



CUYAMA BASIN GROUNDWATER SUSTAINABILITY AGENCY STANDING ADVISORY COMMITTEE MEETING

Committee Members

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

AGENDA

October 27, 2022

Agenda for a meeting of the Cuyama Basin Groundwater Sustainability Agency Standing Advisory Committee meeting to be held on Thursday, October 27, 2022, at 5:00 PM at the **Cuyama Valley Resource Center 4689 CA-166 b, New Cuyama, CA 93254**. Participate via computer at: <https://rb.gv/pt2jvp> or by going to Microsoft Teams, downloading the free application, then entering Meeting ID: 269 910 783 708 Passcode: jH7GRx, or telephonically at (469) 480-3918, Phone Conference ID: 478 556 544#

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 (Kelly) (1 min)
2. Roll Call (Kelly) (1 min)
3. Pledge of Allegiance (Kelly) (2 min)
4. Update on SAC Membership (Kelly) (3 min)
5. Approval of September 1, 2022, Minutes (Kelly) (3 min)
6. Groundwater Sustainability Plan
 - a. Discussion and Appropriate Action on Central Management Area Policy Considering Wells In/Out of the CMA (Beck/Dominguez) (15 min)
 - b. Discussion and Appropriate Action on CMA Variance Requests (Beck/Dominguez) (30 min)
 - c. Discussion and Appropriate Action on Administration of Pumping Reductions in the Central Management Area (Beck/Dominguez) (10 min)
 - d. Approval of GSA Well Permit Policy and Forms (Beck/Dominguez) (10 min)
 - e. Discussion and Appropriate Action on Adaptive Management Analysis (Van Lienden, Beck, Dominguez) (45 min)
 - f. Discussion and Appropriate Action on Strategy for Managing Pumping throughout the Basin (Beck/Dominguez) (20 min)
 - g. Discussion and Appropriate Action on Strategy for Continuing Evaluation of Basin Faults (Beck/Van Lienden) (30 min)
 - h. Update on Effort to Identify Potential Non-Reporting Pumpers (Beck/Van Lienden) (5 min)
 - i. Authorize Development and Submittal of an Application for DWR Grant Round 2 Funding

- Opportunity (Van Lienden) (10 min)
- j. Update on Groundwater Sustainability Plan Activities (Van Lienden) (2 min)
 - k. Update on Implementation of Grant-Funded Projects (Van Lienden) (5 min)
 - l. Update on Monitoring Network Implementation (Van Lienden) (2 min)
 - m. Report on Annual Water Quality (Van Lienden) (10 min)
7. Groundwater Sustainability Agency
- a. Approval of 2023 Meeting Calendar (Blakslee) (2 min)
 - b. Report of the Executive Director (Beck) (1 min)
 - c. Report of the General Counsel (Dominguez) (1 min)
 - d. Board of Directors Agenda Review (Beck) (3 min)
8. Items for Upcoming Sessions (1 min)
9. Committee Forum (1 min)
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 (1 min)
12. Adjourn (8:34 p.m.)

Cuyama Basin Groundwater Sustainability Agency Standing Advisory Committee Meeting

September 1, 2022

Draft Meetings Minutes

PRESENT:

Kelly, Brenton – Chair
DeBranch, Brad – Vice Chair
Louise Draucker
Gaillard, Jean
Haslett, Joe
Roberta Jaffe
Beck, Jim – Executive Committee Member
Blakslee, Taylor – Project Manager
Dominguez, Alex – Legal Counsel
Van Lienden, Brian – Woodard & Curran

ABSENT:

Furstenfeld, Jake

1. Call to Order

Cuyama Basin Groundwater Sustainability Agency (CBGSA) Standing Advisory Committee (SAC) Chair Kelly called the meeting to order at 5:02 p.m. and Hallmark Group Project Manager Taylor Blakslee provided direction on the meeting protocols in facilitating a remote meeting.

2. Roll Call

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

3. Pledge of Allegiance

Chair Kelly led the pledge of allegiance.

4. Update on SAC Membership

Chair Kelly reported that there remain two vacancies for representatives of the Hispanic community and said if anyone knows someone that is interested in serving to let himself or Mr. Blakslee know.

5. Approval of Minutes

Chair Kelly opened the floor for comments on the April 28, 2022, and June 20, 2022, CBGSA SAC meeting minutes.

MOTION

Committee Member Haslett made a motion approve both the April 28, 2022, and June 20, 2022, CBGSA SAC meeting minutes. The motion was seconded by Committee Member Draucker, a roll call vote was made, and the motion passed.

AYES: Kelly, DeBranch, Draucker, Gaillard, Haslett, Jaffe
 NOES: None
 ABSTAIN: None
 ABSENT: Furstenfeld

6. Groundwater Sustainability Plan

a. Direction on GSA Well Permit Policy

Mr. Beck provided background on the GSA Well Permit Policy and the direction provided by the ad hoc. Mr. Beck explained the ad hoc's recommendation for a well permit policy for a modification/replacement of an existing well and the policy for the construction of a new well.

Committee Member Gaillard explained how wells are going dry and becomes a safety hazard. He also asked if it is possible to ask well owners if the wells that are being replaced can be decommissioned. Mr. Beck replied the policy requires demonstration that the replaced well is properly abandoned.

Committee Member Haslett asked if a person is replacing a well for irrigational use, can a well owner refurbish the old well to be used for domestic use. Mr. Beck explained this was not considered by the ad hoc, but it would require additional work on the landowner to prove the total water use would not impact the GSA's ability to achieve sustainability, and in this case it would likely be considered a new well that is being drilled rather than a replacement well.

Committee Member Jaffe asked what the procedure for a landowner is when they want to drill a well. Legal Counsel Alex Dominguez replied that the landowner will go to the County and get the correct packet to complete, and the County will inform the landowner of the GSA's requirements.

Committee Member Jaffe explained the need to have specific criteria developed rather than having a generic term of "the proposed well would not be inconsistent with the GSA's GSP". Mr. Beck replied the specific criteria is outlined in the GSP.

Vice Chair DeBranch commented that option two for the draft GSA procedure is the better option.

Chair Kelly explained there are obstacles for landowners to comply with these procedures and provided an example that the GSP is not available in Spanish. Chair Kelly commented option two was the better option.

Committee Member Jaffe suggested well applications be presented to the SAC for awareness since the SAC's membership has in-depth knowledge of Cuyama Basin.

Committee Member Haslett suggested moving forward with option two.

Stakeholder Lynn Carlisle explained how there needs to be more specific details including what the well will be watering whether that is crops in the Central Management Area (CMA) or outside the CMA. Stakeholder Guy Lingo expressed the necessity to have a tiered approach for those further away from the CMA.

Mr. Blakslee clarified the Governors' Executive Order does not apply to domestic wells.

b. Direction on Administration of Pumping Reductions in the Central Management Area

Mr. Beck informed the SAC that the Board provided direction to bring the draft policy that was presented at the July 6, 2022 Board meeting back for review at the September 7, 2022, Board meeting. Mr. Beck reviewed the draft administration of pumping reduction policy.

Committee Member Haslett and Committee Member Jaffee explained the need to consider those who have made an effort to be sustainable and already reduced their water usage to prevent them from being penalized with the GSA's pumping reductions.

Committee Member Gaillard suggested adjusting the frequency of landowners reporting meter information and asked if de minimis users would be required to install a meter. Mr. Blakslee explained there currently is no reporting requirement for de minimis users.

Vice Chair DeBranch explained there needs to be a policy to address those who have wells in the CMA that are servicing land outside of the CMA.

Chair Kelly expressed concern for using a model that has data gaps of the well locations and where the water from the well is irrigating. Vice Chair DeBranch explained landowners have already provided well information to the GSA and it should be known and considered.

Stakeholder Lynn Carlisle asked if there could be a spot check for meter reporting, and how water outside of the CMA can be pumped into the CMA. She continued to ask how much this would affect the sustainability of the CMA.

Committee Member Haslett responded by saying the monitoring wells should capture the depletion of groundwater if pumpers are using wells that are outside of the CMA to pump inside of the CMA.

c. Direction on Basin-Wide Water Management Policies

Mr. Beck provided an update on the ad hoc discussion on increased water use outside the CMA and water market/trading discussions. Mr. Beck elaborated on the analysis done on the sustainable yield and 2021 water use for three regions in the basin which are outlined in the SAC packet. Mr. Blakslee provided an overview of the data sources for the table showing the potential, modeled increased water use outside the CMA.

Committee Member Jaffee asked if there has currently been an increase in water use outside the CMA. Mr. Beck clarified staff is not currently aware of an increase in water use, but rather staff is asking if there should be a concern.

Committee Member Haslett suggested changing the three regions to preexisting regions that are already established and expressed his concern for using the model which has several inaccuracies.

Committee Member Jaffee explained there is only one production well that has drawn down the groundwater east of the Russell Fault and west of the Santa Barbara County fault, and it would be inappropriate to penalize the other pumpers in that area when they are mostly de minimis users.

Chair Kelly expressed the need to have a tiered approach where areas that have the biggest overdraft will receive a different pumping reduction compared to those who are not experiencing similar overdraft conditions. Legal Counsel Alex Dominguez replied he is not familiar with another basin having a tiered approach, but there needs to be caution when developing a tiered approach

due to the legality of treating some people differently.

Committee Member Haslett explained the need to ground truth the entire model to be able to properly rely on the model.

Committee Member Jaffee described the need to identify whether we are managing toward depletion or managing toward sustainability.

Stakeholder Guy Lingo commented there is not enough information available to make a decision and this needs to be revisited in 2025 when there is more information available.

Stakeholder Cecilia Berry replied to Committee Member Jaffe that managing toward depletion and sustainability should go hand in hand and it is far too important to table this to a future meeting. Chair Kelly responded there is not enough information at this time to make a decision.

Stakeholder Lynn Carlisle commented there is not enough information to show an increase in pumping outside the CMA, but it is a good baseline to compare to information that is available six months from now. Mr. Beck clarified this table was never intended to identify if there was an increase water use outside the CMA, rather it was to be used as a discussion if there should be concern for the possibility of an increase water use outside the CMA.

Committee Member Haslett suggested not making a decision today, but in 2025 when there is more information available and the model is ground truthed appropriately, then that would provide more accurate information and in turn, a more accurate decision.

Committee Member Furstenfeld and Committee Member Jaffee agreed there should not be an increase in water use outside the CMA.

d. Update on Groundwater Sustainability Plan Activities

Mr. Van Lienden provided an update on the accomplishments done from July and August.

e. Update on Adaptive Management Analysis

Mr. Van Lienden provided an updated on the well survey, water level trends analysis, precipitation trends, groundwater production trends, and groundwater level trends.

Committee Member Jaffee asked why de minimis users need to fill out the well survey. Mr. Van Lienden replied the information would be used to analyze if these wells are impacted from pumping done in adjacent areas.

Committee Member Haslett commented that CIMIS data is not reliable for precipitation data.

Committee Member Jaffee commented the groundwater level trends west of Russell Fault is moving downward due to the production wells that were put in.

Committee Member Jaffee and Chair Kelly expressed frustration for the work being done to justify lowering the MTs and the GSA should start looking toward making changes to work toward sustainability rather than managing toward depletion.

Chair Kelly asked if the only option is to change the MTs. Vice Chair DeBranch commented when the

GSP was set there were a handful of wells already below their MTs.

Committee Member Draucker commented there should be consideration for putting reservoirs to help with recharge when there is a wet season.

f. Report on Variance Request for The Central Management Area Allocations

Mr. Blakslee provided an update on the variance request that has been submitted and provided a brief summary for each variance request. Mr. Blakslee informed the SAC the variance request forms will be reviewed by staff and an ad hoc for review with the SAC on October 27, 2022 and the Board on November 2, 2022. Mr. Blakslee reviewed the returned mail from the CMA mailout.

Committee Member Haslett recommended extending the variance deadline for the eight “return to sender” landowners.

Mr. Beck explained the issue of wells inside/outside the CMA serving lands outside/inside the CMA and asked the SAC how staff should address this issue.

Chair Kelly suggested there should be some quality control/assurance (QA/QC).

g. Update on Effort to Identify Potential Non-Reporting Pumpers

Mr. Blakslee provided an update on the effort to identify potential non-reporting pumpers and informed the SAC staff is currently in the QA/QC stage. Mr. Blakslee clarified the information being compared is DWR’s 2019 crop data and user-reported irrigated lands for 2021.

Committee Member Gaillard asked if these pumpers would be given penalties. Mr. Blakslee replied the Board has directed to apply a penalty for any pumpers that are not current on owed annual extraction fees.

h. Update on Implementation of Grant-Funded Projects

Mr. Van Lienden provided an update on receiving the grant funds and informed the SAC the grant agreement has been signed. Mr. Van Lienden reviewed the tasks that was discussed with an ad hoc committee, which is provided in the SAC packet.

Committee Member Jaffe asked what the \$210,000 covers in the piezometers task. Mr. Van Lienden replied this covers the planning, procurement, and installation of up to six (6) piezometers.

Chair Kelly commented there is only one monitoring well in the southeast Ventucopa area and agreed with prioritizing a monitoring well in section F and H.

Committee Member Haslett suggested putting the CIMIS station on the soccer field that is currently maintaining their grass.

Committee Member Haslett suggested surveying the entire river channel to have complete information. Mr. Van Lienden replied it would be ideal to survey the entire river, but there was consideration to spread the grant to be able to complete other tasks.

i. Schedule for Fiscal Year 2023-2024 Model Update

Mr. Van Lienden provided an update on the schedule for the fiscal year 2023-2024 model update and reviewed the data to include in the next model update, which is provided in the SAC packet.

j. Update on Monitoring Network Implementation

Mr. Van Lienden provided an update on the monitoring network implementation and informed the SAC the next quarterly groundwater levels will be measured in October 2022.

k. Update on Quarterly Groundwater Conditions Report for July

Mr. Van Lienden provided an update on the quarterly groundwater conditions report for July 2022.

l. Update on Annual Water Quality Report

Mr. Van Lienden provided an update on the annual water quality report.

Chair Kelly asked if there was an annual test for arsenic, and Mr. Van Lienden responded there was currently only scheduled a one-time test for arsenic levels to establish a baseline.

7. Groundwater Sustainability Agency**a. Report of the Executive Committee Member**

Nothing to report.

b. Report of the General Counsel

Legal Counsel Alex Dominguez provided an update on AB 2201 where the bill was not passed so the GSA will continue to follow the Governors' Executive Order.

c. Update on Public Workshop

Mr. Blakslee provided an update on the number of attendees at the public workshop and the topics that were discussed which is summarized in the SAC packet.

d. Board of Committee Member s Agenda Review

Mr. Blakslee provided an overview of the September 7, 2022, CBGSA Board of Committee Members meeting agenda which is provided in the SAC packet.

8. Items for Upcoming Sessions

Nothing to report.

9. Committee Forum

Nothing to report.

10. Public Comment for Items Not on the Agenda

Nothing to report.

11. Correspondence

Nothing to report.

12. Adjourn

Chair Kelly adjourned the meeting at 9:48 PM.

STANDING ADVISORY COMMITTEE OF THE
CUYAMA BASIN GROUNDWATER SUSTAINABILITY AGENCY

Chair Kelly: _____

ATTEST:

Vice Chair Kelly: _____

DRAFT



TO: Standing Advisory Committee
Agenda Item No. 6a

FROM: Jim Beck / Alex Dominguez

DATE: October 27, 2022

SUBJECT: Discussion and Appropriate Action on Central Management Area Policy Considering Wells In/Out of the CMA

Recommended Motion

Standing Advisory Committee feedback requested.

Discussion

During the September 7, 2022, Board meeting, the issue of Farming Units was raised in the context of the draft Central Management Area (CMA) Administrative Policy as well as brought up in several variance requests received by the September 1, 2022, deadline.

The Board directed staff to develop a policy to address the issue of wells in/out of the CMA serving lands in/out of the CMA and a draft policy is provided as Attachment 1 for consideration of approval.

This draft policy was reviewed and recommended by the CMA Policy ad hoc on September 29, 2022.

DRAFT

CUYAMA BASIN GROUNDWATER SUSTAINABILITY AGENCY

Draft Overarching Policy for Wells Inside and Outside the Central Management Area

Policy Purpose

This policy is to address lands outside the Central Management Area (CMA) that have historically been served by wells inside the CMA where pumping reductions are being implemented in the CMA for 2023 and 2024. This policy is intended to address this issue through 2024 and will be reconsidered during the 2025 Groundwater Sustainability Plan update.

Definitions

CMA. Central Management Area.

Farming Unit. Grouping of two or more parcels of land which is under the ownership or control (by lease or otherwise) of a single water user which includes CMA land and may include non-CMA land provided that the lands are served by a common irrigation system.

Overarching Policy

The overarching policy is lands outside the CMA cannot be served by wells inside the CMA, and lands inside the CMA cannot be served by wells outside the CMA. However, an ***exclusion*** to the overarching policy may be granted to lands that are part of a "Farming Unit" that extend inside and outside the CMA, provided that the lands outside the CMA conform to the water requirements of lands inside the CMA (Farming Units must apply for this exclusion).

Policy Implementation

Implementation of this policy will be administered in the following manner:

1. Notice of this policy will be sent to all landowners in the CMA via mail and email (if available).
2. Landowners/operators that plan to submit a Farming Unit request must:
 - a. Provide documentation to staff to support request.
 - b. Submit Farming Unit Request Form signed by ***both*** the landowner and the operator (if applicable)
 - c. Landowner and operator to sign GSA agreement acknowledging CMA rules.
3. Staff to approve Farming Unit Requests.
4. Staff to update sustainable yield and historic average use calculations to determine allocation and maximum annual pumping for 2023 and 2024 that includes the CMA and additional lands within Farming Units.
5. Final allocations to be distributed to CMA landowners on January 13, 2023 (two Fridays after the January Board meeting).



TO: Standing Advisory Committee
Agenda Item No. 6b

FROM: Jim Beck / Alex Dominguez

DATE: October 27, 2022

SUBJECT: Discussion and Appropriate Action on CMA Variance Requests

Recommended Motion

Standing Advisory Committee feedback requested.

Discussion

On July 6, 2022, the Cuyama Basin Groundwater Sustainability Agency adopted a variance process for 2023 and 2024 Central Management Area water allocations. Variance Request Forms were due on September 1, 2022, and the Management Area Policy Ad hoc met on September 29, 2022 to review and develop recommendations for each of the eight Variance Request Forms submitted by landowners.

On October 13, 2022, Duncan Family Farms/Aguila G-Boys submitted a variance request (after the September 1, 2022 deadline), and while staff and the ad hoc have not reviewed this variance form, staff is looking for feedback from the SAC/Board on how to proceed with their request.

A background on the variance requests, overview of the review process, and ad hoc recommendations on the variance requests are provided as Attachment 1. The Variance Request Forms are included as Attachment 2.

Cuyama Basin Groundwater Sustainability Agency

6b. Discussion and Appropriate Action on CMA Variance Requests

Jim Beck / Alex Dominguez

October 27, 2022



Background

- On July 6, 2022, the CBGSA Board approved a CMA allocation variance process
- Eight (8) Variance Request Forms were received by the September 1, 2022, deadline
- The Board directed staff and an ad hoc to review variance requests to develop a recommendation for review at the November 2, 2022, Board meeting

Variance Requests Received

1. Kern Ridge Growers LLC
2. Sunrise Ranch Properties LLC
3. Grimmway Farms
4. Hoekstra Family Trust “Cuyama Dairy”
5. Bolthouse Farms, Inc. / Bolthouse Land Company, LLC
6. Jason M. & Mary Jo Harrington Revocable Living Trust
7. David G. Lewis
8. Slumskie Family Trust, dated April 9, 1996
9. Duncan Family Farms / Aguila G-Boys ← *received after the Sep 1, 2022, deadline*

Review Process

1. Staff performed a detailed, individual review of each eight variance requests and then met together to review each variance request on a point-by-point basis
2. The CMA Policy Ad hoc met on September 29, 2022, to review the eight variance requests and spent significant time reviewing/considering each variance request to develop a recommendation for Board consideration
4. The Board may approve or deny a variance request at the November 2, 2022, Board meeting. Any such approval may be conditioned by the Board as it deems appropriate
5. If the Board approves the variance request, staff will update the entire CMA allocation and distribute updated allocations to all landowners by December 1, 2022 (*tentative)

General Issues Raised in the Variance Requests

- “Farming Unit” issue – *being addressed in a separate policy*
- Incorrect well data – *staff is aware the wrong well file was inadvertently included on the CMA map and does not reflect the user-reported well data staff maintains*
- Request to use actual pumping for historic use in determining the allocation percentages
- Broaden the historic use period
- Request to be removed from CMA due to data gaps, etc.
- Some parcels inappropriately assigned an allocation (e.g., in the river channel)
- Parcels assigned an allocation with no ability for beneficial use
- Address potential basin-wide allocations before CMA pumping reductions
- Issues with the model
- Request for increases to maximum annual pumping based on nearby, similar crops or cropping need
- Request to reevaluate the CMA boundary

Variance Requests Ad hoc Recommendation

VARIANCE REQUEST	AD HOC RECOMMENDATION
1 Kern Ridge Growers LLC	<ul style="list-style-type: none"> • Not reflective of Board Direction
2 Sunrise Ranch Properties LLC	<ul style="list-style-type: none"> • Policy being developed for Farming Unit issue • Not reflective of Board Direction
3 Grimmway Farms	<ul style="list-style-type: none"> • Policy being developed for Farming Unit issue • For parcels potentially being inappropriately allocated water, staff to perform QA/QC and remove water from government and utility-owned lands if they don't use water. Send email/mail to CMA landowners to ask if other properties have not used water during the 1998-2017 period. Recalculate allocation percentages.
4 Hoekstra Family Trust "Cuyama Dairy"	<ul style="list-style-type: none"> • Policy being developed for Farming Unit issue
5 Bolthouse Farms, Inc. / Bolthouse Land Company, LLC	<ul style="list-style-type: none"> • Policy being developed for Farming Unit issue
6 Jason M. & Mary Jo Harrington Revocable Living Trust	<ul style="list-style-type: none"> • Not reflective of Board Direction • CMA policies to be formalized and posted on website
7 David G. Lewis	<ul style="list-style-type: none"> • Not reflective of Board Direction
8 Slumskie Family Trust, dated April 9, 1996	<ul style="list-style-type: none"> • Not reflective of Board Direction
9 Duncan Family Farms / Aguila G-Boys	<ul style="list-style-type: none"> • Received on October 13, 2022, after the September 1, 2022, deadline • Not reviewed by staff or the ad hoc

Variance Requests

- SAC feedback requested



VARIANCE REQUEST FORM

For 2023 and 2024 in the Central Management Area

CUYAMA BASIN GROUNDWATER SUSTAINABILITY AGENCY

Submit this form, including a \$250 fee (which may be reimbursed if corrections are due to inaccuracies with the CBGSA's records), to Taylor Blakslee at 4900 California Ave, Tower B, Suite 210, Bakersfield, CA 93309.

Name: Kern Ridge Growers LLC

Date: 8/30/22

Phone: 661-809-1842

Email: veaster@KERNRidge.com

Assessor Parcel Number(s) (APN): 149-170-013
149-170-017

Please describe the basis for your request and attach any supporting documentation

Please see ATTACHED supporting document

Please describe the basis for your request and attach any supporting documentation

Kern Ridge Growers (KRG) objects to, or in the alternative requests a variance from the “pumping reduction program” and curtailments proposed by the Cuyama Basin Groundwater Sustainability Agency (CBGSA) in its July 29, 2022 Notice of Central Management Area Policies and Landowner Requirements. KRG specifically objects to, or in the alternative requests a variance from the reductions and 2023 and 2024 pumping allocations assigned to KRG’s parcel number 149-170-013 (No. 352 on curtailment list) and parcel number 149-170-017 (No. 353 on curtailment list).

SGMA was not intended to and cannot alter or modify prior, established water rights. SGMA provides: “It is the intent of the Legislature to preserve the security of water rights in the state to the greatest extent possible consistent with the sustainable management of groundwater.” (Water Code § 10720.1.) Water Code Section 10720.5(b) further states that nothing in the SGMA legislation “determines or alters surface water rights or groundwater rights under common law or any provisions of law that determines or grants surface water rights.”

Curtailment of pumping by the CBGSA would therefore improper, illegal and unenforceable because the curtailment order necessarily attempts to determine or alter groundwater rights, and threatens the security of groundwater rights in the basin. A GSA additionally has no express or actual authority under SGMA, or otherwise, to limit or alter KRG’s exercise of its established groundwater rights.

The Notice also indicates that the pumping allocation “was determined using the average water use for each parcel over the 1998-2017 period.” The Notice indicates that the “water use estimates were determined by a model and a description of how those estimates were developed is also provided in the attached packet.”

Instead of using a “model,” the CBGSA should have used actual pumping data to determine actual water use for separate parcels in the basin. The pumping allocations of 460.55 acre-feet in 2023 and 441.7 acre-feet in 2024 for parcel number 149-170-013 and 189.94 acre-feet in 2023 and 181.8 acre-feet in 2024 for parcel number 149-170-017 understate and do not accurately reflect actual quantities of water extracted by KRG on those parcels.

The Notice should reflect the actual quantity of water pumped by KRG within the referenced parcels, and the actual extent of the water rights held by KRG for the affected parcels. The Notice should have also covered a broader time period, and a more current time period, instead of only relying on data from the 1998-2017 period. The largest quantity of water pumped by an overlying owner or pumper over time more accurately establishes and reflects the actual, enforceable water right held by the pumper or overlying owner.

Pumping records establish that the water rights associated with parcel number 149-170-013 have pumped a maximum amount of 678.85 acre-feet in a single year, in 2016, and the water rights associated with parcel number 149-170-017 have pumped a maximum amount of 318.88 acre-

feet in a single year, in 2017. Those amounts determine and establish KRG's right to pump groundwater on those parcels.

Accordingly, if the CBGSA does attempt to impose a reduction or curtailment of groundwater pumping on the parcels owned and utilized by KRG, at the very least the reduction should reduce KRG's actual water right amounts of 678.85 acre-feet for parcel number 149-170-013, and 318.88 acre-feet for parcel number 149-170-017.



Jacob Metz

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37th Floor
Los Angeles, CA 90071
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August 30, 2022

VIA OVERNIGHT DELIVERY & ELECTRONIC MAIL

Mr. Taylor Blakslee
Groundwater Sustainability Agency Project Coordinator
4900 California Avenue, Tower B, Suite 210
Bakersfield, California 93309
tblakslee@hgcpm.com

Re: Sunrise Ranch Properties, LLC's Variance Application

Dear Mr. Blakslee:

We represent Sunrise Ranch Properties, LLC (Sunrise Ranch). Enclosed please find Sunrise Ranch's Variance Application (and attachments), submitted in accordance with the variance process established by the Cuyama Basin Groundwater Sustainability Agency (CBGSA) Board of Directors on July 6, 2022. A hard copy is being delivered by overnight mail (along with a \$250.00 check) in addition to this copy being sent by electronic mail.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Jacob Metz', written in a cursive style.

Jacob C. Metz

Enclosure(s)

13092-0002\2711631v1.doc



VARIANCE REQUEST FORM

For 2023 and 2024 in the Central Management Area
 CUYAMA BASIN GROUNDWATER SUSTAINABILITY AGENCY

Submit this form, including a \$250 fee (which may be reimbursed if corrections are due to inaccuracies with the CBGSA'S RECORDS), to Taylor Blakslee at 4900 California Ave, Tower B, Suite 210, Bakersfield, CA 93309.

Name: Dan Devico, Michael Devico (Sunrise Ranch Properties, LLC)

Date: 8/30/2022

Phone: (323) 859-7402

Email: TO: dan@pompeian.com, michael.devico@sunriseoliveranch.com

CC: stevej@stetsonengineers.com;

jeffh@stetsonengineers.com; biancac@stetsonengineers.com;

JMarkman@rwglaw.com; TKim@rwglaw.com;

KBrochard@rwglaw.com; JMetz@rwglaw.com

Assessor Parcel Number(s) (APN):

- 149-170-09	- 096-201-021
- 149-170-10	- 096-211-027
- 096-201-015	- 096-211-033
- 096-201-016	- 096-211-034
- 096-201-017	- 096-211-042
- 096-201-018	- 096-211-043
- 096-201-019	- 096-211-044
- 096-201-020	- 096-211-045

Please describe the basis for your request and attach any supporting documentation:

OPENING STATEMENT

In compliance with the Sustainable Groundwater Management Act (SGMA), the Cuyama Basin Groundwater Sustainability Agency (CBGSA) submitted a Groundwater Sustainability Plan (GSP) to the California Department of Water Resources (DWR) in January 2020 and, in response to comments from DWR on the January 2020 GSP, submitted a revised GSP in July 2022. In order to implement the GSP, the CBGSA proposes



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to implement a 5 percent reduction in groundwater pumping in the Central Management Area (CMA) in calendar year 2023 and an additional 5 percent reduction in calendar year 2024. No reductions or constraints on pumping outside the CMA has been included in the GSP or the implementation thereof.

The Board of Directors of CBGSA (Board) has determined pumping allocations as the basis for the amount to be reduced by using the average historic water use for each parcel over the 1998 through 2017 period. This approach did not provide for calculating and dealing with a base pumping figure covering all of the property within an integrated agricultural operation. To accurately calculate an average amount of water production for the property included in Sunrise Ranch for the relevant twenty-year period, all water production during that period beneficially put to use on any of the parcels now constituting Sunrise Ranch would need to be included. Sunrise Ranch has done so as later discussed herein and as shown in the data included in Attachment 3. Based upon the recommendation by the CBGSA for each landowner to review the pumping allocations stated in the July 29, 2022 Notice of Central Management Area Policies and Landowner Requirements (July 29 Notice), Sunrise Ranch Properties, LLC (Sunrise Ranch) has identified inaccuracies with the CBGSA's historic water use data used to estimate Sunrise Ranch's pumping allocation for 2023 and 2024, discussed herein.

The basic inaccuracy or error was separating each parcel in the Sunrise Ranch operation as if each parcel represented a stand-alone operation. This precluded the inclusion of the actual pumping history of all the parcels as a whole (one owner and one operation). Additionally, information regarding Sunrise Ranch's true influence on groundwater levels in the Cuyama Basin is provided herein. This information shows that Sunrise Ranch should be excluded from the CMA and therefore, exempt from all provisions of the CBGSA's CMA



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policies because Sunrise Ranch is located in a data gap area; leaving no data by which the groundwater elevations at Sunrise Ranch can accurately and reliably be determined. Additionally, in recognition of Sunrise Ranch as an integrated farming operation, Sunrise Ranch requests that the CBGSA correct their average historical pumping value for Sunrise Ranch to be 4,465 acre-feet.

OVERVIEW OF SUNRISE RANCH PROPERTIES, LLC

Since May 2014, Sunrise Ranch has been growing olives in the Cuyama Basin, located south of the Highway 33 and Highway 166 intersection and east of the Cuyama River along the boundary between San Luis Obispo and Santa Barbara Counties. Figure 1 in Attachment A shows a map of Sunrise Ranch within the CMA's hydrological boundary line as shown in the Board's July 6 Meeting, Agenda Item Number 13 "Update on Model Refinement". A blue rectangle has been superimposed on the map, indicating the location of Sunrise Ranch. Sunrise Ranch owns 1,085 acres of land which includes 880 acres of gross farmed land and 820 acres of net farmed land. Land not used for farming is purposed for residential homes and milling or are mountainous areas.

Sunrise Ranch farms high density olive orchards with a water demand of approximately 3 acre-feet of water per acre for a total water demand of 2,460 acre-feet per year for the net farmed land. Sunrise Ranch's farming practices include state-of-the-art irrigation efficient technology, maintenance of their assets including an olive oil processing plant, 3 currently active wells, 2 inactive wells, 2 reservoirs, and drip irrigation lines. Prior to the start of planting the orchards in 2014, the lands had been continuously planted with alfalfa and grain hay beginning sometime prior to 1998. Due to the nature of the crop grown, the Sunrise Ranch operation is permanent in nature and not a transient crop such as carrots. Attachment B shows a map of the location of Sunrise Ranch's parcels with



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respect to the Operational Management Area Boundary presented in the CBGSA's July 29 Notice.

Pursuant to the CBGSA's July 29 Notice, Sunrise Ranch is located at the southwest corner of the CMA. According to the CBGSA, the CMA's hydrologic boundary line was delineated under the criteria that areas included in the CMA have been projected to experience an average decline in groundwater level of 2 feet per year over the next 50 years, assuming current farming practices. For administrative purposes, this boundary line has been adjusted to follow parcel boundaries and roadways, referred to as the Operational Management Area Boundary in the CBGSA's July 29 Notice and herein. Under an approach adopted by the CBGSA, parcels have been included in the Operational Management Area if 50% or more of the area of the parcel or more than 1000 acres within a parcel falls within the hydrologic boundary line. This unrealistic approach does not analyze pumping in the manner in which water produced from a well is actually used, as an integrated agricultural operation encompassing multiple parcels. This precludes a hydrologically sound determination of the impact of the operation as a whole. Approximately 575 acres of the parcels owned by Sunrise Ranch have been included in the CMA's Operational Management Area Boundary, whereas the remainder of approximately 510 acres have been excluded.

Dividing Sunrise Ranch's land, **which is a single, integrated farming operation**, to be both included and excluded from the CMA is not reflective of their actual influence on the basin's groundwater levels as their farming practices remain consistent throughout their land. Therefore, this Variance Request seeks all Sunrise Ranch properties to be considered as a whole and that they be excluded from the CMA.



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DETERMINATION OF WATER USE

Sunrise Ranch has identified significant inaccuracies in the CBGSA's historic water use calculation used to estimate their pumping allocation for 2023 and 2024 presented in the July 29 Notice. A correction to Sunrise Ranch's historical average water use from 1998 through 2017 is provided in Attachment C as Table 1. Water production quantities have been estimated using well pump electrical bills, when available, and standard water use rates for the applicable crops present over the historical period. Land use has been verified using aerial photos. Attachment C, Table 1 also lists the quantity of irrigated acres per year and a description of water use history.

Correction of the water application data produces an annual Historical Average Water Use during 1998 through 2017 for the Sunrise Ranch integrated farm operations of 4,465 acre-feet per year at an application rate of 4.64 acre-feet per acre. A five percent annual reduction from the corrected Historical Average Water Use during 1998 through 2017 produces an Estimated Pumping Allocation for 2023 at 4,242 acre-feet and 4,019 acre-feet for 2024.

Additionally, the CBGSA's July 29 Notice reports 5 total wells owned by Sunrise Ranch. It should be noted that Sunrise Ranch only has three currently operating wells and two inactive wells.

It should also be noted that the CBGSA's method for deriving groundwater production from applied water data in order to assume pumping allocations is not clear nor reflective of Sunrise Ranch's operations. In order to determine agricultural demand based on irrigable acreage, unit diversion rates must be used to account for losses from conveyance and irrigation processes which are a function of crop type, soil type, irrigation system



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type, climate, and irrigation management practices. Consideration of these factors are not described in the July 2022 GSP. CBGSA should rely on actual metered pumping, energy use, and crop water use rates adjusted for losses from water system production, distribution, and application to estimate stakeholder pumping.

DETERMINATION OF MANAGEMENT AREA BOUNDARY LINE

For the CBGSA's comprehensive understanding of Sunrise Ranch and their individual influence on groundwater storage in the Cuyama Basin, Sunrise Ranch is providing further explanation to emphasize that their current farming practices do not contribute to a projected decline in water levels of 2 feet per year. Historical groundwater elevation data used in the CBGSA groundwater model would have been influenced by the high water use by the previous owner of Sunrise Ranch land and the neighboring carrot farmer's high water use to the east. In addition, the GSP indicates there was no historical groundwater level data within a mile of Sunrise Ranch used to generate the CMA's hydrologic boundary line and that the groundwater model that generated the boundary was not calibrated to any wells in the vicinity of Sunrise Ranch. The nearest well used for calibration is located at least 1 mile south from any portion of Sunrise Ranch.

As shown on Table 1 in Attachment C, the previous owner of the land farmed alfalfa (700 Acres at 5 acre-feet per acre) and grain hay (400 Acres at 1.5 to 2 acre-feet per acre) from at least 1998 through 2014. Sunrise Ranch did not start planting olive trees until May 2014. From 2018 through 2019, a rise in water use was due to the neighboring carrot farmer who rented 120 acres of Sunrise Ranch's land and used their well. Comparatively, Sunrise Ranch uses a maximum of approximately 3 acre-feet per acre at full tree maturity.



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Additionally, Sunrise Ranch utilizes water efficient practices to reduce water use in comparison to the previous owner and its current neighbor located immediately to its east. Those practices include state-of-the-art drip irrigation technology and the lining of both of its on-site reservoirs, avoiding loss of water due to percolation. According to the June 2015 Congressional Research Service Report “California Agricultural Production and Irrigated Water Use”, drip irrigation lines are reported to have the highest efficiency rate of 87.5% to 90%, compared to traditional sprinkler systems of 70% to 82.5%. The neighbor referred to uses traditional sprinkler systems to grow carrots on its site next door to Sunrise Ranch and on other Basin parcels.

This neighbor’s negative impact on Sunrise Ranch is demonstrable. This month, August of 2022, Sunrise Ranch wells experienced a severe drop in water production rates due to the neighbor’s water production. When that production was offline for maintenance, Sunrise observed its water production at 1,150 gallons per minute. But when the neighbor’s well went online, the nearby Sunrise Ranch well production rate dropped to 750 gallons per minute. Evidence showing the harmful impacts of the neighbor’s production was first noticed as early as 2016 when, after approximately one year after the neighbor’s first well was installed, Sunrise Ranch was required to lower the bowl of its Well Number 2 by 60 feet in order to maintain efficient production. Similar events caused by the impact of neighboring production included a requirement to lower the bowl of its Well No. 1 by 40 feet during June of 2020 and to again, lower the bowl of its Well No. 2 by an additional 60 feet during September of 2021. Sunrise Ranch’s Well No. 2 is located approximately 0.25 miles from one of the neighbor’s wells, a deep, high capacity well along Sunrise Ranch’s east property line.



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The above mentioned high-capacity well is located approximately 150 feet outside of the Central Management Area. The ironic conclusion is that the neighbor's well is significantly and negatively impacting Sunrise Ranch's wells which have been deemed to be located within the CMA. Moreover, the land irrigated by the operation of the neighbor's wells is largely located outside the CMA. The program adopted, if not modified, would leave the pumping which is dropping basin elevations and interfering with other production unconstrained while causing Sunrise Ranch pumping to be constrained and ramped down. The clearly inequitable result which needs to be avoided is the adoption and application of a regulation which enables the continued production of one party which is causing negative basin impacts while forcing the reduction of pumping by Sunrise Ranch, an already damaged party which has not generated elevation drops and which adheres to state-of-the-art water saving irrigation practices. And, finally, this potential absurd result again demonstrates why seeking to constrain and reduce pumping by specific parties who may be damaging the Basin rather than constraining and reducing pumping by all parties within a physical area, including parties who are conducting business exactly as SGMA desires, is more equitable and more legally supportable.

As mentioned above, absolutely no relevant historical groundwater level data near Sunrise Ranch was used to create the groundwater model that established the CMA hydrological boundary. The following is a list of figures found in the July 2022 GSP and an indication of what the figures show regarding availability of data with respect to Sunrise Ranch. A blue rectangle has been superimposed on each figure, indicating the location of Sunrise Ranch. These figures are attached as Attachment D:



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1. Figure 2-26 shows the last groundwater level measurement dates for wells within the basin. The well closest to Sunrise Ranch with the earliest data (2010-2016) is approximately 1 mile west of Sunrise Ranch.
2. Figure 4-2 shows the wells in the central area of the basin and whether they are currently monitored or not monitored. The closest currently monitored well to Sunrise Ranch is about 2 miles north of Sunrise Ranch. The hydrograph for this well also shows that the data available ranges from the 1950's to 1970's.
3. Figure 4-4 shows the wells from which the USGS collects groundwater level data. Most wells near Sunrise Ranch were last monitored prior to 2017. The nearest well that was monitored earlier is about a mile west of Sunrise Ranch.
4. Figure 4-9 shows the dates private landowners' wells within the basin were last monitored. Most wells owned by private landowners near Sunrise Ranch were last monitored prior to 2017. There are no recorded private landowner wells within or to the east of Sunrise Ranch.
5. Figure C-18: This is an excerpt from Appendix C of the Updated GSP showing the groundwater wells used to compare observed water levels with simulated water levels to calibrate the groundwater model. There are no calibration models to the east of Sunrise Ranch. The closest calibration well, OPTI Well No. 616, is 1 mile south of Sunrise Ranch. The hydrograph for Well No. 616 shows well elevation data ranging from 1995 through 2011.
6. Figures 2-39 through 2-48: These figures show the groundwater levels relative to Mean Sea Level and depth to groundwater surface data and corresponding elevation contours reflective of Fall 2014, Spring 2015, Spring 2017, Fall 2017, and Spring 2018. These figures show there is uncertainty in the contours in a very large area which includes Sunrise Ranch. Additionally, the groundwater elevation contours for Spring 2018 that cross Sunrise Ranch in Figure 2-39 are higher than the groundwater



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elevation contours for Spring 2015 that cross Sunrise Ranch in Figure 2-45 which means the figures show the groundwater levels at Sunrise Ranch increased an average of approximately 8 feet per year from 2015 to 2018. This is not consistent with the GSA's decision to include Sunrise Ranch within the CMA based on the criteria that the area is projected to experience a decline in groundwater levels of 2 feet each year for the next 50 years. Analysis of the hydrographs of the calibration wells nearest to Sunrise Ranch in comparison to these contours also create even more uncertainty. As described above, the closest calibration well, OPTI Well No. 616, is 1 mile south of Sunrise Ranch. The hydrograph for Well No. 616 shows well elevation data ranging from 1995 through 2011. OPTI Well No. 80, north of Sunrise Ranch, only has data records up to 2014. The calibration well hydrographs show that these contours are only accurate up to about 2 miles east of Sunrise Ranch at OPTI Wells No. 530 and No. 91. Anything to the west of these calibration wells have no relevant or any data that can be used to have confidence in the contour lines presented in Figures 2-39 through 2-48.

The information available and used clearly shows the lack of data which scientifically could support the alignment of the hydrologic boundary in the vicinity of Sunrise Ranch. To the contrary, what is shown is that Sunrise Ranch is in an area suffering from a lack of data, referred to in the GSP as a data gap area. According to the January 2022 DWR GSP Assessment Staff Report, the GSP does not provide an explanation for why the criterion set for undesirable results for chronic lowering of groundwater levels is consistent with avoiding significant and unreasonable effects. The updated July 2022 GSP does not address DWR's Corrective Actions and the CBGSA explicitly states that the information in the previous GSP is not satisfactory and in addition, that the "CBGSA recognizes the lack



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of reliable historical data and acknowledges the limitations and uncertainties it causes.”
(Cuyama Basin GSP, July 2022)

The CBGSA attempts to correct this deficiency by stating their identification of undesirable results were developed from input from local stakeholders and landowners, the hydro geological conceptual model, current and historical data, and local knowledge and professional opinion. As presented in this Variance Application, these data sources are not comprehensive and, at a minimum, have included Sunrise Ranch in error. Placing Sunrise Ranch, or any part of that property, in the CMA would constitute a scientifically baseless decision. That decision needs to be corrected by excluding Sunrise Ranch from the CMA.

More generally, we respectfully suggest that in order for the CBGSA to accurately delineate the CMA boundaries and before mandating water production cutbacks which apply exclusively to all producers within such boundaries, a full basin-wide data collection and data gaps evaluation should be used to resolve uncertainties like those referred to in this Application. Or, the GSA may want to consider applying water production restrictions to specific operations within the Basin which are shown to be causing the drops in well elevation, rather than applying restrictions to a described area in which some operations may be pumping at a rate which is lowering those elevations while others, such as Sunrise Ranch, demonstrably are not doing so.



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CLOSING STATEMENT

Based on (1) the lack of data available to support that portion of the CMA boundary in the vicinity of Sunrise Ranch and (2) Sunrise Ranch's substantial reduced water demand due to growing a more water efficient crop than that grown historically and the application of state of the art efficient irrigation practices, Sunrise Ranch requests that the CBGSA issue a Variance which excludes the entirety of Sunrise Ranch's integrated farming operation from the Central Management Area. Additionally, in recognition of Sunrise Ranch as an integrated farming operation, Sunrise Ranch requests that the CBGSA correct their average historical pumping value for Sunrise Ranch to be 4,465 acre-feet.

We would welcome any opportunity to discuss the contents of this Variance Application with the CBGSA staff and to submit any further available information which might be helpful in processing this Application. We also are prepared to meet engineering or legal consultants to the CBGSA together with our attorneys Richards, Watson & Gershon and our engineers from Stetson Engineers, Inc.

If CBGSA requires a Variance Request applicant serve any other party, individual, or entity, please promptly provide Richards, Watson & Gershon a service list so that Sunrise Ranch can serve a courtesy copy of this Variance Request.

James L. Markman

Richards, Watson & Gershon

Steve Johnson

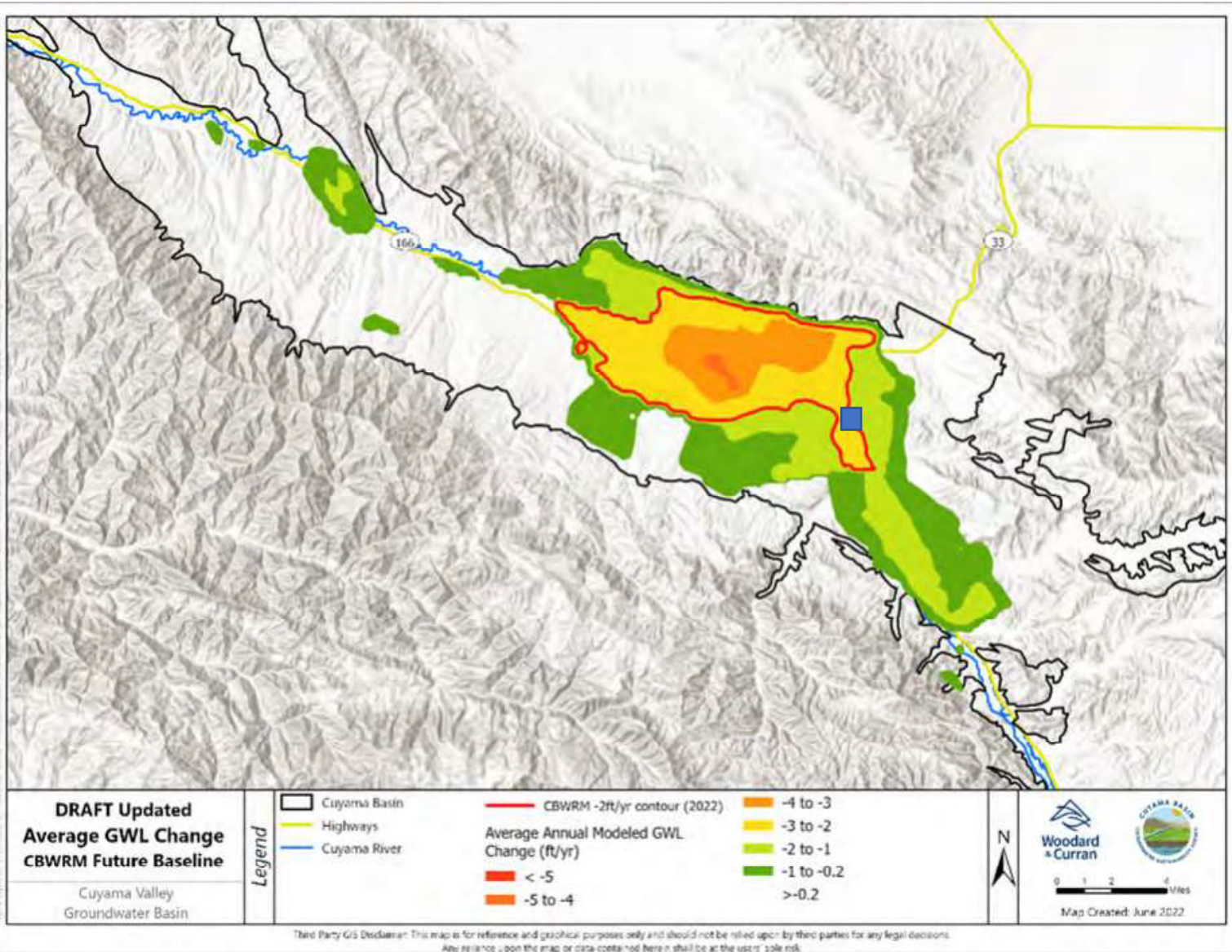
Stetson Engineers, Inc.

ATTACHMENT A

ATTACHMENT A

LEGEND








■ = SUNRISE RANCH



ATTACHMENT B

ATTACHMENT B

LEGEND

-  = MA BOUNDARY LINE
-  = ALL PARCELS WITHIN MA
-  = SUNRISE RANCH BOUNDARY LINE
-  = SUNRISE RANCH PARCELS WITHIN MA
-  = SUNRISE RANCH CURRENTLY OPERATING WELLS
-  = GSA REPRESENTATIVE WELLS
-  = GSA REPORTED WELLS

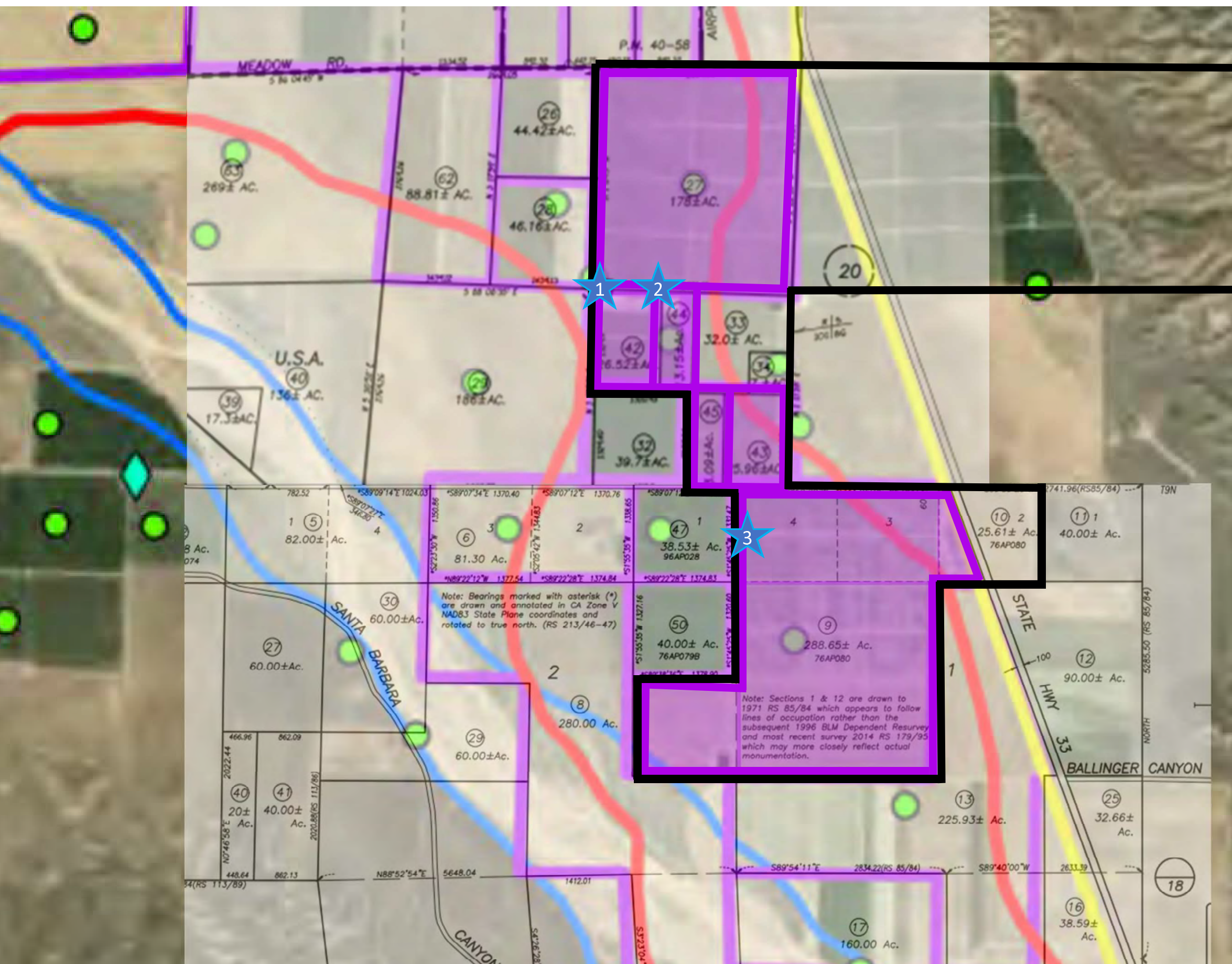
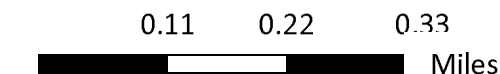
LIST OF SUNRISE RANCH PARCELS WITHIN MA

- 096-211-027
- 096-211-042
- 096-211-043
- 096-211-044
- 096-211-045
- 149-170-009

LIST OF SUNRISE RANCH PARCELS OUTSIDE MA

- 149-170-10 096-201-019*
- 096-201-015* 096-201-020*
- 096-201-016* 096-201-021*
- 096-201-017* 096-211-033
- 096-201-018* 096-211-034

Note: * = Parcels within Assessor's Parcel Book 096 Page 201 are partially shown on this map. Sunrise Ranch east boundary line ends at parcels 096-201-019 and 096-201-015.



ATTACHMENT C

SUNRISE RANCH, LLC
 CUYAMA BASIN GSA VARIANCE APPLICATION
 SUNRISE RANCH WATER USE HISTORY

ATTACHMENT C

Table 1: Sunrise Ranch Water Use History

YEAR	Total AFY	Net Acres Planted	Application Rate	Observation/ Notes
1998	5,532	1100	5.50	Previous owner growing alfalfa and grain hay. Previous owner also using own wells to water 200 acres of rented land outside of Sunrise Ranch.
1999	5,532	1100	5.50	
2000	5,532	1100	5.50	
2001	5,532	1100	5.50	
2002	5,532	1100	5.50	
2003	5,532	1100	5.50	
2004	5,532	1100	5.50	
2005	5,532	1100	5.50	
2006	5,532	1100	5.50	
2007	5,532	1100	5.50	
2008	5,532	1100	5.50	
2009	5,532	1100	5.50	
2010	5,532	1100	5.50	
2011	5,532	1100	5.50	
2012	5,532	1100	5.50	
2013	4,214	766	5.50	
2014	282	180	1.56	Sunrise Ranch starts planting in May 2014 with 180 acres. During a portion of the year, previous owner continued to grow alfalfa.
2015	404	500	0.81	Sunrise Ranch plants 320 acres
2016	547	500	1.09	No new planting
2017	881	660	1.34	Sunrise Ranch plants 160 acres
2018	1,515	780	1.94	Sunrise Ranch rents out 120 acre parcel to carrot grower with high water use
2019	1,499	780	1.92	Sunrise Ranch rents out 120 acre parcel to carrot grower with high water use
2020	1,429	660	2.17	No new planting
2021	1,983	820	2.42	Sunrise Ranch plants 160 acres

Note: Water use data from 2012 through 2021 were estimated using electrical bills. Water use data from 1998 through 2011 were estimated using electrical bills from 2012 and verified by standard water use rates for the applicable crops. Total Annual Water Use on Acres Planted for years 1998 through 2013 are from the previous landowner. Acres planted was spot verified by aerial photography. In calculating the average amount of water produced from 1998 through 2017, it would arguably be more equitable to eliminate production during years 2014 through 2016 from the calculation since there was a transition in crops during those years and, therefore, the property was not then fully planted.

ATTACHMENT D

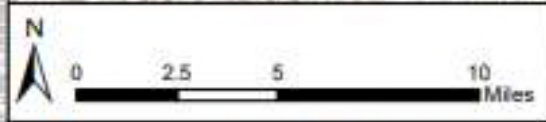
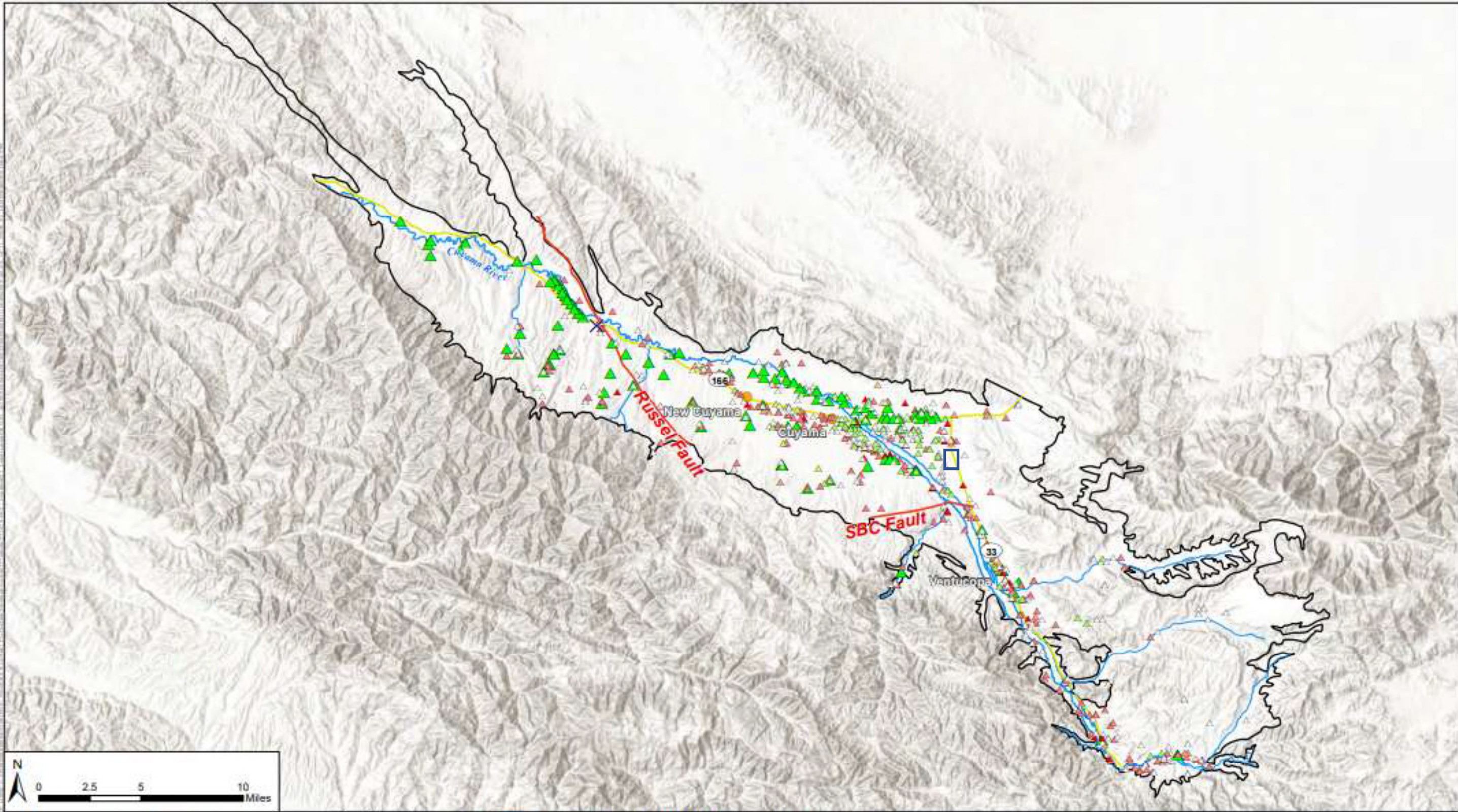
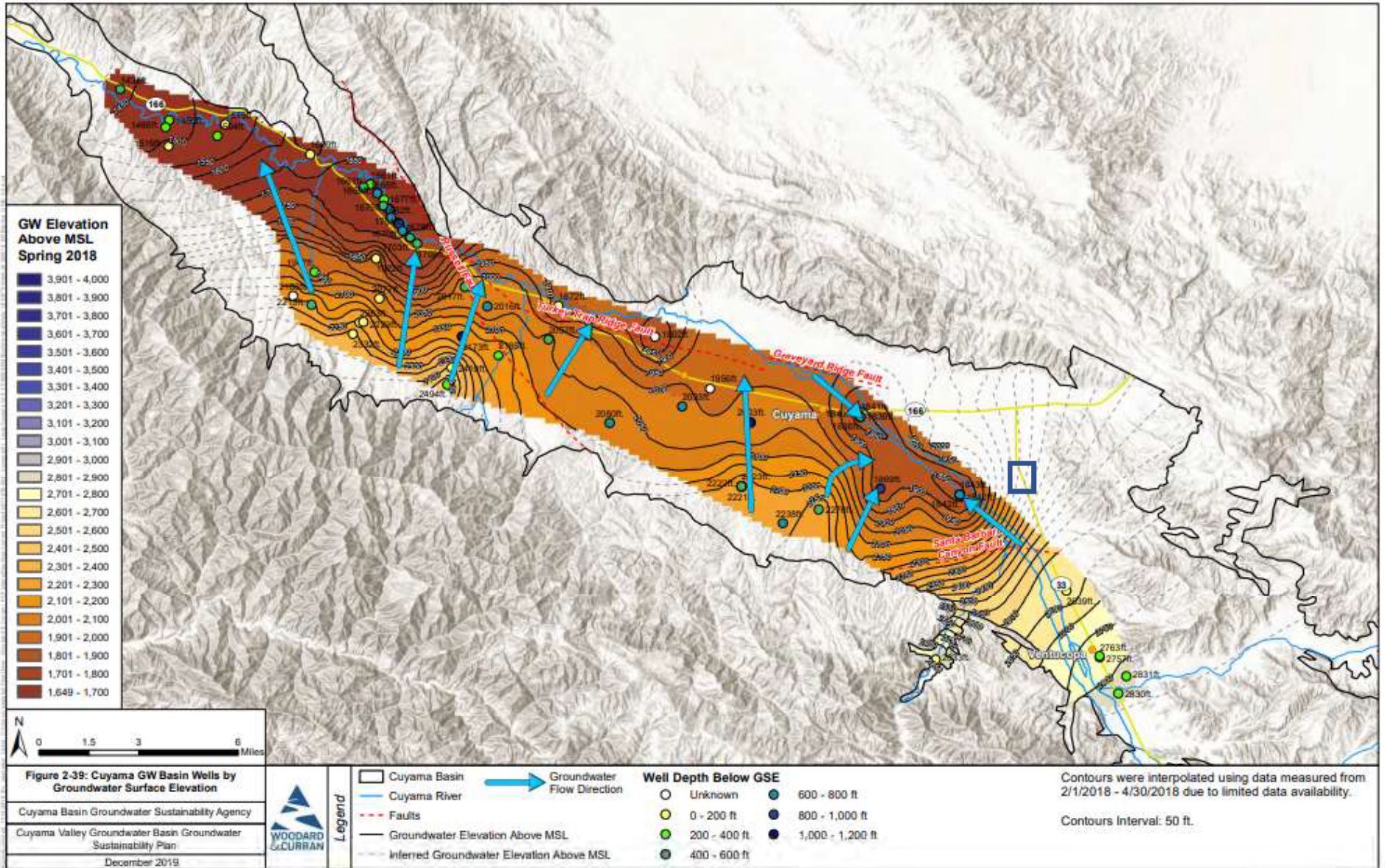
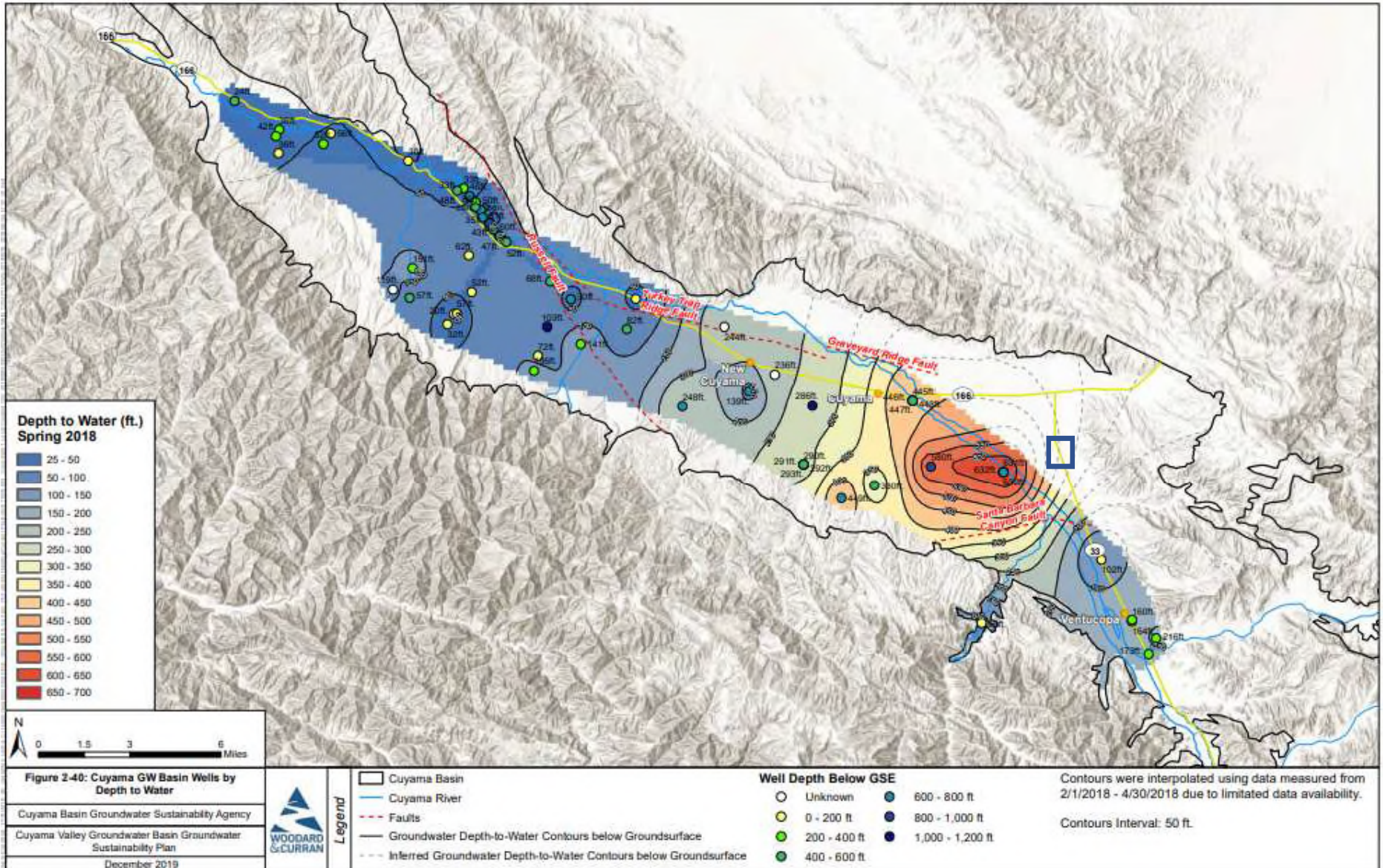
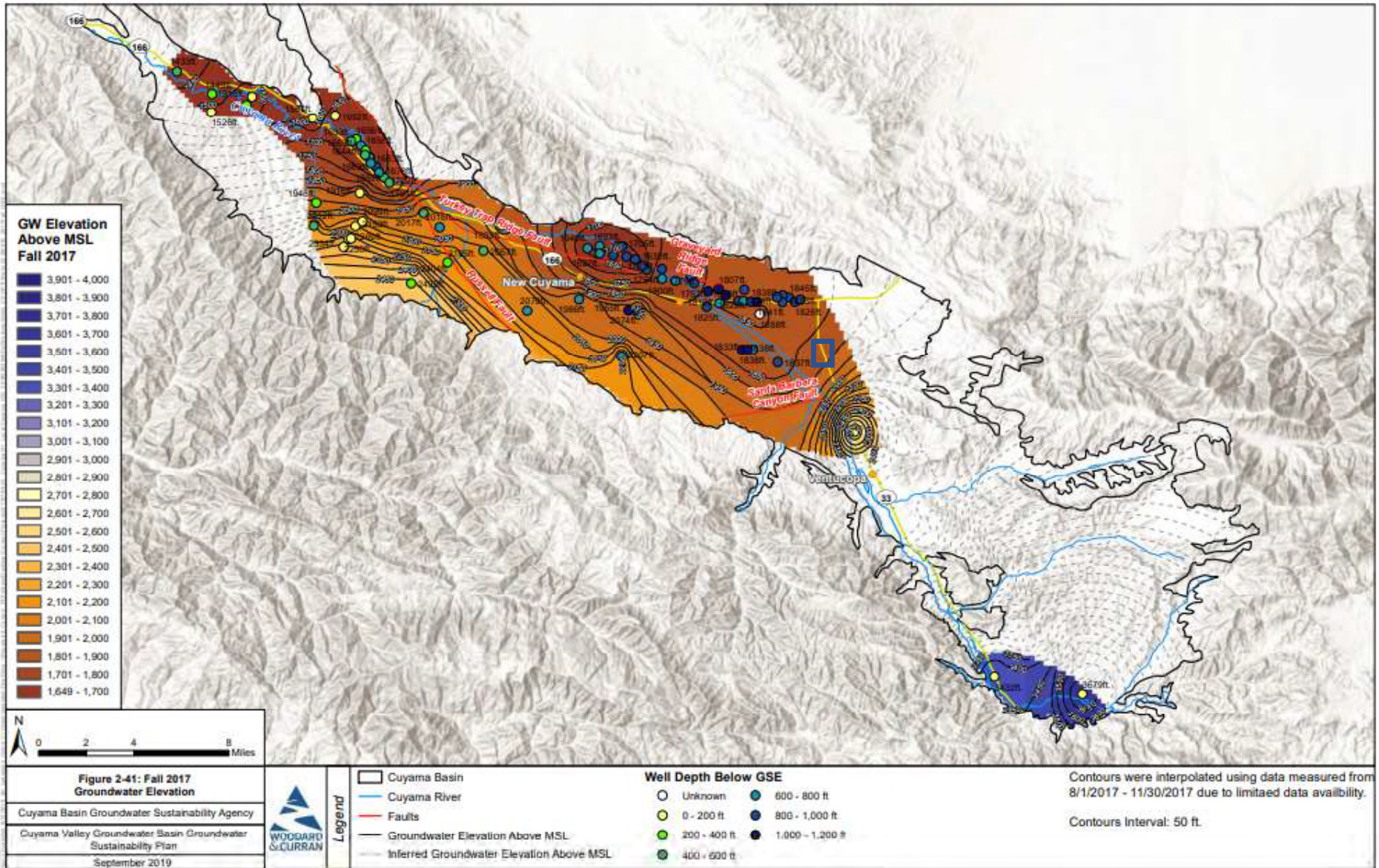


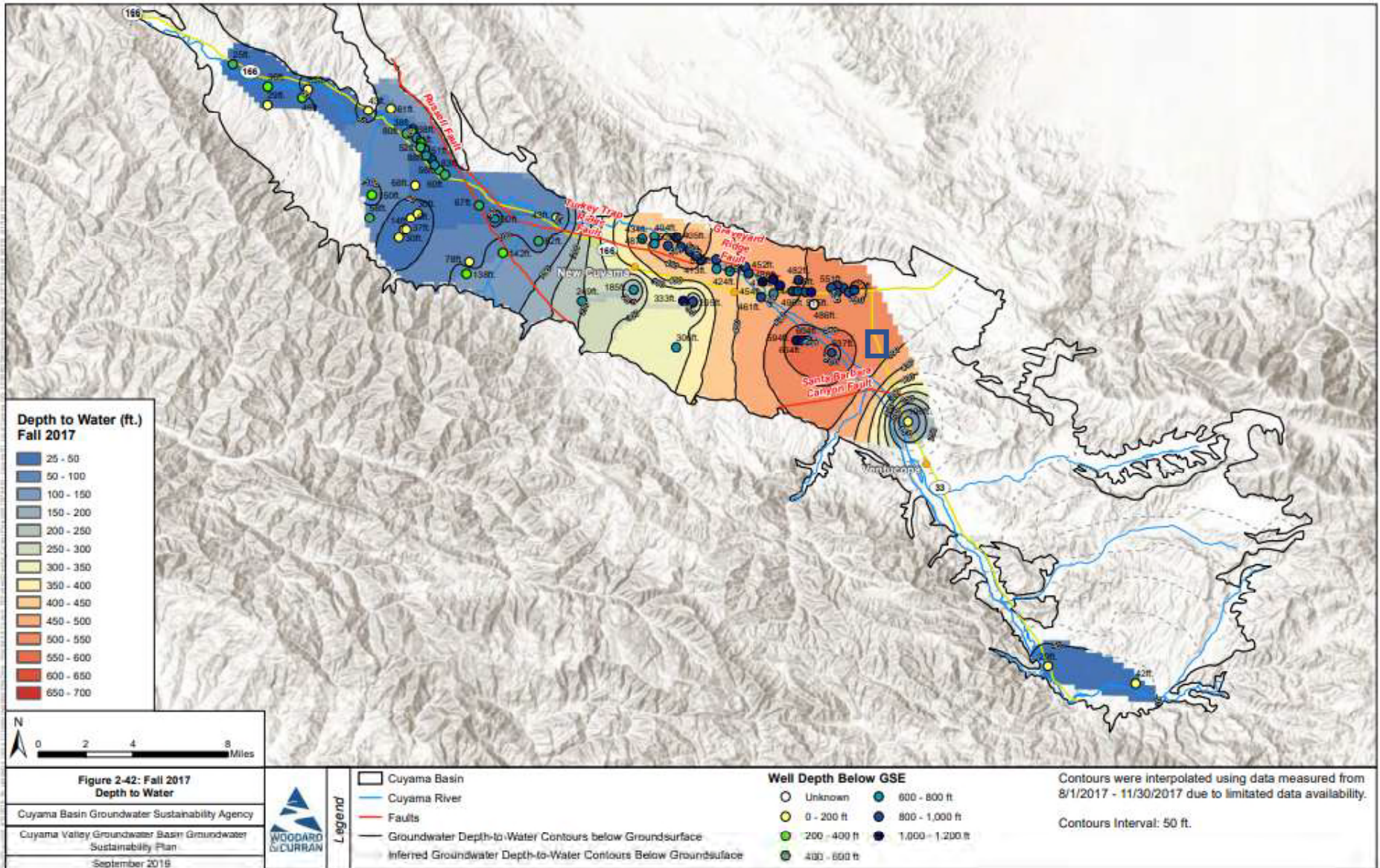
Figure 2-26: Cuyama GW Basin Wells by Last Measurement Date
 Cuyama Basin Groundwater Sustainability Agency
 Cuyama Valley Groundwater Basin Groundwater Sustainability Plan
 September 2019

