

**TULARE COUNTY WATER COMMISSION
MEETING MINUTES
May 9, 2016**

Members Present:

Allen Ishida, Board Representative and Chairman
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:

Dale Brogan, District 2 Appointee
Rudy Mendoza, TCAG Representative
Roger Everett, At-Large Appointee

Staff Present:

Carrie Crane, Tulare County Board of Supervisors
Denise England, Water Resources Program Manager
Will Jackson, County Counsel

Members of the Public Present:

Michael Hickey
Edward Needham
Tricia Stever Blattler
Kristin Dobbin
Others present

1. Call to Order

The meeting was called to order at 3:04 pm.

2. Public Comment Period

Nilsa Gonzalez, TC HHS Environmental Health, formally invited the commission to attend the well construction ordinance revision outreach meetings taking place on May 17 at Monson-Sultana Elementary cafeteria; May 24 at Strathmore High School cafeteria; and May 25 at Pixley Elementary cafeteria. All meetings will begin at 6pm and run until 7pm. Invites went out to the Agricultural Policy Advisory Committee, Farm Bureau, community water organizations, well drillers, and community members. Invitations were printed in both Spanish and English, and translators will be available with headsets at all meetings.

Commissioner Schafer asked if Water Commission members will receive an updated draft of the proposal. Ms. Gonzalez affirmed that the Commission would receive the updated draft, once outreach meetings were completed. She went on to explain that stakeholders will be given 30 days to submit comments and anyone who attends the outreach meetings will have an opportunity to submit comment.

Supervisor Allen Ishida introduced Carrie Crane, new Board Representative who will now be staffing the Water Commission, replacing Julieta Martinez. Supervisor Ishida directed the Commission to direct questions to Ms. Carrie Crane.

3. Approval of March 14, 2016 minutes

Motion for approval was made by Commissioner Schafer, second by Commissioner Kapheim. Motion approved.

4. Discussion on Potential Emergency Groundwater Ordinance (Action Item)

Denise England provided the Commissioners with the motion prepared by the Water Commission Groundwater Subcommittee as well as the motion submitted by the Joint Groundwater Subcommittee.

Commissioner Schafer explained the subcommittee met on two different occasions and agreed upon the language as submitted. Commissioner Schafer moved for the Water Commission to accept the subcommittee's language as a recommendation to the Board of Supervisors.

Commissioner Boyer thanked the subcommittee and expressed support of the language in the motion and seconded the motion.

The motion is as follows:

Motion to submit to the Board of Supervisors a recommendation to:

(1) Prohibit new well development on land that has not been in production in the previous 10 years; and

(2) Retain a hydrogeologist to determine standardized

(a) Well separation requirements for new and replacement wells; and

(b) Impacts of increased pumping capacity for new and replacement wells

De minimus users, defined as those wells pumping less than 2 AF annually, are exempt.

Commissioner Larson noted that the subcommittee effort was challenging and that it was very difficult to agree on a separation number. He went on to comment that the need of expert help to determine a reasonable amount of separation while recognizing the differences in hydrology throughout the county became apparent in the process of formulating the motion. In addition, he reported that in terms of impacts, increased pumping capacity and a desire to restrict additional pumping would be created due to concerns about the potential negative impacts to neighboring wells was a driving factor in crafting the motion. Commissioner Kapheim commented that SB 1317 (Wolk) is moving forward and underscored the importance of having a well ordinance in place, especially one with science behind it.

Commissioner DeAnda, echoed comments, and went on to say that it is important to have something in place before SB 1317 passes. She expressed that the Sub-Committee's recommendations were really great, and that this should be the recommendation from the Water Commission to the Board of Supervisors to be considered with the framework as a possible ordinance. She went on to clarify that there eventually will be a need for more discussion on the ordinance, and Supervisor Ishida added that there will be a formal hearing process through the Board on any proposed ordinance.

Supervisor Vander Poel questioned the portion of the motion on the new development on land and how it is to be defined. He also had several questions regarding what the intended use of the work product of once a retained hydrogeologist, what the impact of such information would be to future well permits, and what thresholds might be for increased capacity.

