

**TULARE COUNTY WATER COMMISSION  
MEETING MINUTES  
March 14, 2016**

**Members Present:**

Allen Ishida, Board Representative and Chairman  
Dale Brogan, District 2 Appointee  
Mark Larsen, District 3 Appointee  
Richard L. Schafer, District 5 Appointee  
Chris Kapheim, District 4 Appointee  
Susana De Anda, At-Large Appointee  
Pete Vander Poel, Board Alternate Representative  
Paul Boyer, District 1 Appointee  
Larry Peltzer, At-Large Appointee

**Members Absent:**

Rudy Mendoza, TCAG Representative  
Roger Everett, At-Large Appointee

**Staff Present:**

Julieta Martinez, Tulare County Board of Supervisors  
Denise England, Water Resources Program Manager  
Marit Erickson, County Counsel

**Members of the Public Present:**

Michael Hickey  
Michael Tharp  
Edward Needham  
Tricia Stever Blattler  
Kristin Dobbin

1. Call to Order

The meeting was called to order at 3:03 pm.

2. Public Comment Period

Nilsa Gonzalez, TC HHS Environmental Health, gave an update on the well construction ordinance. It was presented to the Agriculture Policy Advisory Committee in January and they requested an additional 60 days for review. Outreach meetings were postponed until May. The department will send out post cards with meeting information to various stakeholders once they are scheduled.

Michael Prado, Sultana CSD, was present to receive an update on the potential groundwater ordinance. He was aware that a joint subcommittee was formed and is hopeful that they can provide good information.

3. Approval of February 8, 2016 minutes

Motion for approval by Commissioner Schafer, second by Commissioner Brogan. Motion approved.

4. Update on the Water Education for Latino Leaders Conference

The League of Cities hosts the conference, this year was the 3<sup>rd</sup> annual meeting. The goal is to tie connect city council members from all over the state of California to discuss water issues. Commissioner Susana De Anda is a board member.

Commissioner De Anda provided an update and shared that she has been a planning member of the committee that formed four years ago. The conference has a shared platform to discuss policy and how it affects people differently throughout the state. It is a good opportunity to learn from each other. The conference is growing and gaining support from a number of key agencies. Discussion followed.

#### 5. Discussion on Potential Emergency Groundwater Ordinance (Action Item)

Michael Hickey provided the Commissioners with mapping that shows basic land use changes from 2010-2015.

Commissioner Kapheim felt the direction of the County could be affected by SB 1317, Wolk.

The Commission chose to review the bill before continuing the discussion. (See agenda Item 8 for comments).

- a. Review of motion made by Joint Groundwater Subcommittee
- b. Review of Stanislaus County Groundwater Ordinance
- c. Potential Recommendation to the Board of Supervisors

Commissioner Kapheim raised an issue of wells being drilled close in proximity to other wells. He stated that this is an issue that needs to be addressed. He suggested a guideline for people to reference when drilling new wells.

Commissioner De Anda agreed and added that the Wolk Bill will require a local groundwater ordinance. She recommended giving staff direction to use the Stanislaus Ordinance as an example for a draft.

Commissioner Larsen raised a concern. He wanted to know if the County was prepared to take on an ordinance that could become a smaller form of SGMA locally. He is personally challenged with all aspects of SGMA and the work that will need to be done to achieve compliance.

Commissioner Schafer felt that the matter did not need further review. He felt the Commission should take the motion made by the joint subcommittee and ask the Board of Supervisors to direct staff to evaluate the process. He suggested holding public hearings to receive input from farmers.

Commissioner Brogan felt it was time for the Board of Supervisors to begin the process and decide how to implement outreach.

Commissioner Schafer read the motion from the joint subcommittee which is as follows:

*Motion to submit to the Board of Supervisors a recommendation to evaluate the Stanislaus County Groundwater Ordinance as a model to proceed with an intent to create an emergency groundwater ordinance set to expire when SGMA GSPs go into effect in 2020 to control the construction of new groundwater wells for the purpose of:*

- a) new land development*
- b) non-irrigated land; or*
- c) intensified use on land with unsustainable water supply*

The only issue he had was with part b and the mention of non-irrigated lands. He said there may

be lands that are irrigated but intended to change to crops. He suggested the exclusion of part b.

Commissioner Peltzer asked that part c provide a better definition of "intensified use." Who defines it and who defines unsustainable water supply?

Commissioner Schafer suggested amending the motion to exclude parts a,b, and c, and instead include the following: (for the purpose of) controlling new land development.

Discussion followed.

