



# CUYAMA BASIN GROUNDWATER SUSTAINABILITY AGENCY STANDING ADVISORY COMMITTEE

## Committee Members

Roberta Jaffe (Chair)  
Brenton Kelly (Vice Chair)  
Brad DeBranch

Louise Draucker  
Jake Furstenfeld  
Joe Haslett

Mike Post  
Hilda Leticia Valenzuela  
Jose Valenzuela

## AGENDA

November 6, 2019

**Agenda for a meeting of the Cuyama Basin Groundwater Sustainability Agency Standing Advisory Committee to be held on Wednesday, November 6, 2019 at 2:00 PM, at the Cuyama Valley Family Resource Center, 4689 CA-166, New Cuyama, CA 93254. To hear the session live, call (888) 222-0475, code: 6375195#.**

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

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

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Minutes
5. Groundwater Sustainability Plan
  - a. Review of Field Work Locations
  - b. Update on DWR Technical Support Services (Monitoring Wells)
  - c. Update on Prop 68 Application
  - d. SAC Role and Responsibilities During the Implementation Phase
  - e. County Permitting Integration with the CBGSA GSP
6. Groundwater Sustainability Agency
  - a. Report of the Executive Director
  - b. Board of Directors Agenda Review
  - c. Report of the General Counsel

7. Items for Upcoming Sessions
8. Committee Forum
9. Public comment for items not on the Agenda

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

10. Correspondence
11. Adjourn

# Cuyama Basin Groundwater Sustainability Agency Standing Advisory Committee Meeting

June 27, 2019

## Draft Meetings Minutes

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

**PRESENT:**

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

**ABSENT:**

None

**1. Call to Order**

Chair Roberta Jaffe called the Standing Advisory Committee (SAC) to order at 4:00 p.m.

**2. Roll Call**

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

**3. Pledge of Allegiance**

The pledge of allegiance was led by Chair Jaffe.

**4. Approval of Minutes**

Cuyama Basin Groundwater Sustainability Agency (CBGSA) Executive Director Jim Beck presented the May 30, 2019 SAC minutes.

**MOTION**

Vice Chair Brenton Kelly made a motion to adopt the May 30, 2019 CBGSA SAC meeting minutes and the motion was seconded by Committee Member Jake Furstenfeld. Chair Jaffe requested two changes: (1) on page 7, third paragraph, the discussion between Chair Jaffe and Mr. Beck should be reversed, and (2) a summary of SAC actions be added to the minutes. Incorporating these edits, the motion passed unanimously.

AYES: Committee Members DeBranch, Draucker, Furstenfeld, Haslett, Jaffe, Kelly, Valenzuela

NOES: None  
 ABSTAIN: None  
 ABSENT: Committee Member Post

## 5. Groundwater Sustainability Plan

### a. Groundwater Sustainability Plan Update

Woodard & Curran's (W&C) Senior Water Resource Engineer Brian Van Lienden provided an update on Groundwater Sustainability Plan (GSP) activities including the schedule and June 2019 accomplishments, which is included in the SAC packet.

#### i. Discussion on Updated GSP Draft and Response to Comments

Mr. Van Lienden provided an update on the GSP schedule and where we are in the process. He provided an overview of the public comments received during the 30-day public comment period and reminded the SAC that there five topics that came out of the 30-day comment period that were brought up to the Board and are reflected in the draft GSP that is on the website.

Mr. Van Lienden provided an overview of similar comments received. He said that some commenters felt like the plan needed more details and others thought it had more detail than the data supports. Mr. Van Lienden said in his opinion the plan satisfies the California Department of Water Resources (DWR) requirement.

Chair Jaffe asked if there is a way to bring up certain comments that came up routinely in the comment response matrix to the Board. Mr. Beck said bringing up certain items during the SAC report at the Board would be the appropriate place if that was what the SAC wanted to present.

Chair Jaffe asked the SAC members if they would like common comments to be brought up to the Board. Committee Member Haslett suggested bringing them up if the point of views are different. Chair Jaffe said additional water quality monitoring is one item.

Mr. Beck said Mr. Van Lienden will summarize the number of comments related to water quality and their general points of view.

Vice Chair Kelly requested an excel version of the comment response matrix and Mr. Van Lienden said he will provide this.

A representative from Sunview Vineyards said he made a comment on safe pumping levels that he did not see in the comment response matrix. He asked how we are saying there is a correlation between standing water levels in wells and pumping. He said the science that has been done does not making any sense. He reported that the crops only remove 1% of the water used.

Mr. Beck let him know there appears to be a difference of opinion and we will bring up his concerns to the Board. Grapevine Capitals' Ray Shady offered to reach out to Sunview Vineyard's representative to explain more information on the CBGSA's approach.

Chair Jaffe asked if there is a scope for the economic analysis and if they can see it. Mr. Beck

said we can distribute that.

Vice Chair Kelly requested that groundwater dependent ecosystems be brought up to the Board as well as a common item commented on.

Chair Jaffe said she is getting a lot of calls on the cost allocation and would like to discuss with the SAC and see if they have any input/feedback on this. Committee Member Furstenfeld said he is hearing from folks and they are expressing concern that if an allocation is based on acreage a lot of people will go out of business and lose their livelihood. Committee Member Haslett said funding based on acreage should not be considered. He said it is wrong and not appropriate, and that the people that are pumping water in a sustainable manner should not be required to pay money. Committee Member Furstenfeld commented that he knows of a ranch that would be paying \$30,000 if they cost were based on acreage, however they would only pay \$200 a year if the cost were based on pumping. Cuyama Landowner Ann Myhre said the Cuyama Basin Water District discussed an allocation and a great number of people suggested an allocation based on pumping. She said some have suggested a hybrid approach. She said there appears to be a groundswell to move to a pumping charge. SAC members said a Prop 218 would not pass in the Cuyama Valley. Chair Jaffe asked the voting difference between a pumping-based fee and acreage-based fee. Legal Counsel Joe Hughes said a Prop 218 assessment or fee has to be passed via a majority vote or majority protest, for the later. If it is an extraction fee, he said it meets an exemption from Prop 68 and would be voted on by the CBGSA Board—which is a simpler process. Mr. Hughes said a number of entities end up with a hybrid approach where an acreage-based fee covers certain basin-wide costs, but an extraction fee is employed that covers additional pumping. Mr. Hughes made the point that the Legislature passed the Sustainable Groundwater Management Act (SGMA) and requires every bit of land lying over the groundwater basin to be covered by SGMA. Mr. Shady asked if Mr. Hughes expected a hybrid approach to include farmable land or all land. Mr. Hughes said he would speculate that all land would be assessed under a hybrid allocation, but you could specify the benefit to different land types. He expressed that there is a complexity to developing an allocation and is nervous when folks make things too black and white. Local resident Sue Blackshear recommended that the SAC present an allocation proposal to the Board. Ms. Myhre said she supports an extraction-based fee and expects projects would be based on extractions or an area of benefit. Committee Member Haslett said the definition of benefit is very important to him. He said all activities occurring in the Central Basin have zero effect on him. He said gradations of benefit will be very important in moving forward when developing a cost allocation.

Mr. Beck said he prepared a tool for developing a cost allocation and hopes it would be helpful. He said he has been involved in many allocations where the beneficiary pays, but that is not as straightforward in Cuyama.

Chair Jaffe said whatever approach they take should be tiered. Also, she said an allocation should be incentivized to benefit those that are using less water.

Mr. Beck said he ran a water district where they did have de minimis users that were not assessed since the cost to assess them was not worth the administration of collecting fees. Mr. Beck said there were three ways this was monitored: (1) well metering, (2) calibrated to a well's energy use, and (3) ITRC data and crop coefficients.

Committee Member Haslett said a number of landowners already are taxed a lot and one more fee may be very problematic.

The SAC presented the below views on the development of an allocation:

- Based on extraction – Committee members Haslett, Draucker, Furstenfeld, Valenzuela, Jaffe (tiered)
- Incentive for effective water use and conservation – Committee members Draucker, Kelly, Furstenfeld, Valenzuela, Post, Jaffe
- Hybrid approach (extraction and acreage-based) – Committee members DeBranch, Kelly (tiers on extraction and acreage), Post (heavily weighted on extraction)
- Water priced to the sustainable yield – Committee members Kelly, Valenzuela, Post, Jaffe

ii. **90-Day Public Comment Process**

Mr. Van Lienden provided an overview of the 90-day public comment process.

iii. **Notice of Intent to Adopt the GSP**

Mr. Van Lienden provided an overview of the intent to adopt the GSP notice.