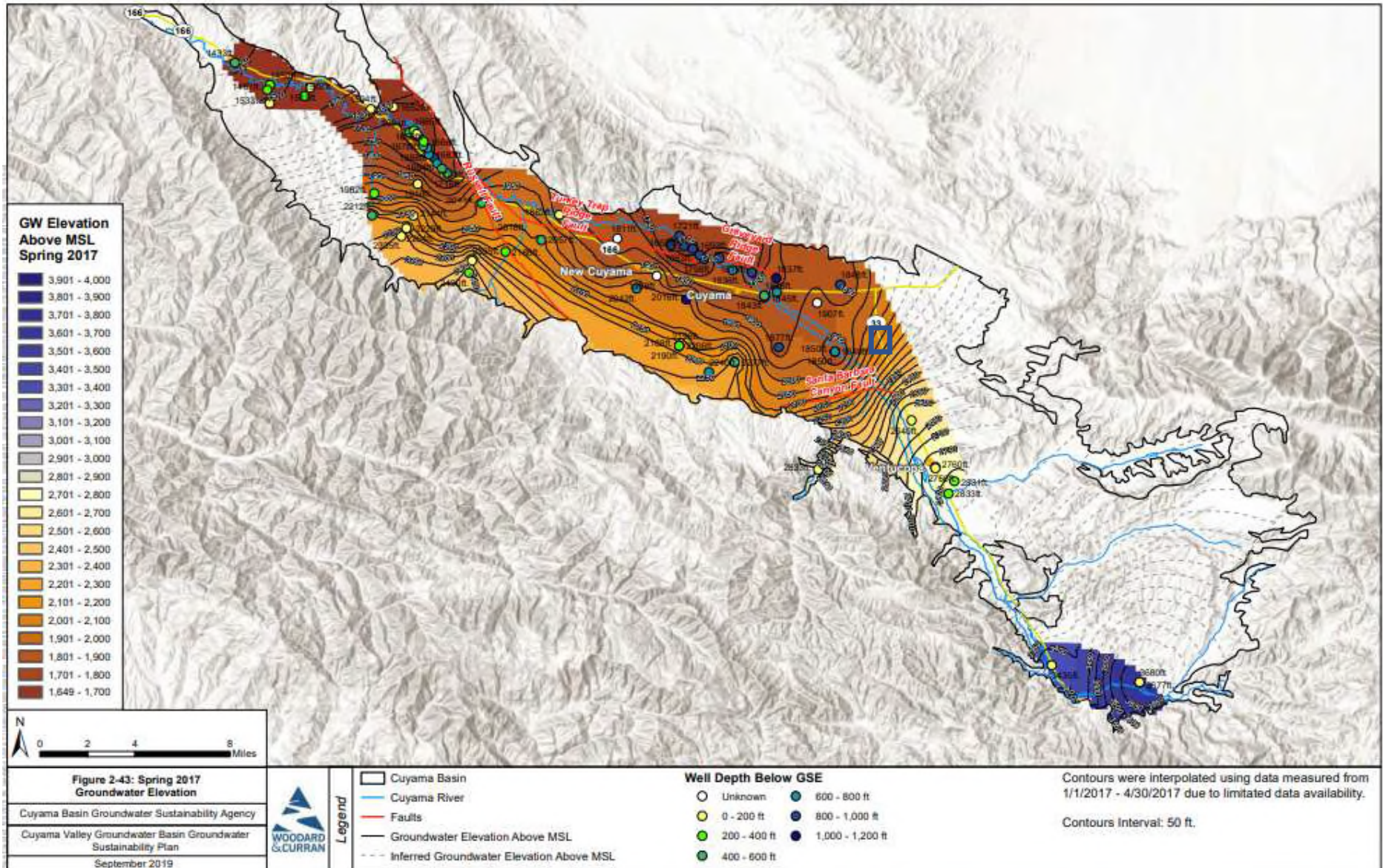
	Legend Cuyama Basin Highways Towns Cuyama River Streams Fault	Most Recent Year with Measurements		
		▲ 2017 - 2018 ▲ 2010 - 2016 ▲ 2000 - 2009 ▲ 1990 - 1999	▲ 1980 - 1989 ▲ 1970 - 1979 ▲ 1960 - 1969 ▲ 1950 - 1959	▲ Pre-1950 ▲ No Measurement Data

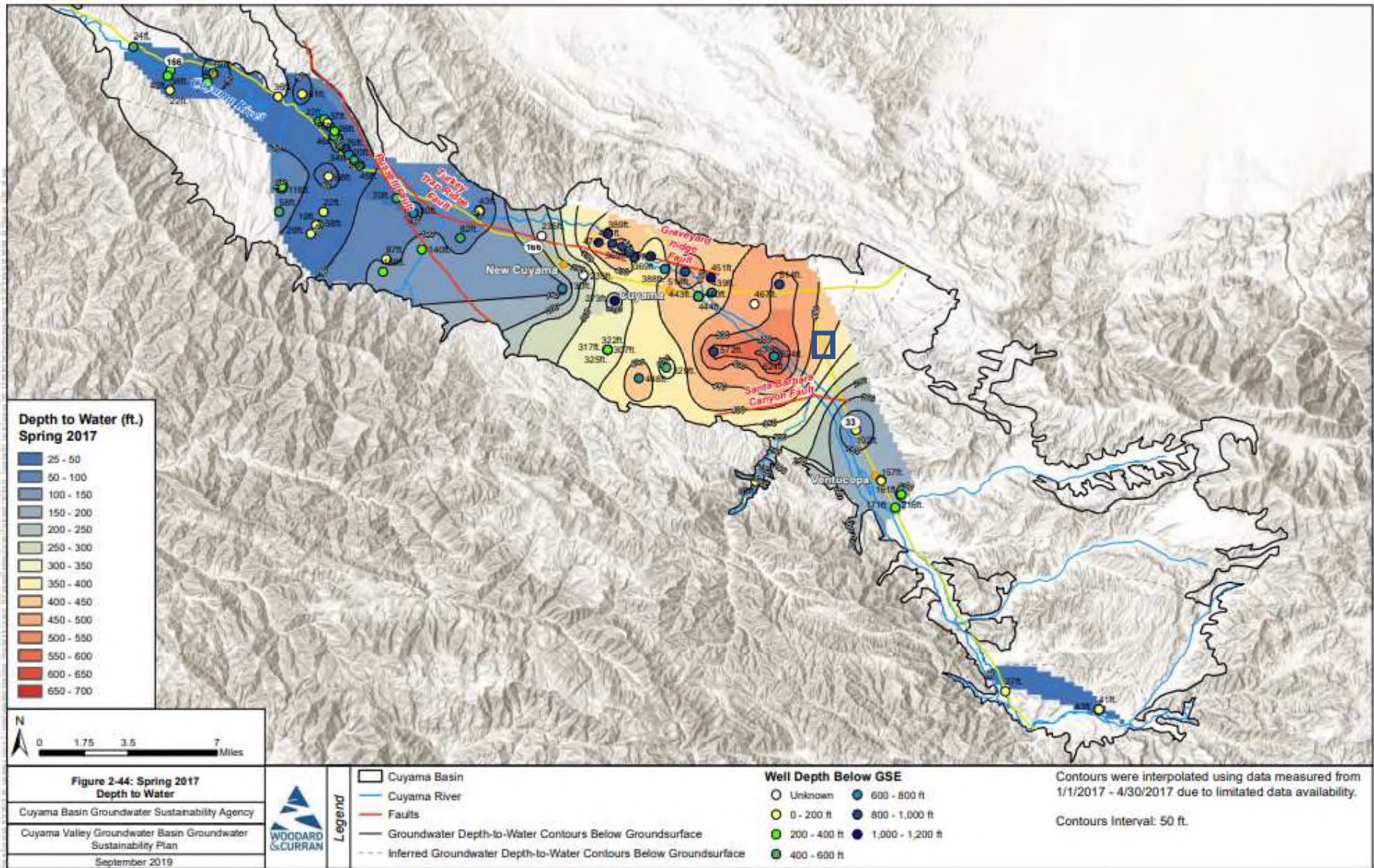


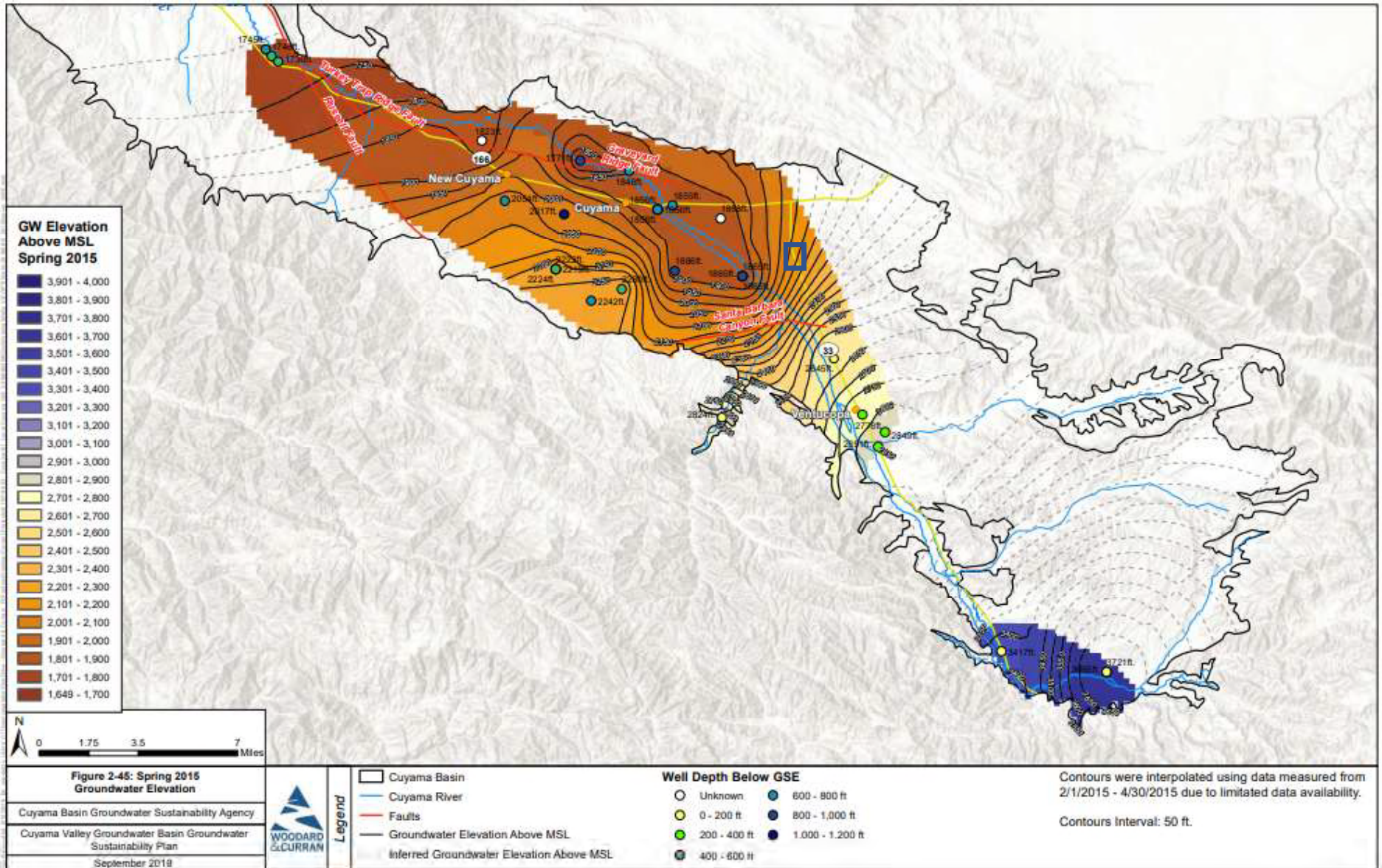


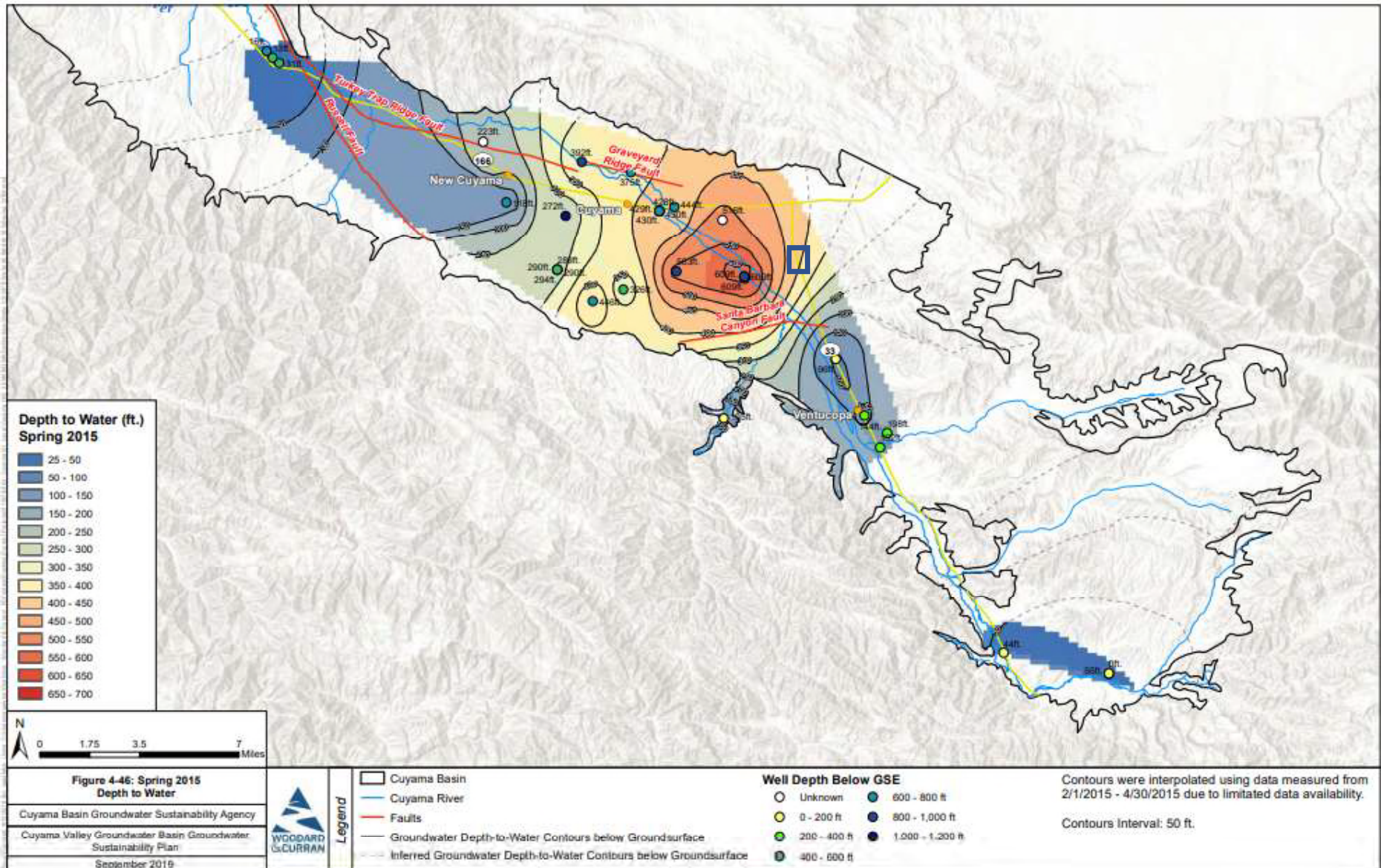


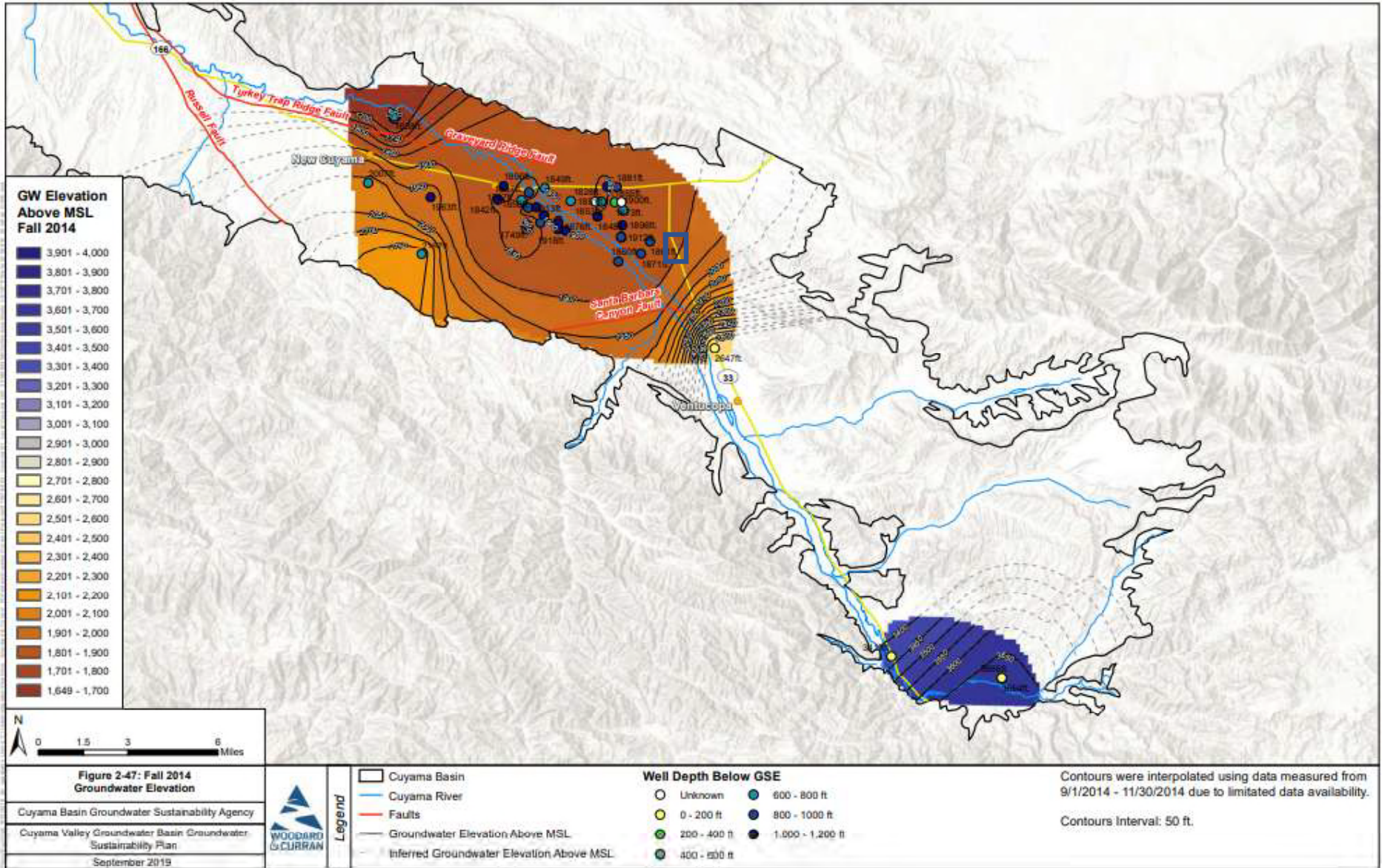


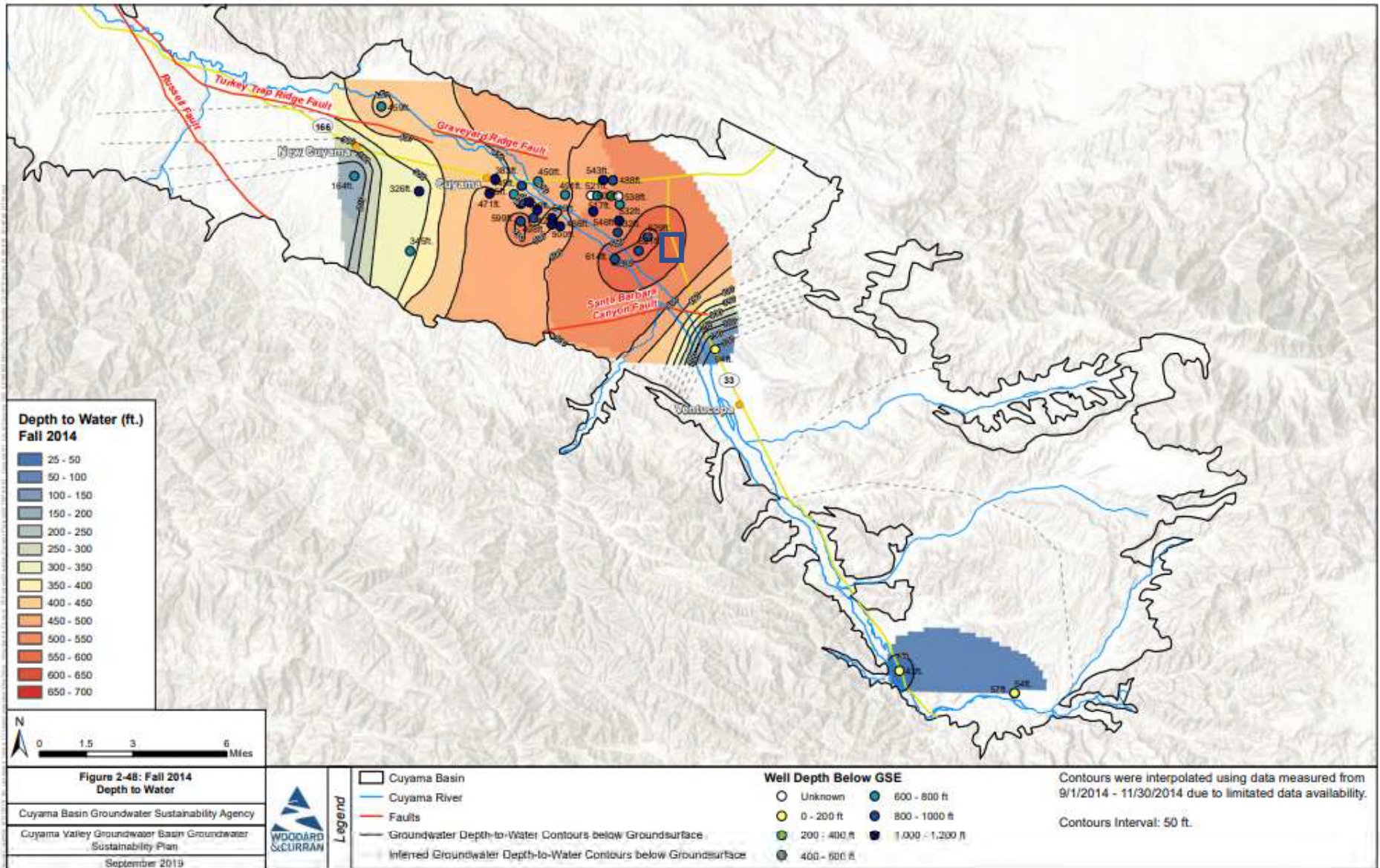












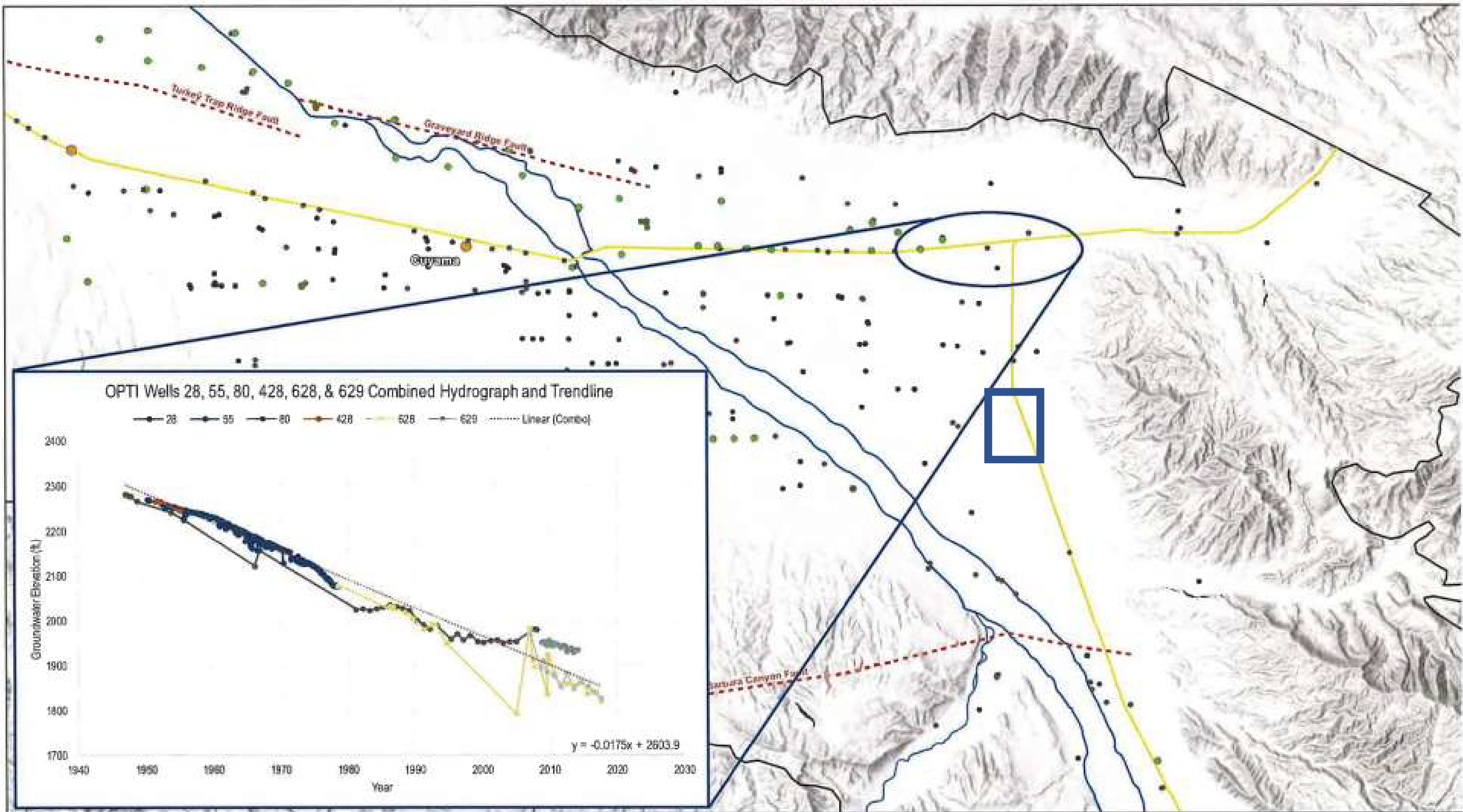
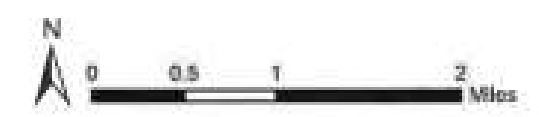
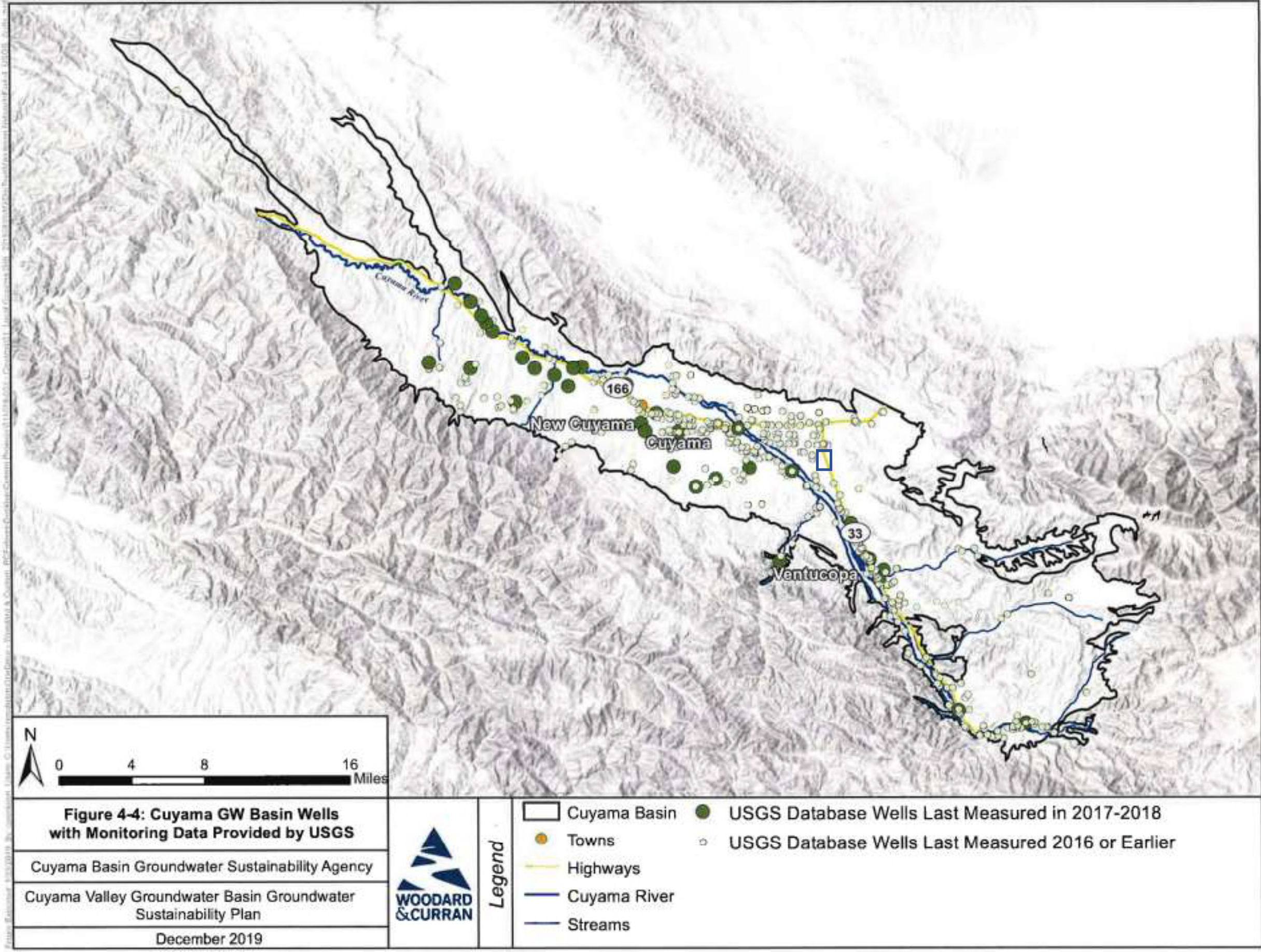


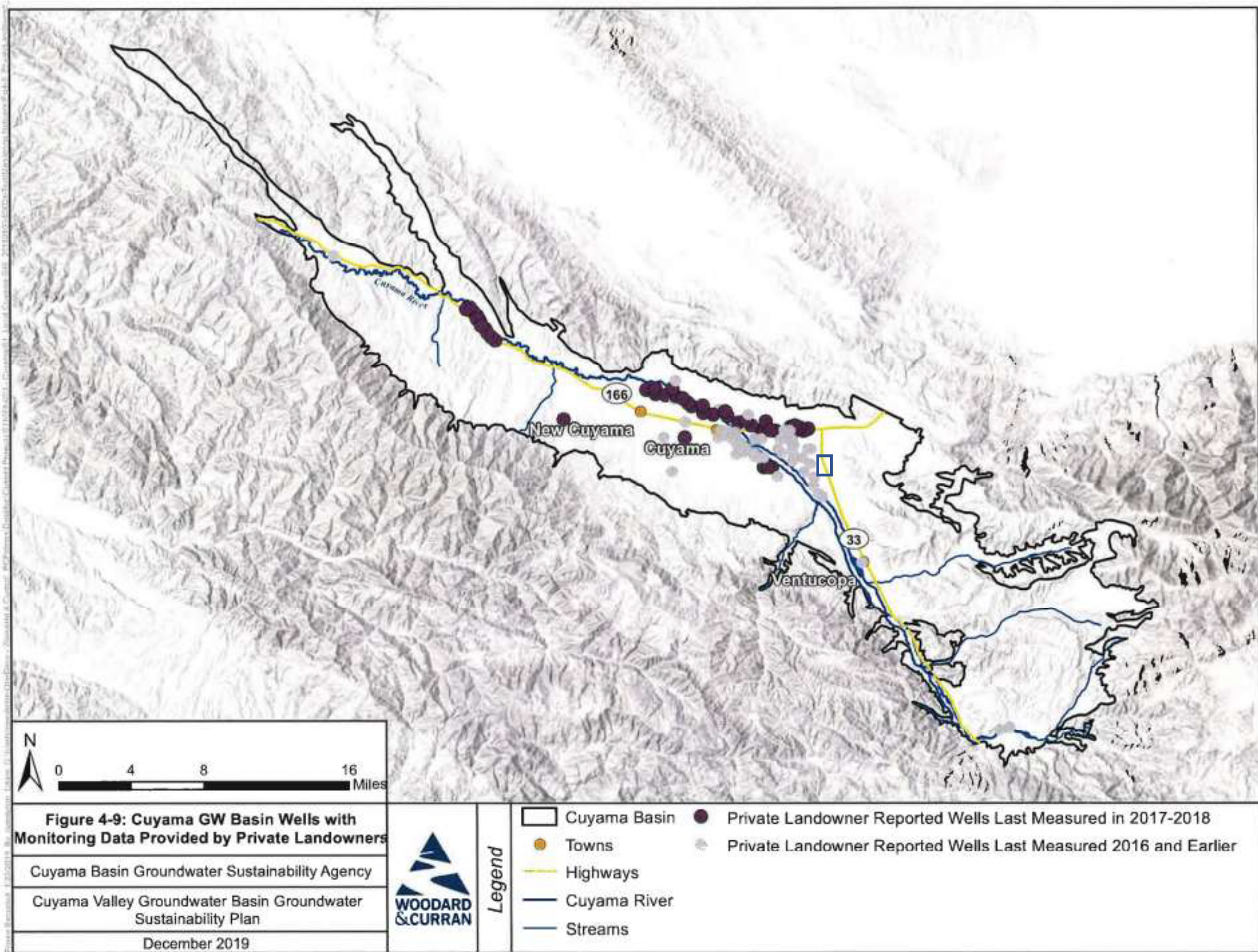
Figure 4-2: Cuyama GW Basin Central Basin with Combined Hydrograph
 Cuyama Basin Groundwater Sustainability Agency
 Cuyama Valley Groundwater Basin Groundwater Sustainability Plan
 April 2019

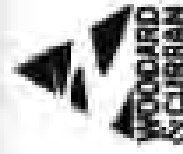


- Legend**
- Cuyama Basin
 - Towns
 - Highways
 - Cuyama River
 - Streams
 - - - Faults
 - Currently Monitored Wells
 - Not Currently Monitored









Groundwater Level Calibration

The goal of groundwater level calibration is to achieve reasonable agreement between the simulated and observed values (in this case, groundwater levels at the calibration wells). Within the CBWRM, 65 wells were used to evaluate the model calibration at both a regional and local scale. These wells are included in the CBCGA's Opti data management system. The calibration wells were selected based on their period of record and availability of observation data, spatial distribution across the model, and trends of nearby wells. These calibration wells are shown in Figure C-18.

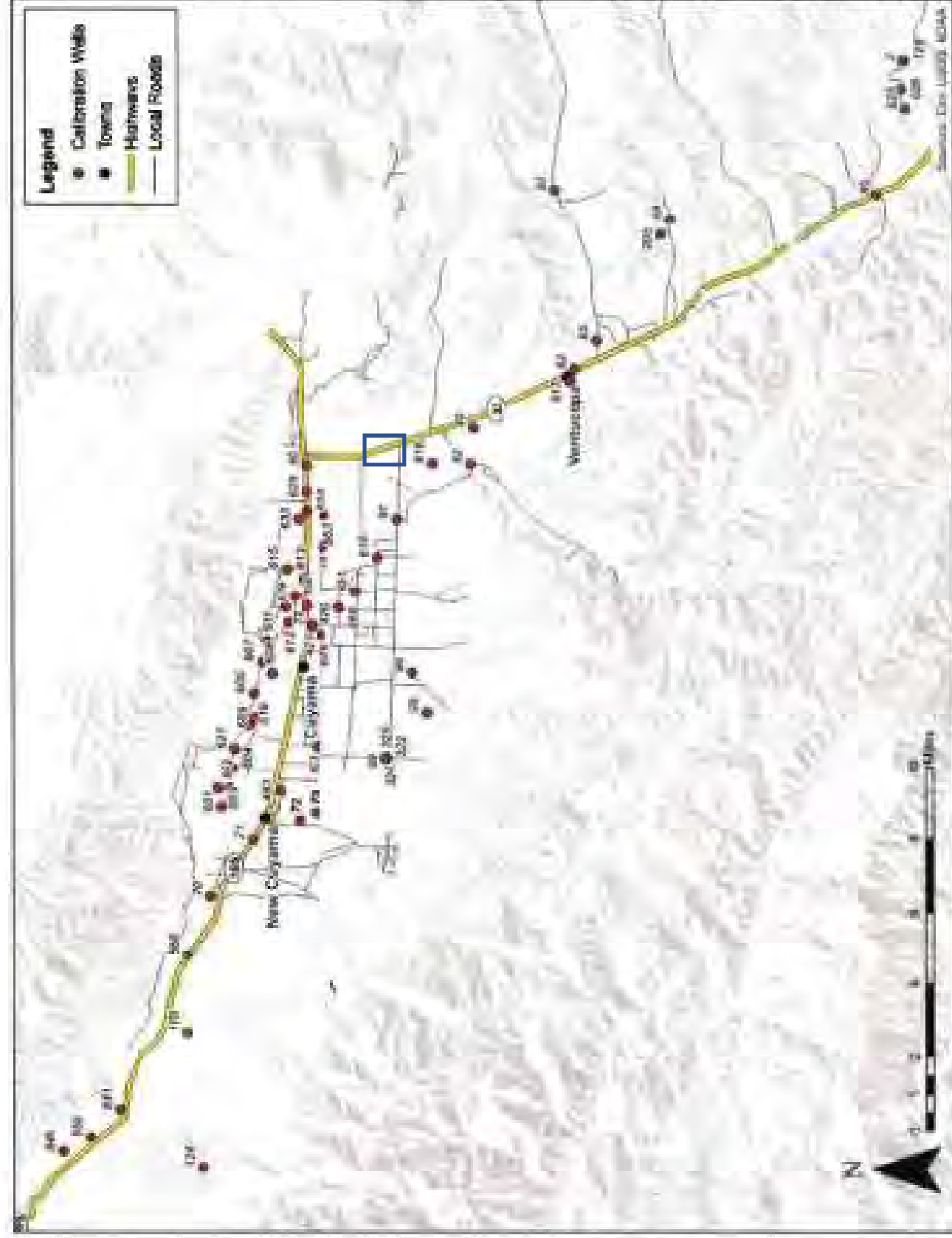


Figure C-18: Location of Calibration Wells



VARIANCE REQUEST FORM

For 2023 and 2024 in the Central Management Area

CUYAMA BASIN GROUNDWATER SUSTAINABILITY AGENCY

Submit this form, **including a \$250 fee** (which may be reimbursed if corrections are due to inaccuracies with the CBGSA's records), to Taylor Blakslee at 4900 California Ave, Tower B, Suite 210, Bakersfield, CA 93309.

Name: Grimmway Enterprises, Inc.- Matt Vickery

Date: 8/30/22

Phone: 661-845-5761

Email: mwickery@grimmway.com

Assessor Parcel Number(s) (APN): The following APNs are not located within the CMA but
I request they be given an allocation because they are irrigated by wells located in the CMA:
096-441-014; 096-441-015; 149-310-005 (Southern Portion-722.6 Acres)

Please describe the basis for your request and attach any supporting documentation

Grimmway is the farm tenant on those grounds owned by Diamond Farming Company, Lapis Land Company, LLC, and Ruby Land Company, LLC within the Central Management Area. Grimmway requests that the proposed allocations on these properties be increased based on the following issues, which are described in more detail in the letter sent to Jim Beck on August, 26, 2022, that I've attached to this form:

1. The CMA boundary excludes some of Grimmway's acreage irrigated by its wells located inside the CMA, which, if not addressed, will be a taking of 100% of the historic water use associated with those lands.
2. Parcels with no historic use and no potential for future beneficial use are inappropriately assigned an allocation. These proposed allocations necessarily take water away from others that have a beneficial need for the water.

Thank you for your consideration of this request. Please let me know if any clarification is needed.

Best Regards,

Matthew D. Vickery
 Director of Land and Water Resources



A family of *Growing* companies.™

VIA EMAIL ONLY

August 26, 2022

Jim Beck
 Executive Director
 Cuyama Basin Groundwater Sustainability Agency
 4800 California Ave.
 Tower B, 2nd Floor
 Bakersfield, CA 93309

RE: Concerns Regarding the GSA's Proposed Groundwater Pumping Allocations

Dear Mr. Beck,

After reviewing the Cuyama Basin GSA's ("GSA") proposed groundwater pumping allocations for 2023 and 2024 in the Central Management Area ("CMA"), Grimmway Enterprises, Inc. ("Grimmway") has several concerns about the reduced allocation it is projected to receive, and the allocation of water to lands within the CMA with no apparent beneficial use. While Grimmway plans to file an official Variance Request Form prior to the September 1 deadline, Grimmway is sending this letter to give GSA staff additional time to consider adjusting allocations consistent with the spirit and intent of the GSA. Grimmway respectfully requests setting up a Zoom conference to discuss these issues with you and the appropriate members of the GSA's management team at your earliest convenience.

The crux of the issue is that the GSA is proposing Grimmway cutback more than 5% from its historic pumping from wells located within the CMA, contrary to the GSP. Please consider the following flaws in the proposed allocation methodology:

I. The CMA Boundary Excludes Grimmway's Acreage Irrigated by Wells in the CMA.

Grimmway's proposed allocation of 12,456 AF¹ for 2023 does not include any allocation for lands located outside of the CMA, but are irrigated by wells within the

¹ Calculated by adding the proposed pumping allocations for 2023 for the following landowners that Grimmway operates on: Diamond Farming Company, Lapis Land Company, LLC, and Ruby Land Company, LLC.

CMA. Grimmway farms on 7,350 gross acres² inside the CMA boundary. However, Grimmway operates an additional 1,478 acres outside of the CMA that are served by its wells located within the CMA.³ Leaving out these acres has a detrimental impact on Grimmway’s proposed water allocation. Because the GSA plans to measure compliance with the 2023 and 2024 allocations at the well head, all ground that has historically been served by Grimmway wells located in the CMA should be given an allocation. If these lands are not given an allocation, the GSA is taking 100% of the historic water use associated with those lands because the wells that serve them are located within the CMA. This taking unlawfully alters Grimmway’s water rights, which SGMA specifically prohibits.⁴

See the attached spreadsheet for a list of APNs that Grimmway requests be included in the CMA and given an allocation. By adding these acres, Grimmway expects that its allocation would become more appropriate. This approach looks at Grimmway’s operation as an interconnected “farm unit:” meaning all land that is irrigated by wells located within the CMA is given an allocation. We suggest allowing all landowners with operations that straddle the CMA boundary to be looked at as a “farm unit” so that the allocations are based on their historic use pumped from wells within the CMA.

II. Model Errors: Parcels with No Historic Use and/or No Potential for Future Beneficial Use Are Inappropriately Assigned an Allocation.

After reviewing the list of APNs that are proposed to receive an allocation, it appears several parcels either have no historic use, or have no ability for future water use, and are nonetheless receiving an allocation. One example is the United States of America, with a proposed allocation of 211 AF for 2023. The parcels owned by the USA consist of riverbed ground that is not farmable, and the USA does not have access to wells for those parcels. Thus, given the severity of cutbacks it is entirely improper to allocate water to parcels with limited or no beneficial use.

Grimmway saw a similar issue with the parcels owned by SoCal Gas and PG&E that clearly do not use water but were also given an allocation. It is unclear why the USA, SoCal Gas, and PG&E parcels were given an allocation at all and makes Grimmway question whether the proposed allocations were properly vetted prior to being published. The allocation of water to those with no beneficial use necessarily takes water away from others that have a beneficial need for the water. Grimmway requests that the GSA rerun its quality assurance measures on this data to weed out all inappropriate allocations. To help with the GSA’s review, see the attached aerial maps from Parcel Quest as an example of the USA parcels that should not be given an allocation from the CMA.

Additionally, the model may have attributed water inconsistently amongst some parcels with similar cropping rotations. It would be helpful if the GSA ran additional

² Calculated by adding the “Parcel Area in CMA” column in the GSA’s MA Allocation spreadsheet, for the entities listed in footnote 2.

³ See attached table describing the additional APNs served by wells located within the CMA.

⁴ See WAT § 10720.5

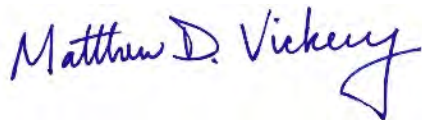
QA/QC measures to check that acreage with similar crops were assigned similar allocations.

III. Incorrect Well Locations Shown on the CMA Map

In addition to the issues described above, Grimmway is concerned about the location of “reported wells” on the GSA’s map of the CMA. Grimmway has provided to the GSA and its contractors GIS shape files and maps showing the location of its wells, yet several Grimmway wells were left off the map, several wells were included that may have existed at some time but are no longer active, and several wells were shown in the wrong location. GSA board members have also expressed concern over inaccuracies in the well layer at board meetings. Despite these comments and Grimmway’s cooperative effort to share its data, the well locations shown on the CMA map continue to be highly inaccurate. This has led to a confusing product that does not inspire confidence. The well layer needs to be further vetted prior to any subsequent publications.

In conclusion, Grimmway respectfully requests setting up a Zoom conference with GSA staff at its earliest convenience to discuss this issue and Grimmway’s findings from its review of the proposed allocation. Grimmway looks forward to resolving these items with you.

Best Regards,



Matthew D. Vickery
Director of Land & Water Resources

APN's Served by Wells Located in the CMA and Currently not Included in the CMA

Owner	Ranch Name	County	APN	Acres
Lapis Land Company, LLC	Erro	San Luis Obispo	096-441-014	595.16
Lapis Land Company, LLC	Erro	San Luis Obispo	096-441-015	160.50
Ruby Property Holdings, LLC	Hub Russell	Santa Barbara	149-310-005 (Southern Portion)	722.60
			TOTAL	1,478.26



Map data ©2022 Imagery ©2022, Maxar Technologies, U.S. Geological Survey, USDA/FPAC/GEO

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LIST 1
DETAIL

1 Property Address:

Ownership

County: **SANTA BARBARA, CA**
Assessor: **JOSEPH HOLLAND, ASSESSOR**
Parcel # (APN): **149-150-003**
Parcel Status: **ACTIVE**
Owner Name: **USA**
Mailing Address:
Legal Description:

Assessment

Total Value:	Use Code: 5400	Use Type: AGRICULTURAL
Land Value:	Tax Rate Area: 063-009	PQ Zoning:
Impr Value:	Year Assd: 2022	Census Tract: 18.00/1
Other Value:	Property Tax:	Price/SqFt:
% Improved: 0%	Delinquent Yr:	
Exempt Amt:	HO Exempt: N	

Sale History

	Sale 1	Sale 2	Sale 3	Transfer
Document Date:				
Document Number:				
Document Type:				
Transfer Amount:				
Seller (Grantor):				

Property Characteristics

Bedrooms:	Fireplace:	Units:
Baths (Full):	A/C:	Stories:
Baths (Half):	Heating:	Quality:
Total Rooms:	Pool:	Building Class:
Bldg/Liv Area:	Park Type:	Condition:
Lot Acres: 40.000	Spaces:	Site Influence:
Lot SqFt: 1,742,400	Garage SqFt:	Timber Preserve:
Year Built:		Ag Preserve:
Effective Year:		





LIST 1
DETAIL

1 Property Address:

Ownership

County: **SANTA BARBARA, CA**
 Assessor: **JOSEPH HOLLAND, ASSESSOR**
 Parcel # (APN): **149-150-018**
 Parcel Status: **ACTIVE**
 Owner Name: **USA**
 Mailing Address:
 Legal Description:

Assessment

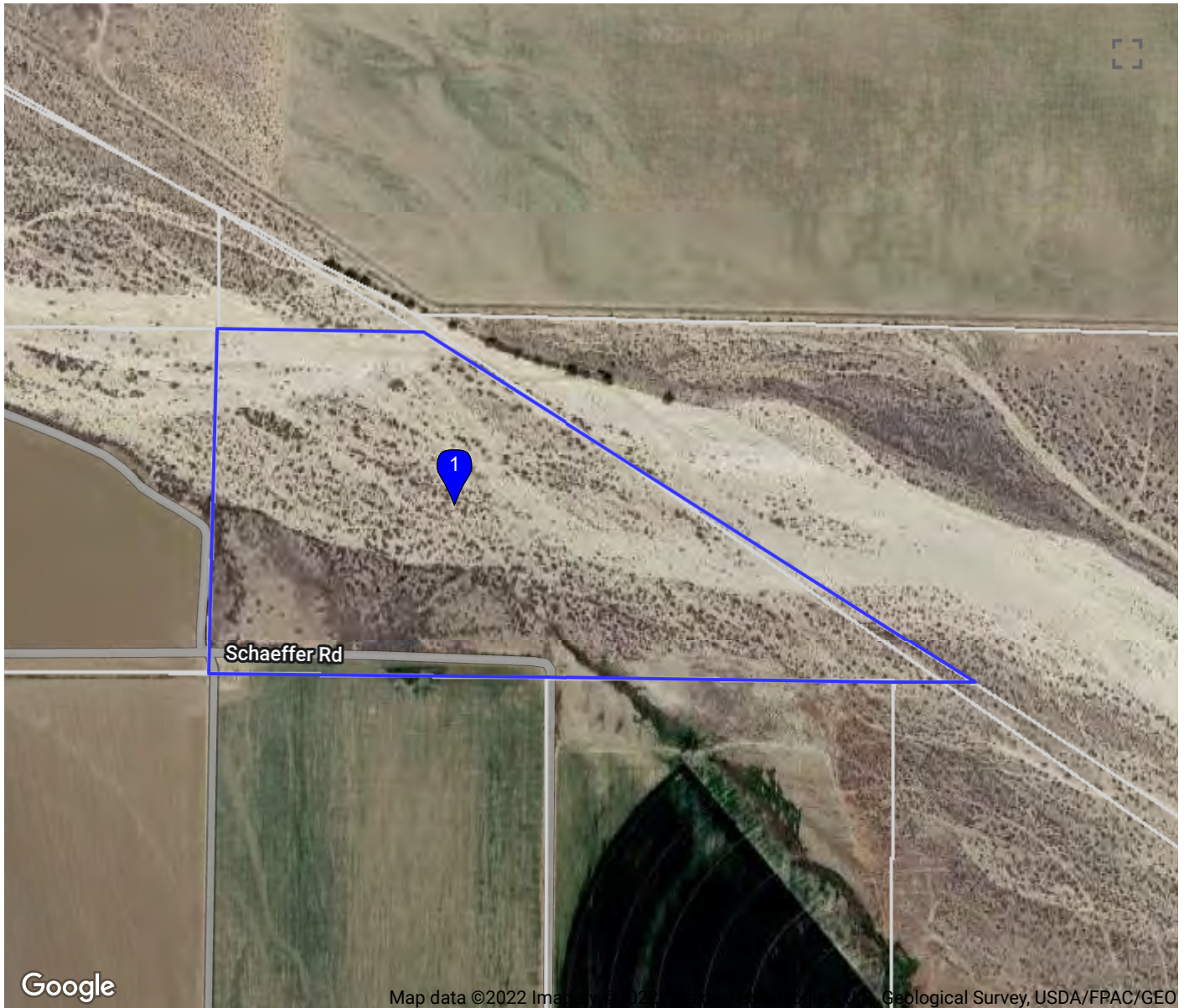
Total Value:	Use Code: 5400	Use Type: AGRICULTURAL
Land Value:	Tax Rate Area: 063-009	PQ Zoning:
Impr Value:	Year Assd: 2022	Census Tract: 18.00/
Other Value:	Property Tax:	Price/SqFt:
% Improved: 0%	Delinquent Yr:	
Exempt Amt:	HO Exempt: N	

Sale History

	Sale 1	Sale 2	Sale 3	Transfer
Document Date:				
Document Number:				
Document Type:				
Transfer Amount:				
Seller (Grantor):				

Property Characteristics

Bedrooms:	Fireplace:	Units:
Baths (Full):	A/C:	Stories:
Baths (Half):	Heating:	Quality:
Total Rooms:	Pool:	Building Class:
Bldg/Liv Area:	Park Type:	Condition:
Lot Acres: 40.000	Spaces:	Site Influence:
Lot SqFt: 1,742,400	Garage SqFt:	Timber Preserve:
Year Built:		Ag Preserve:
Effective Year:		



Google

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LIST 1
DETAIL

1 Property Address:

Ownership

County: **SANTA BARBARA, CA**
 Assessor: **JOSEPH HOLLAND, ASSESSOR**
 Parcel # (APN): **149-150-038**
 Parcel Status: **ACTIVE**
 Owner Name: **USA**
 Mailing Address:
 Legal Description:

Assessment

Total Value:	Use Code: 8000	Use Type: VACANT
Land Value:	Tax Rate Area: 063-009	PQ Zoning:
Impr Value:	Year Assd: 2022	Census Tract: 18.00/1
Other Value:	Property Tax:	Price/SqFt:
% Improved: 0%	Delinquent Yr:	
Exempt Amt:	HO Exempt: N	

Sale History

	Sale 1	Sale 2	Sale 3	Transfer
Document Date:				
Document Number:				
Document Type:				
Transfer Amount:				
Seller (Grantor):				

Property Characteristics

Bedrooms:	Fireplace:	Units:
Baths (Full):	A/C:	Stories:
Baths (Half):	Heating:	Quality:
Total Rooms:	Pool:	Building Class:
Bldg/Liv Area:	Park Type:	Condition:
Lot Acres: 51.000	Spaces:	Site Influence:
Lot SqFt: 2,221,560	Garage SqFt:	Timber Preserve:
Year Built:		Ag Preserve:
Effective Year:		



Google
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LIST 1
DETAIL

1 Property Address:

Ownership

County: **SANTA BARBARA, CA**
 Assessor: **JOSEPH HOLLAND, ASSESSOR**
 Parcel # (APN): **149-170-008**
 Parcel Status: **ACTIVE**
 Owner Name: **USA**
 Mailing Address:
 Legal Description:

Assessment

Total Value:	Use Code: 5400	Use Type: AGRICULTURAL
Land Value:	Tax Rate Area: 063-009	PQ Zoning:
Impr Value:	Year Assd: 2022	Census Tract:
Other Value:	Property Tax:	Price/SqFt:
% Improved: 0%	Delinquent Yr:	
Exempt Amt:	HO Exempt: N	

Sale History

	Sale 1	Sale 2	Sale 3	Transfer
Document Date:				
Document Number:				
Document Type:				
Transfer Amount:				
Seller (Grantor):				

Property Characteristics

Bedrooms:	Fireplace:	Units:
Baths (Full):	A/C:	Stories:
Baths (Half):	Heating:	Quality:
Total Rooms:	Pool:	Building Class:
Bldg/Liv Area:	Park Type:	Condition:
Lot Acres: 280.000	Spaces:	Site Influence:
Lot SqFt: 12,196,800	Garage SqFt:	Timber Preserve:
Year Built:		Ag Preserve:
Effective Year:		





LIST 1
DETAIL

1 Property Address:

Ownership

County: **SAN LUIS OBISPO, CA**
Assessor: **TOM BORDONARO, ASSESSOR**
Parcel # (APN): **096-211-035**
Parcel Status: **ACTIVE**
Owner Name: **UNITED STATES OF AMERICA**
Mailing Address:
Legal Description: **T10N R25W PTN SEC 28**

Assessment

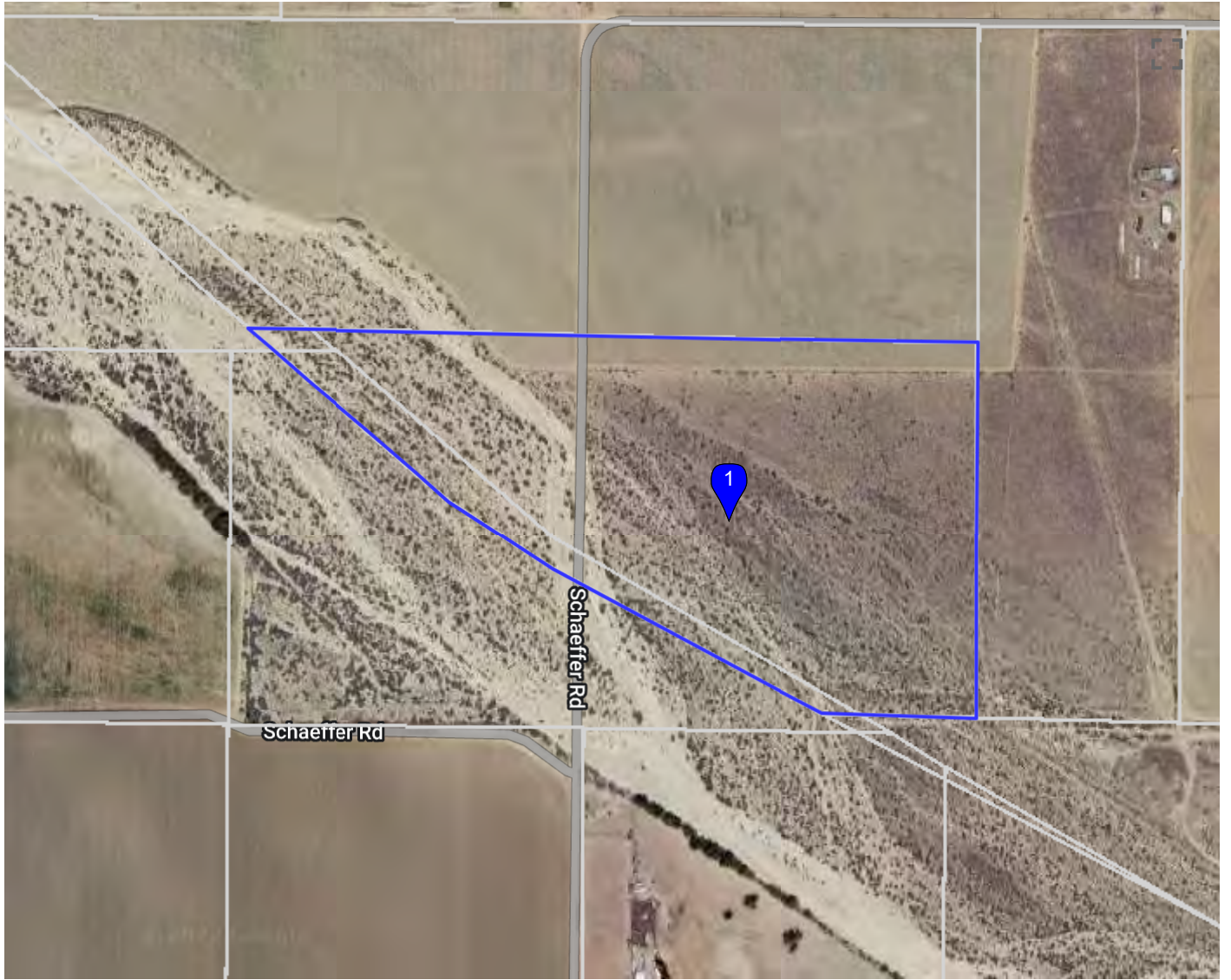
Total Value:	Use Code: 857	Use Type: GOVERNMENT
Land Value:	Tax Rate Area: 070-002	PQ Zoning:
Impr Value:	Year Assd: 2022	Census Tract:
Other Value:	Property Tax:	Price/SqFt:
% Improved: 0%	Delinquent Yr:	
Exempt Amt:	HO Exempt: N	

Sale History

	Sale 1	Sale 2	Sale 3	Transfer
Document Date:				
Document Number:				
Document Type:				
Transfer Amount:				
Seller (Grantor):				

Property Characteristics

Bedrooms:	Fireplace:	Units:
Baths (Full):	A/C:	Stories:
Baths (Half):	Heating:	Quality:
Total Rooms:	Pool:	Building Class:
Bldg/Liv Area:	Park Type:	Condition:
Lot Acres: 123.000	Spaces:	Site Influence:
Lot SqFt: 5,357,880	Garage SqFt:	Timber Preserve:
Year Built:		Ag Preserve:
Effective Year:		



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LIST 1
DETAIL

1 Property Address:

Ownership

County: **SAN LUIS OBISPO, CA**
Assessor: **TOM BORDONARO, ASSESSOR**
Parcel # (APN): **096-441-053**
Parcel Status: **ACTIVE**
Owner Name: **UNITED STATES OF AMERICA**
Mailing Address:
Legal Description:**080.00AC GRAZING**

Assessment

Total Value:	Use Code: 857	Use Type: GOVERNMENT
Land Value:	Tax Rate Area: 070-002	PQ Zoning:
Impr Value:	Year Assd: 2022	Census Tract:
Other Value:	Property Tax:	Price/SqFt:
% Improved: 0%	Delinquent Yr:	
Exempt Amt:	HO Exempt: N	

Sale History

	Sale 1	Sale 2	Sale 3	Transfer
Document Date:				
Document Number:				
Document Type:				
Transfer Amount:				
Seller (Grantor):				

Property Characteristics

Bedrooms:	Fireplace:	Units:
Baths (Full):	A/C:	Stories:
Baths (Half):	Heating:	Quality:
Total Rooms:	Pool:	Building Class:
Bldg/Liv Area:	Park Type:	Condition:
Lot Acres: 34.340	Spaces:	Site Influence:
Lot SqFt: 1,495,850	Garage SqFt:	Timber Preserve:
Year Built:		Ag Preserve:
Effective Year:		



VARIANCE REQUEST FORM

For 2023 and 2024 in the Central Management Area

CUYAMA BASIN GROUNDWATER SUSTAINABILITY AGENCY

Submit this form, **including a \$250 fee** (which may be reimbursed if corrections are due to inaccuracies with the CBGSA's records), to Taylor Blakslee at 4900 California Ave, Tower B, Suite 210, Bakersfield, CA 93309.

Name:	HOEKSTRA FAMILY TRUST 5/6/99 (AKA "Cuyama Dairy")
Date:	August 31, 2022
Phone:	805-750-0634; 805-750-2404
Email:	pdhoek@live.com; aaronhoekstra@yahoo.com; dan@bbr.law
Assessor Parcel Number(s) (APN):	Inside CMA - 149-150-017 & 149-150-019 Outside CMA - 149-150-024 & 149-150-026

Please describe the basis for your request and attach any supporting documentation

Our lands within the Central Management Area ("CMA") have been allocated approximately 244 a/f for 2023. We are not presently challenging the amount of the allocation, as it appears to be mathematically correct based on the results of the model.* We intend to reduce our use within the CMA in accordance with the allocation and the GSA's reduction schedule for 2023-2024. We do, however, request a variance from the GSA's policy that the allocation will be "managed at the wellhead." The reason for our request is because relying solely on the meter at the wellhead on our well that is located within the CMA will not accurately account for our anticipated reduction in use on our lands that are located within the CMA (to which the allocation is attached) and will overstate our use within the CMA.

Our water use operation is complex and unique as compared to others within the CMA. This is due to the fact that we are the only dairy operation in the area. We own four parcels of land that are adjacent to one another. (See map on following page). Two of our parcels are within the CMA and two are outside of the CMA. We also use two wells for our operation. One of the wells is inside the CMA and the other is not. Our well that is located within the CMA (and which is the well that will be managed by the GSA's policy) is within 500 feet of the GSA-determined boundary (and even closer to the model generated boundary). This well is used, in part, to irrigate tree crops that are located outside of the CMA. It is also used, in part, to pump water to a reservoir located outside of the CMA, which water is then boosted back into the CMA for use on forage crops.

Our lands within the CMA are used exclusively to grow forage crops. These crops are normally irrigated with recycled water from our dairy operation (an efficient practice that reduces our need to pump groundwater). The recycled water is stored in the reservoir located outside the CMA.

(Continued on next page)

VARIANCE REQUEST FORM

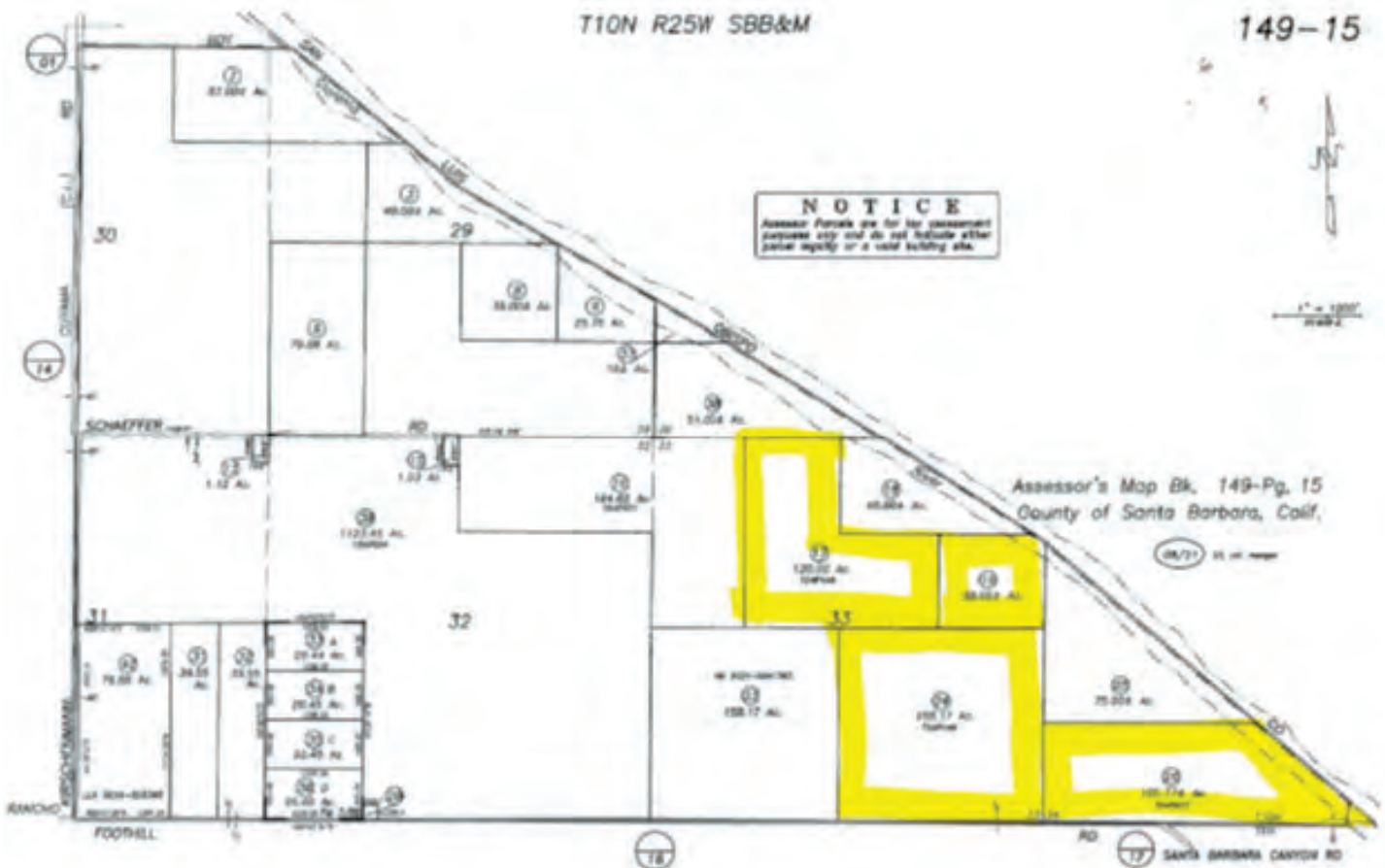
For 2023 and 2024 in the Central Management Area
CUYAMA DAIRY - PAGE 2

When the recycled water in the reservoir is insufficient to meet the demands of our crops within the CMA, we use our well within the CMA to supplement those supplies. Only the water that is used on the crops within the CMA should be counted against our allocation (since it is based upon use on those lands).

In light of the foregoing, we request a variance from the policy of managing our allocation at the wellhead. We propose installing a meter at our booster pump from the reservoir, which would measure how much water is actually applied on our lands within the CMA. This would accurately measure our use within the CMA and demonstrate whether we are complying with the GSA's allocation.

We are willing to make our presentation to an ad-hoc committee of the Board or to the GSA Board if requested. We appreciate your consideration of our request.

*We do not agree that the GSA's allocation accurately represents the water rights associated with our properties. Nothing herein shall be interpreted as an admission on our part with respect to the nature or extent of our water rights. We reserve the right to challenge the allocation in the current groundwater adjudication proceedings and in any other proceeding (including before the GSA) relating to any allocation of water for use on our properties within the basin.





September 1, 2022

VIA E-MAIL

TAYOR BLAKSLEE
Hallmark Group
4900 California Ave., Tower B, Second Floor
Bakersfield, CA 93309

Re: Request for Variance

Enclosed herewith is Variance Request Form for 2023 and 2024 in the Central Management Area submitted on behalf of Wm. Bolthouse Farms, Inc. and Bolthouse Land Company, LLC. We put out \$250 check in the mail to your office yesterday.

Please reach out if you have any questions.

Very truly yours,

A handwritten signature in blue ink, appearing to read "D. Clifford", is written over a faint, light blue circular watermark or seal.

DANIEL T. CLIFFORD
Vice-President General Counsel

DTC:nv
Attachment

cc: Dennis P. Gallagher, II., Esq.
Matthew R. Ayres, Esq.
Dan Wilke



VARIANCE REQUEST FORM

For 2023 and 2024 in the Central Management Area

CUYAMA BASIN GROUNDWATER SUSTAINABILITY AGENCY

Submit this form, **including a \$250 fee** (which may be reimbursed if corrections are due to inaccuracies with the CBGSA's records), to Taylor Blakslee at 4900 California Ave, Tower B, Suite 210, Bakersfield, CA 93309.

Name: WM. BOLTHOUSE FARMS, INC. / BOLTHOUSE LAND COMPANY, LLC

Date: 9/1/2022

Phone: _____

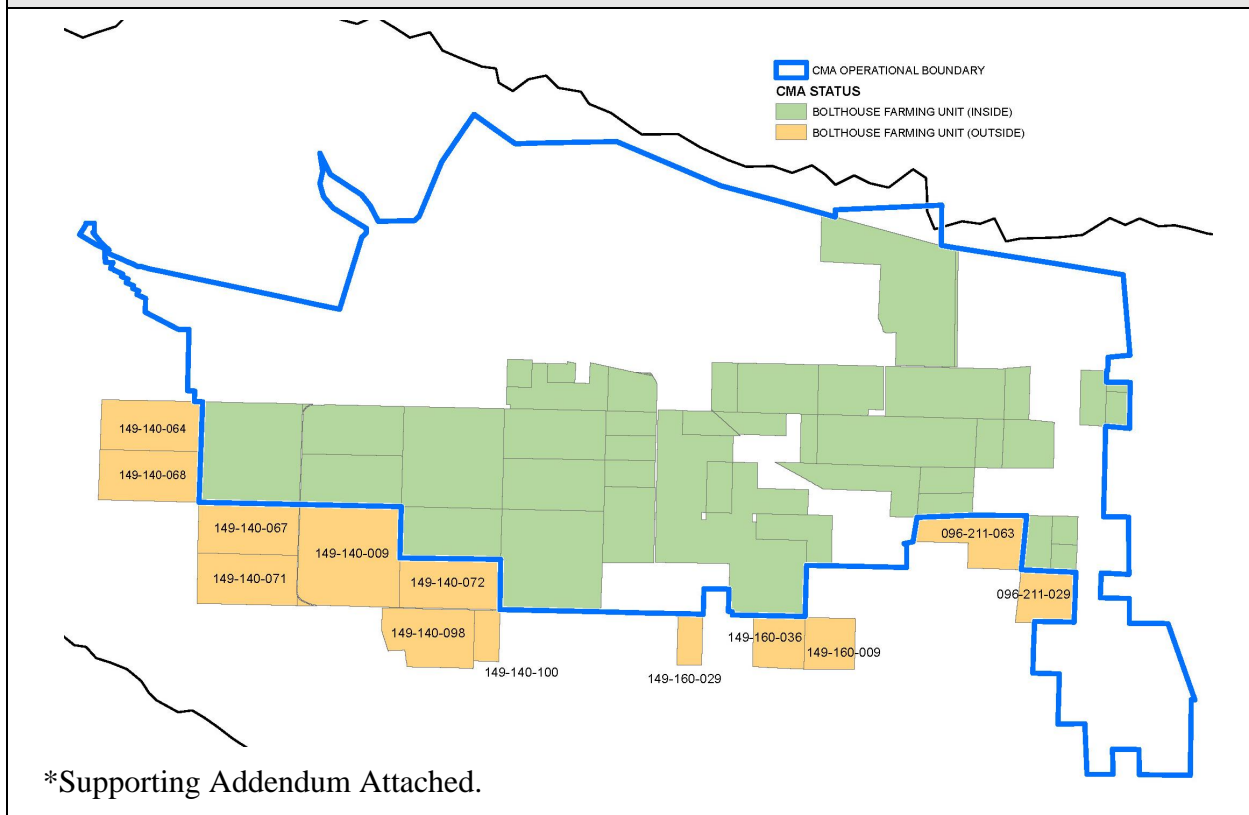
Email: Dan.Wilke@bolthouse.com; bdebranch@bolthouseproperties.com

Assessor Parcel Number(s) (APN): _____

096-211-029, -063;

149-140-009, -064, -067, -068, -071, -072, -098, -100; 149-160-009, -029, -036

Please describe the basis for your request and attach any supporting documentation



ADDENDUM TO VARIANCE REQUEST

Wm. Bolthouse Farms Inc. and Bolthouse Land Company collectively request that the parcels identified on Exhibit “A” be included within the Central Management Area (“CMA”) for purposes of an interim allocation. This request is consistent with California water law and recognizes that the parcels that have been excluded from the CMA because of the redrawing of the operational boundary of the CMA are part of a single farming unit. The redrawing of the CMA violates the long-standing legal principal established by California Courts wherein it has been recognized that “[s]o long as the property owner’s property actually overlies a portion of the water known as the groundwater basin, there is no legal requirement that the method of extraction be located within the four corners of the property.” *Hildreth v. Montecito Water Creek Water Co.* (1903) 139 Cal. 22, 29.

