



**Fillmore and Piru Basins**  
Groundwater Sustainability Agency

## **Board of Directors Meeting**

**Thursday, January 18, 2024, 4:00 p.m.**

**City of Fillmore City Hall Council Chambers**

**250 Central Avenue, Fillmore, CA 93015**

**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:

Toll-free number: **877 853 5247** Meeting ID: **854 8030 5580**

### **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 agendized 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 Special Board of Directors meeting of December 14, 2023.

**2C Legal Counsel Update**

**Information Item**

Legal Counsel will provide an informational update on Agency’s legal issues and concerns since the previous Special Board of Directors meeting of December 14, 2023.

**2D GSP Consultant Update**

**Information Item**

Representatives from Daniel B Stephens & Associates will provide an informational update on the Agency’s groundwater sustainability planning and reporting activities since the previous Special Board of Directors meeting of December 14, 2023.

**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 Special Board of Directors meeting of December 14, 2023.

**3B Approval of Warrants**

The Board will consider approving payment of outstanding vendor invoices:

County of Ventura IT Services	\$ 628.50
Aleshire & Wynder LLP	\$ 1,519.30
Insure Cal	\$ 2,462.42
RAMS	\$ 2,765.00
DBS&A	\$26,648.75

**3C Monthly Financial Report**

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

**4. INFORMATIONAL ITEMS**

**4A Santa Clara River Conservancy**

**Information**

The Board will receive a presentation from Shawn Kelly providing an orientation on the Santa Clara River Conservancy’s mission, goals, projects, and programs.

## 5. MOTION ITEMS

### 5A Waiver of Late Fees and Interest for Sespe Agricultural Water

#### Motion

The Board will consider waiving the late fees and interest in the amount of \$1,455.75 for Sespe Agricultural Water.

### 5B Development of Well Permitting Review Process in Compliance with California Executive Orders N-7-22 and N-3-23

#### Motion

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

## 6. FUTURE TOPICS FOR BOARD DISCUSSION

## 7. ADJOURNMENT

The Board will adjourn to the next **Regular Board Meeting on Thursday, February 15, 2024**, 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) January 12, 2024 (time) 4:00p.m. (attest) *Eva Ibarra*

At: <https://www.FPBGSA.org>

Posted: (date) January 12, 2024 (time) 4:10p.m. (attest) *Eva Ibarra*

At: <https://www.facebook.com/FPBGSA/>

Posted: (date) January 12, 2024 (time) 4:20p.m. (attest) *Eva Ibarra*

At: UWCD, 1701 N. Lombard Street, Oxnard



## **Special Board of Directors Meeting**

**Thursday, December 14, 2023, at 4:00p.m.**

### **MINUTES**

#### **Directors in Attendance**

Director Carole Fornoff  
Director Debbie Jackson  
Director Gordon Kimball  
Director Kelly Long (arrived at 4:27pm)  
Director Candice Meneghin  
Director Albert Mendez

#### **Staff in Attendance**

Anthony Emmert, executive director  
Steve O'Neill, legal counsel  
Eva Ibarra, clerk of the board

#### **Public in Attendance**

Bryan Bondy, Bondy Groundwater Consulting  
Katie Brokaw, Brokaw Nursery  
Zachary Hanson, UWCD (virtual)  
Margaret Kimball (virtual)  
Rachel Laenen, Kimball Ranches-El Hogar  
Helen McGrath (virtual)  
Tony Morgan, DBS&A (virtual)  
Patrick O'Connell, UWCD  
Ed Reese, UWCD  
Gus Tolley (virtual)

#### **1. CALL TO ORDER 4:00 p.m.**

Director Kimball called the meeting to order at 4 p.m.

##### **1A Pledge of Allegiance**

Director Kimball led everyone in reciting the Pledge of Allegiance.

##### **1B Directors Roll Call**

The clerk called the roll. 5 Directors were present: Fornoff, Jackson, Kimball, Mendez, and Meneghin. Chair Long was not yet present. 05/0/01.

##### **1C Public Comments**

Director Kimball asked if there were any comments or questions from the public. None were offered.

## **1D Approval of Agenda**

### **Motion**

Director Kimball asked Executive Director Anthony Emmert if there were any changes to the agenda. Mr. Emmert responded that there had been no changes to the agenda. Director Kimball then asked for a motion.

Motion to approve the agenda, Director Mendez; Second, Director Meneghin. Voice vote: five ayes (Fornoff, Jackson, Kimball, Mendez, and Meneghin), none opposed. Motion carries unanimously 5 /0 /1.

## **2. Updates**

### **2A Director Announcements/Board Communications:**

#### **Fillmore Pumpers Association Stakeholder Director Update**

Director Jackson said the Fillmore Pumpers Association had nothing to report.

