

NOTICE AND AGENDA OF REGULAR MEETING

GROUNDWATER SUSTAINABILITY AGENCY
FOR THE EASTERN MANAGEMENT AREA
IN THE SANTA YNEZ RIVER GROUNDWATER BASIN

HELD AT

SANTA YNEZ COMMUNITY SERVICES DISTRICT
1070 FARADAY STREET, SANTA YNEZ, CALIFORNIA
6:30 P.M., THURSDAY, APRIL 27, 2023

Optional remote participation is available via Telephone or ZOOM

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- If your device does not have a microphone or speakers, you can call in for audio with the phone number and Meeting ID listed above to listen and participate.
- In the interest of clear reception and efficient administration of the meeting, all persons participating remotely are respectfully requested to mute their line after logging or dialing-in and remain muted at all times unless speaking.

AGENDA OF REGULAR MEETING

- I. Call to Order and Roll Call
- II. Additions or Deletions to the Agenda
- III. Public Comment (Any member of the public may address the Committee relating to any non-agenda matter within the Committee’s jurisdiction. The total time for all public comment shall not exceed fifteen minutes and the time allotted for each individual shall not exceed five minutes. No action will be taken by the Committee at this meeting on any public comment item.)
- IV. Review and Consider Approval of Meeting Minutes of March 23, 2023
- V. Review Revised Draft Policy Options and Scenarios for Well Verification Requests
- VI. Consider Approving Resolution EMA-2023-001 A RESOLUTION SUPPLEMENTING EMA WELL VERIFICATION PROCESS IN THE EASTERN MANAGEMENT AREA OF THE SANTA YNEZ RIVER VALLEY GROUNDWATER BASIN
- VII. Review and Consider Request for EMA GSA Written Verification under Executive Order N-5-23 in the EMA for APN 137-390-025 Osberg
- VIII. Received Written Communications
 - a. Letter to Committee Chairs of the EMA, CMA and WMA from Sheldon Bosio, President, Santa Barbara County Farm Bureau, dated April 5, 2023

- b. Letter to DWR from Natalie Stork, Supervising Engineering Geologist, Groundwater Management Program, Office of Research Planning and Performance, California State Water Resources Control Board, dated April 14, 2023
 - c. E-Mail to Staff and Committee members of the EMA, CMA and WMA from Alison Laslett, CEO, Santa Barbara Vintners, dated April 24, 2023
- IX. Next EMA GSA Regular Meeting, Thursday, May 25, 2023, at the Santa Ynez Community Services District Community Room, 1070 Faraday Street, Santa Ynez, CA
 - X. EMA GSA Committee Reports and Requests for Future Agenda Items
 - XI. Adjournment

[This agenda was posted 72 hours prior to the scheduled regular meeting at 3669 Sagunto Street, Suite 101, Santa Ynez, California, and SantaYnezWater.org in accordance with Government Code Section 54954. In compliance with the Americans with Disabilities Act, if you need special assistance to review agenda materials or participate in this meeting, please contact the Santa Ynez River Water Conservation District at (805) 693-1156. Advanced notification as far as practicable prior to the meeting will enable the GSA to make reasonable arrangements to ensure accessibility to this meeting.]

MEETING MINUTES

Groundwater Sustainability Agency for the Eastern Management Area in the Santa Ynez River Groundwater Basin March 23, 2023

A regular meeting of the Groundwater Sustainability Agency (GSA) for the Eastern Management Area (EMA) in the Santa Ynez River Groundwater Basin was held on Thursday, March 23, 2023, at 6:30 p.m. at Santa Ynez Community Services District Community Room, 1070 Faraday Street, Santa Ynez, California.

EMA GSA Committee Members Present: Joan Hartmann, Brad Joos, Brett Marymee, and Elizabeth Orona

EMA GSA Alternate Committee Members Present: Cynthia Allen, David Brown, and Meighan Diethofer

Member Agency Staff Present: Jose Acosta, Bill Buelow, Paeter Garcia, Amber Thompson, and Matt Young

Others Present: Joe Barget, Tim Gorham, Mary Heyden, Gay Infanti, Mark Infanti, Kevin Merrill, and Tim Nicely (GSI Water Solutions)

I. Call to Order and Roll Call

EMA GSA Committee Chair Brett Marymee called the meeting to order at 6:30 p.m. and asked Mr. Buelow to call roll. All four EMA GSA Committee Members were present providing a quorum. Three EMA GSA Alternate Committee Members were also present.

II. Additions or Deletions to the Agenda

No additions or deletions were made.

Mr. Buelow announced that the presentation for Agenda Item No. 6 was revised and printed copies to replace pages 14-35 of the published meeting packet were available.

III. Public Comment

There was no public comment. Mr. Buelow announced he did not receive any public comments in advance of the meeting.

IV. Review and Consider Approval of Meeting Minutes of January 26, and February 23, 2023

The minutes of the EMA GSA Committee meeting on January 26, and February 23, 2023 were presented for GSA Committee approval. There was no discussion or public comment.

EMA GSA Committee Chair Brett Marymee made a MOTION to approve the minutes of January 26, and February 23, 2023, as presented. GSA Committee Member Elizabeth Orona seconded the motion. There was no discussion and it passed unanimously.