EXHIBIT "A"

APN:

096-211-029

096-211-063

149-140-009

149-140-064

149-140-067

149-140-068

149-140-071

149-140-072

149-140-098

149-140-100

149-160-009

149-160-029

149-160-036

September 1, 2022

Stephanie O. Hastings
Attorney at Law
805.882.1415 direct
shastings@bhfs.com**VIA EMAIL TO:TBLAKSLEE@HGCPM.COM**Taylor Blakslee
Assistant Executive Director
Cuyama Basin Groundwater Sustainability Agency
4900 California Avenue
Tower B, Suite 210
Bakersfield CA 93309RE: Variance Request – Jason M. & Mary Jo Harrington Revocable Living Trust
(APN 149-170-047)

Dear Mr. Blakslee:

This letter is submitted on behalf of Jason M. & Mary Jo Harrington Revocable Living Trust (Harrington) with regard to the parcel located on Foothill Road in Santa Barbara County (APN 149-170-047) (the “Parcel”) in response to the Cuyama Basin Groundwater Sustainability Agency’s (GSA) “Notice of Central Management Area Policies and Landowner Requirements” dated July 30, 2022 (the “Notice”). This letter provides general comments and objections on the Notice that purports to describe “Central Management Area Policies and Landowner Requirements” (CMA Allocation Policy) and serves as a Variance Request to correct information related to the Parcel.

I. General Comments and Objections to CMA Allocation Policy

As described herein, Harrington has significant concerns with the GSA’s Notice and the CMA Allocation Policy—most importantly, that the GSA’s CMA Allocation Policy has the potential to impair common law water rights without due process of law—and therefore submits these comments for the GSA Board of Director’s (Board) consideration. Further, in light of recent comments made by GSA staff at the August 25, 2022 GSA Public Workshop acknowledging that the GSA plans to consider expanding the CMA Allocation Policy or to impose other pumping limitations on areas outside of the CMA, the Board should address these comments before undertaking any further implementation or expansion of the CMA Allocation Policy.

Taylor Blakslee
 September 1, 2022
 Page 2

The CMA Allocation Policy Conflicts with California Water Law

The GSA does not have the power to determine or alter groundwater rights. The Sustainable Groundwater Management Act (SGMA) does not supplant the common law; rather it only supplements it. Yet the Notice purports to limit the pumping of a subset of the Basin’s users without regard to any user’s common law water rights. For example:

The CMA Allocation Policy, at least as it is presently described in the Notice, is geographically discriminatory—it constrains the pumping of only a subset of overlying landowners within the CMA, despite that all groundwater users within the Basin share the common source. As such, the CMA Allocation Policy does not comply with overlying groundwater rights law in that it limits the ability of some, but not all, landowners to exercise their correlative overlying right to groundwater from the Basin. This approach is inconsistent with the physically interconnected nature of the Basin and with common law water rights.

Moreover, in implementing SGMA, even area-specific responsive management actions must be specifically associated with avoiding undesirable results identified in the Cuyama Basin Groundwater Sustainability Plan. If pumping by a discrete area or growers must be physically restricted, that burden must be shared basin-wide by implementation of a physical solution that distributes that burden legally among all pumpers consistent with their water rights.

The CMA Allocation Policy Should be Reconciled with the Ongoing Cuyama Basin Comprehensive Groundwater Adjudication

The CMA Allocation Policy effectively seeks to quantify a subset of groundwater users’ water rights outside of the ongoing *Bolthouse Land Company, LLC, et al. v. All Persons Claiming a Right to Extract Groundwater in the Cuyama Valley Groundwater Basin (No. 3-013)* (the “Adjudication”). The Adjudication seeks to quantify all groundwater rights within the Basin consistent with California water law. The Notice, which describes a program to limit pumping by imposing arbitrary cutbacks on a subset of users, conflicts with that action. Accordingly, the GSA should revise the CMA Allocation Policy to conform with the ongoing process to adjudicate groundwater rights throughout the Basin.

The CMA Allocation Policy is Arbitrary and Unclear

Numerous components of the CMA Allocation lack evidentiary support and therefore are arbitrary and unclear. For example:

The modeled and operational CMA boundary is arbitrary given that users within the CMA pump groundwater from the same aquifer as users outside of the CMA who are nevertheless exempt from the program. At the recent Cuyama GSA Public Workshop on August 25, 2022, staff acknowledged that the CMA boundary was selected for political reasons and had no scientific basis. Further, the CMA

Taylor Blakslee
September 1, 2022
Page 3

boundary was selected using Cuyama Basin Water Resources Model (CBWRM) results that have a margin of error based on model limitations and geographic projections that significantly impact CMA Allocation Policy implementation but remain unexplained.

The CMA Allocation Policy relies on land use data from the CBWRM to estimate groundwater use in a manner that is unclear and cannot be reproduced and verified by landowners. The Notice is not clear about the basis of the selected water use period and whether it accurately reflects historical and/or planned use for pumping, nor how this water use period correlates to the 2021 pumping reduction baseline.

The CBWRM data further does not consider land use and irrigation efficiency practices in setting the individual allocations. Accordingly, the CMA Allocation Policy penalizes landowners who voluntarily employed significant conservation measures to limit their water use or fallowed lands. Landowners that may have temporarily modified their groundwater production to convert to more water efficient uses may also be penalized. None of this information is evident from the CMA Allocation Policy.

The CMA Allocation Policy Should Have Been Adopted Through A Formal Action And Was Not

Although Harrington appreciates that the GSA Board has conducted numerous meetings and engaged in numerous discussions regarding a proposed pumping reduction program and proposed allocation of Basin water supply for a subset of the Basin's landowners, Harrington is not aware of any formal GSA policy, rule or regulation regarding such program and allocation. Rather, it appears that the Notice and CMA Allocation Policy is the result of a series of Board directions provided over many months to GSA staff by minute order.

Because the CMA Allocation Policy is clearly intended as a regulation, a formal document is needed to explain and elucidate the program and its requirements. Although titled "Central Management Area Policies and Landowner Requirements," the Notice and estimated allocation assigned to certain Basin landowners has the effect of a regulation that limits groundwater pumping by a subset of the Basin's landowners without due process and in conflict each landowner's exercise of its overlying property right in the Basin. The Notice also proposes to impose monetary and other penalties on those listed landowners who use groundwater in excess of the assigned estimated allocation. As such, the CMA Allocation Policy must be adopted through a formal ordinance that imposes specific regulations (allocations) and penalties for failure to comply with such regulations on landowners within the CMA to ensure that affected landowners receive due process.

An ordinance also is necessary to clearly document and allow for public comment on the mechanics of the policy's requirements to allow for meaningful public participation and informed decision-making. Notably, the meeting minutes for the July 6, 2022 Board meeting are currently not published. Further, the GSA's Standing Advisory Committee plans to consider and provide direction to the Board

Taylor Blakslee
September 1, 2022
Page 4

regarding certain aspects of CMA Allocation Policy at the September 1, 2022 meeting after the deadline to submit a Variance Request. As such, members of the public have no way to confirm that the Notice circulated to landowners on July 29, 2022, as well as the pumping reduction program it describes, and the resulting estimated allocations, conforms with the Board's direction by minute order.

The Variance Request Process Is Flawed

First, the Notice does not set forth clear criteria or findings that the Board will use to determine whether to grant a variance, which may lead to arbitrary and capricious decision-making.

Second, the Notice does not provide the data upon which the proposed allocations are based in a transparent manner that would allow for landowners to ascertain data errors as needed to submit a Variance Request Form. The data tables attached to the Notice fail to provide landowners with any information as to the modeled calculation of an individual allocation such that a landowner can understand the potential source of data errors.

Third, the Notice does not make it clear to landowners that do not intend to submit a Variance Request Form that their individual allocation may change in response to the Board's action to grant a variance requested by another landowner. All landowners should be fully informed of the need and right to participate in the variance process in order to preserve their rights and avoid penalties.

Lastly, the California Constitution and SGMA contain specific substantive and procedural requirements on the adoption of fees and charges. The Cuyama GSA has not complied with any of these requirements in its adoption of a \$250 fee to submit a Variance Request Form.

The Board Has Not Yet Complied with the California Environmental Quality Act

The GSA's actions are subject to the California Environmental Quality Act (CEQA). At such time as the Board does take any formal action with respect to CMA Allocation Policy, the Board must consider whether the CMA Allocation Policy will have a direct or reasonably foreseeable indirect impact on the environment due to the potential for landowners to need to fallow land in order to comply with the program. The fallowing of land in response to the proposed allocation has reasonably foreseeable direct and indirect impacts on the environment including, but not limited to, impacts on air quality, land use and biological resources.

II. Request for Variance

Subject to and without waiving the comments and objections set forth in this letter, we submit: (1) a Variance Request Form ([Attachment 1](#)); (2) Variance Request Supporting Information ([Attachment 2](#)); and (3) a \$250 check for the Variance Request Fee, which is paid under protest for the reasons set

Taylor Blakslee
September 1, 2022
Page 5

forth in the comments above. This request fundamentally seeks that Harrington receives an allocation consistent with similarly situated neighboring property owners.

Please be advised that Brownstein also is in the process of developing additional information to support the ongoing Comprehensive Groundwater Adjudication for the Cuyama Basin and reserves the right to supplement this Variance Request and the supporting information as new information becomes available.

Harrington's 42.18 acre Parcel has been planted with approximately 38 acres of pistachio orchard since roughly 1982. Planting of the orchard on the Parcel coincides with the planting of approximately 40 acres of pistachios on neighboring parcels. Roy Harrington and Jason Harrington managed both the Harrington and a neighboring parcel beginning in 1998, when they took over management responsibilities from their father. Roy and Elisabeth Harrington, along Jason and Ryan Harrington, purchased the Parcel in 2007 and have maintained the same farming practice across all the parcels that they manage. Given the similar age, acreage and location of the pistachio orchards in the area, these orchards should have nearly identical water use.

In fact, three neighboring parcels all contain pistachio orchards of similar size that rely on the same water source, shared water infrastructure, and are similarly irrigated. For example, the three parcels all are entitled to take delivery of one-third of all groundwater pumped from the well subject to the Well Sharing Easement Agreement, dated Nov. 15, 2017 and attached hereto as Attachment 2, Exhibit 1 (Agreement). Pursuant to this Agreement, the parties share equally the water pumped from the well and all GSA and Pacific Gas and Electric, costs associated with this well and water use.

Copies of the GSA Water Use Forms and available meter data are attached as Attachment 2, Exhibit 2 for reference. Notably, these forms were filed by Harrington for the three neighboring parcel acreage based on each parcel using 119.6 AF per year to irrigate each respective 40 acre pistachio orchard. Further, water use records for all three parcels generally indicate that the parcels use more than the Notice's recent estimated water use for the Harrington Parcel. These records and the fact that the three parcels are under identical management and employing a proportionate cost split strongly indicate that the Harrington Parcel should receive a larger allocation similar to comparable parcels with comparable orchards in the area. (See Attachment 2, Exhibit 2.)

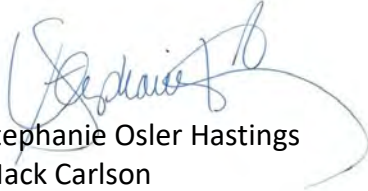
In addition, Harrington desires to correct the GSA's well information for the parcels. The Agreement covers the only well that currently irrigates the three parcels; it was drilled in 2016 and is located on the Harrington Parcel. (See Attachment 2, Exhibit 3.) Prior to the construction of this well, the parties to the Agreement shared a well located on a neighboring parcel (APN 149-170-050). The GSA thus should correct its records to reflect this information.

Taylor Blakslee
September 1, 2022
Page 6

In summary, Harrington requests that the GSA increase their Parcel's allocation based on the available records to an allocation of approximately 140 AF in 2023 and 135 in 2024 and correct the GSA's well records.

Thank you for your consideration of these comments and this request. Should you have questions, please contact me at (805) 882-1415 or Shastings@bhfs.com or Mack Carlson at (805) 882-1485 or Mcarlson@bhfs.com.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Stephanie Osler Hastings", is written over a large, light blue circular scribble or stamp.

Stephanie Osler Hastings
Mack Carlson

Enclosure: Attachment 1. Variance Request Form
Attachment 2. Variance Supporting Information

Cc: Roy and Elisabeth Harrington (via email)
Joe D. Hughes, Klein DeNatale Goldner (via email)

Attachment 1



VARIANCE REQUEST FORM

For 2023 and 2024 in the Central Management Area

CUYAMA BASIN GROUNDWATER SUSTAINABILITY AGENCY

Submit this form, **including a \$250 fee** (which may be reimbursed if corrections are due to inaccuracies with the CBGSA's records), to Taylor Blakslee at 4900 California Ave, Tower B, Suite 210, Bakersfield, CA 93309.

Name:	Roy and Elisabeth Harrington for Harrington Jason M & Mary Jo Revocable Living Trust
Date:	September 1, 2022
Phone:	(805) 882-1415 or (805) 882-1485
Email:	shasting@bhfs.com or mcarlson@bhfs.com
Assessor Parcel Number(s) (APN):	147-170-047

Please describe the basis for your request and attach any supporting documentation

See Variance Request Letter.

Attachment 2

Exhibit 1



2017-0054977

Recorded at Request of
Old Republic Title Company

Recorded		REC FEE	82.00
Official Records			
County of			
Santa Barbara			
Joseph E. Holland			
County Clerk Recorder			
		MM	
08:00AM 15-Nov-2017		Page 1 of 20	

RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO:

Law Office of Melanie J. Aldridge
7638 N. Ingram Avenue, Suite 202
Fresno, CA 93711

Title Order No. N/A
Escrow No. 1411008299-Accommodation

APNs 149-170-047, 149-170-050 (County of Santa Barbara)
APN 096-211-032 (County of San Luis Obispo)

WELL SHARING EASEMENT AGREEMENT

R&T 11911 No Consideration

THE UNDERSIGNED GRANTOR(S) DECLARE(S)

DOCUMENTARY TRANSFER TAX is \$: 0.00

- computed on full value of property conveyed, or
- computed on full value less value of liens or encumbrances remaining at time of sale.
- Unincorporated area City of **AND**

Recorded at Request of
Old Republic Title Company

RECORDING REQUESTED BY AND WHEN
RECORDED MAIL TO:

Law Office of Melanie J. Aldridge
7638 N. Ingram Avenue, Suite 202
Fresno, CA 93711

Title Order No. N/A
Escrow No. 1411008299-Accommodation

APNs 149-170-047, 149-170-050 (County of Santa Barbara)
APN 096-211-032 (County of San Luis Obispo)

WELL SHARING EASEMENT AGREEMENT

This Well Sharing Easement Agreement ("Agreement") is made effective as of May 1, 2017, by and among (i) Roy Harrington and Elisabeth Harrington, as trustees of the Roy and Elisabeth Harrington Living Trust dated March 31, 2017, Jason M. Harrington and Mary Jo Harrington, as Trustees of the Jason M. Harrington and Mary Jo Harrington Revocable Living Trust dated September 2, 2015, and Ryan Patrick Harrington and Amy Lynn Harrington, as Trustees of the Ryan Patrick Harrington and Amy Lynn Harrington Family Trust dated April 19, 2016 (collectively, "Harrington"), (ii) Douglas A. Slumskie and Diane L. Slumskie, as Trustees of the Slumskie Family Trust dated April 9, 1996, William D. Calhoon, as Trustee of the William D. Calhoon Trust dated May 24, 1989, Gale Robert Calhoon and Diannia Lynn Calhoon, as Trustees of the Gale Robert Calhoon and Diannia Lynn Calhoon Family Trust dated December 10, 1998 (collectively, "Slumskie"), and (iii) Ann M. Buck, as Trustee of the Survivor's Trust dated August 17, 2015 created under The Buck Family Trust ("Buck"). For convenience, Harrington, Slumskie and Buck are sometimes collectively referred to herein as the "Parties" and individually as a "Party." This Agreement is made with reference to the following facts and circumstances:

A. Harrington is the owner of certain real property located in Santa Barbara County, California, more particularly described below (the "Harrington Property"):

Lot 1 of Section 2 in Township 9 North, Range 25 West, San Bernardino Base and Meridian, in County of Santa Barbara, State of California, according to the Official Plat of the survey of said land on file in the Bureau of Land Management and approved February 17, 1882.

(APN 149-170-047)

B. Slumskie is the owner of certain real property located in Santa Barbara County, California, more particularly described below (the "Slumskie Property"):

The Southeast quarter of the Northeast quarter of Section 2, in Township 9 North, Range 25 West, San Bernardino Meridian, in the County of Santa Barbara, State of California, according to the Official Plat of the survey of said land on file in the Bureau of Land Management, and approved February 17, 1882.

Excepting therefrom the Southerly 200 feet of the Westerly 200 feet of said land.

(APN 149-170-050)

C. Buck is the owner of that certain real property located in the unincorporated area of the San

This document has been signed in counterpart.

Page 1 of 7

Luis Obispo County, California, more particularly described below (the "Buck Property"):

The Southwest quarter of the Southeast quarter of Section 35, in Township 10 North, Range 25 West, San Bernardino Meridian, in County of San Luis Obispo, State of California, according to the Official Plat thereof.

Except therefrom 60% of all oil, mineral and hydrocarbon rights in or under said land, but without any right of entry, as reserved by Alfred E. O'Day, et al., in deed recorded July 20, 1966 in Book 1403, Page 618, of Official Records.

Also excepting therefrom the remaining 40% of all oil, mineral and hydrocarbon rights in or under said land, without any right of entry, as reserved by Harvey F. Wilson and Marian I. Wilson, husband and wife, in deed recorded March 20, 1973 in Book 1715, Page 663, of Official Records.

Also reserving unto Grantors and excepting therefrom an easement for irrigation pipeline over the Southerly 10 feet and the Westerly 10 feet of said land.

(APN 096-211-032)

D. The Parties each paid the expenses associated with the installation of an irrigation well (the "Well") and the equipment necessary to operate the Well (collectively, the "Supporting Equipment") on the Harrington Property. The location of the Well and Supporting Equipment are identified on Exhibit A to this Agreement (the "Well Site").

E. The Parties desire to memorialize their agreement regarding the ownership and use of the Well and Supporting Equipment and to grant the easements and other rights necessary for each of the Parties to use the Well and access the Well Site for the benefit of the Harrington Property, the Slumskie Property and the Buck Property (collectively, the "Irrigated Property").

NOW, THEREFORE, in consideration of the above recitals and agreements contained herein, the Parties hereby agree as follows:

1. Ownership of Well and Supporting Equipment. Each of the Parties shall own and be entitled to use the Well and Supporting Equipment in order to take delivery of their respective shares of groundwater produced by the Well in the proportions set forth below:

Harrington	One-third
Slumskie	One-third
Buck	One-third

2. Maintenance and Repair Costs. The costs of development, installation, use, maintenance, removal or repair of the Well or any of the Supporting Equipment shall be allocated among the Parties in accordance with their proportional ownership of the Well and Supporting Equipment as set forth in Section 1. On the request of those Parties comprising two-thirds of the ownership interest in the Well or if otherwise required by law, each Party shall install and maintain a water meter to record the diversions of water from the Well at each Party's sole, respective cost. Also, each Party shall be responsible for that portion of the power charges necessary to operate the Well and the Supporting Equipment for the irrigation of their respective share of the Irrigated Property, including standby charges. If a Party is in default in the payment of any power charges, Excess Maintenance Fees (defined below) or any other charges provided for in this Agreement, such Party shall have no right to use the Well or Supporting

Equipment unless and until such Party pays current all delinquent power, Excess Maintenance Fees or other charges plus an amount equal to 10 percent per annum on the delinquent amount.

3. Grant of Easements. Harrington hereby grants a non-exclusive easement to each of Buck and Slumskie over the Well Site and the West 15 feet of the Harrington Property (the "Easement Area") for the purposes of ingress and egress to the Well Site and, upon reasonable notice to Harrington, for the operation, use, maintenance, repairs, improvements, inspection or testing of the Well and Supporting Equipment. Notwithstanding any other provision of this Agreement, under no condition do the easements or other rights granted herein include the right to replace the Well or drill a new Well on the Harrington Property.

4. Pipelines.

a. Common Pipeline. The Parties acknowledge that an existing single water distribution pipeline runs from the Well Site through the Harrington Property and to the Slumskie Property (the "Common Pipeline"). Harrington grants to Slumskie a pipeline easement over that portion of the Harrington Property on which the Common Pipeline is currently located as set forth on Exhibit A. Harrington and Slumskie shall each be equally responsible for the repair and maintenance of that portion of the Common Pipeline which runs from the Well to the existing valve boxes located on the Harrington Property and Slumskie Property, respectively. Harrington and Slumskie shall each be solely responsible for the repair and maintenance of pipelines (or portions thereof) which extend from their respective valve boxes through the Harrington Property and the Slumskie Property, respectively.

b. Buck Pipeline. Buck shall be solely responsible for the maintenance, operation, and repair of the water distribution pipeline running from the Well to the Buck Property (the "Buck Pipeline"). Harrington hereby grants to Buck a pipeline easement over that portion of the Harrington Property as set forth on Exhibit A. Buck shall be solely responsible for the repair and maintenance of the Buck Pipeline.

c. Individual Pipelines. Any other pipeline or other conduit conveying water from the Well to less than all of the Parties (an "Individual Pipeline") and shall be the sole property of the Party served by such Individual Pipeline and such Party shall be solely responsible for all repairs and maintenance of such Individual Pipeline.

5. Excess Capacity. The Parties acknowledge that one or each of them may acquire additional property in the future which could benefit from the use of water from the Well and Supporting Equipment, but which is not identified in this Agreement (the "Other Property"). The Parties agree each of them may use their respective one-third share of any water produced from the Well which is in excess of the amount of water necessary to irrigate the existing pistachio trees on the Irrigated Property (the "Excess Water") for other uses on the Irrigated Property and on up to 40 acres of Other Property, whether such Other Property is owned or leased. Notwithstanding the foregoing, none of the three Parties to this Agreement shall be entitled to receive more than 240 acre feet of water per year from the Well for use on their respective shares of the Irrigated Property and/or the Other Property without the consent of the other Parties. Each Party shall be responsible for payment of the power expenses associated with the use of their respective share of the Excess Water. Each Party who extracts Excess Water shall also be responsible for paying an amount equal to \$25 per acre foot of Excess Water extracted as payment for the wear and tear on the Well and Supporting Equipment (the "Excess Maintenance Fee"). By way of example, if Slumskie extracts 10 acre feet of Excess Water, then the Excess Maintenance Fee would be \$250 of which one-third would be paid to Harrington, one third would be paid to Buck and one third would be paid/retained by Slumskie.

6. Nature of Rights. The Easements, rights and obligations described in this Agreement shall be appurtenant to each of the Harrington Property, Buck Property and Slumskie Property and shall run with such property and inure to the benefit of and bind the Parties hereto and the heirs, legal representatives, grantees of the respective Parties. The rights, duties and obligations herein are for the benefit of Harrington, Buck and Slumskie and their successors in interest in the Irrigated Property and shall not be assigned or conferred for the benefit of third parties.

7. Reservation of Rights. Harrington reserves the right to itself and its successors and assigns in the Harrington Property the right to use any portion of the Harrington Property subject to this Agreement for any purposes which will not interfere with the other Parties exercise of their respective rights under this Agreement.

8. Entire Agreement. This Agreement, including the attached exhibits, encompasses the entire agreement of the Parties with respect to the Well and Supporting Equipment located on the Harrington Property, and supersedes all previous understandings and agreements between the Parties regarding the Well and Supporting Equipment, on the Harrington Property, whether oral or written.

9. Counterparts. This Agreement may be executed in any number of counterparts, each of which when executed and delivered shall be deemed to be an original and all of which, taken together, shall be deemed to be but one and the same instrument.

10. California Law. This Agreement shall be governed by and construed and enforced in accordance with California law.

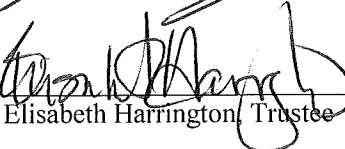
11. Waiver. The breach of or failure to enforce any breach or violation of any restriction contained in this Agreement shall not be deemed to be a waiver or abandonment of such restriction, or a waiver of the right to enforce any subsequent breach or violation of such restriction.

12. No Agency or Partnership. Nothing in this Agreement shall be deemed or construed by any person to create the relationship of principal and agent, or of limited or general partnership, or of joint venture, or of any other association between or among any of the Parties.

“HARRINGTON”

Roy and Elisabeth Harrington Living Trust
dated March 31, 2017

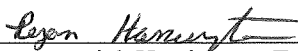
By: 
Roy Harrington, Trustee

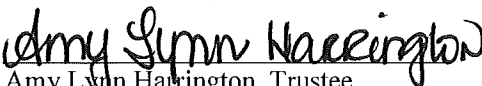
By: 
Elisabeth Harrington, Trustee

SIGNATURES CONTINUED ON NEXT PAGE

SEE ATTACHED
ACKNOWLEDGEMENT
Page 4 of 7

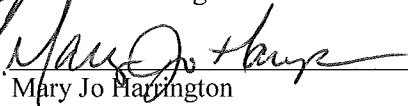
Ryan Patrick Harrington and Amy Lynn
Harrington Family Trust dated April 19, 2016

By: 
Ryan Patrick Harrington, Trustee

By: 
Amy Lynn Harrington, Trustee

Jason M. Harrington and Mary Jo Harrington
Revocable Living Trust dated September 2,
2015

By: 
Jason M. Harrington

By: 
Mary Jo Harrington

“SLUMSKIE”

The Slumskie Family Trust dated April 9, 1996

By: _____
Douglas A. Slumskie, Trustee

By: _____
Diane L. Slumskie, Trustee

The William D. Calhoon Trust dated May 24,
1989

By: _____
William D. Calhoon, Trustee

The Gale Robert Calhoon and Diannia Lynn
Calhoon Family Trust dated December 10, 1998

By: _____
Gale Robert Calhoon, Trustee

By: _____
Diannia Lynn Calhoon, Trustee

Signed in counterpart

SIGNATURES CONTINUED ON NEXT PAGE

Ryan Patrick Harrington and Amy Lynn
Harrington Family Trust dated April 19, 2016

By: _____
Ryan Patrick Harrington, Trustee

By: _____
Amy Lynn Harrington, Trustee

Jason M. Harrington and Mary Jo Harrington
Revocable Living Trust dated September 2,
2015

By: _____
Jason M. Harrington

By: _____
Mary Jo Harrington

Signed in counterpart

“SLUMSKIE”

The Slumskie Family Trust dated April 9, 1996

By: _____
Douglas A. Slumskie, Trustee

By: _____
Diane L. Slumskie, Trustee

The William D. Calhoon Trust dated May 24,
1989

By: _____
William D. Calhoon, Trustee

The Gale Robert Calhoon and Diannia Lynn
Calhoon Family Trust dated December 10, 1998

By: _____
Gale Robert Calhoon, Trustee

By: _____
Diannia Lynn Calhoon, Trustee

SEE
ATTACHED
CERTIFICATE

AUG 08 2017

ACKNOWLEDGMENT
[H] JURAT
[H] COPY CERTIFICATE

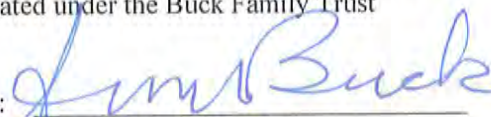
Notary Certificate
Attached

SIGNATURES CONTINUED ON NEXT PAGE

“BUCK”

The Survivor's Trust dated August 17, 2015
created under the Buck Family Trust

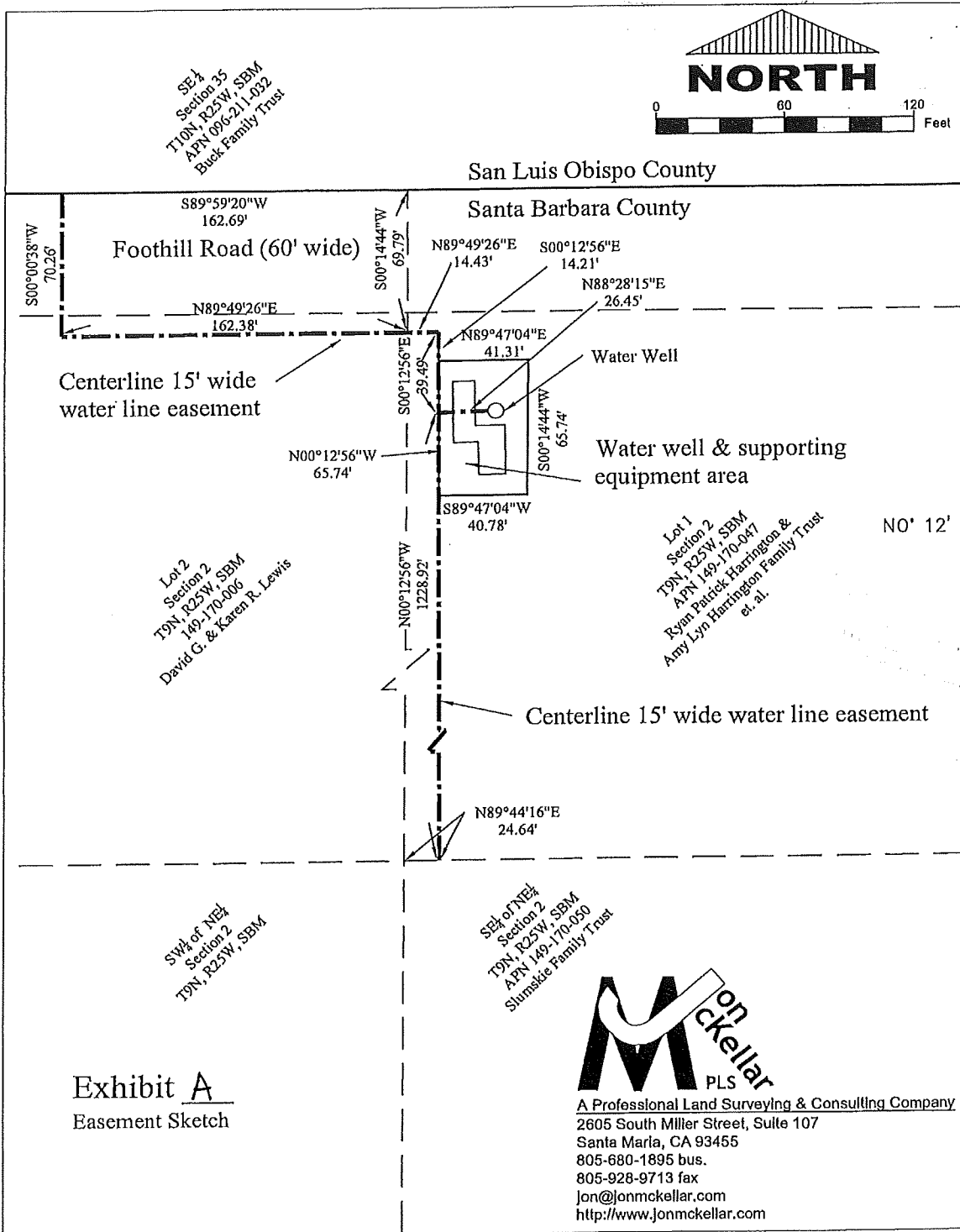
By:



Ann M. Buck, Trustee

EXHIBIT A

“Well Site”



CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

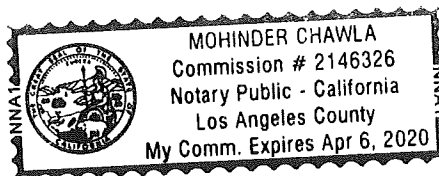
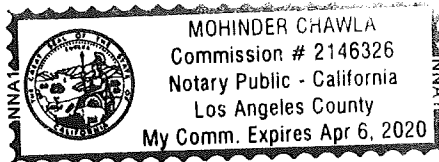
STATE OF CALIFORNIA)
COUNTY OF KEAN)

On AUGUST 30/2017, before me, MOHINDER CHAWLA, Notary Public, personally appeared ROY LEE HARRINGTON, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Mohinder Chawla
Notary Public



CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

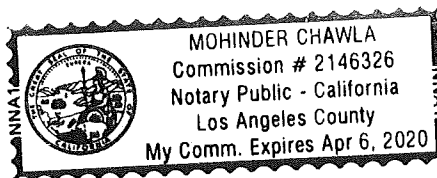
STATE OF CALIFORNIA)
COUNTY OF KERN)

On AUGUST 30/2017, before me, MOHINDER CHAWLA, Notary Public, personally appeared ELISABETH SUZANNE HANINGTON, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Mohinder Chawla
Notary Public



CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

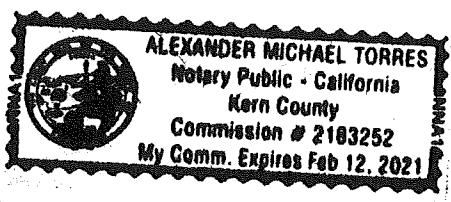
STATE OF CALIFORNIA)
COUNTY OF Kern)

On 8-21-17, before me, Alexander Michael Torres, Notary Public, personally appeared Humberto, Ryan Patrick, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Alexander Michael Torres
Notary Public



CERTIFICATE OF ACKNOWLEDGMENT

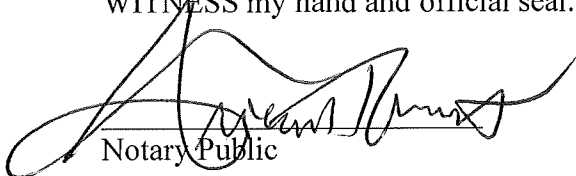
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

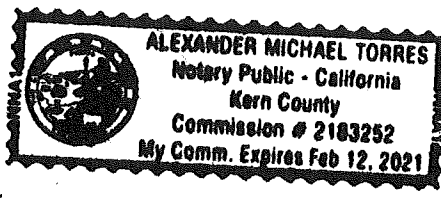
STATE OF CALIFORNIA)
COUNTY OF Kern)

On 8-21-17, before me, Alexander Michael Torres, Notary Public, personally appeared Harrington, Amy Lynn, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.


Notary Public



CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

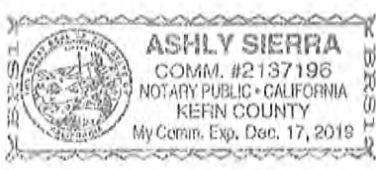
STATE OF CALIFORNIA)
COUNTY OF Kern)

On August 26, 2017, before me, Ashly Sierra, Notary Public, personally appeared Jason Mark Harrington, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Ashly Sierra
Notary Public



CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF Kern)

On August 26, 2015 before me, Ashly Sierra, Notary Public, personally appeared Mary Jo Harrington, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Ashly Sierra
Notary Public



California All-Purpose Certificate of Acknowledgment

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of LOS ANGELES

S.S.

On August 8, 2017 before me, Patrick F. Sullivan, Notary Public
Name of Notary Public, Title

personally appeared DOUGLAS A. SUMSKIE AND
Name of Signer (1)

DIANE L. SUMSKIE
Name of Signer (2)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Patrick F. Sullivan
Signature of Notary Public



Seal

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of Well Showing EASEMENT Agreement containing _____ pages, and dated August 8, 2017.

The signer(s) capacity or authority is/are as:

- Individual(s)
- Attorney-in-fact
- Corporate Officer(s) _____ Title(s)
- Guardian/Conservator
- Partner - Limited/General
- Trustee(s)
- Other: _____

representing: _____
Name(s) of Person(s) Entity(ies) Signer is Representing

Additional Information	
Method of Signer Identification	
Proved to me on the basis of satisfactory evidence:	
<input type="checkbox"/> form(s) of identification	<input type="checkbox"/> credible witness(es)
Notarial event is detailed in notary journal on:	
Page # _____	Entry # _____
Notary contact: <u>310-400-3818</u>	
Other	
<input type="checkbox"/> Additional Signer	<input type="checkbox"/> Signer(s) Thumbprints(s)
<input type="checkbox"/>	_____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

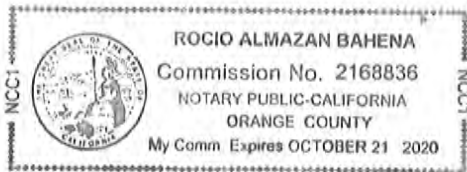
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Orange.)
On Aug 8th, 2017 before me, Rocio Almazan Bahena, Notary Public
Date Here Insert Name and Title of the Officer
personally appeared William D. Calhoon
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Rocio Almazan Bahena
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Well Sharing Easement Agmt Document Date: _____
Number of Pages: 1pg Signer(s) Other Than Named Above: no other signer(s)

Capacity(ies) Claimed by Signer(s)

Signer's Name: William D. Calhoon
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

California All-Purpose Certificate of Acknowledgment

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Riverside

s.s.

On August 4, 2017 before me, Michelle Martinez, Notary Public
Name of Notary Public, Title

personally appeared Gale Robert Calhoun
Name of Signer (1)

Dianna Lynn Calhoun
Name of Signer (2)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Signature]
Signature of Notary Public



Seal

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of Well Sharing Easement Agreement containing pages, and dated .

The signer(s) capacity or authority is/are as:

- Individual(s)
- Attorney-in-fact
- Corporate Officer(s) _____ Title(s) _____
- Guardian/Conservator
- Partner - Limited/General
- Trustee(s)
- Other: _____

representing: _____
Min(s) of Public(s) Entity/Individual Signer is Representing

Additional Information

Method of Signer Identification

Proved to me on the basis of satisfactory evidence:

- form(s) of identification
- credible witness(es)

Notarial event is detailed in notary journal on:

Page # Entry #

Notary contact: _____

Other

- Additional Signer
- Signer(s) Thumbprints(s)
- _____

California All-Purpose Certificate of Acknowledgment

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Riverside

} s.s.

On September 20, 2018 before me, Michelle Martinez, Notary Public
Name of Notary Public, Title

personally appeared Dianna Lynn Calhoon
Name of Signer (1)

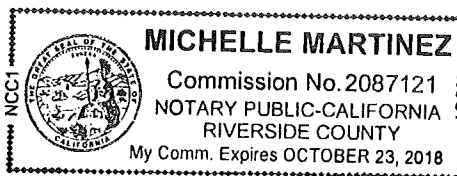
Gale Robert Calhoon
Name of Signer (2)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Signature]
Signature of Notary Public



Seal

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of Well Sharing Easement Agreement containing _____ pages, and dated _____.

The signer(s) capacity or authority is/are as:

- Individual(s)
- Attorney-in-fact
- Corporate Officer(s) _____
Title(s)

- Guardian/Conservator
- Partner - Limited/General
- Trustee(s)
- Other: _____

representing: _____
Name(s) of Person(s) Entity(ies) Signer is Representing

Additional Information	
Method of Signer Identification	
Proved to me on the basis of satisfactory evidence:	
<input type="checkbox"/> form(s) of identification	<input type="checkbox"/> credible witness(es)
Notarial event is detailed in notary journal on:	
Page # _____	Entry # _____
Notary contact: _____	
Other	
<input type="checkbox"/> Additional Signer	<input type="checkbox"/> Signer(s) Thumbprints(s)
<input type="checkbox"/>	_____

CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF Los Angeles)

On 09/11/2017, before me, Montasir Jahan, Notary Public, personally appeared Ann M. Buck, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Signature]
Notary Public

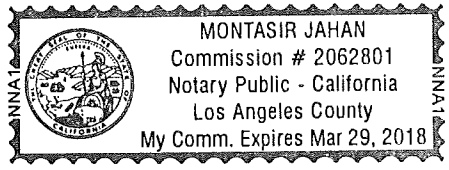


Exhibit 2



2020 GROUNDWATER EXTRACTION FEE INFORMATION SHEET

CUYAMA BASIN GROUNDWATER SUSTAINABILITY AGENCY

Background

In order to comply with the Sustainable Groundwater Management Act (SGMA), the Cuyama Basin Groundwater Sustainability Agency (CBGSA) was formed in 2017 to develop and implement a Groundwater Sustainability Plan (GSP) to achieve groundwater sustainability by 2040. The CBGSA is governed by an 11-member board with representatives from the four counties that intersect the Basin (Kern, Santa Barbara, San Luis Obispo, and Ventura), the Cuyama Community Services District, and the Cuyama Basin Water District.

Fee Authority and Basis

Under water code section 10730.2, SGMA grants GSAs the authority to establish a groundwater extraction fee to fund implementation of the GSP. On November 6, 2019, the CBGSA Board of Directors passed Resolution 19-02 adopting a groundwater extraction fee for 2020 in the amount of **\$19 per acre-foot**. The basis for the fee is the CBGSA's fiscal year 2019-20 budget and estimated extractions of 60,000 acre-feet in the Cuyama Valley for 2019.

Payment Instructions

Metered Use	Non-Metered Use	De Minimis User
If your well is metered, you must use Form A (you cannot use a non-metered form). Submit payment to the below address.	If your water use is not metered, please use one of the below form(s) to provide the best estimate of your water use and submit payment to the below address.	De minimis users are not subject to the groundwater extraction fee but must still complete Form E.
<i>Use Form:</i> A – Metered Use	<i>Use Form(s):</i> B – Pump Efficiency Test C – Agriculture Use D – Municipal & Industrial	<i>Use Form:</i> E – De Minimis User

Make Payment and Send Completed Forms to:

Attn: Cuyama Basin Groundwater Sustainability Agency
500 Capitol Mall, Suite 2350
Sacramento, CA 95814

Payment Due Date and Penalty Fees

Payment is due by January 31, 2020. Payment received after this date will be subject to a 10% late fee with an escalation rate of 1% for each month after.

Groundwater Extraction Fee Report

For additional details on the groundwater extraction fee, please see attached Resolution 19-02 establishing a groundwater extraction fee. The full groundwater extraction report can be accessed on our website at <http://cuyamabasin.org/resources>.

Contact

If you have questions, please contact Taylor Blakslee at (661) 477-3385, or tblakslee@hgcpm.com.

RESOLUTION NO. 2019-02

**A RESOLUTION OF
THE BOARD OF DIRECTORS OF
CUYAMA BASIN GROUNDWATER SUSTAINABILITY AGENCY
DETERMINING AND ESTABLISHING A GROUNDWATER EXTRACTION
FEE AGAINST ALL PERSONS OPERATING GROUNDWATER
EXTRACTION FACILITIES WITHIN THE CUYAMA BASIN**

WHEREAS, pursuant to the Sustainable Groundwater Management Act (SGMA), Groundwater Sustainability Agencies (GSA) are authorized to collect regulatory fees (Wat. Code, § 10730) and extraction fees (Wat. Code, § 10730.2); and

WHEREAS, SGMA gives a GSA the authority to impose fees to fund the cost of preparing and implementing its Groundwater Sustainability Plan (GSP), including the preparation and amendment of a sustainability plan, investigation of groundwater conditions, compliance assistance, enforcement, program administration, implementation, and other activities necessary or convenient to implement the GSP; and

WHEREAS, the type of fees that can be imposed to fund the cost of GSP implementation include fees on groundwater extraction; and

WHEREAS, the GSA gave notice concerning these fees as follows:

1. By posting on the website of the GSA at www.cuyamabasin.org on October 17, 2019.
2. By mailing to all landowners within the boundaries of the GSA notice of the public fee hearing.
3. The notice included:
 - The time and place of the hearing;
 - A general explanation of the fee under consideration; and
 - A statement that the data on which the fee is based is publicly available.
4. At least 20 days prior to the public meeting, the GSA made the data upon which the fee is based available to the public on the GSA's website.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Cuyama Basin Groundwater Sustainability Agency that a groundwater extraction fee should be levied as follows:

1. A groundwater extraction fee of \$19 per acre foot shall be levied on all groundwater extracted from within the GSA boundary. Commercial water users using 1.5 acre feet or less in a year per well and domestic water users using 2.0 acre feet or less in a year per well are deemed to be de minimis users and exempt from this fee.

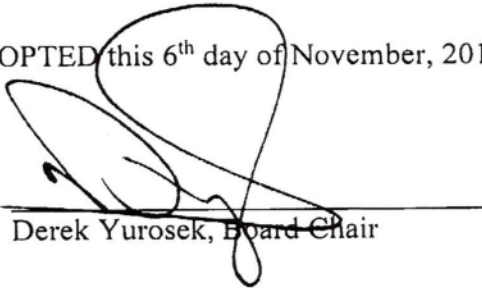
2. The 2019 Groundwater Extraction Fee Report (Report) on which the extraction fee is based is attached as **Exhibit A**, and incorporated herein by reference. The Report is approved and adopted, and GSA staff is directed to comply with its provisions.

3. The Board of Directors of Cuyama Basin Groundwater Sustainability Agency, makes the following findings, based upon the testimony and evidence (including exhibits) presented at said public hearing:

(a) Revenues derived from the groundwater extraction fee will not exceed the funds required to provide for implementation of GSP and related administrative services.

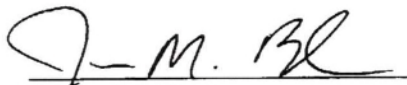
(b) Revenues derived from the groundwater extraction fee shall not be used for any purpose other than that for which the groundwater fee is imposed.

PASSED, APPROVED, AND ADOPTED this 6th day of November, 2019.



Derek Yurosek, Board Chair

ATTEST:



James M. Beck
Executive Director



Form A METERED USE

WATER USE WORKSHEET – 2019
Cuyama Basin Groundwater Sustainability Agency

Name Roy Harrington
 Address [Redacted]
 Phone Number [Redacted]

LATE FEE
 Extraction Statement and Fees are due by January 31, 2020. A 10% late penalty will be assessed for payments received after this date with a 1% escalation rate for each additional month late.

Instructions:

1. Input well ID and location in columns A and B
2. Input metered water use in column C for 2019*.
3. Multiply values in column C by the groundwater extraction fee in column D and input result in column E.
4. Total the amounts in column E.
5. Pay the amount from column E to the Cuyama Basin Groundwater Sustainability Agency at the following address:

Attn: Cuyama Basin Groundwater Sustainability Agency
 500 Capitol Mall, Suite 2350
 Sacramento, CA 95814

**If the year 2019 is not complete at the time of filling out this form, please estimate water use for the remaining months by prorating water use from the actual months in 2019.*

Payment Calculation

A Well ID	B Well Location (APN or Address)	C Metered Water Use in 2019 (acre-feet)		D Groundwater Extraction Fee (\$/af)		E Amount due to the CBGSA
	149-170-047	371	X	\$19	=	\$ 7049
			X	\$19	=	\$
			X	\$19	=	\$
			X	\$19	=	\$
			X	\$19	=	\$
			X	\$19	=	\$
			X	\$19	=	\$
Total:						\$ 7049-

TRIPLE H FARMING, LLC

1031

11-35/1210 CA
72556

DATE 12-31-19

PAY TO THE ORDER OF Cuyama Basin Groundwater Sustainability Agency \$ 2356.00
Two thousand three hundred fifty-six & 10/100 DOLLARS

Bank of America

ACH R/T 121000358

FOR Apr. 14A-170-047 2020 groundwater extraction fee

[Signature]

Photo Safe Deposit Details on back

2465

CCSH FARMS LLC

DATE 12-16-19

90-3582/1222

PAY TO THE ORDER OF Cuyama Basin Groundwater Sustainability Agency \$ 2,346.50
Two thousand Three hundred Forty six & 50/100 DOLLARS

usbank. All of us serving you®

FOR

[Signature]

Security Features include: MicroPrint on Back

JP Morgan Chase Bank, NA
90-7162/3222

7297

ANN M. BUCK

12/17/2019

PAY TO THE ORDER OF Cuyama Basin Grndwtr Sustainability Agency \$ **2,346.50

Two Thousand Three Hundred Forty-Six and 50/100***** DOLLARS

Cuyama Basin Grndwtr Sustainability Agency

MEMO

123.5 Acre Feet @ \$19/Acre Foot


[Signature]
AUTHORIZED SIGNATURE

CUYAMA BASIN GSA

500 Capitol Mall, Ste 2350
 Sacramento, CA 95814

Invoice

Date	Invoice #
8/20/2020	GWE2021-53

Bill To
Roy Harrington 

Due Date
9/30/2020

Description	2019 Consumption	Cost Per AF	Amount
Cuyama Basin GSA Fiscal Year 20/21 Groundwater Extraction Fee 2019 Water Use Based on Crop Factors Credit for Overpayment from 2020 Fee (First Fee) Based on CBGSA FY 19/20 Budget	358.8	44.00 -231.80	15,787.20 -231.80
<p style="color: red;">For additional information regarding this invoice or the associated fees, please refer to the Cuyama Basin GSA website for the Fiscal Year 2020/2021 Fee Report.</p> <p style="color: red;">LATE FEE: Fees are due by September 30, 2020. A 10% late penalty will be assessed for payments received after this date with a 1% escalation rate for each additional month late.</p> <p>ck# 2502 (APN: 149-170-050) ck# 7480 (APN: 096-211-032) ck# 1077 (APN: 149-170-047)</p>			
For questions regarding this invoice please contact Taylor Blakslee with The Hallmark Group (661) 477-3385. Please send payments to the Sacramento, CA address above - Thank You	Total		\$15,555.40

TRIPLE H FARMING, LLC

1077

11-35/1210 CA
72556

DATE 9-7-2020

PAY TO THE ORDER OF Cuyuna Basin GSA

\$ 5185.14

Five thousand one hundred eighty-five & 14/100-

DOLLARS



ACH R/T 121000358

[Handwritten Signature]

FOR 6WE2021-53



2502

CCSH FARMS LLC

9-5-2020

90-3582/1222

DATE

Cuyama Basin G.S.A.

\$ 5185.13

DOLLARS

Five thousand one hundred + eighty five + 13/100

Security Features include Details on Back.

[Handwritten Signature]

usbank All of **us** serving you®

FOR Annual Fee's Ground water

INV# 60E2021-53

MP

JP Morgan Chase Bank, NA
90-7162/3222

7480

ANN M. BUCK

8/25/2020

PAY TO THE ORDER OF Cuyama Basin Grndwtr Sustainability Agency

\$**5,185.13

Five Thousand One Hundred Eighty-Five and 13/100***** DOLLARS

Cuyama Basin Grndwtr Sustainability Agency

Shirley A. ...
Ronald ...
AUTHORIZED SIGNATURE

MEMO

Inv #GWE2021-53

7480

Cuyama Basin Grndwtr Sustainability Agency
Farming:cultural

8/25/2020

5,185.13

Chase Bank

Inv #GWE2021-53

5,185.13

CUYAMA BASIN GSA

500 Capitol Mall, Ste 2350
Sacramento, CA 95814

Invoice

Date	Invoice #
5/14/2021	GWE2021-77

Bill To
Roy Harrington [REDACTED]

Due Date
6/30/2021

Description	2019 Consumption	Cost Per AF	Amount Due
Cuyama Basin GSA Fiscal Year 2021/2022 Groundwater Extraction Fees: 2019 Water Use Based on Crop Factors	358.8	39.00	13,993.20
<p>The CBGSA attempted to contact you to obtain your 2020 water use but was unsuccessful. Therefore, your 2019 water use was used in the interim for Fiscal Year 2021-2022 fee development and invoicing purposes. If your water use is incorrect, please contact CBGSA Project Manager Taylor Blakslee at 661-477-3385, or tblakslee@hgcpm.com.</p>			
<p>For additional information regarding this invoice or the associated fees, please refer to the Cuyama Basin GSA website for the Fiscal Year 2021/2022 Fee Report.</p> <p>LATE FEE: Fees are due by June 30, 2021. A 10% late penalty will be assessed for payments received after this date with a 1% escalation rate for each additional month late.</p>			
<p>\$4664.40 each</p> <p>#1176 (THF) Aprn 149-170-047</p> <p>#2543 (CSTH) Aprn 149-170-050</p> <p>#7708 (Ann) Aprn 096.211-032</p>			
For questions regarding this invoice please contact Taylor Blakslee with The Hallmark Group (661) 477-3385. Please send payments to the Sacramento, CA address above - Thank You	Total		\$13,993.20

TRIPLE H FARMING, LLC
[REDACTED]

1176
11-35/1210 CA
90802

Bank of America
ACH R/T 121000358

06/14/21

PAY TO THE ORDER OF Cuyama Basin Grndwtr Sustain. Agency \$ **4,664.40 DOLLARS
Four Thousand Six Hundred Sixty-Four and 40/100*****

Cuyama Basin GSA
500 Capitol Mall Ste 2350
Sacramento, CA 95814

MEMO
Inv# GWE2021-77 APN 149-170-047
[REDACTED]

Tara Blum
AUTHORIZED SIGNATURE



Photo Safe Deposit®

2543

90-3582/1222

DATE 6-9-21

\$4664.40

DOLLARS



Security Features included. Details on Back.

CCSH FARMS LLC

Cynthia Basin G.S.A

Four thousand six hundred & sixty four & 40/100



Pay to the order of Cynthia Basin

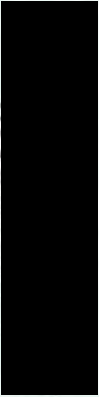
INV# 6006 2021-77

APR 14 10-050

FOR Annual Fees

MP

ANN M. BUCK



JP Morgan Chase Bank, NA
90-7162/3222

7708

PAY TO THE ORDER OF Cuyama Basin Grndwtr Sustainability Agency

6/10/2021

\$ **4,664.40

Four Thousand Six Hundred Sixty-Four and 40/100*****

DOLLARS

Cuyama Basin Grndwtr Sustainability Agency

Shirley G. Day
Deed Davis
AUTHORIZED SIGNATURE

MEMO

Inv #GWE2021-77 Apr. 2016 - 2-11-03a



7708

Cuyama Basin Grndwtr Sustainability Agency
Farming:cultural

6/10/2021

4,664.40

Chase Bank

Inv #GWE2021-77


4,664.40

CUYAMA BASIN GSA

500 Capitol Mall, Ste 2350
 Sacramento, CA 95814

Invoice

Date	Invoice #
5/16/2022	GWEFY23-12

Bill To
Roy Harrington 

Due Date
6/30/2022

Description	2021 Consumption	Cost Per AF	Amount Due
Cuyama Basin GSA Fiscal Year 2022/2023 Groundwater Extraction Fee: 2021 Water Use Based On Crop Factors	358.8	38.00	13,634.40
<div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p style="color: red; text-align: center;">For additional information regarding this invoice or the associated fees, please refer to the Cuyama Basin GSA website for the Fiscal Year 2022/2023 Fee Report.</p> <p style="color: red; text-align: center;">LATE FEE: Fees are due by June 30, 2022. A 10% late penalty will be assessed for payments received after this date with a 1% escalation rate for each additional month late.</p> </div> <p><i>\$4,544.80 each</i></p> <p><i>#1234 (THF) Apr 149-170-047</i></p> <p><i>#7963 (Ann) Apr 096-211-032</i></p> <p><i>#2401 (CCSA) Apr 149-170-050</i></p>			
For questions regarding this invoice please contact Taylor Blakslee with The Hallmark Group (661) 477-3385. Please send payments to the Sacramento, CA address above - Thank You	Total		\$13,634.40

TRIPLE H FARMING, LLC



1234

11-35/1210 CA
90802

Bank of America
ACH R/T 121000358

06/17/2022

PAY TO THE ORDER OF Cuyama Basin Grndwtr Sustain. Agency

\$ **4,544.80

Four Thousand Five Hundred Forty-Four and 80/100 ***** DOLLARS

Cuyama Basin GSA
500 Capitol Mall Ste 2350
Sacramento, CA 95814

MEMO

Inv# GWEFY23-12 APN 149-170-047



Insa Hwang
AUTHORIZED SIGNATURE



Photo Safe Deposit®

X

CHECK BOX FOR MOBILE/REMOTE DEPOSIT

WRITE NAME OF FINANCIAL INSTITUTION ON LINE ABOVE

ORIGINAL DOCUMENT FOR ORIGINAL DOCUMENT OR ORIGINAL DOCUMENT OR ORIGINAL DOCUMENT OR ORIGINAL DOCUMENT OR ORIGINAL DOCUMENT OR ORIGINAL DOCUMENT



TRIPLE H FARMING

Security Features exceed industry standards and include:

- ImageMatch® - Matching account and check number on back (Patent No. 9,240,088)
- MobileMark® - Mobile Deposit check mark to indicate check has been deposited via mobile device
- The Security Weave® pattern on back designed to deter fraud
- Microprint (MP) lines printed on front and back
- The words "ORIGINAL DOCUMENT" across the back
- Photo Safe Deposit® icon visible on front and back

Do not cash if:

- Any of the features listed above are missing or appear altered
- Fugitive Ink on back looks pink or has disappeared
- Brown stains or colored spots appear on both front and back, and in Chemical Wash Detection Box



PC 119

SECURITY FEATURES INCLUDE TRUE WATERMARK PAPER, HEAT SENSITIVE ICON AND FOIL HOLOGRAM. Details on Back.

ANN M. BUCK
 [REDACTED]

JP MORGAN CHASE BANK, NA
 90-71623222

7963

6/9/2022

PAY TO THE ORDER OF Cuyama Basin Grndwtr Sustainability Agency

\$**4,544.80

Four Thousand Five Hundred Forty-Four and 80/100*****

Cuyama Basin Grndwtr Sustainability Agency

MEMO Inv #GWEFY23-12 Apr: 096-211-082

[REDACTED]

[MICR LINE]

[HEAT SENSITIVE ICON]

AUTHORIZED SIGNATURE
 [Signature]

MP

7963

6/9/2022

4,544.80

DOLLARS

ANN M. BUCK c/o LUCOVE, SAY & COMPANY
 Cuyama Basin Grndwtr Sustainability Agency
 Farming: cultural

Chase Bank Inv #GWEFY23-12

4,544.80

ENDORSE HERE

X

 CHECK BOX FOR MOBILE/REMOTE DEPOSIT


WRITE NAME OF FINANCIAL INSTITUTION ON LINE ABOVE

**Chemical Wash
Detection Box**
**COLOR INSIDE THIS BOX
SHOULD BE WHITE**
**REPLICATING, FORGING OR ALTERING THIS HIGH SECURITY
CHECK IS EXTREMELY DIFFICULT DUE TO THESE FEATURES**
SECURITY FEATURES:

Foil Hologram
True Watermark Paper
Heat Sensitive Ink
Multi-Colored Prismatic
Background
Security Border/Microprinting
Chemically Sensitive Paper
Chemical Wash Detection Box
Fugitive Ink on Back
Toner Adhesion
Visible/Invisible Fibers
VOID Indication
Secure Document
Security Weave® on Backer
Dot Patterns on Front

DO NOT CASH IF:

- Multi-dimensional foil icon is not present
- Distinctive pattern not visible when held to light
- Pink padlock and chain icon does not fade and reappear when warmed with finger or breath
- Check pattern on front does not include multiple colors that blend into each other
- Small microprint lines appear as broken or solid
- Stains or colored spots appear on front or back
- Stains or discoloration appear in this area
- Ink on back looks pink or has disappeared
- Printed information appears tampered with
- Red/blue fibers are not visible and white, blue fibers are not visible under ultraviolet light
- "VOID" appears in this box
- " " is not visible on front
- ORIGINAL DOCUMENT® is not on back
- An enabled color copier will not reproduce front image

 Security features listed and unlabeled exceed industry standards.
Padlock design is a registered mark of Check Payment Systems Association

MobileMark®: Mobile Deposit check mark to indicate check has been deposited via mobile device.

2601

CCSH FARMS LLC



DATE 6-7-2022 90-3582/1222

PAY TO THE ORDER OF Cayama Basin G.S.A.

Four thousand Five Hundred Forty Four & 80/100 DOLLARS

\$4544.80

Security Features
Details on Back



APN: 149-170-050
FOR GSA Files 2022 23-12

usbank

[Signature]



MP

FOOTHILL WELL METER READINGS

DATE	METER READING	UNITS	PRODUCTION IN PERIOD	YTD PRODUCTION				
01/01/2020	1578.82	AF						
02/01/2020	1584.65	AF	5.83	5.83				
03/01/2020	1588.14	AF	3.49	9.32				
04/01/2020	No read, meter broken							
05/01/2020	54.01	AF	54.01	63.33				
06/01/2020	148.51	AF	94.5	157.83				
07/01/2020	238.43	AF	89.92	247.75				
08/01/2020	323.32	AF	84.89	332.64				
09/01/2020	414.16	AF	90.84	423.48				
10/01/2020	497.67	AF	83.51	506.99				
11/01/2020	506.40	AF	8.73	515.72				
12/01/2020	506.41	AF	0	515.72				
12/31/2020	506.41	AF	0	515.72				
01/01/2021	506.42	AF	0	0				
02/01/2021	506.42	AF	0	0				
03/01/2021	506.42	AF	0	0				
04/01/2021	552.08	AF	45.66	45.66				
05/01/2021	4.44	AF	4.44? (New Meter Serial # 04201441)	50.10				
06/01/2021	87.78	AF	83.34	133.44				
07/01/2021	156.15	AF	68.37	201.81				
08/01/2021	237.89	AF	81.74	283.55				
09/01/2021	320.04	AF	82.15	365.70				
10/01/2021	380.78	AF	60.74	426.44				
11/01/2021	395.84	AF	15.06	441.50				
12/01/2021	395.84	AF	0	441.50				
12/31/2021	395.84	AF	0	441.5				
1/1/22	395.84	AF	0	0				
2/1/22	395.84	AF	0	0				
3/1/22	395.84	AF	0	0				
4/1/22	413.57	AF	17.73	17.73				
5/1/22	419.42	AF	5.85	23.58				
6/1/22	495.27	AF	75.85	99.37				
7/1/22	552.07	AF	56.80	156.17				
8/1/22	640.00	AF	87.93	244.10				
9/1/22								

Exhibit 3

**Environmental Health Services**

225 Camino Del Remedio, Santa Barbara, CA. 93110 ♦ (805) 681-4900
2125 S. Centerpointe Pkwy., #333, Santa Maria, CA 93455-1340 ♦ (805) 346-8460

Amended APN

October 5, 2015

Mr. Roy Harrington


Subject: **Completion Report for Water Well Permit #WP0000287**
2385 Foothill Rd Maricopa CA 93252 "APN 149-170-047"

This Department has reviewed the construction of the subject water well as related to the location of the well and the placement of the annular seal in the upper portion of the bore around the well casing. This work has been completed in conformity with the requirements of the Water Well Standards of the State Department of Water Resources, as adopted by the Santa Barbara County.

If water from this well is intended to be utilized for domestic or drinking purposes it will first be necessary to obtain a Water System Permit from this Department. The permit is required for any water system that will provide water to a dwelling unit or to any structure utilized for commercial or manufacturing purposes, which requires potable water for human consumption or use.

Please contact the undersigned if you have any questions or if you need a Water System Permit Application. I can be reached at 805 346-8461.

Sincerely,


Paul Jenzen
Environmental Health Specialist

cc: Assessor's Office



Flow Meter Installation Report

Cuyama Basin Groundwater Sustainability Agency

Thank you for filling out the Well Flow Meter Installation Report for the Cuyama GSA.

This form should be completed for **EACH** flow meter installed in the Cuyama Basin on all non-de minimis production (>2AFY) wells. Complete and accurate responses are critical for an equitable and data driven approach to groundwater management in the Cuyama Basin.

Any questions or concerns should be directed to TBlakslee@hgcpm.com.

Thank you for your cooperation and participation.

Landowner Information

1) Landowner name (First and Last): _____

2) Well operating company or organization: _____

Meter/Well Location

3) Well Name/number (please provide all known names/IDs separated by a semicolon (“;”):

4) Geographical coordinates (decimal degree):

Latitude: _____ Longitude: _____

Meter Information

5) Flow meter make/ manufacturer: _____

6) Meter serial number: _____

Installation Information

7) Installer name/company: _____

8) Installation date: _____

Attachments

Please attach the following to an email and send to Taylor Blakslee at TBlakslee@hgcpm.com. Please utilize the flow meter’s serial number in the name of the file attachments so that attachments are filed accurately and to minimize staff time.

- Manufacturer calibration certificate/documentation
 - attachment name “Serial-number_CalibrationDoc.pdf” (ex. “12345abc6789_CalibrationDoc.pdf”)
- Pictures of well and meter
 - attachment name “Serial-number_Well/Meter_Photo_#of#.jpeg” (ex. “12345abc6789_Well_Photo_2of4.jpeg”)



Flow Meter Installation Report

Cuyama Basin Groundwater Sustainability Agency

Thank you for filling out the Well Flow Meter Installation Report for the Cuyama GSA.

This form should be completed for **EACH** flow meter installed in the Cuyama Basin on all non-de minimis production (>2AFY) wells. Complete and accurate responses are critical for an equitable and data driven approach to groundwater management in the Cuyama Basin.

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Thank you for your cooperation and participation.

Landowner Information

1) Landowner name (First and Last): _____

2) Well operating company or organization: _____

Meter/Well Location

3) Well Name/number (please provide all known names/IDs separated by a semicolon (“;”):

4) Geographical coordinates (decimal degree):

Latitude: _____ Longitude: _____

Meter Information

5) Flow meter make/ manufacturer: _____

6) Meter serial number: _____

Installation Information

7) Installer name/company: _____

8) Installation date: _____

Attachments

Please attach the following to an email and send to Taylor Blakslee at TBlakslee@hgcpm.com. Please utilize the flow meter’s serial number in the name of the file attachments so that attachments are filed accurately and to minimize staff time.

- Manufacturer calibration certificate/documentation
 - attachment name “Serial-number_CalibrationDoc.pdf” (ex. “12345abc6789_CalibrationDoc.pdf”)
- Pictures of well and meter
 - attachment name “Serial-number_Well/Meter_Photo_#of#.jpeg” (ex. “12345abc6789_Well_Photo_2of4.jpeg”)

Check Copy

Brownstein Hyatt Farber Schreck

313863

39882: Cuyama Basin Groundwater Sustainability Agency

Invoice Number	Invoice Date	Description	Amount
8/31/2022 - CLC	08/31/2022	Payment of variance request filing fee for Roy Harrington (Harrington 1)	250.00
		Check Total	\$ 250.00

THE FACE OF THIS CHECK IS PRINTED BLUE-THE BACK CONTAINS A SIMULATED WATERMARK

Brownstein Hyatt Farber Schreck

Brownstein Hyatt Farber Schreck,
LLP
410 Seventeenth Street, Suite 2200

KeyBank National Association
Denver, CO 80202
82-7026/3070

313863

KeyBank - Operating

September 01, 2022

PAY Two Hundred Fifty and 00/100 Dollar(s)

\$ *****250.00

NOT NEGOTIABLE AFTER SIX MONTHS

TO THE
ORDER
OF

Cuyama Basin Groundwater Sustainability Agency
4900 California Avenue
Tower B, 2nd Floor
Bakersfield, CA 93309

AUTHORIZED SIGNATURE



September 1, 2022

Stephanie O. Hastings
Attorney at Law
805.882.1415 direct
shastings@bhfs.com**VIA EMAIL TO: TBLAKSLEE@HGCPM.COM**Taylor Blakslee
Assistant Executive Director
Cuyama Basin Groundwater Sustainability Agency
4900 California Avenue
Tower B, Suite 210
Bakersfield CA 93309RE: Variance Request – David G. Lewis
(APN 149-170-006)

Dear Mr. Blakslee:

This letter is submitted on behalf of David G. Lewis (Lewis) with regard to the parcel located in Santa Barbara County (APN 149-170-006) (the “Parcel”) in response to the Cuyama Basin Groundwater Sustainability Agency’s (GSA) “Notice of Central Management Area Policies and Landowner Requirements” dated July 30, 2022 (the “Notice”). This letter provides general comments and objections on the Notice that purports to describe “Central Management Area Policies and Landowner Requirements” (CMA Allocation Policy) and serves as a Variance Request to correct information related to the Parcel.

I. General Comments and Objections to CMA Allocation Policy

As described herein, Lewis has significant concerns with the GSA’s Notice and the CMA Allocation Policy—most importantly, that the GSA’s CMA Allocation Policy has the potential to impair common law water rights without due process of law—and therefore submits these comments for the GSA Board of Director’s (Board) consideration. Further, in light of recent comments made by GSA staff at the August 25, 2022 GSA Public Workshop acknowledging that the GSA plans to consider expanding the CMA Allocation Policy or to impose other pumping limitations on areas outside of the CMA, the Board should address these comments before undertaking any further implementation or expansion of the CMA Allocation Policy.

Taylor Blakslee
 September 1, 2022
 Page 2

The CMA Allocation Policy Conflicts with California Water Law

The GSA does not have the power to determine or alter groundwater rights. The Sustainable Groundwater Management Act (SGMA) does not supplant the common law; rather it only supplements it. Yet the Notice purports to limit the pumping of a subset of the Basin’s users without regard to any user’s common law water rights. For example:

The CMA Allocation Policy, at least as it is presently described in the Notice, is geographically discriminatory—it constrains the pumping of only a subset of overlying landowners within the CMA, despite that all groundwater users within the Basin share the common source. As such, the CMA Allocation Policy does not comply with overlying groundwater rights law in that it limits the ability of some, but not all, landowners to exercise their correlative overlying right to groundwater from the Basin. This approach is inconsistent with the physically interconnected nature of the Basin and with common law water rights.

Moreover, in implementing SGMA, even area-specific responsive management actions must be specifically associated with avoiding undesirable results identified in the Cuyama Basin Groundwater Sustainability Plan. If pumping by a discrete area or growers must be physically restricted, that burden must be shared basin-wide by implementation of a physical solution that distributes that burden legally among all pumpers consistent with their water rights.

The CMA Allocation Policy Should be Reconciled with the Ongoing Cuyama Basin Comprehensive Groundwater Adjudication

The CMA Allocation Policy effectively seeks to quantify a subset of groundwater users’ water rights outside of the ongoing *Bolthouse Land Company, LLC, et al. v. All Persons Claiming a Right to Extract Groundwater in the Cuyama Valley Groundwater Basin (No. 3-013)* (the “Adjudication”). The Adjudication seeks to quantify all groundwater rights within the Basin consistent with California water law. The Notice, which describes a program to limit pumping by imposing arbitrary cutbacks on a subset of users, conflicts with that action. Accordingly, the GSA should revise the CMA Allocation Policy to conform with the ongoing process to adjudicate groundwater rights throughout the Basin.

The CMA Allocation Policy is Arbitrary and Unclear

Numerous components of the CMA Allocation lack evidentiary support and therefore are arbitrary and unclear. For example:

The modeled and operational CMA boundary is arbitrary given that users within the CMA pump groundwater from the same aquifer as users outside of the CMA who are nevertheless exempt from the program. At the recent Cuyama GSA Public Workshop on August 25, 2022, staff acknowledged that the CMA boundary was selected for political reasons and had no scientific basis. Further, the CMA

Taylor Blakslee
September 1, 2022
Page 3

boundary was selected using Cuyama Basin Water Resources Model (CBWRM) results that have a margin of error based on model limitations and geographic projections that significantly impact CMA Allocation Policy implementation but remain unexplained.

The CMA Allocation Policy relies on land use data from the CBWRM to estimate groundwater use in a manner that is unclear and cannot be reproduced and verified by landowners. The Notice is not clear about the basis of the selected water use period and whether it accurately reflects historical and/or planned use for pumping, nor how this water use period correlates to the 2021 pumping reduction baseline.

The CBWRM data further does not consider land use and irrigation efficiency practices in setting the individual allocations. Accordingly, the CMA Allocation Policy penalizes landowners who voluntarily employed significant conservation measures to limit their water use or fallowed lands. Landowners that may have temporarily modified their groundwater production to convert to more water efficient uses may also be penalized. None of this information is evident from the CMA Allocation Policy.

The CMA Allocation Policy Should Have Been Adopted Through A Formal Action And Was Not

Although Lewis appreciates that the GSA Board has conducted numerous meetings and engaged in numerous discussions regarding a proposed pumping reduction program and proposed allocation of Basin water supply for a subset of the Basin's landowners, Lewis is not aware of any formal GSA policy, rule or regulation regarding such program and allocation. Rather, it appears that the Notice and CMA Allocation Policy is the result of a series of Board directions provided over many months to GSA staff by minute order.

Because the CMA Allocation Policy is clearly intended as a regulation, a formal document is needed to explain and elucidate the program and its requirements. Although titled "Central Management Area Policies and Landowner Requirements," the Notice and estimated allocation assigned to certain Basin landowners has the effect of a regulation that limits groundwater pumping by a subset of the Basin's landowners without due process and in conflict each landowner's exercise of its overlying property right in the Basin. The Notice also proposes to impose monetary and other penalties on those listed landowners who use groundwater in excess of the assigned estimated allocation. As such, the CMA Allocation Policy must be adopted through a formal ordinance that imposes specific regulations (allocations) and penalties for failure to comply with such regulations on landowners within the CMA to ensure that affected landowners receive due process.

An ordinance also is necessary to clearly document and allow for public comment on the mechanics of the policy's requirements to allow for meaningful public participation and informed decision-making. Notably, the meeting minutes for the July 6, 2022 Board meeting are currently not published. Further, the GSA's Standing Advisory Committee plans to consider and provide direction to the Board

Taylor Blakslee
September 1, 2022
Page 4

regarding certain aspects of CMA Allocation Policy at the September 1, 2022 meeting after the deadline to submit a Variance Request. As such, members of the public have no way to confirm that the Notice circulated to landowners on July 29, 2022, as well as the pumping reduction program it describes, and the resulting estimated allocations, conforms with the Board's direction by minute order.

The Variance Request Process Is Flawed

First, the Notice does not set forth clear criteria or findings that the Board will use to determine whether to grant a variance, which may lead to arbitrary and capricious decision-making.

Second, the Notice does not provide the data upon which the proposed allocations are based in a transparent manner that would allow for landowners to ascertain data errors as needed to submit a Variance Request Form. The data tables attached to the Notice fail to provide landowners with any information as to the modeled calculation of an individual allocation such that a landowner can understand the potential source of data errors.

