

MEETING SUMMARY | January 12, 2017
Private Pumper Advisory Committee (PPAC) Meeting #5

MEETING RECAP

- The County will restructure the Groundwater Commission (County will work on refining requirements and roles and bring back to PPAC at next meeting to be scheduled in February).
- The County formally recommends 2 members of the newly structured Groundwater Commission, plus 1 alternate member, as chosen by the Commissioners, to sit on the GSA Board.
- The current Groundwater Commission will be dissolved and a new Commission will be in place by June 30, 2017.
- The PPAC will be dissolved after the new Groundwater Commission is in place.
- The PPAC feels the MOU represents the Principles of the entire GSA Workgroup, so they do not see a need to develop their own Principles.
- The PPAC agrees with the majority of the current draft of the MOU, with the exception of items 5.2.4 and 5.2.8 regarding groundwater recharge attributable to leakage from irrigation canals. Supervisor Carter also has concerns with this language in the MOU.

For more local information please visit the [Colusa County Water Resources Webpage](#).

MEETING SUMMARY

1. INTRODUCTION

Mary Fahey, Colusa County Water Resources Coordinator, gave an overview of the agenda. She provided brief background on the GSA Workgroup's path to forming a multi-party MOU, in which the agencies that have currently filed to be a GSA will rescind their GSA status and the group will refile as a single GSA covering the County areas of the groundwater basins. The MOU is at the point in development where it is being reviewed by the GSA agencies' legal counsels and there is a Legal Review Subcommittee meeting scheduled for January 17. The agencies are bringing the MOU to their Boards and Ms. Fahey will present the MOU to the Colusa County Board of Supervisors on January 24. Things are moving quickly now, and the PPAC needs to be sure that they are comfortable with the direction of the MOU. Language regarding private pumper representation on the GSA board will need to be included in the MOU. Also on today's agenda, will be discussion on proposed structural changes to the County Groundwater Commission to better fit with SGMA.

Ms. Fahey updated the group on changes to the facilitation of the PPAC meetings. County staff will be taking a more direct role facilitating the PPAC. The facilitation budget is limited and PPAC was not in the original scope of work. As we ratchet up with the Legal Review Subcommittee and more meeting dates over the next five months to get the GSA formed, the facilitator's efforts will be spent there. This is not a reflection on the PPAC in any way and it does not mean that the PPAC is not important, it is strictly a budgetary issue.

Ms. Fahey opened the floor for questions and comments. There were none.

DISCUSSION TOPICS

Groundwater Commission

Ms. Fahey asked Supervisor Carter to speak to the proposed restructuring of the County Groundwater Commission. Ms. Carter said that the County still sees a role for the Groundwater Commission under SGMA. The County envisions the Groundwater Commission to be a forum for groundwater users and a vehicle for outreach. It will be a forum for all of the white areas. Discussions at the Commission level will be reflected up to the GSA Board. Supervisor Carter stated that the County values the private pumpers and although private individuals are not eligible to be a GSA under SGMA, the County is advocating for private pumper representation on the Colusa County GSA Board. The County is committed to two private pumper representatives from the Groundwater Commission to serve on the GSA Board. Under the proposed new Groundwater Commission structure, the Board of Supervisors will appoint one Commissioner from each Supervisorial District and the Groundwater Commission will choose the two representatives that will sit on the GSA Board. This is yet to be formally presented and accepted by the other members of the GSA Workgroup, but the GSA Workgroup has expressed broad support in past discussions about this.

Question: Will there be a requirement for the new Groundwater Commissioners to not be part of a water district? **Answer:** We don't know yet. There are pumpers within water district boundaries. The Commissioners should be groundwater pumpers and should reside in the County.

Comment: The County should not be too restrictive on the eligibility requirements for the Groundwater Commissioners.

Question: When you have private pumpers seated on the GSA Board, do you see a need for the PPAC?

Answer: No, the PPAC will be dissolved once the new Commission is up and running.

Comment: Members of the Groundwater Commission should have a vested interest in groundwater. There could be an at-large member that has technical expertise, but is not necessarily a groundwater pumper. They would not be able to be on the GSA board. The other members of the Commission could be in a water district, but they should be groundwater users.

Comment: The Board of Supervisors should match the Commissioners they choose to the Mission of the Commission.

Comment: The Supervisors should be able to rely on the Commission to be experts in groundwater.

Question: What is the timing of the restructuring of the Groundwater Commission? **Answer:** It will happen by June 30, 2017.

After further discussion, the PPAC and County agreed on the recommendation that **two members of the Groundwater Commission will serve on the GSA Board with one alternate**. There will be no stipend for the Groundwater Commission members, as is currently the case. There will need to be requirements developed for the Commissioners. Some possible requirements discussed include:

- They must reside in the County
- They must be a groundwater user
- Terms should be four years, staggered to coincide with each Commissioner's Supervisor's term

Ms. Fahey said that the County could do some work on these items and bring them back to the PPAC in February. Items would include a draft Commission Application, and proposed criteria for the Commission. There will be a new version of the MOU after attorney review, and language about private pumper inclusion on the GSA Board. **Action: schedule a February PPAC meeting.**

Guiding Principles

Ms. Fahey asked the PPAC if they felt the County's Guiding Principles were adequate to cover their needs or if they felt they should develop Principles of their own. Mr. Williams, PPAC member, stated that the MOU represents the Principles of all of the members of the GSA Workgroup. The PPAC has been involved in these discussions. The MOU has been edited and changed enough that he feels it represents the entire group's Principles and he does not see a need for the PPAC to come in now and present new Principles. The other members agreed.