**MOTION**

Vice Chair made a motion to approve the intent to adopt the GSP. The motion was seconded by Furstenfeld, a roll call vote was made, and the motion passed.

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

iv. **Set Public Hearing Date**

Mr. Hughes provided an overview of the 90-day public comment period for the GSP and stated that there will be a public hearing to conclude the public comment period.

v. **Set SAC and Board Meetings through January 2020**

The SAC reached consensus to approve the meeting date changes through January 2020 with several changes that will be reflected in the updated schedule presented to the Board.

**b. Stakeholder Engagement Update**

GSP Outreach the Catalyst Group's Mary Currie provided an update on stakeholder engagement activity.

**6. Groundwater Sustainability Agency**

**a. Report on the Standing Advisory Committee Vacancy**

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

**b. Report of the Executive Director**

Nothing to report.

**c. Board of Directors Agenda Review**

Mr. Beck provided an overview of the July 10, 2019 CBGSA Board of Directors agenda.

**d. Report of the General Counsel**

Mr. Hughes said he will report on the definition of a de minimis user at the July 10, 2019 Board meeting.

**7. Items for Upcoming Sessions**

Nothing to report.

**8. Committee Forum**

Nothing to report.

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

Ms. Myhre thanked the SAC for their service and efforts to read the material and provide good feedback to the Board.

**10. Correspondence**

Nothing to report.

**11. Adjourn**

Chair Jaffe adjourned the meeting at 6:14 p.m.

Minutes approved by the Standing Advisory Committee of the Cuyama Basin Groundwater Sustainability Agency the 31 day of October 2019.

STANDING ADVISORY COMMITTEE OF THE  
CUYAMA BASIN GROUNDWATER SUSTAINABILITY AGENCY

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

ATTEST:

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



TO: Standing Advisory Committee  
Agenda Item No. 5

FROM: Lyndel Melton, Woodard & Curran

DATE: November 6, 2019

SUBJECT: Groundwater Sustainability Plan

**Issue**

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

**Recommended Motion**

None – information only.

**Discussion**

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



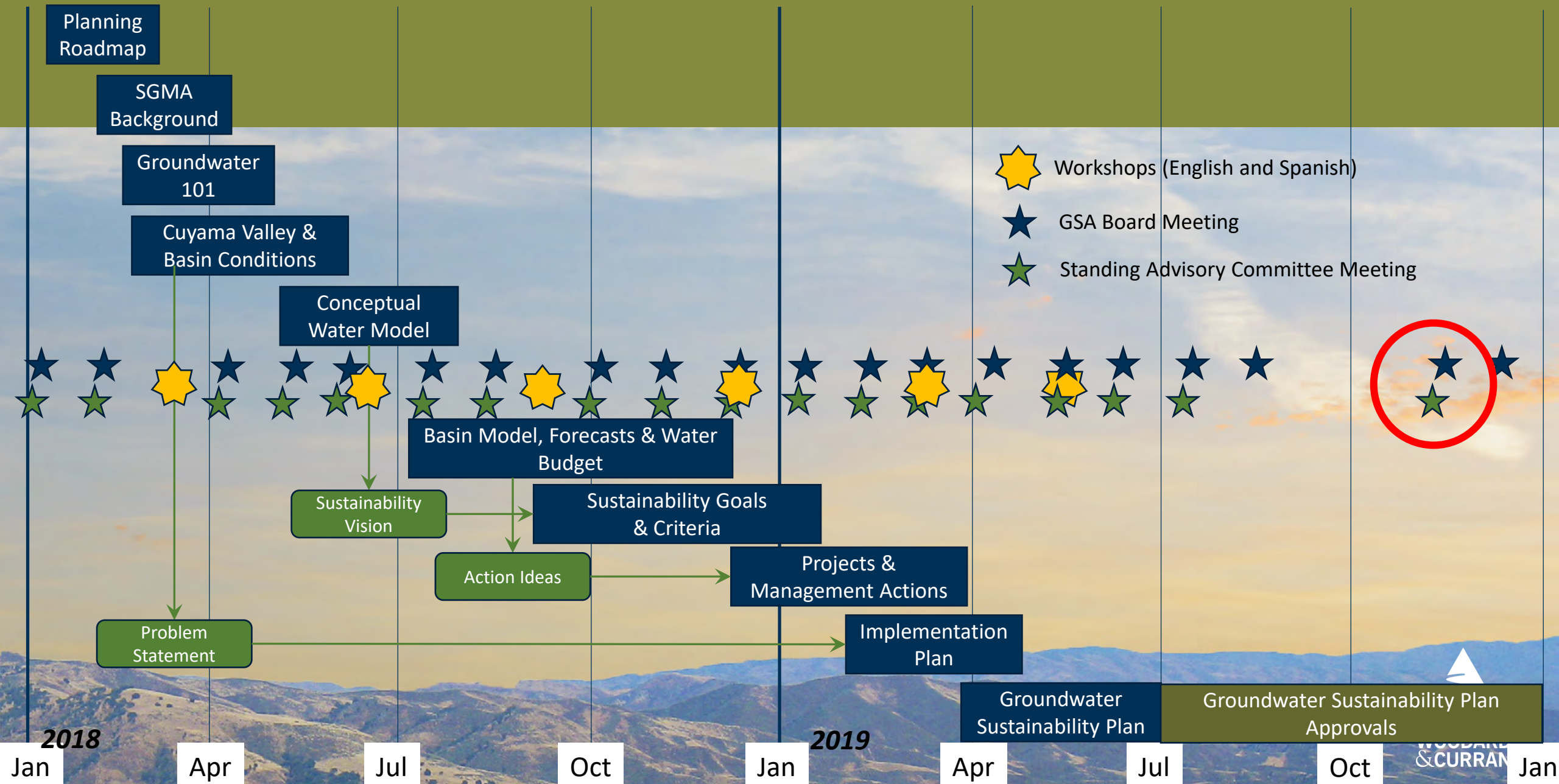
# Cuyama Basin Groundwater Sustainability Agency

## Groundwater Sustainability Plan Update

November 6, 2019



# Cuyama Basin Groundwater Sustainability Plan – Planning Roadmap <sup>10</sup>



# August - October GSP Accomplishments

- ✓ Updated GSP Final Draft in response to Board comments at August Board meeting
- ✓ Identified potential locations for groundwater data sensors and surface flow gages
- ✓ Worked with the DWR Technical Support Services Ad-hoc to identify locations for proposed new wells
- ✓ Developed model for economic analysis of GSP proposed actions



TO: Standing Advisory Committee  
Agenda Item No. 5a

FROM: Brian Van Lienden, Woodard & Curran

DATE: November 6, 2019

SUBJECT: Review of Field Work Locations

### **Issue**

Review of field work and provide a recommendation to the Board on stream gage locations.

### **Recommended Motion**

Recommend locations 1 and 3 the Board of Directors for the installation of stream gages for the surface monitoring network as described in memo 5a.

### **Discussion**

#### **Stream Gages**

A component of the surface monitoring network includes the installation of two stream gages on the Cuyama River. The Cuyama Basin Groundwater Sustainability Agency technical consultant Woodard & Curran (W&C) identified five potential locations along the river and are recommending locations one (1) and three (3) for the stream gages as shown in Attachment 1. Staff, along with legal counsel review, determined that the installation of these stream gages qualify for a categorical exemption under the California Environmental Quality Act. The cost for these stream gages, along with the installation of 10 transducers, has been budgeted in the FY 19-20 budget under the line item "Category 1 (funded) – field work" for \$180,000. The schedule for this work is provided as Attachment 2.

#### **Groundwater Monitoring Sensors (Transducers)**

As part of the groundwater monitoring network, W&C will be overseeing the installation of 10 transducers in well locations in the monitoring network. W&C is still selecting locations, but the proposed sites are shown in Attachment 1.