Third, the Notice does not make it clear to landowners that do not intend to submit a Variance Request Form that their individual allocation may change in response to the Board's action to grant a variance requested by another landowner. All landowners should be fully informed of the need and right to participate in the variance process in order to preserve their rights and avoid penalties.

Lastly, the California Constitution and SGMA contain specific substantive and procedural requirements on the adoption of fees and charges. The Cuyama GSA has not complied with any of these requirements in its adoption of a \$250 fee to submit a Variance Request Form.

The Board Has Not Yet Complied with the California Environmental Quality Act

The GSA's actions are subject to the California Environmental Quality Act (CEQA). At such time as the Board does take any formal action with respect to CMA Allocation Policy, the Board must consider whether the CMA Allocation Policy will have a direct or reasonably foreseeable indirect impact on the environment due to the potential for landowners to need to fallow land in order to comply with the program. The fallowing of land in response to the proposed allocation has reasonably foreseeable direct and indirect impacts on the environment including, but not limited to, impacts on air quality, land use and biological resources.

II. Request for Variance

Subject to and without waiving the comments and objections set forth in this letter, on behalf of Lewis with respect to the Parcel, we submit: (1) a Variance Request Form (Attachment 1); (2) Variance Request Supporting Information (Attachment 2); and (3) a \$250 check for the Variance Request Fee,

Taylor Blakslee
September 1, 2022
Page 5

which is paid under protest for the reasons set forth above. This request seeks that the GSA re-evaluate the CMA boundary to confirm the operational boundary based on model uncertainty and that Lewis receive an allocation consistent with similarly situated neighboring property owners.

Please be advised that Brownstein is in the process of developing additional information to support the ongoing Comprehensive Groundwater Adjudication for the Cuyama Basin and reserves the right to supplement this Variance Request and the supporting information as new information becomes available.

Central Management Area Boundary

At the July 6, 2022 GSA Board meeting, the Board provided direction to staff to use Option 3 with minor modifications to develop the Central Management Area boundary.¹ Under Option 3 as presented on July 6, 2022, the Lewis Parcel was located outside of the Central Management Area boundary. (See Attachment 2, p. 1.) However, the GSA's "Updated Operational Management Area Boundary" contained in the Notice suddenly included the Lewis Parcel within the CMA for the first time. (See Attachment 2, p. 2.)

Lewis inquired with GSA staff regarding the sudden inclusion of his Parcel within the CMA to learn that staff added his Parcel based on a revised projection, which shifted his Parcel boundary east by 290 feet leading his Parcel to be within the CMA boundary by just over 0.46 percent or 0.776 acres. (See Attachment 2, pp. 3-7.) Until receipt of the Notice, Lewis had no reason to believe his Parcel would be located within the CMA.

Given the uncertainty surrounding (1) the actual parcel boundaries; (2) the projection used by GSA staff to determine the parcels within the CMA; and (3) CBWRM's estimation of the -2 foot contour based on model simulation results, Lewis requests that the GSA re-evaluate the CMA boundary to confirm its accuracy and incorporate a margin of error into the Notice and any CMA Allocation Policy formally adopted by the Board. This evaluation is critical to ensure that the GSA implements a transparent allocation that fairly incorporates parcels into the CMA consistent with the Board's direction.

Request to Increase Allocation

Should the GSA still conclude that the Lewis Parcel is appropriately within the CMA boundary, subject to and without waiving the comments and objections set forth in the Comment Letter, Lewis requests that he receive an allocation consistent with similarly situated neighboring property owners.

¹ The minor modifications were to include parcels with more than 1,000 acres in the Central Management Area operational boundary. This modification is not relevant to this request.

Taylor Blakslee
September 1, 2022
Page 6

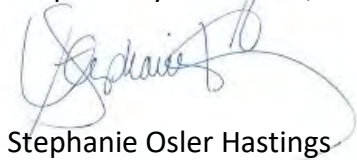
The 85.08 acre Lewis Parcel contains a residence and an agricultural building, sustains four sheep and 12 chickens and is planted with an approximately 38 acre pistachio orchard and two acres of lavender. Although Lewis does not have any accurate pumping records during the CBWRM model period described in the Notice, he notes that neighboring parcels planted with approximately 40 acres of pistachio orchard received significantly higher allocations.

Based on the GSA's Water Use forms, a parcel with 38 acres of pistachios is expected to have a water demand of 113.62 acre-feet (AF) and two acres of lavender having an approximate water demand of four AF for a total of 117.63 acre-feet.² Moreover, Lewis pistachio orchard is maturing, his water demands continue to increase, such that he will require approximately 120 AF in allocation for 2023 and a corresponding allocation in 2024, consistent with the amount allocated to other neighboring pistachio farms of similar size.

In summary, Lewis requests an increase in his pumping allocation from 78.54 AF in 2023 to 120 AF in 2023 and a corresponding allocation in 2024. This adjustment is consistent with the amount of water allocated to other parcels with similarly sized pistachio orchards. Notably, this increase would result in the Lewis Parcel, which constitutes 0.39 percent of the CMA land area, pumping about 0.3 percent of annual average pumping amount within the CMA.

Thank you for your consideration of these comments and this request. Should you have questions, please contact me at (805) 882-1415 or Shastings@bhfs.com or Mack Carlson at (805) 882-1485 or Mcarlson@bhfs.com.

Respectfully submitted,



Stephanie Osler Hastings
Mack Carlson

Enclosure: Attachment 1. Variance Request Form
Attachment 2. Variance Supporting Information

Cc: David G. Lewis (via email)
Joe D. Hughes, Klein DeNatale Goldner (via email)

² This estimate includes water use by the chickens and sheep on the Parcel equal to approximately 0.02 AF per year.

Attachment 1



VARIANCE REQUEST FORM

For 2023 and 2024 in the Central Management Area

CUYAMA BASIN GROUNDWATER SUSTAINABILITY AGENCY

Submit this form, including a \$250 fee (which may be reimbursed if corrections are due to inaccuracies with the CBGSA's records), to Taylor Blakslee at 4900 California Ave, Tower B, Suite 210, Bakersfield, CA 93309.

Name: _____

Date: _____

Phone: _____

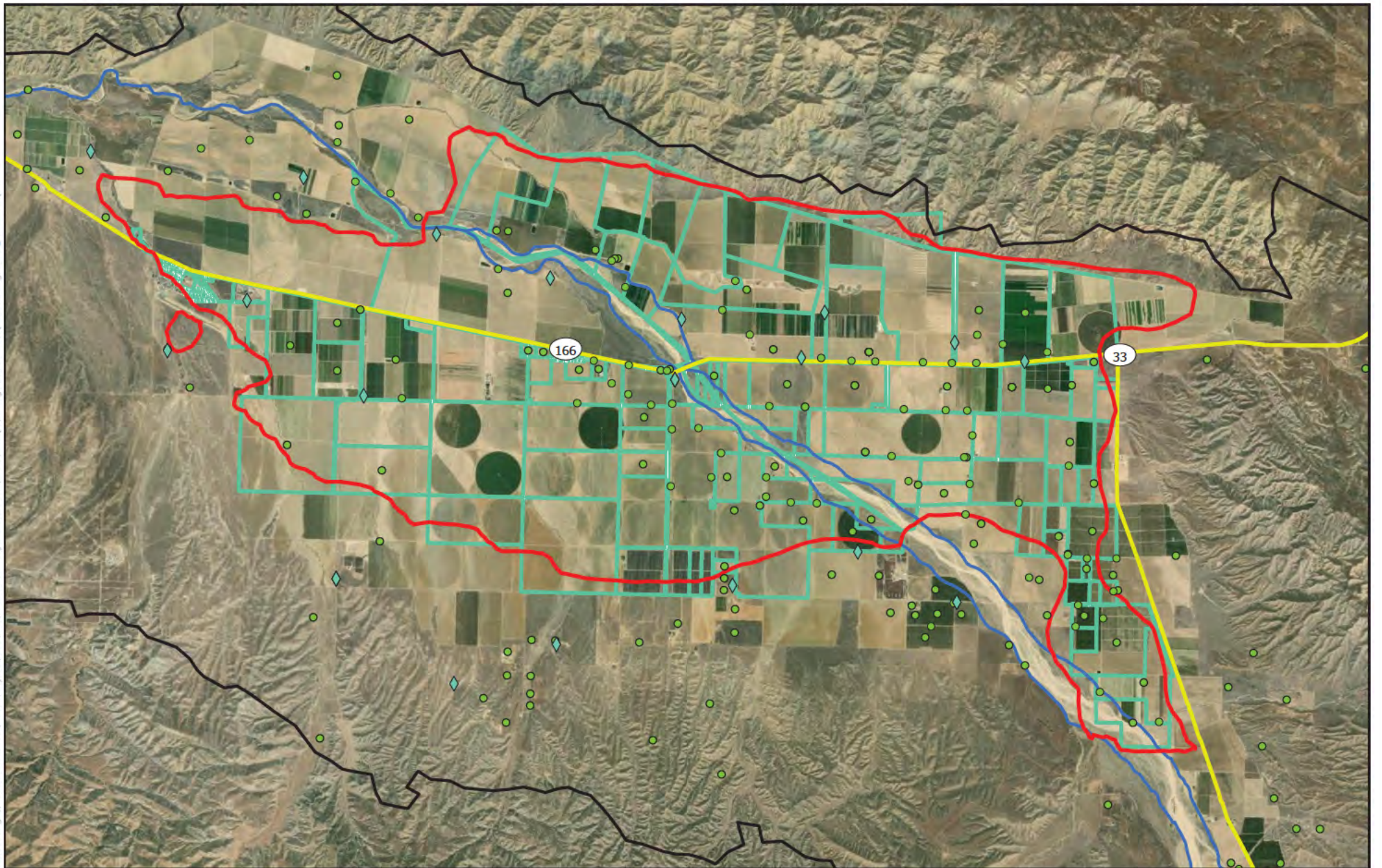
Email: _____





Assessor Parcel Number(s) (APN): _____

Please describe the basis for your request and attach any supporting documentation

Attachment 2

Figure Exported: 6/28/2022, By: agp@leibon, Using: \\woodandcurran.net\share\Projects\RMC\SAC\011078_00 - Cuyama Basin CSPAZ - GIS\2 - Maps\Management Areas\OperationalMgmtArea - June 2022.aprx



<p>DRAFT Updated Operational Management Area Boundary</p> <p>Cuyama Valley Groundwater Basin</p>	<p>Legend</p> <ul style="list-style-type: none"> Cuyama Basin ◆ Representative Wells ● Reported Wells 	<ul style="list-style-type: none"> CBWRM -2ft contour (2022) Option 3: Parcels with >50% within -2ft contour 	<div style="text-align: center;">    </div> <div style="text-align: center;">  <p>Map Created: June 2022</p> </div>
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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 users' sole risk.

----- Forwarded message -----

From: David Lewis <[REDACTED]>
Date: Wed, 10 Aug 2022 at 10:05
Subject: Re: FW: CMA Operational Boundary Issue
To: Young, Matthew <mcyoung@countyofsb.org>

Thanks again for your help.

On Wed, 10 Aug 2022 at 09:07, Young, Matthew <mcyoung@countyofsb.org> wrote:

Hello David,

Here is the analysis from the GSA.

Thanks,

Matt



Matt Young
Santa Barbara County Water Agency Manager
130 E. Victoria St., Suite 200
Santa Barbara, CA 93101
(805) 568-3546
[Water Agency Website: WaterWiseSB.org](http://WaterAgencyWebsite.com)

From: Taylor Blakslee <TBlakslee@hgcpm.com>
Sent: Tuesday, August 9, 2022 10:49 AM

To: Young, Matthew <mcyoung@countyofsb.org>

Subject: FW: CMA Operational Boundary Issue

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Matt,

Please see the below analysis of David Lewis' parcel in the CMA operational boundary based on updated parcel data.

Thank you,

Taylor Blakslee | Project Manager | (661) 477-3385

From: Micah Eggleton <ceggleton@woodardcurran.com>

Sent: Tuesday, August 9, 2022 8:52 AM

To: Taylor Blakslee <TBlakslee@hgcpm.com>

Subject: RE: CMA Operational Boundary Issue

Taylor,

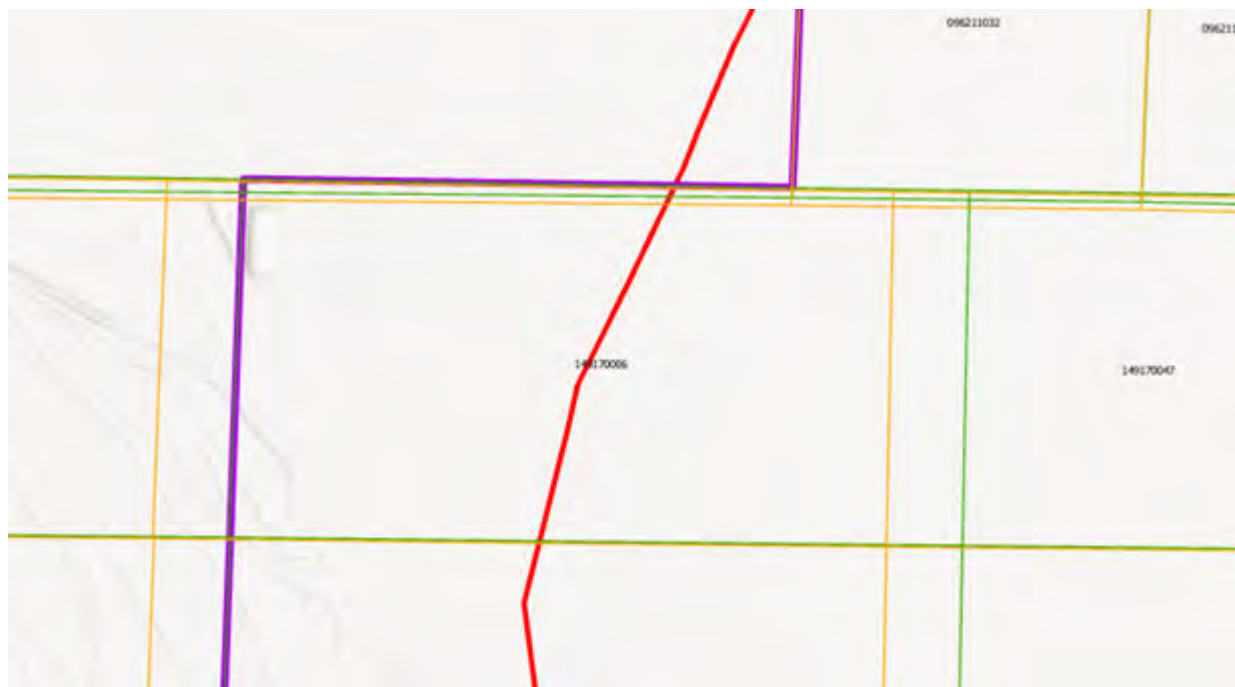
I have looked into the parcel and have determined that the updated and more accurate projection has shifted the parcel towards the east by approximately 290 ft.

The old parcel layer is shown in orange, new and corrected are green.

Based on the data, the parcel just squeaks in over 50% with the updated parcel.

APN 149-170-006	Old Parcel Projection	New Parcel Projection
Total Acreage	85.139	85.082
Area In CMA (acres)	34.224	42.929

Area Out CMA (acres)	50.915	42.153
% In	40.20%	50.46%
% Out	59.80%	49.54%



From: Taylor Blakslee <TBlakslee@hgcpm.com>
Sent: Monday, August 8, 2022 5:30 PM
To: Micah Eggleton <ceggleton@woodardcurran.com>
Subject: CMA Operational Boundary Issue

Micah,

Can you let me know what percent the below parcel is in the CMA op boundary? Also, can you confirm the issue was a projection issue between the Board packet version and the final CMA operational boundary in GIS?

APN (David Lewis):

149-170-006

Thanks,

Taylor Blakslee

Project Manager

(661) 477-3385



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

Corporate (916) 923-1500

www.hqcpm.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.

Check Copy

Invoice Number	Invoice Date	Description	Amount
8/31/2022	08/31/2022	Payment of variance request filing fee for David & Karen Lewis	250.00
		Check Total	\$ 250.00

THE FACE OF THIS CHECK IS PRINTED BLUE-THE BACK CONTAINS A SIMULATED WATERMARK

**Brownstein Hyatt
Farber Schreck**

**Brownstein Hyatt Farber Schreck,
ELP**
410 Seventeenth Street, Suite 2200

KeyBank National Association
Denver, CO 80202
82-7026/3070

313861

KeyBank - Operating

September 01, 2022

PAY Two Hundred Fifty and 00/100 Dollar(s)

\$ *****250.00

NOT NEGOTIABLE AFTER SIX MONTHS

TO THE
ORDER
OF

Cuyama Basin Groundwater Sustainability Agency
4900 California Avenue
Tower B, 2nd Floor
Bakersfield, CA 93309

AUTHORIZED SIGNATURE



September 1, 2022

Stephanie O. Hastings
Attorney at Law
805.882.1415 direct
shastings@bhfs.com**VIA EMAIL TO:TBLAKSLEE@HGCPM.COM**Taylor Blakslee
Assistant Executive Director
Cuyama Basin Groundwater Sustainability Agency
4900 California Avenue
Tower B, Suite 210
Bakersfield CA 93309RE: Variance Request – Slumskie Family Trust, dated April 9, 1996
(APN 149-170-050)

Dear Mr. Blakslee:

This letter is submitted on behalf of Slumskie Family Trust, dated April 9, 1996 (Slumskie) with regard to the parcel located in Santa Barbara County (APN 149-170-050) (the “Parcel”) in response to the Cuyama Basin Groundwater Sustainability Agency’s (GSA) “Notice of Central Management Area Policies and Landowner Requirements” dated July 30, 2022 (the “Notice”). This letter provides general comments and objections on the Notice that purports to describe “Central Management Area Policies and Landowner Requirements” (CMA Allocation Policy) and serves as a Variance Request to correct information related to the Parcel.

I. General Comments and Objections to CMA Allocation Policy

As described herein, Slumskie has significant concerns with the GSA’s Notice and the CMA Allocation Policy—most importantly, that the GSA’s CMA Allocation Policy has the potential to impair common law water rights without due process of law—and therefore submits these comments for the GSA Board of Director’s (Board) consideration. Further, in light of recent comments made by GSA staff at the August 25, 2022 GSA Public Workshop acknowledging that the GSA plans to consider expanding the CMA Allocation Policy or to impose other pumping limitations on areas outside of the CMA, the Board should address these comments before undertaking any further implementation or expansion of the CMA Allocation Policy.

Taylor Blakslee
September 1, 2022
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The CMA Allocation Policy Conflicts with California Water Law

The GSA does not have the power to determine or alter groundwater rights. The Sustainable Groundwater Management Act (SGMA) does not supplant the common law; rather it only supplements it. Yet the Notice purports to limit the pumping of a subset of the Basin's users without regard to any user's common law water rights. For example:

The CMA Allocation Policy, at least as it is presently described in the Notice, is geographically discriminatory—it constrains the pumping of only a subset of overlying landowners within the CMA, despite that all groundwater users within the Basin share the common source. As such, the CMA Allocation Policy does not comply with overlying groundwater rights law in that it limits the ability of some, but not all, landowners to exercise their correlative overlying right to groundwater from the Basin. This approach is inconsistent with the physically interconnected nature of the Basin and with common law water rights.

Moreover, in implementing SGMA, even area-specific responsive management actions must be specifically associated with avoiding undesirable results identified in the Cuyama Basin Groundwater Sustainability Plan. If pumping by a discrete area or growers must be physically restricted, that burden must be shared basin-wide by implementation of a physical solution that distributes that burden legally among all pumpers consistent with their water rights.

The CMA Allocation Policy Should be Reconciled with the Ongoing Cuyama Basin Comprehensive Groundwater Adjudication

The CMA Allocation Policy effectively seeks to quantify a subset of groundwater users' water rights outside of the ongoing *Bolthouse Land Company, LLC, et al. v. All Persons Claiming a Right to Extract Groundwater in the Cuyama Valley Groundwater Basin (No. 3-013)* (the "Adjudication"). The Adjudication seeks to quantify all groundwater rights within the Basin consistent with California water law. The Notice, which describes a program to limit pumping by imposing arbitrary cutbacks on a subset of users, conflicts with that action. Accordingly, the GSA should revise the CMA Allocation Policy to conform with the ongoing process to adjudicate groundwater rights throughout the Basin.

The CMA Allocation Policy is Arbitrary and Unclear

Numerous components of the CMA Allocation lack evidentiary support and therefore are arbitrary and unclear. For example:

The modeled and operational CMA boundary is arbitrary given that users within the CMA pump groundwater from the same aquifer as users outside of the CMA who are nevertheless exempt from the program. At the recent Cuyama GSA Public Workshop on August 25, 2022, staff acknowledged that the CMA boundary was selected for political reasons and had no scientific basis. Further, the CMA

Taylor Blakslee
September 1, 2022
Page 3

boundary was selected using Cuyama Basin Water Resources Model (CBWRM) results that have a margin of error based on model limitations and geographic projections that significantly impact CMA Allocation Policy implementation but remain unexplained.

The CMA Allocation Policy relies on land use data from the CBWRM to estimate groundwater use in a manner that is unclear and cannot be reproduced and verified by landowners. The Notice is not clear about the basis of the selected water use period and whether it accurately reflects historical and/or planned use for pumping, nor how this water use period correlates to the 2021 pumping reduction baseline.

The CBWRM data further does not consider land use and irrigation efficiency practices in setting the individual allocations. Accordingly, the CMA Allocation Policy penalizes landowners who voluntarily employed significant conservation measures to limit their water use or fallowed lands. Landowners that may have temporarily modified their groundwater production to convert to more water efficient uses may also be penalized. None of this information is evident from the CMA Allocation Policy.

The CMA Allocation Policy Should Have Been Adopted Through A Formal Action And Was Not

Although Slumskie appreciates that the GSA Board has conducted numerous meetings and engaged in numerous discussions regarding a proposed pumping reduction program and proposed allocation of Basin water supply for a subset of the Basin's landowners, Slumskie is not aware of any formal GSA policy, rule or regulation regarding such program and allocation. Rather, it appears that the Notice and CMA Allocation Policy is the result of a series of Board directions provided over many months to GSA staff by minute order.

Because the CMA Allocation Policy is clearly intended as a regulation, a formal document is needed to explain and elucidate the program and its requirements. Although titled "Central Management Area Policies and Landowner Requirements," the Notice and estimated allocation assigned to certain Basin landowners has the effect of a regulation that limits groundwater pumping by a subset of the Basin's landowners without due process and in conflict each landowner's exercise of its overlying property right in the Basin. The Notice also proposes to impose monetary and other penalties on those listed landowners who use groundwater in excess of the assigned estimated allocation. As such, the CMA Allocation Policy must be adopted through a formal ordinance that imposes specific regulations (allocations) and penalties for failure to comply with such regulations on landowners within the CMA to ensure that affected landowners receive due process.

An ordinance also is necessary to clearly document and allow for public comment on the mechanics of the policy's requirements to allow for meaningful public participation and informed decision-making. Notably, the meeting minutes for the July 6, 2022 Board meeting are currently not published. Further, the GSA's Standing Advisory Committee plans to consider and provide direction to the Board

Taylor Blakslee
September 1, 2022
Page 4

regarding certain aspects of CMA Allocation Policy at the September 1, 2022 meeting after the deadline to submit a Variance Request. As such, members of the public have no way to confirm that the Notice circulated to landowners on July 29, 2022, as well as the pumping reduction program it describes, and the resulting estimated allocations, conforms with the Board's direction by minute order.

The Variance Request Process Is Flawed

First, the Notice does not set forth clear criteria or findings that the Board will use to determine whether to grant a variance, which may lead to arbitrary and capricious decision-making.

Second, the Notice does not provide the data upon which the proposed allocations are based in a transparent manner that would allow for landowners to ascertain data errors as needed to submit a Variance Request Form. The data tables attached to the Notice fail to provide landowners with any information as to the modeled calculation of an individual allocation such that a landowner can understand the potential source of data errors.

Third, the Notice does not make it clear to landowners that do not intend to submit a Variance Request Form that their individual allocation may change in response to the Board's action to grant a variance requested by another landowner. All landowners should be fully informed of the need and right to participate in the variance process in order to preserve their rights and avoid penalties.

Lastly, the California Constitution and SGMA contain specific substantive and procedural requirements on the adoption of fees and charges. The Cuyama GSA has not complied with any of these requirements in its adoption of a \$250 fee to submit a Variance Request Form.

The Board Has Not Yet Complied with the California Environmental Quality Act

The GSA's actions are subject to the California Environmental Quality Act (CEQA). At such time as the Board does take any formal action with respect to CMA Allocation Policy, the Board must consider whether the CMA Allocation Policy will have a direct or reasonably foreseeable indirect impact on the environment due to the potential for landowners to need to fallow land in order to comply with the program. The fallowing of land in response to the proposed allocation has reasonably foreseeable direct and indirect impacts on the environment including, but not limited to, impacts on air quality, land use and biological resources.

II. Request for Variance

Subject to and without waiving the comments and objections set forth in this letter, we submit: (1) a Variance Request Form ([Attachment 1](#)); (2) Variance Request Supporting Information ([Attachment 2](#)); and (3) a \$250 check for the Variance Request Fee, which is paid under protest for the reasons set

Taylor Blakslee
September 1, 2022
Page 5

forth in the comments above. This request fundamentally seeks that the Slumskie receives an allocation consistent with similarly situated neighboring property owners.

Please be advised that Brownstein also is in the process of developing additional information to support the ongoing Comprehensive Groundwater Adjudication for the Cuyama Basin and reserves the right to supplement this Variance Request and the supporting information as new information becomes available. prior to GSA Board of Director's action on the Variance Request.

The 42.13 acre Slumskie Parcel has been planted with approximately 40 acres of pistachio orchard. The Slumskie's pistachio orchard is of a similar age and size to the other neighboring pistachio orchards. In fact, three neighboring parcels all contain pistachio orchards of similar size that rely on the same water source, shared water infrastructure, and are similarly irrigated.

For example, the three parcels all are entitled to take delivery of one-third of all groundwater pumped from the well subject to the Well Sharing Easement Agreement, dated Nov. 15, 2017 and attached hereto as Attachment 2, Exhibit 1 (Agreement). Pursuant to this Agreement, the parties equally share water pumped from the well and all GSA and Pacific Gas and Electric, costs associated with this well and water use. Given the similar age, acreage and location of the pistachio orchards, these orchards should have nearly identical water use.

Copies of the GSA Water Use Forms and a summary of Pacific Gas & Electric (PG&E) bills are attached as Attachment 2, Exhibit 2 for reference. Notably, the GSA Water Use forms were filed for the three neighboring parcel acreage based on each parcel using 119.6 AF per year to irrigate each respective 40 acre pistachio orchard. Further, water use records for all three parcels generally indicate that the parcels use more than the Notice's recent estimated water use for the Slumskie Parcel. These records and the fact that the three parcels are under identical management and employing a proportionate cost split strongly indicate that the Slumskie Parcel should receive a larger allocation similar to comparable parcels with comparable orchards in the area. (See Attachment 2, Exhibit 2.)

In addition, Slumskie desires to correct the GSA's well information for the parcels. The Agreement covers the only well that currently irrigates the three parcels; it was drilled in 2016 and is located on a neighboring parcel. (See Attachment 2, Exhibit 3.) Prior to the construction of this well, the parties to the Agreement all shared a well located on the Slumskie's Parcel (APN 149-170-050). The GSA thus should correct its records to reflect this information.

In summary, Slumskie requests that the GSA increase its Parcel's allocation based on the available records to an allocation of approximately 140 AF in 2023 and 135 in 2024 and correct the GSA's well records.

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September 1, 2022
Page 6

Thank you for your consideration of these comments and this request. Should you have questions, please contact me at (805) 882-1415 or Shastings@bhfs.com or Mack Carlson at (805) 882-1485 or Mcarlson@bhfs.com.

Respectfully submitted,



Stephanie Osler Hastings
Mack Carlson

Enclosure: Attachment 1. Variance Request Form
Attachment 2. Variance Supporting Information

Cc: Doug and Diana Slumskie (via email)
Joe D. Hughes, Klein DeNatale Goldner (via email)

Attachment 1



VARIANCE REQUEST FORM

For 2023 and 2024 in the Central Management Area

CUYAMA BASIN GROUNDWATER SUSTAINABILITY AGENCY

Submit this form, including a \$250 fee (which may be reimbursed if corrections are due to inaccuracies with the CBGSA's records), to Taylor Blakslee at 4900 California Ave, Tower B, Suite 210, Bakersfield, CA 93309.

Name: _____

Date: _____

Phone: _____

Email: _____

Assessor Parcel Number(s) (APN): _____

Please describe the basis for your request and attach any supporting documentation

Attachment 2

Exhibit 1



2017-0054977

Recorded at Request of
Old Republic Title Company

Recorded		REC FEE	82.00
Official Records			
County of			
Santa Barbara			
Joseph E. Holland			
County Clerk Recorder			
		MM	
08:00AM 15-Nov-2017		Page 1 of 20	

RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO:

Law Office of Melanie J. Aldridge
7638 N. Ingram Avenue, Suite 202
Fresno, CA 93711

Title Order No. N/A
Escrow No. 1411008299-Accommodation

APNs 149-170-047, 149-170-050 (County of Santa Barbara)
APN 096-211-032 (County of San Luis Obispo)

WELL SHARING EASEMENT AGREEMENT

R&T 11911 No Consideration

THE UNDERSIGNED GRANTOR(S) DECLARE(S)

DOCUMENTARY TRANSFER TAX is \$: 0.00

- computed on full value of property conveyed, or
- computed on full value less value of liens or encumbrances remaining at time of sale.
- Unincorporated area City of **AND**

Recorded at Request of
Old Republic Title Company

RECORDING REQUESTED BY AND WHEN
RECORDED MAIL TO:

Law Office of Melanie J. Aldridge
7638 N. Ingram Avenue, Suite 202
Fresno, CA 93711

Title Order No. N/A
Escrow No. 1411008299-Accommodation

APNs 149-170-047, 149-170-050 (County of Santa Barbara)
APN 096-211-032 (County of San Luis Obispo)

WELL SHARING EASEMENT AGREEMENT

This Well Sharing Easement Agreement ("Agreement") is made effective as of May 1, 2017, by and among (i) Roy Harrington and Elisabeth Harrington, as trustees of the Roy and Elisabeth Harrington Living Trust dated March 31, 2017, Jason M. Harrington and Mary Jo Harrington, as Trustees of the Jason M. Harrington and Mary Jo Harrington Revocable Living Trust dated September 2, 2015, and Ryan Patrick Harrington and Amy Lynn Harrington, as Trustees of the Ryan Patrick Harrington and Amy Lynn Harrington Family Trust dated April 19, 2016 (collectively, "Harrington"), (ii) Douglas A. Slumskie and Diane L. Slumskie, as Trustees of the Slumskie Family Trust dated April 9, 1996, William D. Calhoon, as Trustee of the William D. Calhoon Trust dated May 24, 1989, Gale Robert Calhoon and Diannia Lynn Calhoon, as Trustees of the Gale Robert Calhoon and Diannia Lynn Calhoon Family Trust dated December 10, 1998 (collectively, "Slumskie"), and (iii) Ann M. Buck, as Trustee of the Survivor's Trust dated August 17, 2015 created under The Buck Family Trust ("Buck"). For convenience, Harrington, Slumskie and Buck are sometimes collectively referred to herein as the "Parties" and individually as a "Party." This Agreement is made with reference to the following facts and circumstances:

A. Harrington is the owner of certain real property located in Santa Barbara County, California, more particularly described below (the "Harrington Property"):

Lot 1 of Section 2 in Township 9 North, Range 25 West, San Bernardino Base and Meridian, in County of Santa Barbara, State of California, according to the Official Plat of the survey of said land on file in the Bureau of Land Management and approved February 17, 1882.

(APN 149-170-047)

B. Slumskie is the owner of certain real property located in Santa Barbara County, California, more particularly described below (the "Slumskie Property"):

The Southeast quarter of the Northeast quarter of Section 2, in Township 9 North, Range 25 West, San Bernardino Meridian, in the County of Santa Barbara, State of California, according to the Official Plat of the survey of said land on file in the Bureau of Land Management, and approved February 17, 1882.

Excepting therefrom the Southerly 200 feet of the Westerly 200 feet of said land.

(APN 149-170-050)

C. Buck is the owner of that certain real property located in the unincorporated area of the San

This document has been signed in counterpart.

Luis Obispo County, California, more particularly described below (the "Buck Property"):

The Southwest quarter of the Southeast quarter of Section 35, in Township 10 North, Range 25 West, San Bernardino Meridian, in County of San Luis Obispo, State of California, according to the Official Plat thereof.

Except therefrom 60% of all oil, mineral and hydrocarbon rights in or under said land, but without any right of entry, as reserved by Alfred E. O'Day, et al., in deed recorded July 20, 1966 in Book 1403, Page 618, of Official Records.

Also excepting therefrom the remaining 40% of all oil, mineral and hydrocarbon rights in or under said land, without any right of entry, as reserved by Harvey F. Wilson and Marian I. Wilson, husband and wife, in deed recorded March 20, 1973 in Book 1715, Page 663, of Official Records.

Also reserving unto Grantors and excepting therefrom an easement for irrigation pipeline over the Southerly 10 feet and the Westerly 10 feet of said land.

(APN 096-211-032)

D. The Parties each paid the expenses associated with the installation of an irrigation well (the "Well") and the equipment necessary to operate the Well (collectively, the "Supporting Equipment") on the Harrington Property. The location of the Well and Supporting Equipment are identified on Exhibit A to this Agreement (the "Well Site").

E. The Parties desire to memorialize their agreement regarding the ownership and use of the Well and Supporting Equipment and to grant the easements and other rights necessary for each of the Parties to use the Well and access the Well Site for the benefit of the Harrington Property, the Slumskie Property and the Buck Property (collectively, the "Irrigated Property").

NOW, THEREFORE, in consideration of the above recitals and agreements contained herein, the Parties hereby agree as follows:

1. Ownership of Well and Supporting Equipment. Each of the Parties shall own and be entitled to use the Well and Supporting Equipment in order to take delivery of their respective shares of groundwater produced by the Well in the proportions set forth below:

Harrington	One-third
Slumskie	One-third
Buck	One-third

2. Maintenance and Repair Costs. The costs of development, installation, use, maintenance, removal or repair of the Well or any of the Supporting Equipment shall be allocated among the Parties in accordance with their proportional ownership of the Well and Supporting Equipment as set forth in Section 1. On the request of those Parties comprising two-thirds of the ownership interest in the Well or if otherwise required by law, each Party shall install and maintain a water meter to record the diversions of water from the Well at each Party's sole, respective cost. Also, each Party shall be responsible for that portion of the power charges necessary to operate the Well and the Supporting Equipment for the irrigation of their respective share of the Irrigated Property, including standby charges. If a Party is in default in the payment of any power charges, Excess Maintenance Fees (defined below) or any other charges provided for in this Agreement, such Party shall have no right to use the Well or Supporting

Equipment unless and until such Party pays current all delinquent power, Excess Maintenance Fees or other charges plus an amount equal to 10 percent per annum on the delinquent amount.

3. Grant of Easements. Harrington hereby grants a non-exclusive easement to each of Buck and Slumskie over the Well Site and the West 15 feet of the Harrington Property (the "Easement Area") for the purposes of ingress and egress to the Well Site and, upon reasonable notice to Harrington, for the operation, use, maintenance, repairs, improvements, inspection or testing of the Well and Supporting Equipment. Notwithstanding any other provision of this Agreement, under no condition do the easements or other rights granted herein include the right to replace the Well or drill a new Well on the Harrington Property.

4. Pipelines.

a. Common Pipeline. The Parties acknowledge that an existing single water distribution pipeline runs from the Well Site through the Harrington Property and to the Slumskie Property (the "Common Pipeline"). Harrington grants to Slumskie a pipeline easement over that portion of the Harrington Property on which the Common Pipeline is currently located as set forth on Exhibit A. Harrington and Slumskie shall each be equally responsible for the repair and maintenance of that portion of the Common Pipeline which runs from the Well to the existing valve boxes located on the Harrington Property and Slumskie Property, respectively. Harrington and Slumskie shall each be solely responsible for the repair and maintenance of pipelines (or portions thereof) which extend from their respective valve boxes through the Harrington Property and the Slumskie Property, respectively.

b. Buck Pipeline. Buck shall be solely responsible for the maintenance, operation, and repair of the water distribution pipeline running from the Well to the Buck Property (the "Buck Pipeline"). Harrington hereby grants to Buck a pipeline easement over that portion of the Harrington Property as set forth on Exhibit A. Buck shall be solely responsible for the repair and maintenance of the Buck Pipeline.

c. Individual Pipelines. Any other pipeline or other conduit conveying water from the Well to less than all of the Parties (an "Individual Pipeline") and shall be the sole property of the Party served by such Individual Pipeline and such Party shall be solely responsible for all repairs and maintenance of such Individual Pipeline.

5. Excess Capacity. The Parties acknowledge that one or each of them may acquire additional property in the future which could benefit from the use of water from the Well and Supporting Equipment, but which is not identified in this Agreement (the "Other Property"). The Parties agree each of them may use their respective one-third share of any water produced from the Well which is in excess of the amount of water necessary to irrigate the existing pistachio trees on the Irrigated Property (the "Excess Water") for other uses on the Irrigated Property and on up to 40 acres of Other Property, whether such Other Property is owned or leased. Notwithstanding the foregoing, none of the three Parties to this Agreement shall be entitled to receive more than 240 acre feet of water per year from the Well for use on their respective shares of the Irrigated Property and/or the Other Property without the consent of the other Parties. Each Party shall be responsible for payment of the power expenses associated with the use of their respective share of the Excess Water. Each Party who extracts Excess Water shall also be responsible for paying an amount equal to \$25 per acre foot of Excess Water extracted as payment for the wear and tear on the Well and Supporting Equipment (the "Excess Maintenance Fee"). By way of example, if Slumskie extracts 10 acre feet of Excess Water, then the Excess Maintenance Fee would be \$250 of which one-third would be paid to Harrington, one third would be paid to Buck and one third would be paid/retained by Slumskie.

6. Nature of Rights. The Easements, rights and obligations described in this Agreement shall be appurtenant to each of the Harrington Property, Buck Property and Slumskie Property and shall run with such property and inure to the benefit of and bind the Parties hereto and the heirs, legal representatives, grantees of the respective Parties. The rights, duties and obligations herein are for the benefit of Harrington, Buck and Slumskie and their successors in interest in the Irrigated Property and shall not be assigned or conferred for the benefit of third parties.

7. Reservation of Rights. Harrington reserves the right to itself and its successors and assigns in the Harrington Property the right to use any portion of the Harrington Property subject to this Agreement for any purposes which will not interfere with the other Parties exercise of their respective rights under this Agreement.

8. Entire Agreement. This Agreement, including the attached exhibits, encompasses the entire agreement of the Parties with respect to the Well and Supporting Equipment located on the Harrington Property, and supersedes all previous understandings and agreements between the Parties regarding the Well and Supporting Equipment, on the Harrington Property, whether oral or written.

9. Counterparts. This Agreement may be executed in any number of counterparts, each of which when executed and delivered shall be deemed to be an original and all of which, taken together, shall be deemed to be but one and the same instrument.

10. California Law. This Agreement shall be governed by and construed and enforced in accordance with California law.

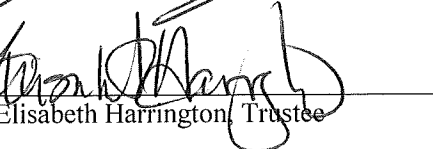
11. Waiver. The breach of or failure to enforce any breach or violation of any restriction contained in this Agreement shall not be deemed to be a waiver or abandonment of such restriction, or a waiver of the right to enforce any subsequent breach or violation of such restriction.

12. No Agency or Partnership. Nothing in this Agreement shall be deemed or construed by any person to create the relationship of principal and agent, or of limited or general partnership, or of joint venture, or of any other association between or among any of the Parties.

“HARRINGTON”

Roy and Elisabeth Harrington Living Trust
dated March 31, 2017

By: 
Roy Harrington, Trustee

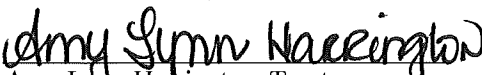
By: 
Elisabeth Harrington, Trustee

SIGNATURES CONTINUED ON NEXT PAGE

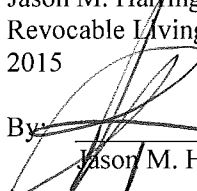
SEE ATTACHED
ACKNOWLEDGEMENT
Page 4 of 7

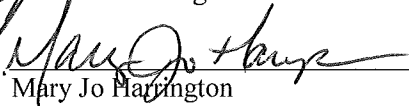
Ryan Patrick Harrington and Amy Lynn
Harrington Family Trust dated April 19, 2016

By: 
Ryan Patrick Harrington, Trustee

By: 
Amy Lynn Harrington, Trustee

Jason M. Harrington and Mary Jo Harrington
Revocable Living Trust dated September 2,
2015

By: 
Jason M. Harrington

By: 
Mary Jo Harrington

“SLUMSKIE”

The Slumskie Family Trust dated April 9, 1996

By: _____
Douglas A. Slumskie, Trustee

By: _____
Diane L. Slumskie, Trustee

The William D. Calhoon Trust dated May 24,
1989

By: _____
William D. Calhoon, Trustee

The Gale Robert Calhoon and Diannia Lynn
Calhoon Family Trust dated December 10, 1998

By: _____
Gale Robert Calhoon, Trustee

By: _____
Diannia Lynn Calhoon, Trustee

Signed in counterpart

SIGNATURES CONTINUED ON NEXT PAGE

Ryan Patrick Harrington and Amy Lynn
Harrington Family Trust dated April 19, 2016

By: _____
Ryan Patrick Harrington, Trustee

By: _____
Amy Lynn Harrington, Trustee

Jason M. Harrington and Mary Jo Harrington
Revocable Living Trust dated September 2,
2015

By: _____
Jason M. Harrington

By: _____
Mary Jo Harrington

Signed in counterpart

“SLUMSKIE”

The Slumskie Family Trust dated April 9, 1996

By: _____
Douglas A. Slumskie, Trustee

By: _____
Diane L. Slumskie, Trustee

SEE
ATTACHED
CERTIFICATE

AUG 08 2017

The William D. Calhoon Trust dated May 24,
1989

By: _____
William D. Calhoon, Trustee

ACKNOWLEDGMENT
JURAT
COPY CERTIFICATE

The Gale Robert Calhoon and Diannia Lynn
Calhoon Family Trust dated December 10, 1998

By: _____
Gale Robert Calhoon, Trustee

By: _____
Diannia Lynn Calhoon, Trustee


Notary Certificate
Attached

SIGNATURES CONTINUED ON NEXT PAGE

“BUCK”

The Survivor's Trust dated August 17, 2015
created under the Buck Family Trust

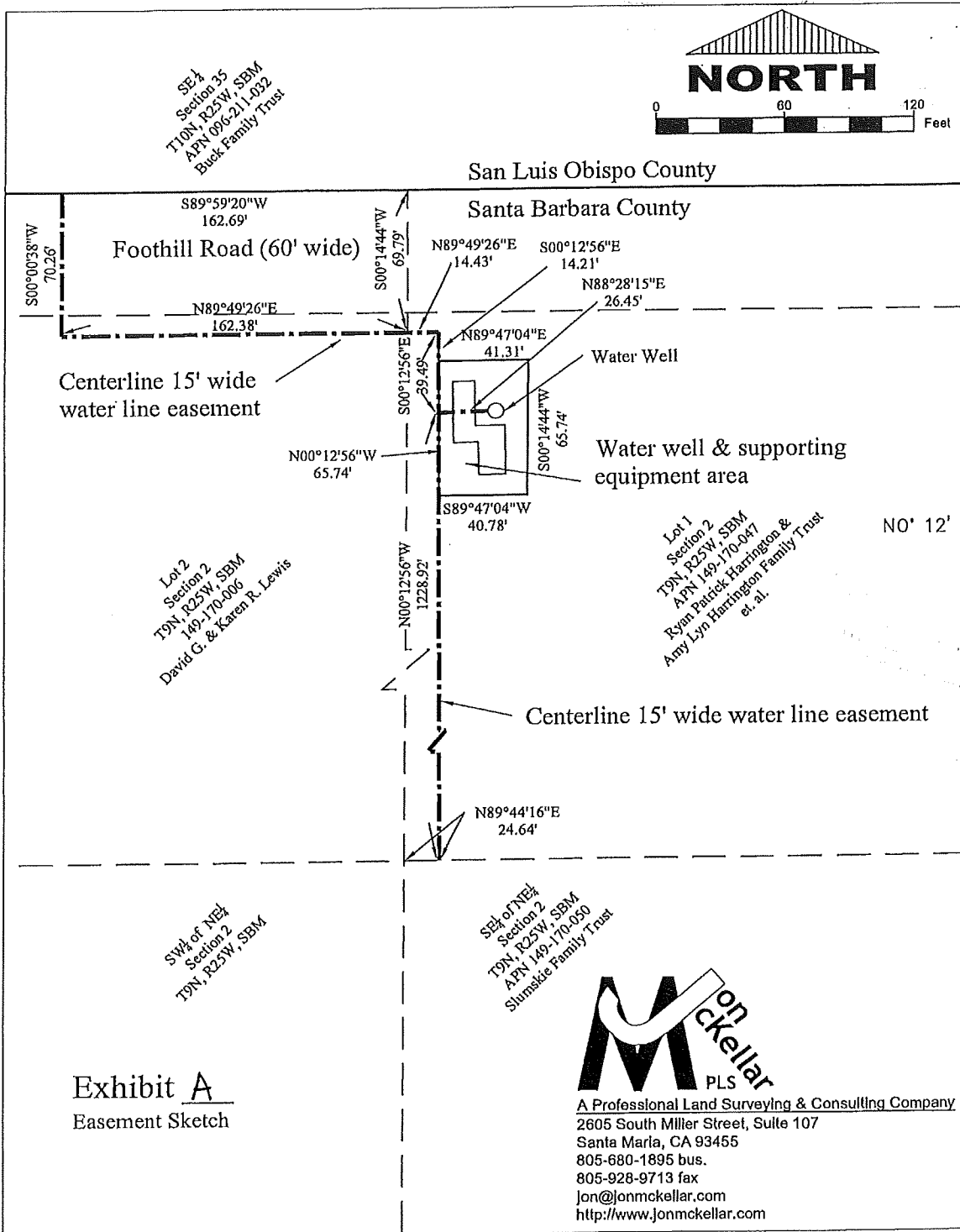
By:



Ann M. Buck, Trustee

EXHIBIT A

“Well Site”



CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

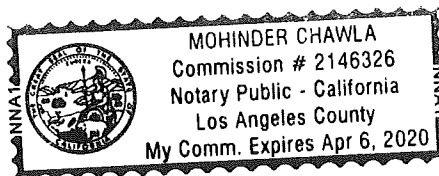
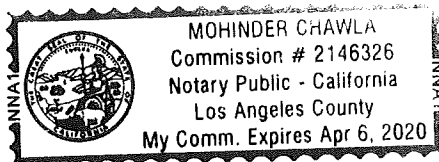
STATE OF CALIFORNIA)
COUNTY OF KEAN)

On AUGUST 30/2017, before me, MOHINDER CHAWLA, Notary Public, personally appeared ROY LEE HARRINGTON, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Mohinder Chawla
Notary Public



CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

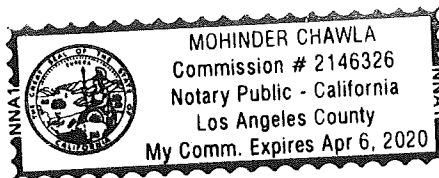
STATE OF CALIFORNIA)
COUNTY OF KERN)

On AUGUST 30/2017, before me, MOHINDER CHAWLA, Notary Public, personally appeared ELISABETH SUZANNE HANINGTON, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Mohinder Chawla
Notary Public



CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

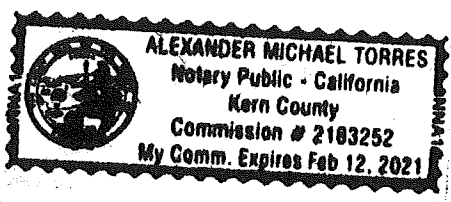
STATE OF CALIFORNIA)
COUNTY OF Kern)

On 8-21-17, before me, Alexander Michael Torres, Notary Public, personally appeared Humberto, Ryan Patrick, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Alexander Michael Torres
Notary Public



CERTIFICATE OF ACKNOWLEDGMENT

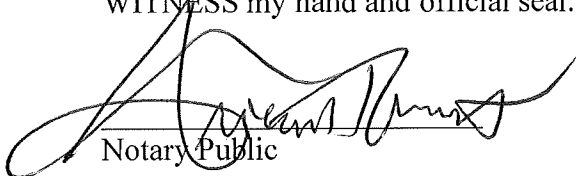
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

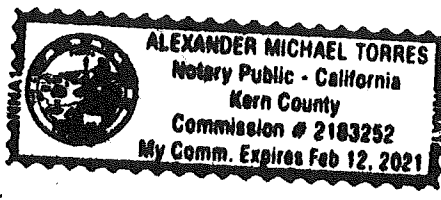
STATE OF CALIFORNIA)
COUNTY OF Kern)

On 8-21-17, before me, Alexander Michael Torres, Notary Public, personally appeared Harrington, Amy Lynn, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.


Notary Public



CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF Kern)

On August 26, 2017, before me, Ashly Sierra, Notary Public, personally appeared Jason Mark Harrington, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Ashly Sierra
Notary Public



CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF Kern)

On August 26, 2015 before me, Ashly Sierra, Notary Public, personally appeared Mary Jo Harrington, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Ashly Sierra
Notary Public



California All-Purpose Certificate of Acknowledgment

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of LOS ANGELES

S.S.

On August 8, 2017 before me, Patrick F. Sullivan, Notary Public
Name of Notary Public, Title

personally appeared DOUGLAS A. SUMSKIE AND
Name of Signer (1)

DIANE L. SUMSKIE
Name of Signer (2)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Patrick F. Sullivan
Signature of Notary Public



Seal

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of Well Showing EASEMENT Agreement containing _____ pages, and dated August 8, 2017.

The signer(s) capacity or authority is/are as:

- Individual(s)
- Attorney-in-fact
- Corporate Officer(s) _____ Title(s)
- Guardian/Conservator
- Partner - Limited/General
- Trustee(s)
- Other: _____

representing: _____
Name(s) of Person(s) Entity(ies) Signer is Representing

Additional Information

Method of Signer Identification

Proved to me on the basis of satisfactory evidence:

- form(s) of identification
- credible witness(es)

Notarial event is detailed in notary journal on:

Page # _____ Entry # _____

Notary contact: 310-400-3818

Other

- Additional Signer
- Signer(s) Thumbprints(s)
- _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

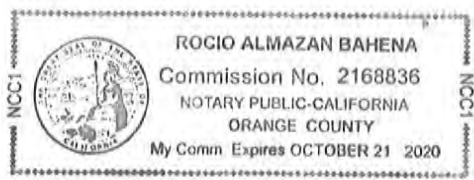
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Orange)
On Aug 8th, 2017 before me, Rocio Almazan Bahena, Notary Public
Date Here Insert Name and Title of the Officer
personally appeared William D. Calhoon
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Rocio Almazan Bahena
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Well Sharing Easement Agmt Document Date: _____
Number of Pages: pkg Signer(s) Other Than Named Above: no other signer(s)

Capacity(ies) Claimed by Signer(s)

Signer's Name: William D. Calhoon
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

California All-Purpose Certificate of Acknowledgment

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Riverside

} s.s.

On September 20, 2018 before me, Michelle Martinez, Notary Public
Name of Notary Public, Title

personally appeared Dianna Lynn Calhoun
Name of Signer (1)

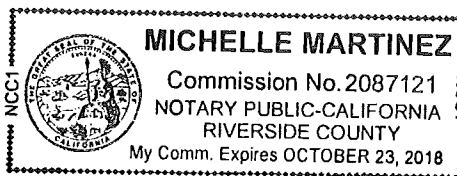
Gale Robert Calhoun
Name of Signer (2)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Signature]
Signature of Notary Public



Seal

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of Well Sharing Easement Agreement containing _____ pages, and dated _____.

The signer(s) capacity or authority is/are as:

- Individual(s)
- Attorney-in-fact
- Corporate Officer(s) _____
Title(s)
- Guardian/Conservator
- Partner - Limited/General
- Trustee(s)
- Other: _____

representing: _____
Name(s) of Person(s) Entity(ies) Signer is Representing

Additional Information	
Method of Signer Identification	
Proved to me on the basis of satisfactory evidence:	
<input type="checkbox"/> form(s) of identification	<input type="checkbox"/> credible witness(es)
Notarial event is detailed in notary journal on:	
Page # _____	Entry # _____
Notary contact: _____	
Other	
<input type="checkbox"/> Additional Signer	<input type="checkbox"/> Signer(s) Thumbprints(s)
<input type="checkbox"/>	_____

CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

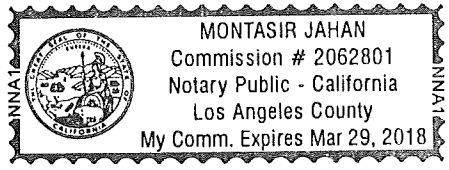
STATE OF CALIFORNIA)
COUNTY OF Los Angeles)

On 09/11/2017, before me, Montasir Jahan, Notary Public, personally appeared Ann M. Buck, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Montasir Jahan
Notary Public





Flow Meter Installation Report

Cuyama Basin Groundwater Sustainability Agency

Thank you for filling out the Well Flow Meter Installation Report for the Cuyama GSA.

This form should be completed for **EACH** flow meter installed in the Cuyama Basin on all non-de minimis production (>2AFY) wells. Complete and accurate responses are critical for an equitable and data driven approach to groundwater management in the Cuyama Basin.

Any questions or concerns should be directed to TBlakslee@hgcpm.com.

Thank you for your cooperation and participation.

Landowner Information

1) Landowner name (First and Last): Roy Harrington, Jason Harrington, Ryan Harrington

2) Well operating company or organization: Triple H Farming, LLC, Ann Buck, CCSH Farms

Meter/Well Location

3) Well Name/number (please provide all known names/IDs separated by a semicolon (“;”):

n/a

4) Geographical coordinates (decimal degree):

Latitude: 34.8975373 Longitude: -119.5195546

Meter Information

5) Flow meter make/ manufacturer: Seametrics

6) Meter serial number: 04201441

Installation Information

7) Installer name/company: S.A. Camp Pump and Drilling Company

8) Installation date: 4/21/2021

Attachments

Please attach the following to an email and send to Taylor Blakslee at TBlakslee@hgcpm.com. Please utilize the flow meter’s serial number in the name of the file attachments so that attachments are filed accurately and to minimize staff time.

- Manufacturer calibration certificate/documentation
 - attachment name “Serial-number_CalibrationDoc.pdf” (ex. “12345abc6789_CalibrationDoc.pdf”)
- Pictures of well and meter
 - attachment name “Serial-number_Well/Meter_Photo_#of#.jpeg” (ex. “12345abc6789_Well_Photo_2of4.jpeg”)

Exhibit 2

WATER USAGE

Elec Bill^s

2013	13,540.00
2014	24,288.00
2015	23,200.00
2016	25,379.00
2017	20,690.00
2018	26,453.00
2019	29,187.00
2020	31,900.00
2021	35,601.00

AS OF 7-31-22
2022 13,855.00
+

TRIPLE H FARMING, LLC

1031

11-35/1210 CA 72555

DATE 12-31-19

PAY TO THE ORDER OF

Cuyama Basin Groundwater Sustainability Agency

\$ 2356.00

Two thousand three hundred fifty-six & 10/100

DOLLARS



Bank of America

ACH R/T 12100358

FOR ACH: 149-170-047

2020 groundwater extraction fee

[Signature]

CCSH FARMS LLC

$\frac{1}{3}$

2465

DATE 12-16-19

90-3582/1222

PAY TO THE ORDER OF

Cuyama Basin Groundwater Sustainability Agency

\$ 2346.50

Two thousand three hundred forty six & $\frac{50}{100}$

DOLLARS



usbank. All of us serving you®

FOR

[Signature]

ANN M. BUCK

JP Morgan Chase Bank, NA

7297

90-7182/3222

12/17/2019

PAY TO THE ORDER OF

Cuyama Basin Grndwtr Sustainabilty Agency

\$ **2,346.50

Two Thousand Three Hundred Forty-Six and 50/100*****

DOLLARS

Cuyama Basin Grndwtr Sustainabilty Agency

MEMO

123.5 Acre Feet @ \$19/Acre Foot

[Signature]
[Signature]

AUTHORIZED SIGNATURE


12-16-19 TOTAL 1049.00
 $\frac{1}{3}$ 2,346.50

CUYAMA BASIN GSA


500 Capitol Mall, Ste 2350
 Sacramento, CA 95814

Invoice

Date	Invoice #
5/14/2021	GWE2021-77

Bill To
Roy Harrington 

Due Date
6/30/2021

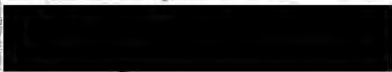
Description	2019 Consumption	Cost Per AF	Amount Due
Cuyama Basin GSA Fiscal Year 2021/2022 Groundwater Extraction Fees: 2019 Water Use Based on Crop Factors The CBGSA attempted to contact you to obtain your 2020 water use but was unsuccessful. Therefore, your 2019 water use was used in the interim for Fiscal Year 2021-2022 fee development and invoicing purposes. If your water use is incorrect, please contact CBGSA Project Manager Taylor Blakslee at 661-477-3385, or tblakslee@hgcpm.com.	358.8	39.00	13,993.20
<div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> For additional information regarding this invoice or the associated fees, please refer to the Cuyama Basin GSA website for the Fiscal Year 2021/2022 Fee Report. LATE FEE: Fees are due by June 30, 2021. A 10% late penalty will be assessed for payments received after this date with a 1% escalation rate for each additional month late. </div>	$\frac{1}{3}$	 6-9-21 <hr/> 41664.40	
For questions regarding this invoice please contact Taylor Blakslee with The Hallmark Group (661) 477-3385. Please send payments to the Sacramento, CA address above - Thank You	Total		\$13,993.20

CUYAMA BASIN GSA

500 Capitol Mall, Ste 2350
 Sacramento, CA 95814

Invoice

Date	Invoice #
5/16/2022	GWEFY23-12

Bill To
Roy Harrington


Due Date
6/30/2022

Description	2021 Consumption	Cost Per AF	Amount Due
Cuyama Basin GSA Fiscal Year 2022/2023 Groundwater Extraction Fee: 2021 Water Use Based On Crop Factors	358.8	38.00	13,634.40
<div data-bbox="82 1108 820 1371" data-label="Text"> <p>For additional information regarding this invoice or the associated fees, please refer to the Cuyama Basin GSA website for the Fiscal Year 2022/2023 Fee Report.</p> <p>LATE FEE: Fees are due by June 30, 2022. A 10% late penalty will be assessed for payments received after this date with a 1% escalation rate for each additional month late.</p> </div> <div data-bbox="841 806 1539 1528" data-label="Text"> <p><i>Handwritten:</i> Paid 1/3 4,544.80 6-7-2022</p> </div>			
<p>For questions regarding this invoice please contact Taylor Blakslec with The Hallmark Group (661) 477-3385. Please send payments to the Sacramento, CA address above - Thank You</p>			<p>Total \$13,634.40</p>

Check Copy

Invoice Number	Invoice Date	Description	Amount
8/31/2022 - CCSH	08/31/2022	Payment of variance request filing fee for CCSH - Slumskie	250.00
		Check Total	\$ 250.00

THE FACE OF THIS CHECK IS PRINTED BLUE-THE BACK CONTAINS A SIMULATED WATERMARK

**Brownstein Hyatt
Farber Schreck**

Brownstein Hyatt Farber Schreck,
LLP
410 Seventeenth Street, Suite 2200

KeyBank National Association
Denver, CO 80202
82-7026/3070

313862

KeyBank - Operating

September 01, 2022

PAY Two Hundred Fifty and 00/100 Dollar(s)

\$ *****250.00

NOT NEGOTIABLE AFTER SIX MONTHS

TO THE
ORDER
OF

Cuyama Basin Groundwater Sustainability Agency
4900 California Avenue
Tower B, 2nd Floor
Bakersfield, CA 93309

AUTHORIZED SIGNATURE



Fennemore LLP.

Derek Hoffman
Director
 dhoffman@fennemorelaw.com
 550 E. Hospitality Lane, Suite 350
 San Bernardino, California 92408
 PH (559) 446-3224
 fennemorelaw.com

October 13, 2022

VIA EMAIL AND OVERNIGHT MAIL

Taylor Blakslee (tblakslee@hgcpm.com)
 Assistant Executive Director
 Cuyama Basin Groundwater Sustainability Agency
 4900 California Avenue
 Tower B, Suite 210
 Bakersfield, CA 93309

Re: Variance Request - Duncan Family Farms, LLC / Aguila G-Boys, LLC

Dear Mr. Blakslee:

On behalf of our clients, Duncan Family Farms, LLC and Aguila G-Boys LLC (collectively, “Duncan Family Farms”) we submit this 2023 and 2024 pumping allocation variance request (“Variance Request”) for consideration by the Board of Directors of the Cuyama Basin Groundwater Sustainability Agency (“CBGSA”). A \$250 check has been placed in the mail to your office.

Duncan Family Farms, LLC and Aguila G-Boys LLC (“Aguila”) are related entities operated under the same management. Duncan Family Farms, LLC operates the farming business on lands owned by Aguila. Aguila purchased its properties in 2010. Duncan Family Farms and its predecessors have operated within the Cuyama Groundwater Basin for many years.

General Comments and Objections to Allocation Policy

Duncan Family Farms echoes and incorporates comments and concerns raised in variance request packages submitted by other pumpers responsive to the CBGSA “Notice of Central Management Area Policies and Landowner Requirements” (“Allocation Notice”), including as follows.

Any Allocation Program Should be Formally Adopted by Resolution or Ordinance

SGMA provides that GSAs may adopt formal policies, rules and regulations by ordinance or resolution. When properly adopted, such a formal action would necessarily include the information, findings and background supporting the action. The Allocation Notice does not meet that standard and is, as a result, vague and unclear. An attempt to understand the details and rationale of the Allocation Notice requires sifting through hundreds of pages and months of Board

Fennemore LLP.

Taylor Blakslee (tblakslee@hgcpm.com)

October 13, 2022

Page 2

meeting minutes and leaves many questions unanswered. Any allocation policy must be adopted through a formal, publicly noticed ordinance or resolution that specifically defines the regulations or allocations and all penalties for failure to comply with those regulations. Due process and SGMA require a process through which the public can meaningfully participate in the development of any allocation policy.

The Variance Request Evaluation Criteria and Process is Unclear

The Allocation Notice provides only general information regarding how the proposed allocations were derived. It does not supply the underlying data or the assumptions used, nor does it state the criteria by which variance requests will be evaluated. The modeling tool and its assumptions appear to be incorrect or incomplete in several material respects and should be made available to landowners for review. Variance request packages submitted to date differ widely in their range, detail and scope. The CBGSA should provide the underlying data upon which the proposed allocations were based clearly establish the evaluation criteria for variances.

The Allocation Notice Conflicts with California Water Law Principles

As expressly stated in SGMA, neither the GSA nor the GSP has power to determine or alter groundwater rights. The Allocation Notice, which aims to limit pumping of only a subset of the Basin's water users, fails to consider or conform to common law water rights. The allocations in the Allocation Notice should be deferred pending the outcome or at least substantial development of the pending groundwater basin adjudication in which only the court may determine and quantify water rights.

Duncan Family Farms further objects to the Allocation Notice using an average water use from 1998-2017 as a baseline or basis for establishing allocations. Since its acquisition of the property in 2010, Duncan Family Farms expanded its irrigation system and has more actively farmed its property than prior owners. Duncan Family Farms' actual water demand is more accurately reflected by its own water use history than that of its predecessors.¹ Any allocation for Duncan Family Farms should reflect its actual water demand.

Duncan Family Farms is in the process of developing additional information and reserves the right to supplement, amend and otherwise update this Variance Request as new or additional information becomes available.

¹ Duncan Family Farms reserves the right to supplement this request as additional information and data is developed regarding its predecessors' water use.

Fennemore LLP.

Taylor Blakslee (tblakslee@hgcpm.com)

October 13, 2022

Page 3

Data Corrections for Duncan Family Farms

The Allocation Notice incorrectly and significantly understates the Duncan Family Farms land acreage. As a result, the CBGSA water usage estimates in the Allocation Notice are also understated by application of acre-feet per acre figures to the incorrect low total acreage. The Duncan Family Farms APNs include:

149-010-023	– 355.73 acres
149-010-024	– 191.29 acres
149-010-025	– 130.91 acres
149-010-026	– 1.00 acre
149-290-007	– 91.00 acres
149-290-025	– 170.96 acres
Total	940.89 acres

The CBGSA proposed allocation incorrectly identifies APN 149-010-024 as 0.34 acres, and assigns a 2023 allocation of 0.42 AF. This APN, however, comprises 191.29 acres, which requires a significant upward adjustment to the allocation. The same is true for APN 149-290-007, which the CBGSA incorrectly identifies as 81.42 acres but is in fact 91.00 acres. The CBGSA lists total Duncan Family Farms acreage at 740.12 acres. The correct total APN acreage is 940.89 acres. A Duncan Family Farms APN Acreage Map is attached as **Exhibit “1”**. Since Duncan Family Farms acquired its property in 2010, the net annual irrigated area of its owned properties is approximately 808 acres.

Additionally, since late 2018, Duncan Family Farms has leased a 20-acre portion of the 63.24-acre APN 149-290-004, on which it farms and applies water produced from its irrigation system. The Allocation Notice does not contain policy statements regarding water use on leased properties and currently assigns an allocation of water for this APN to the property owner, which allocation should instead be assigned to Duncan Family Farms. The 20-acre leased area results in a total net irrigated area of approximately 828 acres.

Further, Duncan Family Farms operates an approximately 10-acre compost facility on APN 149-290-025, which is estimated to use 1.5 acre-feet per acre annually, for a total of 15 AFY.

Variance Request

Duncan Family Farms grows a variety of leafy greens within the Basin. It follows best farming practices common in the local area, including irrigation for cover crops and weed management. Attached as **Exhibit “2”** is a spreadsheet summarizing Duncan Family Farms’ water usage and corrected land acreage. The applicable crop duty rates in the spreadsheet generally

Fennemore LLP.

Taylor Blakslee (tblakslee@hgcpm.com)

October 13, 2022

Page 4

reflect the rates contained the Cal Poly ITRC Report # R 03-001. The data also includes water use for the compost facility.

In summary, the Allocation Notice identifies total annual average applied water use for Aguila G-Boys LLC for years 1998-2017 in the amount of 728.58 acre feet, a corresponding allocation of 926 AF for 2023 and 888.08 AF for 2024. As set forth in the enclosed water use summary, Duncan Family Farm's actual water use is more accurately reflected by its average use from years 2013-2017, which is approximately 2,046 AFY, plus approximately 44 AFY for the leased 20 acres, totaling 2,090 AFY—much higher than the figures provided in the Allocation Notice. Subject to its reservation of all rights and objections, including its right supplement with additional information, Duncan Family Farms requests that the CBGSA correct its data and asserts that Duncan Family Farms is entitled to an allocation in an amount of at least 2,090 AFY for 2023.

Duncan Family Farms appreciates your recent correspondence with Production Manager Mark Ellsworth regarding the pending submission of this Variance Request and your invitation to Duncan Family Farms to submit its Variance Request ahead of the November CBGSA Board meeting. As noted in that correspondence, we understand the CBGSA currently anticipates that any final allocation decisions will likely be delayed past December 2022 and into January 2023 as the Board is now considering further policy matters pertaining to the Central Basin Management Area. We also observe that variance requests submitted by other pumpers raise both similar and additional concerns that warrant reconsideration and of the allocation program altogether and corrections to various inaccuracies.

Duncan Family Farms agrees that the CBGSA has plenty of time to consider this Variance Request and those submitted by other parties and to make necessary corrections to inaccuracies. By contrast, a failure to correct the inaccuracies and pumping allocations as described in this Variance Request would impose significant negative impacts on Duncan Family Farms.

Thank you for your consideration of this Variance Request. Duncan Family Farms welcomes the opportunity to discuss this request with CBGSA staff at your convenience.

Sincerely,

FENNEMORE LLP



Derek Hoffman

DHOF/dhof

Attachments and \$250 Check

VARIANCE REQUEST FORM

For 2023 and 2024 in the Central Management Area

CUYAMA BASIN GROUNDWATER SUSTAINABILITY AGENCY

Submit this form, including a \$250 fee (which may be reimbursed if corrections are due to inaccuracies with the CBGSA's records), to Taylor Blakslee at 4900 California Ave, Tower B, Suite 210, Bakersfield, CA 93309.

Name: DUNCAN FAMILY FARMS, LLC / AGUILA G-BOYS, LLC
Date: OCTOBER 13, 2022
Phone: 928 920-9125
Email: MARY.ELLSWORTH@DUNCANFAMILYFARMS.NET
Assessor Parcel Number(s) (APN): SEE ENCLOSED LETTER

Please describe the basis for your request and attach any supporting documentation

SEE ENCLOSED LETTER.

EXHIBIT 1



EXHIBIT 2

Duncan Family Farms Water Use Summary Cuyama Basin GSA Variance Application

Year	Corrected Acreage*	AF/Acre**	Compost Facility Acreage	Compost Facility AF/Ac	Total Acre Feet
1998	940.89	1.60			1,505.16
1999	940.89	1.02			957.79
2000	940.89	1.14			1,073.14
2001	940.89	1.32			1,243.61
2002	940.89	0.98			924.96
2003	940.89	1.14			1,073.80
2004	940.89	0.47			439.02
2005	940.89	1.02			956.63
2006	940.89	0.74			694.05
2007	940.89	0.70			657.16
2008	940.89	0.65			612.07
2009	940.89	0.63			596.72
2010	808.00	2.10	10	1.5	1,711.80
2011	808.00	2.20	10	1.5	1,792.60
2012	808.00	2.50	10	1.5	2,035.00
2013	808.00	2.52	10	1.5	2,051.16
2014	808.00	2.50	10	1.5	2,035.00
2015	808.00	2.55	10	1.5	2,075.40
2016	808.00	2.60	10	1.5	2,115.80
2017	808.00	2.40	10	1.5	1,954.20
Average 2013-2017 Leased Area	20.1	2.20			2,046.31
Estimated Total Annual Water Demand					2,090.53

Notes:
 * Reflects corrected total APN acreage 1998-2009 and DFF irrigated acreage 2010-2017
 ** Reflects CBGSA data for applied water use for years 1998-2009
 *** Reflects DFF Crop Rate data per Cal Poly ITRC Report # R 03-001 for years 2010-2017



TO: Standing Advisory Committee
Agenda Item No. 6c

FROM: Jim Beck / Alex Dominguez

DATE: October 27, 2022

SUBJECT: Discussion and Appropriate Action on Administration of Pumping Reductions in the Central Management Area

Recommended Motion

Standing Advisory Committee feedback requested.

Discussion

On September 7, 2022, the Cuyama Basin Groundwater Sustainability Agency provided direction on several Central Management Area (CMA) policy points. One outstanding policy point is how to administer the pumping reductions in the CMA given the question of how “Farming Units” would be handled.

At the Board’s direction, staff developed a draft policy with the CMA Policy ad hoc to address the issue of wells in/out of the CMA which is provided as agenda item No. 6a.

The draft CMA Administrative Policy was revised to reflect elements of the draft policy considering wells in/out of the CMA and is provided as Attachment 1 for consideration of approval.

Cuyama Basin Groundwater Sustainability Agency

6c. Discussion and Appropriate Action on Administration of Pumping Reductions in the Central Management Area

Jim Beck / Alex Dominguez

October 27, 2022



Background

- On May 4, 2022, the Board provided direction on administering the pumping reduction in the Central Management Area
- On July 6, 2022, the following policy was presented, and the Board directed to staff to bring this draft policy back for review at the September 7, 2022, Board meeting
- During the September 7, 2022, Board meeting the issue of Farming Units was raised and the Board directed staff to develop policies to address this issue
- A draft policy to address Farming Units has been developed and is reflected in the following draft administrative policy

Draft Administration of Pumping Reduction Policy

- The CBGSA will develop a water allocation for each parcel in the CMA and part of a “Farming Unit”
 - Preliminary allocations will be provided to landowners in the CMA in July 2022
 - Variance request forms are due September 1, 2022, for 2023 and 2024 allocations
 - The Board will decide on variance requests on November 2, 2022
 - Final landowner allocations will be provided to landowners in the CMA by December 1, 2022 (*tentative)
- Each landowner/operator must submit monthly meter readings for the preceding year by January 31st according to the CBGSA meter reporting instructions (provided at www.cuyamabasin.org)
- Each landowner must list the APNs the well served and how many acre-feet of water was used on each APN
- Staff will develop a water accounting to report at the March Board meeting



TO: Standing Advisory Committee
Agenda Item No. 6d

FROM: Jim Beck / Alex Dominguez

DATE: October 27, 2022

SUBJECT: Approval of GSA Well Permit Policy and Forms

Recommended Motion

Standing Advisory Committee feedback requested.

Discussion

On July 6, 2022, the Board directed staff to continue the development of GSA well permit policies with an ad hoc in compliance with the Governor's Executive Order N-7-22. The Well Permit ad hoc met on August 22, 2022, and August 29, 2022, to develop draft options for a well permit policy, and on September 7, 2022, the Board approved general well permit requirements for replacement/modified wells and new wells.

The draft well permit policy is provided as Attachment 1 and the Replacement Well Form and New Well Form are provided as Attachments 2 and 3, respectively.

One outstanding issue is whether the Board will include a review fee with forms to account for the administrative burden of processing and reviewing forms.

This draft policy and forms are provided for consideration of approval. If approved, the policy and forms will be uploaded to the Cuyama Basin GSA website and distributed via email to stakeholders and county well permitting agencies.

DRAFT REPLACEMENT/NEW WELL PERMIT POLICY

CUYAMA BASIN GROUNDWATER SUSTAINABILITY AGENCY

Policy Purpose

On March 28, 2022, the Governor issued Executive Order N-7-22 in response to ongoing drought conditions (<https://www.gov.ca.gov/wp-content/uploads/2022/03/March-2022-Drought-EO.pdf>). The Executive Order requires Groundwater Sustainability Agencies (GSAs) to evaluate and determine replacement and new well impacts to sustainability goals prior to county approval of well permits.