Commissioner Kapheim responded and provided a synopsis of the Subcommittee's discussion on the increase of well capacity relative to the timing of water being pumped. He noted that the

proposal is to be a short term emergency ordinance. The focus is looking at cumulative impacts and the stress increased pumping capacity may cause on the sub-basins. Discussion followed on possible well capacity impacts.

Commissioner Boyer commented that a hydrogeologist is going to know a lot about groundwater and the effects of wells, however they will not be an expert on irrigated agriculture. It would make sense to also have someone from agriculture to look at effects of different irrigation systems, resulting in a holistic analysis..

Supervisor Vander Poel echoed the need to have specific and well defined information with parameters that can be referenced when evaluating land not in production, before it goes to the Board for consideration. Discussion followed regarding potential parameters.

Commissioner Peltzer questioned whether or not a landowner would be required to retain a hydrogeologist to determine separation before permitting a new well. It was clarified that it would not be landowner's responsibility. The hydrogeologist would be retained to help the county figure out what would be put in the ordinance.

Commissioner Boyer expressed that after SGMA is in place of possibly having experts on hand to review well applications as they are submitted to the county.

Commissioner Kapheim requested clarification on an emergency ordinance. Ms. England clarified that an emergency ordinance goes into effect and sunsets 24 months later. The Board of Supervisors can renew the emergency ordinance after the first 24 months, or withdraw the ordinance after Groundwater Management Plans are adopted as part of the implementation of SGMA.

Commissioner Peltzer shared the perspective from his farm business and its goal not to overdraft the groundwater, however it takes surface water deliveries in order to not use groundwater. With respect to private property rights he cannot support this recommendation.

With no further comments from the Commission, and no comments received from the audience, the motion was approved 7-0.

Commissioner Peltzer abstained because his official re-appointment by the Board of Supervisors will not occur until May 10, 2016.

5. Subcommittee Reports

None.

6. Staff Reports

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

Ms. England reported that the County is still waiting to get the work plan back from DWR for the Prop 1 Counties with Stressed Basins funds. The County will be working with agencies within the three sub-basins when the work plan is received.

Commissioner Kapheim shared an update on the Kings Sub-basin and reported that there are roughly five GSAs being formed, the East Kings GSA is being formed through a special act district via a SB 37 (Vidak), which will be considered in the Assembly Water, Parks & Wildlife committee in

June. The area on the west side of the Kings Basin has also looked at forming through a special act district. The basin has five Groundwater Sustainability Plans which will be coordinated through a Coordination Agreement.

Ms. England reported that in the Kaweah Sub-basin the Mid-Kaweah GSA continues to move forward in their efforts. The Greater Kaweah continues to work on their JPA, and an effort on the eastside of the Kaweah Sub-basin has started to form. There is a mapping effort for determination of boundaries of the forming GSAs within the Kaweah Sub-basin. Ms. England will be working with the Board Clerk to see if tentatively a workshop with the Board can be scheduled to discuss formations in the Kaweah Sub-basin.

Commissioner Schafer related that the Tule Sub-basin will be covered by five GSAs. The Eastern portion of the basin will be under a JPA to cover everything in the eastern side of the basin, including the County. A JPA is being crafted to cover all lands in the eastern portion of the basin. Delano Earlimart Irrigation District, Pixley Irrigation District, and Lower Tule River Irrigation Districts will have their own GSAs as well as will the southwest corner area, Tri County Water Authority, unless Alpaugh Irrigation District decide to form its own GSA.

Ms. England reported that the County is participating in coordination meetings as well the technical advisory group that has been set up for the Tule Sub-basin. Commissioner Schafer noted the next technical advisory meeting for the Tule Sub-basin is set for May 31 in LTRID Board room at 2pm. A stakeholders meeting will be held on June 2 at the same time and location.

Commission Larson commented that there was a landowner stakeholder outreach meeting scheduled for the Kaweah Sub-basin on May 23 at the Wynham Hotel beginning at 4pm.

