that it has allowed North Fork Vineyard to continue its development with plans of increased extraction of water. And the low MTs will make it unrealistic to protect the groundwater basin in this area for all beneficial uses and users of the Cuyama Basin.

In summary, we ask the GSA Board to revise the tech memo, and as appropriate the GSP.to:

- include the adaptive management strategy of lowering the minimum thresholds if that is a strategy that is being considered since this is being discussed by the GSA;
- revise the impact of the drawdown of the groundwater level in the Northwest Region to reflect current and proposed groundwater extraction plans.
- as part of the ISW Monitoring Network include data retrieved from piezometers to be located along the Cuyama River parallel to North Fork Vineyards.
- reconsider the Minimum Threshold established for the Northwest Region to avoid negative impact on the parts of the Cuyama Basin further downstream to the west.

Thank you for your consideration.

From: K. P. March <kmarch@bkylawfirm.com>

Sent: Thursday, June 2, 2022 10:18 AM

To: Taylor Blakslee <TBlakslee@hgcpm.com>

Subject: Taylor Blakslee from KPMarch Esq for Walking U Ranch LLC: attached is a copy of Walking U Ranch LLC Answer to the Bolthouse/Grimmway et al water adjudication suit, filed in the Superior Court suit by my law firm on 5/31/22. Because this Answer explains

060222

Taylor Blakslee from KPMarch Esq for Walking U Ranch LLC:

Attached is a copy of Walking U Ranch LLC Answer to the Bolthouse/Grimmway et al water adjudication suit, filed in the Superior Court suit by my law firm on 5/31/22.

Because this Answer explains to the Superior Court that the big ag water user plaintiffs are trying to do an end run on the work of the GSA and on the GSP that GSA has submitted to DWP for approval, this Answer seeks to protect the work of the GSA from being nullified by the big ag users' Superior Court suit.

Please post this Answer as a public comment, on GSA's website, and please include a copy of this Answer as a public comment in the packet of materials is for the next GSA meeting (when is the next GSA meeting, by the way?) because posting this Answer may help other Ranchers/residential users/small water users in the cuyama valley to use this Answer as a model for filing their own Answers to the big ag users' Superior court suit.

Reply please. 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

Website: www.BKYLAWFIRM.com

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

From: K. P. March <kmarch@bkylawfirm.com>

Sent: Tuesday, June 7, 2022 4:33 PM

To: Taylor Blakslee <TBlakslee@hgcpm.com>

Subject: Taylor Blakslee from KPMarch Esq for Walking U Ranch LLC: Thx for replying to my below email. Yes, please do the things your below email says you will do, and please do anything additional you are allowed to do, to try to make sure everyone in the Cuya

060722

Taylor Blakslee from KPMarch, Esq. of Walking U Ranch LLC

Taylor:

Thx for replying to my below email. Yes, please do the things your below email says you will do, and please do anything additional you are allowed to do, to try to make sure everyone in the Cuyama Valley sees the Walking U Ranch LLC Answer, filed 5/31/22 in the big ag water users Superior Court suit, for at least 2 reasons:

(1) Walking U Ranch LLC's Answer seeks to protect GSA's work, and GSA's GSP, which the big ag water user plaintiffs are trying to end run, by their Superior Court "water adjudication" suit, and

(2) ranches and other property owners/residential users, who can't afford an attorney to defend them against the big ag water users Superior Court suit, can just adopt the points made in Walking U Ranch LLC's Answer, by writing in on the form Answer: "We agree with, and adopt by reference, the affirmative defenses stated in Walking U Ranch LLC's Answer filed 5/31/22".

Please post this suggestion, along with the Answer. Thx.

Kathleen P. March, Esq.,
as 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

1 **Kathleen P. March, Esq., (CA SBN 80366)**
 2 **THE BANKRUPTCY LAW FIRM, PC**
 3 10524 W. Pico Blvd, Suite 212
 4 Los Angeles, CA 90064
 5 Phone: 310-559-9224 Fax: 310-559-9133
 6 Email: kmarch@BKYLAWFIRM.com
 7 Counsel for Walking U Ranch, LLC

8 **SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**
 9 **SPRING STREET COURTHOUSE**

10 BOLTHOUSE LAND COMPANY, LLC,
 11 a California limited liability company;
 12 WM. BOLTHOUSE FARMS, INC., a
 13 Michigan corporation;

14 and

15 GRIMMWAY ENTERPRISES, INC., a
 16 Delaware corporation, DIAMOND
 17 FARMING COMPANY, a California
 18 corporation; LAPIS LAND COMPANY,
 19 LLC, a California limited liability
 20 company; RUBY LAND COMPANY, a
 21 Delaware limited liability company,

22 Plaintiffs,

23 v.

