



Fillmore and Piru Basins
Groundwater Sustainability Agency

Board of Directors Meeting
Thursday
May 19, 2022
5:00 p.m.

In accordance with the California Governor's Executive Stay at Home Order and the County of Ventura Health Officer Declared Local Health Emergency and Be Well at Home Order resulting from the novel coronavirus (COVID-19), the Fillmore City Hall is closed to the public. Therefore, the FPB GSA will be holding its Regular Board of Directors meeting virtually using the ZOOM video conferencing application.

To participate in the Board of Directors meeting via Zoom, please access:

<https://us02web.zoom.us/j/85480305580?pwd=ZnFBWGhtVU05dXd3REFkM255c0h6UT09>

Meeting ID: 854 8030 5580

Password: FPBGSA

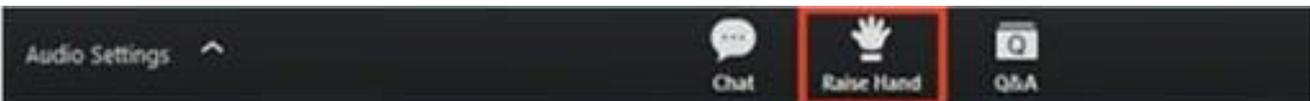
To hear just the audio portion of the meeting, phone into the toll-free number 877 853 5247

Meeting ID: **854 8030 5580**

All participants are asked to join the meeting at least five minutes in advance of the 5pm start time and be aware that all participants will be "muted" until recognized by the host. If your computer has a camera, please enable it so we can ensure better engagement between participants.

If you would like to address the Board with a question or offer a comment, please follow these simple instructions to engage the host (Clerk of the Board):

1. During a meeting, click on the icon labeled "Participants" at the bottom center of your computer screen.
2. At the bottom of the window on the right side of the screen, click the button labeled "Raise Hand."
3. Once you've been recognized by the Chair, please click on "Raise Hand" again to remove the signal.



Similarly, if you have a comment or question for the Board, you can use the "Chat" button to convey your question or comment to the HOST, who will put you in line to address the Board.

The Fillmore and Piru Basins GSA Board of Directors appreciates your participation and patience in using Zoom to conduct its public meeting.

AGENDA

1. CALL TO ORDER

1A Pledge of Allegiance

1B Directors Roll Call

1C Public Comments

Fillmore and Piru Basins Groundwater Sustainability Agency (Agency) will accept public comment concerning agenda items at the time the item is considered and on any non-agenda item within the jurisdiction of the Board during the agendaized Public Comment period. No action will be taken by the Board on any non-agenda item. In accordance with Government Code § 54954.3(b)(1), public comment will be limited to three (3) minutes per speaker per issue.

**1D Approval of Agenda
Motion**

2. UPDATES

2A Director Announcements/Board Communications:
Oral Reports from the Board

Fillmore Pumpers Association Stakeholder Director Update

Piru Pumpers Association Stakeholder Director Update

Environmental Stakeholder Director Update

City of Fillmore Member Director Update

United Water Conservation District Member Director Update

County of Ventura Member Director Update

**2B Executive Director Update
Information Item**

The Executive Director will provide an informational update on Agency activities since the previous Board meeting of April 21, 2022.

**2C Legal Counsel Update
Information Item**

Legal Counsel will provide an informational update on Agency's legal issues and concerns since the previous Board of Directors meeting of April 21, 2022.

**2D GSP Consultant Update
Information Item**

Representatives from Daniel B Stephens & Associates will provide an informational update on Agency's groundwater sustainability planning and reporting activities since the previous Board meeting of April 21, 2022.

3. CONSENT CALENDAR

All matters listed under the Consent Calendar are considered routine by the Board and will be enacted by one motion. There will be no separate discussion of these items unless a Board member pulls an item from the Calendar. Pulled items will be discussed and acted on separately by the Board. Members of the public who want to comment on a Consent Calendar item should do so under Public Comments. (ROLL CALL VOTE REQUIRED)

3A Approval of Minutes

The Board will consider approving the Minutes from the regular Board Meeting of April 21, 2022.

3B Approval of Warrants

The Board will consider approving payment of outstanding vendor invoices

County of Ventura IT Services	\$ 24.34
OMLO	\$ 295.50
DBS&A	\$11,500.88

3C Monthly Financial Report

The Board will receive the Agency's monthly profit and loss statement and balance sheet.

3D Subsequent Finding Regarding Continuation of AB 361 Exemptions to Brown Act Teleconferencing Requirements

The Board will consider adopting Resolution 2022-07 continuing findings that the requisite conditions exist for remote teleconference meetings of the Agency's legislative bodies without compliance with Government Code section 54953(b)(3), as authorized by Government Code section 54953(e).

4. MOTION ITEMS

4A Agreement with Brucker Family Trust for Perpetual Easement for East Grove Monitoring Well

Motion

The Board will consider approving an agreement with the Brucker Family Trust for a perpetual easement on the Mike Brucker Ranch property, APN 0460250180, located near South Mountain Road, for the construction, maintenance, and operation of the East Grove Monitoring Well.

4B Development of Well Permitting Review Process in Compliance with California Executive Order N-7-22

Motion

The Board will receive a presentation from legal counsel, Daniel B. Stephens and Associates, and staff regarding the development of the Agency's Well Permitting Review Process and provide comments and direction.

4C Draft Fiscal Year 2022-2023 Budget and Groundwater Charges

Motion

The Board will receive a presentation from staff on the draft Fiscal Year 2022-2023 Budget and provide comments and direction.

4D Special Board Meeting for Budget Adoption and Setting Groundwater Charges

Motion

The Board will consider setting a date for a special Board meeting to adopt the Fiscal Year 2022-2023 Budget and associated groundwater extraction charges.

FUTURE TOPICS FOR BOARD DISCUSSION

ADJOURNMENT

The Board will adjourn to the next **Regular Board Meeting** on Thursday, **June 16, 2022**, or call of the Chair.

Materials, which are non-exempt public records and are provided to the Board of Directors to be used in consideration of the above agenda items, including any documents provided subsequent to the publishing of this agenda, are available for inspection at UWCD's offices at 1701 N. Lombard Street in Oxnard during normal business hours.

The Americans with Disabilities Act provides that no qualified individual with a disability shall be excluded from participation in, or denied the benefits of, the District's services, programs or activities because of any disability. If you need special assistance to participate in this meeting, or if you require agenda materials in an alternative format, please contact the UWCD Office at (805) 525-4431 or the City of Fillmore at (805) 524- 1500. Notification of at least 48 hours prior to the meeting will enable the District to make appropriate arrangements.

Approved: 
Board Chair Kelly Long

Posted: (date) May 16, 2022 (time) 4:40pm (attest) Eva Ibarra
At: <https://www.FPBGSA.org>

Posted: (date) May 16, 2022 (time) 4:45pm (attest) Eva Ibarra
At: <https://www.facebook.com/FPBGSA/>

Posted: (date) May 16, 2022 (time) 5:00 pm (attest) Eva Ibarra
At: UWCD, 1701 N. Lombard Street, Oxnard CA 93030



Board of Directors Meeting
Thursday, April 21, 2022
5:00 p.m.
MINUTES

Directors in Attendance

Vice Chair McFadden
Director Kimball
Director Meneghin
Director Pace
Director Villaseñor

Director Absent

Chair Kelly Long

Staff in Attendance

Executive Director Anthony Emmert
Legal Counsel Steven O'Neill
Clerk of the Board Eva Ibarra

Public in Attendance

Dan Detmer, UWCD
Eric Elliott, UWCD
Zachary Hanson, UWCD
Rachel Laenen, FPBPA and PBPA
Tony Morgan, DBS&A
James Thurber
Steve Zimmer, Five Point

1. Call to Order 5:02pm

Vice Chair McFadden called the Board Meeting to order at 5:02 p.m.

1A Pledge of Allegiance

Director Pace lead everyone in reciting the Pledge of Allegiance

1B Directors Roll Call

The clerk called roll. Five Directors were present (Kimball, McFadden, Meneghin, Pace, Villaseñor). Chair Long was absent.

1C Public Comments

Vice Chair McFadden asked if there were any public comments. None were offered.

1D Approval of Agenda

Motion

Vice Chair McFadden asked if there were any changes to the agenda. None were mentioned.

Motion to approve agenda, Director Villaseñor; Second, Director Meneghin. Roll call vote: five ayes (Kimball, McFadden, Meneghin, Pace, Villaseñor); none opposed; motion carries unanimously 5/0/1. Chair Long was absent.

2. UPDATES

2A Director Announcements/Board Communications:

Oral Reports from the Board

Fillmore Pumpers Association Stakeholder Director Update

Director Kimball stated the Fillmore Basin Pumpers Association Board of Directors had their monthly meeting on Tuesday, April 12 and said their annual meeting is planned for June 10 via Zoom, where United Water will present and provide an update for pumpers.

Piru Pumpers Association Stakeholder Director Update

Director Pace mentioned the Piru Basin Pumpers Association Board of Directors had a discussion on future Association officers and also representation for the GSA, as Director Pace will be resigning from his seat on the FPB GSA Board, with the completion of the sale of the water company.

Environmental Stakeholder Director Update

Director Meneghin reported that on April 11, Dr. David Boughton presented to Santa Clara Steelhead Coalition regarding a new monitoring framework they have developed specific to Southern Steelhead. She also mentioned on April 12, they had a meeting with Stillwater Sciences regarding next steps for population studies and ties to SGMA. Director Meneghin said Friends of the Santa Clara River will be having an event for Earth Day entitled Dig-In at Oxnard College. She also said they continue to have volunteer days and took groups of seventh grade students to coastal area. She stated that they have been asked to reapply for the next granting cycle, as the program has been such a success. She also mentioned they have their next quarterly Board meeting next Sunday and are trying to get their Sisar Creek project funded for construction. Director Meneghin mentioned the biggest point of interest is the steelhead monitoring and would

provide an update on this issue as NMFS has provided comments on the GSPs to Department of Water Resources. NMFS does not support adopting the GSPs due to steelhead considerations, and surface water and groundwater inactions that have not been sufficiently addressed in the GSPs, which is concerning, and will await the decision from DWR.

City of Fillmore Member Director Update

Director Villaseñor provided an update from the last City Council meeting at which the City of Fillmore determined how it will be spending \$1.8 million of the \$3.7 million dollars from their allotted American Rescue Funds. She stated the City will be spending over half a million dollars of its funds on downtown enhancements and the reopening of the City's dog park, donating a van to Big Brothers and Big Sisters, and donating to Girls and Boys Club. She also mentioned the Veterans Memorial District Board received a grant of \$2 million to rehabilitate the Memorial Building and make it an official site for shelter during emergencies.

Vice Chair McFadden stated he is happy to hear they will be investing in the improvement of the Memorial Building for the city.

United Water Conservation District Member Director Update

Director McFadden had nothing to report.

County of Ventura Member Director Update

Chair Long was absent.

2B Executive Director Update

Information Item

The Executive Director provided an update and stated DWR has modified the grant invoice format to reflect the amended budget, and mentioned staff is currently working to prepare progress report and invoice 12 to submit to DWR by April 30 for reimbursement. Mr. Emmert also said he forwarded the Governor's Executive Orders N-7-22 Drought Actions to the Board, along with DWR's guidance document regarding the well permitting provisions of the Executive Order. He also said he will agendize this at the May's Board meeting to allow a more detailed discussion and mentioned that legal counsel will provide a brief verbal update during tonight's Board meeting.