# Cuyama Basin Groundwater Sustainability Agency

## Review of Field Work Locations

November 6, 2019



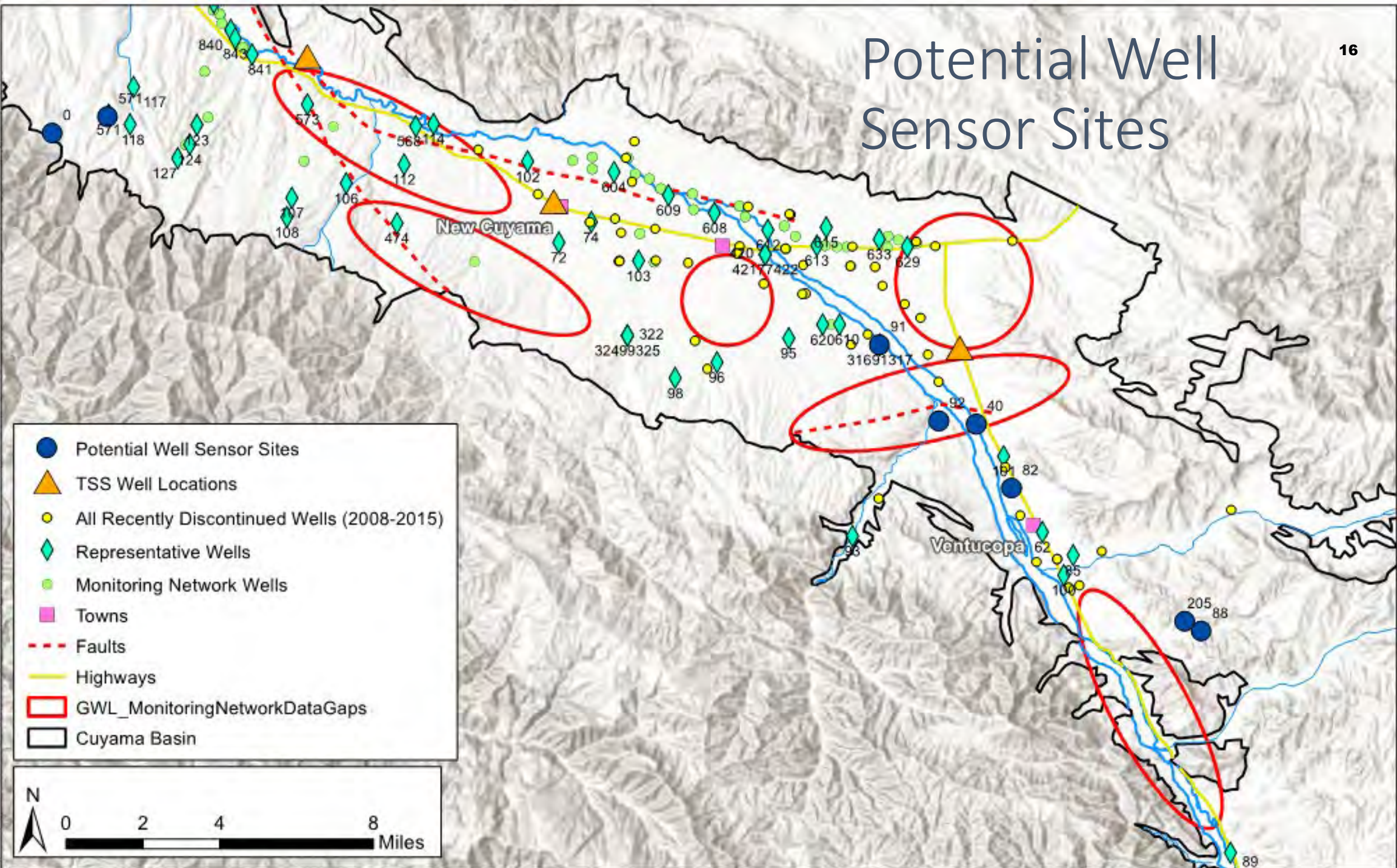
# Monitoring and Adaptive Management Program Implementation Under DWR Grant Agreement

- Current Proposition 1 grant agreement with California Dept of Water Resources includes funding for Monitoring and Adaptive Management Program Implementation
- This includes the following activities:
  - Equipping ten wells with continuous telemetered monitoring sensors
  - Evapotranspiration evaluation for the Cuyama Basin (already completed)
  - Installation of two surface water flow gauges at locations lacking monitoring
  - Three stakeholder meetings to discuss the above activities (already completed)

# Groundwater Monitoring Well Sensors

- Monitoring sensors will be installed in 10 existing monitoring wells
- Process for selection of monitoring wells:
  - Email solicitation was sent out requesting monitoring well participants who would agree to have their wells included in the monitoring well network
    - To date, we have responses for 4 proposed locations
  - Additional proposed installation locations have been selected from wells that were recently discontinued
  - Potential locations are shown in the map on the next page
- Selection of specific site locations does not require Board approval

# Potential Well Sensor Sites



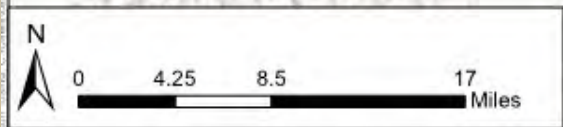
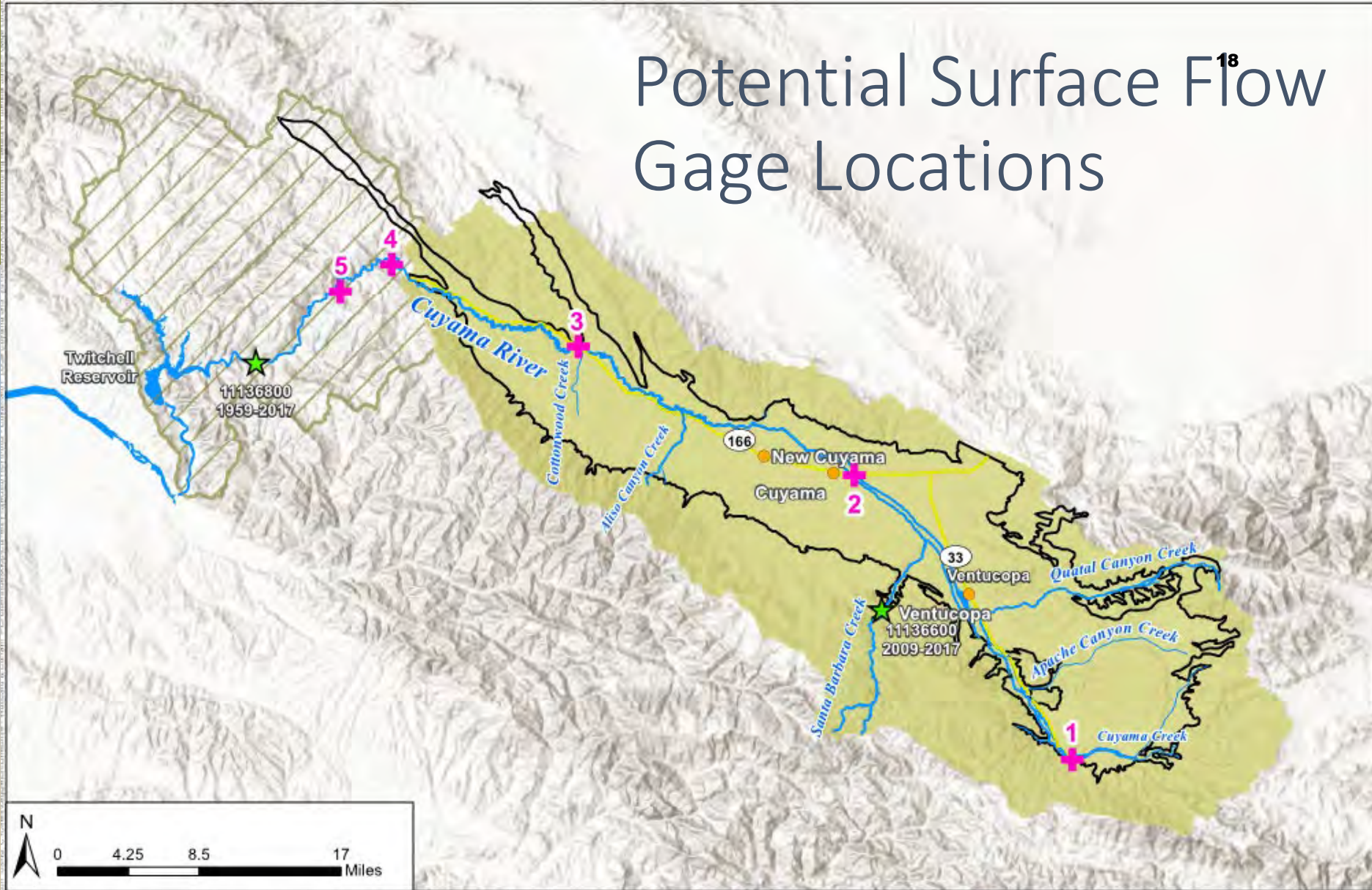