24 ALL PERSONS CLAIMING A RIGHT
 25 TO EXTRACT OR STORE
 26 GROUNDWATER IN THE CUYAMA
 27 VALLEY GROUNDWATER BASIN
 28 (NO. 3-013); ALL PERSONS
 UNKNOWN, CLAIMING ANY LEGAL
 OR EQUITABLE RIGHT, TITLE,
 ESTATE, LIEN, OR INTEREST IN THE
 COMPLAINT ADVERSE TO
 PLAINTIFF'S TITLE, OR ANY CLOUD
 UPON PLAINTIFF'S TITLE THERETO;
 DOES 1 THROUGH 5000 and THE
 PERSONS NAMED AS DEFENDANTS
 IDENTIFIED ON EXHIBIT D TO THIS
 COMPLAINT as may be amended from
 time to time,

Defendants

CASE NO. BCV-21-101927

Assigned for all purposes to the Hon. Yvette M. Palazuelos

(Original Complaint filed 8/17/21; First Amended Complaint filed 3/8/22)

ANSWER OF WALKING U RANCH, LLC, a
California Limited Liability Company, TO
FIRST AMENDED COMPLAINT FOR
COMPREHENSIVE GROUNDWATER
ADJUDICATION OF THE CUYAMA VALLEY
GROUNDWATER BASIN (NO. 3-013), QUIET
TITLE, AND PRELIMINARY INJUNCTION,
FILED BY BOLTHOUSE LAND COMPANY
LLC, WM BOLTHOUSE FARMS, INC,
GRIMMWAY ENTERPRISES, INC.,
DIAMOND FARMING COMPANY, LAPIS
LAND COMPANY, LLC AND RUBY LAND
COMPANY

[Status Conference is set for 7/22/22 at 10:00am, in
Department 9, 312 No. Spring Street, LA, CA
 90012]

ANSWER TO FIRST AMENDED COMPLAINT

1
2
3 Walking U Ranch, LLC, is a California limited liability company, which owns an
4 approximately 989 acre ranch in the Cuyama Valley, Santa Barbara County, California, where LLC
5 owns and runs a cattle breeding/selling business. To water its cattle and for houses on ranch,
6 Walking U Ranch, LLC pumps well water, in the de minimus amount estimated to be less than 2 acre
7 feet per year, which makes Walking U Ranch LLC a defendant vis a vis Plaintiffs' First Amended
8 Complaint.

9
10 Walking U Ranch LLC denies all material allegations of Plaintiffs' original Complaint filed
11 in 2021 (filed in Kern County Superior Court) , and denies all material allegations of Plaintiffs' First
12 Amended Complaint, filed 3/8/22 (in Los Angeles County Superior Court, case number
13 BCV-21-101927), by Plaintiffs Bolthouse Land Company LLC, WM Bolthouse Farms, Inc.,
14 Grimmway Enterprises, Inc., Diamond Farming Company, Lapis Land Company and RubyLand
15 Company, all of which are large agricultural water users in the Cuyama Valley. Plaintiffs' First First
16 Amended Complaint requests the Superior Court to adjudicate groundwater rights in the Cuyama
17 Valley, by a Superior Court Judgment.

18
19 Walking U Ranch LLC asserts all applicable **Affirmative Defenses** to Plaintiffs' Complaints,
20 including, but not limited to the following FIRST, SECOND, THIRD and FOURTH **Affirmative**
21 **Defenses**, which are based on the following facts:

- 22 1. The Cuyama Valley has a duly constituted Groundwater Sustainability Agency ("GSA"),
23 established pursuant to California Sustainable Groundwater Management Act ("SGMA"),
24 after SGMA became law in California. The GSA has prepared a Groundwater
25 Sustainability Plan ("GSP"). The GSA prepared the GSP with repeated and extensive
26 input from all Cuyama Valley stakeholders, including that Plaintiffs had representatives
27 on the GSA board, and **made major input into the terms of the GSP**. Specifically, GSA
28

1 Board member Derek Yurosek was affiliated with the Bolthouse Plaintiffs, and GSA
2 Board member Matt Vickery was affiliated with Grimmway Enterprises, Diamond
3 Farming Company, Lapis Land Company, and Ruby Land Company, at the time when the
4 GSP was being negotiated and approved by the GSA Board, for submission to the
5 California Department of Water Resources (“DWR”) for approval. On 1/28/20 the GSA
6 submitted the GSP to the DWR to approve. The GSP, once approved by DWR, will go
7 into effect, binding all landowners/water users in the Cuyama Valley.