2C Legal Counsel Update

Information Item

Legal Counsel stated Executive Order N-7-22 requires written approval before well permits can be issued. Executive orders issued by the Governor exist on a temporary basis and stated the Indian Wells GSA has already issued a well construction prohibition and said he will be providing more information at the next Board meeting.

2D GSP Consultant Update

Information Item

Mr. Tony Morgan provided an update and said they have submitted the Agency's annual reports to DWR, performed cleanup work on the monitoring wells network, and mentioned the public comments to DWR period ends on April 23. He also mentioned working on redacting well owners' personal information from well completion reports before posting to the online database.

Director Meneghin asked Mr. Morgan if anyone other than NMFS has opposed the adoption of the final GSPs. Mr. Morgan said, as of this afternoon, only one comment for Fillmore basin was received, and it was not NMFS. Mr. Emmert stated that CDFW has notified him that they would be submitting comments to DWR.

3. CONSENT CALENDAR

All matters listed under the Consent Calendar are considered routine by the Board and will be enacted by one motion. There will be no separate discussion of these items unless a Board member pulls an item from the Calendar. Pulled items will be discussed and acted on separately by the Board. Members of the public who want to comment on a Consent Calendar item should do so under Public Comments. (ROLL CALL VOTE REQUIRED)

3A Approval of Minutes

The Board will consider approving the Minutes from the regular Board Meeting of March 17, and Special Board Meeting on March 24.

3B Approval of Warrants

The Board will consider approving payment of outstanding vendor invoices

County of Ventura IT Services	\$847.93
Daniel B Stephens	\$23,945.97
UWCD	\$25,358.65

3C Monthly Financial Report

The Board will receive the Agency's monthly profit and loss statement and balance sheet.

3D Subsequent Finding Regarding Continuation of AB 361 Exemptions to Brown Act Teleconferencing Requirements

The Board adopted Resolution 2022-06 continuing findings that the requisite conditions exist for remote teleconference meetings of the Agency's legislative bodies without compliance with Government Code section 54953(b)(3), as authorized by Government Code section 54953(e).

Motion to approve consent calendar, Director Pace; Second, Director Meneghin. Roll call vote: five ayes (Kimball, McFadden, Meneghin, Pace, Villaseñor); none opposed; motion carries unanimously 5/0/1. Chair Long was absent.

4. MOTION ITEMS

Master Professional Services Agreement with Daniel B. Stephens & Associates and Task Order for Database Hosting Services

Motion

The Board approved a Master Professional Services Agreement with Daniel B. Stephens & Associates for ongoing technical services to support the Agency's implementation of its Groundwater Sustainability Plans and Task Order Number 2022-01 for hosting the Agency's online groundwater database.

Motion to approve service agreement, Director Kimball; Second, Director Villaseñor. Roll call vote: five ayes (Kimball, McFadden, Meneghin, Pace, Villaseñor); none opposed; motion carries unanimously 5/0/1. Chair Long was absent.

5. INFORMATION ITEMS

5A. Groundwater Monitoring Wells Project Status Report

Information

The Board received a presentation from United Water Conservation District staff on the Groundwater Monitoring Wells Project.

Director Meneghin said she had to re-cost a construction project and found the cost jumped 40 percent and wondered if staff was anticipating a cost hike for the wells, and how this will impact the budget. Associate Hydrogeologist Eric Elliott said staff has put out a loose request for bids that will help set approximate cost for the budget and he has used previous bids provided by from DBS&A to help guide what is expected. Director McFadden asked how deep will they be drilling on the East Grove site. Mr. Elliott stated approximately 800 feet. Director Kimball asked if the wells being planned will be built with plastic or steel casing? Mr. Elliott said they will be using PVC plastic casing. Mr. Morgan said he has been dealing with drillers and suggested the sooner staff issues the bids the better and made some suggestions for Mr. Elliott to keep in mind. Director Kimball said the sooner staff gets a contract, the sooner the project gets completed. Director McFadden said lots of complications have come out of the monitoring wells project.

Director McFadden announced he and his wife will be retiring this year and will be moving away from the basin, and therefore will not be running for re-election.

FUTURE TOPICS FOR BOARD DISCUSSION

None mentioned.

ADJOURNMENT 5:55 p.m.

Director McFadden adjourned the Board meeting at 5:55p.m. to the next **Regular Board Meeting** on Thursday, **May 19, 2022**, or call of the Chair.

ATTEST: _____
Ed McFadden, Vice Chair, FPB GSA Board of Directors

I certify that the above is a true and correct copy of the minutes of the Fillmore and Piru Basins Groundwater Sustainability Agency's Board of Directors meeting of April 21, 2022.

ATTEST: _____
Eva Ibarra, Clerk of the Board

Fillmore and Piru Basins GSA
Check Detail
May 1 - 12, 2022

<u>Type</u>	<u>Num</u>	<u>Date</u>	<u>Name</u>	<u>Account</u>	<u>Original Amount</u>
Bill Pmt -Check	11155	05/12/2022	County of Ventura IT Services Department	10000 · Bank of the Sierra	-24.34
Bill Pmt -Check	11156	05/12/2022	Daniel B Stephens & Associates, Inc.	10000 · Bank of the Sierra	-11,500.88
Bill Pmt -Check	11157	05/12/2022	Olivarez Madruga Lemeiux O'Neill LLP	10000 · Bank of the Sierra	-295.50
					<hr/> -11,820.72



Fillmore and Piru Basins
Groundwater Sustainability Agency

Item No. **3C Consent Calendar**

DATE: **May 12, 2022**

TO: **Board of Directors**

SUBJECT: **Monthly Financial Report**

SUMMARY

The Board will receive the monthly financial report for the Fillmore and Piru Basins Groundwater Sustainability Agency (Agency).

BACKGROUND

UWCD accounting staff has prepared financial reports based on the Agency revenue and expenses for the month of April 2022.

FISCAL IMPACT

None

Attachments: April 30, 2022 P/L Budget Performance
 April 20, 2022 Balance Sheet

Fillmore and Piru Basins GSA
Profit & Loss Budget Performance
July 2021 through May 2022

	<u>Jul '21 -May '22</u>	<u>Annual Budget</u>	<u>Budget</u>
Income			
40001 · Groundwater Extraction Charge	367,548.09	540,000.00	68.06%
41000 · Grant Revenue			
41001 · State Grants	<u>0.00</u>	<u>537,970.00</u>	<u>0.00%</u>
Total 41000 · Grant Revenue	0.00	537,970.00	
47000 · Other Revenue			
47001 · Late Fees	21,985.31	0.00	
47012 · Returned Check Charges	<u>0.00</u>	<u>0.00</u>	
Total 47000 · Other Revenue	<u>21,985.31</u>	<u>0.00</u>	
Total Income	<u>389,533.40</u>	<u>1,077,970.00</u>	<u>36.14%</u>
Gross Profit	389,533.40	1,077,970.00	36.14%
Expense			
52200 · Professional Services			
52240 · Prof Svcs - IT Consulting	1,381.71	1,700.00	81.28%
52250 · Prof Svcs - Groundwtr/GSP Prep			
52251 · Prof Svcs - UWCD GW Services	13,413.35	0.00	
52252 · Prof Svcs - GSP Consultant	<u>265,611.04</u>	<u>430,000.00</u>	<u>61.77%</u>
Total 52250 · Prof Svcs - Groundwtr/GSP Prep	279,024.39	430,000.00	64.89%
52270 · Prof Svcs - Accounting	19,632.70	24,200.00	81.13%
52275 · Prof Svcs - Admin/Clerk of Bd	11,393.50	25,000.00	45.57%
52280 · Prof Svcs - Executive Director	48,383.64	40,000.00	120.96%
52290 · Prof Svcs - Other	<u>0.00</u>	<u>0.00</u>	
Total 52200 · Professional Services	359,815.94	520,900.00	69.08%
52500 · Legal Fees			
52501 · Legal Counsel	<u>9,756.00</u>	<u>30,000.00</u>	<u>32.52%</u>
Total 52500 · Legal Fees	9,756.00	30,000.00	32.52%
53000 · Office Expenses			
53010 · Public Information	574.04	1,000.00	57.40%
53020 · Office Supplies	604.16	500.00	120.83%
53026 · Postage & Mailing	352.44	2,000.00	17.62%
53040 · Membership Dues	0.00	0.00	
53060 · Computer Software	0.00	0.00	
53110 · Travel & Training	<u>83.15</u>	<u>4,000.00</u>	<u>2.08%</u>
Total 53000 · Office Expenses	1,613.79	7,500.00	21.52%
53500 · Insurance			
53510 · Liability Insurance	<u>2,287.12</u>	<u>2,500.00</u>	<u>91.48%</u>
Total 53500 · Insurance	2,287.12	2,500.00	91.48%
70130 · Bank Service Charges	0.00	0.00	
81000 · Capital Expenditures	<u>0.00</u>	<u>505,000.00</u>	<u>0.00%</u>
Total Expense	<u>373,472.85</u>	<u>1,065,900.00</u>	<u>35.04%</u>
Net Income	<u><u>16,060.55</u></u>	<u><u>12,070.00</u></u>	<u><u>133.06%</u></u>

Fillmore and Piru Basins GSA
Balance Sheet
As of April 30, 2022

	<u>April 30, 22</u>
ASSETS	
Current Assets	
Checking/Savings	
10000 · Bank of the Sierra	793,541.01
Total Checking/Savings	<u>793,541.01</u>
Accounts Receivable	
11000 · Accounts Receivable	550,262.67
Total Accounts Receivable	<u>550,262.67</u>
Total Current Assets	<u>1,343,803.68</u>
TOTAL ASSETS	<u><u>1,343,803.68</u></u>
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
20000 · Accounts Payable	11,820.72
Total Accounts Payable	<u>11,820.72</u>
Total Current Liabilities	<u>11,820.72</u>
Total Liabilities	11,820.72
Equity	
32000 · Retained Earnings	1,315,922.41
Net Income	16,060.55
Total Equity	<u>1,331,982.96</u>
TOTAL LIABILITIES & EQUITY	<u><u>1,343,803.68</u></u>



Item No. **3D Motion**

DATE: May 9, 2022 (for May 19, 2022 meeting)

TO: Board of Directors

FROM: Anthony A. Emmert, Executive Director

SUBJECT: **Subsequent Finding Regarding Continuation of AB 361 Exemptions to Brown Act Teleconferencing Requirements**

SUMMARY

In response to the COVID-19 pandemic, the California Governor signed Assembly Bill 361 (AB 361) on September 16, 2021, that temporarily exempts agencies from certain requirements of the Brown Act and adds additional requirements for public meetings held by teleconference. This staff report provides an analysis of the changes to the Brown Act per AB 361. During its October 21, 2021 meeting, the Agency's Board adopted Resolution 2021-06 authorizing the use of the AB 361 provisions for its meetings. Adoption of Resolution 2022-07 continues the authorization of the use of AB 361 provisions for the coming 30 days.

RECOMMENDED ACTION

The Board will consider adopting Resolution 2022-07 continuing findings that the requisite conditions exist for remote teleconference meetings of the Agency's legislative bodies without compliance with Government Code section 54953(b)(3), as authorized by Government Code section 54953(e).