V. Review and Consider Request for EMA GSA Written Verification under Executive Order N-7-22 in the EMA for APN 141-440-011 Kylix Sanjo Cota

Mr. Buelow reviewed GSI Water Solutions, Inc.'s Review of New Well Application in the Santa Ynez River Valley Groundwater Basin, Eastern Management Area (EMA), dated January 17, 2023 (revised March 18, 2023) and the Draft letter from the EMA GSA regarding Written Verification Request for 141-440-012, WP#0005465. Discussion followed and public comment was received. Mr. Kevin Merrill, on behalf of Kylix Sanjo Cota / Kylix Vineyards California LP, answered questions from the EMA GSA Committee Members.

EMA GSA Committee Member Brad Joos made a MOTION to approve the Written Verification Request, as presented. GSA Committee Member Joan Hartmann seconded the motion. There was no discussion and it passed unanimously by roll call vote.

VI. Receive Update on March 2023 Water-Levels for the EMA

Mr. Matt Young, Santa Barbara County Water Agency, presented Santa Ynez River Valley Groundwater Basin, Eastern Management Area, Overview of Historical Water Level Trends and Recent March 2023 Measurements. Discussion occurred during and after the presentation. Public comments were received, and questions were answered by Member Agency Staff and Committee Members.

- EMA GSA Committee Chair Brett Marymee asked about Cloud Seeding expectations.
 - Mr. Young replied that the County plans to continue the program next fall.
- Ms. Mary Heyden, EMA CAG member, asked about the possibility to capture future storm water runoff that currently flows out to ocean.
 - Mr. Buelow replied that the EMA GSP lists one Management Action and Project as stormwater capture program.
 - Mr. Young replied with information on other current programs available for this purpose.
 - EMA GSA Committee Alternate Member David Brown commented that a conservation program to save natural recharge opportunities versus increased hardscapes and housing would be beneficial for storm water recharge.

- EMA GSA Committee Member Brad Joos commented on the benefits of controlled burns versus wildfires and the need for controlled burns.
 - EMA GSA Committee Member Joan Hartmann replied that she serves on the Santa Barbara County Fire Safe Council and reported that grazing and aggressive landscape management programs are currently in place.

VII. Review Revised Draft Policy Options for Well Verification Requests

Mr. Paeter Garcia presented the Draft Policy Options for New Well Verifications by the EMA GSA. The options presented and discussed were:

- Option 1: Continue to review requests for well verifications until undesirable results occur. (The policy currently in place.)
- Option 2: Deny pending verification requests and cease accepting new requests based on imminent occurrence of undesirable results.
- Option 3: Process New Well Verification requests pending review of semi-annual monitoring data.
- Option 4: Continue to review requests for well verifications based on water budget parameters and considerations contained in EMA GSP.

Discussion occurred during and after the presentation. Public comments were received. Memorandum from the EMA Citizens Advisory Group, prepared by Gay Infanti, dated March 23, 2023 regarding Review of Draft Policy Options for Well Verification Requests as introduced and briefly summarized by Ms. Infanti.

By consensus, the EMA GSA Committee directed Staff to continue processing written well verification requests with Option 1 (the current policy in place) and further develop components for Option 4, including a requirement that future wells will require registration, reporting and metering. They requested a notice be made to public of these requirements in advance of the implementation to provide acknowledgement that a metering program is being planned. They also requested Staff to create a Well Registration Form and include the form in the Well Verification Application packet. The Committee further directed Staff that the future presentation on Option 4 should include hypothetical scenarios to demonstrate how Option 4 would be implemented with scenarios for both denied and approved written well verifications, a desktop analysis and a cost analysis.

VIII. Consider Approving and Submitting the Second Annual Report for the Eastern Management Area of the Santa Ynez River Valley Groundwater Basin to DWR

Mr. Tim Nicely, GSI Water Solutions, Inc., presented information on the Second Annual Report for the Eastern Management Area of the Santa Ynez River Valley Groundwater Basin prepared for submission to DWR. He stated that, as required by DWR, the Second Annual Report includes data from the prior water year of October 1, 2021 through September 30, 2022. Discussion followed and public comments were received.

EMA GSA Committee Member Joan Hartmann made a MOTION to approve the Santa Ynez River Valley Groundwater Basin – Eastern Management Area Annual Report Water Year 2022, dated March 21, 2023, authorize Staff to make any non-substantive edits, if needed, and to upload the report to DWR. GSA Committee Member Elizabeth Orona seconded the motion. There was no discussion and it passed unanimously by roll call vote.

EMA GSA Committee Members and Member Agency Staff thanked GSI Water Solutions staff for preparing and presenting a high quality report.

IX. Update on Required Conflict of Interest Form 700 Filings

Ms. Amber Thompson reported that all Committee Members have filed their required Conflict of Interest Form 700s with the County of Santa Barbara prior to the deadline.

X. Next EMA GSA Regular Meeting, Thursday, April 27, 2023, at 6:30 p.m. at the Santa Ynez Community Services District Community Room, 1070 Faraday Street, Santa Ynez, CA

EMA GSA Committee Chair Brett Marymee announced the next EMA GSA meeting is scheduled for Thursday, April 27, 2023, at 6:30 p.m. at the Santa Ynez Community Services District Community Room, 1070 Faraday Street, Santa Ynez, CA.