8 2. As of date this Answer is filed, DWR is still reviewing the GSP, to determine whether
9 DWR will approve the GSP in its present state, or whether DWR will request amendments
10 to the present proposed GSP.

11 3. The GSP is 1,523 pages (61 megabytes) and therefore is not practicable to attach to this
12 Answer. However, the GSP is publicly available, by downloading the GSP from the
13 Cuyama Valley GSA website:

14 <https://hqcpm.sharefile.com/d-s13c9a8f3d9cd478fa0055d158a657e27>

15
16
17 4. And the GSP is also publicly available by downloading the GSP from the official DWR
18 SGMA portal website:

19 <https://sgma.water.ca.gov/portal/gsp/preview/32>

20
21 5. Therefore, Walking U Ranch LLC makes the GSP, as submitted by the GSA to DWR on
22 1/28/20, **Exhibit A** to this Answer, **by reference**, because the GSP is publicly
23 downloadable from these 2 websites.

24
25 6. The most relevant part of the GSP, as relates to Plaintiffs’ lawsuit, is the Executive
26 Summary to GSP, ES-p.14, which **requires imposing pumping restrictions**, on how
27 much groundwater can be pumped from wells in the most seriously overdrafted portions
28

1 of the Cuyama Valley, starting in 2023, and continuing to 2038, to try to comply with
2 SGMA, which requires achieving sustainable water use by 2040. To achieve sustainable
3 water use in the Cuyama Valley, by 2040, will require ending the decades of serious
4 overdrafting of groundwater (ie, pumping out more groundwater than can be replaced by
5 rain) which serious overdrafting has occurred, and continues to occur, in portions of the
6 Cuyama Valley, particularly in the portion of the Cuyama Valley which the GSP refers to
7 as the Central portion of the Cuyama Valley, where decades of serious overdrafting has
8 caused the groundwater level to drop severely.

- 9 7. Page 14 of the GSP Executive Summary, downloaded from the GSA website listed above,
10 is attached hereto as **Exhibit B**, and lists the pumping reductions, to be imposed by the
11 GSP for each year from 2023 through 2038, in the heavily overdrafted Central portion of
12 the Cuyama Valley, (referred to in the GSP as the “Central Management Area) to which
13 the pumping reductions will apply.
- 14 8. The land farmed by Plaintiffs Bolthouse Land Company LLC, Grimmway Enterprises,
15 Inc. and the additional Plaintiffs is, on information and belief, located in the Central
16 Management Area of the Cuyama Valley, where the serious water overdrafting has
17 occurred, and continues to occur, causing the level of groundwater to drop dangerously.
18 That part of the Cuyama Valley (the “Central Management Area”) is where the GSP
19 pumping reductions listed in **Exhibit B** hereto will apply. This serious drop in
20 groundwater levels is primarily due to decades of non-sustainable water pumping (aka
21 groundwater overdrafting/over extraction/overuse) by Plaintiffs and additional big
22 agricultural groundwater pumpers.
- 23 9. Because all the Plaintiffs had representatives who were members of the GSA board,
24 Plaintiffs were able to insist that GSA’s GSP have slower/smaller reductions in annual
25 groundwater pumping than the **non-** agricultural users (non-agricultural users includes
26 cattle ranchers, because watering cattle uses a very small amount of water, compared to
27
28

1 the amount of water used to irrigate crops; and includes residential users), who were
2 members of GSA's board, requested and wanted.

3 10. Due to plaintiffs, and additional agricultural users being members of GSA's board, and
4 having **considerable power on GSA's board**, the GSP that GSA submitted to DWR for
5 approval has significantly slower/smaller reductions in groundwater annual pumping (as
6 listed in **Exhibit B** hereto), than the larger reductions which cattle ranchers and residential
7 users, and other water users who were NOT large agricultural water users wanted the GSP
8 to have.