BACKGROUND

In March of 2020, the Governor of California issued Executive Order N-29-20, which waived Brown Act requirements found in Gov. Code § 54953(b)(3) for teleconference participation in public meetings. In particular, this Order waived:

- a) The requirement that state and local bodies notice each teleconference location from which a member will be participating in a public meeting;
- b) The requirement that each teleconference location be accessible to the public;
- c) The requirement that members of the public may address the body at each teleconference location;
- d) The requirement that state and local bodies post agendas at all teleconference locations; and
- e) The requirement that, during teleconference meetings, at least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction.

Executive Order N-29-20 expired on September 30, 2021. However, AB 361 was signed by the Governor to extend the provisions of N-29-20, subject to certain conditions to be met by the local legislative body utilizing its exemptions. AB 361 also imposes certain new requirements, detailed below.

Item No: 3D: Subsequent Finding Regarding Continuation of AB 361 Exemptions to Brown Act Teleconferencing Requirements

ANALYSIS

AB 361 exempts local legislative bodies from certain Brown Act requirements currently governing teleconferencing. These exemptions may be used only in one of the following circumstances:

- a) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.
- b) The legislative body holds a meeting during a proclaimed state of emergency for purposes of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health and safety of attendees.
- c) The legislative body holds a meeting during a proclaimed state of emergency and has determined by majority vote pursuant to b) above that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

Currently, the Governor's state of emergency regarding COVID-19 is still in effect, and the Ventura County Health Officer has recommended that legislative bodies in the County continue to follow social distancing measures to prevent the spread of COVID.

Further, AB 361 requires the Agency to reconsider the state of emergency and make such determination every 30 days after commencing use of its exemptions. However, if during the 30-day period the Agency wishes to meet in person, they may choose to do so despite adopting the proposed Resolution. The intent of the Resolution is merely to allow the Board members to avail themselves of the AB 361 teleconferencing conveniences if they so choose.

Finally, in addition to allowing for the above exemptions, AB 361 adds the following requirements:

- a) The legislative body must give notice of the meeting and post agendas as otherwise required by the Brown Act.
- b) The legislative body must allow members of the public to access the meeting, and the agenda must provide an opportunity for members of the public to address the legislative body directly pursuant to Brown Act requirements. In each instance where notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body must also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda must identify and include an opportunity for all persons to attend via call-in option or an internet-based service option. The legislative body need not provide a physical location from which the public may attend or comment.
- c) The legislative body must conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body.
- d) In the event of a disruption that prevents the public agency from broadcasting the meeting to members of the public using the call-in or internet-based service options, or in the event of a disruption within the local agency's control that prevents members of the public from offering public comments using the call-in or internet-based service options, the legislative body must take no further action on items appearing on the meeting agenda until public access to the meeting is restored. Actions taken on agenda items during a disruption preventing the broadcast of the meeting may be challenged as provided in the Brown Act.
- e) The legislative body may not require public comments to be submitted in advance of the meeting, and it must provide an opportunity for the public to address the legislative body and offer comment in real time.

Item No: 3D: Subsequent Finding Regarding Continuation of AB 361 Exemptions to Brown Act Teleconferencing Requirements

- f) The legislative body may use an online third-party system for individuals to provide public comment that requires an individual to register with the system prior to providing comment.
- g) If a legislative body provides a timed public comment period, it may not close the comment period or the time to register to provide comment under f) until the timed period has elapsed. If the legislative body does not provide a time-limited comment period, it must allow a reasonable time for the public to comment on each agenda item and to register as necessary under f).

Accordingly, staff recommends that the Board adopt Resolution 2022-07. Doing so will enable the Agency's continued use of the AB 361 exemptions to Brown Act teleconferencing requirements, while allowing the Board to hold in person meetings at its discretion.

FISCAL IMPACT

No fiscal impacts.

ATTACHMENTS

Resolution 2022-07

Proposed Motion: Adoption of Resolution 2022-07.

1st: Director _____

2nd: Director _____

Voice/Roll call vote: Director Kimball:

Director Long:

Director McFadden:

Director Meneghin:

Director Pace:

Director Villasenor:

RESOLUTION NO. 2022-07

**A RESOLUTION OF THE BOARD OF DIRECTORS OF FILLMORE & PIRU
BASINS GROUNDWATER SUSTAINABILITY AGENCY AUTHORIZING THE
USE OF TELECONFERENCING FOR PUBLIC MEETINGS**

**BE IT RESOLVED BY THE BOARD OF DIRECTORS OF FILLMORE & PIRU BASINS
GROUNDWATER SUSTAINABILITY AGENCY** as follows:

WHEREAS, the Governor of the State of California (“Governor”) proclaimed a State of Emergency to exist as a result of the threat of COVID-19. (Governor’s Proclamation of a State of Emergency (Mar. 4, 2020).)

WHEREAS, the Governor’s Exec. Order No. N-25-20 (Mar. 12, 2020); Governor’s Exec. Order No. N-29-20 (Mar. 17, 2020); and Governor’s Exec. Order No. N-08-21 (Jun. 11, 2021) provided that local legislative bodies may hold public meetings via teleconferencing and make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body and waived the Brown Act provisions found in Govt. Code section 54953(b)(3) which require the physical presence of the members, the clerk, or other personnel of the body, or the public, as a condition of participation in, or quorum for, a public meeting, including:

- a) The requirement that state and local bodies notice each teleconference location from which a member will be participating in a public meeting.
- b) The requirement that each teleconference location be accessible to the public.
- c) The requirement that members of the public may address the body at each teleconference location.
- d) The requirement that state and local bodies post agendas at all teleconference locations.
- e) The requirement that, during teleconference meetings, at least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction.

WHEREAS, the provisions of Governor’s Exec. Order No. N-25-20 (Mar. 12, 2020); Governor’s Exec. Order No. N-29-20 (Mar. 17, 2020); and Governor’s Exec. Order No. N-08-21 (Jun. 11, 2021) expired on September 30, 2021 and are no longer in effect thereafter;

WHEREAS, the Center for Disease Control is currently contending with the Delta Variant of the COVID-19 virus and anticipates the development of potential other strains which may further impede public agency operations and prolong the need for social distancing requirements; and

WHEREAS, recent legislation (A.B. 361) authorizes a local legislative body to use teleconferencing for a public meeting without complying with the Brown Act’s teleconferencing quorum, meeting notice, and agenda requirements set forth in Government Code section 54953(b)(3), in any of the following circumstances:

- a) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

- b) The legislative body holds a meeting during a proclaimed state of emergency for purposes of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health and safety of attendees.
- c) The legislative body holds a meeting during a proclaimed state of emergency and has determined by majority vote pursuant to b) above that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Fillmore & Piru Basins Groundwater Sustainability Agency as follows:

Section 1. Incorporation of Recitals. All of the foregoing Recitals are true and correct, and the Board so finds and determines. The Recitals set forth above are incorporated herein and made an operative part of this Resolution.

Section 2. Adoption of AB 361. The Board has determined by majority vote that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

Section 3. Continued Implementation of AB-361. If the state of emergency remains active, or state or local officials have imposed measures to promote social distancing, the Board of Directors of the Fillmore & Piru Basins Groundwater Sustainability Agency shall, in order to continue meeting subject to this exemption to the Brown Act, no later than 30 days after it commences using the exemption, and every 30 days thereafter, make the following findings by majority vote:

- a) The legislative body has reconsidered the circumstances of the state of emergency; *and*
- b) Either (1) the state of emergency continues to directly impact the ability of the members to meet safely in person; or (2) state or local officials continue to impose or recommend measures to promote social distancing.

Section 4. Applicability. The health and safety findings and determination that teleconference meetings are appropriate applies to all District committees and legislative bodies subject to the Brown Act.

PASSED, APPROVED AND ADOPTED on May 19, 2022.

President

ATTEST:

Secretary

APPROVED AS TO FORM:

Steven O'Neill, General Counsel



Item No. **4A Motion**

DATE: May 12, 2022 (for May 19, 2022 meeting)

TO: Board of Directors

FROM: Anthony A. Emmert, Executive Director

SUBJECT: **Agreement with Brucker Family Trust for Perpetual Easement for East Grove Monitoring Well**

RECOMMENDED ACTION

The Board will consider approving an agreement with the Brucker Family Trust for a perpetual easement on the Mike Brucker Ranch property, APN 0460250180, located near South Mountain Road, for the construction, maintenance, and operation of the East Grove Monitoring Well.

DISCUSSION

The construction of additional monitoring wells is included in the Agency’s planned scope of work, to fill recognized gaps in data that will be needed by the Agency to evaluate its progress toward basins sustainability and to inform future updates of its groundwater sustainability plans. The monitoring wells are also a significant scope item in the Agency’s \$1.5 million groundwater sustainability planning grant from the California Department of Water Resources. The proposed project includes the conversion of existing shallow wells, the construction of three single-completion shallow wells, and one multiple-completion well.

The East Grove Monitoring Well will be a multiple-completion well, which will provide valuable geologic data near the Fillmore basin-Santa Paula basin boundary that will inform future updates of the regional groundwater model. It will also provide ongoing water level and water quality data from three separate aquifer zones. The data from the shallowest well will be especially useful toward the Agency’s monitoring of the adjacent East Grove groundwater dependent ecosystem.

The Brucker Family Trust has agreed to a perpetual easement that will facilitate both a larger footprint for construction of the monitoring well and then a smaller footprint for the ongoing operations and maintenance of the well. The cost of the easement is \$5,000, which will offset a portion of the Brucker Family Trust’s expenditures in facilitating the easement. Staff recommends that the Board approve the easement and the associated \$5,000 Funds Disbursement Request.

FISCAL IMPACT

The Monitoring Wells Project is budgeted in the Agency’s Fiscal Year 2021-2022 budget and is also included in the Agency’s grant agreement with the California Department of Water Resources. There are sufficient funds to cover the proposed expenditure.

Item No: 4A: Agreement with Brucker Family Trust for Perpetual Easement for East Grove Monitoring Well

May 12, 2022

Page 2

ATTACHMENTS

Attachment 1 – Easement Deed

Attachment 2 – Funds Disbursement Request

Attachment 3 – Access Agreement

Proposed Motion: Approval of an agreement with the Brucker Family Trust for a perpetual easement on the Mike Brucker Ranch Property, APN 0460250180, located near the South Mountain Road, for the construction, maintenance, and operation of the East Grove Monitoring Well, and payment of associated \$5,000 fee.

1st: Director _____ 2nd: Director _____

Voice/Roll call vote: Director Kimball: Director Long: Director McFadden:

Director Meneghin: Director Pace: Director Villasenor:

RECORDING AT REQUEST OF
AND WHEN RECORDED MAIL TO:

Fillmore and Piru Basins Groundwater
Sustainability Agency
Post Office Box 1110
Fillmore, CA 93016

APN: 046-0-250-180

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

(No Fee Required: Govt. Code Sec. 6103 & 27383)
(No Tax Due: Code Sec. 11922)

GRANT OF EASEMENT

THIS GRANT OF PERPETUAL EASEMENT ("Easement") is made and entered into between Michael R. Brucker and Nancy A. Brucker, Trustees of the Brucker Family Trust dated September 26, 1978, hereinafter collectively "Grantor," and the FILLMORE AND PIRU BASINS GROUNDWATER SUSTAINABILITY AGENCY, hereinafter "Agency" or "Grantee."