XI. EMA GSA Committee Reports and Requests for Future Agenda Items

EMA GSA Committee requested a summary of the AEM Survey at a future meeting.

EMA GSA Committee Member Elizabeth Orona agreed with request for an update on the future governance planning.

EMA GSA Committee Chair Brett Marymee requested information about the Atmospheric River phenomena.

EMA GSA Committee Chair Brett Marymee requested information regarding aquifer management programs through the State of California and ideas to increase the recharge of the Paso Robles aquifer.

XII. Adjournment

GSA Committee Chair Brett Marymee adjourned the meeting at 9:23 p.m.

Brett Marymee, Chairman

William J. Buelow, Secretary

EMA WELL VERIFICATION POLICY OPTION 4

POLICY OPTION 4 OVERVIEW

- Based on SGMA, core "**Sustainability**" factors contained in the EMA GSP can be used to evaluate requests for written verifications and whether production from a proposed well is consistent with Sustainable Groundwater Management as set forth in the GSP.
 - A. Undesirable Results** – Presence/Imminence/Absence
 - B. Water Budget Parameters** – Short and Long-Term Land and Water Use Assumptions
 - C. Projects and Management Actions** – Programs/Water Savings/Priorities

HISTORICAL AND PROJECTED IRRIGATED AGRICULTURAL LAND USE CHANGE

Table 3-33. Summary of Historical and Projected Irrigated Agricultural Acreage, Outside of Santa Ynez River Water Conservation District

(Values in acres)

Crop Group	Recent Trend	1996	2014	2016	2018	2042 (Projected)	2072 (Projected)
Deciduous Fruit and Nuts	Modest increase	37	93	93	74	130	199
Field Crops	Rising (+ 4.5% / year)	267	273	812	1,090	1,752	2,581
Ornamentals	Unchanged	5	29	21	3	14	28
Pasture	Declining	1,350	839	858	747	500	500
Truck, Nursery, and Berry Crops	Declining	141	714	675	498	300	300
Vineyards	Very modest increase	944	1,804	1,932	1,828	1,900	1,990
Cannabis	Large increase expected	0	0	0	0	500	1,000
	Total	2,743	3,752	4,390	4,241	5,096	6,598
						Change Since 2018	+ 856
						Annual Increase	+ 36
						Annual Change, Percent	+ 0.77 %
							+ 0.82 %

PROJECTED IRRIGATED AGRICULTURAL PUMPING

Table 3-35. Summary of Projected Irrigated Agricultural Pumping (Excluding Climate Change), Santa Ynez Uplands

(Values in acre-feet per year)

Crop Group	2018	2042 (Projected)	2072 (Projected)
Deciduous Fruit and Nuts	159	277	425
Field Crops	1,143	1,838	2,707
Ornamentals	10	43	85
Pasture	2,615	1,750	1,750
Truck, Nursery, and Berry Crops	1,550	933	933
Vineyards	2,925	3,040	3,184
Cannabis	0	750	1500
SYRWCD	2,900	2,497	2,270
Total	11,301¹	11,129	10,584
	Change	- 172	- 717
	Annual Change	-7	-13
	Annual Change, Percent	- 0.06 %	- 0.12 %

Note

¹ Agricultural pumping from Santa Ynez Uplands between 1982 and 2018 averaged 11,700 AFY

SYRWCD = Santa Ynez River Water Conservation District

SCENARIO 1

- An applicant is proposing to drill a 100 AFY well to irrigate 50 acres of field crops.
- This is the first above average precipitation water year in 3 years.
- The proposed well is located in the northern Paso Robles formation.
- No nearby monitoring wells are below Minimum Thresholds.
- The GSP projects an average 4.5% increase of field crops (~28 acres/year).
- A total of 390 AF of new production have been approved in the basin in the past 6 months.
- Should the EMA GSA issue a well verification?

SCENARIO 1 CONT'D

- Staff recommendation: **issue well verification**
- Nearby representative wells are not below minimum thresholds, no reports of nearby dry wells.
- Proposed new field crop production is within the projected GSP land use and water budget parameters.
- First field crop well application in the EMA since March of 2022.
- Project and management actions are planned for implementation.

SCENARIO 2

- An applicant is proposing to drill a 600 AFY well to convert 400 acres of non-irrigated grazing land to irrigated vineyards during drought conditions.
- This is the third consecutive below average precipitation water year.
- The proposed well is located in the eastern Paso Robles formation.
- Two nearby monitoring wells are 7 ft and 14 ft below Minimum Thresholds, and more than 50% of representative wells have been below minimum thresholds for one year.
- A total of 390 AF of new production have been approved in the basin in the past 6 months, roughly consistent with land use change projections in GSP.
- Should the GSA issue a well verification?

SCENARIO 2 CONT'D

- Staff recommendation: **denial of well verification**
- 9 of the 14 wells are below Minimum Thresholds in the Paso Robles formation, including near the proposed new well.
- The GSP only projects a 0.2% annual growth for vineyards, and declines in water use from other land uses have not been realized.
- Project and management actions are planned for implementation.