9 11. Despite plaintiffs and additional agricultural users on the GSA board having obtained
10 significantly slower/smaller reductions in annual groundwater pumping, than what the
11 **non-ag** users, who were members of GSA's board, requested and wanted, Plaintiffs
12 Bolthouse, Grimway et al. filed their present suit in Superior Court—**after** the GSP was
13 submitted to DWR for approval, and while GSP was awaiting DWR approval.

14 12. Plaintiffs' lawsuit seeks, inter alia, to have, this Hon. Superior Court **enjoin any**
15 **restrictions on how much groundwater the Plaintiffs can pump**. Allowing unlimited
16 pumping of groundwater by plaintiffs is **directly contrary to the GSP**, and would make
17 the present, already very serious water overdrafting/overuse/overpumping even worse,
18 which would violate SGMA.

19 13. Plaintiffs Bolthouse et al. suing in this Court is a **bad faith** attempt to do an **end run**
20 the GSP, which Plaintiffs—through Plaintiffs' board member on the GSA Board--were
21 instrumental in drafting.

22 14. By their present Superior Court suit, Plaintiffs seek, in a **bad faith attempted end run on**
23 **GSP**, to have this Superior Court grant them a Superior Court Judgment, before DWR
24 approves the GSP, and which would be contrary to the GSP, and in violation of SGMA.

25 15. Plaintiffs' Complaints are in **bad faith**, because those Complaints fail to inform this Court
26 of 1-22 hereof, including those Complaints fail to tell this Court that Plaintiffs, through
27 Plaintiffs' representatives who were GSA board members, were **major participants** in
28

1 GSA's creating the GSP that GSA submitted to DWR for approval on 1/28/20; and that
2 because of their power on the GSA board, that Plaintiffs were able to cause the GSA to
3 adopt a GSP that had slower/lower pumping restrictions than the GSA board members,
4 who were not representatives of the big agricultural water users wanted, and which had
5 slower/lower pumping restrictions than what the cattle ranchers (most of whom had no
6 representatives on the GSA board) wanted.

7 16. Plaintiffs Complaints are dishonest, because Plaintiffs are, inter alia, asking the Court to
8 enjoin/forbid any pumping restrictions on how much groundwater Plaintiffs can pump,
9 which is **directly contrary** to the GSP, is **directly contrary** to SGMA, and is **directly**
10 **contrary** to the fact that imposing restrictions/reductions on groundwater pumping is
11 essential, to try to bring the seriously overdrafted portion Central Management Area of the
12 Cuyama Valley, where plaintiffs' land is located, and the rest of the Cuyama Valley, into
13 compliance with sustainable water use, by 2040, as required by SGMA.

14 17. In short, Plaintiffs seek to have this Court allow Plaintiffs to **end run** the GSP that
15 Plaintiffs had major participation in drafting, which is at DWR seeking approval.
16 Plaintiffs seek to have this Court grant Plaintiffs a Court Judgment that would make the
17 serious groundwater overdrafting in the part of the Cuyama Valley where Plaintiffs' land
18 is located, **much worse**, by enjoining/forbidding any restrictions from being placed on
19 Plaintiffs' groundwater pumping.

20 18. This Court should **refuse** to allow Plaintiffs to make the serious groundwater overdrafting
21 even worse. This Court should not adopt the physical solution (aka Court Judgment) that
22 Plaintiffs' Complaints seek, because the Court Judgment Plaintiffs' Complaints seek
23 would be contrary to the GSP and contrary to SGMA.

24 19. This Court should wait for DWR to approve the Cuyama Valley GSP, so that the GSP can
25 go into effect, binding all landowners/water users in the Cuyama Valley.

26 20. This Court has to power to **stay** Plaintiffs' suit, until DWR completes considering the
27 GSP, and should exercise the Court's power, to stay Plaintiffs' suit until DWR completes
28

1 considering the GSP. That will save resources of the Court, will save resources of
2 Plaintiffs, and of the 100 or more landowners/water users in the Cuyama Valley who are
3 named defendants, or who are being added as defendants by being served with Plaintiffs'
4 *Notice of Commencement of Groundwater Basin Adjudication of the Cuyama Valley*
5 *Groundwater Basin (no. 3-013)* Notice served on or about 5/20/22. On information and
6 belief, the majority of the landowners/water users served with Plaintiffs' *Notice of*
7 *Commencement of Groundwater Basin Adjudication of the Cuyama Valley Groundwater*
8 *Basin (no. 3-013)* are small ranchers and small residential users who do not have
9 attorneys, and do not have the resources to hire attorneys to defend them, and who are
10 very frightened by Plaintiffs' suit.