RECITALS

WHEREAS, Grantor is the owner of certain real property located at Mike Brucker Ranch Company, APN 0460250180 ("Grantor's Property").

WHEREAS, Grantee desires to obtain from Grantor and Grantor is willing to grant a non-exclusive, perpetual easement over a portion of Grantor's Property to enter upon and use a portion of Grantor's Property ("Easement Area"), for the purposes of, at Grantee's sole expense, conducting all activities necessary for constructing the Grantee's Groundwater Monitoring Well, which includes, the grading of a well pad, the drilling and construction of a monitoring well, the depositing and spreading of earth materials removed from the well bore during drilling, the construction of protective bollards around the monitoring well; operating the monitoring well, which includes the collection and retrieval of water level and water quality data; maintaining the monitoring well, which includes periodic inspection and repairs of the well, wellhead, and protective bollards; as well as the transport of personnel, heavy equipment, vehicles, consultants, agents, assigns, and other third parties assisting the Grantee with the ongoing operation and maintenance of Grantee's Groundwater Monitoring Well. The Grantor's Property is described in Exhibit "A" attached hereto and incorporated herein. The Easement Area is shown as indicated in Exhibit "B" attached hereto and incorporated herein

AGREEMENT

In consideration for the grant of the Easement to Grantee, the parties agree as follows:

1. GRANT OF EASEMENT. Grantor does hereby grant to Grantee, to the extent Grantor has any right, title or interest in the Easement Area, as shown in Exhibit B to the Grant of Easement, a non-exclusive, perpetual easement to be used by Grantee at the Grantee's sole expense, for all activities necessary for constructing, operating and maintaining the Grantee's Groundwater Monitoring Well, including the grading of a well pad, the drilling and construction of a monitoring well, the depositing and spreading of earth materials removed from the well bore during drilling, the construction of protective bollards around the monitoring well, the collection and retrieval of water level and water quality data, the periodic inspection and repairs of the well, wellhead, and protective bollards, and the transport of personnel, heavy equipment, vehicles, consultants, agents, assigns, and other third parties assisting the Grantee with the ongoing operation and maintenance of Grantee's Groundwater Monitoring Well. This Easement is subject to all existing easements, covenants, conditions, and restrictions recorded against Grantor's Property.

Grantee shall have the right of ingress and egress for personnel, vehicles, and construction equipment to, from, and along the Easement Area at any time, without prior notice, including the right to use lanes, drives, rights-of-way, and roadways within the Real Property which now exist or which hereinafter may be constructed, as shall be convenient and necessary for the purpose of exercising the rights herein set forth; provided, however, that nothing herein shall prevent or limit Grantor's rights to close such roadways, lanes, or rights-of-way, and to provide Grantee with comparable alternative access to the Easement Area, as deemed reasonable by the Grantee.

2. TERM OF EASEMENT. The Easement shall commence upon the recordation of this Easement and shall continue in perpetuity unless terminated by mutual agreement of the parties hereto, or their successors or assigns, which agreement shall be memorialized by a recorded instrument.

3. LIMITATIONS ON EASEMENT. It is understood and agreed that this Easement does not constitute a conveyance of a fee interest in Grantor's Property.

4. GRANTEE'S OBLIGATIONS. Grantee shall comply with all laws, ordinances, rules, and regulations applicable to Grantee's use of the Easement Area, including obtaining all necessary permits.

5. MISCELLANEOUS. This Easement shall remain in effect until it is released by Grantor and Grantee by recordable instrument. In the event Grantee determines to terminate the Easement conveyed herein, Grantee agrees to promptly execute and record a quitclaim deed thereto and promptly destroy the Groundwater Monitoring Well and remove all surface features, structures, materials or equipment placed on the abandoned Easement and restore the Easement Area as much as reasonably possible to the same conditions Easement Area was prior to the date of this Easement grant. This Easement contains the entire agreement between the parties relating to the rights granted herein and the obligations assumed hereby and may only be modified by a written agreement executed by all parties hereto and recorded in the official records of the County of

Ventura. Nothing contained herein shall be construed to limit Grantee's right to pursue an action for condemnation.

6. NOTICE. Any notice which a party is required or may desire to give the other shall be in writing and shall be sent either (a) by United States registered or certified mail, return receipt requested, postage prepaid, or (b) by a generally recognized overnight carrier providing proof of delivery. Any such notice shall be addressed to a party at the party's address appearing below. Any party may change its address for notice at any time by written notice in accordance with this paragraph 6.

Fillmore and Piru Basins Groundwater Sustainability Agency
P O Box 1110
Fillmore, CA 93016
Attention: Executive Director

Mike Brucker Ranch Company
1194 Pancho Road
Camarillo CA 93012
Attention: Mike Brucker

7. ARBITRATION. Any dispute, claim or controversy arising out of or relating to the terms of this easement or the breach, termination, enforcement, interpretation or validity thereof, including the determination of the scope or applicability of this agreement to arbitrate, shall be determined by arbitration in Ventura County, California before one arbitrator, who shall be mutually agreed upon by Grantor and Grantee.

8. ATTORNEY'S FEES. In the event any action or suit is brought by a party against another party by reason of the breach of any of the covenants or agreements set forth in this Easement or any other dispute between the parties concerning this Easement, each party shall be responsible for its own attorney's fees and costs.

9. GOVERNING LAW. This Easement shall be governed and construed in accordance with the laws of the State of California.

10. AUTHORITY. Each of the undersigned represents and warrants that he or she is duly authorized to execute and deliver this Easement and that such execution is binding upon the entity or which he or she is executing this document

The terms and conditions of the Easement shall inure to and be binding on the successors of the Grantor and Grantee.

IN WITNESS WHEREOF, Grantor has executed this easement on the 18 day of April, 2022

(SIGNATURE PAGE TO FOLLOW)

GRANTOR:

Michael R. Brucker and Nancy A. Brucker, Trustees of the Brucker Family Trust, dated September 26, 1978

By: 
Michael R. Brucker, Trustee

Date: 4-18-2022

By: 
Nancy A. Brucker, Trustee

Date: 4-18-2022

GRANTEE:

Fillmore and Piru Basins Groundwater Sustainability Agency

By: _____
Kelly Long, Chair
(As authorized by the Board of Directors)

Date: _____

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

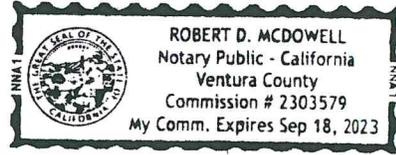
State of California
County of Ventura

On April 18, 2022 before me, Robert D. McDowell II, Notary Public, personally appeared Michael R. Brucker, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Robert McDowell II (Seal)



ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Ventura

On April 18, 2022 before me, Robert D. McDowell II, Notary Public, personally appeared Nancy A. Brucker, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Robert McDowell II (Seal)

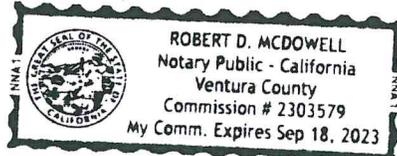


EXHIBIT A

LEGAL DESCRIPTION

Real property in the unincorporated area of the County of Ventura, State of California, described as follows:

PARCEL 2 AS SHOWN ON PARCEL MAP WAIVER, AS EVIDENCED BY DOCUMENT RECORDED JANUARY 10, 2007 AS INSTRUMENT NO. [07-7494](#) OF OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THOSE PORTIONS OF SECTIONS 4, 8 AND 9, TOWNSHIP 3 NORTH, RANGE 20 WEST, SAN BERNARDINO MERIDIAN, IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF VENTURA, STATE OF CALIFORNIA, AND TRACT 1 OF THE RANCHO SESPE, AS SHOWN ON THE MAP RECORDED IN [BOOK 1, PAGE 102](#) OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

THAT PORTION OF PARCEL 2 OF PARCEL MAP WAIVER NO. 905, RECORDED AUGUST 14, 2000, AS DOCUMENT NO. [2000-0130614-00](#) OF OFFICIAL RECORDS OF VENTURA COUNTY, LYING EASTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT IN THE NORTHERLY LINE OF SOUTH MOUNTAIN ROAD, 50.00 FEET WIDE, DESCRIBED IN THE FORTY-SEVENTH COURSE OF SAID PARCEL 2 AS HAVING A BEARING AND DISTANCE OF NORTH 89°57'00" WEST 1027.64 FEET, SAID POINT BEARS NORTH 89°57'00" WEST 518.56 FEET FROM THE EASTERLY TERMINUS OF SAID COURSE; THENCE NORTH 0°32'44" WEST 1535.66 FEET TO THE INTERSECTION WITH NORTHWESTERLY BOUNDARY OF SAID PARCEL 2, DESCRIBED IN THE NINTH COURSE OF SAID PARCEL AS HAVING A BEARING AND DISTANCE OF NORTH 59°37'26" EAST 340.77 FEET.

EXCEPTING THEREFROM THE INTERESTS IN AN IRRIGATION WELL AND PUMP LOCATED ABOUT 4100.00 FEET NORTH OF THE SOUTH MOUNTAIN ROAD AND APPROXIMATELY 550.00 FEET WEST OF THE BALCOM LINE TOGETHER WITH A 10 INCH STEEL LINE DELIVERING WATER TO THE SOUTH MOUNTAIN ROAD AND IN A CEMENT LINE PARALLELING SOUTH MOUNTAIN ROAD, AS GRANTED TO ERNEST EVERETT BY DEED RECORDED MARCH 28, 1946 IN [BOOK 745 PAGE 19](#), OFFICIAL RECORDS; TO BEN SCHIEFERLE AND KATHERINE SCHIEFERLE BY DEED RECORDED MARCH 28, 1946 IN [BOOK 745 PAGE 20](#) OF OFFICIAL RECORDS; TO G. ELDON EVERETT BY DEED RECORDED MARCH 28, 1946, IN [BOOK 745 PAGE 21](#) OF OFFICIAL RECORDS; TO RALPH L. MERRILL AND MURIEL R MERRILL BY DEED RECORDED MARCH 28, 1946 IN [BOOK 745 PAGE 22](#) OF OFFICIAL RECORDS; TO JOHN S. HERLIHY, GEORGE B. BOWKER AND ROY C. WILSON, JR., BY DEED RECORDED MARCH 28, 1946 IN [BOOK 745 PAGE 27](#) OF OFFICIAL RECORDS; TO THOMAS A. RAFFERTY AND LOIS M. RAFFERTY BY DEED RECORDED MARCH 28, 1946 IN [BOOK 745 PAGE 28](#) OF OFFICIAL RECORDS; TO JOHN B. MAULHARDT, ROBERT L. MAULHARDT, SANGER C. HEDRICK AND B. C. HEDRICK BY DEED RECORDED MARCH 28, 1946 IN [BOOK 745 PAGE 29](#) OF OFFICIAL RECORDS; AND TO HEDRICK F. HAHN AND EULA EADS HAHN BY DEED RECORDED MARCH 28, 1946 IN [BOOK 745 PAGE 30](#) OF OFFICIAL RECORDS.