REQUIRED ACKNOWLEDGMENT UNDER POLICY OPTION 4

- Applicant agrees to register their well with and report production semi-annually to the EMA GSA.

RESOLUTION NO. 2023-001

**A RESOLUTION ADOPTING AN EMA WELL VERIFICATION POLICY
FOR ADMINISTERING REQUESTS FOR WRITTEN VERIFICATIONS
IN THE EASTERN MANAGEMENT AREA
OF THE SANTA YNEZ RIVER VALLEY GROUNDWATER BASIN**

WHEREAS, the Groundwater Sustainability Agency for the Eastern Management Area in the Santa Ynez River Valley Groundwater Basin (“EMA GSA”), formed by Memorandum of Agreement dated April 27, 2017 (“EMA MOA”), is the exclusive GSA for the Eastern Management Area of the Santa Ynez River Valley Groundwater Basin (Bulletin 118 Basin No. 3-015) (“Basin”);

WHEREAS, in compliance with the Sustainable Groundwater Management Act (“SGMA”), on January 6, 2022, the EMA GSA adopted the EMA Groundwater Sustainability Plan (“Plan”) that establishes the EMA GSA’s groundwater management program and sustainability goal for the EMA;

WHEREAS, SGMA authorizes a local GSA to manage a groundwater basin in a sustainable manner pursuant to its groundwater sustainability plan;

WHEREAS, Water Code Section 10725.2 authorizes the EMA GSA to adopt rules, regulations, ordinances, and resolutions for the purpose of complying with SGMA, and to perform any act necessary or proper to carry out the purposes of SGMA;

WHEREAS, On July 21, 2022 the EMA GSA approved a document entitled “Process and Criteria for Administering Written Verifications Per Executive Order N-7-22” (“Process and Criteria”) for the implementation of Executive Order N-7-22, as amended under Executive Order N-5-23 (“Order”);

WHEREAS, pursuant to the Order and certain exceptions specified therein, the Santa Barbara County Environmental Health Department (County) is prohibited from approving a permit for a new groundwater well or for alteration of an existing well in the EMA without first obtaining written verification from the EMA GSA that groundwater extraction by the proposed well (1) would not be inconsistent with any sustainable groundwater management program established in the EMA GSP, and (2) would not decrease the likelihood of achieving a sustainability goal for the basin;

WHEREAS, in addition to utilizing the previously approved Process and Criteria, the EMA GSA desires to establish supplemental criteria for evaluating all new requests for written verifications under the Order.

NOW, THEREFORE, THE EMA GSA COMMITTEE HEREBY RESOLVES AS FOLLOWS:

SECTION 1. Recitals Incorporated

The above recitals are supported by substantial evidence, incorporated herein by reference and each relied upon independently by the EMA GSA governing Committee in its adoption of this Resolution.

SECTION 2. EMA GSA Supplemental Well Verification Policy

The EMA GSA governing Committee adopts the Eastern Management Area Groundwater Sustainability Agency Policy for Administering Requests for Written Verifications (“EMA Well Verification Policy”),

DRAFT

attached hereto as Exhibit A and incorporated herein by reference, and finds the EMA Well Verification Policy is consistent with the Plan and will promote implementation of the Plan in accordance with SGMA.

SECTION 3. Amendment

This Resolution may be added to, amended, and/or repealed at any time by adoption of a subsequent resolution of the EMA GSA governing Committee.

SECTION 4. Effective Date

This Resolution shall become effective upon adoption.

WE, THE UNDERSIGNED, do hereby certify that the above and foregoing Resolution No. EMA-2023-001 was duly adopted and passed by the governing Committee of the EMA GSA at a meeting held on April 27, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

Brett Marymee, Chair

William J. Buelow, Secretary

DRAFT

EXHIBIT A

Exhibit A

Eastern Management Area Groundwater Sustainability Agency Policy for Administering Requests for Well Verifications

On July 21, 2022 the EMA GSA approved a document entitled “Process and Criteria for Administering Written Verifications Per Executive Order N-7-22” (“Process and Criteria”) for the implementation of Executive Order N-7-22 (dated March 28, 2022) as amended under Executive Order N-5-23 (“Order”) (dated March 3, 2023).

Pursuant to the Order and certain exceptions specified therein, the Santa Barbara County Environmental Health Department (County) is prohibited from approving a permit for a new groundwater well or for alteration of an existing well in the EMA without first obtaining written verification from the EMA GSA that groundwater extraction by the proposed well (1) would not be inconsistent with any sustainable groundwater management program established in the EMA GSP, and (2) would not decrease the likelihood of achieving a sustainability goal for the basin. In addition to the previously approved Process and Criteria, the EMA GSA establishes the following supplemental criteria for evaluating all new requests for written verifications under the Order.