#### **Piru Pumpers Association Stakeholder Director Update**

Director Fornoff said Piru Pumpers Association Stakeholders had nothing to report.

#### **Environmental Stakeholder Director Update**

Director Meneghin reported she attended Environmental Lawyers conference in October 2023.

#### **City of Fillmore Member Director Update**

Director Mendez said he had no update for City of Fillmore.

#### **United Water Conservation District Member Director Update**

Director Kimball said United Water continues to release water down the river for recharge, stating 12,150 from State Water Project and another 8,000. He said the Freeman has diverted 142,000 AF of water, for a record year.

#### **County of Ventura Member Director Update**

Chair Long was unavailable to provide an update for the County of Ventura.

### **2B Executive Director Update**

#### **Information Item**

The Executive Director reported on the GSP grant and said DWR approved amended invoices; he said he will work on amendment to grant agreement to facilitate grant coverage of additional Agency expenditures. He said DWR is to review the Agency's two GSP's by January of 2024. He also mentioned Shawn Kelly, Executive Director for Santa Clara River Conservancy, will be presenting at the January Board of Directors meeting and finalized his update stating he will provide and update on Board receivables at the January 2024 Board meeting

## **2C Legal Counsel Update**

### **Information Item**

Legal Counsel reported he has been working with Executive Director and DBS&A on developing the well permit review process.

## **2D GSP Consultant Update**

### **Information Item**

Tony Morgan from Daniel B Stephens & Associates presented slides and provided an update on DBS&A's activities and future activities to come for the Agency. He said his goal is to provide the Agency with annual reports by March.

## **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 approved the Minutes from the Board Meeting of October 19, 2023.

### **3B Approval of Warrants**

The Board approved payment of outstanding vendor invoices:

Rogers Anderson Malody & Scott	\$4,600.0
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### **3C Monthly Financial Report**

The Board received the monthly financial report for the Fillmore and Piru Basin Groundwater Sustainability Agency.

Motion to approve Consent Calendar items with changes to minutes requested by Director Kimball and Director Meneghin, Director Mendez; second, Director Fornoff. Roll call vote: five ayes (Fornoff, Jackson, Kimball, Mendez, and Meneghin); none opposed. Motion carries unanimously 5/0/1.

## **4. MOTION ITEMS**

### **4A Waiver of Late Fees and Interest for JBS Capital LLC**

The Board approved waiving late fees and interest in the amount of \$1,729.11 for JBS Capital LLC.

Motion to approve, Director Mendez; second, Director Jackson. Roll call vote: five ayes (Fornoff, Jackson, Kimball, Mendez, and Meneghin); none opposed. Motion carries unanimously 5/0/1.

**4B Development of Well Permitting Review Process in Compliance with California Executive Orders N-7-22 and N-3-23**

The Board received a presentation from Daniel B. Stephens and Associates, legal counsel, and staff regarding the development of the Agency’s Well Permitting Review Process and provided comments and direction.

The Board, staff and public all made comments and discussed the draft procedure. Staff will revise the draft procedure and bring it back for discussion at a future Board of Directors meeting.

**4C Meetings Calendar for 2024**

**Motion**

The Board approved setting its regular meetings for Calendar Year 2024 as presented.

Motion to approve, Director Mendez; second, Director Meneghin. Roll call vote: 6 ayes (Fornoff, Jackson, Kimball, Long, Mendez and Meneghin); none opposed. Motion carries unanimously 6/0.

**5. FUTURE TOPICS FOR BOARD DISCUSSION**

No items were mentioned.

**6. ADJOURNMENT 6:02 pm**

Chair Long adjourned the meeting at 6:02 p.m. to the next **Regular Board Meeting** on Thursday, **January 18, 2024**, or call of the Chair.

I certify that the above is a true and correct copy of the minutes of the Special Fillmore and Piru Basins Groundwater Sustainability Agency’s Board of Directors meeting of December 14, 2023.

ATTEST: \_\_\_\_\_  
Kelly Long, Chair, FPBGSA Board of Directors

ATTEST: \_\_\_\_\_  
Eva Ibarra, Clerk of the Board



**SPECIAL BOARD OF DIRECTORS MEETING**

**December 14, 2023 @ 4:00pm**

City Council Chambers, Fillmore City Hall  
250 Central Avenue, Fillmore, CA 93015

Sign-In Sheet

Name: Bryan Bondy  
Organization: Bondy Gw  
Phone: 805 212 0484  
E-mail: bryan@bandygroundwater.com

Name: Katie Brokaw  
Organization: Brokaw Nursery  
Phone: (805) 625-1572  
E-mail: katie@brokawnursery.com

Name: \_\_\_\_\_  
Organization: \_\_\_\_\_  
Phone: \_\_\_\_\_  
E-mail: \_\_\_\_\_