Commissioner Kapheim shared that the East Kings will hold a stakeholder meeting on May 19 at 2pm to go over Prop 26 laws.

The next CA Water Commission meeting will be held on May 18 and the Commissioners will be hearing the final regulations that have been drafted by DWR for Groundwater Sustainability Plans, and the Commission is expected to adopt those regulations. Supervisor Ishida and Supervisor Vander Poel will be in Sacramento that day and plan to attend that meeting. Commissioner Schafer noted the final draft is supposed to out this week.

b. Legislative Update

- i. AB 1755 – Regarding water data collection. Commission took a watch position on the measure. The bill moved out of committee and now is in appropriations.
- ii. AB 2304 – Water market exchange bill. The Commission took action to oppose AB 2304. The Bill has also moved through committee.
- iii. SB 1317 – The measure was reread a second time and now back in Appropriations, moving ahead of the others. The Commission approved a watch position on SB 1317.

c. Tulare Lake Basin Disadvantaged Communities Study

Ms. England stated that the last meeting was not as well attended as previous meetings and there is one more meeting left in the grant. She explained that the project team is looking at ways to better utilize the remaining funds for that effort and the final meeting. Commissioner DeAnda noted that the last meeting was held on April 18 and the major topic covered was the Prop 1 DAC IRWM Involvement funding, which will likely be discussed in the next meeting, to be scheduled in July.

Supervisor Ishida commented that at the last ACWA meeting, the focus was funding for disadvantaged communities and this study helps put Tulare County ahead and on the forefront for

funding opportunities.

d. Drought update

Ms. England reported that as of May 9, 2016, there were a cumulative 1,465 well failures reported. Of those, 586 are considered active, 613 have an interim solution, and 266 have been resolved.

754 total well failures are in the Porterville area, with 347 of those remaining active.

These are ongoing numbers that go back to when the County started tracking in 2014.

Commissioner Da Anda asked for an update on the number of well permits to date Ms. Gonzalez stated that roughly 400-500 permits had been issued since January 2016.

e. DAC IRWM Involvement RFP

Ms. England reported that a team was working on a proposal for the \$3.5 million allocated to this funding region. The funding is aimed at getting disadvantaged communities involved in the IRWM program within the entire Tulare Lake Basin funding region which has roughly 7 IRWM groups. The team is working on formulating tasks and budgets including an updated needs assessment, project development, DAC Coordinators, education and outreach, and reporting. The draft is expected to be finalized by the end of May. Ms. England surmised that because of the Tulare Lake Basin DAC Water study, Tulare County is ahead of other regions.

Staff announced that Commissioner Roger Everett has resigned from the Water Commission, leaving his seat is vacant. Applications are available at the Clark's office and will be accepted until May 12 for the At-Large seat.

7. Commissioners Comments

Commissioner Kapheim shared that he has hired an assistant who will ultimately serve as his replacement as General Manager of the Alta Irrigation District when he retires. Chad Wegley, a registered engineer, will be tasked with working on surface water, drinking water issues, GSA matters and any other issues that may arise. He will take over the position of General Manager on January 1, 2017.

Commissioner Schafer commented on the nice articles in the Tulare County Farm Bureau newspaper, noting specifically the article about Commissioner Larry Peltzer and his family. In addition, he mentioned the article regarding Commissioner Brogan on his recent service award from the Farm Bureau.

Commissioner Peltzer commented that he has seen a lot of out of state drillers leaving the County, and noticed some people have backed off from drilling wells because of the recent surface water allocations the region has received.

Commissioner Boyer informed the Commission on DWR's current round of water energy grants and reported that the funding criteria is more focused on ag and industrial grants. DWR are holding workshops and taking comments on the draft guidelines. The guidelines are very similar to the first round, however the problem is, its hard for the valley to compete as the main criteria centers around reduction of greenhouse gasses and energy efficiencies related to producing water. He will share deadlines to make comments with staff to be relayed to the Commission.

8. Next meeting – Monday, June 13, 2016, 3:00 p.m. – Board of Supervisors Chambers

9. Adjourn

The meeting adjourned at 3:46 pm.