



**COUNTY OF COLUSA**  
**DEPARTMENT OF AGRICULTURE**  
**GROUNDWATER COMMISSION**  
*100 Sunrise Boulevard Suite F*  
*Colusa, CA 95932*

**JOSEPH J. DAMIANO**  
Agricultural Commissioner  
Sealer of Weights & Measures

**SPECIAL MEETING OF THE COLUSA COUNTY GROUNDWATER COMMISSION**

**Location:** **Colusa Industrial Properties Conference Room**  
100 Sunrise Blvd., Suite B, Colusa, CA 95932

**Date:** **May 16, 2014**

**Time:** **1:00 p.m.**

**Meeting Minutes**

**1. CALL TO ORDER**

- Ms. Fahey announced that Chair Erdman was not able to attend and Vice Chair Marsh would be running the meeting
- Pledge of Allegiance
  
- Introductions: In attendance:  
Mary Fahey, Department of Agriculture  
Jesse Barton, Special Council to the County  
Marcos Kropf, County Council  
Tom Atkinson, President, Eastside Mutual Water Company  
Darren Cordova, MBK Engineers  
Ben Reische, Department of Agriculture  
Denise Carter, Colusa County Supervisor  
Sandy Denn, Water Users Group  
Jack Baber, Landowner  
Brent Vann, Landowner  
Darrin Williams, Landowner  
Matt LaGrand, Landowner  
Dan Ruiz, Westside Water District, Water Users Group  
Terry Bressler, RD 1004  
Jeff Sutton, TCCA  
Pete Bradford, Water Users Group
  
- Roll Call:  
Present: Commissioners Marsh, Rolen, Moresco, Morris; Absent: Commissioner Erdman



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- Acceptance of Agenda; Commissioner Rolen moved, seconded by Commissioner Morris, passed unanimously
- Comments by Commissioners; None
- Period of Public Comment; None

**2. AGENDA ITEMS**

- **Discussion and possible action regarding proposed groundwater substitution transfer from Eastside Mutual Water Company to San Luis & Delta-Mendota Water Authority.**

Ms. Fahey explained that there were questions at the last Groundwater Commission meeting. The Commission had requested this special meeting for clarification on some items, particularly the mitigation plan and the Commission's jurisdiction over water transfers. Commissioner Rolen began the discussion by asking Council if the Commission has full power and authority on a decision and is it binding? Mr. Kropf replied that if they are to grant or deny a transfer outside of the county, yes they have that authority. Their decision is binding, although the party may appeal.

Mr. Barton agreed with Mr. Kropf's statement. He then mentioned Baldwin vs. County of Tehama where it was ruled that Counties do have the authority through a groundwater management ordinance to manage groundwater, and the State does not regulate groundwater.

Commissioner Rolen asked, if a permit is approved, can the Commission put limitations on the transfer? Mr. Barton responded that the person/entity proposing the transfer must meet threshold requirements in section 43-9 of the County Groundwater Ordinance. Conditions should be related to findings in 43-9. Mr. Barton stated that he does not see in the Ordinance authority over geographic limitations. Mr. Barton went through the 6 findings in section 43-9 that the Board would have to resolve in order to approve the transfer.

Mr. Sutton (TCCA) asked for clarification that the County Ordinance only applies to groundwater substitution transfers outside of the County. Mr. Barton stated that is correct

Mr. Ruiz asked for clarification between permanent and temporary transfers. Mr. Kropf responded that any transfer out of county is subject to approval. Commissioner Rolen asked that if the transfer is approved as-is, does that mean there will be no changes? Is this what permanent means? Mr. Kropf stated that the Commission has authority to approve or deny transfers on a case by case basis. Discussion ensued regarding temporary and permanent transfers. Ms. Fahey mentioned that County Ordinance uses the terms short term and long term.

Vice Chair Marsh mentioned that there were questions regarding mitigation, completeness and water quality monitoring for this transfer proposal. Discussion ensued regarding burden of proof. Mr. Barton again mentioned section 43-9 of the Groundwater Ordinance and stated that the burden of proof is on the transferring entity for the Commission to make the findings #1-6, in 43-9 of the Ordinance. Mr. Barton stated that after review of EMWC's transfer proposal and supporting documents, he is not convinced



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that the information provided by the applicant is adequate for the Commission to make the findings in 43-9. Mr. Barton discussed each of the six findings.