11 21. Plaintiffs failure to be honest with this Court their major participation in drafting the GSP,
12 and failure to be honest with this Court that the relief they seek from this Court would
13 make the groundwater overdrafting situation in the Cuyama Valley much worse, would be
14 contrary to the GSP, would be contrary to SGMA, is unclean hands and inequitable
15 conduct that properly prevents plaintiffs from being granted any relief sought in their
16 Complaints.

17 22. SGMA, the California Water Code §10737.8, §10737.6 and §10737.4, and CCP §849(b)
18 must all be considered by this Court in deciding whether this Court can properly grant
19 anything to Plaintiffs, that Plaintiffs' Complaints seek. CCP §849(b) requires that this
20 Court, before imposing a physical solution (ie a Court Judgment), shall consider any
21 existing groundwater sustainability plan (GSP) or program. Yet Plaintiffs' Complaints
22 hide from this Court that the Court Judgment they seek would be directly contrary to the
23 GSP, and would violate SGMA, because the "no pumping restrictions" relief and
24 injunction that Plaintiffs' Complaints seek would make the groundwater overdrafting
25 situation in the Cuyama Valley much worse, not better, which would prevent the Cuyama
26 Valley from obtaining sustainable water use by 2040, as required by SGMA.

1 23. If this Court needs an interim solution to water management, in the Cuyama Valley,
 2 before DWR approves the Cuyama Valley GSP, this Court has the power to adopt the
 3 Cuyama Valley GSP as that interim solution, and should do so, instead of letting the big
 4 ag water user plaintiffs continue their decades of irresponsible groundwater overdrafting,
 5 which has created the serious water imbalance the Cuyama Valley now suffers, violating
 6 SGMA.

7 **FIRST AFFIRMATIVE DEFENSE**

8 [*Plaintiffs' **Unclean Hands** bar Plaintiffs from being entitled to any Relief]*

9 24. The facts stated in 1-23 immediately supra should be found by this Court to
 10 constitute **unclean hands** by Plaintiffs, due to Plaintiffs trying to **end-run** the GSP they had a big
 11 hand in drafting, due to having representatives on the GSA Board. This Court should find that
 12 Plaintiffs **unclean hands** prevent Plaintiffs from being granted any of the relief sought in their
 13 Complaints.

14 **SECOND AFFIRMATIVE DEFENSE**

15 [***Estoppel** Applies to Preclude Plaintiffs from being granted any relief sought by their*
 16 *Complaints]*

17 25. Due to the facts itemized in 1-23 supra, Plaintiffs should be found by this
 18 Court to be **estopped** from trying to **end-run** the GSP that Plaintiffs had a big hand in drafting, as
 19 members of the GSA board.

20
 21 **THIRD AFFIRMATIVE DEFENSE**

22 [*Plaintiffs' **Inequitable conduct** bars Plaintiffs from being entitled to any Relief]*

23 26. Plaintiffs have, and continue to act inequitably, as detailed in 1-23 supra. This
 24 Court should find that Plaintiffs' **inequitable conduct** bars plaintiffs from being entitled to any of the
 25 relief sought by their Complaints.

26 //

27 //

1 [Waiver Applies, to Preclude Plaintiffs from Being Awarded Any Relief Sought by
 2 their Complaints]

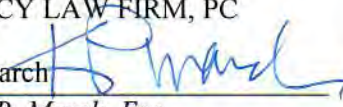
3 19, By participating in GSA, and GSP, as members of the Board of GSA, as detailed in 1-23
 4 supra, Plaintiffs should be found by this Court to have **waived** any right to seek from the Court, or be
 5 awarded by the Court, any of the relief their Complaints seek, because the relief sought in Plaintiffs'
 6 Complaints is an attempted end-run on the GSP that Plaintiffs had a big hand in drafting, through
 7 Plaintiffs' representatives who were members of the GSA Board, at the time the GSP was negotiated
 8 and approved by the GSA, for submission to DWP for approval, so the GPS would go into effect,
 9 binding all land owners and water users in the Cuyama Valley to adhere to the GSP's terms.