Who Does this Policy Apply to?

The Executive Order applies to production wells.

The Executive Order *does not* apply to the following categories:

- Permits for wells that will provide less than two acre-feet of groundwater per year for individual domestic users.
- Permits for wells that will exclusively provide groundwater to public water systems or state small water systems, as defined by Health and Safety Code section 116275.
- Permits for wells in adjudicated basins identified in Water Code section 10720.8
- Maintenance of a groundwater well
- Alterations, replacement, or maintenance to a well pump

Policy for Modification/Replacement Wells

Well owners that wish to replace an existing well must meet the below requirements:

- Replacement well must not exceed the maximum historical capacity of existing well to be verified by well driller.
- Replacement well must be within a half mile of the existing well.
- Existing well must be properly abandoned following county procedures.

Process

1. Well owner to submit **Replacement Well Form** and a \$ review fee to the Cuyama Basin GSA at 500 Capitol Mall, Suite 2350, Sacramento CA, 95814
2. GSA staff will review form to determine if the requirements have been met.
3. If the requirements are met, staff will sign the form and return to the well applicant.
4. If the requirements are not met, staff will communicate the reason with the well applicant.
5. If, after reviewing the **Replacement Well Form**, staff determines the well request is actually a new well and the well applicant disagrees, the well applicant may appeal this determination at a Cuyama Board meeting.

Policy for Construction of New Wells

Landowners that wish to construct a new well are required to conduct a hydrogeologic analysis that demonstrates “(i) the proposed well would not be inconsistent with the GSA’s Groundwater Sustainability Plan (GSP); and (ii) the proposed well would not decrease the likelihood of achieving a sustainability goal included in that GSA’s GSP.”

Process

1. Well owner to submit **New Well Form**, hydrogeologic analysis documentation, and a \$ [redacted] review fee to the Cuyama Basin GSA at 500 Capitol Mall, Suite 2350, Sacramento CA, 95814
2. GSA staff will review **New Well Form** and hydrogeologic analysis to determine if the GSA requirements have been met.
3. If the requirements are met, staff will include the form and hydrogeologic analysis on the next regularly scheduled Cuyama Basin GSA Board meeting consent agenda for consideration of Board approval.
4. If the requirements are not met, staff will communicate the reason to the well applicant.
5. If the Board approves the application, the GSA will sign the **New Well Form**, and return to well applicant.



DRAFT Replacement Well Form

CUYAMA BASIN GROUNDWATER SUSTAINABILITY AGENCY

Form Instructions

For modification to an existing well or an installation of a replacement well, please fill out this form completely, along with a \$ review fee, and submit to Cuyama Basin Groundwater Sustainability Agency (CBGSA) at 500 Capitol Mall, Suite 2350, Sacramento CA, 95814. Please contact Taylor Blakslee at tblakslee@hgcpm.com, or 661-477-3385 if you have any questions.

Landowner and Well Information

- 1 Landowner Name _____
- 2 Company/Organization _____
- 3 Address _____
- 4 Phone Number _____
- 5 Email _____
- 6 Well Name/Number (if applicable) _____
- 7 Well Location (lat/long in Decimal Degree) _____

Cuyama Basin Groundwater Sustainability Agency Modification/Replacement Well Requirements

Please verify the following CBGSA requirements will be met by checking the below boxes **and providing** documentation from the well driller regarding the proposed well capacity and maximum historical well capacity, and a map of the replacement well location.

- Well must not exceed the maximum historical capacity and to be verified by well driller (attach driller documentation)
- Well must be within a half mile of the existing well (attach map)
- Existing well must be properly abandoned following county procedures

For the GSA to fill out:

- The proposed well is not inconsistent with the Groundwater Sustainability Agency’s adopted, or in progress, Groundwater Sustainability Plan; and,
- The proposed well does not interfere with the Groundwater Sustainability Agency’s SGMA authorities, including the Agency’s addressing of undesirable results and the likelihood of achieving the sustainability goal.

I hereby certify that the GSA has reviewed the above conditions for the subject property for compliance with Executive Order N-7-22 and have marked each box for compliance as applicable.

Groundwater Sustainability Agency Signature

Date

Printed Name

Title



DRAFT New Well Form

CUYAMA BASIN GROUNDWATER SUSTAINABILITY AGENCY

Form Instructions

For installation of a new well, please fill out this form completely, along with a \$ review fee, and submit to Cuyama Basin Groundwater Sustainability Agency (CBGSA) at 500 Capitol Mall, Suite 2350, Sacramento CA, 95814. Please contact Taylor Blakslee at tblakslee@hgcpm.com, or (661) 477-3385 if you have any questions. **Note:* all new wells in the Cuyama Basin are required to install a flow meter and submit a flow meter reporting form. Guidance on installing a flow meter and the reporting form can be found at www.cuyamabasin.org/resources. The CBGSA also requests a completed well survey form for new wells which can be downloaded from the above website address.

Landowner and Well Information

- 1 Landowner Name _____
- 2 Company/Organization _____
- 3 Address _____
- 4 Phone Number _____
- 5 Email _____
- 6 Well Name/Number (if applicable) _____
- 7 Well Location (lat/long in Decimal Degree) _____

Cuyama Basin Groundwater Sustainability Agency Modification/Replacement Well Requirements

Please verify the following CBGSA requirement will be met by checking the below box **and providing** the required hydrogeologic analysis.

- Landowner must conduct a hydrogeologic analysis that demonstrates “(i) the proposed well would not be inconsistent with the GSA’s Groundwater Sustainability Plan (GSP); and (ii) the proposed well would not decrease the likelihood of achieving a sustainability goal included in that GSA’s GSP.” (attach hydrogeologic analysis)

For the GSA to fill out:

- The proposed well is not inconsistent with the Groundwater Sustainability Agency’s adopted, or in progress, Groundwater Sustainability Plan; and,
- The proposed well does not interfere with the Groundwater Sustainability Agency’s SGMA authorities, including the Agency’s addressing of undesirable results and the likelihood of achieving the sustainability goal.

I hereby certify that the GSA has reviewed the above conditions for the subject property for compliance with Executive Order N-7-22 and have marked each box for compliance as applicable.

Groundwater Sustainability Agency Signature	Date
Printed Name	Title



TO: Standing Advisory Committee
Agenda Item No. 6e

FROM: Jim Beck / Brian Van Lienden / Alex Dominguez

DATE: October 27, 2022

SUBJECT: Discussion and Appropriate Action on Adaptive Management Analysis

Recommended Motion

Standing Advisory Committee feedback requested.

Discussion

On May 4, 2022, the Cuyama Basin Groundwater Sustainability Agency Board directed staff to perform modeling and GIS analyses to evaluate potential changes to (1) minimum thresholds (MTs) in the Central Management Area (CMA) and (2) the undesirable results criteria (30% of wells below MTs for two consecutive years).

The modeling analysis is provided as Attachment 1 and staff is seeking SAC/Board feedback on whether it would like to continue the process of potentially adjusting either the CMA MTs, undesirable results criteria, or a combination of both.

If the SAC/Board directs staff to continue with the analysis, staff will propose options for adjusting MTs in the CMA and undesirable results criteria at the January 2023 meetings to ensure the GSA does not experience undesirable results for the next two years until this issue can be addressed more completely during the major 2025 GSP update.

Currently, undesirable results for groundwater levels are expected to be experienced in June 2023.

Cuyama Basin Groundwater Sustainability Agency

6e. Discussion and Appropriate Action on Adaptive Management Analysis

Jim Beck / Brian Van Lienden / Alex Dominguez

October 27, 2022



Previous CBGSA Board Direction

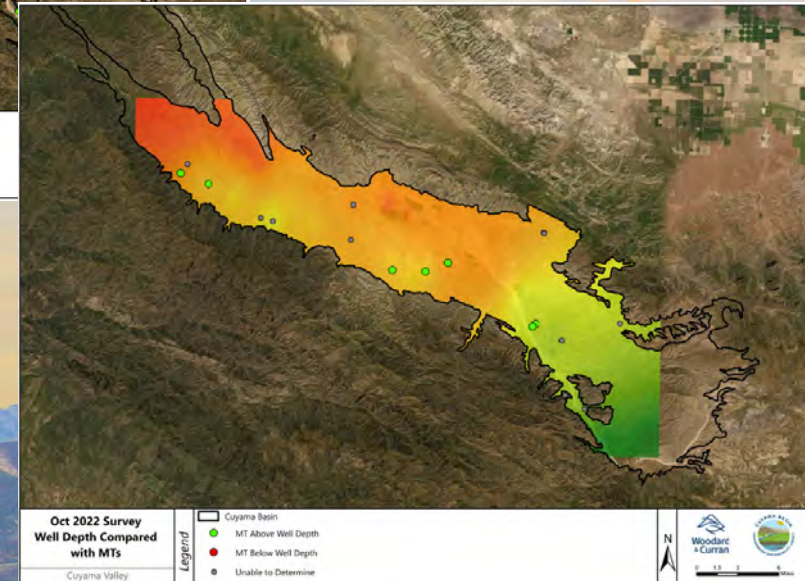
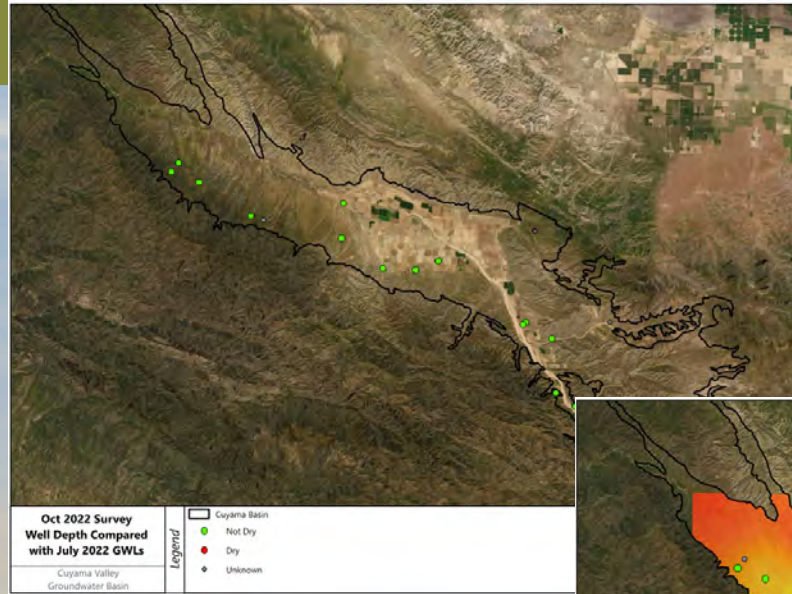
Brian Van Lienden

- Directed staff to perform analysis for options 3 [Revise (Lower) Minimum Thresholds] and 4 [Revise Undesirable Results Trigger (30% for 2-years)]
- The following steps were approved:
 - Perform well survey of all wells in Basin
 - Analyze water level trends at representative monitoring wells with respect to historical hydrology and groundwater extraction (presented at September Board 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

Comparison of Domestic/Residential Wells Against Current Conditions and Minimum Thresholds

- Wells reported in the survey as active and as residential/domestic were evaluated using same criteria as used for previous dataset in Revised GSP:

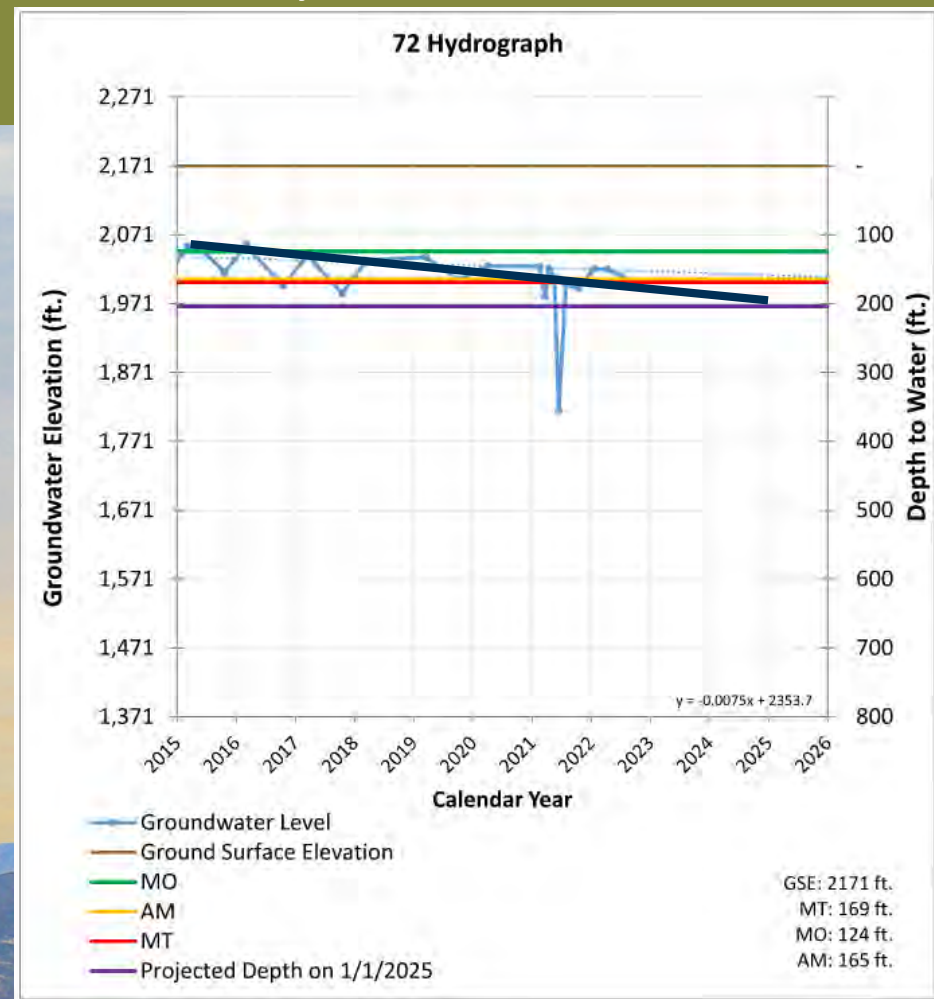
- No wells were found to be dry currently
- No wells would become dry if groundwater levels reached minimum threshold levels



Recent Water Level Trends Analysis

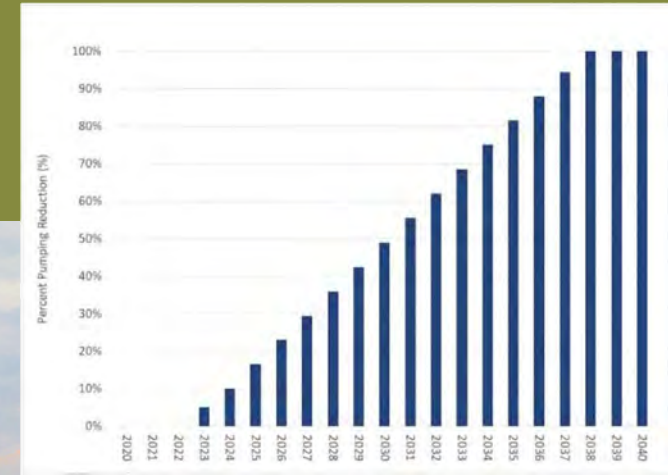
Brian Van Lienden

- To supplement the modeling analysis described below, near-term water level trends analysis was performed on each representative monitoring well:
 - Developed a trendline reflecting average reduction in groundwater levels over time from 2015 through 2022
 - Extended this trendline to 2025 to estimate groundwater level relative to minimum thresholds
- Results are shown in tables below with the projected modeling results

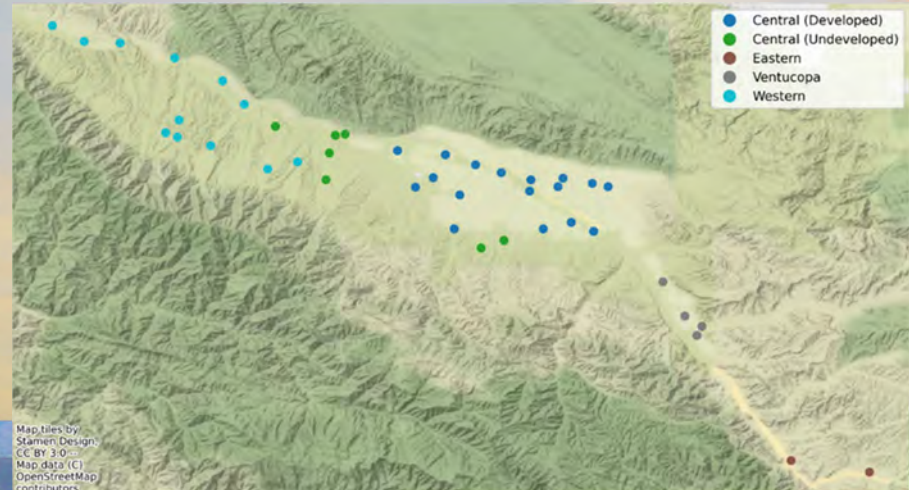


CBWRM Analysis of Estimated Groundwater Conditions with GSP Pumping Reductions

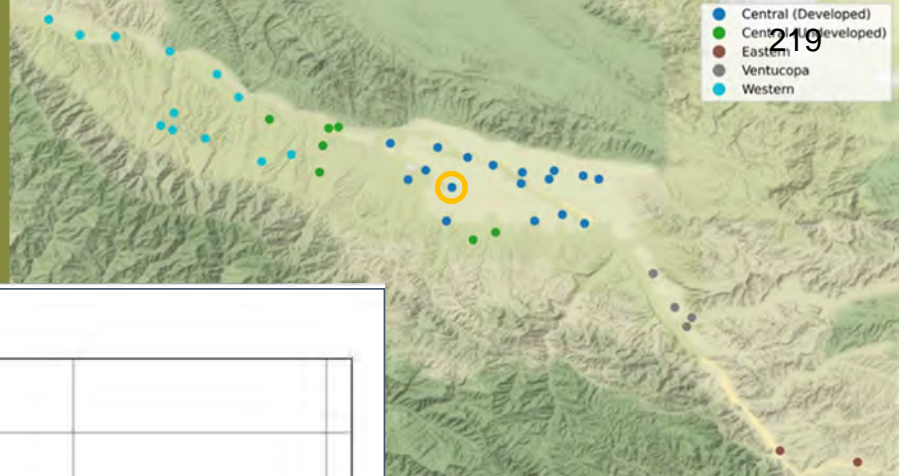
- Groundwater pumping was reduced for irrigated acreage in the central developed area following the “glide path” specified in the GSP
 - The reduction is gradual, beginning in 2023, reaching the final reduction in 2038
 - The reduction was applied to all crop types within the central developed area
- Model estimated groundwater levels were compared to minimum thresholds at all representative wells in 2040 and 2070



§7.3.2 Cuyama Basin Groundwater Sustainability Plan, Dec 2019



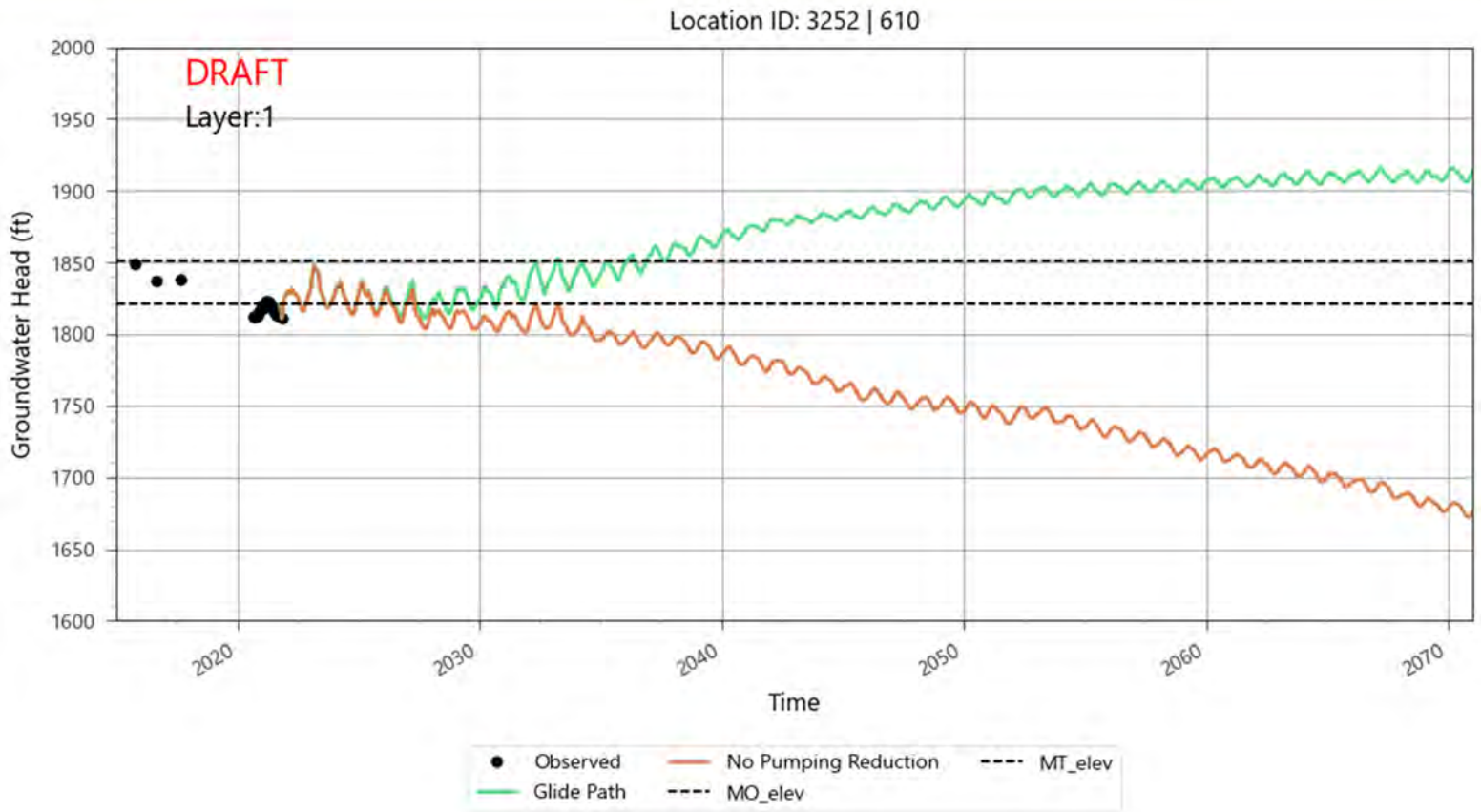
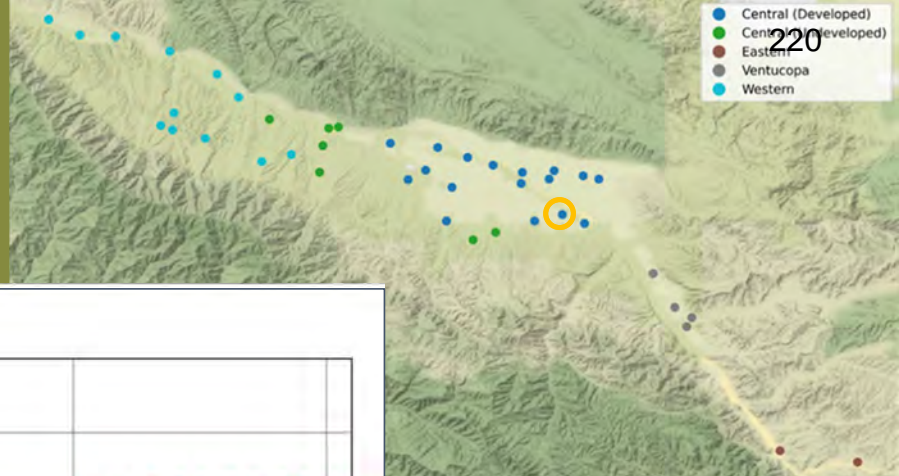
Example Hydrograph: Central Management Area



Reduced Pumping elevates heads.
Heads does not rise above MT before 2040.



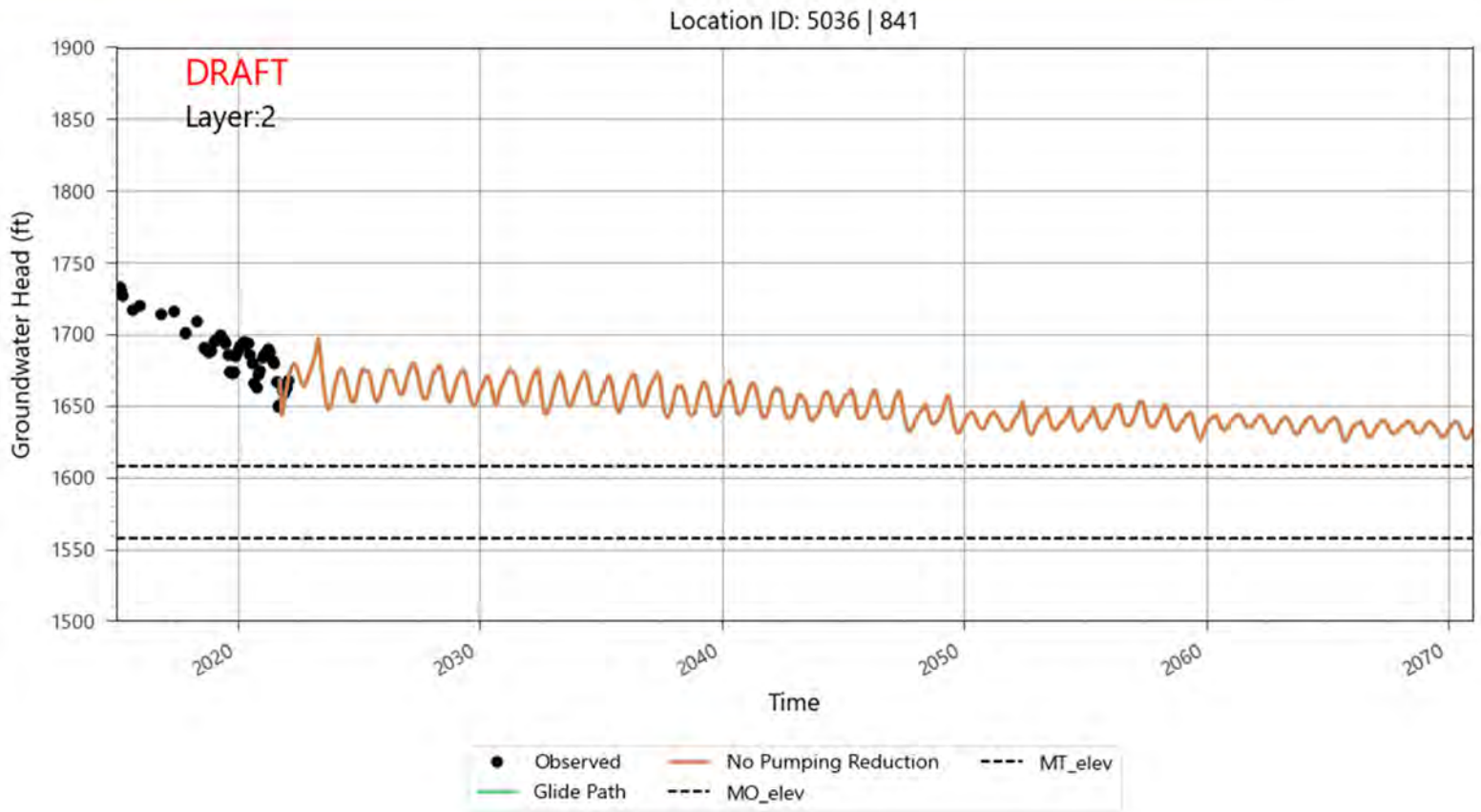
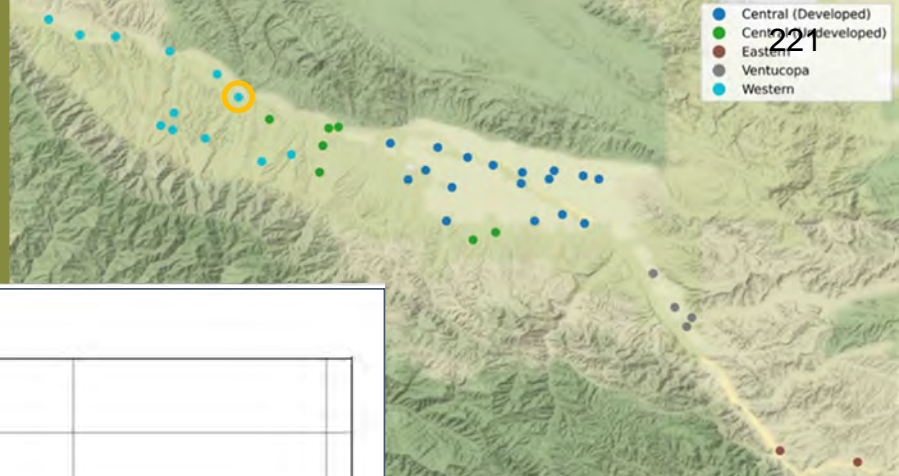
Example Hydrograph: Central Management Area



Reduced Pumping elevates heads.
Heads rises above MT before 2040.



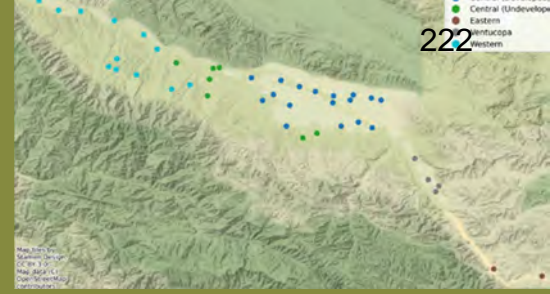
Example Hydrograph: Outside Central Management Area



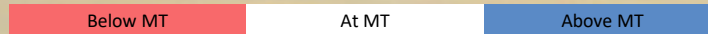
No difference between scenarios.



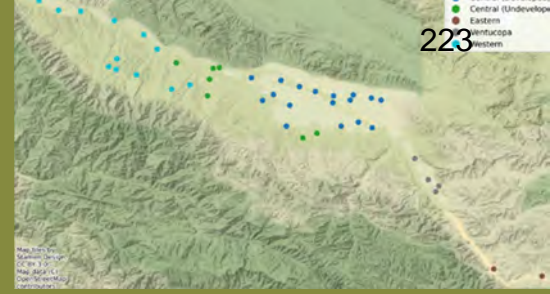
Compare Simulated Heads to Minimum Threshold



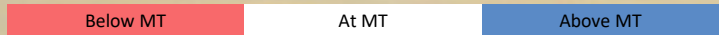
Head Relative to Minimum Threshold								
Area	Model Name	Opti ID	Most Recent Measurement	2025 Recent Trend Estimate	2040 Modeled Estimate		2070 Modeled Estimate	
					No Reduction	Pumping Reduction	No Reduction	Pumping Reduction
Western	3016	106	10 ft Above	10 ft Above	10 ft Above	10 ft Above	10 ft Above	10 ft Above
	5001	833	70 ft Above	60 ft Above	70 ft Above	70 ft Above	70 ft Above	70 ft Above
	5003	836	45 ft Above	40 ft Above	60 ft Above	60 ft Above	62 ft Above	60 ft Above
	5005	830	0 ft Above	0 ft Above	0 ft Above	0 ft Above	2 ft Below	0 ft Below
	5007	832	6 ft Above	0 ft Above	10 ft Above	10 ft Above	10 ft Above	10 ft Above
	5019	845	133 ft Above	120 ft Above	110 ft Above	110 ft Above	90 ft Above	90 ft Above
	5036	841	109 ft Above	90 ft Above	100 ft Above	100 ft Above	80 ft Above	80 ft Above
	5038	571	20 ft Above	20 ft Above	20 ft Above	20 ft Above	30 ft Above	30 ft Above
	5042	118	65 ft Above	70 ft Above	70 ft Above	70 ft Above	70 ft Above	70 ft Above
	5045	117	8 ft Above	0 ft Above	20 ft Above	20 ft Above	30 ft Above	30 ft Above
	5049	124	29 ft Above	20 ft Above	40 ft Above	40 ft Above	40 ft Above	40 ft Above
	5061	107	0 ft Above	0 ft Above	10 ft Below	10 ft Below	30 ft Below	30 ft Below



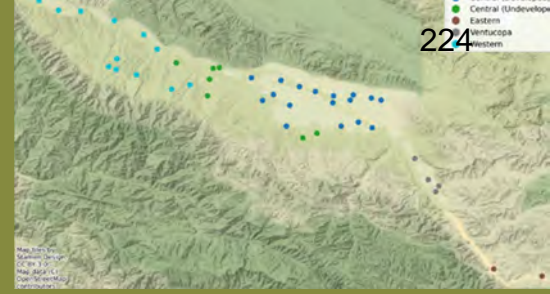
Compare Simulated Heads to Minimum Threshold



Head Relative to Minimum Threshold								
Area	Model Name	Opti ID	Most Recent Measurement	2025 Recent Trend Estimate	2040 Modeled Estimate		2070 Modeled Estimate	
					No Reduction	Pumping Reduction	No Reduction	Pumping Reduction
Central (Undeveloped)	3003	573	47 ft Above	50 ft Above	50 ft Above	50 ft Above	50 ft Above	50 ft Above
	3007	568	2 ft Below	10 ft Below	10 ft Below	10 ft Below	20 ft Below	10 ft Below
	3008	114	1 ft Above	0 ft Above	0 ft Above	0 ft Above	0 ft Above	0 ft Above
	3017	112	2 ft Above	0 ft Above	10 ft Above	10 ft Above	10 ft Above	10 ft Above
	3072	474	24 ft Above	40 ft Above	10 ft Above	10 ft Above	0 ft Above	0 ft Above
	3277	98	1 ft Above	0 ft Above	10 ft Above	0 ft Above	0 ft Above	0 ft Below
	3282	96	0 ft Below	10 ft Below	0 ft Above	0 ft Below	0 ft Below	20 ft Below



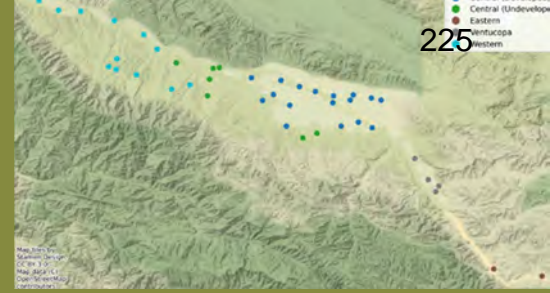
Compare Simulated Heads to Minimum Threshold



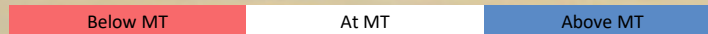
Area	Model Name	Opti ID	Head Relative to Minimum Threshold					
			Most Recent Measurement	2025 Recent Trend Estimate	2040 Modeled Estimate		2070 Modeled Estimate	
					No Reduction	Pumping Reduction	No Reduction	Pumping Reduction
Central (Developed)	2006	74	4 ft Above	20 ft Below	40 ft Below	40 ft Below	100 ft Below	70 ft Below
	3029	102	126 ft Below	170 ft Below	140 ft Below	100 ft Below	170 ft Below	80 ft Below
	3039	604	72 ft Above	70 ft Above	70 ft Above	170 ft Above	10 ft Below	230 ft Above
	3052	609	22 ft Above	70 ft Above	10 ft Below	130 ft Above	120 ft Below	160 ft Above
	3058	608	15 ft Below	10 ft Below	80 ft Below	20 ft Below	160 ft Below	0 ft Above
	3079	72	10 ft Below	30 ft Below	70 ft Below	70 ft Below	100 ft Below	100 ft Below
	3096	103	37 ft Below	20 ft Below	80 ft Below	60 ft Below	130 ft Below	60 ft Below
	3145	421	60 ft Below	80 ft Below	80 ft Below	50 ft Below	90 ft Below	30 ft Below
	3146	420	59 ft Below	80 ft Below	80 ft Below	50 ft Below	110 ft Below	20 ft Below
	3147	77	41 ft Below	70 ft Below	150 ft Below	20 ft Above	330 ft Below	120 ft Above
	3150	612	11 ft Above	10 ft Below	70 ft Below	0 ft Below	200 ft Below	40 ft Above
	3160	613	11 ft Below	40 ft Below	40 ft Below	20 ft Below	60 ft Below	10 ft Below
	3166	615	8 ft Below	40 ft Below	90 ft Below	40 ft Below	210 ft Below	0 ft Below
	3186	633	27 ft Below	40 ft Below	90 ft Below	20 ft Below	220 ft Below	10 ft Above
	3201	629	11 ft Below	10 ft Below	70 ft Below	10 ft Below	200 ft Below	10 ft Above
	3217	325	14 ft Below	10 ft Below	20 ft Below	0 ft Above	40 ft Below	10 ft Above
	3218	324	37 ft Below	10 ft Below	50 ft Below	20 ft Below	60 ft Below	10 ft Below
	3219	322	49 ft Below	20 ft Below	50 ft Below	0 ft Below	60 ft Below	0 ft Above
	3220	99	19 ft Below	20 ft Below	10 ft Below	70 ft Above	20 ft Below	70 ft Above
	3236	95	31 ft Below	50 ft Below	80 ft Below	70 ft Below	130 ft Below	90 ft Below
	3252	610	4 ft Above	30 ft Below	40 ft Below	50 ft Above	150 ft Below	80 ft Above
	3260	317	41 ft Below	60 ft Below	80 ft Below	40 ft Below	150 ft Below	20 ft Below
	3261	316	41 ft Below	60 ft Below	80 ft Below	40 ft Below	160 ft Below	20 ft Below
3262	91	39 ft Below	60 ft Below	80 ft Below	40 ft Below	170 ft Below	20 ft Below	

Below MT
At MT
Above MT

Compare Simulated Heads to Minimum Threshold

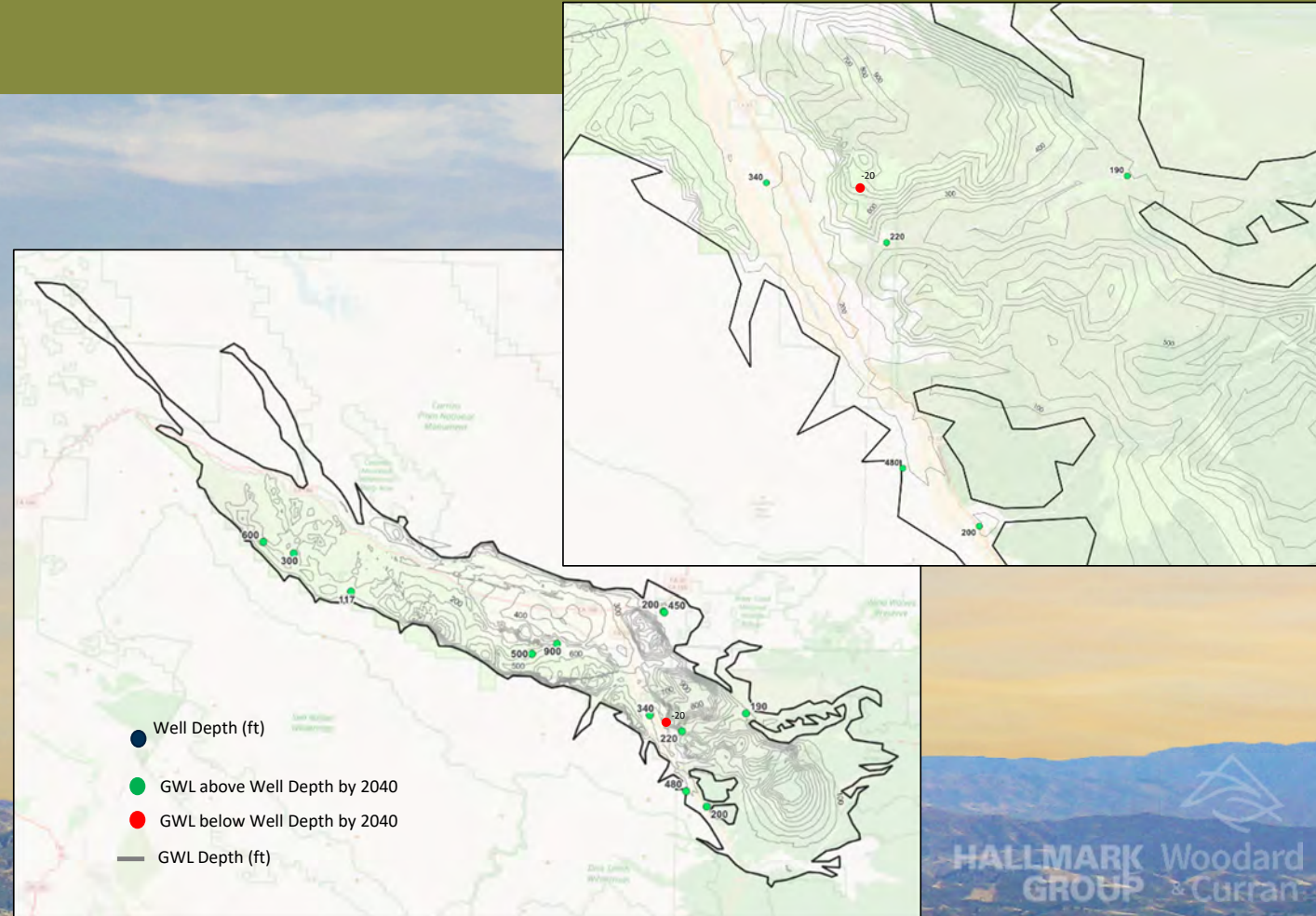


Head Relative to Minimum Threshold									
Area	Model Name	Opti ID	Most Recent Measurement	2025 Recent Trend Estimate	2040 Modeled Estimate		2070 Modeled Estimate		
					No Reduction	Pumping Reduction	No Reduction	Pumping Reduction	
Eastern	3306	101	2 ft Above	10 ft Below	20 ft Below	20 ft Below	30 ft Below	30 ft Below	
	3325	62	26 ft Above	20 ft Above	10 ft Below	10 ft Below	10 ft Below	10 ft Below	
	3338	85	32 ft Above	30 ft Above	30 ft Below	40 ft Below	100 ft Below	110 ft Below	
	3344	100	29 ft Above	30 ft Above	10 ft Above	10 ft Above	10 ft Above	10 ft Above	
South eastern	4027	89	30 ft Above	40 ft Above	40 ft Above	40 ft Above	40 ft Above	40 ft Above	
	4057	2	41 ft Above	70 ft Above	70 ft Above	70 ft Above	60 ft Above	60 ft Above	



Modeled Assessment of Residential/Domestic Wells

- 1 out of 13 wells projected to be dry in 2040
- Evaluation included active residential/domestic wells from well survey



SAC Direction on Next Steps

- Takeaways from technical analysis:
 - Modeling analysis estimates that the GSP pumping reductions will improve groundwater levels relative to baseline pumping levels but that many wells will still be below minimum threshold in 2040
 - Consistent with previous GSP analysis, there are only minor projected impacts to residential/domestic well users
- What next steps would the SAC like staff to take?



TO: Standing Advisory Committee
Agenda Item No. 6f

FROM: Jim Beck/ Alex Dominguez

DATE: October 27, 2022

SUBJECT: Discussion and Appropriate Action on Strategy for Managing Pumping throughout the Basin

Recommended Motion

Standing Advisory Committee feedback requested.

Discussion

On September 7, 2022, the Cuyama Basin Groundwater Sustainability Agency directed staff to develop a strategy for managing pumping throughout the Basin. Draft options are provided as Attachment 1 for SAC/Board review and feedback.

Cuyama Basin Groundwater Sustainability Agency

6f. Discussion and Appropriate Action on Strategy for Managing Pumping throughout the Basin

Jim Beck / Alex Dominguez

October 27, 2022



Background

- On May 4, 2022, the Board directed staff to begin discussions with an ad hoc to address the below two water management topics:
 1. Increased water use outside the Central Management Area
 2. Water market/trading discussions
- On September 7, 2022, the Board directed staff to develop a strategy with options to address increase water use outside the Central Management Area to be reviewed at the November 2, 2022, Board meeting

Is There a Concern With Increased Water Use Outside the Central Management Area – What Does the GSP Say?

- **Executive Summary (pg ES-1)** “Although current analysis indicates groundwater pumping reductions on the order of 50 to 67 percent may be required Basin-wide to achieve sustainability, additional efforts are required to confirm the amount and location of pumping reductions required to achieve sustainability. These efforts include collecting additional data and a review of the Basin’s groundwater model, along with other efforts as outlined in this document.”
- Pumping reductions outside the CMA were contemplated but not mandated under the current version of the GSP

Options to Address Increase Water Use Outside the Central Management Area

OPTIONS	NOTES	PROS	CONS
1 Do nothing (at this time)	No GSP amendment required	Lower cost, if overdraft is not significant outside the CMA	May not achieve basin-wide sustainability; incentivize development outside the CMA
2 Do something	Now or later?		
a Create multiple Management Areas	GSP amendment required (new MA criteria to be developed)	Better representation for local conditions	Boundary issues remain; administration of multiple MAs = multiple methodologies
b Create one (1) new MA that's everything outside the CMA	GSP amendment required (new MA criteria to be developed)	Everyone in an overdrafted portion of the basin is treated similarly	Boundary issues remain; administration of two different MA = two different methodologies
c Eliminate all MAs and manage basin as a whole	GSP amendment	Consistent with basin boundary and ease of administration (everyone treated the same)	May not reflect local groundwater conditions within the basin

Options to Address Increase Water Use Outside the Central Management Area

- Board feedback requested



TO: Standing Advisory Committee
Agenda Item No. 6g

FROM: Jim Beck / Brian Van Lienden

DATE: October 27, 2022

SUBJECT: Discussion and Appropriate Action on Strategy for Continuing Evaluation of Basin Faults

Recommended Motion

Standing Advisory Committee feedback requested.

Discussion

On September 7, 2022, the Cuyama Basin Groundwater Sustainability Agency directed staff to develop a strategy for continuing an evaluation of the basin faults which is provided as Attachment 1.

Cuyama Basin Groundwater Sustainability Agency

6g. Discussion and Appropriate Action on Strategy for Continuing
Evaluation of Basin Faults

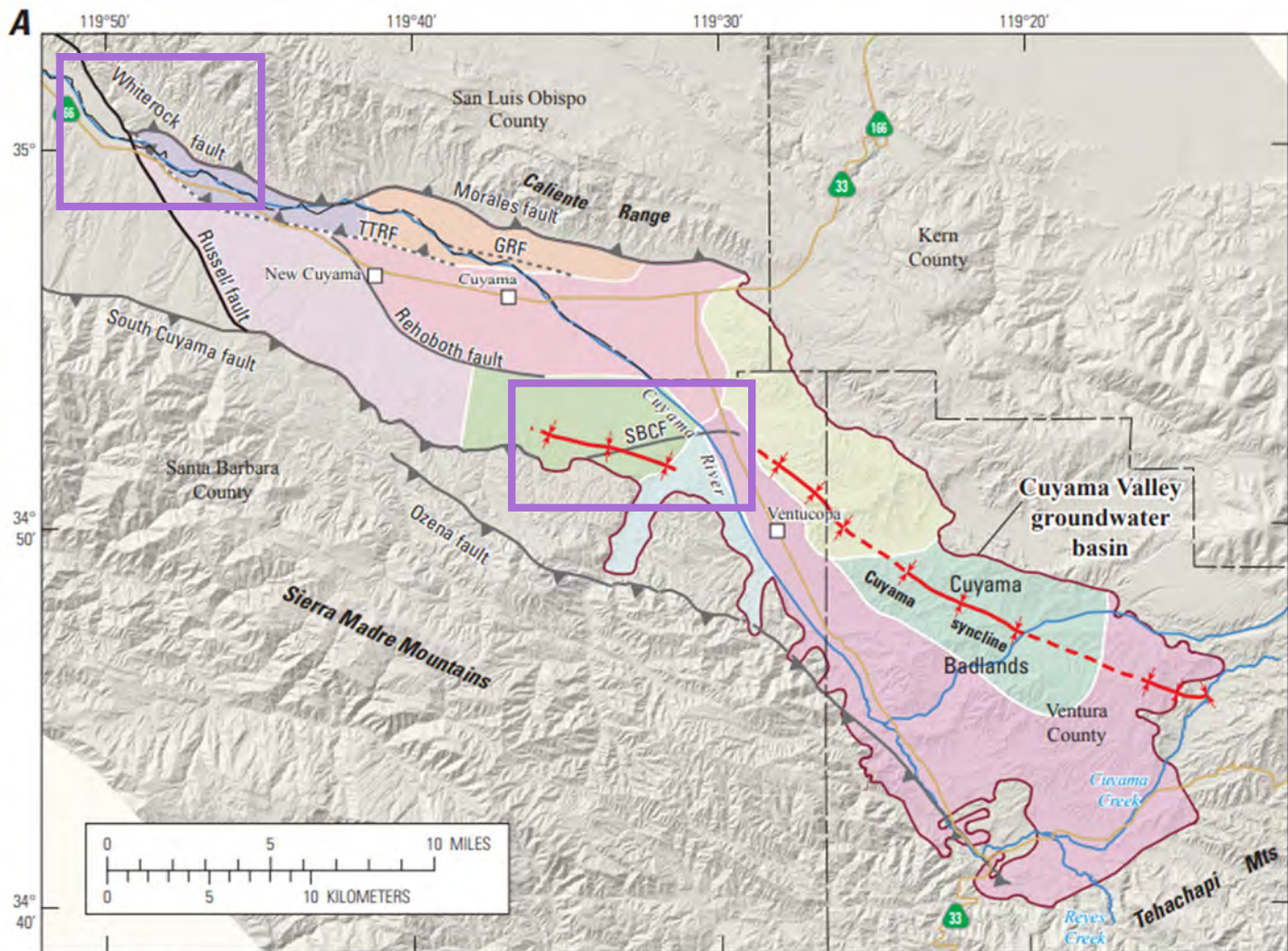
Jim Beck / Brian Van Lienden

October 27, 2022



Proposed Strategy for a Groundwater-Fault Interaction Investigation

- Objective
 - Evaluate groundwater flow impacts by the Russell and Santa Barbara Canyon (SBC) Faults
- Proposed investigation components
 - Evaluate available groundwater data in investigation areas
 - AEM data interpretation
 - Surface geophysical surveys (ER and IP)
 - Construction of new groundwater pumping and observation wells
 - Groundwater sampling and geochemistry analysis
 - Aquifer pumping tests
 - Groundwater flow calculations and modelling
- Proposed approach was reviewed by Technical Forum on October 18



Shaded relief base created from 30-m digital elevation model from USGS National Elevation Dataset (NED); North America Vertical Datum 1983 (NAVD83). Hydrology sourced from 1:24,000-scale National Hydrography Dataset, 1974-2009. Place names sourced from USGS Geographic Names Information System, 1974-2009. Albers Projection, NAD83.

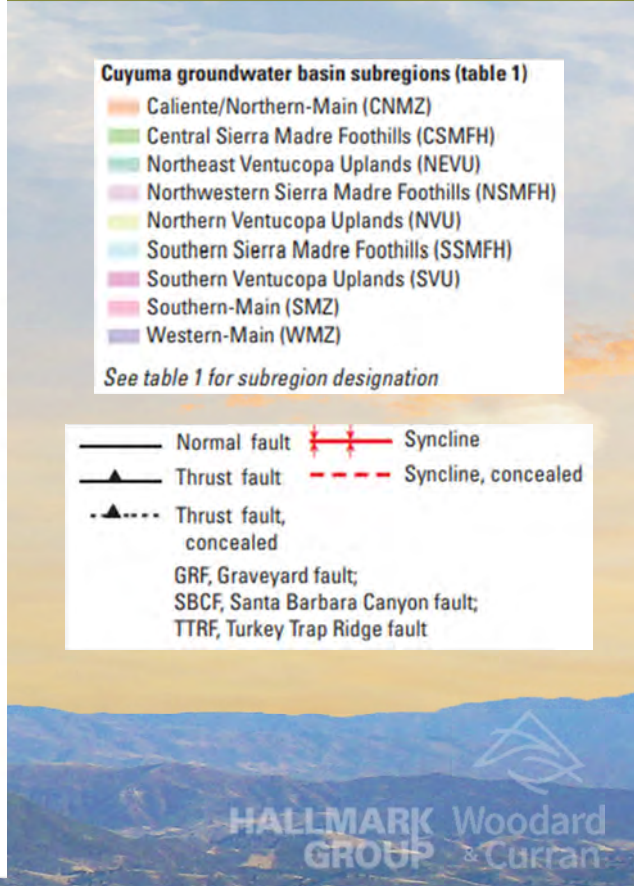
Groundwater hydrologic subregions and related geologic structures; B, simplified Cuyama major groundwater regions; and C, groups of landscape water-balance subregions for 1943–2010 in Cuyama Valley, California (USGS, 2015)

Cuyama groundwater basin subregions (table 1)

- Caliente/Northern-Main (CNMZ)
- Central Sierra Madre Foothills (CSMFH)
- Northeast Ventucopa Uplands (NEVU)
- Northwestern Sierra Madre Foothills (NSMFH)
- Northern Ventucopa Uplands (NVU)
- Southern Sierra Madre Foothills (SSMFH)
- Southern Ventucopa Uplands (SVU)
- Southern-Main (SMZ)
- Western-Main (WMZ)

See table 1 for subregion designation

- Normal fault
- Thrust fault
- Thrust fault, concealed
- Syncline
- Syncline, concealed
- GRF, Graveyard fault;
- SBCF, Santa Barbara Canyon fault;
- TTRF, Turkey Trap Ridge fault



Draft Cost Estimate

Task	Estimated Cost
Evaluate available groundwater data & AEM interpretation	\$25,000
Perform geophysical survey at two faults	\$330,000
Groundwater sampling and geochemical analysis	\$10,000
Well construction to support aquifer testing (assume one new pumping well and two new observation wells needed for each fault)	\$1,400,000
Perform aquifer test and well development at two faults	\$120,000
Groundwater flow and data analysis, including modeling	\$100,000
Total	\$1,985,000

SAC Direction on Next Steps

- What next steps would the SAC like staff to take?



TO: Standing Advisory Committee
Agenda Item No. 6h

FROM: Jim Beck / Brian Van Lienden

DATE: October 27, 2022

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

Recommended Motion

Standing Advisory Committee feedback requested.

Discussion

This memo is still being developed and an update will be provided once available.



TO: Standing Advisory Committee
Agenda Item No. 6i

FROM: Brian Van Lienden, Woodard & Curran

DATE: October 27, 2022

SUBJECT: Authorize Development and Submittal of an Application for DWR Grant Round 2
Funding Opportunity

Recommended Motion

SAC feedback requested.

Discussion

A presentation summarizing a current grant funding opportunity is provided as Attachment 1.

The Cuyama Basin GSA has budgeted \$40,000 to develop a grant application during the current Fiscal Year 2022-2023 and is seeking feedback on whether to submit an application for this California Department of Water Resources SGMA Round 2 competitive grant funding opportunity.

Cuyama Basin Groundwater Sustainability Agency

6i. Authorize Development and Submittal of an Application for
DWR Grant Round 2 Funding Opportunity

Brian Van Lienden

October 27, 2022



Sustainable Groundwater Management (SGM) Grant Program – Implementation, Round 2

- Over \$200 million is available
- All high and medium priority subbasins are eligible to apply
- Eligible projects
 - Must be consistent with the goals of the GSP
 - Projects and planning activities related to implementation (\$171 million)
 - Revisions, updates, and/or modifications of a GSP
 - Capital improvement of activities as listed within the GSP
 - Additional activities
 - Geophysical investigations of groundwater basins **to identify recharge potential** (Aerial Electromagnetic (AEM) surveys);
 - Early implementation of existing regional **flood management plans that incorporate groundwater recharge** (e.g., recharge basins incorporating flood or stormwater); or
 - Projects that would complement efforts of a local GSP, that provide for **floodplain expansion to benefit groundwater recharge or habitat** (e.g., a recharge basin adjacent to a waterbody using peak flows for groundwater recharge).

Timeline

Milestone/Activity	Schedule
Solicitation announcement by DWR	October 4, 2022
Application workshop	October 20, 2022
Application due	November 30, 2022
Draft award list posted for public review	May 2023
Final Award list posted	August 2023
Execute agreements	September – November 2023

Key Considerations

- This is a **competitive** grant – unlike Round 1 which was non-competitive – difficult to assess how competitive it will be
- 176 participants attended the October 20 workshop, indicating a high level of interest
- Conjunctive uses around groundwater recharge with surface water, stormwater, recycled water are likely to be prioritized
- Priority will be given to applicants who have not previously received SGMA Implementation funding

Potential Grant Funded Activities

Proposed Component	Cost Estimate
1. Perform Investigation of Flow Conditions around Santa Barbara Canyon and Russell Faults (see task/cost breakdown in previous presentation)	\$2,000,000
2. Data and Model Improvements to Enhance Basin Understanding <ul style="list-style-type: none"> - Install additional multi-completion wells (assume 2) - Processing and digitization of well completion reports, stakeholder provided data, and WellSTAR data - Incorporation of data into RockWater and Data Management System - Perform stream channel survey of entire Cuyama River channel using LiDAR - Develop hydraulic (streamflow/flood) model to improve understanding of Cuyama River hydraulics - Cuyama Basin model update and recalibration to incorporate newly developed data - Develop monthly timestep model to reduce model runtime and allow faster scenario simulation - Data Management System enhancements 	\$1,250,000
3. Grant Administration	\$350,000
Total	\$3,600,000

SAC Direction

- Does the SAC recommend authorizing staff to submit a proposal for this grant opportunity?
 - Estimated cost: \$30,000-\$40,000
 - Due date: November 30, 2022



TO: Standing Advisory Committee
Agenda Item No. 6j

FROM: Brian Van Lienden, Woodard & Curran

DATE: October 27, 2022

SUBJECT: 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.

Cuyama Basin Groundwater Sustainability Agency

6j. Update on Groundwater Sustainability Plan Activities

Brian Van Lienden

October 27, 2022



September-October Accomplishments

Brian Van Lienden

- ✓ Developed proposed technical approach to analyze flow across Santa Barbara Canyon and Russell faults
- ✓ Performed modeling analysis of pumping reductions to support adaptive management process related to Basin sustainability criteria
- ✓ Performed technical analyses for management area implementation and non-reporting pumpers identification
- ✓ Continued implementation of DWR grant agreement tasks
- ✓ Developed proposed project list for round 2 grant proposal



TO: Standing Advisory Committee
Agenda Item No. 6k

FROM: Brian Van Lienden, Woodard & Curran

DATE: October 27, 2022

SUBJECT: Update on Implementation of Grant-Funded Projects

Recommended Motion

None – information only.

Discussion

An update on grant implementation for the recently awarded \$7.6 million Sustainable Groundwater Management Implementation Round 1 grant is provided as Attachment 1.

Cuyama Basin Groundwater Sustainability Agency

6k. Update on Implementation of Grant-Funded Projects

Brian Van Lienden

October 27, 2022



Update on Implementation of Grant Funded Projects

- Installation of Monitoring Wells and Piezometers
 - For each location, analyzed geophysical conditions and groundwater levels to identify desired specific locations
 - Contacted drilling contractors to obtain cost estimates for planning purposes
 - Next step is to contact landowners to obtain agreements
- Installation of new Weather (CIMIS) Stations
 - Currently coordinating with CA DWR staff
- Updated Land Use Survey
 - Developing revised scope of work with LandIQ
 - Land use data will be provided for WY 2021-22 in December



TO: Standing Advisory Committee
Agenda Item No. 6I

FROM: Brian Van Lienden, Woodard & Curran

DATE: October 27, 2022

SUBJECT: 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

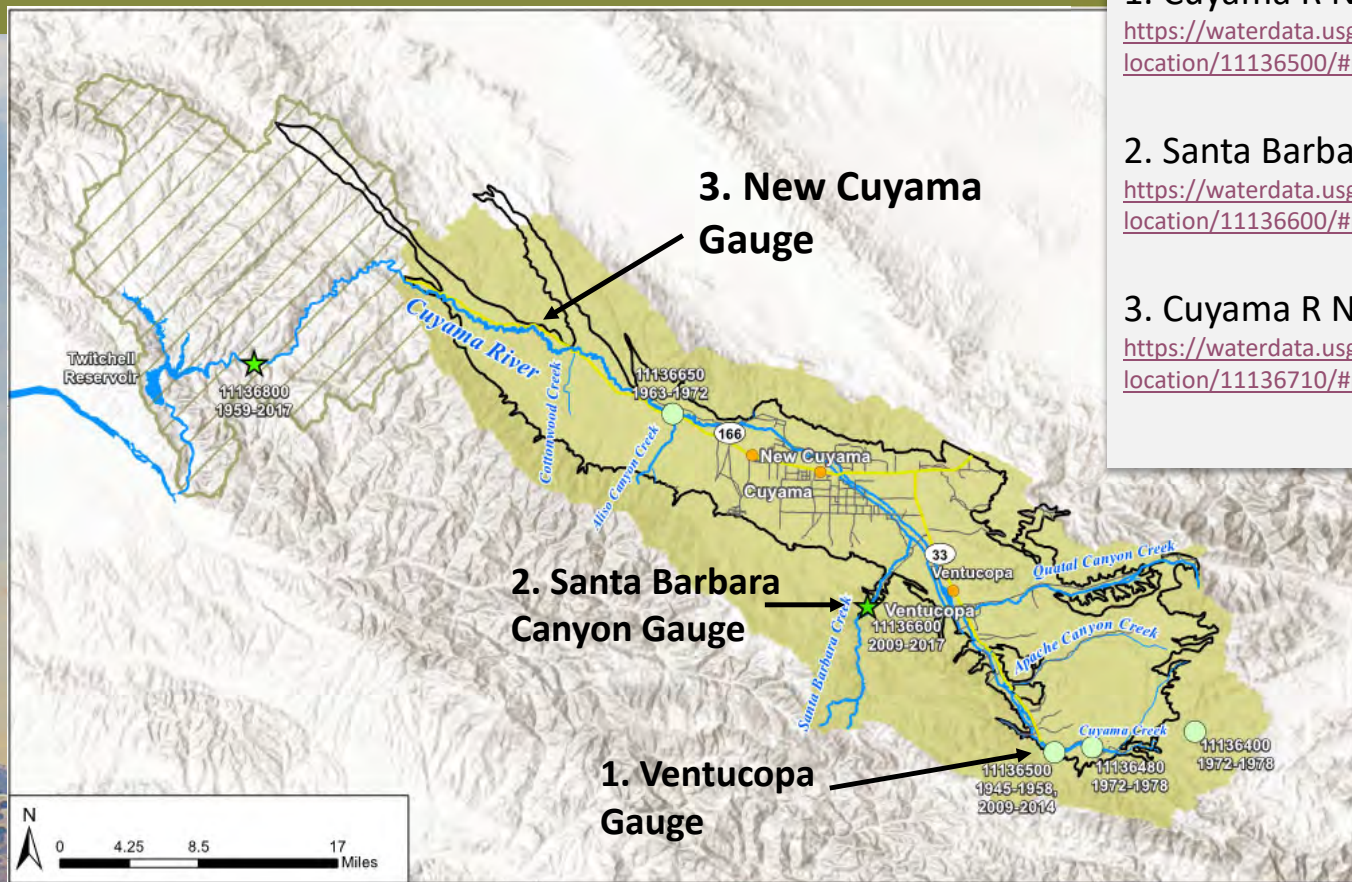
Brian Van Lienden

October 27, 2022



Stream Gauge Locations

Brian Van Lienden



USGS DATA

1. Cuyama R NR Ventucopa

<https://waterdata.usgs.gov/monitoring-location/11136500/#parameterCode=00060&period=P365D>

2. Santa Barbara CYN C NR Ventucopa

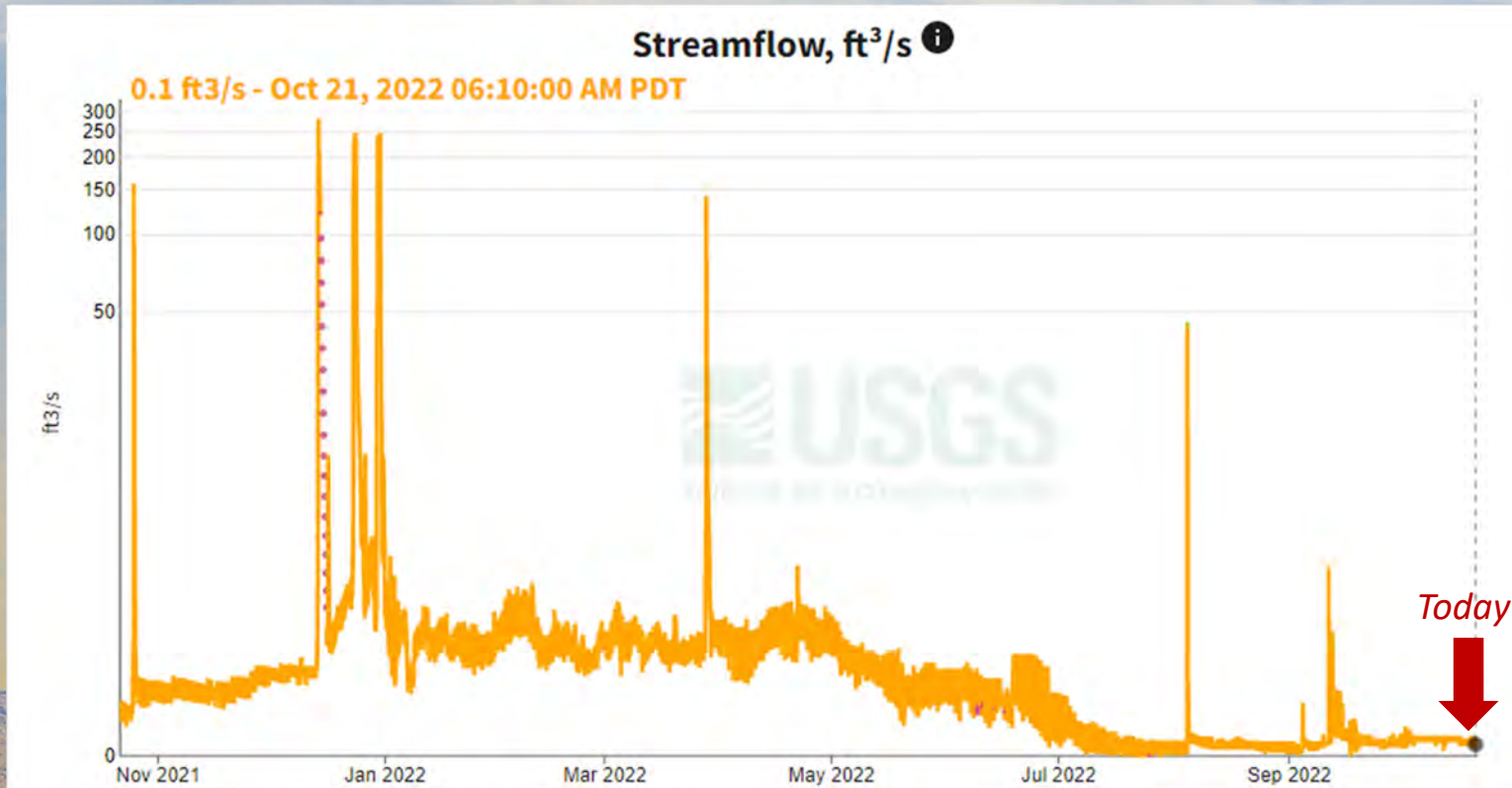
<https://waterdata.usgs.gov/monitoring-location/11136600/#parameterCode=00060&period=P365D>

3. Cuyama R NR New Cuyama (Spanish Ranch)

<https://waterdata.usgs.gov/monitoring-location/11136710/#parameterCode=00060&period=P365D>

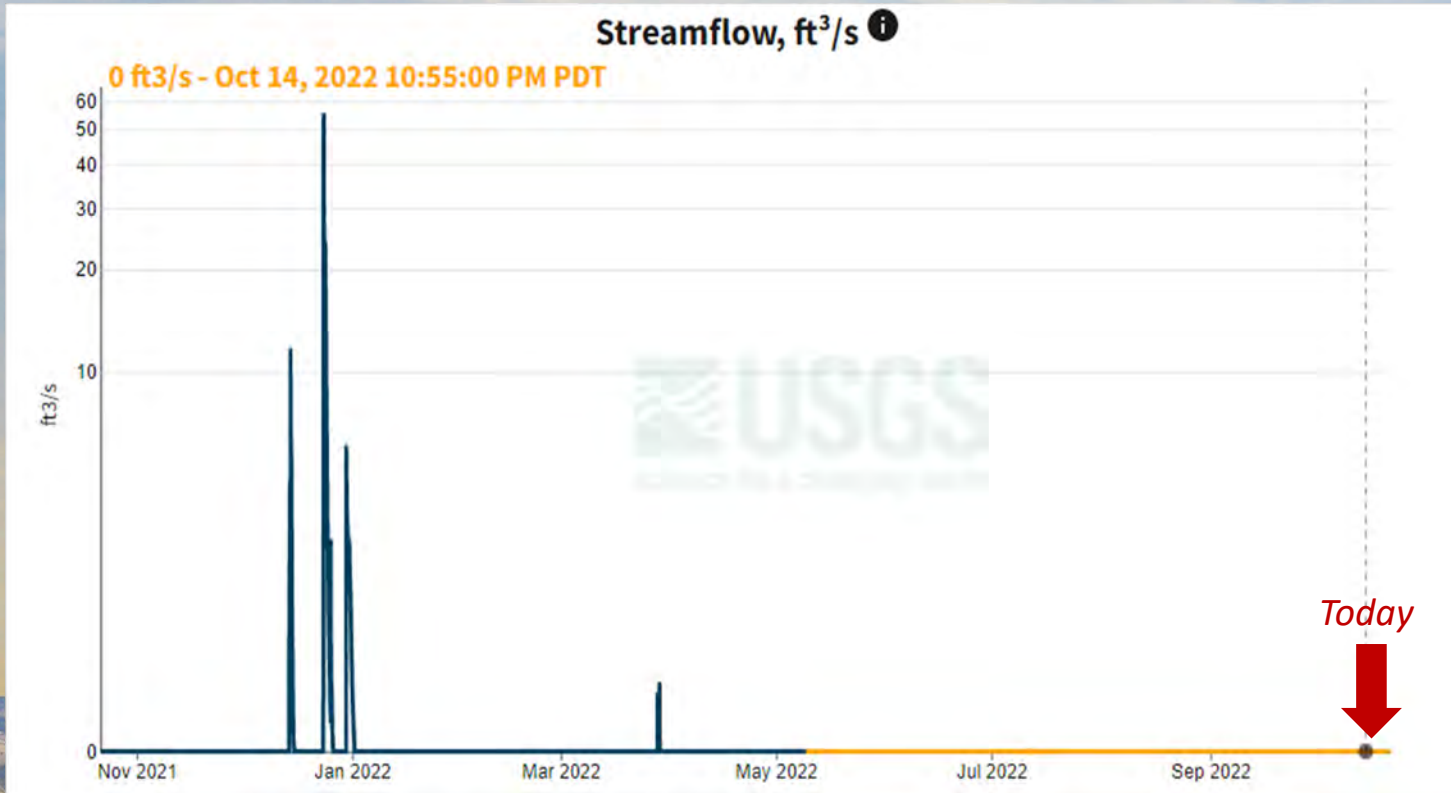
1. Cuyama R NR Ventucopa: Discharge Data

Brian Van Lienden



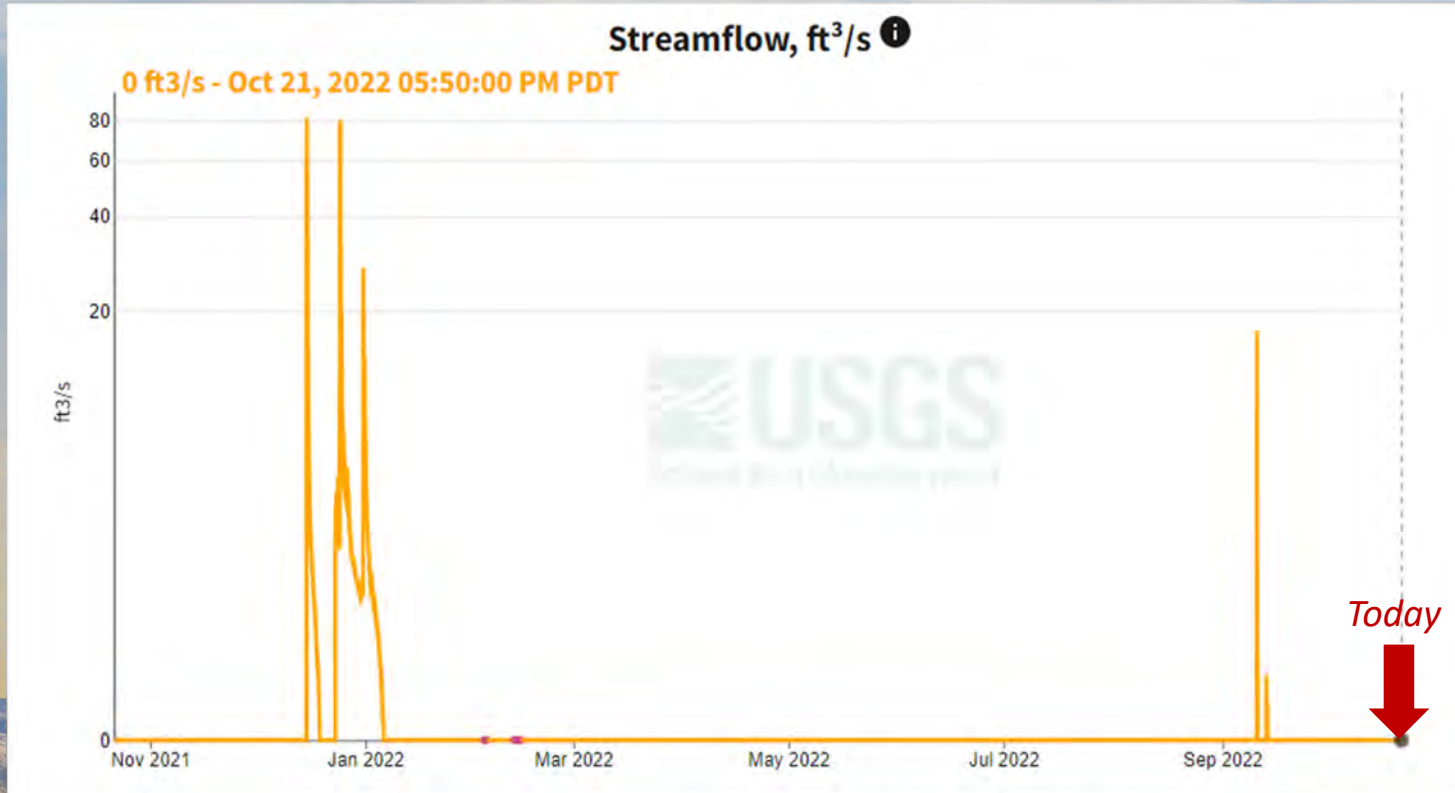
2. Santa Barbara CYN C NR Ventucopa: Discharge Data

Brian Van Lienden



3. Cuyama R NR New Cuyama (Spanish Ranch): Discharge Data

Brian Van Lienden



Schedule for Cuyama Basin Monitoring in 2022

Brian Van Lienden

- Quarterly groundwater levels monitoring:
 - January, April, July, October
- Water quality testing for TDS, nitrates and arsenic was performed in August and September

Update on DWR TSS Program

Brian Van Lienden

- 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. 6m

FROM: Brian Van Lienden, Woodard & Curran

DATE: October 27, 2022

SUBJECT: Report on Annual Water Quality

Recommended Motion

None – information only.