1. Undesirable Results – The planned production and use of groundwater from the proposed well must be evaluated against the presence, imminence, or absence of undesirable results as described in the EMA GSP. The supplemental criteria for evaluating undesirable results will include the following:
 - a. Most recently reported groundwater levels compared to Minimum Thresholds (MTs) and definition of undesirable result established by the GSP. Determine whether more than 50% of the representative wells exceed MTs after two consecutive years of average or above average precipitation.
 - b. If MTs exceeded, consider the magnitude of exceedances.
 - c. Consider reported impacts to other wells in the area.
 - d. Consider other undesirable result criteria (e.g., water quality).
2. Water Budget Parameters – The planned production and use of groundwater from the proposed well must be consistent with the current and long-term water budget parameters in the GSP (Section 3). Water budget parameters to consider may include:
 - a. Projected land-uses
 - b. Total irrigated acreage
 - c. Cropping distribution
 - d. Water duty factors for different crop types.
3. Projects and Management Actions – The planned production and use of groundwater from the proposed well must be compliant with any implemented projects or management actions of the EMA GSA, and as a condition for issuance of a written verification the applicant must agree to register the well with and report production semi-annually to the EMA GSA.



Review of New Well Application in the Santa Ynez River Valley Groundwater Basin, Eastern Management Area (EMA) APN: 137-390-025, Osberg, 2836 Quail Lake Road (WP 0005354)

To: Santa Ynez River Valley EMA GSA Parties
From: Tim Nicely, PG, CHg and Andy Lapostol, GSI Water Solutions, Inc.
Date: April 25, 2023

This memorandum presents our review of an application to install a new well within the Eastern Management Area (EMA). Our review was conducted on behalf of the Santa Ynez River Valley Groundwater Basin Eastern Management Area Groundwater Sustainability Agency (GSA). Under Paragraph 9 of Governor Newsom’s Executive Order N-7-22 and the County Board of Supervisors Urgency Ordinance No. 5158 dated May 24, 2022, the County of Santa Barbara Department of Environmental Health Services shall not approve a permit for a new groundwater well or for alteration of an existing well in a medium or high-priority basin subject to the Sustainable Groundwater Management Act (SGMA) without first obtaining written verification from the GSA that groundwater extraction by the proposed well¹

1. would not be “inconsistent with any sustainable groundwater management program” established by the Groundwater Sustainability Plan (Plan) adopted by that GSA, and
2. would not decrease the likelihood of achieving a sustainability goal for the basin covered by the Plan.

Paragraph 9 of Executive Order N-7-22 does 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 application being reviewed is for the installation of a new 8-inch diameter irrigation and domestic supply well completed to a proposed depth of 600 feet. The anticipated water production reported by the applicant is between 2 and 5 acre-feet per year (AFY). This production exceeds the 2 AFY definition of an exempt well.

¹ New wells are those resulting in new or additional groundwater production from the Basin, or those resulting in new or additional production capacity. Replacement wells are those not resulting in new or additional groundwater production or production capacity in the Basin.

Summary of Findings

The proposed new well has the following properties:

- Well location:
 - The proposed well is located on Assessor's Parcel Number 137-390-025, located at 2836 Quail Valley Road, Solvang, California, which is within the Santa Ynez Uplands Area of the Eastern Management Area. The groundwater within the Santa Ynez Uplands is derived from two principal aquifers: the Paso Robles Formation and the Careaga Sand.
 - The parcel is located within the Santa Ynez River Water Conservation District.
- Proposed well construction information:
 - The proposed well depth is 600 feet deep, with perforations planned to be installed between 400 and 600 feet below ground surface. The well will produce water from the Paso Robles Formation. The permit application package included a supporting letter by Alex Jegottka (Groundwater Solutions Inc., not be confused with GSI Water Solutions), indicates that the planned depth of the proposed well is shallower at 500 feet below ground, which would not change the principal aquifer from which the proposed well would produce water.
 - The well will be used for irrigation of 2.04 acres and domestic purposes. The planned pumping rate of 40 gallons per minute will be produced for 1 to 2 hours per day for up to 12 months per year. This equates to a volume of approximately 2 to 5 AFY.
- Assess groundwater conditions:
 - Based on the depth of the proposed well, the produced groundwater from the well will be derived from a principal aquifer within the GSA. While the shallowest material below the proposed well consists of Tributary Alluvium, the planned completion of the well will be within the Paso Robles Formation (including the Older Alluvium) and/or the Careaga Sand (Section 3.1.3.2 of the Plan).
 - The nearest representative groundwater level wells (as defined in the Plan) within the EMA completed within the Paso Robles Formation is located approximately 0.4 mile south of the proposed well. According to the Eastern Management Area's Annual Report for water year 2022 (through October 2022), "while water levels have declined below minimum thresholds in some representative wells [not including the nearest representative well], the number of wells falling below the minimum thresholds has not resulted in the undesirable results that are described in the Plan." The groundwater within the Paso Robles Formation was 122 feet below ground in October 2022 in the nearest representative well.
 - The permit application package included a supporting letter to provide a professional opinion about the likelihood that the proposed new well would interfere with production of nearby wells, or cause subsidence. The letter identified a single well within 1,000 feet of the proposed well, which is located "at an approximate distance of 265 feet northeast of the proposed well." A review of the analysis of these elements is outside of the scope of this memorandum.
 - Based on precipitation data² the climatic conditions in the vicinity of the proposed well site have been predominantly dry since 2012 with a Critical water year type occurring in water year

² Precipitation measured at the Santa Ynez Fire Station #32 (Santa Barbara County Station No. 218 gauge).

2022, which ended in September of 2022. The current water year (2023 between October 2022 and September 2023) is wet.