10
 11 **PRAYER**

12 WHEREFORE Defendant Walking U Ranch, LLC, prays that this Court exercise its power to
 13 **stay** Plaintiffs' suit until DWR completes DWR's consideration of the GSP, and prays that Plaintiffs
 14 be **denied any relief** on their Complaints, and that that Judgment be entered in favor of Defendant
 15 Walking U Ranch LLC, against Plaintiffs, that Plaintiffs shall take nothing on their Complaints, and
 16 ordering Plaintiffs to pay Defendant Walking U Ranch, LLC its costs of suit, and, if allowed by
 17 controlling law, ordering Plaintiffs to pay Defendant Walking U Ranch, LLC its attorneys' fees of
 18 defending against Plaintiffs' herein Complaints.

19 Dated: May 31, 2022

20 THE BANKRUPTCY LAW FIRM, PC

21 /s/ Kathleen P. March 

22 *By Kathleen P. March, Esq.*

23 Counsel for Defendant Walking U Ranch LLC

24 Contact information for counsel for Defendant Walking U Ranch LLC is on page 1 of this Answer,
 25 top left of page.

26 **All communications to Defendant Walking U Ranch LLC are required to be made to counsel**
 27 **for Walking U Ranch LLC**

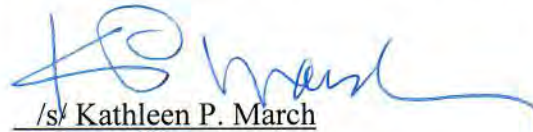
28 There is no mail delivery to LLC's cattle ranch in the Cuyama Valley

 The business address for the Ranch LLC is 10524 W. Pico Blvd, Suite 212, LA, CA 90064, attn. to
 Kathleen P. March, Esq., phone 310-559-9224, email: KMARCH@BKYLAWFIRM.COM

VERIFICATION OF ANSWER

1
2 I, KATHLEEN P. MARCH, am the sole managing member of defendant Walking U Ranch,
3 LLC. I am over 18 years of age. I have reviewed the contents of the herein ANSWER OF
4 DEFENDANT WALKING U RANCH, LLC, to Plaintiffs Water Rights Adjudication Complaints,
5 and have reviewed each of the paragraphs contained therein. I know of my own personal and first-
6 hand knowledge that the factual allegations contained in this **ANSWER** are true and correct

7
8 I declare under penalty of perjury, under the laws of the State of California, that this
9 Verification is true and correct and was executed at Los Angeles, California, this day of May 31,
10 2022.

11 
12 /s/ Kathleen P. March

13 KATHLEEN P. MARCH
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Groundwater Sustainability Plan

DECEMBER 2019



EXHIBIT B



Implementing the GSP will require numerous management activities that will be undertaken by the CBGSA, including the following:

- Preparing annual reports summarizing the conditions of the Basin and progress towards sustainability and submitting them to DWR
- Monitoring groundwater conditions for all five sustainability indicators twice each year
- Entering updated groundwater data into the Basin DMS
- Monitoring basin-wide groundwater use using satellite imagery
- Updating the GSP once every five years and submitting to DWR

The CBGSA Board adopted a preliminary schedule for reduction of groundwater pumping in the Central Management Area.