Check Detail Report  
19 Dec - 19 Dec 2023

ACCOUNT	TRANSACTION ID	DATE	TRANSACTION TYPE	NUM	NAME	DESCRIPTION	CLR	AMOUNT
<b>Bank of the Sierra</b>								
	<b>17088</b>							
Bank of the Sierra	17088	12/19/2023	Bill Payment (Check)	11207	County of Ventura IT Services Department	--	Uncleared	-\$628.50
Bank of the Sierra	17088	12/19/2023	Bill Payment (Check)	11207	County of Ventura IT Services Department	--	--	-\$628.50
	<b>17089</b>							
Bank of the Sierra	17089	12/19/2023	Bill Payment (Check)	11206	Rogers, Anderson, Malody & Scott, LLP	--	Uncleared	-\$2,765.00
Bank of the Sierra	17089	12/19/2023	Bill Payment (Check)	11206	Rogers, Anderson, Malody & Scott, LLP	--	--	-\$2,765.00
	<b>17090</b>							
Bank of the Sierra	17090	12/19/2023	Bill Payment (Check)	11205	Aleshire & Wynder LLP	--	Uncleared	-\$1,519.30
Bank of the Sierra	17090	12/19/2023	Bill Payment (Check)	11205	Aleshire & Wynder LLP	--	--	-\$1,519.30

Check Detail Report  
January 2024

ACCOUNT	TRANSACTION ID	DATE	TRANSACTION TYPE	NUM	NAME	DESCRIPTION	CLR	AMOUNT
<b>Bank of the Sierra</b>								
	<b>17234</b>							
Bank of the Sierra	17234	01/09/2024	Bill Payment (Check)	11208	Insure Cal	--	Uncleared	-\$2,462.42
Bank of the Sierra	17234	01/09/2024	Bill Payment (Check)	11208	Insure Cal	--	--	-\$2,462.42
	<b>17235</b>							
Bank of the Sierra	17235	01/09/2024	Bill Payment (Check)	11209	Daniel B Stephens & Associates, Inc.	--	Uncleared	-\$26,648.75
Bank of the Sierra	17235	01/09/2024	Bill Payment (Check)	11209	Daniel B Stephens & Associates, Inc.	--	--	-\$26,648.75