Discussion

Annual water quality samples for total dissolved solids (TDS), arsenic and nitrates were collected in August 2022 and the results are provided as Attachment 1. The detailed report is provided as Attachment 2.

Cuyama Basin Groundwater Sustainability Agency

6m. Update on Annual Water Quality

Brian Van Lienden

October 27, 2022

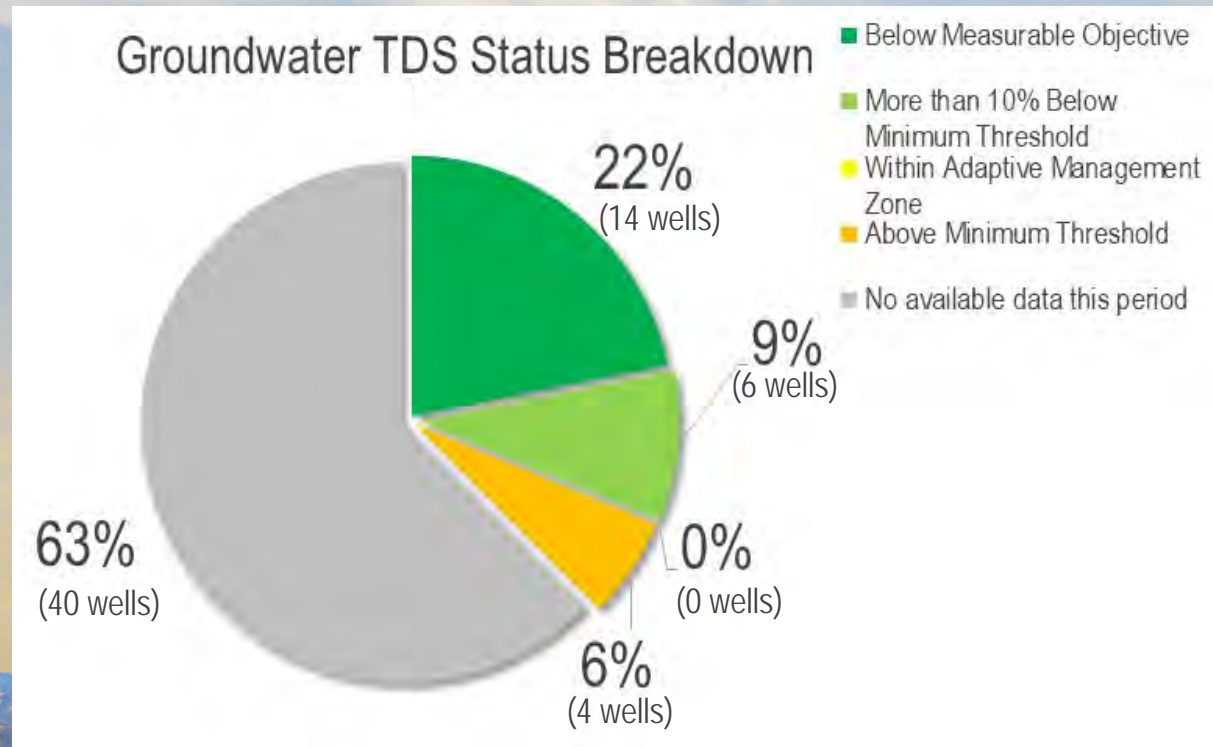


Groundwater Levels Monitoring Network – Summary of Current Conditions

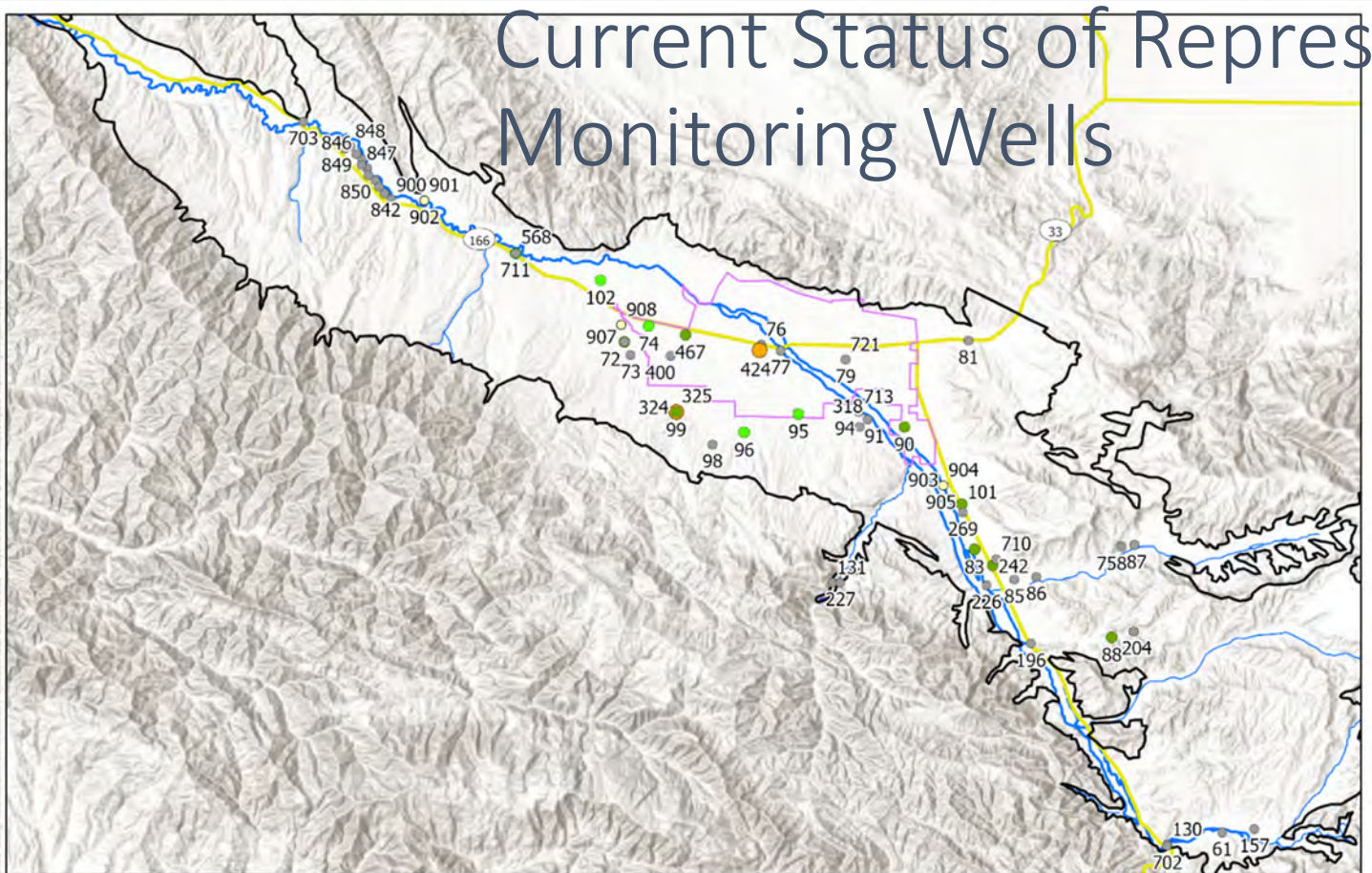
- Monitoring data from August-September 2022 for is included in the Groundwater Quality Conditions report
- 17 representative monitoring wells and 9 other wells have salinity, nitrates and arsenic measurements in 2022
- 7 additional representative wells were measured for salinity in 2021

Summary of Groundwater Well TDS Measurements as Compared To Sustainability Criteria

- 4 the 24 wells with a measurement in 2021 or 2022 are currently below minimum threshold (MT)
- 40 representative wells did not have a measurement in either year, in most cases because landowner agreement could not be obtained



Current Status of Representative Monitoring Wells



**Q3 2022
Regular Reporting
Status Report**

Cuyama Valley
Groundwater Basin

Legend

- Cuyama Basin
- Highways
- Cuyama River
- Streams/Creeks

Representative TDS Monitoring Network Wells and Status

- Above Minimum Threshold
- Below Measurable Objective
- More than 10% Below Minimum Threshold
- No available data this period
- No available thresholds

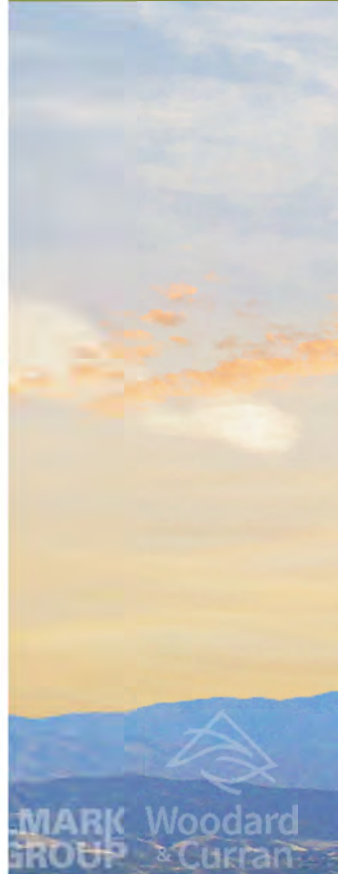
Woodard & Curran

CUYAMA BASIN

0 1.25 2.5 5 Miles

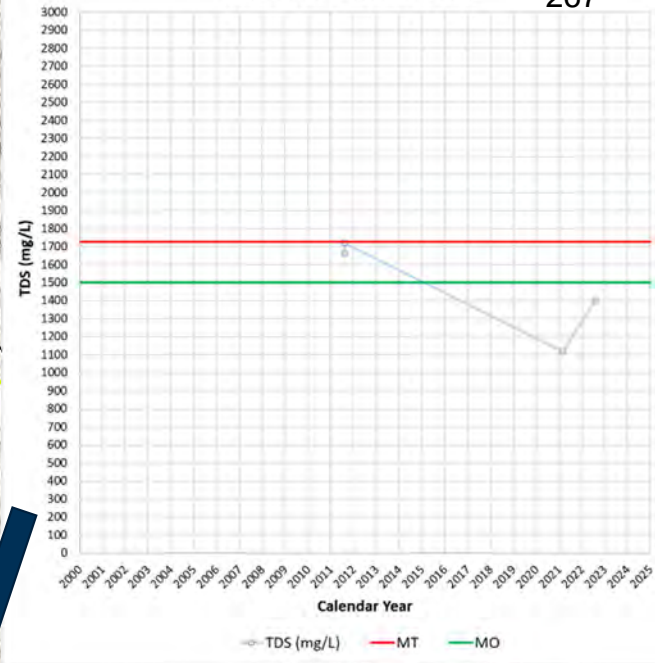
Map Created: October 2022

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 users' sole risk.

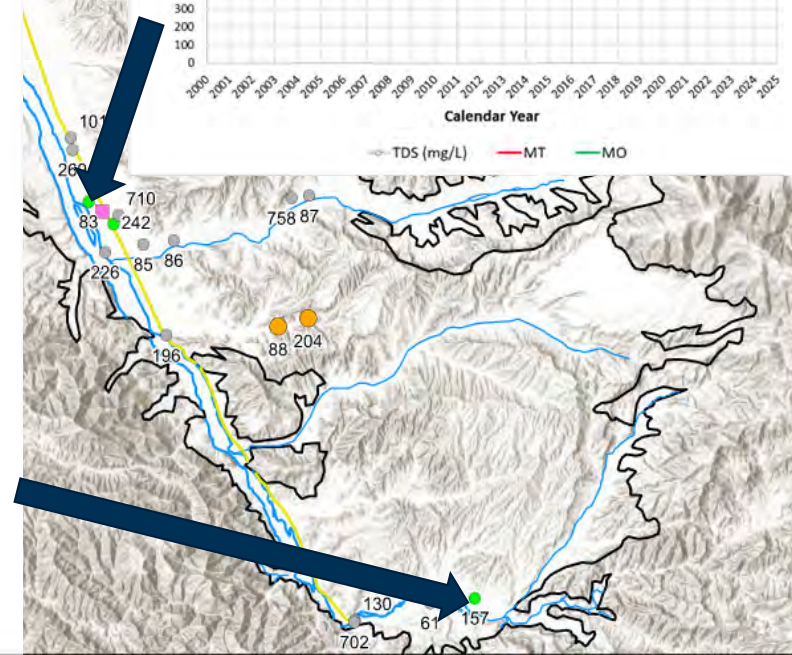
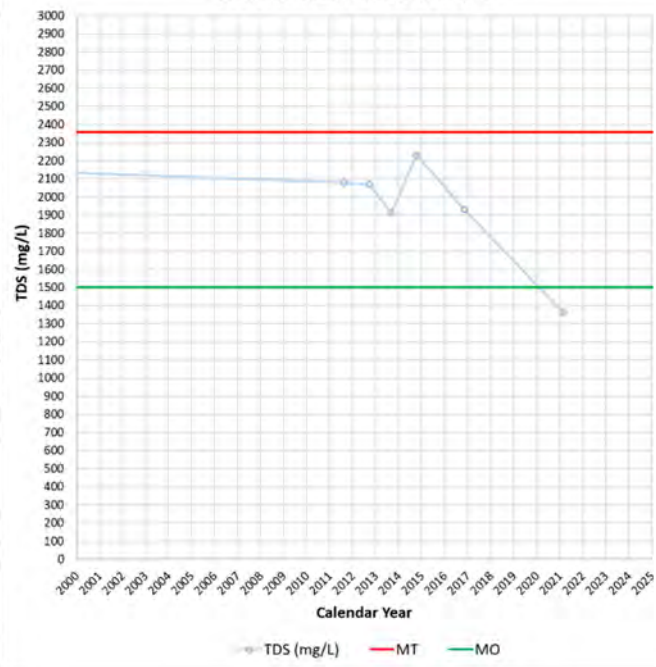


Groundwater Quality Time Series for Selected Wells

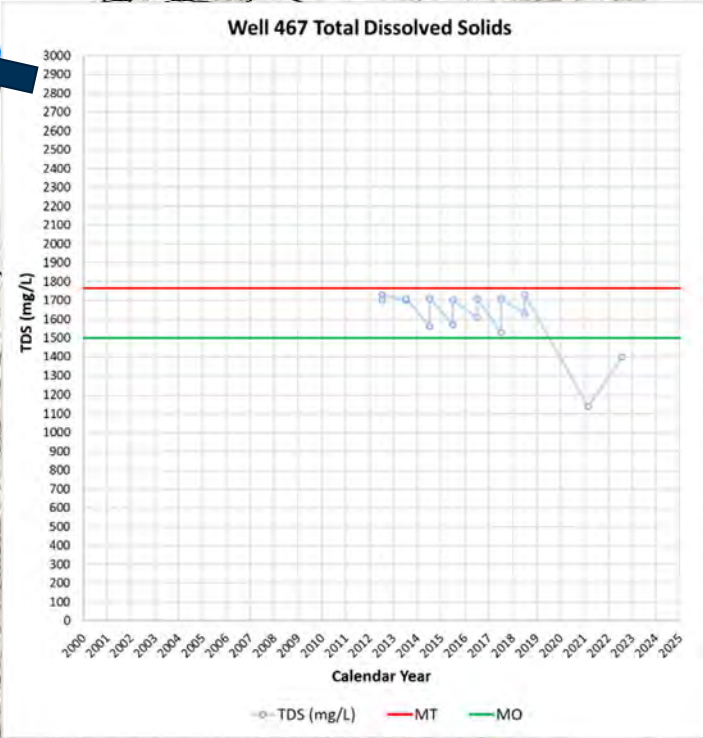
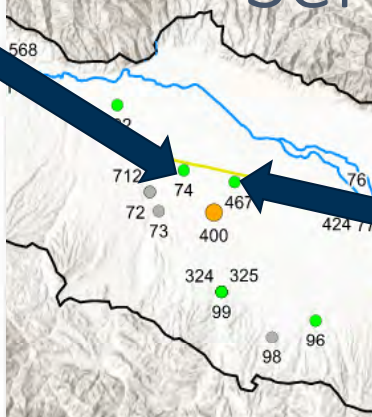
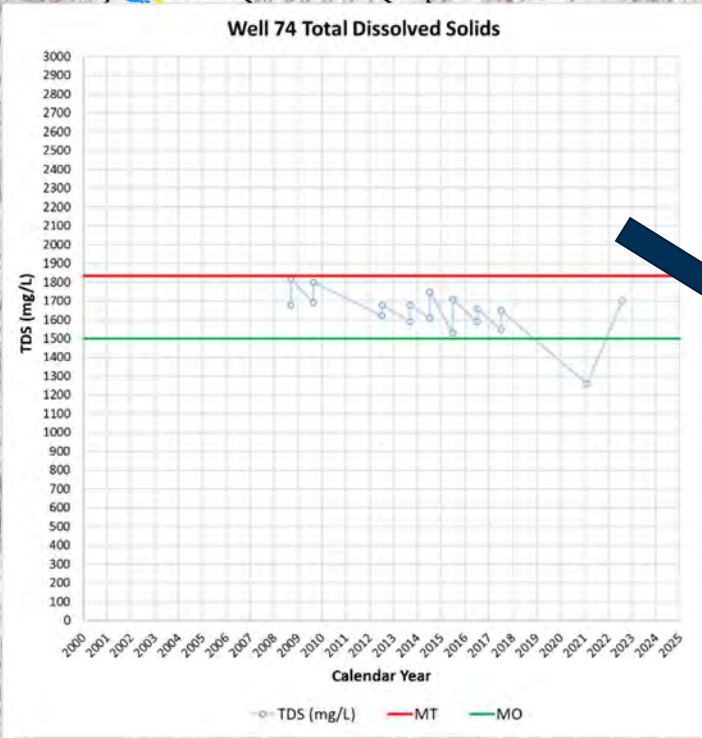
Well 83 Total Dissolved Solids 267



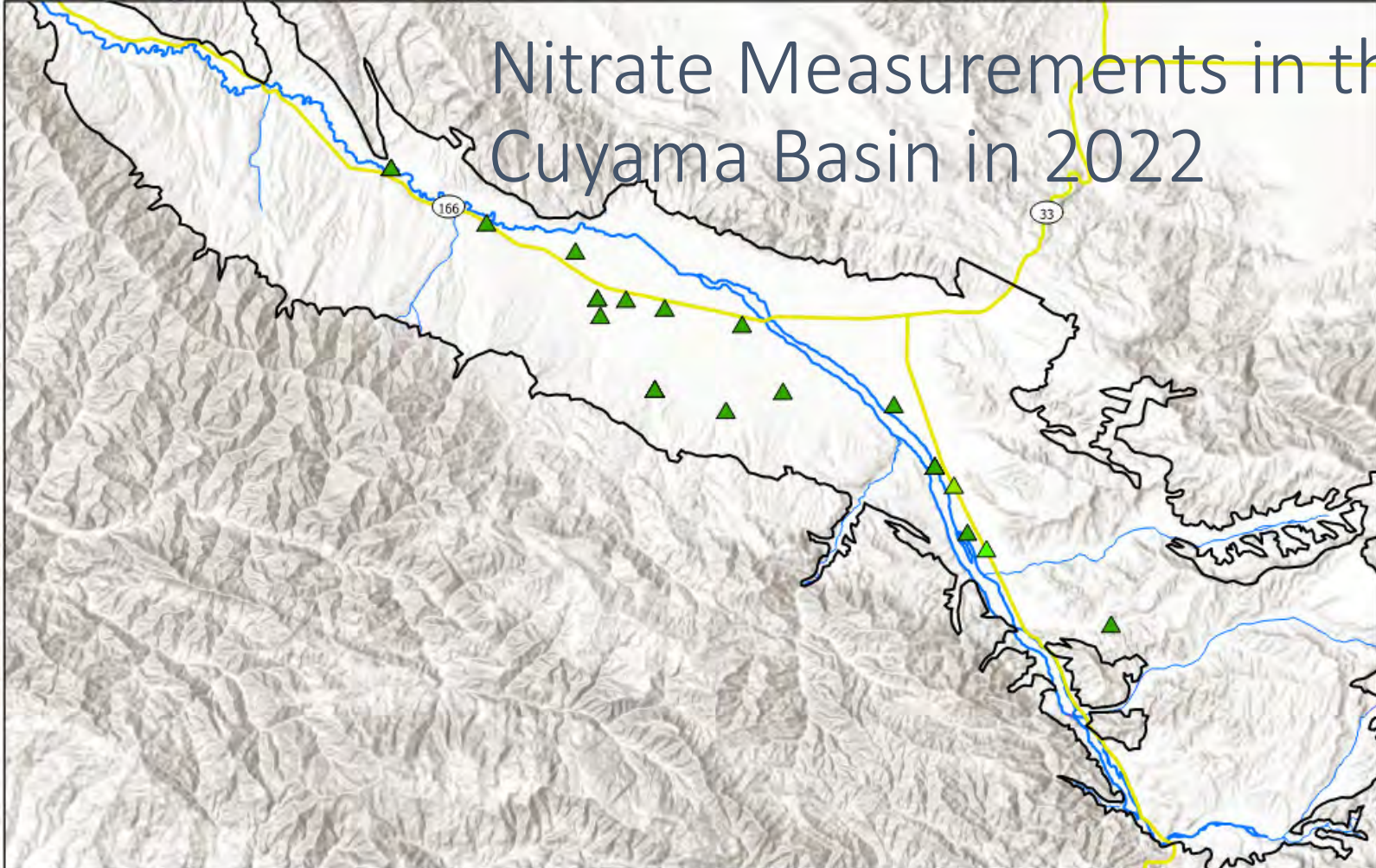
Well 157 Total Dissolved Solids



Groundwater Quality Time Series for Selected Wells



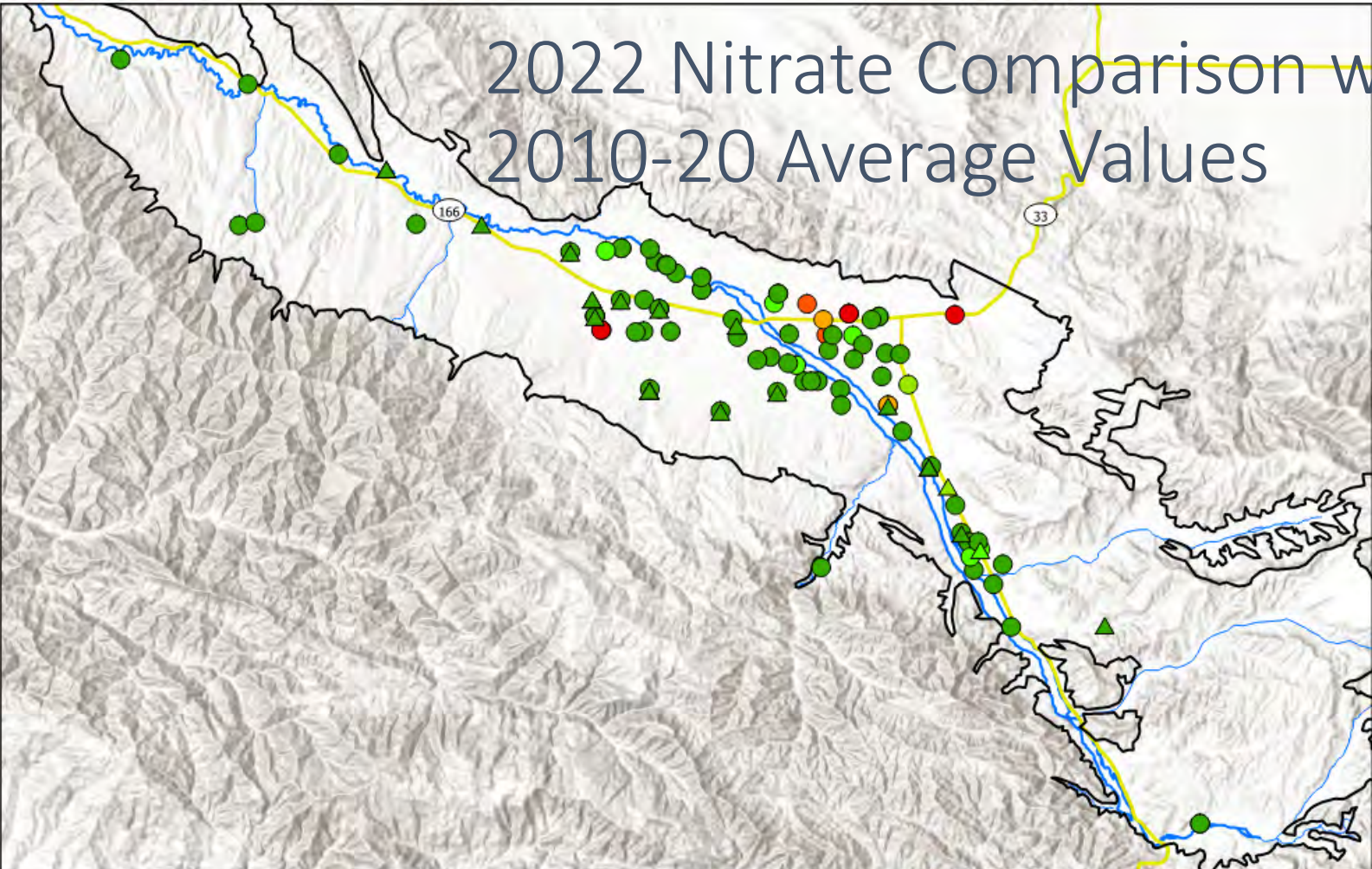
Nitrate Measurements in the Cuyama Basin in 2022



Groundwater Quality 2022 Measurements Cuyama Valley Groundwater Basin	Legend	Cuyama Basin	Nitrate Measured in 2022		8 - 10 mg/L	N 0 1 2 4 Miles Map Created: October 2022
		Highways	< 5 mg/L	5 - 8 mg/L	World Hillshade	
		Cuyama River				
		Streams/Creeks				



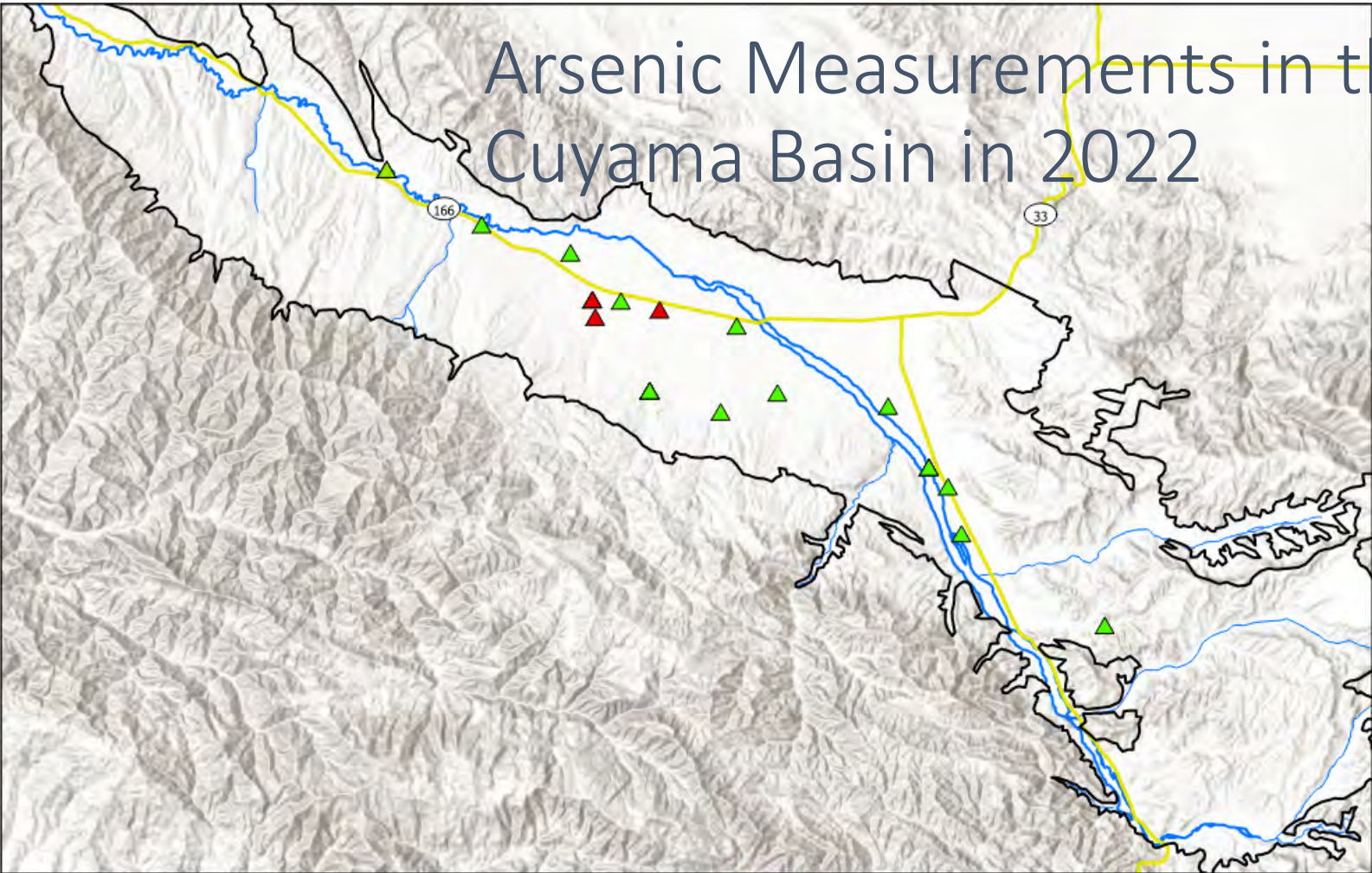
2022 Nitrate Comparison with 2010-20 Average Values



<p>Groundwater Quality Historical Average vs. 2022 Measurements</p> <p>Cuyama Valley Groundwater Basin</p>	<p><i>Legend</i></p> <ul style="list-style-type: none"> Cuyama Basin Highways Cuyama River Streams/Creeks 	<p>Nitrate Measured in 2022</p> <ul style="list-style-type: none"> < 5 mg/L 5 - 8 mg/L 8 - 10 mg/L 		<p>Nitrate Average 2010-2020</p> <ul style="list-style-type: none"> < 5 mg/L 5 - 8 mg/L 8 - 10 mg/L 		<ul style="list-style-type: none"> 10 - 15 mg/L 15 - 20 mg/L > 20 mg/L 		<p>N</p> <p>0 1 2 4 Miles</p> <p>Map Created: October 2022</p>	
		<p>Woodard & Curran</p>							



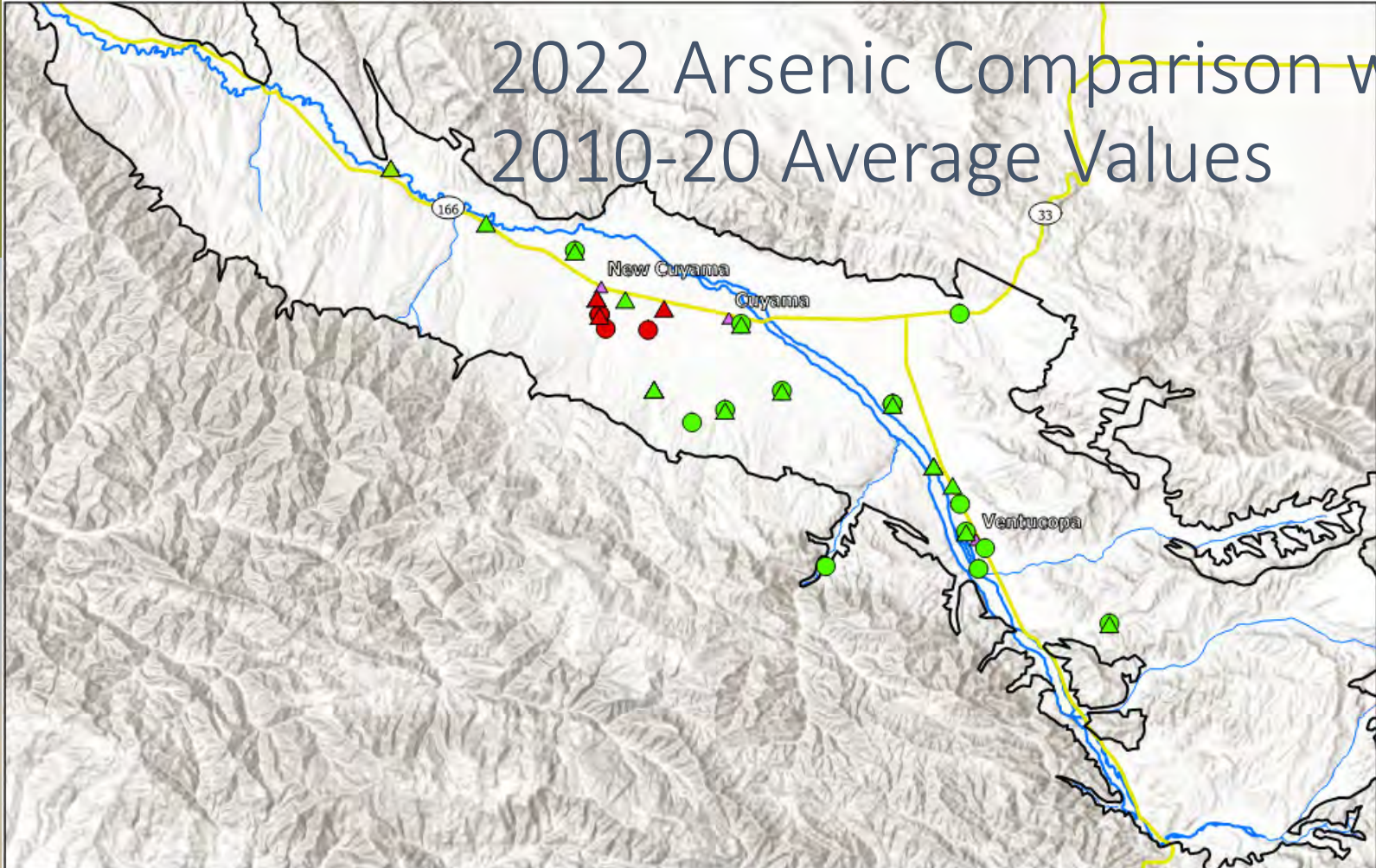
Arsenic Measurements in the Cuyama Basin in 2022



Groundwater Quality 2022 Measurements Cuyama Valley Groundwater Basin	Legend	Cuyama Basin	Arsenic Measured in 2022		> 20 ug/L
		Highways	< 5 ug/L	> 20 ug/L	World Hillshade
		Cuyama River	5-10 ug/L		
		Streams/Creeks			
				N	Woodard & Curran
				0 1 2 4 Miles	CUYAMA BASIN SOUTHWESTERN CALIFORNIA
				Map Created: October 2022	



2022 Arsenic Comparison with 2010-20 Average Values



<p>Groundwater Quality Historical Average vs. 2022 Measurements</p> <p>Cuyama Valley Groundwater Basin</p>	<p><i>Legend</i></p> <ul style="list-style-type: none"> Cuyama Basin Highways Cuyama River Streams/Creeks 	<p>Arsenic Measured in 2022 Arsenic Average 2010-2020</p>		<p>N</p> <p>0 1 2 4 Miles</p> <p>Map Created: October 2022</p>
		<ul style="list-style-type: none"> < 5 ug/L 5-10 ug/L > 20 ug/L 	<ul style="list-style-type: none"> < 5 ug/L > 20 ug/L 	





GROUNDWATER
QUALITY
CONDITIONS
REPORT –
CUYAMA VALLEY
GROUNDWATER
BASIN

August-September
2022

801 T Street
Sacramento, CA.
916.999.8700

woodardcurran.com

COMMITMENT & INTEGRITY DRIVE RESULTS

Cuyama Valley
Groundwater
Sustainability Agency



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6. NITRATE AND ARSENIC MEASUREMENTS.....	20

TABLES

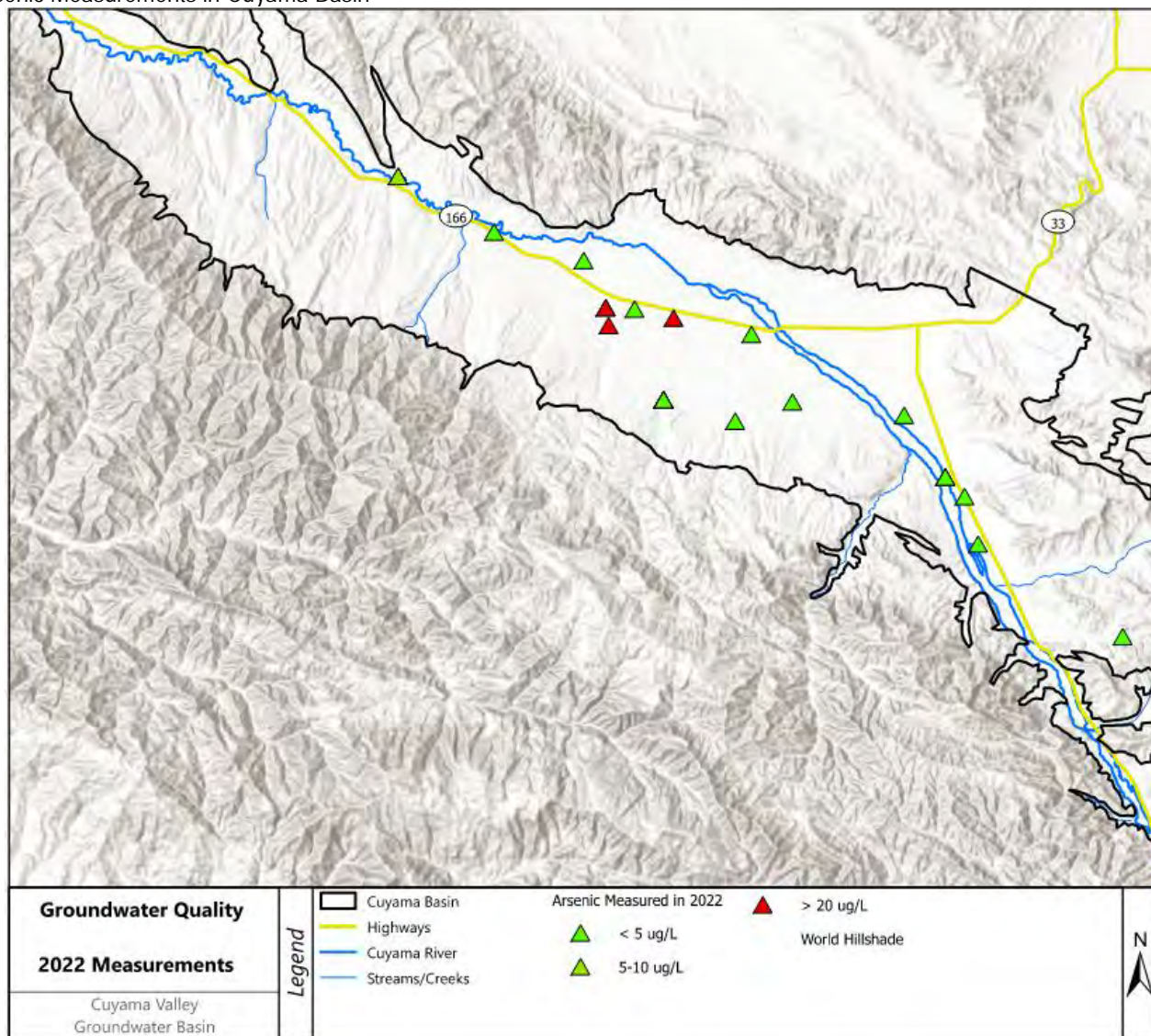
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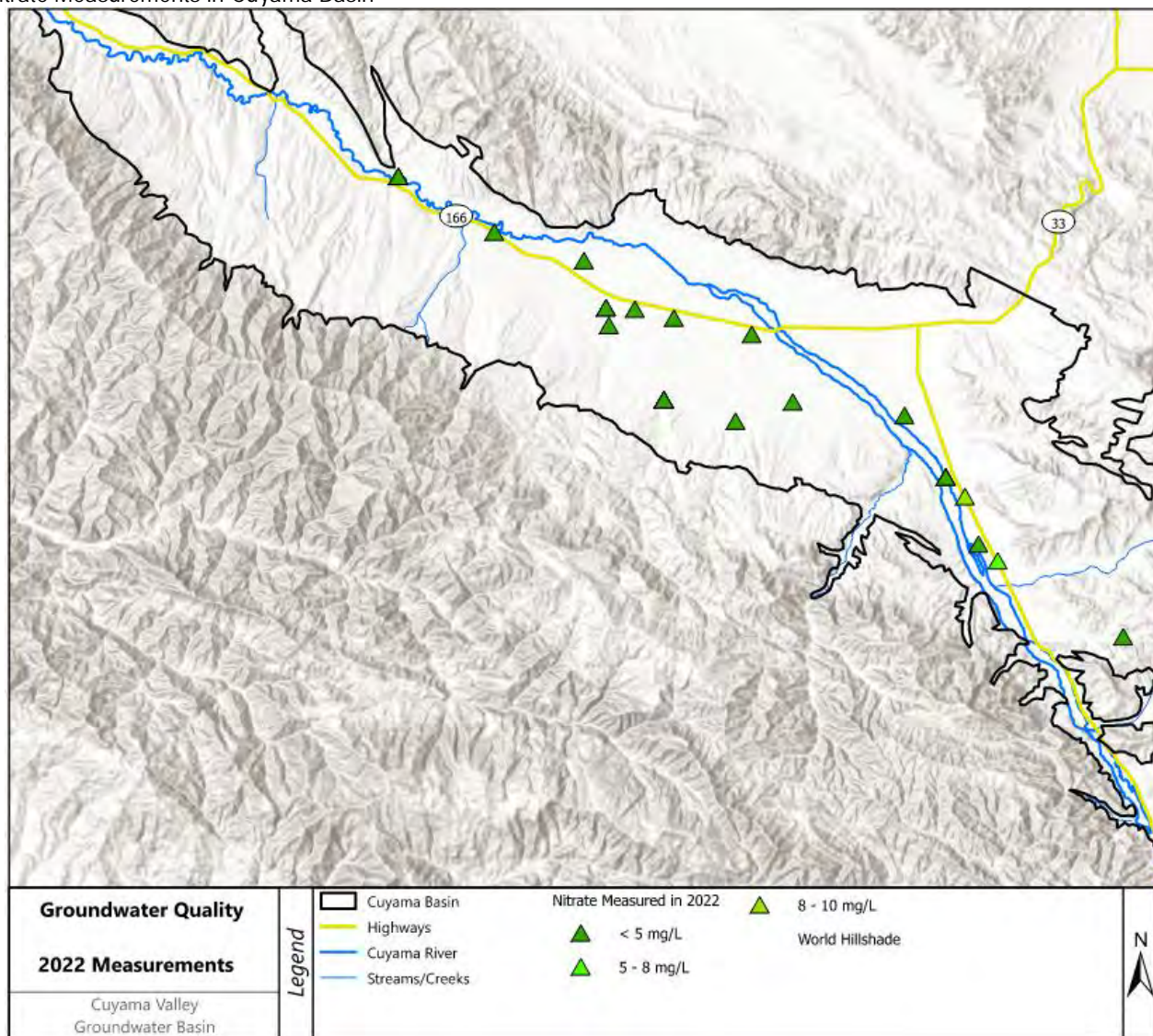
Figure 9: Well Arsenic Measurements in Cuyama Basin



.....22



Figure 10: Well Nitrate Measurements in Cuyama Basin



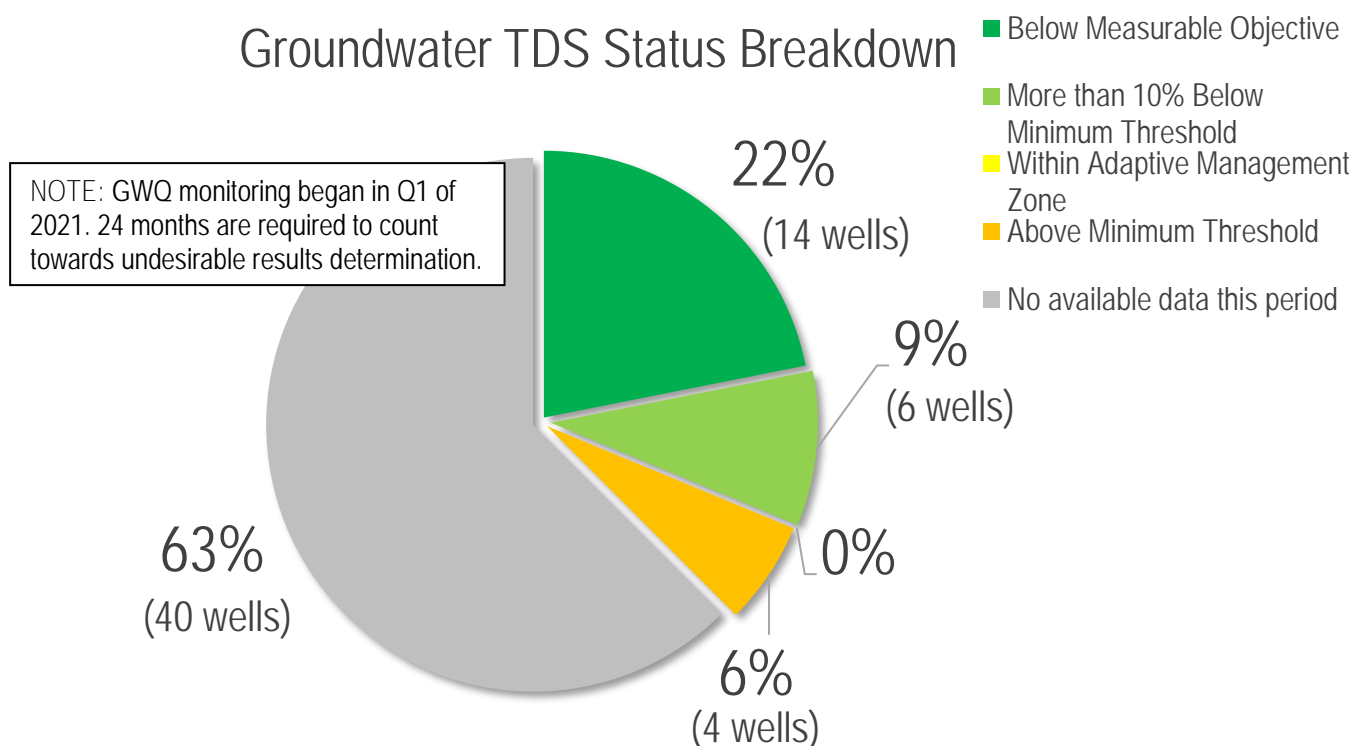
23



1. INTRODUCTION

This report is intended to provide an update on the current groundwater quality as total dissolved solids (TDS), nitrate, and arsenic conditions in the Cuyama Valley Groundwater Basin. Groundwater quality measurements were taken during August and September, 2022. This work is completed by the Cuyama Basin Groundwater Sustainability Agency (CBGSA), in compliance with the Sustainable Groundwater Management Act.

2. SUMMARY STATISTICS



As outlined in the GSP, undesirable results for degraded water quality occurs, “when 30 percent of representative monitoring points... fall below their minimum groundwater elevation threshold for two consecutive years.” (Cuyama GSP, pg. 3-4).

Note there are 8 wells (900, 901, 902, 903, 904, 905, 907, and 908) for which no historical groundwater quality data is available to determine minimum thresholds. This report also contains information related to nitrate and arsenic, but these constituents, as described in the approved GSP, are not constituents of concern and therefore do not have minimum thresholds or measurable objectives. The GSA received comments about nitrate and arsenic and have therefore elected to collect data to increase the understanding of Basin conditions related to these constituents.

3. CURRENT CONDITIONS

Table 1 includes the most recent TDS measurements taken in the Cuyama Basin from representative wells included in the Cuyama GSP Groundwater Quality Monitoring Network, which were taken during August and September, 2022. Per the plan described in the GSP, it is the intention of the GSA to take TDS measurements once per year. Table 2 includes all of the representative wells and their current status in relation to the thresholds applied to each well. This



information is also shown on Figure 1. Table 3 shows the most recent nitrate and arsenic measurements taken in the Cuyama Basin during August and September, 2022.

All measurements have also been incorporated into the Cuyama DMS, which may be accessed at <https://opti.woodardcurran.com/cuyama/login.php>.

Table 1: Recent Total Dissolved Solids Measurements for Monitoring Network

Well	Region	N/A	Q1, 2021	Q3, 2022
		GWQ TDS, mg/L	GWQ TDS, mg/L	GWQ TDS, mg/L
61	Southeastern		-	-
72	Central		559	980
73	Central		-	-
74	Central		1260	1700
76	Central		1270	-
77	Central		1070	-
79	Central		1790	-
81	Central		-	-
83	Eastern		1120	1400
85	Eastern		-	-
86	Eastern		-	-
87	Badlands		-	-
88	Badlands		330	300
90	Central		-	1400
91	Central		-	-
94	Central		964	-
95	Central		1290	1700
96	Central		1210	1500
98	Central		-	-
99	Central		1010	1300
101	Eastern		-	1400
102	Central		905	2100
130	Southeastern		-	-
131	Eastern		-	-
157	Southeastern		1360	1360
196	Eastern		-	-
204	Badlands		364	364
226	Eastern		-	-
227	Eastern		-	-
242	Eastern		826	1100

Well	Region	N/A	Q1, 2021	Q3, 2022
		GWQ TDS, mg/L	GWQ TDS, mg/L	GWQ TDS, mg/L
269	Eastern		-	-
309	Central		-	-
316	Central		-	-
317	Central		692	-
318	Central		-	-
322	Central		1120	1500
324	Central		488	850
325	Central		746	1400
400	Central		1350	-
420	Central		-	-
421	Central		797	-
422	Central		-	-
424	Central		-	1600
467	Central		1140	1400
568	Central		872	920
702	Southeastern		-	-
703	Northwestern		-	-
710	Eastern		-	-
711	Central		-	-
712	Central		-	-
713	Central		-	-
721	Central		-	-
758	Badlands		-	-
840	Northwestern		-	-
841	Northwestern		-	-
842	Northwestern		-	-
843	Northwestern		-	-
844	Northwestern		-	-
845	Northwestern		-	-
846	Northwestern		-	-
847	Northwestern		-	-

Well	Region	N/A	Q1, 2021	Q3, 2022
		GWQ TDS, mg/L	GWQ TDS, mg/L	GWQ TDS, mg/L
848	Northwestern		-	-
849	Northwestern		-	-
850	Northwestern		-	-
900	Central		-	6200
901	Central		-	6700
902	Central		-	9200
903	Eastern		-	1500
904	Eastern		-	1500
905	Eastern		-	1400
907	Central		-	1600
908	Central		-	2400

Note: Previous year values and annual changes in TDS will be reported after the CBGSA monitoring program has completed a second round of monitoring in the next fiscal year.



Table 2: Well Status Related to TDS Thresholds

Well	Region	Current		Minimum Threshold	Within 10% Minimum Threshold	Measurable Objective	Status	GSA Action Required?
		TDS (mg/L)	Date					
61	Southeastern	-	-	615	612	585	No available data this period	No
72	Central	980	8/18/2022	1023	1020	996	Below Measurable Objective	No
73	Central	-	-	856	851	805	No available data this period	No
74	Central	1700	8/18/2022	1833	1800	1500	More than 10% Below Minimum Threshold	No
76	Central	-	-	2307	2226	1500	No available data this period (below MO in 2021)	No
77	Central	-	-	1592	1583	1500	No available data this period (below MO in 2021)	No
79	Central	-	-	2320	2238	1500	No available data this period (more than 10% below MT in 2021)	No
81	Central	-	-	2788	2659	1500	No available data this period	No
83	Eastern	1400	8/18/2022	1726	1703	1500	Below Measurable Objective	No
85	Eastern	-	-	1391	1314	618	No available data this period	No
86	Eastern	-	-	975	974	969	No available data this period	No
87	Badlands	-	-	1165	1157	1090	No available data this period	No
88	Badlands	300	8/17/2022	302	302	302	Below Measurable Objective	No
90	Central	1400	8/18/2022	1593	1584	1500	Below Measurable Objective	No
91	Central	-	-	1487	1479	1410	No available data this period	No
94	Central	-	-	1245	1226	1050	No available data this period (below MO in 2021)	No
95	Central	1700	8/23/2022	1866	1829	1500	More than 10% Below Minimum Threshold	No
96	Central	1500	8/17/2022	1632	1619	1500	More than 10% Below Minimum Threshold	No



Well	Region	Current		Minimum Threshold	Within 10% Minimum Threshold	Measurable Objective	Status	GSA Action Required?
		TDS (mg/L)	Date					
98	Central	-	-	2400	2310	1500	No available data this period	No
99	Central	1300	9/8/2022	1562	1555	1490	Below Measurable Objective	No
101	Eastern	1400	8/17/2022	1693	1674	1500	Below Measurable Objective	No
102	Central	2100	8/17/2022	2351	2266	1500	More than 10% Below Minimum Threshold	No
130	Southeastern	-	-	1855	1820	1500	No available data this period	No
131	Eastern	-	-	1982	1934	1500	No available data this period	No
157	Southeastern	-	-	2360	2274	1500	No available data this period	No
196	Eastern	-	-	904	898	851	No available data this period	No
204	Badlands	-	-	269	267	253	No available data this period	No
226	Eastern	-	-	1844	1810	1500	No available data this period	No
227	Eastern	-	-	2230	2157	1500	No available data this period	No
242	Eastern	1100	8/17/2022	1518	1513	1470	Below Measurable Objective	No
269	Eastern	-	-	1702	1682	1500	No available data this period	No
309	Central	-	-	1509	1499	1410	No available data this period	No
316	Central	-	-	1468	1459	1380	No available data this period	No
317	Central	-	-	1337	1329	1260	No available data this period (below MO in 2021)	No
318	Central	-	-	1152	1145	1080	No available data this period	No
322	Central	1500	9/8/2022	1386	1382	1350	Above Minimum Threshold	No
324	Central	850	9/8/2022	777	774	746	Above Minimum Threshold	No
325	Central	1400	9/8/2022	1569	1559	1470	Below Measurable Objective	No



Well	Region	Current		Minimum Threshold	Within 10% Minimum Threshold	Measurable Objective	Status	GSA Action Required?
		TDS (mg/L)	Date					
400	Central	-	-	976	970	918	No available data this period (above MT in 2021)	No
420	Central	-	-	1490	1484	1430	No available data this period	No
421	Central	-	-	1616	1604	1500	No available data this period (below MO in 2021)	No
422	Central	-	-	1942	1898	1500	No available data this period	No
424	Central	1600	8/18/2022	1588	1579	1500	Above Minimum Threshold	No
467	Central	1400	8/18/2022	1764	1738	1500	Below Measurable Objective	No
568	Central	920	8/17/2022	1191	1159	871	More than 10% Below Minimum Threshold	No
702	Southeastern	-	-	2074	1878	110	No available data this period	No
703	Northwestern	-	-	4097	3727	400	No available data this period	No
710	Eastern	-	-	1040	1040	1040	No available data this period	No
711	Central	-	-	928	928	928	No available data this period	No
712	Central	-	-	978	977	977	No available data this period	No
713	Central	-	-	1200	1200	1200	No available data this period	No
721	Central	-	-	2170	2103	1500	No available data this period	No
758	Badlands	-	-	954	949	900	No available data this period	No
840	Northwestern	-	-	559	559	559	No available data this period	No
841	Northwestern	-	-	561	561	561	No available data this period	No
842	Northwestern	-	-	547	547	547	No available data this period	No
843	Northwestern	-	-	569	569	569	No available data this period	No



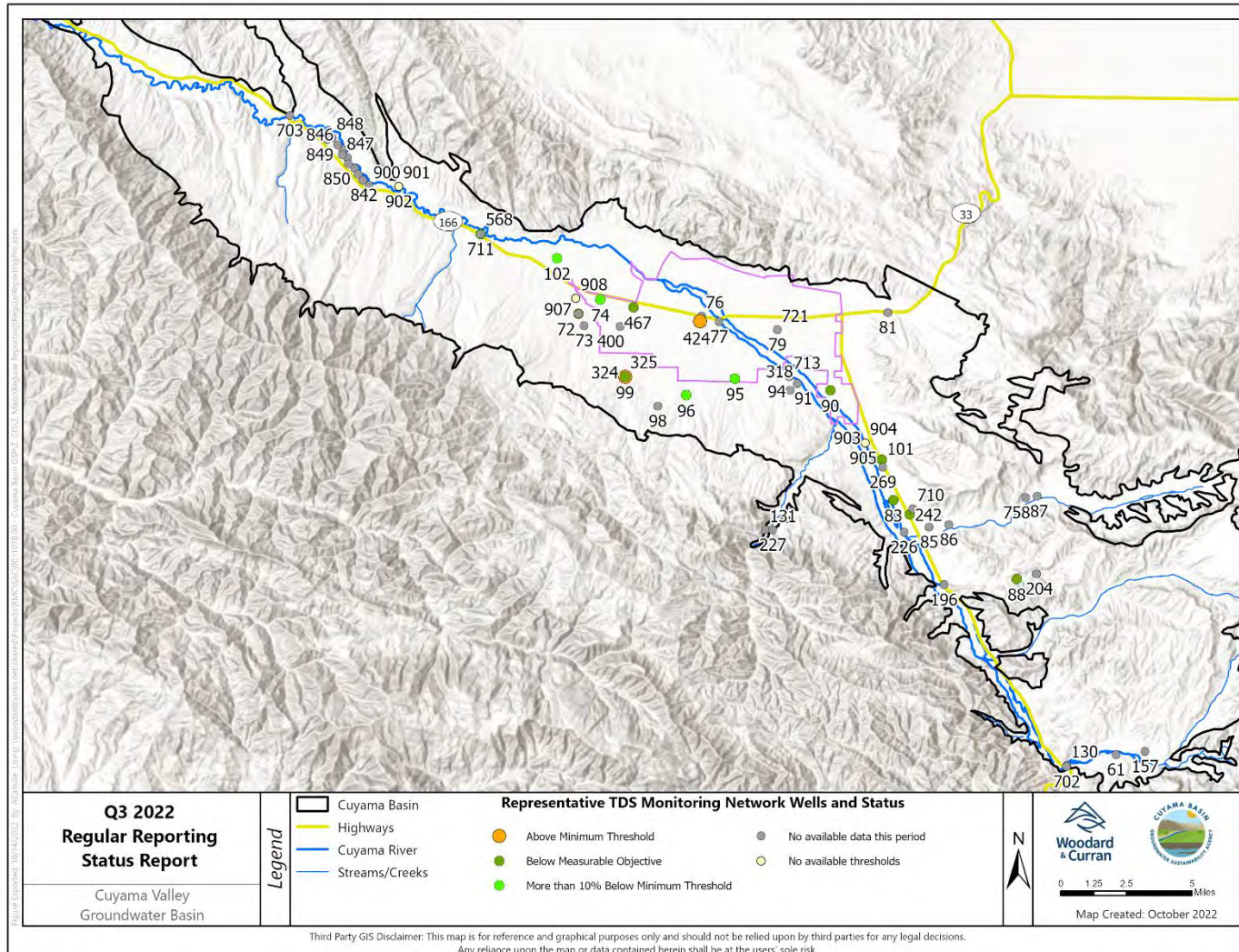
Well	Region	Current		Minimum Threshold	Within 10% Minimum Threshold	Measurable Objective	Status	GSA Action Required?
		TDS (mg/L)	Date					
844	Northwestern	-	-	481	481	481	No available data this period	No
845	Northwestern	-	-	1250	1250	1250	No available data this period	No
846	Northwestern	-	-	918	918	918	No available data this period	No
847	Northwestern	-	-	480	480	480	No available data this period	No
848	Northwestern	-	-	674	674	674	No available data this period	No
849	Northwestern	-	-	1780	1752	1500	No available data this period	No
850	Northwestern	-	-	472	472	472	No available data this period	No
900	Central	6200	8/17/2022	-	-	-	-	
901	Central	6700	8/23/2022	-	-	-	-	
902	Central	9200	8/23/2022	-	-	-	-	
903	Eastern	1500	8/23/2022	-	-	-	-	
904	Eastern	1500	8/23/2022	-	-	-	-	
905	Eastern	1400	8/23/2022	-	-	-	-	
907	Central	1600	8/23/2022	-	-	-	-	
908	Central	2400	8/23/2022	-	-	-	-	

Note: Wells only count towards the identification of undesirable results if the level measurement is below the minimum threshold for 24 consecutive months. Wells 900, 901, 902, 903, 904, 905, 907, and 908 do not have previous measurements, therefore no thresholds are available.





Figure 1: Groundwater Quality Representative Wells and Status





4. TOTAL DISSOLVED SOLIDS TIME SERIES FIGURES

The following figures provide an overview of TDS conditions in each of the six areas threshold regions identified in the GSP.

Figure 2: Southeast Region – Well 157

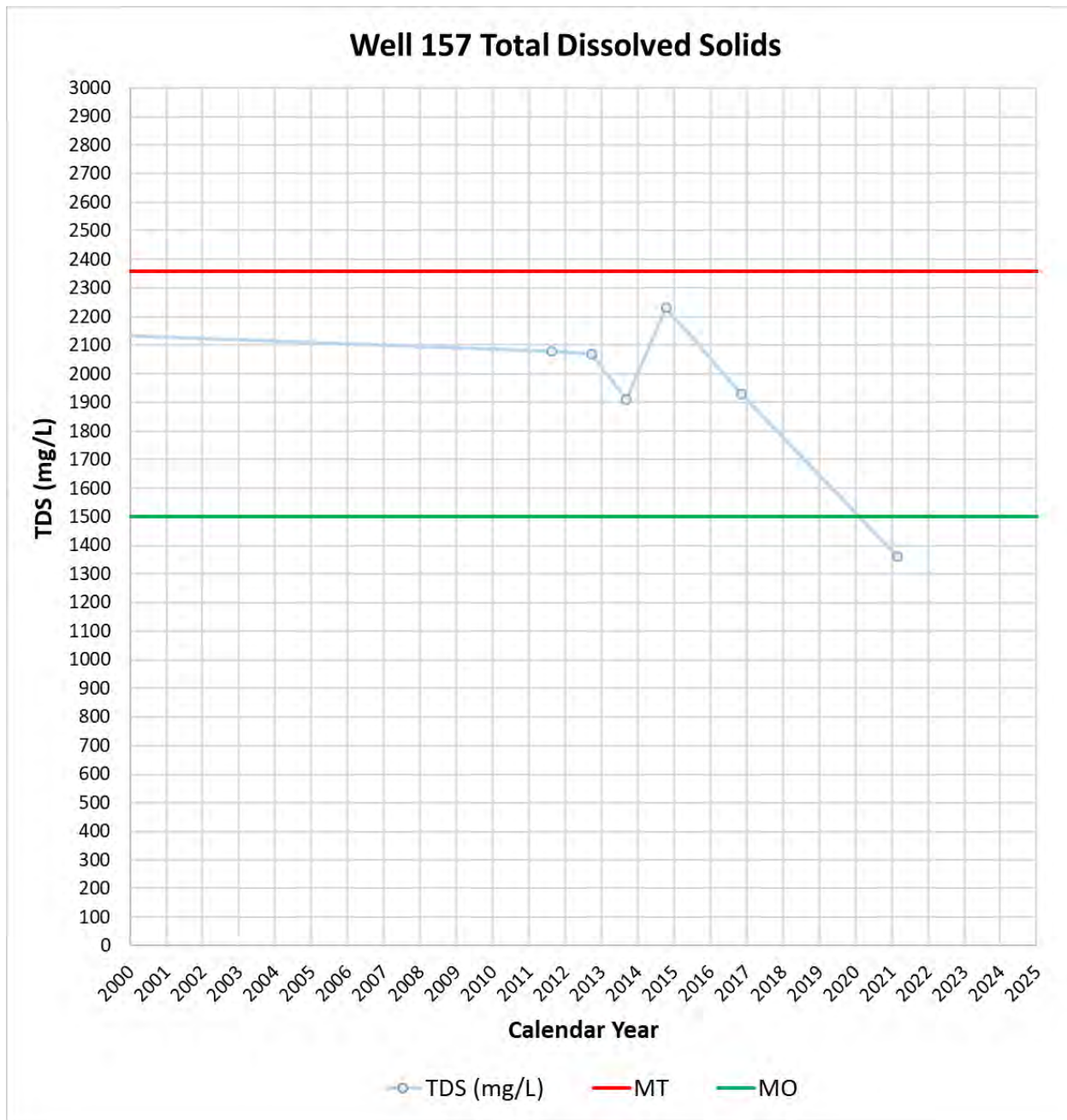




Figure 3: Eastern Region – Well 83

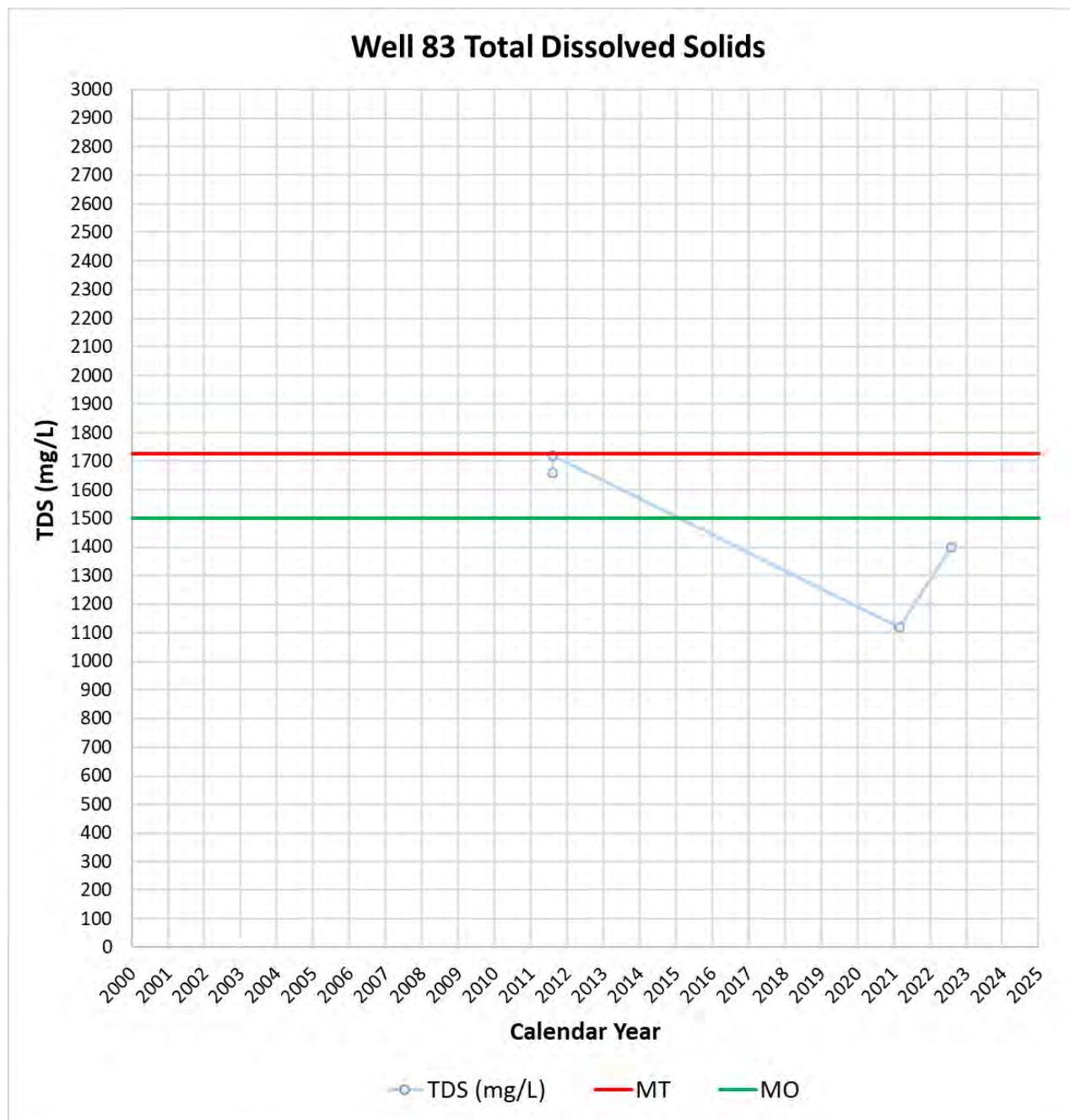




Figure 4: Central Region – Well 467

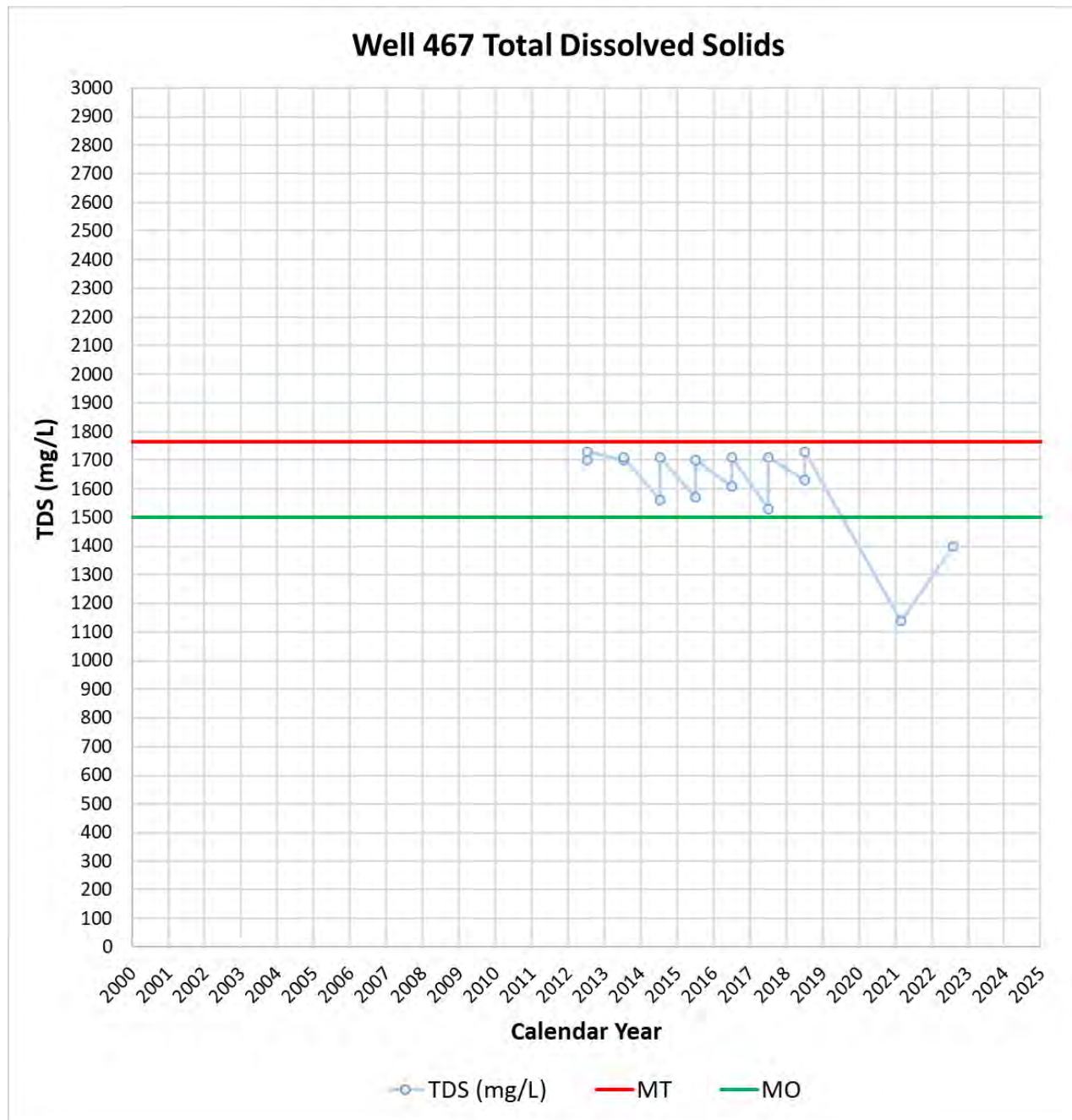




Figure 5: Central Region – Well 74

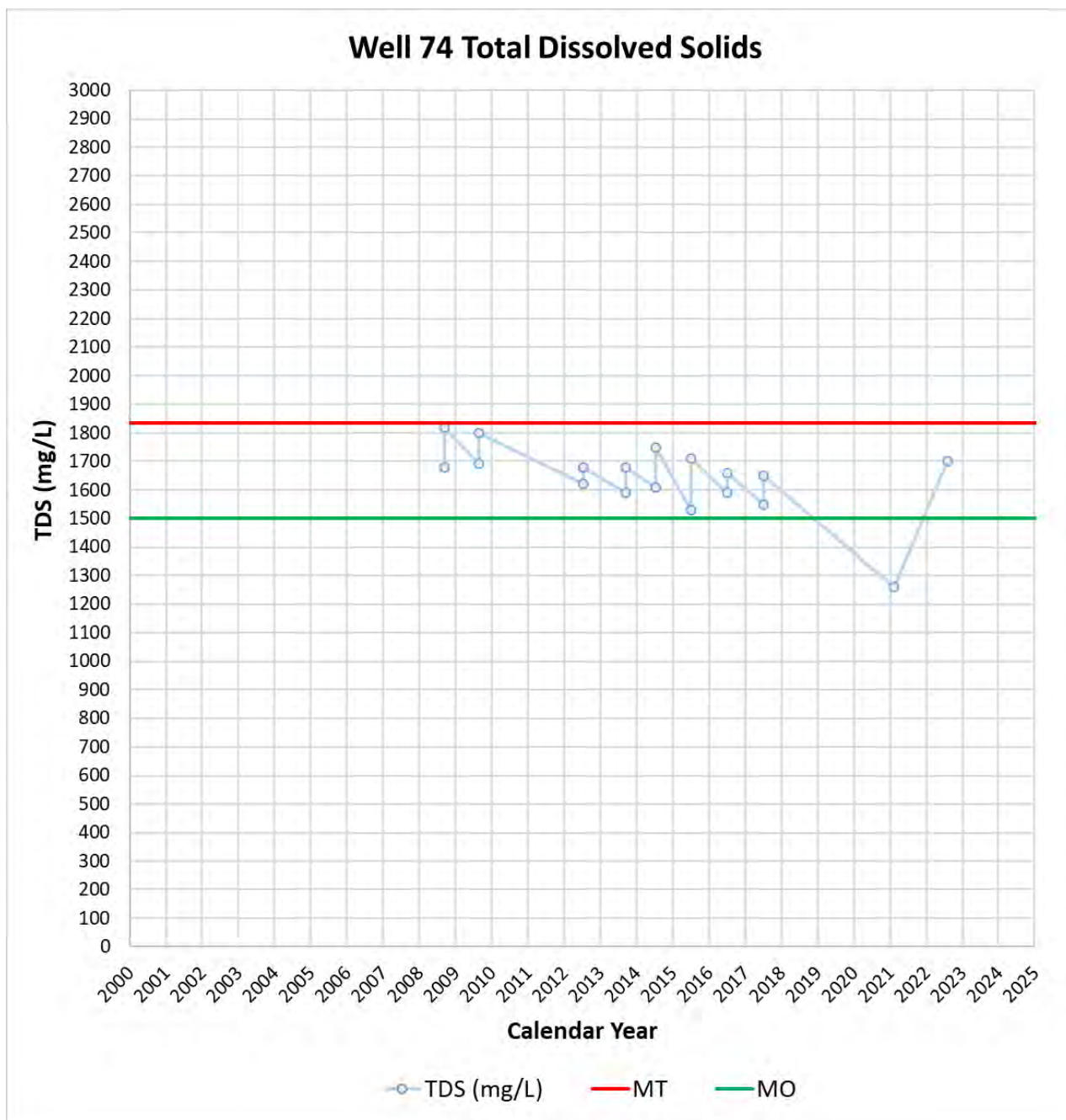




Figure 6: Western Region – Well TBD

No data from this Threshold Region at this time.