ALSO EXCEPTING AS TO A PORTION OF SAID LAND ALL THE OIL, GAS AND OTHER HYDROCARBONS AND MINERALS NOW, OR AT ANY TIME HEREAFTER SITUATE THEREIN AND THEREUNDER TOGETHER WITH ALL EASEMENTS AND RIGHTS NECESSARY OR CONVENIENT FOR THE REMOVAL, PRODUCTION, STORAGE AND TRANSPORTATION THEREOF AND THE EXPLORATION AND TESTING OF SAID REAL PROPERTY, AND ALSO THE RIGHT TO DRILL FOR, PRODUCE AND USE WATER FROM THE SAID REAL PROPERTY IN CONNECTION WITH DRILLING OR MINING OPERATIONS THEREON, AS RESERVED IN DEED FROM JACK M. FEDER, A MARRIED MAN, AND EMMILIE LICHTENSTEIN, A MARRIED WOMAN, RECORDED MAY 16, 1950 IN [BOOK 931 PAGE 599](#), OF OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM ALL THE OIL, GAS AND OTHER HYDROCARBONS AND MINERALS NOW OR AT ANY TIME HEREAFTER SITUATED BELOW 500 FEET FROM THE SURFACE OF SAID REAL PROPERTY LOCATED IN THE COUNTY OF VENTURA, STATE OF CALIFORNIA, KNOWN AS PARCEL 2 OF PARCEL MAP WAIVER NO. SD 05-0036 (LARGE LOT SUBDIVISION) WITHOUT THE RIGHTS OF SURFACE ENTRY OR ENTRY ABOVE A DEPTH OF 500 FEET.

EXHIBIT B

East Grove Proposed Monitoring Well Location

EXHIBIT B



FUNDS DISBURSEMENT REQUEST

TO: Eric Elliott	PROJECT: FPBGSA Monitoring Well
	APN: 046-0-250-180
EMAIL: erice@unitedwater.org	OWNER: The Brucker Family Trust dated September 26, 1978

CLAIMANT: Michael R. Brucker and Nancy C. Brucker, Trustees

FOR: Property acquisition for Fillmore and Piru Basins GSA Monitoring Well PROJECT

ADDRESS: no site address

DISBURSEMENTS:

TYPE OF CLAIM: Property Acquisition, per Agreement dated 4/18/22 \$5,000

TOTAL DISBURSEMENT REQUESTED: \$5,000

ENCLOSURES: W-9

PAYMENT INSTRUCTIONS:

Please prepare check in the amount of \$5,000 payable to: Michael R. Bruker & Nancy A. Brucker, Trustees of the Brucker Family Trust dated September 26, 1978

Please forward to Mike Brucker, 1194 Pancho Road, Camarillo, CA 93012

Direct questions to Jen Mizrahi at (805) 773-1459 or jmizrahi@hamner-jewell.com

PREVIOUS CLAIMS PAID: None

IS THIS A FINAL CLAIM?: Yes

**RIGHT OF WAY AGREEMENT
(FPBGSA Monitoring Well Project)**

THIS AGREEMENT is made and entered into by and between:

MICHAEL R. BRUCKER AND NANCY A. BRUCKER, TRUSTEES OF THE BRUCKER FAMILY TRUST DATED SEPTEMBER 26, 1978, hereinafter collectively called “Grantor”, and

UNITED WATER CONSERVATION DISTRICT, hereinafter called “District”.

The Easement, in the form of a deed covering the property described therein, has been executed and delivered to the District.

The parties have set forth the whole of their agreement in this Agreement and all attachments hereto. The performance of this Agreement constitutes the entire consideration for said document and shall relieve District of all further obligations or claims on this account, or on account of the location, grade, or construction of the proposed public improvement.

In consideration of which, and other considerations set forth, it is mutually agreed as follows:

1. The District:

a. PAYMENT. District shall cause to be paid to the order of the Grantor as in consideration in full for the herein referenced real property, the sum of \$5,000 for the Permanent Easement. Said sum shall be paid within thirty (30) days after the deed is recorded with the Ventura County Recorder.

b. RECORDATION OF INSTRUMENT. District shall accept the herein referenced deed and cause it to be recorded in the office of the Ventura County Recorder. Grantor shall be provided with a copy of the recording information.

c. HOLD HARMLESS. District shall indemnify and save Grantor harmless from any and all liability to, or claim of, any person or entity that may result from the District’s operation on the Grantor’s land.

d. PROPERTY RESTORATION. Shall, upon completion of construction, generally restore the Easement Area to a comparable condition as that which existed prior to District’s project construction, to the extent reasonably practical, in accordance with any provisions of the Easement Deed.

2. **Grantor:**

a. TITLE WARRANTY. Warrants that it is the owner of the herein referenced real property, and that they have not conveyed any right, title, or interests in said property, other than to those entities previously granted easements as recorded against the title.

The Parties agree:

a. RIGHT OF WAY MAP. The location of the right of ways and well site that are being conveyed are shown on the attachment Exhibit "A", which is attached hereto and made a part by reference.

b. ARTICLE HEADINGS. Article headings in this Agreement are for convenience only and are not intended to be used in interpreting or construing the terms, covenants, and conditions of this Agreement.

c. COMPLETE UNDERSTANDING. This Agreement including all exhibits and attachments constitutes the entire understanding between the parties with respect to the subject matter hereof, superseding all negotiations, prior discussions, and preliminary agreements or understandings, written or oral. This Agreement may not be amended, except in writing, by the parties hereto or their successors or assigns.

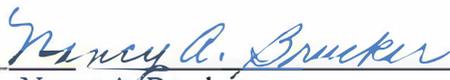
d. COUNTERPARTS. This Agreement may be executed in counterparts, each of which so executed shall, irrespective of the date of its execution and delivery, be deemed an original, and all such counterparts together shall constitute one and the same document.

GRANTOR:

MICHAEL R. BRUCKER AND NANCY A. BRUCKER, TRUSTEES OF THE BRUCKER FAMILY TRUST DATED SEPTEMBER 26, 1978

By: 
Michael R. Brucker
Trustee

Date: 4-18-2022

By: 
Nancy A. Brucker
Trustee

Date: 4-18-2022

APPROVED:

UNITED WATER CONSERVATION DISTRICT

By: 
Anthony A. Emmert
Assistant General Manager

Date: 12 May 2022

East Grove Proposed Monitoring Well Location

Exhibit A

EXHIBIT A TO AGREEMENT





Item No. 4B Motion
DATE: May 15, 2022 (for May 19, 2022 meeting)
TO: Board of Directors
FROM: Anthony A. Emmert, Executive Director
SUBJECT: **Development of Well Permitting Review Process in Compliance with California Executive Order N-7-22**

RECOMMENDED ACTION

The Board will receive a presentation from legal counsel, Daniel B. Stephens and Associates, and staff regarding the development of the Agency's Well Permitting Review Process and provide comments and direction.

DISCUSSION

On March 28, 2022, Governor Gavin Newsome issued Executive Order N-7-22 (see Attachment 1) mandating certain actions in response to California's worsening drought conditions. Item 9 establishes actions that must be undertaken by the local well permitting agencies and the applicable groundwater sustainability agency:

To protect health, safety, and the environment during this drought emergency, a county, city, or other public agency shall not:

- A. Approve a permit for a new groundwater well or for alteration of an existing well in a basin subject to the Sustainable Groundwater Management Act and classified as medium-or high-priority without first obtaining written verification from a Groundwater Sustainability Agency managing the basin or area of the basin where the well is proposed to be located that groundwater extraction by the proposed well would not be inconsistent with any sustainable groundwater management program established in any applicable Groundwater Sustainability Plan adopted by that Groundwater Sustainability Agency and would not decrease the likelihood of achieving a sustainability goal for the basin covered by such a plan; or
- B. Issue a permit for a new groundwater well or for alteration of an existing well without first determining that extraction of groundwater from the proposed well is (1) not likely to interfere with the production and functioning of existing nearby wells, and (2) not likely to cause subsidence that would adversely impact or damage nearby infrastructure.

This paragraph shall not apply to permits for wells that will provide less than two acre-feet per year of groundwater for individual domestic users, or that will exclusively provide groundwater to public water supply systems as defined in section 116275 of the Health and Safety Code.

The California Department of Water Resources, on April 4, 2022, also issued *Drought Well Permitting Requirements: Drought Executive Order N-7-22* (See Attachment 2), which provided guidance on the well permitting requirements of EO N-7-22.

Additionally, AB 2201, the Groundwater Sustainability Agency: Groundwater Extraction Permit Verification bill (See Attachment 3), if passed into law, would make permanent many of the well permitting requirements contained in EO N-7-22. AB 2201 has been amended by the Assembly Committee on Water, Parks and Wildlife and is currently before the Assembly Committee on Appropriations.

For the Fillmore basin and the Piru basin, both designated by the state as high priority basins, the local agency that issues well permits is the County of Ventura Public Works Agency Watershed Protection District Water Resources Division (County Water Resources), and the Fillmore and Piru Basins Groundwater Sustainability Agency (Agency) is the responsible groundwater sustainability agency. EO N-7-22 applies to how the two agencies interact regarding any well permits received after the March 28, 2022, Executive Order. Fortunately, the Agency and County Water Resources already have a good working relationship and have been coordinating on well permits over the past several years. Staff has met with representatives from the County Water Resources on this issue and have agreed to develop a well permitting review process that meets the requirements of EO N-7-22, is consistent with the Agency's groundwater sustainability plans, is understandable to well project proponents, and is as efficient as possible.

Following initial coordination with County Water Resources, staff, Daniel B. Stephens & Associates (DBS&A) and legal counsel have prepared a draft well permitting review process flowchart (See Attachment 4), as a tool to develop the Agency's process, and to discuss various scenarios. Following discussion with the Agency Board, the team will refine the flowchart and develop a written policy for Board consideration at a future meeting.

FISCAL IMPACT

None.

ATTACHMENTS

Attachment 1 – Executive Order N-7-22

Attachment 2 – DWR Guidance Regarding Executive Order N-7-22

Attachment 3 – AB 2201 Groundwater Sustainability Agencies: Groundwater Extraction Permit Verification

Attachment 4 – Draft Agency Well Permitting Review Process Flowchart

Proposed Motion: Provide comments and direction regarding the development of the Agency's Well Permitting Review Process in compliance with Executive Order N-7-22.