- Would the well increase production within the EMA?
 - The proposed new well completed in the Paso Robles Formation and/or Careaga Sand would be within a principal aquifer managed by the GSA and would increase production from a principal aquifer within the EMA. However, the new well would not cause an exceedance of minimum thresholds or cause undesirable results measured at representative wells, as defined in the Plan.
 - The proposed new well would not contribute to significant and unreasonable conditions leading to undesirable results related to the sustainability indicators:
 - Chronic water level decline.
 - Reduction of groundwater in storage
 - Degradation of water quality
 - Subsidence
 - Depletion of interconnected surface water and impacts to GDEs

Summary

Based upon the planned production of this new well, the proposed well would NOT be “inconsistent with any sustainable groundwater management program” established by the GSA and would NOT decrease the likelihood of achieving a sustainability goal for the basin.

Notably, this well remains subject to regulation by the GSA in accordance with SGMA and the EMA’s Plan. It may be necessary to limit production from this well in the future if the GSA finds that undesirable results as defined in the Plan are occurring in the basin.

In our opinion, after further addressing the effects of the well pumpage on the single nearby well, the GSA should provide a written verification to the County of Santa Barbara Department of Environmental Health for this application.

Indemnification and Limitations of Liability

GSI Water Solutions does not warrant or guarantee that the new or replacement well will produce the expected amount of water nor that the GSA will not require that the extraction from the well be reduced in the future in accordance with its authority to manage the EMA within the sustainability goal.

GSI Water Solutions is not responsible for or otherwise liable for any costs, investments, lost revenue, or payments related to any groundwater well permitted or not permitted by the County, including well drilling costs, pumping fees, extraction limits, costs related to well failure, well deepening, increased maintenance, replacement, or operational costs.

The GSA’s issuance of a written verification and the County’s issuance of a well permit to Applicant does not guarantee the extraction of any specific amount of water now or in the future or any defined water level or water quality.



Santa Barbara County Farm Bureau

Affiliated with the California Farm Bureau Federation and the American Farm Bureau Federation

April 5, 2023

Brett Marymee, Chairman EMA GSA
Art Hibbits, Chairman CMA GSA
Chris Brooks, Chairman WMA GSA

c/o William (Bill) Buelow
Santa Ynez River Water Conservation District
3669 Sagunto St. Suite 101
Santa Ynez, CA 93460

Re: GSA Committee Agricultural Representation

Gentlemen,

The Santa Barbara County Farm Bureau, a nonprofit California corporation representing approximately 500 agricultural and associate members in Santa Barbara County, is concerned with the lack of agricultural representation on all 3 GSA committees representing the Santa Ynez River Water Basin.

Our members grow a wide variety of crops along with livestock operations within the basin that rely on groundwater that is integral to their operations and the local economy. Our farmers lead in adoption of low volume irrigation methods, such as drip, subsurface and micro irrigation systems.

It is estimated that in a wet year with above average precipitation, agriculture uses 30% of the available groundwater for irrigation, while in a dry year that share could increase to 50%.

Given agriculture's vested interest in maintaining a sustainable water supply in the Santa Ynez River Basin, we believe it is imperative that a representative from agriculture serves on each of the three current GSA Committees, with all members utilizing an equal voting structure. We understand the Santa Ynez Water Group has been actively involved in this process to date and would support candidates vetted by them to serve on the 3 GSA committees.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sheldon Bosio'.

Sheldon Bosio, President.
Santa Barbara County Farm Bureau

State Water Resources Control Board

April 14, 2023

Monica Salais
GSP Review Section Manager
Sustainable Groundwater Management
Office
Department of Water Resources
Monica.Reis@water.ca.gov

Shane Edmunds
GSP Review Section Manager
Sustainable Groundwater Management
Office
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Shane.Edmunds@water.ca.gov

SANTA YNEZ RIVER VALLEY GROUNDWATER SUSTAINABILITY PLANS, GROUNDWATER BASIN NO. 3-015

The Santa Ynez River Valley Groundwater Basin is managed by three groundwater sustainability agencies (GSAs) which cover the three management areas (western, central, and eastern) that comprise the basin. Each GSA submitted a groundwater sustainability plan (GSP) for its management area. The GSPs state that the GSAs will not manage the Santa Ynez River Alluvium—a significant portion of the basin—because it is “underflow” of the Santa Ynez River and is subject to management by the State Water Resources Control Board (State Water Board).¹ However, the assertion that all underground water in the Santa Ynez River Alluvium is surface water managed by the State Water Board is not correct, and it appears that it will be necessary to treat this area as an unmanaged area under the Sustainable Groundwater Management Act (SGMA).

¹ E.g., Santa Ynez River Valley Groundwater Basin – Eastern Management Area Groundwater Sustainability Plan, pp. 29-30 (“Water present within the Santa Ynez River Alluvium is considered surface water subject to the jurisdiction of the SWRCB, and, thus, is not managed by the GSAs under SGMA.... The hydraulic continuity of this underflow with the surface flow of the Santa Ynez River is such that diversion from the underflow constitutes diversion of the surface water system.”); Santa Ynez River Valley Groundwater Basin – Western Management Area Groundwater Sustainability Plan, p. ES-3; Santa Ynez River Valley Groundwater Basin – Central Management Area Groundwater Sustainability Plan, p. ES-2.