# Fillmore and Piru Basins, GSA

Budget vs. Actuals: FY\_2023\_2024 - FY24 P&L

July 1 - December 30, 2023

	JUL - SEP, 2023		OCT 1 - DEC 30, 2023		TOTAL	
	ACTUAL	BUDGET	ACTUAL	BUDGET	ACTUAL	BUDGET
<b>Income</b>						
40001 Groundwater Extraction Charge	-165.60	0.00	-4,050.48	0.00	\$ -4,216.08	\$0.00
41000 Grant Revenue					\$0.00	\$0.00
41001 State Grants		23,750.00		23,750.00	\$0.00	\$47,500.00
<b>Total 41000 Grant Revenue</b>		<b>23,750.00</b>		<b>23,750.00</b>	<b>\$0.00</b>	<b>\$47,500.00</b>
47000 Other Revenue					\$0.00	\$0.00
47001 Late Fees	10,968.50	0.00	5,128.81	0.00	\$16,097.31	\$0.00
47012 Returned Check Charges		0.00		0.00	\$0.00	\$0.00
<b>Total 47000 Other Revenue</b>	<b>10,968.50</b>	<b>0.00</b>	<b>5,128.81</b>	<b>0.00</b>	<b>\$16,097.31</b>	<b>\$0.00</b>
<b>Total Income</b>	<b>\$10,802.90</b>	<b>\$23,750.00</b>	<b>\$1,078.33</b>	<b>\$23,750.00</b>	<b>\$11,881.23</b>	<b>\$47,500.00</b>
<b>GROSS PROFIT</b>	<b>\$10,802.90</b>	<b>\$23,750.00</b>	<b>\$1,078.33</b>	<b>\$23,750.00</b>	<b>\$11,881.23</b>	<b>\$47,500.00</b>
<b>Expenses</b>						
52200 Professional Services	0.00				\$0.00	\$0.00
52240 Prof Svcs - IT Consulting		446.25	628.50	446.25	\$628.50	\$892.50
52250 Prof Svcs - Groundwtr/GSP Prep					\$0.00	\$0.00
52251 Prof Svcs - UWCD GW Services		9,999.99		9,999.99	\$0.00	\$19,999.98
52252 Prof Svcs - GSP Consultant	6,092.50	123,750.00		123,750.00	\$6,092.50	\$247,500.00
<b>Total 52250 Prof Svcs - Groundwtr/GSP Prep</b>	<b>6,092.50</b>	<b>133,749.99</b>		<b>133,749.99</b>	<b>\$6,092.50</b>	<b>\$267,499.98</b>
52270 Prof Svcs - Accounting		6,352.50	7,365.00	6,352.50	\$7,365.00	\$12,705.00
52275 Prof Svcs - Admin/Clerk of Bd		6,562.50		6,562.50	\$0.00	\$13,125.00
52280 Prof Svcs - Executive Director		14,472.21		14,472.21	\$0.00	\$28,944.42
52290 Prof Svcs - Other		5,250.00		5,250.00	\$0.00	\$10,500.00
<b>Total 52200 Professional Services</b>	<b>6,092.50</b>	<b>166,833.45</b>	<b>7,993.50</b>	<b>166,833.45</b>	<b>\$14,086.00</b>	<b>\$333,666.90</b>
52500 Legal Fees					\$0.00	\$0.00
52501 Legal Counsel	3,181.23	9,999.99	1,519.30	9,999.99	\$4,700.53	\$19,999.98
<b>Total 52500 Legal Fees</b>	<b>3,181.23</b>	<b>9,999.99</b>	<b>1,519.30</b>	<b>9,999.99</b>	<b>\$4,700.53</b>	<b>\$19,999.98</b>
53000 Office Expenses		500.01		500.01	\$0.00	\$1,000.02
53010 Public Information		249.99		249.99	\$0.00	\$499.98
53020 Office Supplies		249.99		249.99	\$0.00	\$499.98
53026 Postage & Mailing		249.99		249.99	\$0.00	\$499.98
53040 Membership Dues	135.00		90.00		\$225.00	\$0.00
53110 Travel & Training		500.01		500.01	\$0.00	\$1,000.02
<b>Total 53000 Office Expenses</b>	<b>135.00</b>	<b>1,749.99</b>	<b>90.00</b>	<b>1,749.99</b>	<b>\$225.00</b>	<b>\$3,499.98</b>
53500 Insurance					\$0.00	\$0.00
53510 Liability Insurance		0.00		2,625.00	\$0.00	\$2,625.00
<b>Total 53500 Insurance</b>		<b>0.00</b>		<b>2,625.00</b>	<b>\$0.00</b>	<b>\$2,625.00</b>
70130 Bank Service Charges		0.00		0.00	\$0.00	\$0.00
80000 AR Write-Offs - Bad Debt Exp.			1.47		\$1.47	\$0.00
<b>Total Expenses</b>	<b>\$9,408.73</b>	<b>\$178,583.43</b>	<b>\$9,604.27</b>	<b>\$181,208.43</b>	<b>\$19,013.00</b>	<b>\$359,791.86</b>
<b>NET OPERATING INCOME</b>	<b>\$1,394.17</b>	<b>\$ -154,833.43</b>	<b>\$ -8,525.94</b>	<b>\$ -157,458.43</b>	<b>\$ -7,131.77</b>	<b>\$ -312,291.86</b>
<b>NET INCOME</b>	<b>\$1,394.17</b>	<b>\$ -154,833.43</b>	<b>\$ -8,525.94</b>	<b>\$ -157,458.43</b>	<b>\$ -7,131.77</b>	<b>\$ -312,291.86</b>

# Fillmore and Piru Basins, GSA

## Balance Sheet

As of December 31, 2023

	TOTAL
<b>ASSETS</b>	
Current Assets	
Bank Accounts	
10000 Bank of the Sierra	1,210,400.52
<b>Total Bank Accounts</b>	<b>\$1,210,400.52</b>
Accounts Receivable	
11000 Accounts Receivable	311,200.85
<b>Total Accounts Receivable</b>	<b>\$311,200.85</b>
Other Current Assets	
12000 Undeposited Funds	0.00
12900 Clearing Account	0.00
<b>Total Other Current Assets</b>	<b>\$0.00</b>
<b>Total Current Assets</b>	<b>\$1,521,601.37</b>
<b>TOTAL ASSETS</b>	<b>\$1,521,601.37</b>
<b>LIABILITIES AND EQUITY</b>	
Liabilities	
Current Liabilities	
Accounts Payable	
20000 Accounts Payable	29,111.17
<b>Total Accounts Payable</b>	<b>\$29,111.17</b>
Other Current Liabilities	
20001 Advance from County of Ventura	0.00
California Department of Tax and Fee Administration Payable	0.00
Out Of Scope Agency Payable	0.00
<b>Total Other Current Liabilities</b>	<b>\$0.00</b>
<b>Total Current Liabilities</b>	<b>\$29,111.17</b>
<b>Total Liabilities</b>	<b>\$29,111.17</b>
Equity	
32000 Retained Earnings	1,528,733.14
Net Income	-36,242.94
<b>Total Equity</b>	<b>\$1,492,490.20</b>
<b>TOTAL LIABILITIES AND EQUITY</b>	<b>\$1,521,601.37</b>



**Item No.**        **5A Motion**

**DATE:**            December 28, 2023 (for January 18, 2024, meeting)

**TO:**                Board of Directors

**VIA:**               Anthony A. Emmert, Executive Director

**FROM:**            United Water Conservation District Finance Staff

**SUBJECT:**        **Waiver of Late Fees and Interest for Sespe Agricultural Water**

**RECOMMENDED ACTION**

The Board will consider waiving late fees and interest in the amount of \$1,455.75 for Sespe Agricultural Water.