Mr. Barton began a discussion regarding the hydrograph supplied by EMWC. Mr. Cordova discussed the hydrograph. He is not sure what the reference point on the graph is, but the important thing is that the data shows that groundwater levels have recovered. Mr. Sutton discussed the term "safe yield," and mentioned that it takes 20 to 30 years to determine safe yield. Darrin Williams (member of the public, Arbuckle area) mentioned that there are a lot more wells pumping this year and wells are already having problems and it is only May. Mr. Barton reiterated that the hydrograph is just a snapshot in time. Mr. Cordova mentioned that there is a general cycle in the area of fluctuations and recovery, including data from RD 1004, in the same area. Mr. Barton asked if the County knows how much groundwater is being pumped each year. The answer is no. Mr. Barton stated that the purpose of the Ordinance is to prevent wells from having problems.

Discussion began regarding the proposed Mitigation Plan. Mr. Barton discussed that the Mitigation Plan is not adequate, too vague. Mr. Barton mentioned that if there is not enough water within the county, then perhaps the County should not approve out of county transfers. More discussion was held regarding the Ordinance and section 43-9. Mr. Barton asked about the number of wells in that area. Jack Baber (landowner, past Commissioner) discussed the well make-up in that area. Mr. Baber also mentioned saltwater issues in the area. His wells are currently off about 20%. More discussion ensued on production and monitoring wells at that site.

Mr. Atkinson stated that he has installed his well as per Reclamation and DWR standards. He started pumping April 16 this year. He has contacted two neighbors that are using wells. Both neighbors have indicated no deterioration this year and no issues last year during EMWC's 2013 transfer period.

A discussion about monitoring began. Mr. Cordova described the monitoring program and handed out a graph with results from last year's monitoring of EMWC's transfer. The graph shows fluctuations. Some points are during pumping. There also appears to be one false reading where there is a large dip. Mr. Cordova reiterated that the important thing on the hydrographs is that they show recovery. Last year's pumping was 900 af. Commissioner Rolan asked if this year's pumping will be 2,000 af, as proposed. Mr. Atkinson stated that they will never reach 2,000 af. He guessed that last year they pumped 1,400 af. Mr. Atkinson stated that when those numbers were developed, he had been hopeful they would get approval this year by May 1. He guessed actual production in 2014 would be similar to last year, around 1,400 af. Mr. Cordova mentioned that they always propose the upper limit and usually do not reach that. Commissioner Rolan asked if they would be willing to share all monitoring data. Mr. Atkinson agreed. Mr. Atkinson stated that he is part of three other water districts: Wheatland, Natomas, and Pleasant Grove Water Districts. They are involved in groundwater substitution transfers and are all keeping that data to create baseline information. Mr. Cordova mentioned that DWR will not be doing as much monitoring this year. The monitoring done during these transfers will be valuable information.

Discussion then ensued regarding subsidence.



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Mr. Barton discussed potential upcoming curtailment notices from SWRCB for post 1914 water rights holders. He stated that there will potentially be more groundwater pumping as a result.

Mr. Baber stated that sending water out of the county and substituting with groundwater is just mining the groundwater. Mr. Sutton asked why groundwater has to be attached to these transfers, and stated that it is like mining the groundwater. Mr. Cordova explained that the transfer water is left instream and made available to the buyer. Groundwater substitution is used to meet demands on the ground. Mr. Sutton stated that then it is not mining, by using it in lieu of the surface water transfer, consumptively used. Mr. Cordova stated that the alternative would be pumping groundwater and delivering it directly to the river. Comments were made regarding beneficial use and mining. Mr. Atkinson stated that it would be more economical to do crop idling, but by keeping the land in production, he is avoiding economic harm to the County. Darrin Williams (landowner) stated that EMWC is fortunate to have two sources of water. He relies 100% on groundwater and there are needs in the county that are not being met. Mr. Atkinson stated that they have approval to transfer in county and they are not because there is not a demand.