# Recommendation for Surface Flow Gage Locations

- Two surface flow gages will be installed
- We will contract with the USGS to install the wells and perform maintenance for the first year
- Five potential locations on the Cuyama River were investigated by the project team
  - The map on the next slide shows these 5 locations and the 2 staff recommended locations
  - Staff recommends installation of USGS flow gages at locations #1 and #3

# Potential Surface Flow Gage Locations<sup>18</sup>

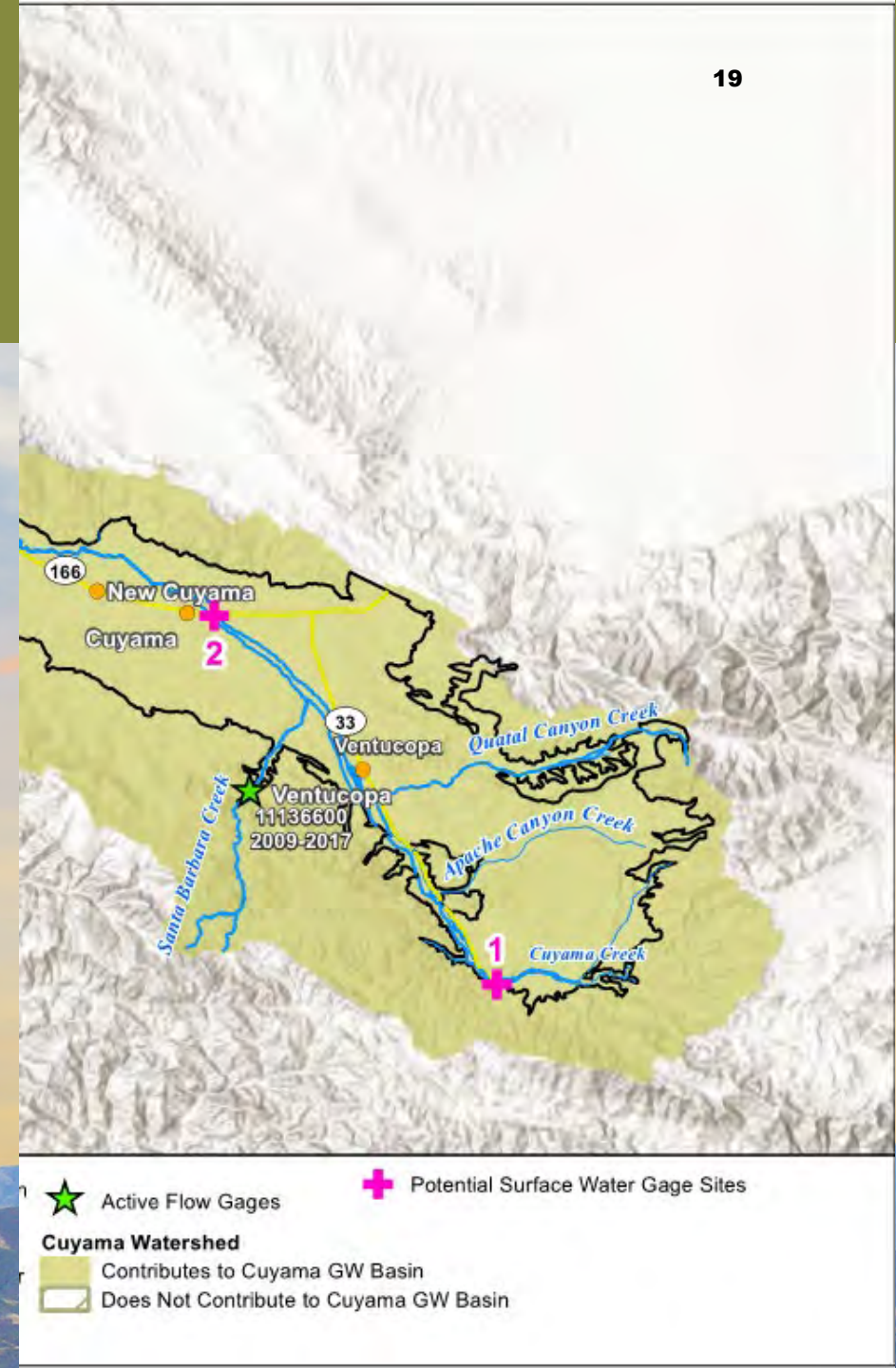
- Five locations were investigated
- Staff recommends installation of USGS flow gages at Locations #1 and #3



<p><b>Potential Surface Water Gage Sites</b></p>		<p> <span style="border: 1px solid black; display: inline-block; width: 10px; height: 10px; vertical-align: middle;"></span> Cuyama Basin             <span style="color: green; font-weight: bold;">★</span> Active Flow Gages             <span style="color: magenta; font-weight: bold;">+</span> Potential Surface Water Gage Sites         </p>	
<p>Cuyama Basin Groundwater Sustainability Agency</p>		<p> <span style="color: orange;">●</span> Towns             <span style="border-bottom: 2px solid yellow; display: inline-block; width: 20px; vertical-align: middle;"></span> Highways             <span style="color: blue; font-weight: bold;">—</span> Cuyama River         </p>	<p><b>Cuyama Watershed</b></p> <p> <span style="background-color: #d4edda; border: 1px solid #c3e6cb; display: inline-block; width: 20px; height: 10px; vertical-align: middle;"></span> Contributes to Cuyama GW Basin  <span style="background-color: #d4edda; border: 1px solid #c3e6cb; display: inline-block; width: 20px; height: 10px; vertical-align: middle; border-style: dashed;"></span> Does Not Contribute to Cuyama GW Basin         </p>
<p>Cuyama Valley Groundwater Basin Groundwater Sustainability Plan</p> <p style="text-align: center;">October 2019</p>		<p style="writing-mode: vertical-rl; transform: rotate(180deg);"><b>Legend</b></p>	

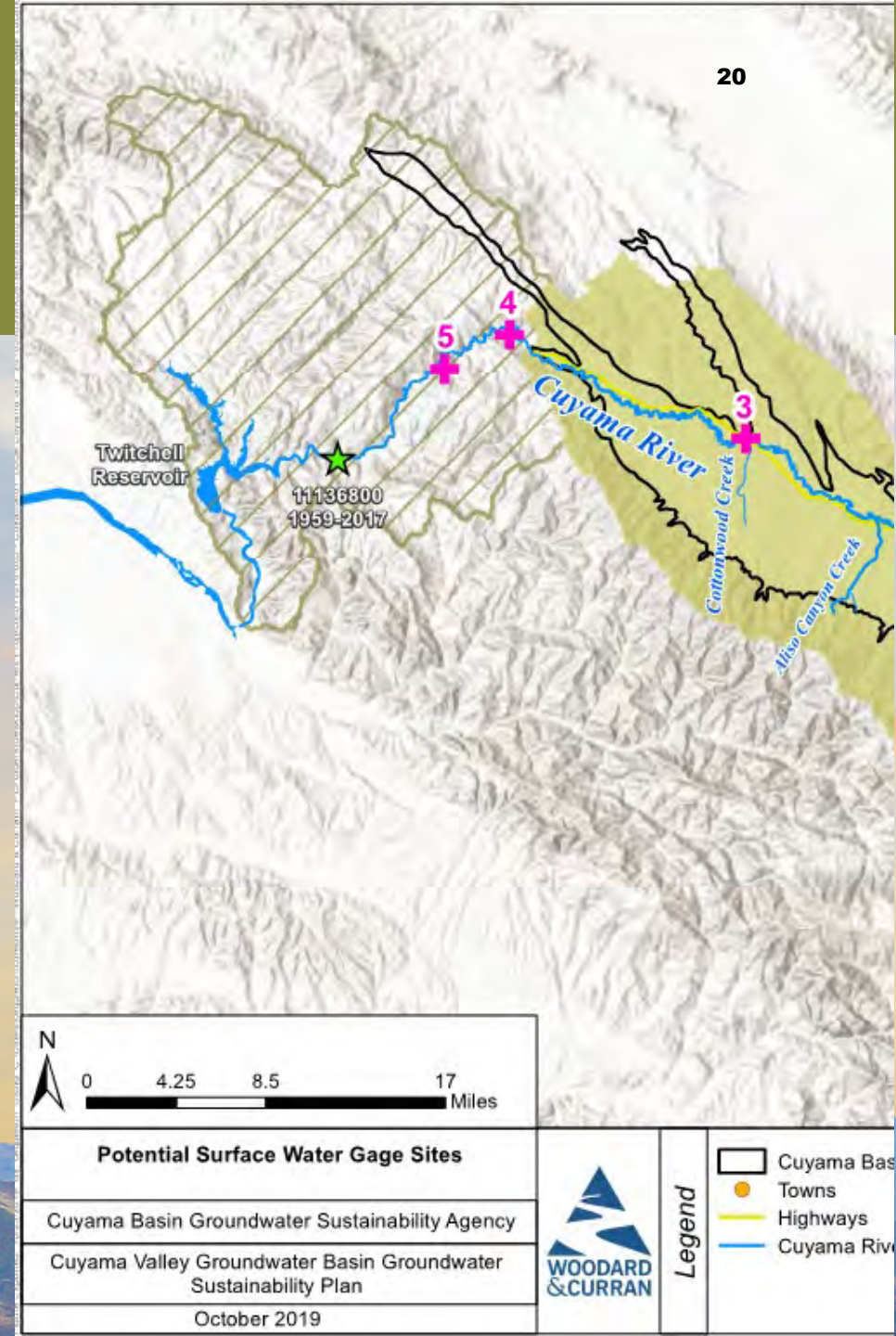
# Analysis of Potential Surface Flow Gage Locations