**DISCUSSION**

Sespe Agricultural Water (Sespe) did not receive the statements and invoices associated with its pumping from two of its wells during the 2022-2 period, and therefore paid after the deadline. Sespe has formally requested that the Agency waive the late fees and interest in the amount of \$1,455.75.

As Sespe is current with the Agency, staff recommends the Board approve Sespe’s request to waive its late fees and interest.

**FISCAL IMPACT**

Waiving late fees and interest will result in less revenue received by the Agency in the amount of \$1,455,75. However, late fees and interest are not budgeted by the Agency and waiving the fees will not materially negatively impact the Agency’s financial position.

**ATTACHMENTS**

None

Proposed Motion:		
Motion to waive late fees and interest totaling \$1,455.75 for Sespe Agricultural Water.		
1 <sup>st</sup> : Director _____	2 <sup>nd</sup> : Director _____	
Voice/Roll call vote:		
Director Fornoff:	Director Jackson:	Director Kimball:
Director Long:	Director Mendez:	Director Meneghin:



**Item No.**        **5B Motion**

**DATE:**         January 11, 2024 (for January 18, 2024, meeting)

**TO:**             Board of Directors

**FROM:**         Anthony A. Emmert, Executive Director

**SUBJECT:**      **Development of Well Permitting Review Process in Compliance with California Executive Orders N-7-22 and N-3-23**

#### **RECOMMENDED ACTION**

The Board will receive a presentation from Daniel B. Stephens and Associates, legal counsel 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 Newsom issued Executive Order N-7-22 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.

On February 13, 2023, Governor Newsom, issued Executive Order N-3-23 that modified the requirements by including a third exemption category for replacement wells:

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 (i) that will provide less than two acre-feet per year of groundwater for individual domestic users, (ii) that will exclusively provide groundwater to public water supply systems as defined in section 116275 of the Health and Safety Code, or (iii) that are replacing existing, currently permitted wells with new wells that will produce an equivalent quantity of water as the well being replaced when the existing well is being replaced because it has been acquired by eminent domain or acquired while under threat of condemnation.

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 and EO N-3-23 apply to how the two agencies interact regarding any well permit applications received. County Water Resources, the Agency and other groundwater sustainability agencies in the County have cooperated regarding GSA well permit application reviews.

In response to these Executive Orders, Daniel B. Stephens and Associates, legal counsel, and Agency staff developed a groundwater sustainability agency well permit review process. The Board directed that the process be straightforward, efficient, and easily understood. The Agency developed the *Guidelines for Water Well Permit Reviews* document (Guidelines) (copy attached),

to explain the process, clarify responsibilities of various parties, and provide useful references for well permittees. During a special Board meeting on December 14, 2023, the Board provided comments and recommendations on the Draft Agency Guidelines for Water Well Permit Review document, with the overall intent to comply with the Executive Orders while keeping the review as efficient and streamlined as possible. During the December 2023 meeting, stakeholder representatives also provided useful feedback. Taking the Board's and stakeholders' comments into consideration, DBS&A and Agency staff have amended the draft Agency Guidelines for Water Well Permit Reviews document (attached) for board consideration.

If the Board approves the proposed process and documents, then Agency staff and legal counsel will prepare a policy document for the Board to consider.

**FISCAL IMPACT**

None.

**ATTACHMENTS**

Attachment 1 – Draft Agency Guidelines for Water Well Permit Reviews

Proposed Motion:

Provide comments and direction regarding the development of the Agency's Well Permitting Review Process in compliance with Executive Orders N-7-22 and N-3-23.

1<sup>st</sup>: Director \_\_\_\_\_

2<sup>nd</sup>: Director \_\_\_\_\_

Voice/Roll call vote:

Director Fornoff:

Director Jackson:

Director Kimball:

Director Long:

Director Mendez:

Director Meneghin:

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- A FPBGSA Supplemental Water Well Permit Application

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## 1. Introduction

On March 28, 2022 Governor Newsom issued Executive Order N-7-22 and, on February 13, 2023, Executive Order N-3-23 (the "EO's"), which included new well permitting requirements for local agencies to prepare for and lessen the effects of drought conditions. Pursuant to the EO's, counties, cities, or other public agencies must obtain written verification from the relevant Groundwater Sustainability Agency (GSA) before approving a permit for a groundwater well or alteration of an existing well in a basin subject to the Sustainable Groundwater Management Act and classified as medium- or high- priority. Domestic and small wells are excluded from the order. The GSA must evaluate whether the proposed well would not be inconsistent with any Groundwater Sustainability Plan ("GSP") adopted by the GSA and would not decrease the likelihood of achieving a sustainability goal for the basin.

The Fillmore and Piru Basins fall within the scope of the EO's, creating a new review requirement for the issuance of permits for wells in medium and high-priority groundwater basins. The County of Ventura is the permitting agency for well permits, and now cannot issue a permit for a new well without first consulting with the Fillmore and Piru Basin Groundwater Sustainability Agency ("FPBGSA"). The County cannot issue a new permit without first getting a determination from the FPBGSA that the proposed groundwater well is both: (1) not likely to interfere with the production and functioning of existing nearby wells; and (2) not likely to cause subsidence, i.e., the caving or sinking of land that lowers the ground surface elevation.

Consistent with the EO's and Agency procedure flowchart, an applicant seeking approval for a permit for installation of a new groundwater well or alteration of an existing well in the Fillmore and Piru Basins must submit a supplemental information form (copy attached) to the Agency. A copy of the supplemental information form can also be found at the following URL: [\[REDACTED\]](#).

The FPBGSA's program to evaluate the potential impact of proposed new groundwater extractions from either basin has been designed to minimize the effect on new well applicants and provide the FPBGSA with the needed protocols to ensure that the FPBGSA complies with the requirements of the EOs - that the groundwater extractions proposed by the new well are consistent with the FPBGSA's efforts to maintain sustainable groundwater conditions in the Fillmore and Piru basins.

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The FPBGSA will rely on the evaluations of potential well interference or induced subsidence by the groundwater extractions from the new well in its evaluation of whether the proposed well is consistent with the Groundwater Sustainability Plan for each of the Fillmore and Piru basins.

The FPBGSA has developed a streamlined new well application process to maximize flexibility and minimize the time and cost of complying with the Executive Orders for well permit applicants. In order to facilitate this, the Agency requires the initial technical analyses be performed by the well permit applicant. The technical analyses needed include an assessment of the potential for groundwater extractions from the proposed well to impact nearby existing wells or to initiate or exacerbate subsidence.

## 2. Responsibilities

The responsibilities for complying with the EOs and supplying the FPBGSA with information needed to evaluate the potential impacts to achieving or maintaining groundwater sustainability in the basins are as follows:

- Determination of new well groundwater extractions consistency with the GSPs – FPBGSA;
- Determination of the potential impact of the proposed new well on:
  - Existing nearby wells – Well Permit Applicant
  - Subsidence conditions/exacerbation by groundwater extractions – Well Permit Applicant
- Likelihood for the new well to become inoperable during future droughts – Well Permit Applicant (Domestic Wells, Municipal Wells, and Irrigation Wells)
- Review of Well Permit Applicant’s technical analyses – FPBGSA
- Providing written verification to County of Ventura of GSAs of a new well’s consistency (or inconsistency) with the GSPs and the sustainability goals (applicable to all domestic, municipal, and irrigation wells)- FPBGSA
- Approval/Rejection of permit for new well – County of Ventura
- Issuance of permit for new well – County of Ventura

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## 3. Application Procedures

To aid the applicant with the application process, the FPBGSA has compiled the following list of items that must be submitted to the FPBGSA to enable the application review process to proceed, as well as further information on the expected contents of the technical report, and the applicant review process. The Agency desires to minimize the cost to the new well applicants of the permit review process and has also included readily available resources that can assist the well applicant in supplying the FPBGSA with sufficient information to properly evaluate the well permit application.

### 3.1 Application Process

New well applicant should submit the following to FPBGSA:

- A completed **County of Ventura Application for Well Permit**
- A completed FPBGSA's **Supplemental Water Well Permit Application** (Appendix A)
- Irrigation well applicants will submit a **Technical Report** prepared by a CA Certified Hydrogeologist or CA Professional Engineer with expertise in water resources. A technical report is NOT required for a monitoring well, domestic well (see qualifying criteria below), or municipal well.

#### 3.1.1 Executive Order Compliance – Well Applicant

##### 3.1.1.1 *Monitoring Well Permit Applications*

Permits for the construction of new monitoring wells are exempt from much of the requirements of the EOs. Since groundwater extractions are minimal to non-existent for these types of wells, they have no significant impact on the GSAs' sustainability goals and are therefore categorically approved by the FPBGSA. These Well Permit Applications will be supported by the FPBGSA. The FPBGSA may request that any information gained from the construction (e.g., well completion report, as-built well construction details, water quality analytical results) and monitoring of groundwater conditions (e.g., depth to groundwater, water quality analytical results) at a well be provided to the GSA to help it maintain a comprehensive data set on groundwater conditions in a basin.

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### ***3.1.1.2 Domestic Well Permit Applications***

Wells producing 2 acre-feet/year of groundwater for solely domestic use are exempt from the EO requirements. Domestic well permit applications will be categorically supported by the FPBGSA, however, it is recommended that the well applicant consider the impacts future droughts may potentially have on water levels in the basin and adjust their well designs to minimize the potential for their new well becoming inoperable due to low water levels. The Agency's online database contains information on possible future, drought-impacted water levels.

The FPBGSA may request that any information gained from the construction (e.g., well completion report, as-built well construction details, water quality analytical results) and monitoring of groundwater conditions (e.g., depth to groundwater, water quality analytical results) at a well be provided to the GSA to help it maintain a comprehensive data set on groundwater conditions in a basin.

### ***3.1.1.3 Municipal Well Permit Applications***

Municipal well permit applications are exempt from the requirements of the EO. Municipal well permit applications will be categorically supported by the FPBGSA, however, it is recommended that the well applicant consider the impacts future droughts may potentially have on water levels in the basin and adjust their well designs to minimize the potential for their new well becoming inoperable due to low water levels. The Agency's online database contains information on possible future, drought-impacted water levels.

The FPBGSA may request that any information gained from the construction (e.g., well completion report, as-built well construction details, water quality analytical results) and monitoring of groundwater conditions (e.g., depth to groundwater, water quality analytical results) at a well be provided to the GSA to help it maintain a comprehensive data set on groundwater conditions in a basin.

### ***3.1.1.4 Irrigation Well Permit Applications***

Irrigation well permit applications are required to submit a technical report (Section 3.2) that evaluates (1) the potential impacts the groundwater extractions could have on existing nearby water wells, and (2) the potential for the groundwater extractions to exacerbate or induce ground subsidence near the well or critical infrastructure.

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The FPBGSA may request that any information gained from the construction (e.g., well completion report, as-built well construction details, water quality analytical results) and monitoring of groundwater conditions (e.g., depth to groundwater, water quality analytical results) at a well be provided to the GSA to help it maintain a comprehensive data set on groundwater conditions in a basin.

### **3.1.2 Executive Order - FPBGSA**

The FPBGSA will have the responsibility for evaluating the degree to which the groundwater extractions associated with a new well might impact the ability of the GSA to achieve or maintain sustainable groundwater conditions.

FPBGSA consultants will review the completed County of Ventura Well Permit, Supplemental Water Well Permit, and if available, the Technical Report provided by the Well Applicant. The review will be focused on identifying the potential impacts the groundwater extractions associated with the new well would have on:

- Chronic lowering of groundwater levels;
- Potential to exacerbate or initiate subsidence;
- Degradation of water quality;
- Surface Water – Groundwater Interactions / Groundwater Dependent Ecosystems; and
- Reductions of Groundwater Storage.

## **3.2 Technical Report**

The new irrigation well applicant can select any qualified CA Certified Hydrogeologist or CA Professional Engineer with expertise in water resources to assist with the preparation of the technical report. If the well applicant selects a third party individual or entity to prepare the technical report, Daniel B. Stephens and Associates, Inc. (DBS&A) will review the technical report on behalf of the FPBGSA. Alternatively, the new well applicant can elect to use DBS&A to prepare the technical report. In this case, United Water Conservation District (UWCD) will perform the review of the technical report in support of the FPBGSA.

The FPBGSA has assembled several tools and data sources to assist the well applicant with preparing the technical report. These same tools and data sources will be used by the FPBGSA consultant in evaluating the potential impacts of groundwater extractions from the new well.

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The technical report shall address:

1. The likelihood of well interference with nearby existing wells

*Resources:*

- a. *FPBGSA Online Database - Well Locations, Depths, and Construction Details*  
(<https://fillmore-piru.gladata.com/>)
- b. *California Department of Water Resources, Well Completion Report Map Application*  
<https://dwr.maps.arcgis.com/apps/webappviewer/index.html?id=181078580a214c0986e2da28f8623b37>)
- c. *Fillmore and Piru Basins Groundwater Sustainability Plans – Well Density*  
(<https://sgma.water.ca.gov/portal/gsp/all>)
- d. *Fillmore and Piru Basins Groundwater Sustainability Plans – Aquifer Properties used in Groundwater Model* (<https://sgma.water.ca.gov/portal/gsp/all>)