## Public Comments

Kristin Dobbin, Community Water Center, 311 W Murray Ave, Visalia. She reiterated Commissioner Brogan's comment and stated that it is time to bring the potential ordinance discussion to the public.

Michael Hickey suggested keeping the process as simple as possible and stated that the Stanislaus County Ordinance may be more complex than what the County can administer.

Edward Needham, APAC Chair, sought clarification on the motion made to the Board by the joint subcommittee. Staff informed him that they were seeking three motions, one from the Water Commission, another from APAC, and the last one from the joint subcommittee. They will take all three motions before the Board of Supervisors for direction.

I need to take this back to APAC.

Tricia Stever Blattler, Farm Bureau. PO BOX 478, Visalia. She shared that there has been confusion with the original task given to the joint subcommittee. From the Ag perspective, she wanted to know if the goal was to protect existing land owners' rights to develop land or if the discussion is intended to slow down production.

After additional discussion, Commissioner Kapheim made a motion to send the discussion and review to the Water Commission subcommittee, and have them bring a motion forward at the next meeting. Commissioner Schafer offered a second. Commissioner Brogan and Commissioner De Anda opposed. Motion passed 4-2.

Members of the subcommittee are Commissioners Kapheim, Schafer, Brogan, and Larsen.

## 6. Discussion on Assembly Bill 1755, Dodd. Water Data Availability (Action Item)

Denise England shared that the bill is basically an accounting system for water and some Commissioners have already weighed in on the subject

Commissioner Schafer stated that his personal opinion is that this is cost for more government involvement. He recommended that the Commission and Board of Supervisors not take a position at this time, second by Kapheim, Motion approved.

## 7. Discussion on Assembly Bill 2304, Levine. California Water Market Exchange (Action Item)

Denise England said it was similar to 1755 except it created the CA Water Market Exchange. It basically put water available for transfer up on a website. It is governed by a five member board.

Commissioner Schafer stated that this creates another layer of government and recommended to oppose the bill, second by Commissioner Larsen, Motion approved. Commissioner De Anda

abstained.

#### 8. Discussion on Senate Bill 1317, Wolk. Conditional use permit: groundwater extraction facility (Action Item)

Commissioner Kapheim shared his concern that this bill can come into play or the County could choose to take action by creating their own groundwater ordinance. He was aware this law was coming and that the state would try to take control, now the law is here. He trusts that local agencies would prefer to look at localized issues in a local ordinance rather than having the state do everything through special use permits.

Commissioner Schafer stated that it seems the bill would require counties to respond and perform some kind of legislation to comply, almost like an interim policy until the Sustainable Groundwater Management Act takes effect.

Chairman Ishida suggested discussing a potential groundwater ordinance. He did not feel it would be a good choice to wait until the legislation was passed.

Commissioner Kapheim had trouble opposing the bill and instead suggested the Commission watch its progress. Commissioner Schafer concurred.

Motion was made by Commissioner Schafer, second by Commissioner Larsen. Motion approved.

#### 9. Subcommittee Reports

Chairman Ishida commented on the Board's recent advocacy trip to Sacramento. They were able to meet with Martha Guzman of the Governor's Office and other Department of Water Resources staff in regards to the drought situation in East Porterville. There is a proposition from the State to potentially provide funding for a water system in East Porterville. Discussions on the matter will continue.

Commissioner Kapheim stated that SB 37 is sought. The bill would implement governance for the Kings River East GSA. They will be having a public hearing this Thursday declaring their intentions to form the GSA.

#### 10. Staff Reports

- a. Sustainable Groundwater Management Act
  - i. Implementation in Tulare County

The Kaweah Sub-basin group continues to meet. They have requested additional funding for facilitation and now have more funds in place.

The Greater Kaweah group is moving forward to form the Greater Kaweah GSA.

The Delano-Earlimart District has requested a basin boundary modification and will submit papers later this week. They are requesting an additional 7,000 acres that are currently in the Kern Sub-basin.

- b. Tulare Lake Basin Disadvantaged Communities Study

The Stakeholder Oversight Advisory Committee met in December and the next meeting will be on April 18<sup>th</sup> at 4:30 pm. They have requested an update on SGMA.

c. Drought update

As of today, there was 1,503 well failures reported.

d. DAC IRWM Involvement RFP

Initial meeting was held in Feb. and the group will be meeting again on March 30<sup>th</sup>.

11. Commissioners Comments

None at this time.

12. Next meeting – Monday, April 11, 2016, 3:00 p.m. – Board of Supervisors Chambers

13. Adjourn

The meeting adjourned at 4:15 pm.