Figure 7: Northwestern Region – Well TBD

No data from this Threshold Region at this time.

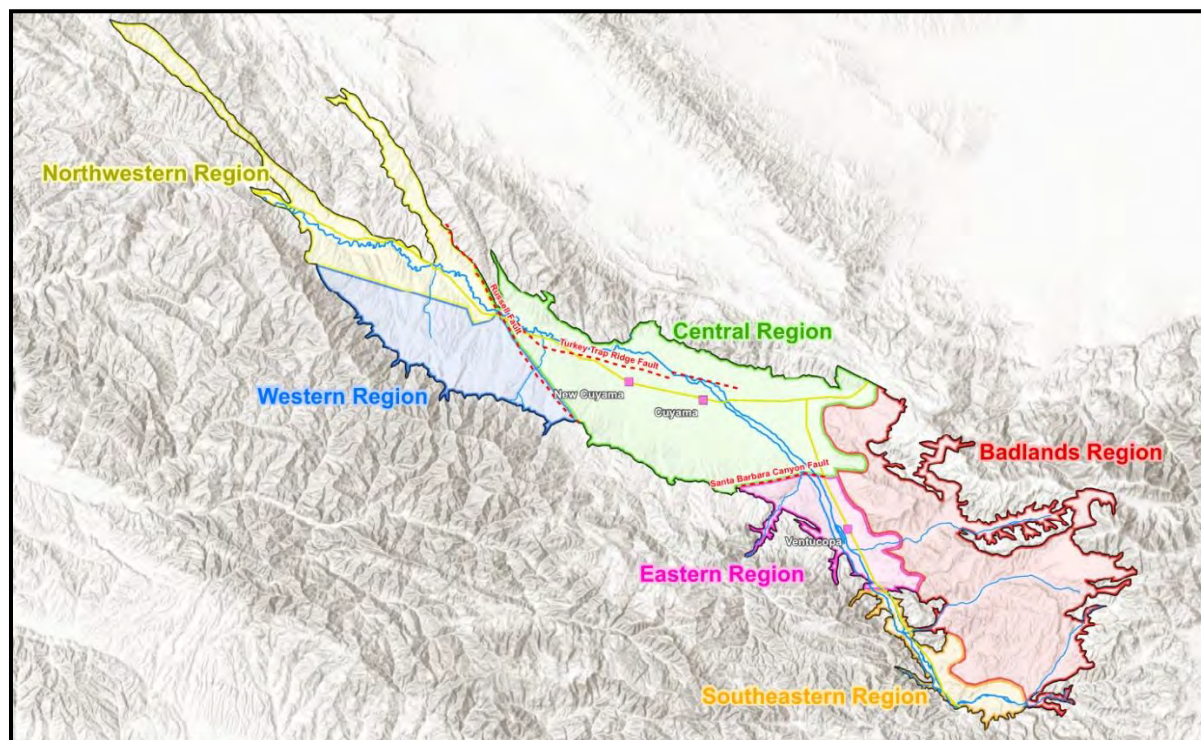


Figure 8: Threshold Regions in the Cuyama Groundwater Basin

5. MONITORING NETWORK UPDATES

As shown in the Summary Statistics Section, there are 47 wells without current measurements. These “no measurement codes” can have different causes as described below.

- Access agreements have not yet been established with the landowner, access has not been granted yet, or no access at time of measurement:
 - Wells 61, 73, 76, 79, 81, 85, 86, 87, 94, 98, 130, 131, 157, 196, 204, 226, 227, 269, 309, 400, 702, 703, 710, 711, 712, 713, 721, 758, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850
- Transducer data is not currently available:
 - Wells 91, 316, 420
- The well has gone dry:
 - Well 318, 422, 906



6. NITRATE AND ARSENIC MEASUREMENTS

Measurements of Nitrate and Arsenic were taken by the CBGSA during August and September 2022 at the same locations as the TDS measurements described above. These measurements are shown in Table 3 and in Figures 9 and 10 below.



Table 3: Recent Arsenic and Nitrate Measurements

Well	Region	Q3, 2022	Q3, 2022
		GWO Arsenic, ug/L	GWO Nitrate, mg/L
72	Central	42	ND
74	Central	3.4	0.61
83	Eastern	ND	0.88
88	Badlands	ND	0.31
90	Central	ND	2
95	Central	ND	ND
96	Central	ND	0.39
99	Central	33	ND
101	Eastern	ND	8.1
102	Central	ND	3.5
242	Eastern	ND	7.8
322	Central	49	0.35
324	Central	9.5	ND
325	Central	2.6	ND
424	Central	ND	3.1
467	Central	25	ND
568	Central	ND	1.9
900	Central	6.3	ND
901	Central	4.2	ND
902	Central	6	ND
903	Eastern	ND	1.1
904	Eastern	ND	1.1
905	Eastern	ND	1.1
907	Central	54	ND
908	Central	45	ND

Note: Previous year values and annual changes in nitrate and arsenic will be reported after the CBGSA monitoring program has completed a second round of monitoring in the next fiscal year. "ND" indicates that a measurement was taken, but no constituent was detected



Figure 9: Well Arsenic Measurements in Cuyama Basin

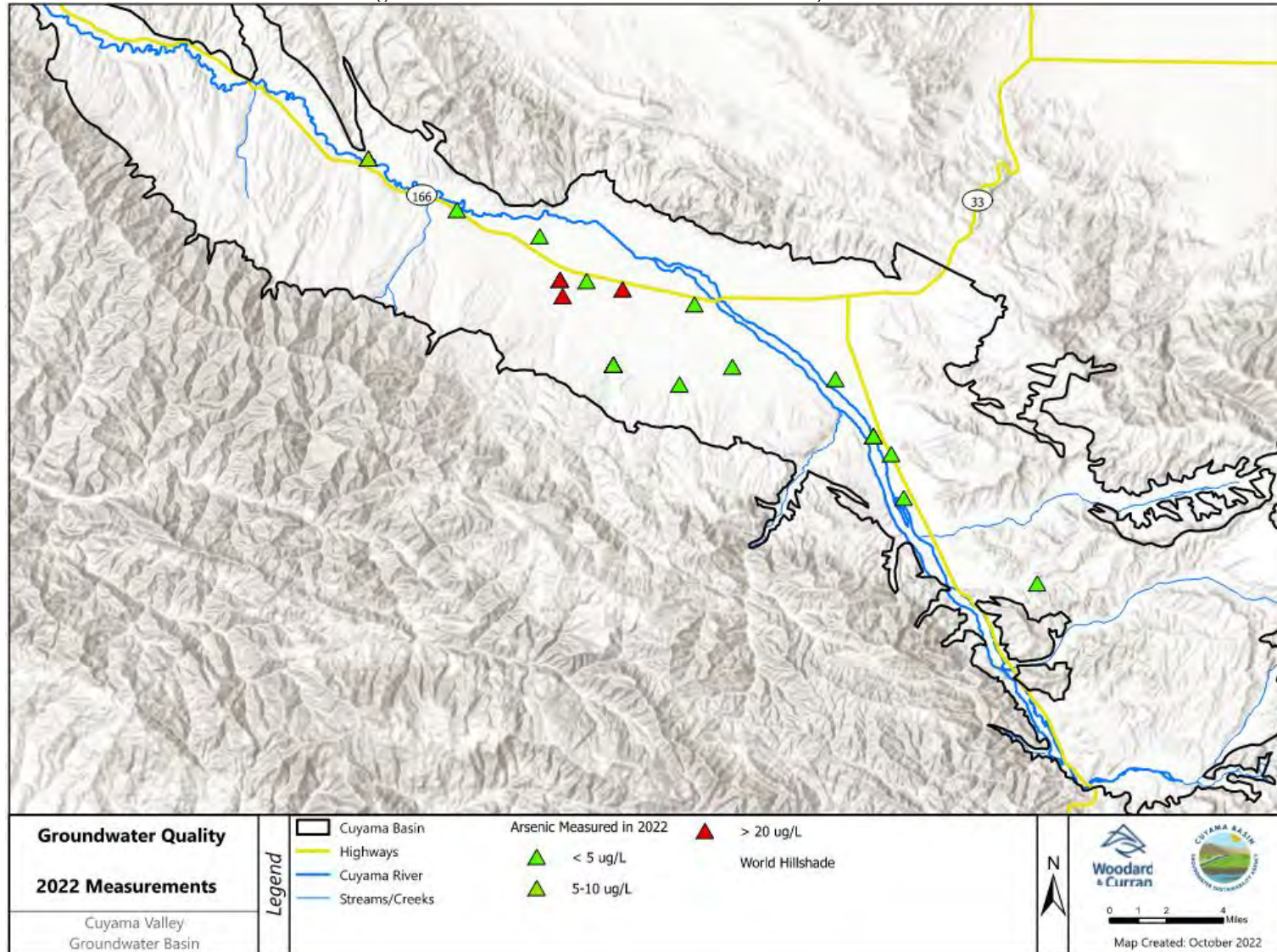
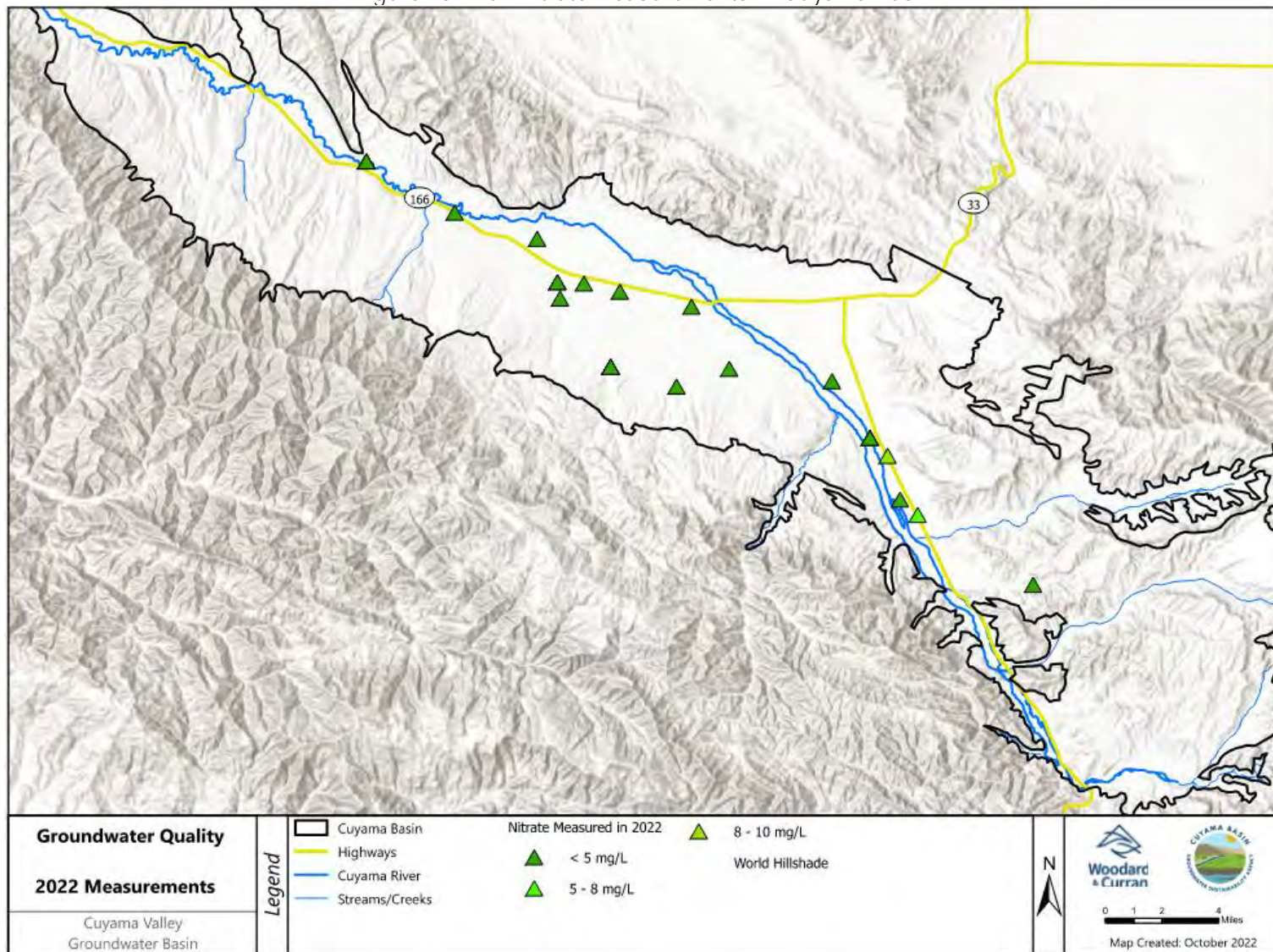




Figure 10: Well Nitrate Measurements in Cuyama Basin







TO: Standing Advisory Committee
Agenda Item No. 7d

FROM: Taylor Blakslee, Hallmark Group

DATE: October 27, 2022

SUBJECT: Approval of 2023 Meeting Schedule

Recommended Motion

Approve the 2023 Groundwater Sustainability Agency Board of Directors and Standing Advisory Committee meetings schedule provided in Agenda Item No. 7d.

Discussion

The proposed Cuyama Basin Groundwater Sustainability Agency (CBGSA) Board of Directors and Standing Advisory Committee (SAC) meeting calendar for 2023 is provided as Attachment 1 for consideration of approval.

Cuyama Basin Groundwater Sustainability Agency Draft 2023 Meeting Calendar

BOD

SAC

Holiday

January						
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				

February						
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				

March						
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	

April						
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						

May						
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			

June						
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	

July						
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					

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. 7b

FROM: Jim Beck, Hallmark Group

DATE: October 27, 2022

SUBJECT: Report of the Executive Director

Recommended Motion

None – information only.

Discussion

On January 21, 2022, the California Department of Water Resources (DWR) issued an “incomplete” determination for the Cuyama Basin Groundwater Sustainability Agency (CBGSA) Groundwater Sustainability Plan (GSP) and outlined several deficiencies and proposed corrective actions. The CBGSA amended and submitted a revised GSP to DWR by the July 20, 2022 regulatory deadline and DWR expects to provide a final GSP determination by late 2022/early 2023.

DWR held a 60-day public comment period following the resubmission of the amended GSPs (July 21, 2022 through September 19, 2022) and the following entities/individuals submitted comments which are provided as Attachment 1.

No.	Submitted by	Entity	Comment Date
1	Ngodoo Atume	Clean Water Action	7-6-22
2	Casey Walsh		9-19-22
3	Roberta Jaffe, Stephen Gliessman		9-19-22
4	Lynn Carlisle	Cuyama Valley Family Resource Center	9-19-22
5	Brenton Kelly		9-19-22
6	Sue Blackshear		9-19-22
7	Daniel T. Clifford	Bolthouse Land Company, LLC	9-19-22
8	Kasia Shebloski		9-19-22
9	Joli		9-19-22
10	Rachel Higgins		9-19-22
11	Lauren	Quail Springs	9-19-22
12	Haris Mesic		9-19-22
13	Aris Romero	Herbalist	9-19-22
14	Jessica Keller		9-19-22
15	Kayla		9-19-22
16	Anton Zyngier		9-18-22
17	Danielle Mingo		9-15-22
18	Danielle Mingo		7-30-22

Comment 1



ENVIRONMENTAL LAW FOUNDATION

July 5, 2022

Paul Gosselin
Deputy Director
Sustainable Groundwater Management
Department of Water Resources
Paul.Gosselin@water.ca.gov

GROUNDWATER SUSTAINABILITY AGENCYS' OBLIGATIONS FOR PUBLIC PARTICIPATION

Dear Deputy Director Gosselin:

The above signed organizations submit this letter to highlight the lack of meaningful public engagement by Groundwater Sustainability Agencies (GSAs) during the revision of Groundwater Sustainability Plans (GSPs) following an “incomplete” determination by the Department of Water Resources pursuant to the Sustainable Groundwater Management Act (SGMA) (Water Code § 10720 et seq.) and the regulations implementing SGMA (Cal Code Regs., tit. 23, § 350 et seq.). Our organizations were hopeful that the “incomplete” designation for so many GSPs would trigger a new awareness of the need for robust engagement. As explained below, we are discouraged by the efforts of many GSAs to date. The failure to meaningfully engage beneficial users of groundwater will, we fear, continue to impact the quality of the plans as they are developed to meet the requirements of SGMA.

Under SGMA, GSAs must “consider the interests of all beneficial uses and users of groundwater.” (Water Code § 10723.2). Additionally, GSAs must “encourage the active involvement of diverse social, cultural, and economic elements of the population within the groundwater basin prior to and during the development and implementation of the GSP.” (Water Code § 10727.8). Following an “incomplete” determination, the GSPs remain in the development phase. Therefore, the GSAs must continue to encourage the active involvement of groundwater beneficial users within the basin. SGMA’s requirements for a transparent and

inclusive process presents an opportunity to meaningfully include diverse communities in the decision-making process and create groundwater management plans that understand these communities' vulnerabilities and are sensitive to their interests.

Despite these clear obligations, many GSAs are not offering meaningful opportunities for active involvement by all groundwater beneficial users in the GSP revisions required by DWR. Most groundwater sustainability agencies have failed to make proposed revisions public or offer opportunities for the public to provide feedback during the revision process. Further, where revisions are made public prior to adoption, many GSAs do not provide the amended language in a readily accessible format for stakeholders to provide comments and feedback. The GSAs' failure to solicit public feedback as they address the deficiencies identified by DWR excludes many beneficial users from decision-making related to their groundwater resources. Therefore, the needs of diverse social, cultural, and economic elements of the population are not being heard, adequately accounted for, or addressed in the ultimate decisions made by the GSAs.

We therefore submit this letter to elevate our concerns that the GSAs are not adequately encouraging the active involvement of groundwater users within their basins as they revise their groundwater sustainability plans. Without these opportunities, the GSPs will fall short of fulfilling SGMA's promise of achieving just and sustainable allocation of groundwater resources. Moreover, the GSP development process will fail to have met SGMA's demands for meaningful public engagement. Recognizing that robust engagement and feedback is unlikely this late in the revision process, we ask that the Department of Water Resources require GSAs to publish revised plans before adoption. We also ask that revised chapters be provided in an accessible format with track changes or addendum that easily identifies changes. Finally, we ask that DWR require GSAs to identify in their submittal letters how beneficial groundwater users and interested parties have been engaged in the GSP revision process.

Thank you for considering our comments as you review the revised GSPs.

Sincerely,



Nataly Escobedo Garcia
Water Policy Coordinator
Leadership Counsel for Justice and
Accountability



Tom Collishaw
President/CEO
Self-Help Enterprises



Ngodoo Atume
Water Policy Analyst
Clean Water Action/Clean Water Fund



Kyle Jones
Policy and Legal Director
Community Water Center



Drevet Hunt
Legal Director
California Coastkeeper Alliance



Brian Shobe
Interim Policy Director
California Climate & Agriculture Network



Roger Dickinson
Policy Director
CivicWell (formerly Local Government
Commission)



Susan Harvey
President
North County Watch



Frank Toriello
President
We Advocate Thorough Environmental Review (W.A.T.E.R.)



Nathaniel Kane
Executive Director
Environmental Law Foundation
Attorneys for California Sportfishing Protection Alliance

To:

Craig Altare

Supervising Engineering Geologist

California Department of Water Resources

901 P Street, Room 213

Sacramento, California 94236

CC:

Anita Regemi and Tim Ross

California Department of Water Resources

Southern Region

Comment on the Cuyama Basin Groundwater Sustainability Plan:

Inequality, Expertise and Deficiency in Engagement

From:

Dr. Casey Walsh

Professor and Chair

Department of Anthropology

U.C. Santa Barbara

Santa Barbara, CA. 93106-3210

cwalsh@ucsb.edu

Public Comment: Cuyama Basin Groundwater Sustainability Plan, 2022

September 17, 2022

Thank you for the opportunity to comment on the revised Cuyama Basin Groundwater Sustainable Plan (GSP). My name is Casey Walsh and I am a social scientist working in the Anthropology Department at UC Santa Barbara. My research concerns groundwater use and management in arid and semi-arid areas,

such as northern Mexico and the southwest United States. Since 2013 I have been conducting fieldwork in the Cuyama Valley, and have participated in the SGMA process since the outset.

The revised GSP (GSA 2022) continues to suffer from the same failure of the original GSP (GSA 2020) to recognize the social and environmental realities of the basin. In SGMA, sustainability criteria are proxies for anticipated effects on real and varied human and environmental actors. Unfortunately, the GSP fails to identify those actors as well as the social or environmental effects it hoped to avoid by setting its measurable thresholds (MTs). The result is a GSP that is reduced to a “glidepath”: a calculation, over time, of how deep the water is, and by extension how costly – and profitable – it is to extract. While this sort of Plan may serve wealthy agricultural corporations, it fails to protect other residents and GDEs from the undesirable effects that managed depletion will have on them.

The GSP's blindness to the social and environmental reality of Cuyama results in a principal failure that the DWR identified in its "Determination" letter of January 21st, 2022: “The GSP does not discuss, or appear to address, the critical first step of identifying the specific significant and unreasonable effects that would constitute undesirable results (“Determination” p. 1). “Measurable Thresholds” (MTs) were set to manage the decline of groundwater, but these MTs were not designed to prevent any specified unacceptable harm to the lives and livelihoods of the residents and environmental features (beneficial uses) of the Basin.

Perhaps the most egregious example of this problem can be found in the MTs set for the Northwestern sub-basin, where the GSA accepted the argument of Cleath-Harris Inc., hired by that region’s principal pumper (North Fork/Brodiaea), that the MTs should be a proportion of “saturated thickness” of the water-bearing strata, rather than a proxy designed to protect the wells of local residents and the Cuyama River’s last interconnected surface-groundwaters and their GDEs. In fact, North Fork/Brodiaea's proposal to set MTs at 15% of saturated thickness (205 feet below surface) was based on only two criteria - “(1) avoiding infrastructure damage from land subsidence; and (2) ensuring adjacent pumpers have access to groundwater” (Cleath-Harris 2018, p. 2). These MTs do not consider other “undesirable effects” nor do they address the “chronic lowering of groundwater levels indicating a significant and unreasonable depletion of supply” or “groundwater-related surface water depletions that have significant and unreasonable adverse impacts on beneficial uses of surface water” (CBGSA 2019, p. 3-1).

As of 2021 these narrowly conceived MTs were already causing dramatic depletion that reduced groundwater storage and threatened other beneficial users. The hydrographs in Figure 1 (below) display the fall of groundwater levels in the North Fork/Brodiaea area. Measured from summer low point to summer low point to control for seasonal variance, the 5 wells display rates of depletion of 4, 9, 19, 21, and 27 feet a year, respectively; an average of 16 feet/year (See Figure 2 for well locations). Groundwater levels have plummeted correspondingly. For example, well #843 fell 85 feet between 11/15 and 10/19, and if pumping continues at the established rate groundwater levels will have fallen 150 feet by summer, 2021. Minimum thresholds, currently set at 205 ft. in the NW sub basin, will be exceeded within 8 years for 4 of the 5 wells measured (Figure 3). While the failure to meet sustainability criteria in the NW region is bad in itself, far worse are the real social and environmental effects this failure will generate, including the probable destruction of some of the Cuyama River's last GDEs.

A different, but related problem has emerged in the Main sub-basin, where unabated pumping over the 7 years since SGMA was passed has dropped groundwater levels below MTs. Presently almost 50% of the monitoring wells in the Basin show groundwater levels below their MTs and falling, which signals

that there will be probable noncompliance with the GSP by April of 2023 (GSA Packet 9-7-22, p. 149). Faced with the threat of noncompliance and state receivership, since June the GSA has discussed "moving the goalposts": lowering the MT's rather than reducing pumping. In this area of the Basin, the failure of the GSP to identify the social or environmental goals of sustainable groundwater management enables the GSA to employ the principle of "adaptive management" to change its sustainability criteria to obtain compliance with the Plan's "glidepath." The glidepath itself has become the sustainability goal.

The blindness to the residents and environment of Cuyama may be a result of the particular experience of the Main Basin, and the overwhelming influence on the GSA exerted by the growers who operate in that region. In the Main Basin most of the smaller farmers and all of the GDEs were displaced long ago by two larger corporate farming operations: Grimmway Farms and Bolthouse Farms. These businesses were instrumental in creating the Cuyama Basin Water District, which has direct influence through its representatives on the GSA Board of Directors (including Board President), and indirect influence through the County representatives who sit on the GSA Board. The geohydrologists they hire sit on the closed-door technical committee meetings; their lawyers have shaped the GSA itself (Ernest Conant, Grimmway's lawyer before moving to the Bureau of Reclamation, helped convene and create the Water District, and advised the formation of the GSA in its early days). The influence of these powerful actors has resulted in a GSP that only focuses on the cost and availability of groundwater to them, and does not consider the other beneficial uses in the Basin. Not satisfied with that accomplishment, the two companies sued their neighbors – including those in the Water District they created – to adjudicate their water allocations. As the DWR noted in its "Determination," this approach "precludes meaningful disclosure to, and participation by, interested parties and residents in the Basin" (p. 3). Worse yet, a number of Cuyama residents dedicated hundreds of hours of service as members of the Standing Advisory Committee to the GSA, only to see their suggestions and comments dismissed by the GSA and excluded from the GSP.

The revisions made to the GSP by the GSA fail to address the problems identified by DWR in its "Determination" of January 2022. Rather than identify human and environmental beneficial users, determine sustainability goals, and design MTs to protect them, the GSA continues to insist that it has fulfilled all the procedural requirements of GSP formation, and that the issues pointed to by DWR are the result of "insufficient data."

"In the Basin, the identification of URs [undesirable results] were developed through an extensive stakeholder driven process that included:

- Careful consideration of input from local stakeholders and landowners;
- A conceptualization of the hydrogeological conceptual model;
- An assessment of current and historical conditions and best available data; and
- Local knowledge and professional opinion.

The CBGSA recognizes the lack of reliable historical data and acknowledges the limitations and uncertainties it causes (see Data Gaps and Plan to Fill Data Gap subsections of Section 4 – Monitoring Networks and Section 8 – Implementation Plan for addressing those limitations). However, the reassessment of thresholds and UR statements will be a likely component of future GSP updates. These future revisions will utilize the detailed and reliable data collected by the GSA during the first five years of GSP implementation." (GSP Update 3-9)

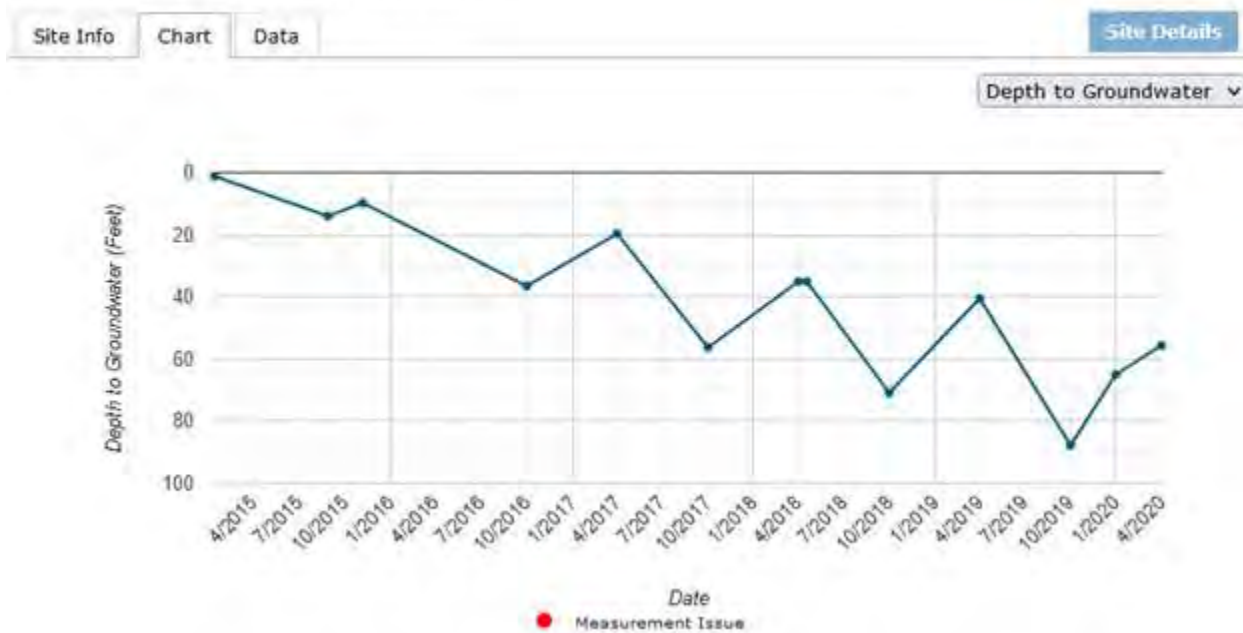
Central to this explanation is the idea that the GSA lacks sufficient data to act, and will not establish any sustainability goals until 2025 – 10 years after SGMA was passed. In the meantime, the most attractive option to the GSA is to adjust the MTs to suit the glidepath. The purported "lack of data" ignores the existence of numerous previous geohydrological studies conducted by the USGS (2015), among others, in addition to well logs, electricity bills, and so on. Moving forward, we will get a clearer picture of what data is really available as parties to the adjudication process in the Cuyama Basin submit records of their historical use of groundwater.

Summary

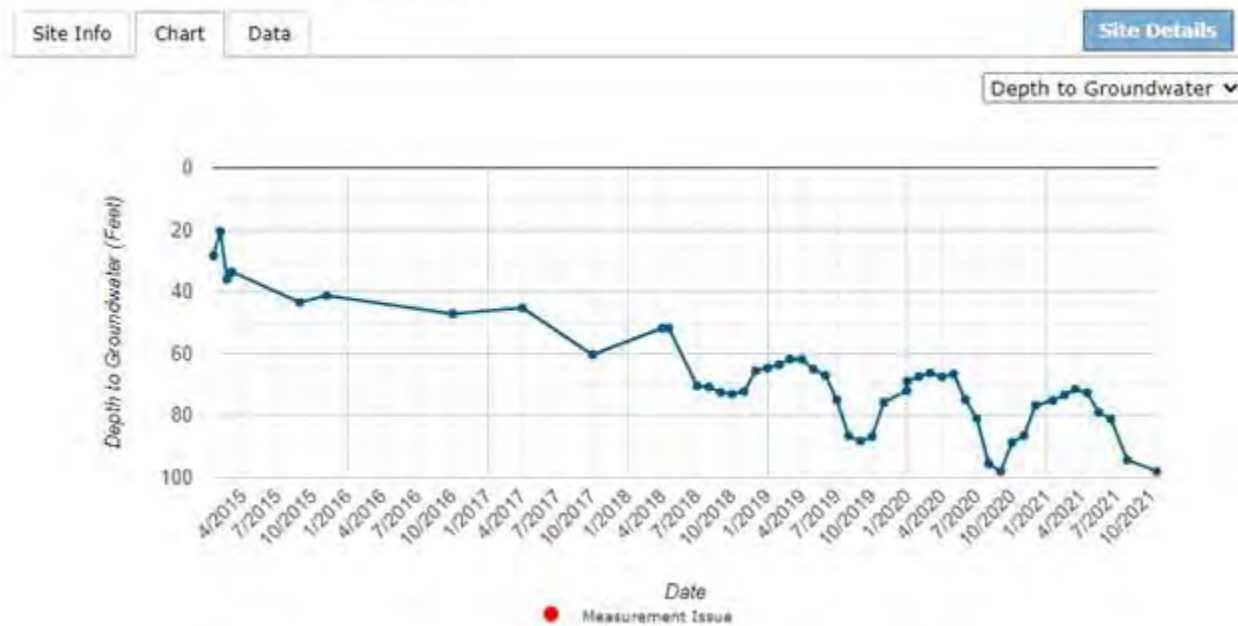
The 2022 Cuyama Basin GSP has not identified concrete social and environmental sustainability goals. This is due in part to an insensitivity of the GSA to the diversity of GDEs and other beneficial uses in the Basin, and the dismissal of the input provided by the Standing Advisory Committee over many years of sustained and dedicated participation. While the GSA claims it has made every required effort to "consider input from local stakeholders and landowners", at the same time it claims to not have enough data to identify sustainability goals and to take action. The failure to identify clear sustainability goals has facilitated efforts to reset the established MT's at a lower level in one area of the Basin, and in another, to set MT's so deep that human and environmental beneficial users will likely be damaged and destroyed long before any correction can be made. We have known about the causes and the social and environmental effects of groundwater depletion in Cuyama for decades. Unfortunately it seems we are still far from addressing them.

Figure 1: Hydrographs. Northwestern Sub-basin, Cuyama

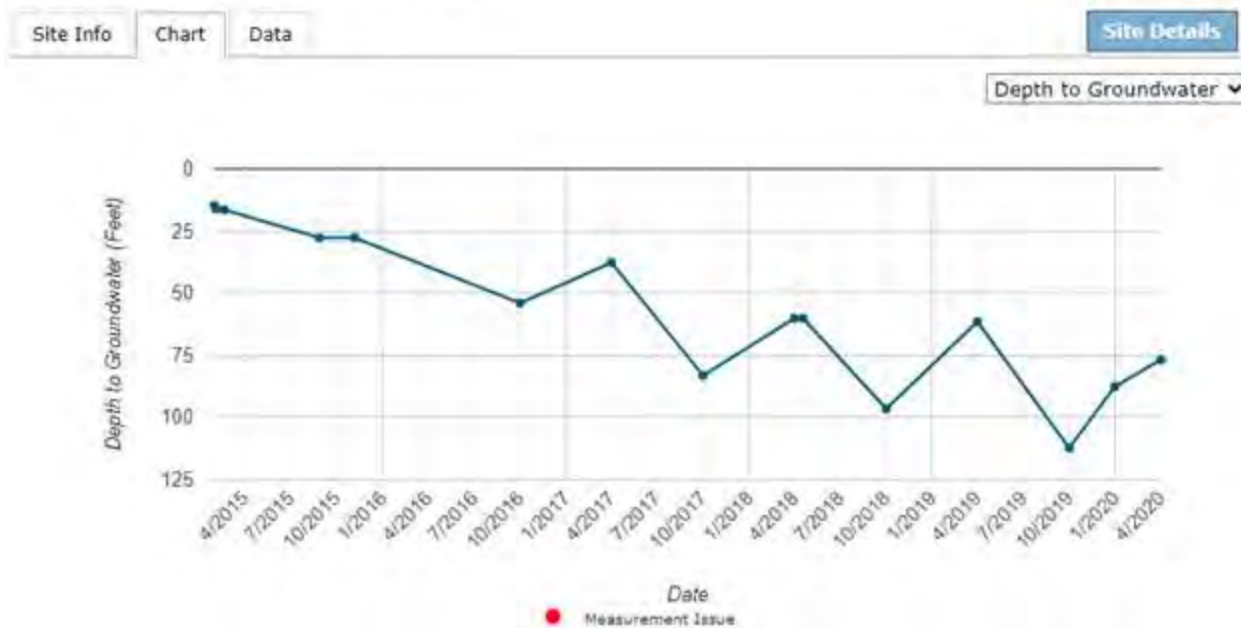
Groundwater Level for OPTI Well #840



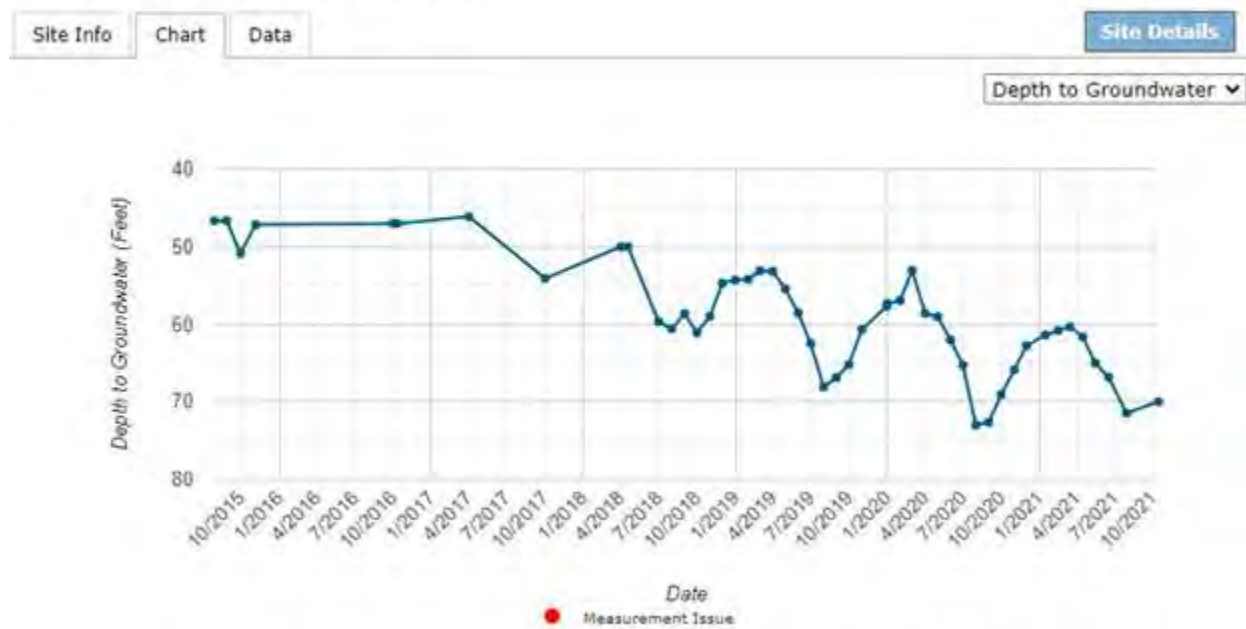
Groundwater Level for OPTI Well #841



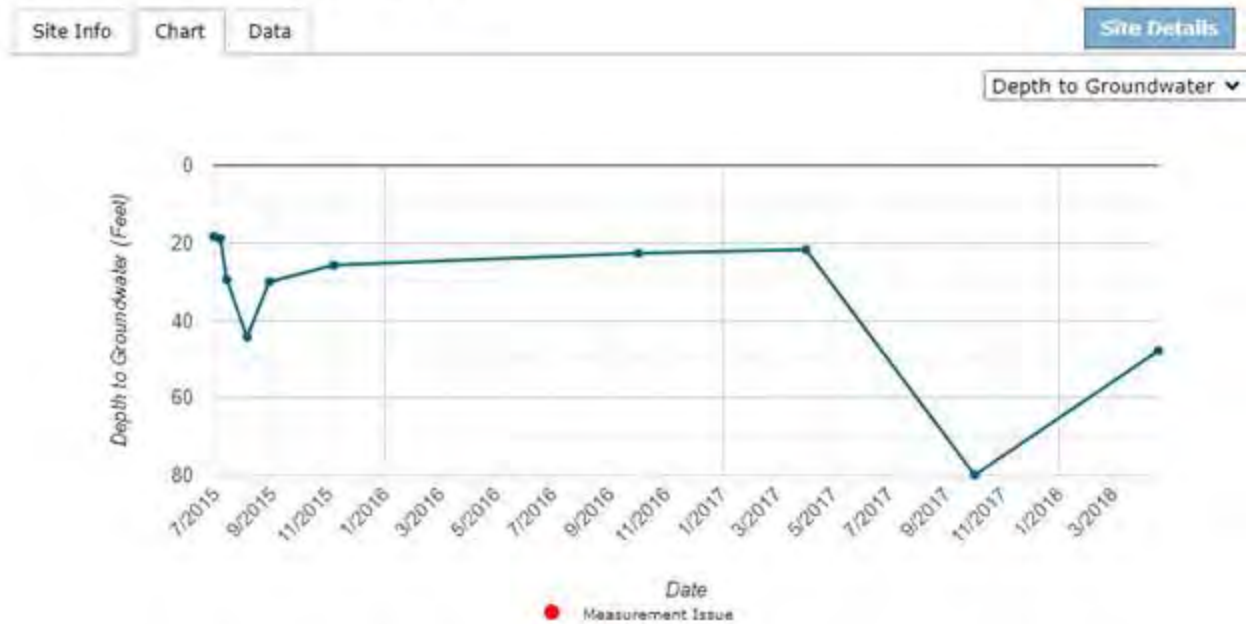
Groundwater Level for OPTI Well #843



Groundwater Level for OPTI Well #845



Groundwater Level for OPTI Well #849



Screenshots taken from Opti DMS. <https://opti.woodardcurran.com/cuyama/main.php> For map of locations see Figure 2

Figure 2: North Fork Vineyard with GSA Monitoring Wells

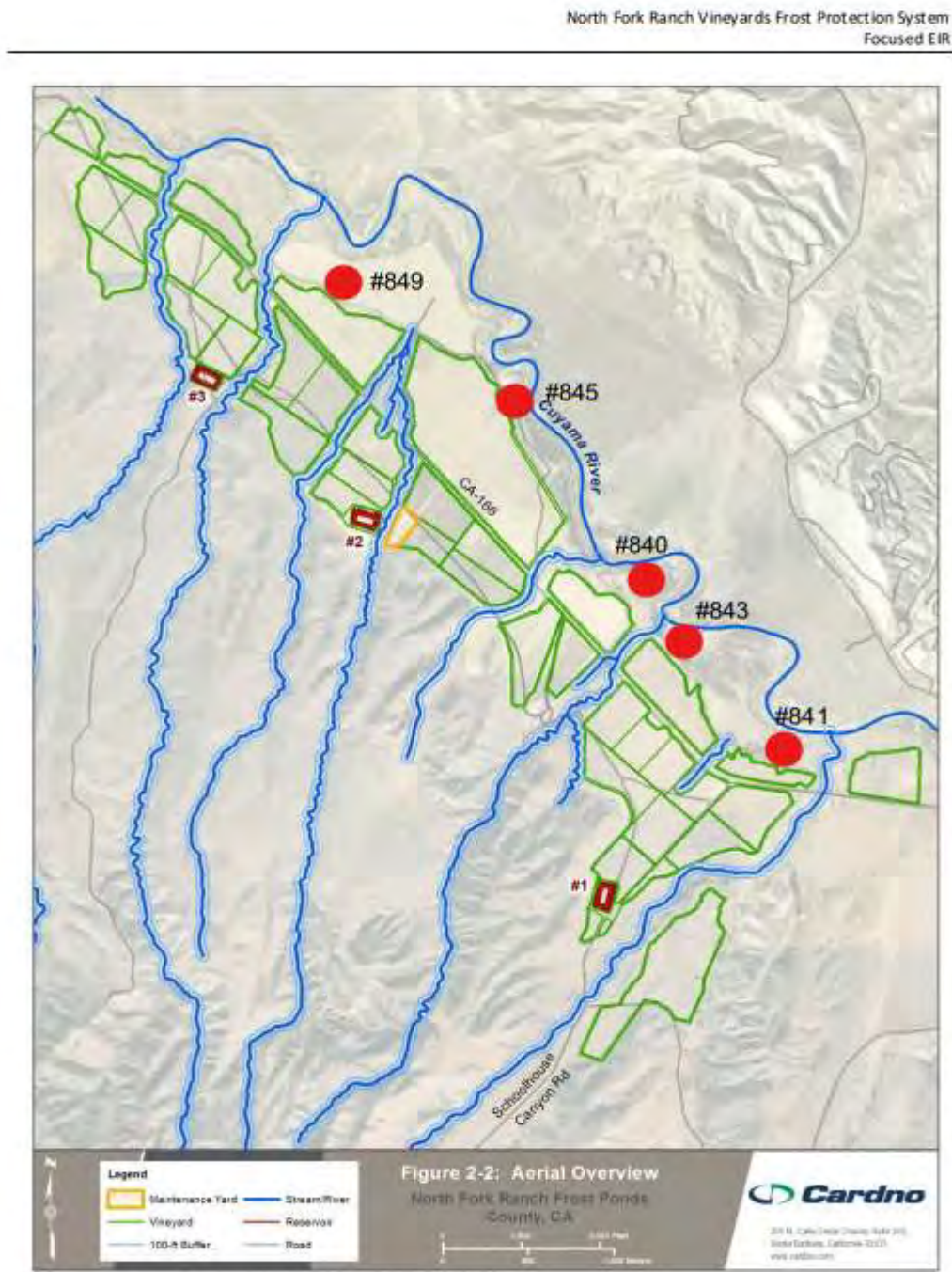


Figure 2-2 Aerial Overview

Source: North Fork frost ponds DEIR.

Well locations approximated from CBGSA Opti DMS. CBGSA Optiwell, Woodard and Curran.
<https://opti.woodardcurran.com/cuyama/main.php>

Figure 3: Groundwater Depletion, Northwestern Sub-basin, Cuyama Basin

Well #	Dates measured	Δ ft total (approx.)	Δ ft / yr (approx.)	Last recorded Depth	Measurable Objective (approx.)	Minimum Threshold (approx.)	Years to MO (at current rate)	Years to MT at current rate	Years to bottom of aquifer (1200 ft)
840	11/15-10/19	-78	-19	55	155	205	5	8	48
*841	11/15-10/21	-57	-9	98	155	205	7	12	72
843	11/15-10/19	-85	-21	112	155	205	2	5	30
*845	10/15-10/21	-23	-4	70	155	205	21	35	210
849	11/15-10/17	-54	-27	48	155	205	4	6	42

AVERAGE RATE OF DEPLETION: 16 ft./yr.

Data from Woodard and Curran, Opti DMS online portal:

<https://opti.woodardcurran.com/cuyama/main.php> (retrieved 1-18-22).

* signifies Representative Monitoring Well. Representative monitoring wells are reported monthly (see hydrographs below)

Beginning and ending measurements ("dates measured") taken in Oct/Nov (after irrigation season) to enable calculations of depletion rates.

MTs and MOs taken from CBGSP: <https://cuyamabasin.org/resources#final-gsp>

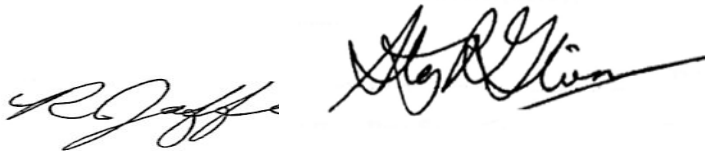
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California Department of Water Resources
Southern Region

From: Roberta Jaffe and Stephen Gliessman



September 19, 2022

Thank you for this opportunity to comment on the Cuyama Basin's GSA's Technical Memorandum submitted November 5, 2021 in response to CDWR's letter of June 3, 2021 (reissued on January 21, 2022) finding the Cuyama Basin's GSP incomplete. The GSP if implemented accordingly, can bring the Cuyama Basin into sustainability by 2040 in accordance with SGMA as long as some key modifications are addressed in the Plan. Unfortunately, we did not find that the GSA's Technical Memorandum (hereafter called the "Memo") substantially addressed the four potential corrective actions identified by CDWR. This letter specifically provides evidence and rationale for needed improvements in the GSP for three of these corrective actions:

- Potential Corrective Action 1. Provide justification for, and effects associated with, the sustainable management criteria,
- Potential Corrective Action 2. Use of groundwater levels as a proxy for depletion of interconnected surface water,
- Potential Corrective Action 4. Provide explanation for how overdraft will be mitigated in the basin.

We are long term residents, farmers and stakeholders in the Cuyama Valley. We have been involved with the development of this GSP from the start. In collaboration with the Cuyama Valley Community Association, we helped establish the Standing Advisory Committee (SAC) in the Joint Powers Agreement (JPA) for the GSA to ensure local representation in the development and implementation of the GSP. Roberta serves on the SAC and was its first Chairperson. Together we farm a small dry-farmed vineyard in the Western part of the Cuyama Basin, located in the Western Threshold Region, just to the south of the Northwest Threshold Region. Specifically, as farmers in the western sector of the Cuyama Valley we are concerned that our shallow well and those of our neighbors, along with local GDEs and interconnected surface water will be impacted in the long-term by the newly irrigated agricultural land being farmed in proximity to our property and close to the Cuyama River and Cottonwood Creek. Thus, we have focused on Corrective Actions 1, 2 and 4 since they most specifically affect our region.

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Cuyama Basin GSP Resubmission
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In addition to our local experience and knowledge, Stephen also brings his academic strength to these comments. He has a Ph.D. in California Botany and Plant Ecology from UC Santa Barbara. He is an emeritus professor at UC Santa Cruz where he taught agroecology and sustainable agriculture courses at UCSC for over 30 years, and has practical experience in sustainable farming in many parts of the world.

Potential Corrective Action 1. Provide justification for, and effects associated with, the sustainable management criteria.

The DWR letter states on pages 2-4:

“The GSP provides quantitative values for the minimum thresholds and includes a combination of those minimum threshold exceedances that the GSA considers causing an undesirable result. However, the GSP does not discuss, or appear to address, the critical first step of identifying the specific significant and unreasonable effects that would constitute undesirable results. The GSP states undesirable results for chronic lowering of groundwater levels would occur when groundwater level minimum thresholds are exceeded in 30 percent of monitoring wells for two consecutive years. (The same 30 percent for two consecutive years criterion is used for reduction in storage, degradation of groundwater quality, land subsidence, and depletion of interconnected surface water.) However, the GSP does not provide any explanation for why the criterion is consistent with avoiding significant and unreasonable effects that constitute undesirable results

...This lack of information is particularly notable in the Northwestern threshold region. The GSP states that the intention of the sustainable management criteria for the Northwestern region is to “...protect the water levels from declining significantly, while allowing beneficial land surface uses (including domestic and agricultural uses) and using the storage capacity of this region.” However, the Northwestern region is the only region in the Basin where the sustainable management criteria indicate a plan to substantially lower groundwater levels, relative to conditions at the time of GSP preparation (i.e., the minimum thresholds for groundwater levels are up to 140 to 160 feet lower), in an area with the highest concentration of potential GDEs in Cuyama Valley and with interconnected surface water, which is evidenced by a gaining reach of the river. The GSP did not quantify the expected depletions of surface water over time or assess or disclose the anticipated effects of the established minimum thresholds on beneficial uses and users of groundwater, which, based on Department staff’s review, appear to include nearby domestic users, potential GDEs, and users of the interconnected surface water. The absence of this information and related discussion precludes meaningful disclosure to, and participation by, interested parties and residents in the Basin. In addition, without this discussion it is difficult for Department staff to determine whether it is appropriate or reasonable for the GSA to conclude that undesirable results in the Basin would not occur unless nearly a third of representative monitoring points exceed their minimum thresholds for two consecutive years.”

The GSA Memo responds:

p.4

“...However, the re-assessment of thresholds and UR statements will be a likely component of future GSP updates. These future revisions will utilize the detailed and reliable data collected by the GSA during the first five years of GSP implementation.

...The 30 percent of wells exceeding their MT for 24 consecutive months criteria included in the GSP allows the CBGSA the flexibility to identify the cause of MT exceedances and to develop a plan for response (per the Adaptive Management approach described in Section 7.6 of the GSP). Furthermore, groundwater levels in areas of the basin change in response to climatic conditions and therefore, sustained exceedances of minimum thresholds are considered to be more significant than short-term exceedances. Setting the Identification of Undesirable Results criteria at 30 percent or more of wells exceeding their MT is intended to reflect undesirable results at the basin scale, and using 24 consecutive months allows the GSA time to address issues, perform investigations, and implement projects and management actions as needed.”

Response re Northwest threshold region:

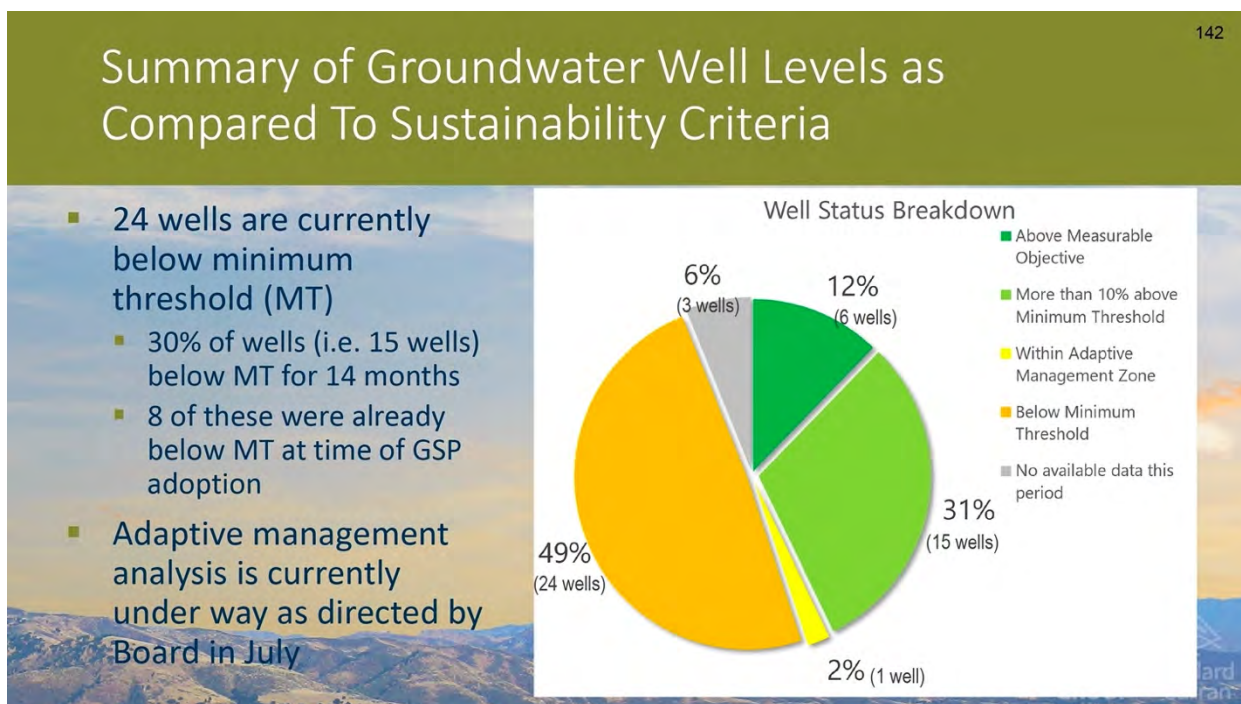
“A numerical modeling analysis of proposed minimum thresholds at Wells 841 and 845 show that these thresholds would have no negative impact on local domestic wells and only minimal impact at a single GDE location. Stream depletions could potentially increase by a small amount. “ (p. 9)

Corrective Action 1 Our Comment:

Throughout the GSP and the Technical Memorandum, Minimum Thresholds (MT) are referred to as fixed levels which were adopted by the GSA and incorporated into 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 constant 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).”

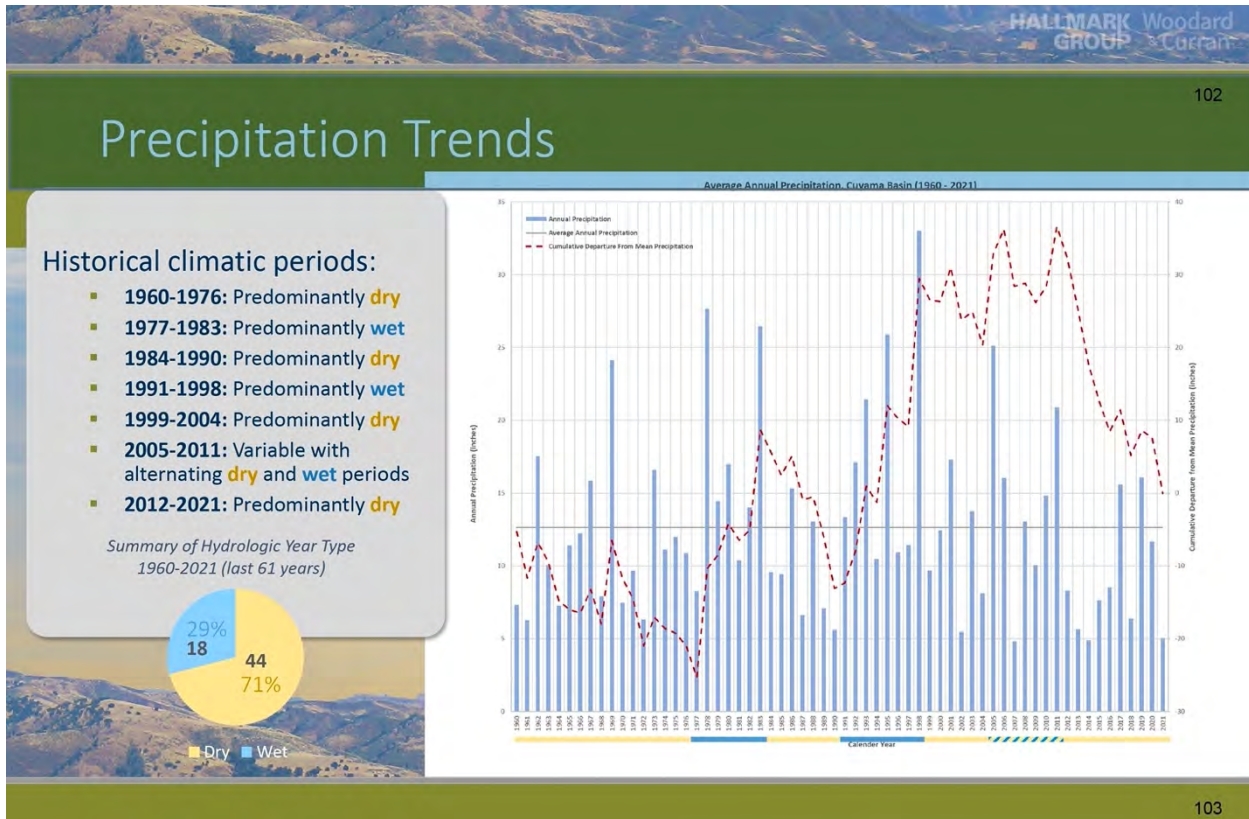
The slide below from the September 7, 2022 GSA meeting shows 49% of the wells that are part of the Basin’s monitoring network are below established minimum thresholds. The continual increase in wells below MT verifies the downward trend in the Basin. As stated in the Memo:

“Setting the Identification of Undesirable Results criteria at 30 percent or more of wells exceeding their MT is intended to reflect undesirable results at the basin scale, and using 24 consecutive months allows the GSA time to address issues, perform investigations, and implement projects and management actions as needed. (p.4 GSA Technical Memorandum)”



An adaptive management committee has been formed within the GSA to address these concerns. One of the main options under consideration is to actually lower the Minimum Thresholds below those established in the GSP, and/or increase the 30% already below their MTs over the two year requirement. MTs should not be a moving target, but rather a fixed benchmark that allows for examination of trends. Instead, robust investigation for causes of the continued depletion of wells in the monitoring network needs to be undertaken. The 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.

Furthermore, a study conducted by Woodard and Curran looking at precipitation trends over the past 62 years shows that 71% of these years have been predominantly dry, with below average rainfall.



(GSA packet, September 7, 2022, p. 102)

As a continued downward trend is demonstrated combined with predicted ongoing drought in a climate that is exceedingly dry, we ask CDWR to not allow for MTs to be lowered or the 30% level to be increased. Rather than lower the MTs we need to examine why we continue to approach and exceed these MTs. We need to understand causal effects and address those, most likely in the form of extraction reductions.

If the GSA recommends changing the MTs or 30% benchmark, we ask that DWR require this be submitted as a significant change to the GSP and follow all of the established protocol for making changes to the GSP.

Northwest Region

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 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.”

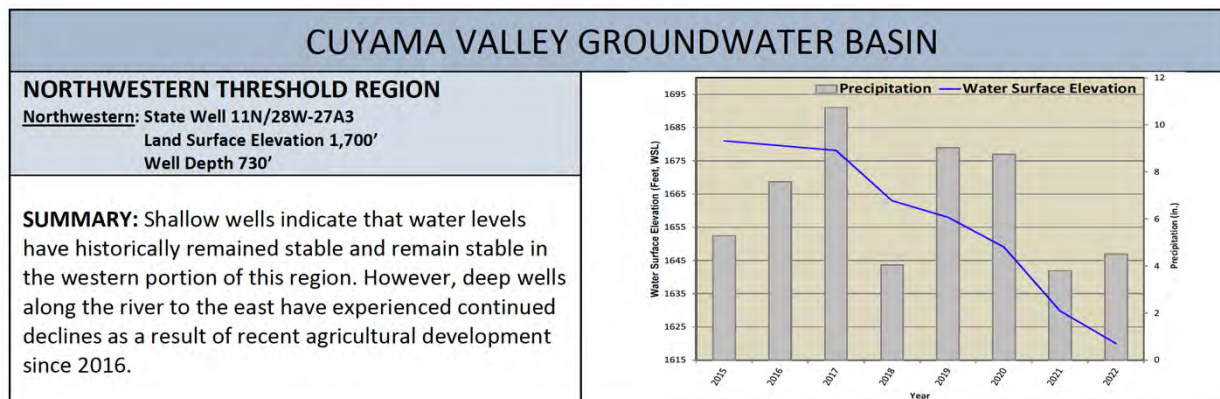
The GSA adopted MTs for the Northwest Region that were recommended by the consultants to North Fork Vineyard, and not the consultants hired by the GSA, were not openly peer reviewed, and have not addressed the need to modify them in the Memo response to DWR. North Fork Vineyard continues to develop plans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

Table 2-1 from the Memo describes MT justifications for each of the Threshold Regions. However, the description for the Northwest Region does not accurately reflect the trend since pumping began in 2016, of steep decline in water levels in this region as shown in the graph following Table 2-1.

Table 2-1. Summary of MT Calculations for Chronic Lowering of Groundwater Levels for Each Threshold Region

Threshold Region	MT Calculation Approach	Justification
Northwestern	The MT for this region was found by determining the region's total average saturated thickness for the primary storage area and calculating 15 percent of that depth. This value was then set as the MT.	Monitoring in this threshold region indicates levels are stable, with some declines in the area where new agriculture is established. Due to these hydrologic conditions, the MT was set to protect the water levels from declining significantly, while allowing beneficial land surface uses (including domestic and agricultural uses) and using the storage capacity of this region.
Western	The MT was calculated by taking the difference between the total well depth and the value closest to mid-February, 2018, and calculating 15 percent of that depth. That value was then subtracted from the mid-February, 2018 measurement to calculate the MT.	Monitoring in this threshold region indicates groundwater levels are stable, and levels varied significantly depending on where representative wells were in the region. The most common use of groundwater in this region is for domestic use. Due to these hydrologic conditions, the MT was set to protect the water levels from declining significantly, while allowing beneficial land surface uses of the groundwater and protection of current well infrastructure. Values from mid-February, 2018, are used because data collected during this time represent a full basin condition. This calculation allows users in this region to use their groundwater supply without increasing the risk of running a well beyond acceptable limits, and this methodology is responsive to the variety of conditions and well depths in this region.
Central	MT was calculated by finding the maximum and minimum groundwater levels for each representative well and calculating 20 percent of the historical range. This 20 percent was then added to the depth to water measurement closest to, but not before, January 1, 2015, and no later than April 30, 2015.	Monitoring in this threshold region indicates a decline in groundwater levels, indicating an extraction rate that exceeds recharge rates. The MT for this region is set to allow current beneficial uses of groundwater while reducing extraction rates over the planning horizon to meet sustainable yield. The MO is intended to allow sufficient operational flexibility for future drought conditions.

Graph from Santa Barbara's Annual Groundwater Report 2022 shows steep declines in the Northwest Region. (Santa Barbara County, September 2022, p.5)



5

The MT calculation for the Northwest Region used a completely different formula than was used for the other Basin's Threshold Regions, nor was it established by the GSA consulting engineering firm, Woodard and Curran as the others were. Instead, it was recommended by the consultants for North Fork Vineyard, the largest pumper in the region who started drilling their wells in 2015 when they started the conversion of dry rangeland to an 850-acre vineyard. Using their formula established a MT that allows the GWL to decrease by 140 feet before any concern for depletion of the area will be triggered. Figure 2-3 that follows shows the potential impact on the region as the area around OPTI wells #845 and #841 are modeled to go down below 150-200 feet. These wells are adjacent to the Cuyama River and include some of the few areas of sensitive shallow-rooted riparian habitat remaining along the Cuyama River.

We think this model does not show the full impact since 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. Thus, we expect to see more excessive depletion than the model shows, unless corrective action is taken soon.

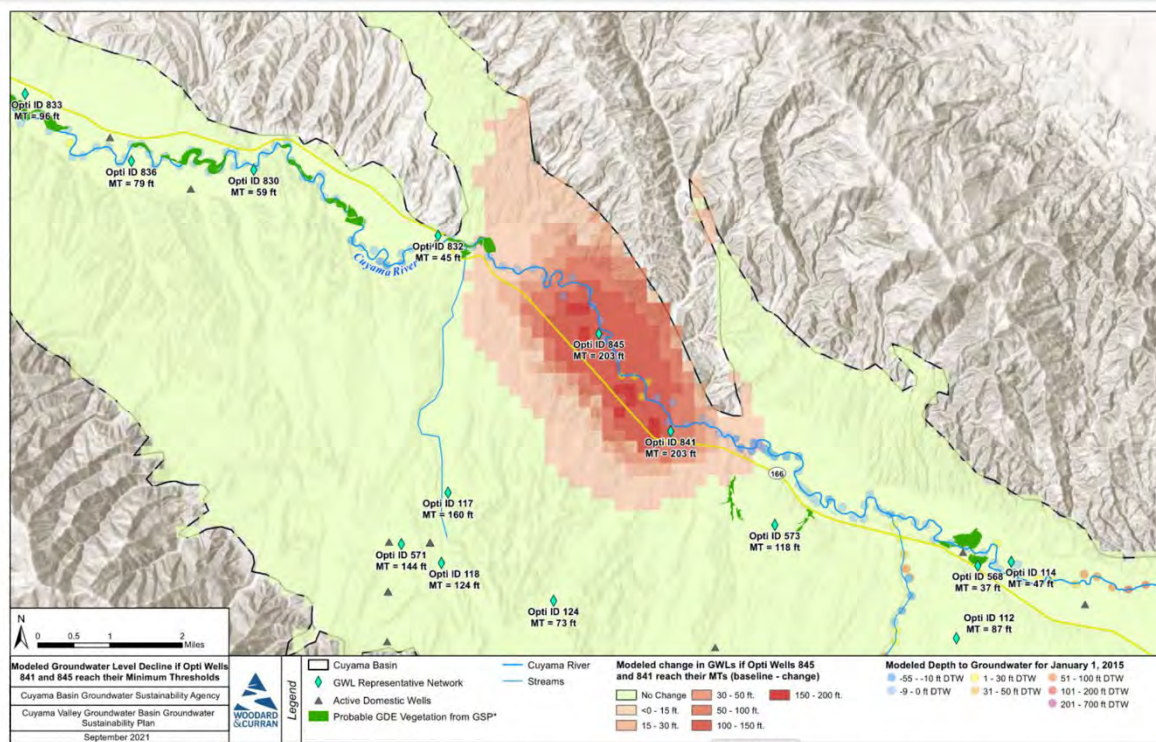


Figure 2-3. Change in Groundwater Levels in Northwestern Region 1, from CBWRM Test Simulation

(GSA Technical Memo, p. 13)

Furthermore, the Santa Barbara County Groundwater Report (2022) also shows this area is receiving minimal recharge, since their graph shows a distinct downward slope in GWL. If there were any significant recharge, the lines should show some upward movement in response to rainfall, but there is none. This would indicate that continued pumping will drop below the MTs in a few years, even though they were set quite low. The side streams feeding the Northwest Region have minimal flow, and it is probable that the deep cone of depression in the Central Region inhibits most downriver groundwater flow in the Cuyama River.

In addition to the downward trend currently shown in the Northwestern Region and its projected impacts, we ask CDWR to consider future pumping demands on this region. Currently North Fork Vineyard has a permit application before the Santa Barbara County Planning Commission to construct three large reservoirs, called frost ponds, each with the capacity to hold 45-acre feet of water and which would be filled by pumping groundwater from their network of deep wells. These reservoirs would have the potential of being refilled multiple times in a season with the recurrence of spring frosts.

Review of the reservoir project and the draft environmental impact report can be found at:

<https://www.countyofsb.org/3060/North-Fork-Ranch-Frost-Ponds> .

In summary, in relation to Corrective Action 1, we recommend that:

- With the established downward trends in both the Central and Northwest Threshold Regions and the increased number of monitoring network wells below minimum threshold, the GSA follow their GSP

and take immediate action to remediate these trends. They should not take into consideration further lowering of MTs or increasing the benchmark of 30% of wells below MT being an Undesirable Result.

- For the Northwest Region, we ask that the impact of the current downward trend be recognized and mitigations be put in place to reduce groundwater level depletion that will affect the interconnected surface waters and GDEs in the region. These steps most likely will focus on pumping reductions.

Potential Corrective Action 2. Use of groundwater levels as a proxy for depletion of interconnected surface water

From DWR Letter p. 6

“The second potential corrective action relates to the GSP’s lack of explanation and justification for the use of groundwater levels as a proxy for depletions of interconnected surface water.

...The GSP lacks a demonstration, with supporting evidence, of the reasonableness of using groundwater level thresholds as a proxy for depletion of interconnected surface water. The GSP states that ‘[b]y setting minimum thresholds on shallow groundwater wells near surface water, the [GSA] can to (sic) monitor and manage [the hydraulic gradient between surface water and groundwater], and in turn, manage potential changes in depletions of interconnected surface [water].’ However, in defining the groundwater level proxies for depletion of interconnected surface water, the GSA appears to have used all the groundwater level thresholds it defined for chronic lowering of groundwater levels regardless of depth of the well or proximity to surface water. It is not obvious to Department staff why managing the Basin to the complete set of chronic lowering of groundwater level thresholds is sufficient to avoid undesirable results for depletion of interconnected surface water, especially since many of those groundwater level thresholds represent conditions that are lower than current conditions. Addressing the Deficiency the GSA should provide a demonstration, with supporting evidence, for why using the basinwide groundwater level minimum thresholds is a reasonable proxy for thresholds for depletion of interconnected surface water.”

Tech Memo Response:

p. 14-15

3.2

“The Cuyama River and all of the contributing streams are dry during most of the year, with flows occurring only during precipitation events during the winter months. Nearly all precipitation in the Basin and contributing watersheds percolate into the primary aquifer. The Cuyama River and four primary contributing streams were modeled, with the estimates of gaining and losing quantities provided in Table 2-2 of the GSP.

In addition, in Section 2.2.9 the GSP recommended the installation of piezometers in the vicinity of the river streambed to provide additional shallow aquifer groundwater level measurements.

...The primary areas of concern for ISW are on stretches of the Cuyama River upstream of Ventucopa and downstream of the Russell Fault. Because the Cuyama River does not flow during most days of the year and the river is not subject to environmental flow regulations, the primary beneficial uses of

Cuyama River streamflows are GDEs and water users who utilize water that may flow into Lake Twitchell downstream of the basin boundary. Lowering groundwater levels could result in reduced streamflows for beneficial use by these users. 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 of the Cuyama River.