Comment: In the County's Principles, bullet #2 at the top, which is also in the MOU, the language has changed in the MOU. This needs to be reflected in the County's Principles. **Action: Change "Larger, deeper wells..." to "Unsustainable groundwater practices threaten the groundwater resources of all well owners."**

Comment: Regarding Principles, private pumpers are well protected under SGMA. The water agencies can't ignore existing water rights. They will be restricted in what they can do by the Plan.

PPAC General Comments, Feedback on Current Draft MOU

Ms. Fahey asked the PPAC for feedback on the current draft MOU. She stated that as things are moving quickly, now is the time to speak up about the MOU and express any major issues with the current draft.

Mr. Williams spoke to item 5.1.8 in the MOU, which he had added at the last GSA Workgroup meeting. He would like to update this item to the following:

The Agency will work with member agencies and cooperating stakeholders to coordinate and facilitate intra-basin transfers when deemed appropriate and when an area within the County is experiencing one or more of the six undesirable results defined by SGMA:

1. Chronic lowering of groundwater levels
2. A reduction in groundwater storage
3. Degradation in water quality
4. Land subsidence
5. Surface water depletion
6. Impacts on groundwater dependent ecosystems

Action: Ms. Fahey will revise this item in the MOU before the Legal Review Subcommittee meeting.

The PPAC supports the majority of the MOU language with the exception of the two items below regarding surface water users' access to recharge attributable to leakage from canals and distribution and drainage systems. Supervisor Carter also has concerns about these items.

- 5.2.4 Surface water users will have access to use the recharge attributable to leakage of surface water from canals and distribution and drainage systems, and the deep percolation of applied

surface water for crop irrigation. (Some wanted this principle deleted and felt it was redundant to 5.2.8, but participants agreed to take this to attorneys to revise the language.)

- 5.2.8 Surface water recharges groundwater through leakage from canals and distribution and drainage systems and deep percolation of applied crop water. When reductions of surface water supplies occur, surface water users may access water attributable to such recharge. Studies will quantify the availability of such recharge, and provisions will be in place through the Plan (such as targeted monitoring and mitigation programs) to ensure that future groundwater extractions are consistent with quantified recharge and the sustainable yield of the Subbasin.

Comment: 5.2.4, suggest changing the wording to, “All landowners shall have access attributable to leakage of surface water occurring on their lands.”

Comment: Some of us have contracts with the Bureau that have nothing to do with surface water districts. This water is supplying recharge.

Comment: During wet periods like right now, districts use their landowners’ land as recharge basins, how can water agencies claim that water?

Comment: Both 5.2.4 and 5.2.8 need to go. That water is moving through the system. Once it’s gone, it’s gone, just like when it moves down a drain. These items will create a major war when we get into the next drought.

Comment: There are recharge projects happening in almond orchards now. Who owns that water?

Comment: Ms. Fahey mentioned that these are good questions for legal counsel.

Comment: This is really important to the surface water Districts. There is no question that the groundwater system benefits from the application of surface water, but to what degree? We don’t have those measurements. 5.2.8 addresses that studies will be done. I don’t know how they are going to quantify that, but there should be some recognition for the contribution to recharge by the surface water Districts, just like there should be recognition for other forms of recharge like a landowner planting a cover crop.

There was some discussion about alternative language that would include incentives for all types of recharge, including Best Management Practices such as cover cropping. The group acknowledged that groundwater recharge is important to recognize, but there needs to be recognition of all types of recharge, not just recharge from surface water Districts. Perhaps a program could be developed that would give credits to landowners and agencies for Best Management Practices that enhance recharge.

Comment: Suggest we remove 5.2.4 and reword 5.2.8 to recognize all sources of recharge.

Ms. Fahey stated that this should be discussed at the Legal Review Subcommittee meeting next Tuesday. She asked the PPAC if there was anything else in the MOU that they wanted to discuss. There were no further comments.

CONCLUSION

PPAC member comments and updates

Mr. Williams updated the group on the progress of the water agency that is being formed by the private pumper group in the Arbuckle area. They are working with a consultant. Over the next couple of weeks they should be completing their application. They have decided to name the new District the Berlin Water Agency, which reflects the historic name of that area.

Public Comments

None

Next Steps / Action Items

- Ms. Fahey to refine criteria for new Groundwater Commissioners and begin to draft new application for the new Groundwater Commission.
- Ms. Fahey to schedule the next PPAC meeting in February to review the criteria and application, as well as the latest version of the GSA MOU.
- Ms. Fahey to edit the County's Principles, bullet #2 to reflect the language in the MOU.
- Ms. Fahey to update language in item 5.1.8 of the MOU prior to the Legal Review Subcommittee meeting on January 17.

MEETING PARTICIPANTS

PPAC Members

Kim Gallagher
Darrin Williams
Jeff Moresco
Lorraine Marsh
Ben Carter (Alternate Member)

Public

Denise Carter, Colusa County Supervisor
Greg Plucker, Colusa County Planning and Building
George Pendell, Stony Creek
Hillary Reinhard, Provost and Pritchard, RD 108

Staff

Mary Fahey, Colusa County Water Resources