SGMA does not alter surface water or groundwater rights under common law or any provision of law that determines or grants surface water rights. (Wat. Code, § 10720.5, subd. (b).) Accordingly, the presumptions and principles that guide the distinction between surface water (and underground water flowing in known and definite channels) and groundwater in California law also apply to the determination of whether underground water is subject to SGMA. The similar terminology used in SGMA's definition of "groundwater," which excludes "water that flows in known and definite channels," and Water Code section 1200, which includes "subterranean streams flowing through known and definite channels" with "surface water" for the purpose of identifying water that is subject to the appropriative water rights system, supports this conclusion. (Compare Wat. Code, § 1200 and Wat. Code, § 10721, subd. (g).)

Water under the ground is presumed to be percolating groundwater, and the burden of proving otherwise is on the person asserting that the groundwater is a subterranean stream flowing through known and definite channels. (*City of Los Angeles v. Pomeroy* (1899), 124 Cal. 597, 628 (*Pomeroy*); State Water Resources Control Board Water Rights Decision 1639 at p. 3 (Garrapata Decision).) It is not unusual for groundwater to flow underground within a defined subterranean basin, but unless the flow is through known and definite channels the water is properly classified as percolating groundwater. (*Pomeroy*, 124 Cal. at 629, see Hutchins, *The California Law of Water Rights*, at pp. 426-427.)

The State Water Board addressed the interpretation and application of "subterranean streams flowing through known and definite channels" as used in Water Code section 1200 in the Garrapata Decision. Relying on the California Supreme Court's decision in *Pomeroy*, the State Water Board identified a four-factor test for determining whether groundwater is properly classified as a subterranean stream flowing in known and definite channels: (1) a subsurface channel must be present; (2) the channel must have relatively impermeable bed and banks; (3) the course of the channel must be known or capable of being determined by reasonable inference; and (4) groundwater must be flowing in the channel. (Garrapata Decision at p. 4.)² As noted above, because SGMA's definition of "groundwater" is nearly identical to the language used in Water Code section 1200, it is appropriate to apply both the presumption of percolating groundwater and the four factors from the Garrapata Decision to determine whether water beneath the ground is flowing through known and definite channels and thus excluded from SGMA's definition of "groundwater." This means that unless there has been an actual determination that the Garrapata factors are present, water that is beneath the ground is

² The First District Court of Appeal held that the Garrapata factors are consistent with the language and intent of Water Code section 1200 in *North Gualala Water Co. v. State Water Resources Control Board* (2006) 139 Cal.App.4th 1577, 1606.

presumed to be percolating groundwater and is subject to SGMA, even if the water is moving in a defined subterranean basin.

“Underflow” is not defined in the Water Code: it is an informal clarification of the source of water that is sometimes used in State Water Board permits and licenses authorizing diversion from streams subject to the Board jurisdiction when the diversion occurs through wells. An appropriative water right that identifies “underflow” as a source authorizes the holder to divert the identified water in accordance with the terms of the right, but the issuance of such a right does not authorize the diversion of percolating groundwater or constitute a determination regarding the existence or location of any known and definite subsurface channels unless there is a State Water Board determination or order containing findings that identify subsurface channels pursuant to the Garrapata factors. If a State Water Board determination or order does find sufficient proof that the four factors of the Garrapata test are present and identifies a subterranean stream flowing through known and definite channels, the State Water Board will proceed to manage extractions from the subterranean stream under the appropriative water rights system. But until the State Water Board makes or issues such a determination or order, the presumption of percolating groundwater holds and management under SGMA is necessary. Thus, while it may be appropriate for a GSA to forgo management of wells that are subject to regulation through a Board-issued permit or license, it is not appropriate for a GSA to exclude any other wells, let alone an entire alluvial subbasin, from management under SGMA based on the existence of a discrete number of Board-regulated wells.

Prior to the issuance of the Santa Ynez River GSPs, Division of Water Rights staff conducted an initial review of State Water Board files and notified the Groundwater Program Manager of the Santa Ynez River Water Conservation District in September 2021 by phone of staff’s findings: (1) the Board has not made a determination that the Santa Ynez River Valley Basin does contain a subterranean stream, and (2) the State Water Board does not manage groundwater extractions this area, aside from three permits for wells approved without consideration of whether the source was surface water or groundwater. After the Santa Ynez River GSPs were finalized, staff conducted a further review of State Water Board files to determine whether there have been any technical determinations sufficient to overcome the presumption that underground water in areas near the Santa Ynez River is percolating groundwater. The staff review is summarized below.