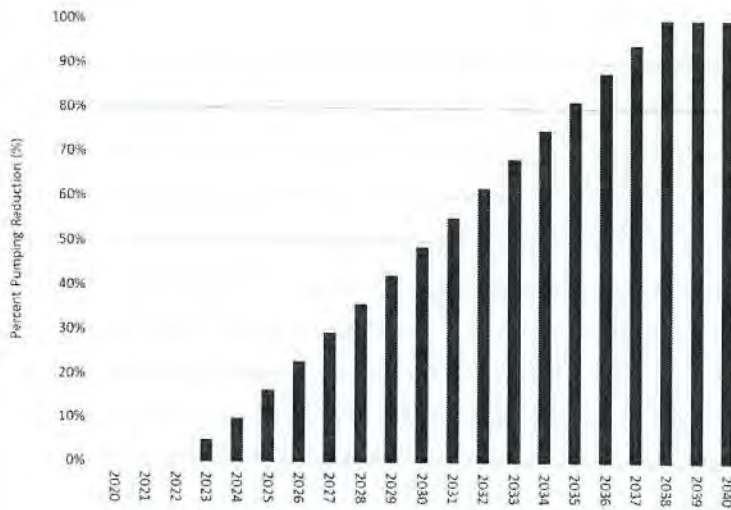


Figure ES-15: Schedule for Proposed Reductions in Groundwater Pumping

For the Central Management Area, pumping reductions are scheduled to begin in 2023 with full implementation by 2038, as shown in Figure ES-15. This approach provides adequate time to put into place methods necessary to monitor groundwater use and reductions. The specific methods for monitoring and reporting will be developed beginning in 2021, with the target of methods being in place by the end of 2022 to allow effective monitoring and pumping reductions to begin in 2023. Monitoring in 2023 will demonstrate achievement of the proposed levels of pumping reduction by the end of that year.

Pumping reductions are not currently recommended for the Ventucopa Area. The recommendation is to perform additional monitoring, incorporate new monitoring wells, and further evaluate groundwater conditions in the area over the next two to five years. Once additional data are obtained and evaluated, the need for any reductions in pumping will be determined.

Evaluation and possible implementation of the two identified projects will also be initiated between 2020 and 2025. Further evaluation of the two projects is necessary to determine technical, economic, and institutional feasibility. A critical aspect of feasibility for the stormwater diversion project will be confirmation of water rights availability. Downstream water right holders will have to be maintained whole for the project to be feasible and will require an in-depth analysis of water flows and availability. As a result, the first step in determining feasibility will be to evaluate the potential for obtaining a right for diversion from the Cuyama River.

PROOF OF SERVICE

I am employed by The Bankruptcy Law Firm P.C. in the County of Los Angeles, State of California and am over the age of 18 and not a party to the within action; my business address is 10524 West Pico Boulevard Suite 212, Los Angeles, CA 90064.

On **May 31, 2022**, I served the foregoing document described as **ANSWER OF WALKING U RANCH, LLC, a California Limited Liability Company, TO GROUNDWATER ADJUDICATION FIRST AMENDED COMPLAINT FILED BY BOLTHOUSE LAND COMPANY LLC, BOLTHOUSE FARMS, INC, GRIMMWAY ENTERPRISES, INC., DIAMOND FARMING COMPANY, LAPIS LAND COMPANY, LLC AND RUBY PROPERTY HOLDINGS LLC** on:

(1) rzimmer@zimmermelton.com, Richard G. Zimmer, Esq. of Zimmer & Melton, LLP, attorneys for plaintiffs Bolthouse Land Co., LLC and William Bolthouse Farms, Inc.

(2) rkuhs@lebeauthelen.com, Robert G. Kuhs, Esq. of Lebeau-Thelen, LLP, attorneys for plaintiffs Grimmway Enterprises, Inc., Diamond Farming Co., Lapis Land Co., LLC and Ruby Property Holdings, LLC

(3) eric.garner@bbklaw.com, Eric L. Garner, Esq. of Best Best & Krieger LLP, attorneys for defendant Cuyama Community Services District

(4) jeffrey.dunn@bbklaw.com, Jeffrey V. Dunn, Esq. of Best Best & Krieger LLP, attorneys for defendant Cuyama Community Services District

(5) wendy.wang@bbklaw.com, Wendy Y. Wang, Esq. of Best Best & Krieger LLP, attorneys for defendant Cuyama Community Services District

(6) maya.mouawad@bbklaw.com, Maya Mouawad, Esq. of Best Best & Krieger LLP, attorneys for defendant Cuyama Community Services District

(7) daniel.richards@bbklaw.com, Daniel L. Richards, Esq. of Best Best & Krieger LLP, attorneys for defendant Cuyama Community Services District

(8) ckim@co.santa-barbara.ca.us and ckim@countyofsb.org, Callie Kim, Esq., County Counsel for the County of Santa Barbara

by emailing the foregoing document to the above-listed email addresses, and/or by having Law Firm's e-filing provider (AAA-Efiling) serve the above-listed email address at the time AAA-Efiling submitted the herein pleading to the Court, for e-filing acceptance by the Court.

(State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(Federal) I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on **May 31, 2022** at Los Angeles, California.

By Paige Rolfe