1st: Director _____

2nd: Director _____

Voice/Roll call vote: Director Kimball:

Director Long:

Director McFadden:

Director Meneghin:

Director Pace:

Director Villasenor:

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-7-22

WHEREAS on April 12, 2021, May 10, 2021, July 8, 2021, and October 19, 2021, I proclaimed states of emergency that continue today and exist across all the counties of California, due to extreme and expanding drought conditions; and

WHEREAS climate change continues to intensify the impacts of droughts on our communities, environment, and economy, and California is in a third consecutive year of dry conditions, resulting in continuing drought in all parts of the State; and

WHEREAS the 21st century to date has been characterized by record warmth and predominantly dry conditions, and the 2021 meteorological summer in California and the rest of the western United States was the hottest on record; and

WHEREAS since my October 19, 2021 Proclamation, early rains in October and December 2021 gave way to the driest January and February in recorded history for the watersheds that provide much of California's water supply; and

WHEREAS the ongoing drought will have significant, immediate impacts on communities with vulnerable water supplies, farms that rely on irrigation to grow food and fiber, and fish and wildlife that rely on stream flows and cool water; and

WHEREAS the two largest reservoirs of the Central Valley Project, which supplies water to farms and communities in the Central Valley and the Santa Clara Valley and provides critical cold-water habitat for salmon and other anadromous fish, have water storage levels that are approximately 1.1 million acre-feet below last year's low levels on this date; and

WHEREAS the record-breaking dry period in January and February and the absence of significant rains in March have required the Department of Water Resources to reduce anticipated deliveries from the State Water Project to 5 percent of requested supplies; and

WHEREAS delivery of water by bottle or truck is necessary to protect human safety and public health in those places where water supplies are disrupted; and

WHEREAS groundwater use accounts for 41 percent of the State's total water supply on an average annual basis but as much as 58 percent in a critically dry year, and approximately 85 percent of public water systems rely on groundwater as their primary supply; and

WHEREAS coordination between local entities that approve permits for new groundwater wells and local groundwater sustainability agencies is important to achieving sustainable levels of groundwater in critically overdrafted basins; and

WHEREAS the duration of the drought, especially following a multiyear drought that abated only five years ago, underscores the need for California to redouble near-, medium-, and long-term efforts to adapt its water management and delivery systems to a changing climate, shifting precipitation patterns, and water scarcity; and

WHEREAS the most consequential, immediate action Californians can take to extend available supplies is to voluntarily reduce their water use by 15 percent from their 2020 levels by implementing the commonsense measures identified in operative paragraph 1 of Executive Order N-10-21 (July 8, 2021); and

WHEREAS to protect public health and safety, it is critical the State take certain immediate actions without undue delay to prepare for and mitigate the effects of the drought conditions, and under Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Proclamation would prevent, hinder, or delay the mitigation of the effects of the drought conditions.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. The orders and provisions contained in my April 21, 2021, May 10, 2021, July 8, 2021, and October 19, 2021 Proclamations remain in full force and effect, except as modified by those Proclamations and herein. State agencies shall continue to implement all directions from those Proclamations and accelerate implementation where feasible.
2. To help the State achieve its conservation goals and ensure sufficient water for essential indoor and outdoor use, I call on all Californians to strive to limit summertime water use and to use water more efficiently indoors and out. The statewide Save Our Water conservation campaign at SaveOurWater.com provides simple ways for Californians to reduce water use in their everyday lives. Furthermore, I encourage Californians to understand and track the amount of water they use and measure their progress toward their conservation goals.
3. By May 25, 2022, the State Water Resources Control Board (Water Board) shall consider adopting emergency regulations that include all of the following:
 - a. A requirement that each urban water supplier, as defined in section 10617 of the Water Code, shall submit to the Department of Water Resources a preliminary annual water supply and demand assessment consistent with section 10632.1 of the Water Code no later than June 1, 2022, and submit a final annual water

supply and demand assessment to the Department of Water Resources no later than the deadline set by section 10632.1 of the Water Code;

- b. A requirement that each urban water supplier that has submitted a water shortage contingency plan to the Department of Water Resources implement, at a minimum, the shortage response actions adopted under section 10632 of the Water Code for a shortage level of up to twenty percent (Level 2), by a date to be set by the Water Board; and
- c. A requirement that each urban water supplier that has not submitted a water shortage contingency plan to the Department of Water Resources implement, at a minimum, shortage response actions established by the Water Board, which shall take into consideration model actions that the Department of Water Resources shall develop for urban water supplier water shortage contingency planning for Level 2, by a date to be set by the Water Board.

To further conserve water and improve drought resiliency if the drought lasts beyond this year, I encourage urban water suppliers to conserve more than required by the emergency regulations described in this paragraph and to voluntarily activate more stringent local requirements based on a shortage level of up to thirty percent (Level 3).

- 4. To promote water conservation, the Department of Water Resources shall consult with leaders in the commercial, industrial, and institutional sectors to develop strategies for improving water conservation, including direct technical assistance, financial assistance, and other approaches. By May 25, 2022, the Water Board shall consider adopting emergency regulations defining "non-functional turf" (that is, a definition of turf that is ornamental and not otherwise used for human recreation purposes such as school fields, sports fields, and parks) and banning irrigation of non-functional turf in the commercial, industrial, and institutional sectors except as it may be required to ensure the health of trees and other perennial non-turf plantings.
- 5. In order to maximize the efficient use of water and to preserve water supplies critical to human health and safety and the environment, Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division are hereby suspended, with respect to the directives in paragraphs 3 and 4 of this Order and any other projects and activities for the purpose of water conservation to the extent necessary to address the impacts of the drought, and any permits necessary to carry out such projects or activities. Entities that desire to conduct activities under this suspension, other than the directives in paragraphs 3 and 4 of this Order, shall first request that the Secretary of the Natural Resources Agency make a determination that the proposed activities are eligible to be conducted under this suspension. The Secretary shall use sound discretion in applying this Executive Order to ensure that the suspension serves the purpose of accelerating conservation projects that are necessary to address impacts of the drought, while at the same time

protecting public health and the environment. The entities implementing these directives or conducting activities under this suspension shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.

6. To support voluntary approaches to improve fish habitat that would require change petitions under Water Code section 1707 and either Water Code sections 1425 through 1432 or Water Code sections 1725 through 1732, and where the primary purpose is to improve conditions for fish, the Water Board shall expeditiously consider petitions that add a fish and wildlife beneficial use or point of diversion and place of storage to improve conditions for anadromous fish. California Code of Regulations, title 23, section 1064, subdivisions (a)(1)(A)(i)-(ii) are suspended with respect to any petition that is subject to this paragraph.
7. To facilitate the hauling of water for domestic use by local communities and domestic water users threatened with the loss of water supply or degraded water quality resulting from drought, any ordinance, regulation, prohibition, policy, or requirement of any kind adopted by a public agency that prohibits the hauling of water out of the water's basin of origin or a public agency's jurisdiction is hereby suspended. The suspension authorized pursuant to this paragraph shall be limited to the hauling of water by truck or bottle to be used for human consumption, cooking, or sanitation in communities or residences threatened with the loss of affordable safe drinking water. Nothing in this paragraph limits any public health or safety requirement to ensure the safety of hauled water.
8. The Water Board shall expand inspections to determine whether illegal diversions or wasteful or unreasonable use of water are occurring and bring enforcement actions against illegal diverters and those engaging in the wasteful and unreasonable use of water. When access is not granted by a property owner, the Water Board may obtain an inspection warrant pursuant to the procedures set forth in Title 13 (commencing with section 1822.50) of Part 3 of the Code of Civil Procedure for the purposes of conducting an inspection pursuant to this directive.
9. To protect health, safety, and the environment during this drought emergency, a county, city, or other public agency shall not:
 - a. Approve a permit for a new groundwater well or for alteration of an existing well in a basin subject to the Sustainable Groundwater Management Act and classified as medium- or high-priority without first obtaining written verification from a Groundwater Sustainability Agency managing the basin or area of the basin where the well is proposed to be located that groundwater extraction by the proposed well would not be inconsistent with any sustainable groundwater management program established in any applicable Groundwater Sustainability Plan adopted by that Groundwater Sustainability

Agency and would not decrease the likelihood of achieving a sustainability goal for the basin covered by such a plan; or

- b. Issue a permit for a new groundwater well or for alteration of an existing well without first determining that extraction of groundwater from the proposed well is (1) not likely to interfere with the production and functioning of existing nearby wells, and (2) not likely to cause subsidence that would adversely impact or damage nearby infrastructure.

This paragraph shall not apply to permits for wells that will provide less than two acre-feet per year of groundwater for individual domestic users, or that will exclusively provide groundwater to public water supply systems as defined in section 116275 of the Health and Safety Code.

10. To address household or small community drinking water shortages dependent upon groundwater wells that have failed due to drought conditions, the Department of Water Resources shall work with other state agencies to investigate expedited regulatory pathways to modify, repair, or reconstruct failed household or small community or public supply wells, while recognizing the need to ensure the sustainability of such wells as provided for in paragraph 9.
11. State agencies shall collaborate with tribes and federal, regional, and local agencies on actions related to promoting groundwater recharge and increasing storage.
12. To help advance groundwater recharge projects, and to demonstrate the feasibility of projects that can use available high water flows to recharge local groundwater while minimizing flood risks, the Water Board and Regional Water Quality Control Boards shall prioritize water right permits, water quality certifications, waste discharge requirements, and conditional waivers of waste discharge requirements to accelerate approvals for projects that enhance the ability of a local or state agency to capture high precipitation events for local storage or recharge, consistent with water right priorities and protections for fish and wildlife. For the purposes of carrying out this paragraph, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division, and Chapter 3 (commencing with section 85225) of Part 3 of Division 35 of the Water Code and regulations adopted pursuant thereto are hereby suspended to the extent necessary to address the impacts of the drought. This suspension applies to (a) any actions taken by state agencies, (b) any actions taken by local agencies where the state agency with primary responsibility for the implementation of the directives concurs that local action is required, and (c) permits necessary to carry out actions under (a) or (b). The entities implementing these directives shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.
13. With respect to recharge projects under either Flood-Managed Aquifer Recharge or the Department of Water Resources Sustainable

Groundwater Management Grant Program occurring on open and working lands to replenish and store water in groundwater basins that will help mitigate groundwater conditions impacted by drought, for any (a) actions taken by state agencies, (b) actions taken by a local agency where the Department of Water Resources concurs that local action is required, and (c) permits necessary to carry out actions under (a) or (b), Public Resources Code, Division 13 (commencing with section 21000) and regulations adopted pursuant to that Division are hereby suspended to the extent necessary to address the impacts of the drought. The entities implementing these directives shall maintain on their websites a list of all activities or approvals for which these provisions are suspended.

14. To increase resilience of state water supplies during prolonged drought conditions, the Department of Water Resources shall prepare for the potential creation and implementation of a multi-year transfer program pilot project for the purpose of acquiring water from willing partners and storing and conveying water to areas of need.
15. By April 15, 2022, state agencies shall submit to the Department of Finance for my consideration proposals to mitigate the worsening effects of severe drought, including emergency assistance to communities and households and others facing water shortages as a result of the drought, facilitation of groundwater recharge and wastewater recycling, improvements in water use efficiency, protection of fish and wildlife, mitigation of drought-related economic or water-supply disruption, and other potential investments to support short- and long-term drought response.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 28th day of March 2022.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY N. WEBER, PH.D.
Secretary of State



Drought Well Permitting Requirements

Drought Executive Order N-7-22

On March 28, 2022 Governor Newsom issued [Drought Executive Order N-7-22](#) that included new well permitting requirements for local agencies to prepare for and lessen the effects of drought conditions (Action 9).

Well Permitting Authority and Groundwater Management Oversight

In California, regulatory authority over well construction, alteration, and destruction activities resides with local agencies (cities, counties, or water agencies), who have the authority to adopt a local well ordinance. Well permits are administered and enforced by local agencies (or local enforcing agencies, [LEAs](#)), often the Department of Environmental Health within a given county.

With the enactment of the Sustainable Groundwater Management Act ([SGMA](#)) in 2014, local public agencies – called [groundwater sustainability agencies](#) or GSAs – formed to provide specific oversight and management of groundwater resources, and to achieve sustainable groundwater management within 20 years through the development and implementation of groundwater sustainability plans (GSPs) and associated projects and management actions. The local GSAs are required to include in their GSPs a discussion of how they will coordinate these efforts with local land use authorities, including local well permitting agencies.