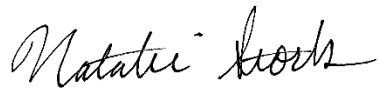
The State Water Board has issued appropriative water rights permits and licenses in the Santa Ynez River watershed that use wells for diversion or identify “Santa Ynez River underflow” as the source of the appropriation but has not made any subterranean

stream designations or determinations in the watershed or for the alluvial basin. For example, Water Right Decision 886 addresses the geology in the Santa Ynez River Basin and refers several times to “underflow” and the presence of impermeable rocks but does not make a determination identifying known and definite channels with impermeable banks, and instead indicates that there are areas of the river (and its alluvium) that are adjacent to water bearing rocks. (See Decision 886 at p. 18 [description of Buellton Subarea].) Water Right Decision 1338 also involved appropriation from “Santa Ynez River Underflow” but does not determine that the entire alluvial basin is a subterranean stream flowing in known and definite channels. A memo written in 1966 regarding one of the water rights considered in Decision 1338 does address identifiable “bed and banks” and can be read as supporting an argument that some water in the alluvium can be characterized as part of an subterranean stream flowing in known and definite channels, however it also misinterprets the geology at depth, meaning that it fails to recognize that the water-bearing Careaga Sands form part of the “bed and banks” of the alluvium. Furthermore, a staff analysis written in 1968 by the same author discusses percolation between streams and groundwater basins in the Santa Ynez River Valley and can be read to support the conclusion that the groundwater is percolating groundwater due to the permeability of the “bed and banks.”

The State Water Board’s Division of Water Rights’ Sacramento Valley Enforcement Unit drafted a memo dated February 6, 2019, addressing a subterranean stream designation for a single well completed in alluvium near Buellton, CA. However, this memo is a staff-level analysis regarding one well, not a State Water Board subterranean stream designation for the entire Santa Ynez Alluvium and is not sufficient to overcome the general presumption that underground water in the Santa Ynez Alluvium is percolating groundwater. Moreover, the current data shows that the Santa Ynez Alluvium is not completely bounded by relatively impermeable bed and banks. There is complex geology in this area and not all margins of the river valley are underlain by the same units that are present in the well log that is the subject of the memo. Recent mapping published by the USGS shows the alluvial deposits are underlain by both the Paso Robles Formation and the Careaga Sandstone in large portions of the river valley. Subterranean streams, as determined by the State Water Board and its predecessor, generally have banks of low or very-low permeability fractured bedrock that confine beds of alluvium and other high permeability materials. Both the Paso Robles and Careaga formations are productive, unconsolidated regional aquifers with generally high permeability, and do not meet the definition or characteristics of a bounding or constraining ‘bank’ of a subterranean stream. Having relatively permeable underlying units negates the possibility of satisfying the bed and banks criterion of the Garrapata four-part test in the Buellton area.

At this time, it is appropriate to continue treating the Santa Ynez River Alluvium as percolating groundwater subject to SGMA, which provides tools to manage groundwater use to avoid the undesirable result of depletions of interconnected surface water that cause significant and unreasonable adverse impacts. If, in the future, the State Water Board finds that water in the basin or a portion of the basin meets the Garrapata factors, State Water Board staff would begin the process of identifying water rights or recording statements of claim to all wells within the areas identified as subterranean streams. Those wells would be required to file annual reports of water diversion and use, and failure to do so could result in future enforcement.

Sincerely,

A handwritten signature in black ink that reads "Natalie Stork". The signature is written in a cursive, flowing style.

Natalie Stork
Supervising Engineering Geologist
Groundwater Management Program
Office of Research, Planning, and Performance

From: [Alison Laslett](#)
To: wateragency@cosbpw.net; [Brett Marymee](#); [Art Hibbits](#); cbrooks@vvcasd.org; [Bill Buelow](#); pgarcia@syrwd.org; elizabeth.orona@cityofsolvang.com
Cc: [Gina Ross](#); doug@circlevision.com
Subject: GSA Committee Agricultural Representation
Date: Monday, April 24, 2023 9:54:56 AM
Attachments: [cidclip_image002.png](#)

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April 24, 2023

Brett Marymee, Chairman, EMA GSA
Art Hibbits, Chairman, CMA GSA
Chris Brooks, Chairman, WMA GSA
Paeter Garcia, General Manager, SYRWCD
Elizabeth Orona, Council Person for City of Solvang
Matt Young, Santa Barbara County Water Agency Manager
William (Bill) Buelow, Manager, SYRCD/GSA
Santa Ynez River Water Conservation District
3669 Sagunto St. Suite 101
Santa Ynez, CA 93460

RE: GSA Committee Agricultural Representation

Dear All,

The Santa Barbara Vintners is a 501(c)6 California nonprofit corporation. We are the trade association for the wine industry of Santa Barbara County, representing approximately 140 grape growers, vintners, and associate members. Our industry farms over 17,000 acres of winegrapes and has an estimated \$1.7B economic impact in our county. We are concerned with the lack of agricultural representation on all 3 GSA committees representing the Santa Ynez River Water Basin.

Our members rely on groundwater that is integral to their operations and the local economy. Our winegrape growers lead in adoption of low volume irrigation methods, such as drip, subsurface and micro irrigation systems, and dry farm as much as possible. However, it is estimated that in a wet year with above average precipitation, agriculture uses 30% of the available groundwater for irrigation, while in a dry year that share could increase to 50%.

Given agriculture's vested interest in maintaining a sustainable water supply in the Santa Ynez River Basin, we believe it is imperative that a representative from agriculture serves on each of the three current GSA Committees, with all members using an equal voting structure. We understand the Santa Ynez Water Group has been actively involved in this process to date and would support candidates vetted by them to serve on the three GSA committees.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alison Laslett".

Alison Laslett, CEO
Santa Barbara Vintners