Vice Chair Marsh brought the conversation back to the agenda. She called for a motion or debate whether the Commission has received enough information. Vice Chair Marsh asked to move on to the subject of mitigation. She stated that it seems to be lacking in information and time and asked for clarification from Mr. Cordova. Mr. Cordova stated that the mitigation plan is approved by Reclamation for approximately 100,000-150,000 af of groundwater substitution transfers throughout the valley. This same mitigation plan has been used since 2009, and they have never had to rely on the plan since 2009. Details of the mitigation plan were discussed. Mr. Cordova stated that he and Mr. Atkinson are willing to tighten it up. Mr. Atkinson stated that he is willing to shut his well down if there is a problem, but it is time consuming to get someone out there and to analyze if his well is the one causing the problem. He needs some time for investigation.

Commissioner Morris asked how they mitigate for water quality degradation. Mr. Cordova asked for clarification. Commissioner Morris discussed some history of groundwater quality issues in the Arbuckle area, specifically salt. Mr. Cordova stated that EMWC has been monitoring water quality per Reclamation and DWR standards. It has been consistent. DWR has an e.c. threshold that is 700. Anything over 700, they have to talk to DWR and Reclamation. This has not been an issue. Mr. Rolan asked if there are any other water quality issues that they look at. Mr. Cordova stated that they look at many factors within a 2 or 3 mile radius, from SWRCB records. Other monitoring includes: subsidence, water quality, water levels, diesel engine hours, flow meter. The Final Report from EMWC's 2013 transfer will be forthcoming and will contain this information.

Commissioner Morris asked if there is any liability to the county if a well is shut down due to the mitigation plan, and it turns out that the well is not at fault. Mr. Barton stated that it is their mitigation plan, so there should be no liability. Mr. Cordova stated that EMWC would be able to get their surface water back to keep the crop alive. Mr. Morris asked if the county would be liable if the Commission approves the transfer and peoples' wells go dry. Mr. Kropf stated that the county would not be liable. It



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is a discretionary decision made based on the information that is provided. The Commission would be immune under government code for their discretionary decisions.

Mr. Sutton stated that it is important to recognize that approximately 40,000 af of water is coming into the county from outside of the county. Commissioner Rolan asked Mr. Atkinson if he did offer to transfer his surface water within the county. Mr. Atkinson confirmed that, yes, in late March/early April Mr. Cordova offered water on behalf of EMWC to TCCA. He stated that TCCA received adequate water to meet their needs. Mr. Cordova stated that conditions also changed with allocations for settlement contractors going from 40% to 75%. Project water can be moved much easier. Mr. Sutton agreed that project water, in combination with good supplies coming from outside of the county helped to meet their needs. The original environmental document was for 155,000 af to transfer to TCCA, final amount is approximately 55,000 af.

Commissioner Rolan made a motion to approve Eastside Mutual Water Company's proposed request for a permit to transfer water to San Luis and Delta-Mendota Water Authority.

Commissioner Moresco asked if a decision on this matter would set precedence. Mr. Kropf stated that no, each decision is individual. Commissioner Moresco recognized that there is a lot of public interest in the out of county transfer. Mr. Sutton stated that he is confident there will not be any other requests for out of county transfers. Mr. Cordova agreed, as it is getting late in the season.

Matt LaGrand (landowner) stated that there is not an understanding of the aquifers. He is already having well problems, on the west side of the county. Mr. LaGrand stated that it is wrong to send water out of the county until all of our needs are met within the County.

Vice Chair Marsh noted that there is a motion on the table and asked for a second. Commissioner Morris seconded. Roll Call:

Commissioner Rolan: yes

Commissioner Morris; no

Commissioner Moresco; no

Commissioner Marsh; no

Commissioner Erdman; absent

Motion failed: Yes: 1; Noes: 3; Absent: 1

- **Discussion regarding proposed water transfer involving groundwater substitution from participating growers within Glenn-Colusa Irrigation District to the Tehama Colusa Canal Authority.**

Vice Chair Marsh asked Council if the Groundwater Commission has jurisdiction over in-county transfers. Mr. Kropf stated that the Commission does not have jurisdiction over in-county transfers. No permit is necessary. Discussion ensued regarding a letter from the Groundwater Commission to Reclamation stating that in-county transfers do not trigger the ordinance. Ms. Fahey asked that monitoring results be shared with County staff for the Commission's information.



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Commissioner Rolen made a motion that Staff send a letter to Reclamation stating that the Colusa County Groundwater Commission does not have jurisdiction over in-county transfers. The motion was seconded by Commissioner Morris. Motion passed unanimously with one absent.

**3. ADJOURNMENT**

Meeting adjourned at 2:35 p.m.