2. The likelihood of the groundwater extractions from the new well to induce or exacerbate land subsidence

*Resources:*

- a. *California Department of Water Resources, InSAR Subsidence Data,*  
<https://data.cnra.ca.gov/dataset/tre-altamira-insar-subsidence>
- b. *FPBGSA Online Database – Well Hydrographs* (<https://fillmore-piru.gladata.com/>)
- c. *FPBGSA Online Database – Well Completion Reports/subsurface geology*  
(<https://fillmore-piru.gladata.com/>)
- d. *Fillmore and Piru Basins Groundwater Sustainability Plans – Geologic Setting*  
(<https://sgma.water.ca.gov/portal/gsp/all>)
- e. *2022 Subsidence Update Technical Memorandum* <https://s29420.pcdn.co/wp-content/uploads/2023/08/2023-02-10-FINAL-2022-Fillmore-and-Piru-Basins-Subsidence-Update.pdf>

3. The likelihood of water levels in the new well will reach levels making the well inoperable during a future prolonged drought

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*Resources:*

- a. *FPBGSA Online Database - Future Drought Groundwater Levels – in development*  
(<https://fillmore-piru.gladata.com/>)
4. The likelihood that groundwater extractions from the new well will affect mapped groundwater dependent ecosystems (GDEs)

*Resources:*

- a. *FPBGSA Online Database – GDE maps* (<https://fillmore-piru.gladata.com/>)
- b. *FPBGSA Online Database - Well Locations, Depths, and Construction Details*  
(<https://fillmore-piru.gladata.com/>)
- c. *California Department of Water Resources, Well Completion Report Map Application*  
<https://dwr.maps.arcgis.com/apps/webappviewer/index.html?id=181078580a214c0986e2da28f8623b37>
- d. *Fillmore and Piru Basins Groundwater Sustainability Plans*  
(<https://sgma.water.ca.gov/portal/gsp/all>)

### **3.3 Application Review Procedures**

The application review procedures have two components: review of the technical report and evaluation of the potential impacts the groundwater extractions may have on the FPBGSA’s ability to achieve or maintain sustainable groundwater conditions.

#### **3.3.1 Technical Report Review**

Upon receipt of the items detailed in Section 3.2, the FPBGSA will commission Daniel B. Stephens and Associates, Inc. (DBS&A) to assist the Agency with the review of the technical report and other information supplied by the well permit applicant and conduct any additional evaluations necessary to support a recommendation to the FPBGSA Board of Directors to supply the County of Ventura with a letter indicating that the new proposed groundwater extractions are (or are not) consistent with the GSP and the Agency’s efforts to maintain the sustainability of the basins. Alternatively, the new well applicant can elect to use DBS&A to prepare the technical report. In this case, United Water Conservation District (UWCD) will perform the review of the technical report in support of the FPBGSA.

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### 3.3.2 Sustainability Assessment Review

The FPBGSA's consultant will review the well permit application information and technical report, if available, and perform the necessary technical evaluations to determine the impact the proposed groundwater extractions will have on the groundwater sustainability metrics (e.g., Minimum Thresholds [MTs]) established in the basin GSP and consistency with industry best management practices. A technical memorandum will be prepared by the consultant and provided to the Board of Directors that summarizes the findings. The technical memorandum will address potential impacts to:

- Chronic lowering of groundwater levels including the potential for the well to become inoperable due to future, drought induced water level declines;
- Potential to exacerbate or initiate subsidence;
- Degradation of water quality;
- Surface Water – Groundwater Interactions / Groundwater Dependent Ecosystems; and
- Reductions of Groundwater Storage.

These additional evaluations necessary to support a recommendation to the FPBGSA Board of Directors to supply the County of Ventura with a letter indicating that the new proposed groundwater extractions are (or are not) consistent with the GSP and the Agency's efforts to maintain the sustainability of the basins.

## 4. Costs

The GSA will incur costs associated with the evaluation of the technical report, as well as evaluating the proposed groundwater water extractions potential effect on the GSA's ability to achieve or maintain groundwater sustainability in the Fillmore and Piru basins. In order to cover the costs to provide this support, the Agency will establish a *Well Permit Review* fee.

Well permit applicants will be required to post a **\$7,000.00** deposit with the GSA to initiate the permit review process. The costs for performing the well permit review will be charged against the deposit. In instances where the actual costs are less than the deposit amount, the balance will be returned to the applicant after the Board of Director's makes its determination of the degree of impact the groundwater extractions may have on groundwater sustainability.

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In complicated situations (e.g., multiple wells are impacted by the new well, subsidence is deemed to be a possibility, new well is proposed in an area where future extreme droughts may impair its ability to operate), the deposit amount may need to be augmented as Agency staff or consultants work with the applicant to develop mitigation measures (e.g., adjust location of well, modify the pumping frequency or rate, adjust the well depth).

The new well applicant will be responsible for all costs associated with preparing the technical report and its review, regardless if the report is prepared by DBS&A or others.

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