- Site 1: Cuyama River near Ventucopa, Highway 33 bridge 52-86 (Ventura county). **Recommended**
  - This site was home to a functioning USGS Stream Gage (USGS 11136500, Cuyama River near Ventucopa) from 2009 – 2014
  - This location is at the upstream end of the groundwater basin, therefore provides a good estimate of surface water entering the basin.
- Site 2: Cuyama River east of Cuyama, Highway 166 Bridge 51-66 (Kern County).
  - The stream channel here is not well defined. The channel is 300 to 500 feet wide, with no dominant channel.
  - The channel is likely to shift fairly regularly during scour and deposition associated with storm events, which would require regular repeated visits and maintenance to assess the active channel. This amount of expected channel shifting makes this site undesirable as a stream gage location.

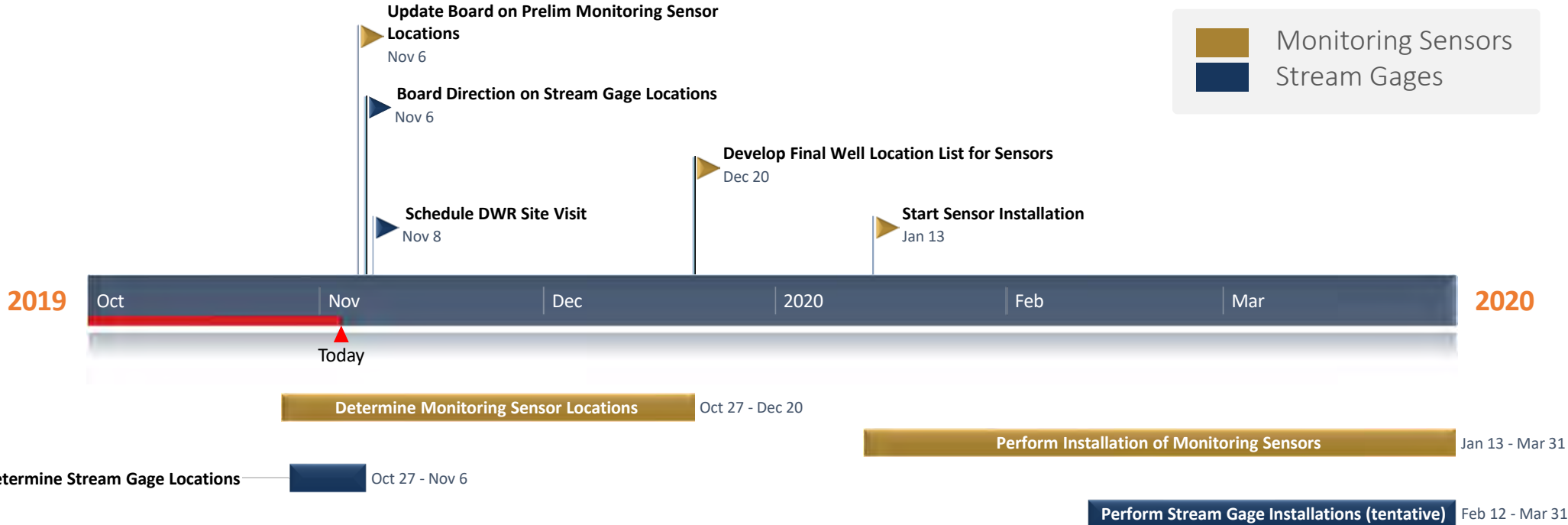


# Analysis of Potential Surface Flow Gage Locations

- Site 3: Cuyama River near Cottonwood Road, Highway 166 Bridge 49-43 (San Luis Obispo County). **Recommended**
  - The river at this site is fairly straight, which is desirable from a hydraulic standpoint when selecting gage sites. The bridge provides access to technicians.
  - The location is downstream of most significant groundwater usage in the basin, and so is representative of streamflow out of the active part of the basin and it is reasonably distant from the active gage 11136800 (Cuyama river at Buckhorn).
- Site 4: Cuyama River ½ mile east of Forest Route 32S13, Highway 166 Bridge 51-141 (Santa Barbara County).
  - This site is located outside of the basin.
  - The site is undesirable from a hydraulic standpoint – 1) there is a significant meander immediately upstream of the bridge crossing. 2) there is a significant constructed road prism of engineered fill supporting the western side of the bridge that intrudes on the natural floodplain of the channel at this location.
- Site 5: Cuyama River ~ 1mile east of Rancho de Gomez, Highway 166 Bridges 51-319 and 51-218 (Santa Barbara County).
  - The site is too close to the active Buckhorn gage. Measurements at this location would be very close the Buckhorn gage measurements.



# CBGSA FIELD WORK SCHEDULE





TO: Standing Advisory Committee  
Agenda Item No. 5b

FROM: Brian Van Lienden, Woodard & Curran

DATE: November 6, 2019

SUBJECT: Update on DWR Technical Support Services (Monitoring Wells)

**Issue**

Update on the DWR Technical Support Services efforts.

**Recommended Motion**

None – information only.

**Discussion**

Staff has been working with an ad hoc of the Cuyama Basin Groundwater Sustainability Agency Board of Directors and Standing Advisory Committee to finalize the application for the California Department of Water Resources (DWR) Technical Support Services. We are requesting three monitoring wells to fill data gaps in our proposed monitoring network. The proposed locations, developed in conjunction with the ad hoc, are provided as Attachment 1. Once the locations have been confirmed we will submit our specific application to DWR.

# Cuyama Basin Groundwater Sustainability Agency

## Update on DWR Technical Support Services (Monitoring Wells)

November 6, 2019

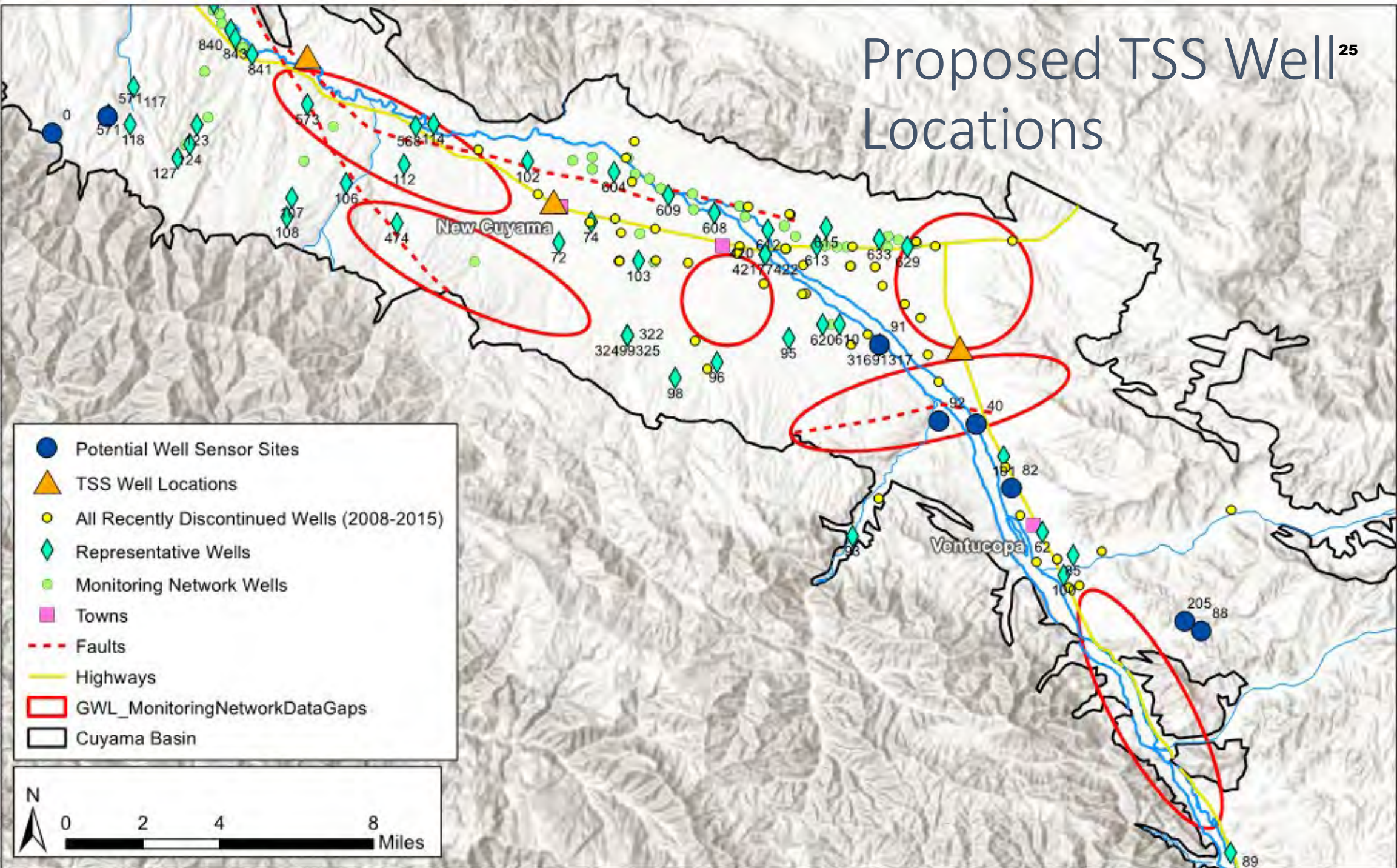


# Update on Potential Monitoring Well Installation by DWR Technical Support Services

- Three potential locations have been identified (shown on map on next slide)
- The Ad-hoc committee discussed 3 proposed locations
- Landowners for the locations have agreed to move forward
- Once all locations have been finalized, we will develop site specific forms and submit to DWR



# Proposed TSS Well<sup>25</sup> Locations





TO: Standing Advisory Committee  
Agenda Item No. 5c

FROM: Brian Van Lienden, Woodard & Curran

DATE: November 6, 2019

SUBJECT: Update on Prop 68 Application

**Issue**

Update on the Prop 68 Application.

**Recommended Motion**

None – information only.

**Discussion**

The California Department of Water Resources released additional funds under Proposition 68 for continued Groundwater Sustainability Plan (GSP) development and future rounds for GSP implementation. The current Round 3 program allows a maximum award amount of \$500,000 for basins that already received Prop 1 grant money.

Staff worked with an ad hoc of the Cuyama Basin Groundwater Sustainability Agency to develop a list of items for potential reimbursement under this Round 3 grant program and those items are listed in Attachment 1.

The initial deadline for Prop 68 applications was November 1, 2019, however due to impacts of recent fires in the State and power outages, DWR extended the deadline until November 15, 2019.

Provided as Attachment 2 is a list of the support letters received to-date that will accompany our application.

# Board Authorization of Resolution for DWR Grant Proposal

- A grant proposal is under development for funding under DWR's Sustainable Groundwater Management Round 3 Grant Program
- Cuyama Basin proposal includes the following components (as approved by the ad-hoc committee):
  - Supplemental GSP development funding
  - Development of a groundwater extraction fee structure
  - Economic analysis of the Cuyama Basin
  - Initial Work to establish a groundwater levels monitoring network
- Staff requests that the SAC recommends that the Board approve the authorizing resolution

## Prop 68 Application Support Letters

1	Arnold, Debbie	Supervisor, San Luis Obispo County
2	Bracken, Tom	CFO, Sunridge Nurseries
3	Carlisle, Lynn	Executive Director, Cuyama Valley Family Resource Center
4	Compton, Lynn	Supervisor, San Luis Obispo County
5	Crease, Fray	Manager, Santa Barbara County Water Agency
6	Huckaby, Jeff	President, Grimmway Farms
7	Jaffe, Roberta	Chair, Cuyama Basin Groundwater Sustainability Agency Standing Advisory Committee
8	Kelly, Brenton	Watershed Steward, Quail Springs Permaculture Farm
9	Post, Mike	Executive Director, Chimineas Ranch Foundation
10	Shephard, Glenn	Director, Water Protection District, County of Ventura
11	Vickery, Vivian	General Manager, Cuyama Community Services District
12	Walsh, Casey	Professor and Chair, Department of Anthropology, UC Santa Barbara
13	Yurosek, Derek	Board President, Cuyama Basin Water District



TO: Standing Advisory Committee  
Agenda Item No. 6b

FROM: Jim Beck, Executive Director

DATE: November 6, 2019

SUBJECT: Report of the Executive Director

**Issue**

Report of the Executive Director.

**Recommended Motion**

None – information only.

**Discussion**

December 4, 2019 Board Meeting

Below is a list of agenda items scheduled for the joint Board and Standing Advisory Committee meeting on December 4, 2019 Board meeting. As a reminder, we will be electing officers at the first meeting after Jan 1 (per the Joint Exercise Powers Agreement) which is tentatively scheduled for February 5, 2019.

- Final GSP adoption
- Annual report timeline and components
- Economic report presentation
- Monitoring network staging
- DWR TSS update
- Prop 68 application update
- IRWM Grant program participation
- Set annual meetings
- Hallmark Group and Woodard & Curran task orders (Feb through June 2020)
- Audit update



TO: Standing Advisory Committee  
Agenda Item No. 6b

FROM: Jim Beck, Executive Director

DATE: November 6, 2019

SUBJECT: Board of Directors Agenda Review

**Issue**

Review of the November 6, 2019 Cuyama Basin Groundwater Sustainability Agency Joint Board of Directors and Standing Advisory Committee meeting agenda

**Recommended Motion**

None – information November 6, 2019 only.

**Discussion**

The November 6, 2019 Cuyama Basin Groundwater Sustainability Agency Joint Board of Directors and Standing Advisory Committee meeting agenda is provided as Attachment 1 for review.



# JOINT MEETING OF CUYAMA BASIN GROUNDWATER SUSTAINABILITY AGENCY SPECIAL BOARD OF DIRECTORS AND STANDING ADVISORY COMMITTEE

## Board of Directors

**Derek Yurosek** Chairperson, Cuyama Basin Water District  
**Lynn Compton** Vice Chairperson, County of San Luis Obispo  
**Das Williams** Santa Barbara County Water Agency  
**Cory Bantilan** Santa Barbara County Water Agency  
**Glenn Shephard** County of Ventura  
**Zack Scrivner** County of Kern

**Paul Chounet** Cuyama Community Services District  
**George Cappello** Cuyama Basin Water District  
**Byron Albano** Cuyama Basin Water District  
**Jane Wooster** Cuyama Basin Water District  
**Tom Bracken** Cuyama Basin Water District

## Standing Advisory Committee

**Roberta Jaffe** Chairperson  
**Brenton Kelly** Vice Chairperson  
**Brad DeBranch**  
**Louise Draucker**

**Jake Furstenfeld**  
**Joe Haslett**  
**Mike Post**  
**Hilda Leticia Valenzuela**  
**Jose Valenzuela**

## AGENDA

November 6, 2019

Agenda for a meeting of the Cuyama Basin Groundwater Sustainability Agency Board of Directors to be held on Wednesday, November 6, 2019 at 4:00 PM, at the Cuyama Valley High School Cafeteria, 4500 Highway 166, New Cuyama, California 93254. To hear the session live call (888) 222-0475, code: 6375195#.

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. Agenda backup information and any public records provided to the Board after the posting of the agenda for this meeting will be available for public review at 4689 CA-166, New Cuyama, CA 93254. The Cuyama Basin Groundwater Sustainability Agency reserves the right to limit each speaker to three (3) minutes per subject or topic.*

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Minutes
  - a. July 10, 2019
  - b. August 7, 2019
5. Report of the Standing Advisory Committee

6. Groundwater Sustainability Plan
  - a. Agreement between the Cuyama Basin Groundwater Sustainability Agency (CBGSA) and the Cuyama Basin Water District for Administration and Management of the Central Region Management Area of the CBGSA
  - b. Adopt a Resolution 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 Prop 68 Grant Program
  - c. Approval of Field Work Locations
7. Groundwater Sustainability Agency
  - a. Report of the Executive Director
  - b. Progress & Next Steps
  - c. Report of the General Counsel
8. Financial Report
  - a. Financial Management Overview
  - b. Financial Report
  - c. Payment of Bills
9. Reports of the Ad Hoc Committees
10. Directors' Forum
11. Public comment for items not on the Agenda

*At this time, the public may address the Board on any item not appearing on the agenda that is within the subject matter jurisdiction of the Board. Persons wishing to address the Board should fill out a comment card and submit it to the Board Chair prior to the meeting.*
12. Correspondence
13. Public Hearing – GSP
14. Public Hearing – Groundwater Extraction Fee
15. Set a Groundwater Extraction Fee for 2020
16. Adjourn





TO: Standing Advisory Committee  
Agenda Item No. 10

FROM: Jim Beck, Executive Director

DATE: November 6, 2019

SUBJECT: Correspondence

**Issue**

Review of correspondence.

**Recommended Motion**

None – information only.

**Discussion**

Provided as Attachment 1 is correspondence received from the below individual(s):

- Kathleen Marsh, Walking U Ranch

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

**Sent:** Thursday, October 17, 2019 7:54 PM

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

**Subject:** To the Cuyama Basin Groundwater Sustainability Agency ("CBGSA") regarding your final draft GSP; From Walking U Ranch, LLC, by Kathleen P. March, Esq., managing member of , LLC; Attn: Talyor Blakslee: Please POST as the Objection and Public Comment of W

101719

To the Cuyama Basin Groundwater Sustainability Agency ("CBGSA") regarding your final draft GSP

From Walking U Ranch, LLC, by Kathleen P. March, Esq., sole managing member of Walking U Ranch, LLC

Attn: Talyor Blakslee: **Please POST as the Objection and Public Comment of Walking U Ranch, LLC to CBGSP, and please to give to each member of CBGSA, and please give to the attorney(s) for CBGSA**

Dear CBGSA:

I just read the final draft proposed Cuyama Basis GSP ("GSP"), using the link that Taylor Blakslee sent today, 10/17/19. I write as managing member of Walking U Ranch, LLC, which owns and runs a 1000 acre cattle ranch located in the west end of the cuyama valley, 33 miles east of Santa Maria, CA.

**Walking U Ranch, LLC objects to the GSP.**

The proposed funding for the GSP is **directly CONTRARY** to what the vote was, taken on 7/10/19, of the full Cuyama Basin GSA, on how to fund the Cuyama Basin GSP. My husband and I (yes we are both lawyers) were present, and I spoke to GSA. In addition, I had briefed the controlling law, by letters to the GSA, before the 7/10/19 meeting.

The vote of the full CBGSA, on 7/10/19, which was practically unanimous, was to fund the Cuyama Basin GSP **by charging fees based on water extracted, and NOT to fund the GSP by charging any per acre fees.**

Directly contrary to that vote of the full GSA, the "final proposed draft" GSP, at Section 8 (Implementation) at pages 8-4 to 8-5, and in the executive summary, says the GSP may be funded by charging extraction fees, **or by charging per acre assessments**, or by a combination of both means. Here is the specific language at p.8-4 and 8-5 of the GSP:

"the CBGSA will develop a financing plan that will include one or more of the following financing approaches:

- **Pumping Fees:** Pumping fees would implement a charge for pumping that would be used to fund GSP implementation activities. To meet the funding needs of the GSP, fees would be lower when pumping is higher, such as current pumping levels, and higher when pumping is lower, such as when sustainable pumping levels are achieved. Although this funding approach would meet the financial needs of the GSP and CBGSA, it may discourage pumping reductions due to cost. The financing plan developed by the CBGSA would evaluate how to balance the need for funding with encouraging pumpers to commit to compliance with desired groundwater pumping

reduction goals. DRAFT Draft Groundwater Sustainability Plan 8-5 Implementation Plan June 2019

- **Assessments:** Assessments would charge a fee based on land areas. There are two methods for implementing an assessment based on acreage. The first option would assess a fee for all acres in the Basin outside of those in federal lands. This option would not distinguish between land use types. The second option would be to assess a fee only on irrigated acres. Similar to the pumping fee approach, assessment based on irrigated acreage could affect agricultural operations and contribute to land use conversions, which could affect the assessment amount or ability to fully fund GSP implementation.

- **Combination of fees and assessments:** This approach would combine pumping fees and assessments to moderate the effects of either approach on the economy in the Basin. This approach would likely include an assessment that would apply to all acres in the Basin, rather than just to irrigated acreage. It would be coupled with a pumping fee to account for those properties that use more water than others.

During development of a financing plan, the CBGSA would also determine whether to apply fees across the Basin as a whole or just within the management areas. The CBGSA may choose to apply an assessment across the Basin and a pumping fee within the management areas, or choose to set different levels of assessments or fees based on location within a management area or not, or they may choose another combination of the above approaches based on location. Prior to implementing any fee or assessment program, the CBGSA would complete a rate assessment study and other analysis consistent with the requirements of Proposition 218.”

The “per acre assessment” is DIRECTLY CONTRARY to that vote of the GSA on 7/10/19.

Even more dishonest, the final draft GSP does not anywhere reveal that the Vote, taken on 7/10/19, of the full GSA, was to fund the GSP **by charging fees based on water extracted**, and **NOT to fund the GSP by charging any per acre fees.**

Your final draft GSP does not even refer to the fact that Vote was taken by the full GSA, and that the Vote was to ONLY charge fees based on water used (aka “water extraction fees”), and was NOT to fund the GSP by charging any per acre fees.

A per acre fee is a **property tax**, which pursuant to the California Constitution, Proposition 218, CANNOT be charged, unless the GSA holds **and wins** a valid proposition 218 election, in which all landowners in the Valley vote. I’ve briefed the controlling law in my letters sent to GSP before the 7/10/19 meeting of the full GSA. It would cost a lot of money for the GSA to publicize and hold a valid proposition 218 election, and GSA would not be able to win a proposition 218 election, because the number of acres owned by ranchers (like Walking U Ranch, LLC) and other non-farmers, is far greater than the number of acres owned by the big farming operations. You couldn’t win a majority vote. And a proposition 218 election requires, as I recollect, that any new property tax be approved by a 2/3rds vote of the property owners.

**If CBGSA tries to charge a per acre fee, without holding and winning a valid Proposition 218 election, Walking U Ranch, LLC will sue CBGSA.** I said that at the 7/10/19 meeting. GSA and its attorneys would do well to take that to heart, because my husband and I are attorneys, and we know how to sue to

protect the rights of Walking U Ranch, LLC, and the other landowners in the Cuyama Basin who are not OVERUSING water, if necessary.

If Walking U Ranch, LLC has to sue CBGSA to stop illegal acreage based assessments, Walking U Ranch, LLC will be seeking award of Ranch's attorneys fees from having to sue GSA, and Ranch will be entitled to be reimbursed for Ranch's attorneys fees incurred suing GSA. That is because charging a fee ("assessment") based on **acreage owned** is a **property tax**, and it violates the California Constitution to charge a fee ("assessment") based on acreage owned, unless the GSA has held, and won a valid Proposition 218 election.

I note that the above quoted language at 8-4 and 8-5 of "Implementation" of GSP, **fails** to say that GSP cannot assess any charges/fees/assessments based on **acres owned, unless GSA holds and wins a Proposition 218 election**. The above quoted language saying "consistent with the requirements of Proposition 218 " is way too vague. Your GSP should state what the California Constitution requires, which is GSP cannot assess charges based on acres owned, unless GSA holds and wins a valid Proposition 218 election. And explain what that entails.

**Sadly, it appears from the final draft plan, that GSA is hoping that no one notices that the GSP, which GSA is now proposing, is DIRECTLY CONTRARY to the Vote, held on 7/10/19, of the full GSA, which was NOT to assess any charges based on acres owned.**

Sadly, it appears that whoever got the above "per acre assessment" language put into this final draft plan (the large farming operations, I'm guessing?) are hoping that no one complains it is illegal to charge fees based on acres owned, unless GSA has held and won a valid Proposition 218 election. **Walking U Ranch, LLC hereby complains**. So stop hoping your GSA can get away with illegally assessing fees based on acreage owned, without holding and winning a valid Proposition 218 election, which you can't win. **Fix your GSP, by taking out the above, highlighted in yellow, references to funding your GSP by charging fees based on land area (ie, acres owned). Take that out from section 8. Take it out from the executive summary.**

Bottom line: Delete from your final draft GSP, the text I have highlighted in yellow, above, about "assessments based on land area", and also take out the text about using a combination of such assessments along with pumping fees. Walking U Ranch, LLC requests you make those deletions.

You also need to delete from your executive summary of GSP, all language about charging fees based on on acreage. Here is an example in the executive summary of that improper language, which needs to be deleted:

"The CBGSA Board of Directors will evaluate options for securing the needed funding. Similar to the funding options for the CBGSA basin-wide activities,

**options for funding management area costs include fees based on groundwater pumping, acreage, or a combination of these**, and pursuit of any available grant funds".

**Please Reply to me, to [kmarch@bkylawfirm.com](mailto:kmarch@bkylawfirm.com), Taylor, to confirm receipt, and to confirm you will post this email as the public comment (and Objection to GSP) of Walking U Ranch, LLC, and to confirm you will forward this to all GSA members, and to GSA's lawyer(s).**

After your GSA considers Walking U Ranch, LLC's herein Objection to GSP, and request that GSA correct the GSP, please let me know whether or not GSA is going to delete the fees assessed base on acres owned provisions from your GSP. Thank you.

KPMarch

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

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

## Taylor Blakslee

---

**From:** K. P. March <kmarch@bkylawfirm.com>  
**Sent:** Friday, October 18, 2019 11:51 AM  
**To:** Taylor Blakslee  
**Cc:** Joe Hughes  
**Subject:** RE: To the Cuyama Basin Groundwater Sustainability Agency ("CBGSA") regarding your final draft GSP; From Walking U Ranch, LLC, by Kathleen P. March, Esq., managing member of , LLC; Attn: Talyor Blakslee: Please POST as the Objection and Public Comment

101819

To Taylor Blakslee, administrator for CBGSA; with CC to Joe Hughes, Esq., legal counsel to CBGSA

From Walking U Ranch, LLC, from KPMarch, Esq., Bankruptcy Law Firm, PC

Re: **Walking U Ranch, LLC's OBJECTION and COMMENT to GSP** to the Cuyama Basin Groundwater Sustainability Agency ("GSA") final draft Groundwater Sustainability Plan ("GSP")

Taylor:

Thx for confirming receipt of my **Walking U Ranch, LLC's OBJECTION and COMMENT to GSP**, that I emailed to you last night, as administrator of CBGSA.

Thx for confirming you will put my **Walking U Ranch, LLC's OBJECTION and COMMENT to GSP** in the packet to be disseminated to the GSA on November 1, 2019.

But in addition to your forwarding my **Walking U Ranch, LLC's OBJECTION and COMMENT to GSP** email of last night (10/17/19) to the GSA, I requested, in my email of last night, that my **Walking U Ranch, LLC's OBJECTION and COMMENT to GSP** be posted as a **public comment**, to bring this problem to the attention of the rest of the landowners in the Cuyama Valley.

**Please REPLY to confirm you will post my email of last night as a public comment, and how soon you will do so, and tell me how to check to see that it has been posted as a public comment. Or if you will NOT do so, please tell ME how to post my Walking U Ranch, LLC's OBJECTION and COMMENT to GSP as a public comment, myself.** Thx.

Also, I need some information. Is there a GSA meeting on November 1, 2019, and if so what address and what time, and can I address the GSA regarding my **Walking U Ranch, LLC's OBJECTION and COMMENT to GSP** at that meeting? Is there a GSA meeting on November 6, 2019, and is it at 6pm at the Cuyama High School, and can I address the GSA regarding my **Walking U Ranch, LLC's OBJECTION and COMMENT to GSP** at that meeting?

It is disappointing that the final proposed CBGSP is directly contrary to the 7/10/19 vote of the GSA, which (almost unanimous vote) was NOT to charge any fees/assessments to fund the CBGSP, on a land owned basis.

Worse than being disappointing, the final draft GSP is **illegal**, because it says assessments may be charged to fund the GSP, based on **land owned**—and doing so would be charging a **property tax**, which requires holding and winning a valid Proposition 218 election, BEFORE any assement can be made on a **land owned basis**—but the GSA does NOT say that fees based on land owned would only be charged, pursuant to the CBGSP, if GSA holds and wins a valid Proposition 218 election. Omitting that makes the final draft GSP illegal, as contrary to what the California Constitution, Proposition 218, requires to charge assessments based on land owned (aka property tax) basis.

I just finished a 5 week trial, so if Walking U Ranch, LLC needs to sue GSA, for the illegal wording of the final draft plan, at least my law firm is available to do so. However, I suggest it would be better for all concerned, if the illegal wording of the GSP were fixed by GSA, without Walking U Ranch, LLC having to sue to correct the illegal language, so I suggest GSA do that.

I am "cc"ing GSA's lawyer, Joe Hughes, Esq., on this email: Attorney Hughes, please REPLY to me regarding whether this illegal language will be fixed, by GSA, or whether suit is going to be necessary to get it fixed. Thx

When you REPLY to me, please give me what information you have, as to why the final draft GSP is directly contrary to the 7/10/19 vote of the GSA, on the "do not assess fees on land owned basis" point? Thx

Please include this email in what you put in the packet of materials to be given to GSA on November 1, 2019. Please REPLY to confirm you will do so. Thx.

Please post this email as part of posting last night's email (Walking U Ranch, LLC's OBJECTION and COMMENT to GSP). Please REPLY to confirm you will do so. Thx.

KPMarch

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

---

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

**Sent:** Thursday, October 17, 2019 9:46 PM

**To:** K. P. March

**Cc:** Jim Beck; Joe Hughes

**Subject:** RE: To the Cuyama Basin Groundwater Sustainability Agency ("CBGSA") regarding your final draft GSP; From Walking U Ranch, LLC, by Kathleen P. March, Esq., managing member of , LLC; Attn: Talyor Blakslee: Please POST as the Objection and Public Comment

Kathleen,

I received your below email dated October 17, 2019 at 7:54 pm and it will be included in our material to the Board that will be distributed on Nov 1, 2019. Additionally, I will forward your comment to the Board ahead of the Nov 1 Board packet mailout.

Thank you for your comments.

Best,

**Taylor Blakslee**

Project Coordinator

(661) 477-3385



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

Corporate (916) 923-1500

[www.hqcpm.com](http://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.

---



## Taylor Blakslee

---

**From:** K. P. March <kmarch@bkylawfirm.com>  
**Sent:** Wednesday, October 23, 2019 1:38 PM  
**To:** Taylor Blakslee  
**Subject:** Taylor Blakslee for CBGSA, from Walking U Ranch, LLC, by KPMarch, Esq., managing member of LLC: Two Questions: It appears there is a meeting at 4pm and a meeting at 6pm, of CBGSA, on Nov 6, 2019. My husband and I plan to come to meeting to address GSA

102319

To Taylor Blakslee for CBGSA, from Walking U Ranch, LLC, by KPMarch, Esq., managing member of LLC: Two Questions:

- (1) It appears there is a meeting at 4pm and a meeting at 6pm, of CBGSA, on Nov 6, 2019. My husband and I plan to come to meeting to address GSA about the issues I emailed you Walking U Ranch, LLC's OBJECTION and PUBLIC COMMENT about on 10/17/19 and 10/18/19. What is the correct time for us to come to meeting to address GSA—4pm or 6pm? REPLY and tell me please. Thx. And WHY are there 2 meetings of GSA, one at 4pm and one at 6pm, on the same day?
- (2) Regarding the 2019 Groundwater extraction Fee Report, why does it show, at p8, regarding CBGSA FY 2019-20 Budget, under **Legal & Admin**, the Amount of \$60,000 labeled as "**Prop 218-Basin-wide**" for months July-Jan? What is the \$60,000 actually for? Appears it is for a period (july 2019 to jan 2020) that is soon ending? Yes, am I reading that correctly, or not? **Has that \$60,000 been spent, or will it be spent, and FOR WHAT?**

**Please REPLY and tell me the Answers. Thx**

**Also, when last we talked on phone, you said you were going to suggest the ERRORS in the final draft CBGSP that OBJECTED to and COMMENTED on, be fixed. Has that happened? Reply and tell me status please. Thx.**

**Please include this email, along with my previous emails, in packet you give to GSA for the Nov 6 meeting. Thx**

KPMarch

Kathleen P. March, Esq.  
 The Bankruptcy Law Firm, PC  
 10524 W. Pico Blvd, Suite 212  
 Los Angeles, CA 90064  
 Phone: 310-559-9224  
 Fax: 310-559-9133

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

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

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