Drought Well Permitting Requirements

Local well ordinances authorize the conditions for agencies to issue a well permit or permit modification. Given the record drought conditions the state has faced over the last three years, Drought Executive Order N-7-22 requires additional actions be taken by local well permitting agencies prior to issuing a well permit.

Excerpt of Action 9 from Drought Executive Order N-7-22:

9. To protect health, safety, and the environment during this drought emergency, a county, city, or other public agency shall not:

a. Approve a permit for a new groundwater well or for alteration of an existing well in a basin subject to the Sustainable Groundwater Management Act and classified as medium- or high-priority without first obtaining written verification from a Groundwater Sustainability Agency managing the basin or area of the basin where the well is proposed to be located that groundwater extraction by the proposed well would not be inconsistent with any sustainable groundwater management program established in any applicable Groundwater Sustainability Plan adopted by that Groundwater Sustainability Agency and would not decrease the likelihood of achieving a sustainability goal for the basin covered by such a plan; or

b. Issue a permit for a new groundwater well or for alteration of an existing well without first determining that extraction of groundwater from the proposed well is (1) not likely to interfere with the production and functioning of existing nearby wells, and (2) not likely to cause subsidence that would adversely impact or damage nearby infrastructure.

This paragraph shall not apply to permits for wells that will provide less than two acre-feet per year of groundwater for individual domestic users, or that will exclusively provide groundwater to public water supply systems as defined in section 116275 of the Health and Safety Code.

Local well permitting agencies retain existing well permitting authorities, including reviewing and administering well permits. Under the Executive Order Action 9, local well permitting agencies must take the following steps during the well permitting process for wells intending to extract groundwater:

1. Consultation with the GSA – If the proposed well would be in a high or medium priority groundwater basin, the well permitting agency must consult with the GSA and receive written verification from the GSA that the proposed well location is generally consistent (not inconsistent) with the applicable GSP and will not decrease the likelihood of achieving the sustainability goals that the GSAs have developed under SGMA.
2. Permit Evaluation – For every well permit application, the local well permitting agency must determine before issuing a well permit that extraction of groundwater from the proposed well is not likely to interfere with the production and functioning of existing nearby wells and is not likely to cause subsidence that would adversely impact or damage nearby infrastructure.

These requirements do not apply to wells that pump less than 2 acre-feet per year (de minimus users) and wells that exclusively provide groundwater to public water supply systems as defined in [section 116275](#) of the Health and Safety Code.

State Resources Available to Local Agencies

The California Department of Water Resources (DWR) provides technical and other support services to local agencies to support decision-making. The following resources are available to help local agencies navigate the well permitting requirements in this Drought Executive Order:

- To find the **groundwater basins subject to SGMA** and classified as medium or high priority: [Basin Prioritization Dashboard](#)
- To find the **Groundwater Sustainability Agency** managing the applicable basin or area of the basin: [GSA Map Viewer](#)
- To find the **Groundwater Sustainability Plan** adopted by the local Groundwater Sustainability Agency: [GSP Map Viewer](#)
- To view **existing nearby wells** (domestic, irrigation, public supply and reported dry wells): [California's Groundwater Live – Well Infrastructure](#)
- To view **groundwater levels and trends**: [California's Groundwater Live – Groundwater Levels](#)
- To view **subsidence data** and nearby infrastructure: [California's Groundwater Live – Subsidence Data](#)

For more information or questions, please contact DWR's Sustainable Groundwater Management Office at: SGMPS@water.ca.gov.

For more information about the State's Drought Response and Assistance, please visit drought.ca.gov.



AB-2201 Groundwater sustainability agency: groundwater extraction permit: verification. (2021-2022)

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Date Published: 04/27/2022 09:00 PM

AMENDED IN ASSEMBLY APRIL 27, 2022

AMENDED IN ASSEMBLY MARCH 17, 2022

CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

ASSEMBLY BILL

NO. 2201

Introduced by Assembly Member Bennett
(Coauthors: Assembly Members Bauer-Kahan and Kalra)

February 15, 2022

An act ~~to amend Section 10728 of, and~~ to add Section 10725.7 ~~to,~~ to the Water Code, relating to groundwater.

LEGISLATIVE COUNSEL'S DIGEST

AB 2201, as amended, Bennett. Groundwater sustainability agency: groundwater extraction ~~permit:~~ *permit: verification.*

Existing law, the Sustainable Groundwater Management Act, requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified. Existing law authorizes any local agency or combination of local agencies overlying a groundwater basin to decide to become a groundwater sustainability agency for that basin and imposes specified duties upon that agency or combination of agencies, as provided. Existing law also authorizes the State Water Resources Control Board to designate a high- or medium-priority basin as a probationary basin under certain conditions for specified purposes.

~~This bill would, on and after July 1, 2023, prohibit, except as specified, a groundwater extraction facility in a basin that is designated by the department as a basin that is subject to critical conditions of overdraft from extracting water without a valid groundwater extraction permit issued by the groundwater sustainability agency pursuant to the requirements of the bill. The bill would also require a groundwater sustainability agency responsible for managing a basin designated by the department as being subject to critical conditions of overdraft to develop, on or before June 30, 2023, a process for the issuance of a groundwater extraction permit, as specified. The bill would also prohibit the issuance of a groundwater extraction permit for a new or expanded groundwater facility in a probationary basin, unless the state board determines that all or part of a probationary basin is being adequately managed, as specified. The bill would also authorize a groundwater sustainability agency overlying a basin that is not designated as being subject to critical conditions of overdraft to adopt an ordinance establishing a process for the issuance of a groundwater extraction permit in accordance with the requirements of the bill.~~

This bill would prohibit a local agency, as defined, from approving a permit for a new groundwater well or for an alteration to an existing well in a basin subject to the act and classified as medium- or high-priority until it obtains a written verification, from the groundwater sustainability agency that manages the basin or area of the basin where the well is

proposed to be located, determining that certain factors are present. The bill would prohibit a groundwater sustainability agency from providing the above-described written verification unless it determines that certain factors are present, including, but not limited to, that the extraction by the proposed well is consistent with any sustainable groundwater management program established in any applicable groundwater sustainability plan adopted by that groundwater sustainability agency.

The bill would authorize a groundwater sustainability agency to impose a fee upon ~~an applicant for a groundwater extraction permit in an amount that does not exceed the reasonable costs incurred by the agency in regulating a permit pursuant to the requirements of the bill. The bill would also require the department to review the effectiveness of permitting decisions by the groundwater sustainability agency, as specified:~~ *a local agency that does not exceed the reasonable cost of making the determinations required for a written verification, issuing the written verification, or both. The bill would also require a groundwater sustainability agency to post a notification of the well permit application on its internet website to allow the public to comment on the well permit application for at least 30 days before issuing the above-described determinations.* By imposing additional requirements on groundwater sustainability agencies, the bill would impose a state-mandated local program.

This bill would exempt any well that provides less than 2 acre-feet of water annually for domestic use or any well used by a public water supply system from these provisions.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

~~SECTION 1. The Legislature finds and declares the following:~~

~~(a) Groundwater provides substantial water supplies for many farms and communities across the state, particularly in drier years. While in some parts of the state groundwater is very well managed, in other parts of the state there has been substantial groundwater overdraft.~~

~~(b) During California's recent droughts, there has been a substantial increase in the extraction of groundwater resulting in impacts to aquifers.~~

~~(c) Despite the drought, there has been a substantial and dramatic increase in conversion of existing pastureland and nonirrigated lands to new permanent crops irrigated by new deep groundwater wells. In many parts of the central valley, these new orchards and groundwater wells have caused or contributed to existing groundwater wells drying up. These new groundwater wells exacerbate overdraft in some regions of the state and have harmed and will continue to harm groundwater supplies for existing farms and rural communities and the long-term viability of aquifers.~~

~~(d) The number of new wells supplying significant new demands for groundwater has resulted in alarming subsidence in many areas of California. Subsidence threatens statewide resources and infrastructure, such as roads, highways, and aqueducts. Importantly, subsidence may also cause permanent damage to aquifers, threatening groundwater resources for future generations.~~

~~(e) Furthermore, new wells are being drilled too close to drinking water wells. This action can dewater wells entirely or move plumes of contamination towards these sources of drinking water.~~

~~(f) In 2012, California adopted the human right to water policy, establishing that it is state policy that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.~~

~~(g) In 2014, California adopted landmark legislation, the Sustainable Groundwater Management Act (Part 2.74 (commencing with Section 10720) of Division 6 of the Water Code) (SGMA), to sustainably manage groundwater resources. Under the act, sustainability will not be fully achieved for many years, allowing groundwater overdraft to continue in some regions.~~

~~(h) In 2020, groundwater sustainability agencies (GSAs) managing critically overdrafted groundwater basins submitted plans to the Department of Water Resources. In 2022, 34 out of 42 plans were found to be incomplete, in part for failing to adequately protect drinking water supplies. This means that proactive management of groundwater needed to protect drinking water and fulfill the human right to water policy could be delayed for years while groundwater sustainability plans are amended to meet the requirements of SGMA.~~

~~(i) There is a need to empower GSAs across the state's critically overdrafted basins to begin registering new wells and regulating their use to be in compliance with SGMA.~~

~~SEC. 2. Section 10725.7 is added to the Water Code, to read:~~

~~10725.7.(a)(1) On and after July 1, 2023, a groundwater extraction facility in a basin that is designated by the department as a basin that is subject to critical conditions of overdraft shall not extract water without a valid groundwater extraction permit issued by the groundwater sustainability agency pursuant to this section.~~

~~(2) Notwithstanding paragraph (1), a groundwater extraction permit is not required for any of the following:~~

~~(A) A de minimis extractor, as defined in subdivision (e) of Section 10721.~~

~~(B) The replacement of an existing groundwater extraction facility with a new groundwater extraction facility with the same or a lesser extraction capacity.~~

~~(C) A groundwater extraction facility constructed to provide drinking water to a water system for the purposes of public health.~~

~~(D) A groundwater extraction facility necessary for habitat or wetlands conservation.~~

~~(E) A groundwater extraction facility for a photovoltaic or wind energy generation facility that demands fewer than 75 acre-feet of groundwater annually.~~

~~(F) A groundwater extraction facility integral to a groundwater conjunctive use or storage program operating under an approved California Environmental Quality Act document.~~

~~(G) A groundwater extraction facility constructed to ensure a sustainable water supply to a consolidated public water system.~~

~~(b) Notwithstanding any other law, a groundwater sustainability agency responsible for managing a basin designated by the department as being subject to critical conditions of overdraft shall do both of the following:~~

~~(1) On or before June 30, 2023, develop a process for the issuance of a groundwater extraction permit, as follows:~~

~~(A) The permit shall require an applicant to demonstrate, supported by substantial evidence, all of the following:~~

~~(i) Extraction of groundwater from a proposed groundwater extraction facility is consistent with the groundwater sustainability plan developed by the groundwater sustainability agency.~~

~~(ii) Extraction of groundwater from a proposed groundwater extraction facility will not contribute to or create an undesirable result.~~

~~(iii) The owner of the proposed groundwater extraction facility is participating in any programs or other requirements of users of groundwater within that basin.~~

~~(B) Upon filing an application for a groundwater extraction permit, the applicant shall provide written notice and a copy of the application to both of the following:~~