3-1. Potential Stream Interconnectivity using Historical Modeled Groundwater Levels in January 2015. Shows the river in the NW Section to be a gaining stream, while that in the Central Basin a losing stream

...In addition, depletions of interconnected surface waters occur at the interaction of surface and groundwater, which is in the shallow portion of the aquifer. In general, wells with completions or depths within 100 ft bgs are preferable to provide more useful information about this near surface interaction. Common practice is to also only include wells that are in areas of interconnectivity or areas where interconnectivity conditions are close to those that define interconnectivity (for example, areas with groundwater levels between 30 to 50-feet below ground surface). Due to the limited number of available wells in the Cuyama Basin with screen intervals (or where screen interval data is not available, well depth) of less than 100 ft bgs, the proposed ISW network includes only five wells. Additional monitoring locations will need to be identified to fill data gaps in the ISW network as discussed below. The resulting ISW monitoring network is shown in Table 3-1 and Figure 3-2 below. The monitoring network includes 12 wells, nine of which are representative wells for which minimum thresholds and measurable objective have been defined. Minimum thresholds at the representative well locations are protective of GDE locations in the upper and lower portions of the river, with minimum thresholds less than 30 feet from the bottom of the river channel in the vicinity of four wells (89, 114, 830 and 832). “

Corrective Action 2 Our Comment:

History shows the depletion of interconnected surface waters and drying up of GDEs has already happened in Cuyama due to overextraction of groundwater. Prior to the 1940s historical accounts show the Cuyama River flowed year-round throughout the Basin and cottonwoods lined most of the river. When agriculture started pumping in the main basin there was little concern because the thought was it was protected by faults to the east. Now the Cuyama River is perennial at best, and the Main Basin is in a permanent state of critical overdraft with no interconnected surface water or GDEs in sight. With such a dry landscape as a backdrop, the GSA gave very low priority to the protection of interconnected surface waters and GDEs. However, because of the historical evidence we cite above and the loss of these ecosystems, now is a critical time to protect the gaining stream in the western sector before the new agricultural pumping in the Northwest Threshold Region depletes the surface water and GDEs in this area. To allow a deep cone of depression to develop will only repeat the pattern of depletion and habitat destruction, and not just in the Northwest Region itself, but also in the down-river ecosystems to the west.

In Section 3 of the Tech Memo the GSA responds to DWR by establishing an ISW monitoring network:

“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 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”.

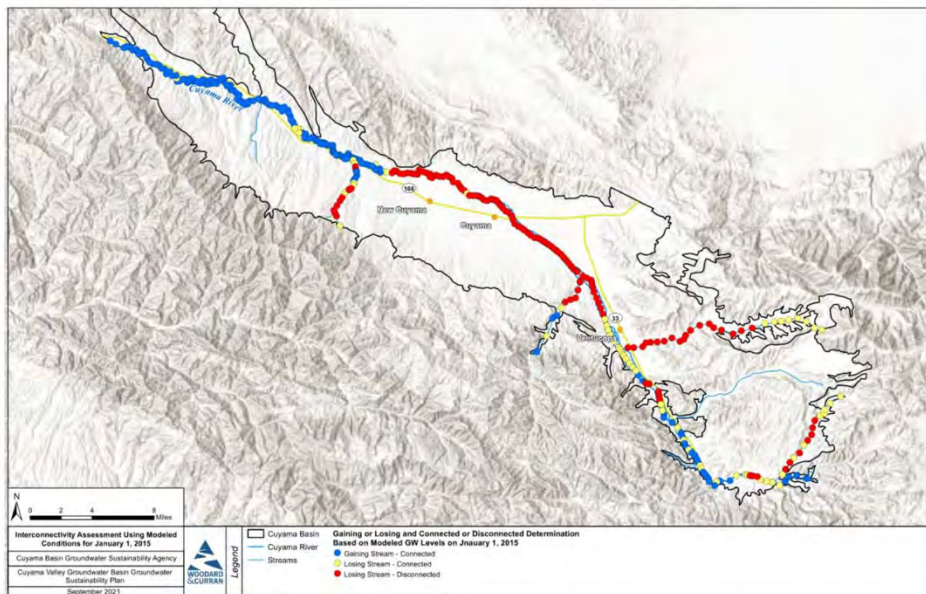


Figure 3-1. Potential Stream Interconnectivity using Historical Modeled Groundwater Levels in January 2015

Figure 2-3. *Change in Groundwater Levels in Northwestern Region from CBWRM Test Simulation* (see above on p. 8 of this comment letter) shows that the modeling for wells 841 and 845 will be depleted down 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 be directly impacted. This section of the river will move from a gaining stream to a losing stream. We don't understand how this continued extraction can be allowed when it would appear obvious that the UR for Interconnected Surface Waters, one of the last ISWs in the Basin, will occur.

In response to the DWR letter, the 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 that four of the five wells identified to monitor the northwest region, are to the west of the confluence with Cottonwood Creek which flows into the Cuyama River below the vineyard in the Northwest Region, and therefore do not monitor the impacts of the pumping in that region. A better way to monitor the actual relationship between pumping in the Northwest Region and

ecosystems downstream would show the impact of falling groundwater levels of these wells on the ISW and GDEs. The only well in this region that is identified to the east of the confluence with Cottonwood Creek is well #906 which was recently constructed as a monitoring well and thus there is no historical data for this area. In addition, it is at the eastern end of North Fork Vineyard, and thus most likely will not account for any impact of the declining groundwater levels on ecosystems downstream from the vineyard. We strongly recommend that piezometers be set along the river parallel to the vineyard wells and be incorporated into the ISW Monitoring Network, as well as close to the actual remaining GDEs.

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, as proposed for the piezometer monitoring, since the root depths of most GDE species are less than 40 feet from the surface. There have been plans to install piezometers in this area for several years, but installation has been delayed several times. They are now scheduled for spring 2023. Based on the current rate of groundwater level decline in the Northwestern Region, by the time data from the piezometers is available, it will probably be too late. It will only be through limiting extraction from this area that the ISW and GDEs will be protected. The Memo seems to not include information related to how the ISW Monitoring network will be monitored and what adaptive management actions will be taken that will stop from creating the Undesired Result. There is an urgency to this as the GWL of Opti Wells 841 is approaching 100 feet below the surface. Basically, the acceptance of the downward trend from pumping in the Northwest Region needs to be stopped. Otherwise, we are just managing for depletion and not for sustainability.

In summary, in relation to Corrective Action 2, we recommend that:

- Monitoring be established with piezometers in the area between Opti Well #906 and Cottonwood Creek.
- Adaptive management actions (most likely pumping reductions) to halt depletion be updated for ISW and GDEs in this area that can be implemented as soon as possible and no later than 2025.
- Recommendations be made to raise MTs for the Northwest Region to a more restrictive level to protect the ISW and GDEs in this region and to maintain a gaining stream before it is too late.

Potential Corrective Action 4. Provide explanation for how overdraft will be mitigated in the basin

From DWR Letter p. 9

“...the GSP only intends to implement those pumping reductions in the Central Basin management area and does not explain why pumping reductions will not be implemented in the Ventucopa management area. The GSP executive summary states that “[p]umping reductions are not currently recommended for the Ventucopa Area”

In addition to the Ventucopa Area, the GSP also does not discuss why projects and management actions were not considered in the Northwestern threshold region, where, as noted above in Potential Corrective Action 1, it appears that overdraft will occur for some time and the allowable groundwater-level decline is over 100 feet. Addressing the Deficiency The GSA should explain the rationale for not implementing pumping reductions in the overdrafted Ventucopa management area or any other portion of the Basin where overdraft is expected to continue, and explain the timeline and criteria that may be used to determine whether future pumping reduction allocations are needed. If the criteria to

implement pumping reductions are related to the effects on beneficial uses and users, as mentioned in Potential Corrective Action 1, the GSP should clarify what those effects are that would necessitate pumping reductions.

If mitigation strategies are not included, the GSP should contain a thorough discussion, with supporting facts and rationale, explaining how and why the GSA determined not to include specific actions to mitigate drinking water impacts from continued groundwater lowering below 2015 levels.”

Tech Memo Response, p. 25

“The modeling results did not predict overdraft or groundwater declines in any other portion of the basin, including the northwest region. 5.3.2 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. • The Cleath-Harris Geologists (CHG) document Sustainability Thresholds for Northwestern Region, Cuyama Valley, dated December 7, 2018, 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 minimum thresholds proposed for the region would result in a fifteen percent reduction in the saturated thickness screened by the production wells, which would correspond in very general terms to a similar reduction in transmissivity and pumping capacity of the production wells. The technical analyses described in Section 2 regarding potential corrective action 1 indicates that the potential drawdown due to the minimum thresholds set for wells 841 and 845 could have a small effect on GDEs and domestic wells in the area. However, the thresholds set in the monitoring wells located in the vicinity of these basin resources are set at protective levels that would be indicative of any issues that may arise, allowing the CBGSA to make an appropriate adaptive management response (per section 7.6 of the GSP). Therefore, the available evidence indicates that management actions are not required in this region at this time.”

Corrective Action 4 Our Comment:

With regard to the Northwest Threshold Region, there is an opportunity to do this right if mitigation is set in place now. “Doing it right” would mean that the region is managed so that the current single large pumper is not extracting water that will, in the near future if not already, impact the gaining stream nor GDEs in the area, as well as have future negative impacts on domestic and ranch wells nearby or downstream.

The current guidelines for identifying management areas state that an average of a 2 ft. drop in water levels per year over a 50-year period be used to determine if an overdraft is occurring. A region such as the Northwest Region, where the history of water use is based on use that up until 2016 was dry unirrigated rangeland, will have a very low depletion rate based on an average calculated on use that has been minimal. This does not account for the fact that current extraction is causing an average of up to 20 ft of groundwater level decrease per year in the eastern part of the Northwest threshold region. This allows rapid depletion and lowering of groundwater levels to levels where URs will occur.

As stated above, in this section of the Memo there is a statement as to how the MTs for the Northwest Region were established by Cleath-Harris Geologists under contract to North Fork Vineyard, the only large pumper in the Northwest region. The GSA adopted MTs for the Northwest Region that were recommended by these consultants, and not the consultants hired by the GSA. The GSA has not addressed any need to modify them in the 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.

Furthermore, the Memo states that there was no perceived need for mitigation for this region because the MTs were not being approached and the modelling showed a projected balance. 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's original recommendation, whose formulae for all the other Threshold Regions were 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. Lack of mitigation for this region and the lack of a specific adaptive management plan that allows for immediate action if needed, means they are managing for depletion, not for sustainability.

In summary, in relation to Corrective Action 4, we recommend that:

- The criteria for establishing management areas (the 2ft average decrease over 50 years) must be modified to include the drastic increase in pumping currently occurring.
- A tiered approach to pumping reduction be put in place in the Northwest region that protects the interconnected surface water, the GDEs, and shallow domestic and ranch wells
- The determination of the MTs for the northwest region be revisited and submitted for peer review.
- The impact of the drawdown of the groundwater level in the Northwest Region be revised to reflect current and proposed groundwater extraction plans.

Thank you for your consideration.

Comment 4**Public Comment**

Re: Cuyama Basin Groundwater Sustainability Plan REVISED #3-013

Date: 9/19/22

From: Lynn Carlisle, Executive Director
Cuyama Valley Family Resource Center
P.O. Box 5 / 4689 Highway 166
New Cuyama, CA 93254

To: Craig Altare
Supervising Engineering Geologist
California Department of Water Resources
901 P Street, Room 213
Sacramento, California 94236

Cc: Anita Regmi and Tim Ross
California Department of Water Resources
Southern Region

Thank you for the opportunity to submit public comment on the Revised Cuyama Basin Groundwater Sustainability Plan (GSP) (for basin #3-013), as submitted by the Cuyama Basin Groundwater Sustainability Agency on July 6, 2022.

As background, the Cuyama Valley Family Resource Center (CVFRC) has served as a key local agency in helping to educate and activate the community about groundwater issues in the region. Since August 2014, the CVFRC—and its issue-focused community-led Cuyama Valley Community Association (CVCA)—has been tracking the development of SGMA, the Groundwater Sustainability Agency, the Standing Advisory Committee (SAC), and the Cuyama Basin Groundwater Sustainability Plan (CBGSP). Before the formation of the GSA, the CVFRC/CVCA held 10 public town hall-style meetings, bringing together county elected officials, county staff members, representatives from DWR and the State Water Board, local growers and residents. The CVFRC facility has served as the site of GSA and SAC meetings and serves to disseminate information, provide outreach and communicate outcomes and developments in the process of SGMA implementation. Further, the CVFRC was instrumental in activating local Latinx residents to participate in the SGMA process, and assisted with a community effort to successfully advocate for the creation of two additional seats on the 8-member SAC dedicated to Latinx members of the community. And the CVFRC has been instrumental in ensuring that all live interpretation is available at all meetings of the GSA and SAC.

Having been integrally involved in tracking the Cuyama Basin's SGMA implementation—and having attended nearly every GSA and SAC meeting, in addition to DWR workshops and events, both virtual and in-person—we wish to communicate our appreciation of all stakeholders, including GSA members, their supporting staff members, SAC members and residents, for their

dedication, persistence and keen attention to details that will impact the long-term availability and quality of groundwater in the Cuyama Valley.

We also wish to communicate our appreciation of the DWR's staff and representatives who have been accessible to our community's questions and concerns. Their presence at our GSA meetings and workshops, as available, and their feedback to community members has been much appreciated by the community.

We also wish to thank the DWR for its commitment to a close and detailed review of all GSPs and particularly the Cuyama Basin's Groundwater Sustainability Plan. As groundwater is this region's sole source of water, coupled with the historic, unabated "critical overdraft" of the Cuyama aquifer, it is essential that the GSP is accurate, transparent, enforceable and sets forth requirements that will result in a sustainable water source by 2040 that serves all beneficial uses and users.

These comments will refer to the revised Cuyama Basin Groundwater Sustainability Plan ("CBGSP-Rev"). In addition, these comments will refer to the DWR'S letter (dated June 3, 2020) to the Cuyama Basin GSA outlining several deficiencies in the Cuyama Basin GSP as submitted in 2020 ("Deficiency Letter")

Continuing Deficiencies

In reviewing the CBGSP-Revised (CBGSP-Rev) as submitted, I would like to point out several deficiencies that continue to exist in the resubmitted plan. The Deficiency Letter noted four "potential corrective actions", each of which included discussion of several deficiencies in the plan. These include:

- #1 Provide justification for, and effects associated with, the sustainable management criteria.
- #2 Use of groundwater levels as a proxy for depletion of interconnected surface water
- #3 Further address degraded water quality
- #4 Provide explanation for how overdraft will be mitigated in the basin

The following will address deficiencies described in potential corrective actions #1 and #3.

#1 Provide justification for, and effects associated with, the sustainable management criteria.

The Deficiency Letter notes that "The Department's GSP Regulations collect several required elements of a GSP under the heading of "Sustainable Management Criteria," including undesirable results along with the sustainability goal, minimum thresholds, and measurable objectives. Except for the sustainability goal, the components of sustainable management criteria must be quantified so that progress towards sustainability can be monitored and evaluated consistently and objectively." The Deficiency Letter questions the use of the same 30% metric applied to five of the six sustainability indicators required under SGMA: "The GSP states undesirable results for chronic lowering of groundwater levels would occur when groundwater level minimum thresholds are exceeded in 30 percent of monitoring wells for two consecutive years. (The same 30 percent for two consecutive years criterion is used for

reduction in storage, degradation of groundwater quality, land subsidence, and depletion of interconnected surface water.) However, the GSP does not provide any explanation for why the criterion is consistent with avoiding significant and unreasonable effects that constitute undesirable results.”

Comment:

The CBGSP-Rev (Appendix B 2020, page 1580) does not present a credible explanation, nor supporting science, for “why the criterion is consistent with avoiding significant and unreasonable effects that constitute undesirable results (URs),” but merely reiterates the same 30 percent metric across all URs.

For example, for the Sustainable Management Criteria for the sustainability indicator “Chronic Lowering of Groundwater Levels”, the CBGSP-Rev continues to assert that “this result 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.” If this metric were reached, the CBGSP-Rev reiterates that the following URs may occur: “If groundwater levels were to reach Undesirable Results levels, the Undesirable Results could cause potential de-watering of existing groundwater infrastructure, starting with the shallowest wells, could potentially adversely affect groundwater dependent ecosystems, and could potentially cause changes in irrigation practices, crops grown, and adverse effects to property values. Additionally, reaching Undesirable Results for groundwater levels could adversely affect domestic and municipal uses, including uses in disadvantaged communities, which rely on groundwater in the Basin.” However, the CBGSP-Rev does not explain how the 30 percent metric was arrived at, nor its efficacy in assessing an approaching undesirable result so that management actions can be taken.

Beyond this lack of explanation, or justifying science, I would like to point out three (3) significant issues with the critical sustainability indicator relative to groundwater levels, which has the potential to significantly impact whether the GSP outlines Sustainable Management Criteria that, when triggered will result in actions that will achieve sustainability for the Cuyama Basin by 2040.

- First, as stated, the inclusion of the requirement that the sustainable management criterion is met **only** if “30 percent of representative monitoring wells fall below their minimum groundwater elevation thresholds for **two consecutive years**.” With the inclusion of the two consecutive year timeframe, this criterion effectively may never be met which would lead the GSA to believe that management actions need not be taken to reverse chronic lowering of groundwater levels, even though that is the most critical metric that will help us understand whether pumping cutbacks are effective. While ostensibly included to allow for seasonal changes in rainfall, temperatures and growing seasons, the “two consecutive years” timeline effectively resets the clock whenever fewer than 30 percent of wells fall below their minimum thresholds. So, if 50 percent of wells were to fall below their minimum thresholds for 23 out of 24 months, a strong rain event in the 24th month that temporarily pulled groundwater levels in a few wells above their MTs would automatically reset the “two consecutive years” clock and no actions would be taken, even though 23

prior months breaching minimum thresholds beyond the sustainable criteria would certainly affect the groundwater levels in the basin going forward and jeopardize the GSP's effectiveness in achieving sustainability. This timeframe is unrealistic and is counterproductive to gaining a full awareness of how the basin may be either recharging or becoming more critically overdrafted. We recommend that the language should be struck from the Sustainable Management Criteria for Lowering of Groundwater Levels and a more acceptable and effective approach be included in the GSP.

- Second, as a result of the “two consecutive years” language, roughly 30 months since the original GSP was filed, the Cuyama Basin is in precisely the situation described above. Since the beginning of monitoring groundwater levels of representative monitoring wells in the basin, when more than 30 percent of wells have exceeded their minimum thresholds, the clock has been consistently reset and no management actions were taken, despite significantly breaching this metric for several months running. Not only has the “two consecutive years” language of the so-called “adaptive management trigger” ensured that no management action actually would be triggered, at present, rather than initiating any investigation of the consistent breach of an unsustainable number of groundwater level MTs, the GSA is considering **changing** the Sustainable Management Criteria for this UR to 45 percent of representative wells exceeding their MTs for two consecutive years before any management action would be taken. ***The GSA has not provided any scientific analysis as to why this Sustainable Management Criteria would be changed, nor how the change will affect the eventual sustainability of the Cuyama Basin by 2040.*** To arbitrarily “move the goalposts” of this key Sustainable Management Criteria bears more investigation and inquiry into its justification beyond reported “data gaps”.
- Third, the CBGSP-Rev (and the original CBGSP) does not set specific Management Actions that will result even if “30 percent of representative monitoring wells fall below their minimum groundwater elevation thresholds for two consecutive years,” as is widely expected to take place in April 2023. The only Management Action stated in the CBGSP-Rev (and the original CBGSP) indicates that “management triggers are thresholds that, if reached, initiate the process for considering implementation of adaptive management actions or projects.” In other words, even when a nearly-impossible-to-reach Sustainable Management Criteria *is* reached, the only action that will be triggered is no action at all, but “an **initiation** of a **process** for **considering** implementation of adaptive management actions or projects.” No scientific data has been presented to support the impact that this “two consecutive years” timeline, coupled with management non-action will have on the potential for the GSP to achieve sustainability in the Cuyama Basin in 2040. We request that the DWR consider requiring the GSA develop a more robust and realistic plan for management actions or a series of management actions—that does not include arbitrarily “moving the goalposts” without scientific basis—that will quickly and effectively identify when groundwater levels have been unacceptably lowered and what direct management actions will be taken to reverse this critical undesirable result so that the Cuyama Basin can begin to follow an achievable path to sustainability by 2040.

#3 Further address degraded water quality

In its Deficiency Letter, the DWR noted that “SGMA provides GSAs with legal authority to regulate and affect pumping and groundwater levels, which have the potential to affect the concentration or migration of water quality constituents and result in degradation of water quality.” The Deficiency Letter further notes that “SGMA provides GSAs with the authority to manage and control polluted water and use authorities under existing laws to implement its GSP, thus, establishing sustainable management criteria and performing routine monitoring of water quality constituents known to affect beneficial uses and users is within the purview of a GSA. However, the Deficiency Letter also notes that the Cuyama Basin GSP declined to set sustainable management criteria for arsenic and nitrates, with the rationale that “there is no “causal nexus” between the GSA’s authority to implement projects and management actions and concentrations of arsenic or nitrate.”

Comment

We would argue that the GSA is precisely tasked with implementing projects and management actions that manage not only the concentration of water quality constituents that may occur in the Cuyama Valley, but also the migration or movement of constituents that result from the pumping that the GSA is also precisely tasked with managing to the benefit of all beneficial uses and users.

The CBGSP-Rev seeks to mitigate the identified DWR-identified deficiency with respect to monitoring water quality by 1) annually downloading data from other state agencies relative to arsenic and nitrates; and 2) conducting **one** baseline water quality test in 2022 at all representative monitoring wells, while considering conducting future tests. This approach is insufficient to ensuring proper management of the Cuyama Basin, as pumping reductions to reach sustainability may impact not only concentrations but also movement of arsenic and nitrates. As the primary agency tasked with managing Cuyama’s groundwater for beneficial uses and users, one single water quality test—with no plan for future tests and, more importantly, no plan to develop undesirable results criteria along with any sustainability goal, minimum thresholds, and measurable objectives regarding the constituents of arsenic and nitrates—is insufficient and does not fulfill its charter as a GSA.

Finally, I would encourage the DWR to ask the GSA to clarify its position relative to this statement, “The locations in the Basin of high arsenic concentrations are focused to the south of the town of New Cuyama near the existing Cuyama Community Services District (CCSD) well. This is a known issue for the CCSD that will be mitigated by the construction of a replacement well for the district, which was included as a project in the GSP (see section 7.4.4).” (CBGSP-Rev, page 1598). This final statement implies that the GSA is or was involved in or responsible for constructing a replacement well for the CCSD. The GSA has not been involved in any way in constructing this replacement well and cannot claim that it is “a project of the GSP”.

Cuyama Valley Groundwater Basin
Groundwater Sustainability Plan
Amended GSP
Public Comment to CDWR

To:

Craig Altare
Supervising Engineering Geologist
California Department of Water Resources
901 P St, Room 213
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From:

Brenton Kelly
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Quail Springs
35070 Highway 33
Cuyama Valley, CA 93252

Sent by electronic mail to: Craig.Altare@water.ca.gov

Portal Submission: <https://sgma.water.ca.gov/portal/#gsp>

Sept. 19th, 2022

Dear Mr. Altare,

Thank you for this opportunity to provide public comments to the California Department of Water Resources (CDWR) on the amended Groundwater Sustainability Plan (GSP) produced by the Cuyama Basin Groundwater Sustainability Agency (GSA) and re-submitted on July 18th 2022, in response to the determination by CDWR on Jan. 21st 2022 of being incomplete with four noted deficiencies.

General Comments:

I live and work at a land based educational non profit that has been doing environmental and social justice work in Cuyama for over 20 years. I work with fellow farmers and stakeholders in the Cuyama Valley and have been involved with the development of the Cuyama GSA since before its inception in 2017. In collaboration with the Cuyama Valley Community Association, we helped establish the Standing Advisory Committee (SAC) in the Joint Powers Agreement which formed the GSA to ensure local representation in the development and implementation of the GSP by a GSA formed almost entirely of non-local residents. I currently serve as Chairperson of the SAC and Cuyama Valley Community Association (CVCA). Although the following comments are informed by those civic organizations, I am not representing them here. I am speaking on my own behalf as a concerned and engaged resident with an informed lived experience in this Basin. I direct the watershed advocacy activities at Quail Springs Farm, one of the last operations in the valley sustained with surface water diversion from a spring and not irrigated with groundwater at all.

I have been involved in all the Sustainable Groundwater Management Act (SGMA) meetings and have made public comments on the GSP development over the past seven years. These comments are viewable in the appendices of the GSP. Many of these comments and concerns have not been adequately resolved or addressed in the revised GSP submitted in July, and these issues are fundamental to the CDWR's noted deficiencies. Additionally, shortly after the first DWR Determination letter sent in July of 2021, an Adjudication suit was filed by the two biggest pumpers in the basin, Grimmway and Bolthouse, who also hold leadership roles on both the GSA and the Cuyama Basin Water District (CBWD). In spite of the GSA's legal counsel's repeated assurances to the contrary, the conflict of interest in this case is concerning.

A summary of the major issues of concern addressed in this statement are:

1. The Sustainability Criteria (SC) of this GSP do not quantify the specific significant and unreasonable condition(s) that the GSA intends to avoid in the Basin. The GSP, using these SC, **allows for continued overdraft and subsequent storage loss without quantifying the Undesirable Results that are occurring.** The only Adaptive Management action under consideration is to adjust the SC to allow for further overdraft without triggering the Undesirable Results threshold. This is not a path to sustainability and cannot be considered an adequate response to DWR's noted deficiency #1.
2. Groundwater Dependent Ecosystems (GDEs) continue to degrade and are inadequately recognized or protected. Measured and modeled groundwater elevations are predicted to continue to decline further with this Plan, as it allows for the continued dewatering of the aquifer. **The new Interconnected Surface Water (ISW) monitoring network is insufficient to even identify these riparian resources or any of the beneficial users that depend on them.** This is not an adequate solution for DWR's noted deficiency #2.
3. A one time measurement for arsenic and nitrates will not be sufficient for the GSA to assess whether groundwater quality degradation is occurring now or throughout the implementation horizon of the GSP. Nothing is being done to address data gaps preventing better understanding of **water quality trends occurring over time as constituents of concern may migrate into the main valley of depressed groundwater elevations.** This is an uninformative adjustment to the GSP and does not address deficiency #3.

4. The GSP recognizes that some areas outside of the Central Management Area (CMA) are out of balance, but it still lacks a Pumping Reduction Management Plan to address the issue. **Allowing the Northwestern Region to dewater by over 150' is clearly unmitigated overdraft.** DWRs deficiency #4 simply asks how this GSA can justify continued overdraft without recognising the Undesirable Results?

Following are detailed comments on the issues of concern:

#1: Inadequate Sustainability Criteria

The determination letter from DWR found that the Plan “*does not provide an explanation for the specific significant and unreasonable condition(s) that the GSA intends to avoid in the Basin through implementation of the GSP (e.g., a level of impact to well infrastructure or to environmental uses)*”. This Plan still does not recognize any of the Undesirable Results that have been experienced in the Cuyama for many decades. Groundwater elevations in the central area have dropped over 400' and the Cuyama River has stopped flowing out of the valley, many Cottonwoods and Willows are recently dead and still standing, shallow domestic wells have gone dry and the aridification of the landscape has degraded the air quality and quality of life for all of Cuyama.

Although hydrologically unique subregions of the Basin were used to develop the rationale for setting the Sustainability Criteria (SC). The Undesirable Results (UR) of overdraft were all (for 6 of the 7 UR) determined to occur when 30% of the basin-wide Representative Monitoring Wells fell below their Minimum Thresholds for more than 24 months. W&C suggested this was a reasonable calculation and that it was being used by other developing GSP's. However, no rationale was given for why this calculation was better than any other number or how minimum thresholds may affect the interests of beneficial uses and users of groundwater or land uses and property interests.

Currently 49% (24 out of 49) of the Representative Monitoring Wells have exceeded their MTs. W&C has conceded that the measurement to be taken next Spring 2023 will likely trigger Undesirable Results, just 36 months after the GSP was first adopted. Most wells in the CMA are at their seasonal historic lowest. An Adaptive Management Ad hoc Committee (led by both Grimmway & Bolthouse representatives) has agreed to consider two actions: Revise Undesirable Results Trigger and Revise Minimum Thresholds. There is no consideration to address the over-extraction with targeted pumping reductions or to accelerate the 'glide path' of 'increased diminishment' of pumping.

In an effort to answer Deficiency #1, W&C ran a modeled analysis of MTs across the basin that looked at the effect if all wells were brought down to their MTs. However this approach was flawed by the fact that almost half of the Representative Monitoring wells are already below their MTs and were **raised up to their Minimum Thresholds** for this theoretical scenario. With this imaginary scenario the model predicted that 5 wells would go dry, including domestic wells that serve several households in a disadvantaged community. It then concluded that this was somehow neither a significant or unreasonable outcome. Were the interests of these other stakeholder groups' actually considered when undesirable results were defined? In spite of W&C's remote perception, we who live in this valley disagree and hold that this would be a significant and unacceptable outcome.

The Stakeholders Advisory Committee (SAC) has been active with the participation of engaged community members at every meeting, but their recommendations have for the most part been disregarded by the GSA. This GSA is unwilling to recognize or respond adequately to the immediate need to reduce the chronic overdraft in this basin. The GSP does not even name the Undesirable Results that are occurring, and have for many years been occurring, due to the unsustainable irrigation practices in the Central Region.

I will name here just a few of the chronic results being experienced by those living in Cuyama: aridification of the environment, desertification of the natural ecosystems, groundwater inaccessibility for small farms and domestic users, declining water quality, dusty air quality, degraded residential livelihoods and property values, loss of ecosystem habitat and the beneficial services of their associated biology.

The problem with the GSP is that it is managing for depletion, not sustainability. The Modeled results of the Analysis show that DWRs Deficiency #1 has not been resolved.

#2: Groundwater Dependent Ecosystems

The GSA has made very little effort towards investigating the fragile wetlands that remain in the Basin. Grant funds have been secured for installing four Piezometers, however no specific potential wetland sites have been identified. Desktop analysis of remotely sensed data was used to eliminate almost all potential GDEs, but even those that do remain are just polygons on a map and are unknown to the consultants or staff of the GSA. The longer this is delayed the less there is to identify, monitor and protect.

In the attempt to satisfy the CDWRs noted deficiency, the Amended Plan creates a subset of the general Monitoring Network wells as a distinct Monitoring Network for ISWs. However, most of these wells are unsuitable for measuring ISWs due to being deep wells with unknown screening depths. Very few are suitably shallow enough to monitor ISWs, and no Representative Monitoring Well have been designated or located in the gaining reaches of the upper Cuyama near Ventucopa. One well (Opti well 2) has not been measured since the plan was adopted, another (Opti well 906) is almost 2 miles away from the river channel.

The new ISW Monitoring Network is only a subset of an already insufficient data set and will not improve the monitoring resolution over current conditions and already more than 30% (3 of 9) of the new ISW Monitoring Network Wells are currently below their MTs.

Section 354.16 (g) requires the '*Identification of groundwater dependent ecosystems within the basin*'. This has yet to commence.

We recommend an adequate biological assessment and evaluation (not remote analysis) be done on the ground and/or by drone to identify existing ISWs and GDEs. SGMA requires an adequate inclusion of their water needs in the water budget. Recent funding for a handful of Monitoring tools (piezometers) with no idea where to put them is not adequate protection for GDEs or ISWs. The current Sustainable Management Criteria (SMC) (minimum thresholds) cannot be expected to protect these remaining ISWs and GDEs which are expected to experience ongoing declining groundwater elevations.

Consequently, DWRs Deficiency #2 is unresolved as the ongoing Undesirable Results can be expected to continue with the loss of instream flow and the drying of some of the last wetlands in the Northwestern Region.

#3: Groundwater Quality Monitoring

Section 354.34, 4 of the GSP Regulations in the Water Code requires that the GSA "*Collect sufficient spatial and temporal data from each applicable principal aquifer to determine groundwater quality trends for water quality indicators to address known water quality issues.*"

The GSP has neither committed to any ongoing monitoring for arsenic and nitrate trends nor provided any thorough, evidence-based analysis or description for why continued groundwater extraction is not likely to cause significant and unreasonable degradation of groundwater by increasing concentrations of those constituents. This GSA has been determined not to investigate the issues of Water Quality in the Basin. The re-submitted GSP allows for measuring arsenic and nitrate once and may help to set a baseline for these known constituents of concern, but it fails to monitor for any trends caused by the movement of groundwater due to over extraction.

The last Groundwater Quality study done was by the USGS in 2015. Please see Appendix A: Water Quality & Chemistry Summary from USGS Studies and Future Conditions Scenario Review for Cuyama Valley by Randall Hanson, author of the USGS Cuyama Studies. "*Trends indicated that the water quality has been poor historically and showed no indicators of improvement with continued water-level declines. Water quality could be slightly deteriorating with the addition of nitrates and other anthropogenic contaminants and the mobilization of natural contaminants such as sulfate, arsenic, and chromium. An exception to this poor quality is in the Ventucopa area, where local recharge has historically created a small area of relatively better-quality water.*"

A similar water quality analysis could help fill multiple data gaps to understanding the groundwater basin and has been encouraged by several stakeholders, including age dating,

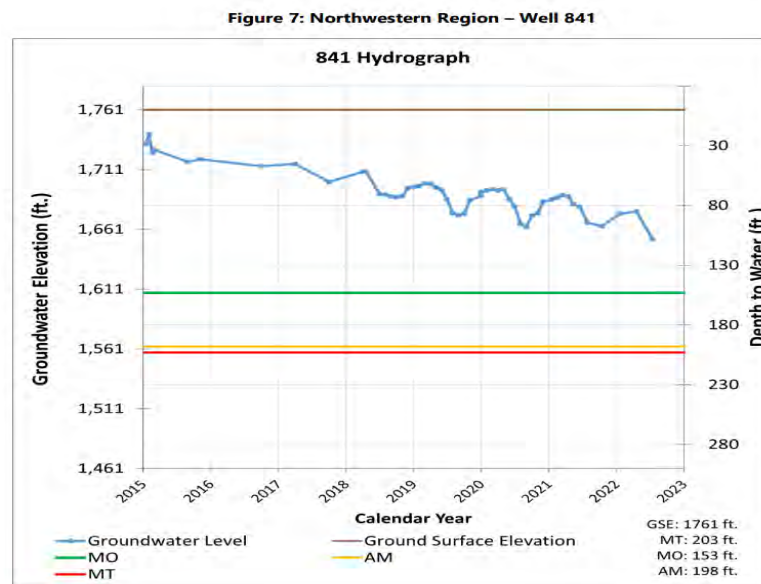
temperature, and full spectrum analysis of the total dissolved solids. These Data Gaps continue to be an obstacle to a more complete understanding of the Groundwater Conditions in this Basin. DWR was adamant in its Deficiency #3, that this concern be addressed with a more robust monitoring network. This has not happened.

#4: Justification for Unmitigated Overdraft

The “Glide Path” of the increased pumping reductions for the Central Management Area (CMA) over 18 years represents the most decisive commitment this GSP has made towards achieving sustainability, reducing extraction each year by a prescribed % toward a calculated Sustainable Yield. However, this remains frustrated by the general lack of confidence in the Model that calculates the Sustainable Yield. The data gaps continue to hamper decision makers and delay any meaningful Adaptive Management actions.

The Hydrological Model was updated this summer and has changed many of the numbers being used to decide Management Areas. This update removed the previous Management Area from the Ventucopa area because of pump test evidence that indicated a much greater conductivity in that region, south of the Santa Barbara Canyon Fault. North of the SBC Fault the groundwater drops from 150’ down to 600’ below the surface within ¼ mile, into the CMA.

The SC in the Northwest Region however, will clearly allow for overdraft and the loss of significant groundwater storage if groundwater elevations are allowed to drop 150’ before triggering any Undesirable Results. Due to the new 900 acre vineyard development in this formerly unirrigated rangeland region Opti well 841 has dropped 80’ in the last 7 years, yet somehow this does not trigger the algorithm for predicting a drawdown of greater than 2’ in 50 years. (See Hydrograph for well 841)



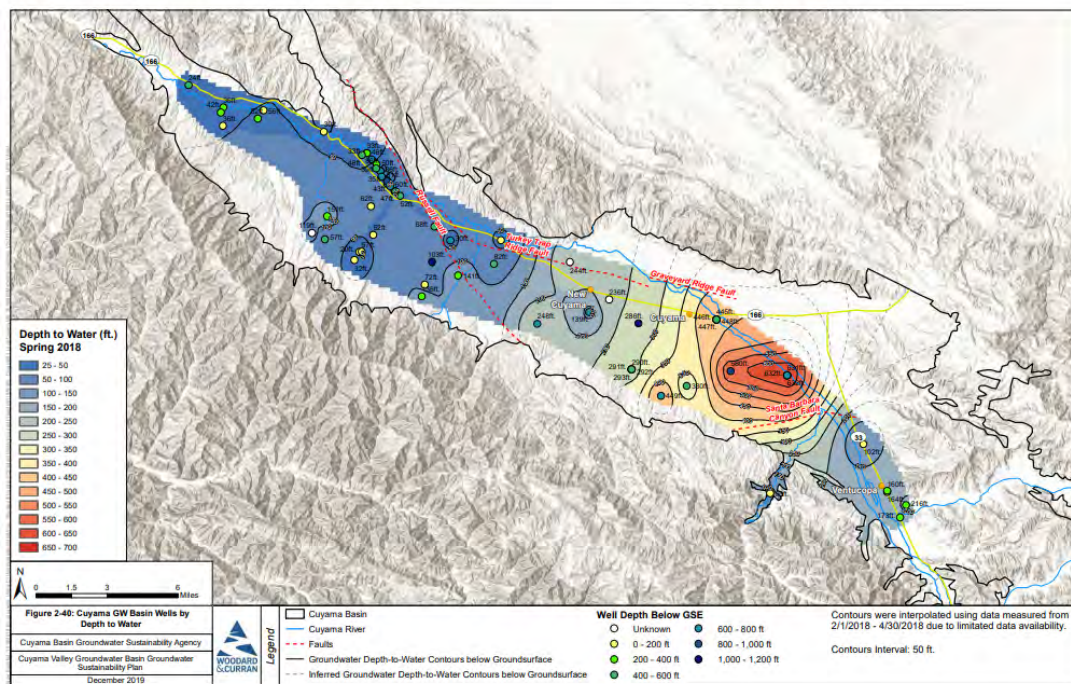
SGMA establishes 2015 as a “baseline” for sustainability. What has happened since then?

In a basin that is so obviously suffering from unsustainable groundwater conditions, it is not appropriate to set Measurable Objectives (let alone Minimum Thresholds) at groundwater elevations significantly BELOW 2015 levels.

The modeling analysis of the Northwestern region on the Groundwater Levels Minimum Thresholds found that **there would be negative impacts to Interconnected Surface Waters (ISW) and Groundwater Dependent Ecosystems (GDE)** if MTs were exceeded. How is that not an Undesirable Result to the last gaining reach of the lower Cuyama River?

The model is still unable to connect the production wells with the fields that they irrigate. Water is regulated by volume at the wellhead, based on self-reporting of the previous year's monthly flow meter report. However the allocations and the subsequent reductions are issued to the irrigated parcel by APN, based on estimated historical land use. The Model must erroneously assume that the applied water just comes up from right under the land being irrigated. Efforts are underway to understand the 'Farm Units' that include all APNs with their wells and conveyances by property owners. This may be available by the next model update in 2025.

Meanwhile the issue of how to manage overdraft that is happening outside of the CMA is unavoidably complicated by regional variations in water availability and differences in land use. All mapped groundwater images show the concentration of overdraft in selective regions with unsustainable irrigation practices. Much of the Valley is rangeland using less than 1 inch per acre for cattle, and never have been part of the problem. The overdraft issues are localized. See the 500' deep drain in Fig. 2-40 from the GSP.



Constructive suggestions from the SAC and public to consider a scaled or tiered approach to administering the allocation of fees or pumping reductions have gone unheeded. **The GSA has explored no alternatives to a universally punitive approach with no incentive for water wise conservation or recognition of the responsibility of the long-term unsustainable over-draft. In fact this GSP aims to reward allocations based on their unsustainable historic abuse of the groundwater, which can only lead to the diminished vitality of the rest of this disadvantaged community.**

The efforts made by this GSA to satisfy the deficiencies noted by the DWR have not resolved the issues and can not be considered as adequately complete. Undesirable Results remain undefined, ISWs are predicted to degrade, water quality questions remain unanswered, and significant loss of groundwater storage in the Northwestern region is permitted.

Recommendation

In conclusion, when every seasonal groundwater elevation measurement is the historic low of a long-term steady and predictable trend, and when the few powerful entities in control of that chronic over-pumping are disinclined to the self-restraint required of SGMA, a responsive outcome should not be expected. This Plan is designed to fail at the point of self-regulation.

From our perspective as stakeholders there is a conceivable pathway to achieve groundwater sustainability. The GSA board and the Cuyama Basin Water District would need to recognize their conflicts of interests and restructure themselves to represent all the beneficial users in the valley. This will require the DWR to compel the GSA to enact these recommendations or else refer to the State Water Resource Control Board for enforceable action.

Public Comment to CDWR

To:
Craig Altare
Supervising Engineering Geologist
California Department of Water Resources
901 P St, Room 213
Sacramento, CA 94236

September 19, 2022

Dear Mr. Altare,
Thank you for allowing me to express my critical concerns regarding the Groundwater Sustainability Plan (GSP) re-submitted July 18, 2022 by the Cuyama Valley Groundwater Sustainable Agency (GSA).

General Comments:

I have lived in the Cuyama Valley for 6 years. I am an artist and teacher with a scientific background, concern for the environment and the people of the Cuyama Valley. I have attended the GSA meetings since the beginning of the process begun by SGMA. I also attended Waterboard meetings; but then I found the Stakeholders (Standing) Advisory Committee meetings more informative. I have attended them regularly. They represent those in the community most interested in sustainable water use. It has no vote in the GSA. Interestingly, the GSA never accepted ANY of the SAC's suggestions, except technical corrections, i.e. spelling, etc. in the writing of the GSP.

The GSA's plan largely followed the desires of the two largest growers in the central valley of Cuyama, which growers own or lease the largest amount of land for agriculture. That land has been the most severely overdraft land for years. This is common knowledge; but no laws have been in place to prohibit it. And the large growers would not share their data with the USGS (US Geological Survey) in 2015 when research was done in hopes of remedying the overdraft situation. Also these large growers have been taking ancient water from deep wells, causing the water throughout the valley to retreat from the surface and to become contaminated with dangerous and foul tasting minerals. This has not been addressed by the GSP.

The present GSP seriously endangers the Groundwater Sustainable Ecosystems (GSEs) in the valley. The GSA failed to accept the number of acres of GSE's in the valley as established by the Nature Conservancy and shows little or no concern with their future. The GSE's are the home of native plants, animals and trees and still hold the life and vibrancy that once existed, before the years of over pumping, throughout the Cuyama Valley.

Now we have SGMA. The Groundwater Sustainability Plan, which the GSA has written, is supposed to solve the problem of over drafting in the Cuyama Valley. It is supposed to take in to account the water quality and needs of the local community, one of the 21 most severely water over drafted communities in California. But the GSA seems to have been delaying cut back on water usage by agriculture as long as possible, declaring insufficient data, not solving the problem.

The present GSP will allow over pumping to continue too long, further depleting the remaining GSE's and the remaining water in the Cuyama Valley. This is not acceptable. Minimum Thresholds for monitored wells have been set; but if the water in those wells remains below

those thresholds, no acceptable timely action has been established for remedy. Changing the minimum thresholds, lowering them further to hide a problem, is not acceptable.

SGMA isn't requiring return to the earlier water levels of 50 years ago, but insists on a plan that will arrive at sustainability in the Cuyama Valley by 2040. But what does sustainability really mean? In 2015 the Cuyama Valley was already seriously over drafted. The present plan is not even hoping to return to 2015 levels of over drafting! How is this solving our problem of arriving at sustainability?

Although, as I've stated, it is common knowledge that the large growers in the central area of the Cuyama Valley are the greatest over drafters, the newly created Waterboard, all of whose members sit on the GSA, voted to have all the valley pay the cost of over drafting. Water will be more expensive for all. This will be a strain on the small growers who live in the Cuyama Valley. Those who farm will pay a high price per acre foot for water use. I'm not sure about diminimus users. Previously one could pump whatever he needed from wells on his own land. Those who have long been farming using the best possible techniques to conserve water will end up paying for water meters and paying high water prices because of the over pumping and wasteful practices of others.

DWR (the Department of Water Resources) has found the GSP (the plan) inadequate; because it is. The new Waterboard paid a large price (which it is passing on to the community) to have research done that repeated and was to expand the USGS research to which the large growers earlier refused to contribute. The GSA has dragged things out now for years, due to the dominant power of the large growers. The plan which Woodard and Curren has created, at the GSA's direction, does not provide justice for those who live, work and farm in the valley.

Now the two large growers have turned to Adjudication to try to get the courts to give them what they want: the right to the largest amount of water in the Cuyama Valley. They have over drafted for years and now seem to claim the right to continue to use the largest amount of water in the valley. They have sued all the water users in the valley for this process, causing everyone to have to lawyer-up to assure they retain their water rights. This puts a serious strain on all smaller growers and on Cuyama Valley community members in general, putting them all at financial risk. And forcing them to pay and plan now for an unknowable future.

Nothing that the large growers have done is illegal. It is unjust and detrimental to the people and the environment of the Cuyama Valley. It is similar to what some absentee landlords do to their tenants if the landlord is only concerned for profit and not the wellbeing of the people under his care. The two largest growers, Bolthouse and Grimmway:

1. Have their headquarters in Bakersfield
2. Bring their workers in from Bakersfield
3. Do not use their profits within the Cuyama Valley
4. Do not benefit the Cuyama Valley environment, water and people.

Suggested solution (in an ideal society): the large growers (two of the largest in the country), if they are ethical organizations, would offer to freely pay a large penalty for the damage they have done over the years; and the Waterboard, on which they also sit, would then reduce the cost of water per acre foot for all in the valley to a more reasonable amount. The penalty money could go to Ventucopa, Cuyama and New Cuyama for necessary improvements to their water systems, schools, community programs and development, etc. This just solution would make water users more likely to properly report their accurate water use. An overseer of financial usage of the penalty money could be established by the GSA with the input of the SAC (with

voting rights)

Sue Blackshear
Cuyama Valley resident
Quail Springs Permaculture
by Ventucopa, CA 93252



September 19, 2022

VIA EMAIL

CRAIG ALTARE
 Supervising Engineering Geologist
 California Department of Water Resources
 901 P Street, Room 213
 Sacramento, CA 94236

Re: Cuyama Basin Groundwater Sustainability Plan

Dear Mr. Altare:

INTRODUCTION

Bolthouse Land Company, LLC (“BLC”) has participated in good faith in the Groundwater Sustainability Agency (“GSA”) process and the attempts to develop a Groundwater Sustainability Plan (“GSP”) which meets State requirements to achieve sustainability pursuant to the Sustainable Groundwater Management Act (“SGMA”). BLC raised concerns throughout this process related to the creation of the GSP to be submitted to the California Department of Water Resources (“DWR”) and lodged the attached Public Comment Letter outlining said concerns with the GSA on November 6, 2019. These concerns were not adequately addressed in the GSP and the GSP was submitted to the DWR despite these concerns. On January 21, 2022, the DWR determined that the GSP submitted by the GSA does not meet the requirements of SGMA. Because the plan does not achieve sustainability in a hydrologically and legally appropriate manner, BLC continues to object to the GSP, as submitted and subsequently revised.

THE DEPARTMENT OF WATER RESOURCES DETERMINED THAT THE GSP DOES NOT ACHIEVE SUSTAINABILITY

DWR correspondence dated January 21, 2022, determined that the GSP is “incomplete”, and concluded:

“...[the] GSP does not satisfy the objectives of the Sustainable Management Act (SGMA) nor substantially comply with the GSP Regulations.” And, among other deficiencies, that:

“The GSP does not provide sufficient explanation for how overdraft will be mitigated in the basin. Two primary management areas are identified by the

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GSA to continue experiencing declines in groundwater in storage, but the GSA only intends to reduce groundwater pumping in one of those management areas. The GSP does not explain how continued overdraft in the remaining management area would be mitigated through projects and actions. Additionally, an area of the basin that was not identified as a management area (the Northwestern Threshold region) was, nonetheless, projected to experience more than 140' of groundwater level decline, relative to 2015, during implementation of the GSP. The GSP did not describe how the apparently allowable overdraft in this region would affect beneficial uses and users of groundwater and avoid undesirable results."

THE GSP IS HYDROLOGICALLY AND LEGALLY INAPPROPRIATE

The DWR has identified the Cuyama Groundwater Basin (the "Basin") as "one of 21 basins and subbasins identified by the State as being in a state of critical overdraft", requiring preparation of a GSP to comply with SGMA. Hydrologically, evaluation and correction of overdraft requires a water balance analysis of the entire groundwater basin to determine the sustainable yield of the basin. California groundwater law also requires this analysis. To correct the overdraft, pumping reductions are necessary to align pumping with the sustainable/safe yield of the Basin. Pumping reductions resulting in pumping allocations must recognize priority rights and be consistent with California groundwater law which recognizes that the groundwater rights of overlying landowners are of equal priority and are shared correlatively on an equal basis.

The GSP fails to achieve sustainability in a hydrologically and legally appropriate manner. Some of the inadequacies of the GSP are summarized in bullet points below.

- 1) The proposed plan treats the Central Management Area ("CMA") as a "subbasin" for allocation purposes by creating a separate "sustainable yield" for the CMA. The separate and distinct sustainable yields for the CMA and the Basin are inconsistent because the DWR previously defined the Cuyama Basin as a *single* basin pursuant to Bulletin 118.
- 2) The GSP does not achieve sustainability since the pumping reductions identified in the GSP are not sufficient to reduce pumping to the safe/sustainable yield of the Basin.
- 3) The pumping reductions do not require pumping reductions throughout the entire Basin to limit pumping to the safe/sustainable yield of the Basin.
- 4) The pumping reductions do not treat overlying landowners within the Basin equally.
- 5) The pumping reductions apply only to landowners in one limited area of the Basin.

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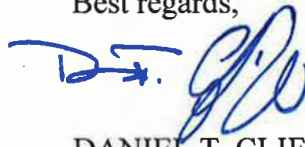
- 6) The sustainable/safe yield has had insufficient hydrogeologic analysis and suffers from significant data gaps and conclusions without appropriate data and sufficient information.
- 7) There is no agreement to Basin-wide reductions.
- 8) There is no determination of the methodology to determine pumping allocations e.g. historic use, irrigated acres, etc.
- 9) There is no agreement that all landowners will cut back their pumping equally.
- 10) There is no agreement regarding ramp-down timing and amounts of pumping during the ramp-down for the Basin as a whole.
- 11) The cost of projects and actions to protect the entire Basin is borne primarily by parties in one area of the Basin and not shared by all water users in the Basin.
- 12) The GSP improperly attempts to alter or determine groundwater rights inconsistent with Water Code Section 10720.5(b) et. sec.

CONCLUSION

Bolthouse has continually cooperated in the GSA attempts to create a scientifically and legally appropriate GSP. Unfortunately, the GSP submitted by the GSA does not achieve sustainability, is hydrologically and legally inappropriate and has not been accepted by the DWR. Therefore, Bolthouse continues to object to the GSP in its current and amended form and requests that the GSP be amended to correct the deficiencies addressed above along with the other deficiencies identified by the DWR.

Thank you for your consideration of these comments.

Best regards,



DANIEL T. CLIFFORD
Bolthouse Land Company, LLC

DTC:nv

cc: Richard Zimmer
Taylor Blakeslee

Comment 8:

Kasia Shebloski (9-19-22)

I am a farmer who resides in the Cuyama Valley, committed to regenerative food cultivation and community. My team and I dedicate ourselves to supporting thriving life in the community garden adjacent to the Family Resource Center in New Cuyama where families work together to grow ancestral food, feeding both their children and their inspiration. As I drive to this garden along the HWY 33 and 166, all I see are industrial farming projects mostly carrots across miles. I have not yet seen these carrots sold at the one and only grocery store in the valley. In fact the average Cuyama must travel between 30-60 miles to access substantial groceries. How is this sustainable, or just?

For decades the water pumped to grow these exported crops has been critically over drafted. Groundwater elevations in the central area have dropped over 400 acres and the Cuyama River has stopped flowing out of the valley. Fragile wetlands, Cottonwoods, and Willows and their associated ecosystems are recently dead and still standing, shallow domestic wells have gone dry and the aridification of the landscape has degraded the air quality and quality of life for all of Cuyama. The amended Groundwater Sustainability Plan (GSP) is insufficient in addressing and planning to restore the devastating losses this valley has and continues to endure.

This Cuyama Basin Groundwater Sustainability Agency (GSA) is unable to either recognize or respond adequately to the immediate need to reduce the chronic overdraft. It cannot even name the Undesirable Results that are occurring, and have for many years been occurring, due to the unsustainable irrigation practices in the Central Region. Calculations for Representative Monitoring Wells, and propositions to [revise] undesirable results triggers and [revise] minimum thresholds simply avoid any consideration to reduce the over-extraction with targeted pumping reductions. The problem with the GSP is that it is managing for depletion, not sustainability.

The GSA has delayed investigation of the wetland that remains in the Basin. The longer it is avoided, the less there will be to identify and protect. The proposed subset of Monitoring Network wells are unsuitable for measuring surface water as faulty and far-off wells. More than 30% are already below their minimum thresholds. Current measurements are at a historic low, especially in the northwest region, which is expected to experience ongoing declining groundwater elevations. We need adequate biological assessments and evaluation LOCALLY and urgently.

As water is heavily extracted and disappearing, so does the quality of what remains. The GSP has neither committed to any ongoing monitoring for arsenic and nitrate trends nor provided any thorough, evidence-based analysis and description for why continued groundwater extraction is not likely to cause significant and unreasonable degradation of groundwater by increasing concentrations of those constituents. This GSA has been determined not to address the issue of Water Quality in the Basin. This negligence directly hurts the disadvantaged community of the Cuyama Valley.

Large growers in the central area of the Cuyama Valley who are the greatest over drafters, whose members sit on the GSA, expect the rest of the valley to pay the cost of their over drafting; turning to Adjudication to continue the extraction and their unjustified power, forcing smaller farmers of the valley to pay a high price. THIS is an undesirable result.

I urge the DRW to address the inadequacies of the amended GSP before our water vanishes and our community suffer from the dire and present desertification of this Valley.

Comment 9:

Joli (9-19-22)

As a resident of the Cuyama Valley who is witnessing the detrimental impact of continual groundwater overdraft, this bears repeating:

1. The Sustainability Criteria (SC) of this GSP do not quantify the specific significant and unreasonable condition(s) that the GSA intends to avoid in the Basin. The GSP, using these SC, allows for continued overdraft and subsequent storage loss without quantifying the Undesirable Results that are occurring. The only Adaptive Management action under consideration is to adjust the SC to allow for further overdraft without triggering the Undesirable Results threshold. This is not a path to sustainability and cannot be considered an adequate response to DWRs noted deficiency #1.
2. Groundwater Dependent Ecosystems (GDEs) continue to degrade and are inadequately recognized or protected. Measured and modeled groundwater elevations are predicted to continue to decline further with this Plan, as it allows for the continued dewatering of the aquifer. The new Interconnected Surface Water (ISW) monitoring network is insufficient to even identify these riparian resources or any of the beneficial users that depend on them. This is not an adequate solution for DWRs noted deficiency #2.
3. A onetime measurement for arsenic and nitrates will not be sufficient for the GSA to assess whether groundwater quality degradation is occurring now or throughout the implementation horizon of the GSP. Nothing is being done to address data gaps preventing better understanding of water quality trends occurring over time as constituents of concern may migrate into the main valley of depressed groundwater elevations. This is an uninformative adjustment to the GSP and does not address deficiency #3.
4. The GSP recognizes that some areas outside of the Central Management Area (CMA) are out of balance, but it still lacks a Pumping Reduction Management Plan to address the issue. Allowing the Northwestern Region to dewater by over 150 is clearly unmitigated overdraft. DWRs deficiency #4 simply asks how this GSA can justify continued overdraft without recognizing the Undesirable Results?

Comment 10:

Rachel Higgins (9-19-22)

I live and work on a small farm in the Cuyama Valley and I speak as a de minimis user. My grandparents were Kansas farmers who barely survived during the Dust Bowl of the 1930s. Despite all the resources we now possess to stop the many undesirable results that we currently face, a dust bowl is the very real future we may leave for our children. I am very concerned that this GSP remains inadequate to achieve sustainability. I respect the hard work the GSA has done to collect more data and I agree this science and documentation is important. And yet, you don't need a weatherman to know which way the wind blows.

The increasing aridification of our region is quite real and evident now. Yet this GSP tip-toes around undesirable results while allowing overdraft to continue based on the current and shifting Sustainability Criteria. This amended GSP still does not sufficiently address Groundwater Dependent Ecosystems, or important groundwater quality deficiencies. No amount of data collection, consulting firms, or lawsuits will cover up the obvious and undeniable fact that our critically over drafted basin is due to the irresponsible farming practices of industrial farmers that have been sucking the basin dry for decades, well beyond our groundwater aquifers capacity for replenishment. That has to change. We don't have time to waste to save the ecosystems and the disadvantaged communities that face the urgent threat of desertification. The cottonwoods and willows are dying NOW, the wetlands have almost all dried up. The abuse of our resources based on historical use cannot be the excuse used to override the beneficial use of all users particularly disadvantaged communities, our fragile ecosystem, rapidly disappearing riparian habitat, and any hope for future generations. By 2040 there won't be water left.

The unsustainable practices of industrial farms are incompatible even with the Sustainability Plan that those very growers help to write. Our current GSP is already failing by the standard the GSA themselves set, with over 40% of monitoring wells already below minimum thresholds. Every current level is a historic low. I am concerned that stalling, moving the goalposts, and litigation seem to be the new strategy here. I see no clear plan for how the GSP will actually restrict pumping enough to achieve the sustainability we urgently need.

This plan is not equitable. Largest pumpers keeping the largest share while allowing shallow wells to go dry, small farmers and residents losing all access to water is not acceptable. New Cuyama already has some of the most expensive water in California. How are residents in this disadvantaged community expected to keep desperately needed shade trees alive, grow a small garden, or even afford to buy the very carrots grown in this food desert? Furthermore, the GSP concedes only one water quality test to measure levels of arsenic and nitrates; this is not sufficient monitoring. I can imagine why industrial growers don't want documentation of how much fertilizer they've spilled, or how Cuyama groundwater contains arsenic above safe levels, or any evidence that these concentrations are made worse by groundwater depletion. This is another major problem that has not been adequately addressed by the GSP. I urge DWR to address all of these inadequacies before it is too late.

Comment 11:

Quail Springs, Lauren (9-19-22)

Hello,

My name is Lauren and I am a local farmer who also works at a restaurant in the Valley. As someone who interacts with a lot of community members, I can tell you that the GSP does not reflect what is wanted and needed by the people. It is also very clear that the adjudication suit was filed by the two entities causing the most harm and taking the most water, Grimmway and Bolthouse. Who unsurprisingly, hold leadership roles on both the GSA and the Cuyama Basin Water District, which is why the GSP reflects their desires for profit and not the health of the land nor people.

Week after week, I hear stories of what this valley was like before agriculture took over. Stories of huge flocks of quails, so large it looked as though the mountains moved. I hear stories of the water flowing through the Cuyama river. The swamp that used to flourish in New Cuyama. Sad that I, nor any of our children will be able to experience that beauty because of the 1000 plus gallons of water a minute being thrown into the air to grow carrots. With the GSP as is, our children will not be able to survive here.

To truly achieve groundwater sustainability, we cannot allow huge companies to pump like they have been, even if it's their historical usage. It was never their water to begin with. With the plan as it is, the Groundwater Dependent Ecosystems are going to continue to decline.

When you look around the valley you can clearly see the negative effects this kind of water usage is having on life here. I am shocked when I hear from long term residents of the beauty and life this valley used to be. And the beauty and life of this land is still possible and thriving especially in places where sustainability is not contingent on capitalist demands. Where I work and live, we don't need to use groundwater for our crops, surface water can still be used to grow our crops due to the sustainable relationship to the spring on site.

All I have to say is there are other ways to survive in this world and other ways of farming and feeding people than this. If we keep going as this plan allows, we will not have any water left and water is life.

Comment 12:

Haris Mesic (9-19-22)

As a resident, farmer, and citizen of this great State, this sustainability plan scares me. Over and over we are given examples of the governing bodies prioritizing the profit margins of large corporations which have very little stake in the lives and livelihoods of people who live on the lands they extract their wealth from. This pattern leads to a hopelessness amongst the younger generation and as a State that in many ways leads the nation in progressive thinking, sets a low example for the rest of the nation.

This sustainability plan seems obviously anything but that, with many of the thresholds already having been crossed. It does not work towards a future of fertility and abundance for children of generations. We need stand up for the people as a whole, which you represent, and stop prioritizing quick profits for a small wealthy minority.

Comment 13:

Herbalist, Aris Romero (9-19-22)

Groundwater dependent ecosystems (GDEs) continue to degrade and are inadequately recognized or protected. Measured and modeled groundwater elevations are forecast to continue to decline further under this Plan as it allows for continued depletion of the aquifer. The new Interconnected Surface Water (ISW) monitoring network is insufficient to identify these riparian resources or any of the beneficial users that depend on them. This is not a suitable solution.

Comment 14:

Jessica Keller (9-19-22)

I live in the Cuyama Valley, and I am writing to express concern regarding the GSP for the Cuyama Basin. The DWR has found the previously submitted GSP to be inadequate due to its lack of explanation for the specific significant and unreasonable condition(s) that the GSA intends to avoid in the Basin through implementation of the GSP. Without a doubt, this remains to be true. The two largest growers/water extractors in the Valley, Grimmway and Bolthouse, are members of the GSA, which presents a significant conflict of interest. These large corporations are abusing their power with nefarious legal tactics that eclipse all other voices with legitimate concerns.

It is my hope that the smoke and mirrors do not obscure what is abundantly clear, that the Basin continues to be over drafted year after year. This water simply will not be replenished any time in the near future. The actions of irresponsible agriculture are not without consequence, and these consequences are not far off possibilities. The effects are being felt NOW. The Cuyama River no longer flows. The related riparian habitats are dying, particularly willow and cottonwood trees that provide

invaluable services to our ecosystem. The harmful environmental effects of desertification related to the diminishing of the groundwater basin by 400 feet (and continuing to drop) are absolutely devastating.

Further, domestic wells have begun to and continue to run dry, presenting a serious equity issue for the already underserved community of the Cuyama Valley. The need to purchase increasingly expensive water is a financial burden for a community that already experiences food insecurity and insufficient socioeconomic opportunity.

Allowing powerful corporations to unfairly abuse finite resources benefits few and harms many. I urge the DWR to respond to the shortsighted efforts of irresponsible industrial farms with equity and environmental sustainability in mind. Alternatives to this destructive form of agriculture exist, such as dry farming crops that are adapted to arid climates (NOT carrots). We must think of future generations in Cuyama Valley and in the state of California. We must act now to put the brakes on these current practices and invest in economies that benefit all living beings. Thank you for allowing public comment and taking the time to hear our feedback.

Comment 15:

Kayla (9-19-22)

I am a person living in the Cuyama Valley. The GSP is insufficient. It seems like this is purposeful to keep pumping without accountability to the detriment of all water users. Does the state want dead land (for carrots) or a thriving ecosystem for all? Here are the issues with the GSP that I see:

-Reaching sustainability by 2040 is too late: We cannot afford to lose more groundwater than we already have. Every day that wells are used, the water table lowers. If we expect the wells to reduce their drawing by 2040 (technically 2038), the water tables will be even lower than the already unacceptable levels they are at currently.

Sustainability is defined as not extracting more than is recharged, so even if the plan were successful the water table would remain at its critically over drafted, historical low. There is no regeneration envisioned in this plan.

-The plan does not define in specific terms the undesirable results of over drafting in the basin. We call for a description of the impacts that include continuing desertification, increasingly lower groundwater levels, making the cost of domestic water pumping even more expensive or outright impossible for residents, desiccation of the few remaining natural springs, loss of key living organisms such as cottonwood and willow, the physical collapse of underground aquifer storage, subsidence and sinkholes, hotter/dustier climate contributing to respiratory illnesses. These PROBLEMS have been documented for over 50 years yet this GSP cannot seem to describe or define them. EQUITABLE water usage by the largest landowners, AKA Bolthouse and Grimmway, could mitigate these problems.

-GSP has unjustifiable thresholds for monitoring groundwater conditions. The GSP identifies 49 Representative Monitoring Wells and determined that if 30% of them have been below their Minimum Threshold for 24 months then "Undesirable Results of Overdraft" would ensue. These thresholds are ARBITRARY and insufficient. This seems meant to happen because by April 2023 those thresholds will already have been surpassed anyways.

-Insufficient monitoring of water quality: The GSP does not have a plan to adequately collect data about the quality of water in the Cuyama valley, despite having notoriously unsafe drinking water with high levels of Arsenic and Nitrates. In the plan, they will only test ONE time for Arsenic and Nitrates on all the water monitoring wells. This is not enough data to properly determine a baseline of water quality and whether it is being impacted by the overdraft. The GSA claims that this is not their domain and that there are other agencies to do this. However, in over drafting in the Cuyama basin, the water table is pulled down in a cone of depression. When this happens, water from high elevation seeps down into the cone, bringing with it dissolved and dangerous particles. Water quality could be slightly deteriorating with the addition of nitrates and other anthropogenic contaminants and the mobilization of natural contaminants such as sulfate, arsenic, and chromium. - USGS

Therefore, the effects of the over-extraction of groundwater and the groundwater quality can be interrelated. We call for proper monitoring of groundwater quality. The arsenic water scrubber is an economic drain on the New Cuyama community.

-GSP does not consider the impacts of over drafting of groundwater to connected surface water. Groundwater and surface water are connected but the GSP wants to ignore that. We call for more monitoring stations that are properly placed near existing connections to protect these natural ecosystems and the human/animal/plant life they support.

-There is no explanation of how overdraft will be mitigated in the basin. This point speaks for itself. HOW are they going to protect the groundwater (and therefore surface water, drinking water, plant and animal life)? We need specific measures.

Comment 16:

Anton Zyngier (9-18-22)

I am a resident, outdoor educator, and gardener living in the Cuyama basin. As someone who works with children in natural settings, the state of water in this basin has critical importance. The Cuyama valley, in 1950, was a marshland fed by groundwater surges. Today, it is a desert. The Plan proposed by the GSA is unacceptable and irresponsible on multiple accounts. It does not properly address over drafting in a timely manner.

The plans timeline is not quick enough. It is already clear that the basin is critically over drafted. In order to preserve our already largely depleted water tables, drastic reductions in pumping need to take place immediately. Instead, the plan takes 20 years for the necessary reductions to take place. By that time, the water situation will be even worse than it already is. This will seriously impact the local inhabitants by making well water even more inaccessible.

This valley is home to communities with high rates of poverty. It is also a place where food is inaccessible. The average Cuyama resident must drive 31-69 miles for groceries, and 63% of Cuyamans spend more than a third of their households monthly budget on food [USDA's National Household Food Acquisition and Purchase Survey]. To allow the water levels to deplete even more will seriously impact residents, and perhaps make life in the valley impossible for anyone except the very wealthy.

Furthermore, the plan defines the Western region as in hydrological balance. Yet there are grape and carrot farms pumping much more water than is being recharged. They spray water into the air at the peak heat hours of the day, when most of the water evaporates before even reaching the ground. It is disgusting. In the Northwestern region, overdraft is expected to lower groundwater levels over 150 acres. How is this considered a hydrological balance?

The plan also fails in that it is reluctant to describe what the outcomes of failure would look like. It simply defines them as undesirable effects. They need to properly describe how this valley might look if it is allowed to be further over drafted. This includes continuing desertification, increasingly lower groundwater levels, making the cost of domestic water pumping even more expensive or outright impossible for residents, desiccation of the few remaining natural springs, loss of key ecosystem species such as cottonwood and willow, the physical collapse of underground aquifer storage, subsidence and sinkholes, hotter dustier climate contributing to respiratory illnesses, etc. This needs to be talked about as a real place where people live, not with technical terms that depersonalize the place. The effects of over drafting are serious and should be viewed as such.

Comment 17:

Danielle Mingo (9-15-22)

As a resident of Cuyama Valley, I continue to uplift these 4 major issues of concern:

1. The Sustainability Criteria (SC) of this GSP do not quantify the specific significant and unreasonable condition(s) that the GSA intends to avoid in the Basin. The GSP, using these SC, allows for continued overdraft and subsequent storage loss without quantifying the Undesirable Results that are occurring. The only Adaptive Management action under consideration is to adjust the SC to allow for further overdraft without triggering the Undesirable Results threshold. This is not a path to Sustainability and cannot be considered an adequate response to DWRs noted deficiency #1.
2. Groundwater Dependent Ecosystems (GDEs) continue to degrade and are inadequately recognized or protected. Measured and modeled groundwater elevations are predicted to continue to decline further with this Plan, as it allows for the continued dewatering of the aquifer. The new Interconnected Surface Water (ISW) monitoring network is insufficient to even identify these riparian

resources or any of the beneficial users that depend on them. This is not a real solution for DWRs noted deficiency #2.

3. A one time only measurement for arsenic and nitrates will not be sufficient for the GSA to assess whether groundwater quality degradation for those constituents is occurring throughout the implementation horizon of the GSP. Nothing is being done to address data gaps preventing better understanding of water quality trends occurring over time as constituents of concern may migrate into the main valley of depressed groundwater elevations. This is an uninformative adjustment to the GSP and really does not address deficiency #3.

4. The GSP recognizes that overdraft is happening outside of the Central Management Area (CMA) but still lacks a Pumping Reduction Management Plan to address the issues. Allowing the Northwestern Region to dewater by over 150 acres is clearly unmitigated overdraft. DWRs deficiency #4 simply asks how this GSA can be justifying (allowing?) continued overdraft without triggering Undesirable Results?

Comment 18:

Danielle Mingo (7-30-22)

As a resident of Cuyama Valley, I uplift the following requests:

We ask that the DWR reject the current Minimum Thresholds and Measurable Objectives established in the Cuyama Basin GSP for groundwater levels in the Northwestern Region. We suggest that a specific study be conducted that is peer reviewed and published to determine appropriate thresholds for this region. We ask that these important indicators be set at levels that would provide an appropriate trigger to remedy any downward trend in this region before it is too late so that the shallow wells and the [groundwater dependent ecosystems] GDE as in the area are not negatively impacted and actual undesirable results can be prevented.



TO: Standing Advisory Committee
Agenda Item No. 7d

FROM: Jim Beck, Executive Director

DATE: October 27, 2022

SUBJECT: Board of Directors Agenda Review

Recommended Motion

None – informational only.

Discussion

The Cuyama Basin Groundwater Sustainability Agency Board of Directors agenda for the November 2, 2022, Board of Directors meeting is provided as Attachment 1.



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

NOVEMBER 2, 2022

Agenda for a meeting of the Cuyama Basin Groundwater Sustainability Agency Board of Directors to be held on Wednesday, November 2, 2022, at 2:00 PM at the **Cuyama Valley Resource Center 4689 CA-166 b, New Cuyama, CA 93254**. Participate via computer at: <https://rb.gy/zmcwvmv> or by going to Microsoft Teams, downloading the free application, then entering Meeting ID: 263 837 418 459 Passcode: 6qzh93, or enter or telephonically at (469) 480-3918 Phone Conference ID: 544 230 945#.

Teleconference Locations:

4689 CA-166 b, New Cuyama, CA 93254	800 South Victoria Avenue, Ventura, California, 93004	1055 Monterey Street, San Luis Obispo, CA 93408	498 W Tehachapi Blvd, Tehachapi, CA 93561	5241 8 th Street, Carpinteria, 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 (Yurosek) (1 min)
2. Roll Call (Blakslee) (1 min)
3. Pledge of Allegiance (Yurosek) (1 min)
4. Standing Advisory Committee Meeting Report (Kelly) (3 min)

CONSENT AGENDA

Items listed on the Consent Agenda are considered routine and non-controversial by staff and will be approved by one motion if no member of the Board or public wishes to comment or ask questions. If comment or discussion is desired by anyone, the item will be removed from the Consent Agenda and will be considered in the listed sequence with an opportunity for any member of the public to address the Board concerning the item before action is taken.

5. Approval of Minutes – September 7, 2022 (Yurosek) (1 min)
6. Approval of Payment of Bills for August and September 2022 (Blakslee) (1 min)

7. Approval of Financial Report for August and September 2022 (Blakslee) (1 min)
8. Approval of 2023 Meeting Calendar (Blakslee) (1 min)

ACTION ITEMS

9. Discussion and Appropriate Action on Central Management Area Policy Considering Wells In/Out of the CMA (Beck/Hughes) (15 min)
10. Discussion and Appropriate Action on CMA Variance Requests (Beck/Hughes) (30 min)
11. Discussion and Appropriate Action on Administration of Pumping Reductions in the Central Management Area (Beck/Hughes) (10 min)
12. Approval of GSA Well Permit Policy and Forms (Beck/Hughes) (10 min)
13. Discussion and Appropriate Action on Adaptive Management Analysis (Van Lienden, Beck, Hughes) (45 min)
14. Discussion and Appropriate Action on Strategy for Managing Pumping throughout the Basin (Beck/Hughes) (20 min)
15. Discussion and Appropriate Action on Strategy for Continuing Evaluation of Basin Faults (Beck/Van Lienden) (30 min)
16. Authorize Development and Submittal of an Application for a DWR Grant Round 2 Funding Opportunity (Van Lienden) (10 min)
17. Adopt Resolution No. 2022-11 Designating the CBGSA Board Chairperson as the Authorized Representative to File an Application and Execute an Agreement with the California Department of Water Resources for the SGMA Implementation Grant (Blakslee) (2 min)

REPORT ITEMS

18. Administrative Updates
 - a) Report of the Executive Director (Beck) (1 min)
 - b) Report of the General Counsel (Hughes) (1 min)
19. Technical Updates
 - a) Update on Groundwater Sustainability Plan Activities (Van Lienden) (2 min)
 - b) Update on Effort to Identify Potential Non-Reporting Pumpers (Blakslee) (5 min)
 - c) Update on Implementation of Grant-Funded Projects (Van Lienden) (5 min)
 - d) Update on Monitoring Network Implementation (Van Lienden) (2 min)
 - e) Report on Annual Water Quality (Van Lienden) (10 min)

CLOSED SESSION

20. Conference with Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to Government Code section 54956.9, subdivision (d)(2)
 - a) Number of Potential Cases: One

REGULAR SESSION

21. Report of the Ad Hoc Committee (1 min)
22. Directors' Forum (1 min)
23. Public comment for Items Not on the Agenda (5 min)
24. Correspondence (1 min)
25. Adjourn (5:34 p.m.)