~~(i) All users of groundwater within one mile of the proposed groundwater extraction facility.~~

~~(ii) The department and the state board, when the proposed groundwater extraction facility is located within one mile of a disadvantaged community or a domestic well user.~~

~~(C) The groundwater sustainability agency shall post the permit application on its internet website to allow the public to comment on the groundwater extraction permit application for at least 30 days before making a decision to approve or deny the permit.~~

~~(2) Prohibit the issuance of a groundwater extraction permit for a new or expanded groundwater facility in a probationary basin, unless the state board determines that all or part of a probationary basin is being adequately managed, in which case the prohibition on the issuance of a groundwater extraction permit shall apply only to those portions of the probationary basin that are not adequately managed, as determined by the state board.~~

~~(c) A groundwater sustainability agency overlying a basin that is not designated as being subject to critical conditions of overdraft may adopt an ordinance establishing a process for the issuance of a groundwater extraction permit for a groundwater extraction facility in accordance with this section.~~

~~(d) A groundwater sustainability agency may impose a fee upon an applicant for a groundwater extraction permit in an amount that does not exceed the reasonable costs incurred by the agency in regulating a permit pursuant to this section.~~

~~(e) To the extent funding is available, the department shall offer technical assistance to groundwater sustainability agencies to implement this section.~~

~~(f) The department shall review the effectiveness of permitting decisions by the groundwater sustainability agency in furthering achievement of the sustainability goal of that basin as part of the review of groundwater sustainability plans~~

~~pursuant to Section 10733.8:~~

~~SEC. 3. Section 10728 of the Water Code is amended to read:~~

~~10728. On the April 1 following the adoption of a groundwater sustainability plan and annually thereafter, a groundwater sustainability agency shall submit a report to the department containing the following information about the basin managed in the groundwater sustainability plan:~~

~~(a) Groundwater elevation data;~~

~~(b) Annual aggregated data identifying groundwater extraction for the preceding water year;~~

~~(c) Surface water supply used for or available for use for groundwater recharge or in-lieu use;~~

~~(d) Total water use;~~

~~(e) Change in groundwater storage;~~

~~(f) The number, location, and volume of groundwater extraction permits issued pursuant to Section 10725.7.~~

SECTION 1. *Section 10725.7 is added to the Water Code, to read:*

10725.7. *(a) For purposes of this section, the following terms have the following meanings:*

(1) "Local agency" means any city, county, district, agency, or other entity with the authority to issue a permit for a new groundwater well or for an alteration to an existing well.

(2) "Public water system" has the same meaning as defined in Section 116275 of the Health and Safety Code.

(3) "Well" has the same meaning as defined in Section 13710.

(b) Notwithstanding Sections 10726.4 and 10726.8, a local agency shall not approve a permit for a new groundwater well or for an alteration to an existing well in a basin subject to this part and classified as medium- or high-priority until it obtains a written verification from the groundwater sustainability agency that manages the basin or area of the basin where the well is proposed to be located determining that the factors listed in paragraphs (1) to (3), inclusive, of subdivision (c) are present.

(c) The groundwater sustainability agency shall not provide the written verification unless it determines all of the following factors are present:

(1) The extraction by the proposed well is consistent with any sustainable groundwater management program established in any applicable groundwater sustainability plan adopted by that groundwater sustainability agency.

(2) The extraction by the proposed well would not decrease the likelihood of achieving a sustainability goal for the basin covered by a plan.

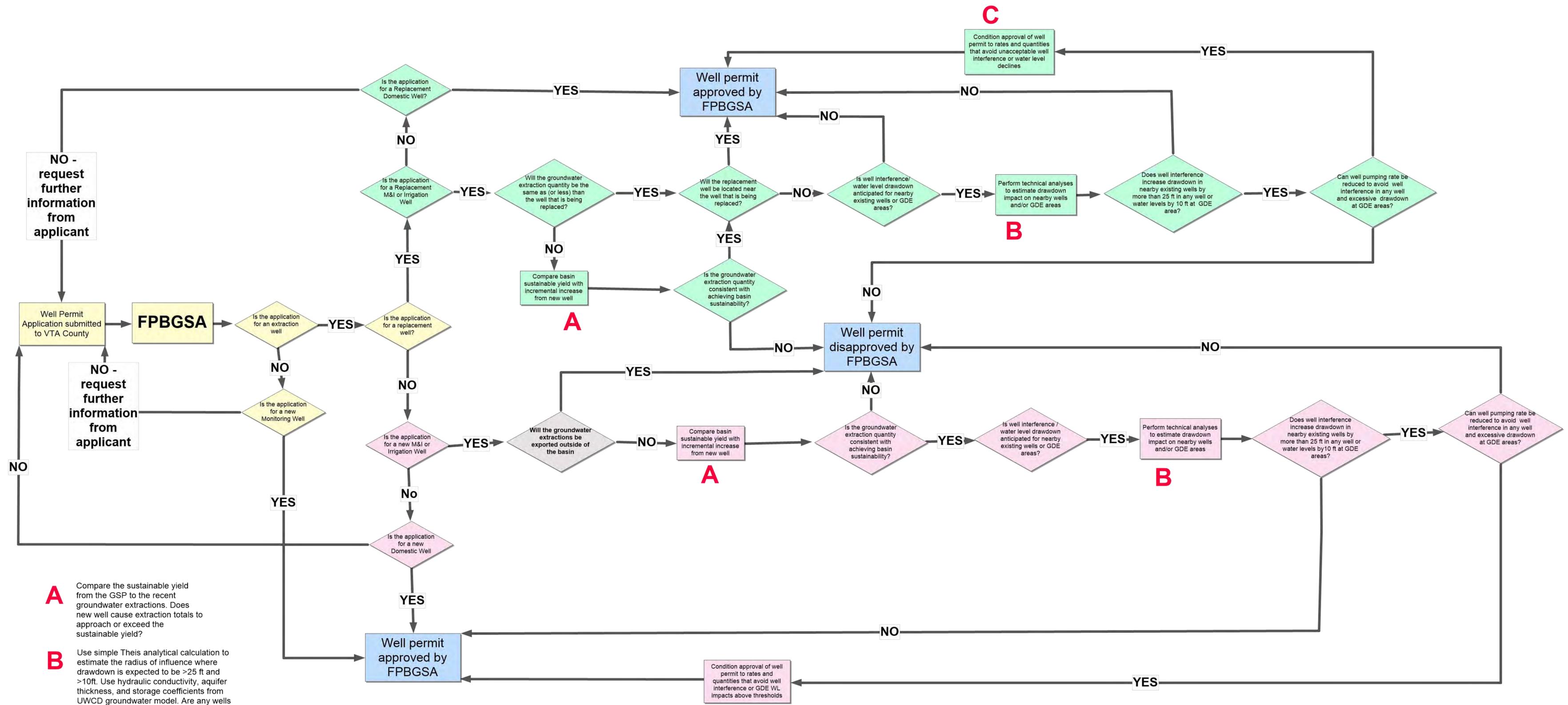
(3) The extraction by the proposed well is not likely to interfere with the production and functioning of existing nearby wells and is not likely to cause subsidence that would adversely impact or damage nearby infrastructure.

(d) A groundwater sustainability agency may impose a fee upon a local agency in an amount that does not exceed the reasonable costs incurred by the groundwater sustainability agency in making the determinations required for the written verification, issuing the written verification, or both.

(e) The groundwater sustainability agency shall post notification of the well permit application on its internet website to allow the public to comment on the well permit application for at least 30 days before issuing the determinations required by subdivisions (b) and (c).

(f) This section does not apply to a well that provides less than two acre-feet of water annually for domestic use or a well used by a public water supply system.

SEC. 4. SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.



A Compare the sustainable yield from the GSP to the recent groundwater extractions. Does new well cause extraction totals to approach or exceed the sustainable yield?

B Use simple Theis analytical calculation to estimate the radius of influence where drawdown is expected to be >25 ft and >10ft. Use hydraulic conductivity, aquifer thickness, and storage coefficients from UWCD groundwater model. Are any wells or GDE areas within those ROI?

C Use simple Theis analytical calculation to estimate the pumping rate that will keep the radius of influence <25 ft for nearby wells and <10ft for GDE areas.



Item No. **4C Motion**

DATE: May 16, 2021 (for May 19, 2022 meeting)

TO: Board of Directors

FROM: Anthony A. Emmert, Executive Director

SUBJECT: **Draft Fiscal Year 2022-2023 Budget and Groundwater Charges**

RECOMMENDED ACTION

The Board will receive a presentation from staff on the draft Fiscal Year 2022-2023 Budget and associated groundwater charges and provide comments and direction.

BACKGROUND

The Agency submitted its first groundwater sustainability plans to the California Department of Water Resources in January 2022, as required by the Sustainable Groundwater Management Act (SGMA). In April, the Agency submitted its first annual reports, and is updating its online groundwater database. Additionally, the Agency secured easements/access agreements for its grant-funded Monitoring Wells Project and completed bid documents. The Agency plans to issue requests for bids to drillers in May 2022. These were the most significant achievements and associated expenditures for the current fiscal year.

For the upcoming 2022-2023 Fiscal Year, major scope of work items for the Agency include:

- Monitoring Wells Project – Construction is scheduled for the three Sespe Cienega Monitoring Wells and the triple-completion East Grove Monitoring Wells cluster in late September, following the end of bird nesting season. Staff expects construction to last less than one month. Total expected cost is approximately \$600,000, with a significant portion funded by the groundwater sustainability planning grant.
- Well Permitting Review Process – Development of a well permitting review process that complies with Executive Order N-7-22 and is supportive of the Agency’s groundwater sustainability plans will need to be completed, in coordination with the County of Ventura, and implemented early in the new fiscal year.
- Annual Report and Update of Online Groundwater Database – Preparation of an annual report for the period October 2021 to September 2022, as well as keeping current the online groundwater database.
- Cienega Springs Enhancement – Develop conceptual project alternatives and preliminary cost estimates for a project to improve the recovery of the Cienega area following periods of drought, in conjunction with the California Department of Fish and Wildlife, the University of California, Santa Barbara, and The Nature Conservancy. This effort will progress through the fiscal year, with the goal of having the next phase ready for inclusion in the Fiscal Year 2023-2024 budget.

- Subsidence Evaluation – Utilize data gathered by California Department of Water Resources on subsidence and develop technical memorandum. This work will progress through the fiscal year, as the data becomes available.
- Policies Update – Review and update the Agency’s bylaws/policies, with focus on compliance with the Government Accounting Standards Board (GASB) standards.

At present, staff proposes to leave the groundwater extraction charge at \$12.00 per acre-foot.

FISCAL IMPACT

None. The Board will provide direction to staff regarding the draft Fiscal Year 2022-2023 budget and groundwater charges. Any feedback will be incorporated into a final proposed budget that will be discussed and voted on by the Board at the June 16, 2021, meeting. The adoption of an annual budget and groundwater extraction fee rates allows the Agency to collect groundwater extraction fees from pumpers within Agency boundaries and authorizes the payment of Agency expenditures.

ATTACHMENTS

None

Proposed Motion: Provide comments and direction on the draft Fiscal Year 2022-2023 Budget and groundwater extraction fees.

1st: Director _____ 2nd: Director _____
Voice/Roll call vote: Director Kimball: Director Long: Director McFadden:
Director Meneghin: Director Pace: Director Villasenor: