

## 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, BOARD ROOM  
1070 FARADAY STREET, SANTA YNEZ, CALIFORNIA  
6:30 P.M., THURSDAY, AUGUST 24, 2023

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#### **Optional remote public participation is available via Telephone or ZOOM**

To access the meeting via telephone, please dial: 1-669-900-6833 or 1-669-444-9171  
or via the Web at: <http://join.zoom.us>

“Join a Meeting” - **Meeting ID 882 2256 8995 Meeting Passcode: 781585**

\*\*\* Please Note \*\*\*

The above teleconference option for public participation is being offered as a convenience only and may limit or otherwise prevent your access to and participation in the meeting due to disruption or unavailability of the teleconference line. If any such disruption of unavailability occurs for any reason the meeting will not be suspended, terminated, or continued. Therefore in-person attendance of the meeting is strongly encouraged.

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#### **AGENDA OF REGULAR MEETING**

1. Call to Order and Roll Call
2. Additions or Deletions to the Agenda
3. 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.)
4. Review and consider approval of meeting minutes of June 22 and August 10, 2023
5. Review and consider approval of Financial Statements and Warrant List
6. Update on SGMA Governance
7. Presentation by Matt van der Linden, PE., Cannon Corp., “Introduction to Stormwater Capture and Groundwater Banks”
8. Next EMA GSA Regular Meeting, Thursday, September 28, 2023, at 6:30 PM Location to be Determined.
9. EMA GSA Committee reports and requests for future agenda items
10. 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 June 22, 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, June 22, 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: Brad Joos, Brett Marymee, Elizabeth Orona, and Meighan Dietenhofer (Acting Alternate)

EMA GSA Alternate Committee Members Present: Cynthia Allen, Michael Burchardi (remote)

Member Agency Staff Present (in-person): Jose Acosta, Bill Buelow, Paeter Garcia, Randy Murphy, Amber Thompson, and Matt Young

Others Present (in-person): Doug Circle, Denise El Amin, and Tim Gorham

Others Present (remote): Steve Anderson, Gay Infanti, Steve Jordan, Miles McCammon, and Carol Redhead

#### 1. 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. Three EMA GSA Committee Members and one Acting Alternate Committee Member were present providing a quorum. Two EMA GSA Alternate Committee Members were also present.

#### 2. Additions or Deletions to the Agenda

No additions or deletions were made.

#### 3. Public Comment

Mr. Steve Jordan made a public comment. Mr. Buelow announced he did not receive any public comments in advance of the meeting.

#### 4. Review and Consider Approval of Meeting Minutes of April 27, 2023

The minutes of the EMA GSA Committee meeting on April 27, 2023, were presented for GSA Committee approval. There was no discussion or public comment.

EMA GSA Committee Member Brad Joos made a MOTION to approve the minutes of April 27, 2023, as presented. GSA Committee Member Elizabeth Orona seconded the motion. There was no discussion and it passed unanimously.

**5. Review and Consider Approval of Financial Statements and Warrant List**

The GSA Committee reviewed the financial reports of FY 2022-23 Periods 7 through 9 (through March 31, 2023) and the Warrant Lists for January, February, and March 2023. Discussion followed. There was no public comment.

EMA GSA Committee Member Elizabeth Orona made a MOTION to approve the financials and the January, February, and March 2023 Warrant Lists (Check Nos. 1003-1005) totaling \$27,037.50, as presented. GSA Committee Member Brad Joos seconded the motion. There was no further discussion and it passed unanimously.

**6. Consider Approval of Revised Documents for Administering Requests for Written Verifications in the EMA for New Well Permits Under Executive Order N-7-22, Revised Under Executive Order N-5-23**

Mr. Buelow presented the revised Deposit/Reimbursement Agreement and the revised Draft Well Registration and Reporting Form. The required minimum deposit would be increased to \$2,200. Discussion followed and public comments were received.

EMA GSA Committee Member Elizabeth Orona made a MOTION to approve the revised Deposit/Reimbursement Agreement and the Well Registration and Reporting Form, as presented. Discussion followed. The MOTION was amended to approve the revised Deposit/Reimbursement Agreement and the Well Registration and Reporting Form, with a change made to the well location section to specify the unit of measure based on SGMA database standards. GSA Committee Acting Alternate Member Meighan Diethofer seconded the amended motion. Additional discussion followed. The motion passed 4-0-0 by the following roll call vote:

AYES: Diethofer (Acting Alternate), Joos, Marymee, and Orona

NOES: None

ABSTAIN: None

**7. Consider Approving Resolution EMA-2023-002 A Resolution Revising Fee and Deposit for EMA GSA Well Verification as Required by Executive Order N-7-22 as Amended by Executive Order N-5-23**

Mr. Buelow reviewed Resolution EMA-2023-002 A Resolution Revising Fee and Deposit for EMA GSA Well Verification as Required by Executive Order N-7-22 as Amended by Executive Order N-5-23. He reported that the fee hearing was properly noticed in the local paper. Discussion followed. There was no public comment.

EMA GSA Committee Member Brad Joos made a MOTION to approve RESOLUTION EMA-2023-002 A RESOLUTION REVISING FEE AND DEPOSIT FOR EMA GSA

WELL VERIFICATION AS REQUIRED BY EXECUTIVE ORDER N-7-22 AS AMENDED BY EXECUTIVE ORDER N-5-23, as presented. GSA Committee Member Elizabeth Orona seconded the motion. There was no public comment or additional discussion. The resolution passed 4-0-0 by the following roll call vote:

AYES: Dietenhofer (Acting Alternate), Joos, Marymee, and Orona

NOES: None

ABSTAIN: None

**8. Review and Consider Requests for EMA GSA Written Verifications under Executive Order N-7-22 revised under Executive Order N-5-23 in the EMA for the following parcels:**

- a. APN 135-280-037 - Greenberg South
- b. APN 135-280-051 - Greenberg North
- c. APN 135-300-020 - Cohen
- d. APN 137-070-024 - Lewbel

Mr. Buelow presented GSI Water Solutions, Inc.'s reviews of new and replacement well applications for the four listed parcels. Review of New Well Application for APN 135-280-037 - Greenberg South, dated April 16, 2023; Review of New Well Application for APN 135-280-051 - Greenberg North, dated April 16, 2023; Review of New Well Application for APN APN 135-300-020 - Cohen, dated May 11, 2023; Review of Well Application for APN 137-070-024 - Lewbel, dated May 9, 2023. Discussion followed. There was no public comment.

EMA GSA Committee Member Elizabeth Orona made a MOTION to approve the four Written Verification Requests, as presented. GSA Committee Member Brad Joos seconded the motion. There was no additional discussion and the motion passed unanimously.

**9. Informational Correspondence**

- a. **Letter to Committee Chairs of the EMA, CMA and WMA from Billy King, Jr., Santa Barbara County Cattlemen's Association, dated May 3, 2023**

The Committee received the written communications and discussion followed.

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

**11. EMA GSA Committee Reports and Requests for Future Agenda Items**

Mr. Jose Acosta introduced Mr. Randy Murphy, City of Solvang, who will replace him as the staff representative for the City of Solvang for the EMA GSA.

EMA GSA Committee Member Elizabeth Orona requested that EMA GSA Member Agency staff prioritize efforts for the GSP's meter/monitor program and develop a cost share or funds raising program for the EMA.

EMA GSA Committee Chair Brett Marymee requested an update on the groundwater recharge since the large winter rains. Mr. Matt Young reported that the field technicians have seen marginal improvement so far and the next official measurements are planned to be made in the Fall 2023, likely in September or October.

**12. Adjournment**

GSA Committee Chair Brett Marymee adjourned the meeting at 7:30 p.m.

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Brett Marymee, Chairman

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William J. Buelow, Secretary

## **MEETING MINUTES**

### **Groundwater Sustainability Agency for the Eastern Management Area in the Santa Ynez River Groundwater Basin August 10, 2023**

A special meeting of the Groundwater Sustainability Agency (GSA) for the Eastern Management Area (EMA) in the Santa Ynez River Groundwater Basin was held on Thursday, August 10, 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, Steve Jordan (Acting Alternate), and Elizabeth Orona

EMA GSA Alternate Committee Members Present: Meighan Dietenhofer

Member Agency Staff Present (in-person): Bill Buelow, Paeter Garcia, Randy Murphy, Amber Thompson, and Matt Young

Others Present (in-person): Mary Heyden, and Steve Torigiani (Young Wooldridge LLP)

Others Present (remote participation): Steve Anderson, Doug Circle, Gay Infanti, C.J. Jackson, Curtis Lawler (Stetson Engineers), Miles McCammon (Stetson Engineers), Bruce Wales, and one unnamed phone attendee

#### **1. Call to Order and Roll Call**

EMA GSA Committee Vice Chair Brad Joos called the meeting to order at 6:31 p.m. and asked Mr. Buelow called roll. Three EMA GSA Committee Members and one Acting Alternate Committee Member were present providing a quorum. One EMA GSA Alternate Committee Member was also present.

#### **2. Additions or Deletions to the Agenda**

No additions or deletions were made.

#### **3. Public Comment**

Mr. C.J. Jackson, representing The Alisal Ranch as well as being a member of the EMA GSA Citizens Advisory Group, made a public comment regarding Agenda Item No. 4.

Mr. Randy Murphy, City Manager for City of Solvang, announced that the City is still recruiting to fill the vacant position of Utilities Director. During the continued recruitment process, Mr. Matt van der Linden has agreed to return as Interim Utilities Manager with

very limited part-time hours. He will work on behalf of the City of Solvang with the other EMA GSA member agency staff.

**4. Review and approve sending DWR a joint GSA Response to SWRCB staff comments on the CMA, WMA and EMA GSPs.**

Mr. Steve Torigiani of Young Wooldridge LLP, legal counsel for CMA/WMA/EMA Member Agency Santa Ynez River Water Conservation District, gave a presentation regarding a proposed GSA response to the April 14, 2023 State Water Resources Control Board (SWRCB) staff comment letter concerning the three Santa Ynez River Valley Groundwater Basin Groundwater Sustainability Plans' (GSPs') characterization of the subsurface water within the Santa Ynez River Alluvium above the Lompoc Narrows and below Bradbury Dam. Mr. Torigiani explained that all three GSPs characterized such alluvium subsurface water as river underflow and as part of the surface water system, and not "groundwater" as defined by Water Code section 10721(g) of the Sustainable Groundwater Management Act (SGMA). The GSPs' characterization was based on the GSAs' investigation of the groundwater basin's surface and groundwater systems, as expressly authorized and required by SGMA, and best available science. Support for such characterization included a December 2021 Technical Memorandum prepared by Stetson Engineers (Stetson) documenting the hydrogeological basis for characterization of such subsurface water as underflow and water flowing in a known and definite channel, and thus part of the surface water system, which memorandum was appended to all three GSPs. He noted that the GSPs were submitted to DWR in January 2022, the public comment period for each GSP ended in June 2022, and that the SWRCB staff comment letter was surprisingly received almost a year after close of the public comment period through the California Department of Water Resources' (DWR's) GSP portal.

Mr. Torigiani summarized the main assertions made in the SWRCB staff comment letter. First, the comment letter asserts that all GSAs must presume all subsurface water is groundwater, unless and until the SWRCB decides otherwise, even if best available science indicates the subsurface water is not groundwater as defined by SGMA. Second, the letter suggests that the Buellton Reach of the alluvium – which is a relatively small reach of the river, does not meet the *Garrapata Creek* Decision four-test for a "subterranean stream," in particular, the part that requires the underlying bed and banks of the subsurface channel to be "relatively" impermeable in comparison to the permeability of the soils that comprise the alluvium. He noted that the comment letter does not recognize that "underflow" is a legal subset of a subterranean stream, and does not provide any evidence or argument contrary to Stetson's characterization of the subject surface water as underflow. In fact, the SWRCB staff comment letter does not mention Stetson's 2021 Technical Memorandum.

Mr. Torigiani presented the August 4, 2023 Staff Memorandum from GSA Agency Staff Members and described the attached cover letter and 2023 Stetson underflow report prepared as the proposed response to the SWRCB staff comment letter. Mr. Torigiani explained that the cover letter is focused on responding to the legal issues raised by the comment letter, including the SWRCB staff comment letter's assertion that all subsurface water must be presumed to be groundwater until the SWRCB determines otherwise, and the Stetson underflow report is focused on responding to the geological, scientific, and other

technical issues raised by the comment letter. Mr. Torigiani explained that SGMA expressly states that “water flowing in a known and definite channel,” which includes river “underflow” and a “subterranean stream,” is not groundwater for SGMA management purposes. He further explained that the Stetson underflow report includes analyses based on best available science demonstrating that the subject subsurface water meets the elements for “underflow,” as set forth in the *Garrapata Creek* Decision (based on the 1899 *Pomeroy* case) as well as the elements for a “subterranean stream” (if the subsurface water is not underflow) as also set forth in the *Garrapata Creek* Decision. Accordingly, based on best available science, the subject subsurface water is not groundwater as defined by SGMA.

Regarding the issue of the permeability of the bed and banks of the alluvium in the Buellton Reach questioned by the SWRCB staff comment letter, Mr. Torigiani pointed out that the Stetson’s underflow report concludes that such physical condition exists in that reach as the alluvium is 40 to 800 times more permeable than the underlying bed and banks which is comparable to other situations where the SWRCB found a subterranean stream to exist when applying the *Garrapata Creek* Decision test. Mr. Torigiani noted that the SWRCB staff comment letter did not expressly question the permeability of the alluvial channel in any other reach of the river above the narrows.

In conclusion, Mr. Torigiani said that the Stetson underflow report reaffirms, bolsters, and provides further support for, based on best available science, the GSPs’ characterization of the subsurface water within the alluvium above the Lompoc Narrows as part of the surface water system and not part of the groundwater system or groundwater. Thus, the GSAs are not required or authorized to manage such surface water pursuant to SGMA, and if the GSAs did manage such subsurface water lawsuits from riparian or other pumpers of underflow could arise. Mr. Torigiani also mentioned that the Stetson underflow report also identifies several prior SWRCB decisions and orders that consistently characterized and permitted the subject subsurface water as “underflow,” including subsurface water within the Buellton Reach. Finally, Mr. Torigiani noted that the lengthy proposed response was the result of a significant collaborative effort necessitated by the importance of issues raised by the SWRCB staff comment letter relative to the adequacy of the GSPs and the basin, and all GSA Agency attorneys and managers had the opportunity to review and provide input.

Discussion followed. Public comment was received.

EMA GSA Committee Member Elizabeth Orona made a MOTION for the EMA GSA Committee to approve the Response in substantially the form presented and authorizes its chair or other committee member, if the chair is unavailable, to sign the cover letter transmitting the Response to DWR on behalf of the GSA. GSA Committee Member Joan Hartmann seconded the motion. There was no discussion or public comment and the motion passed unanimously by roll call vote.



**5. Next EMA GSA Regular Meeting, Thursday, August 24, 2023, at the Santa Ynez Community Services District Community Room, 1070 Faraday Street, Santa Ynez, CA**

EMA GSA Committee Vice-Chair Brad Joos announced the next EMA GSA meeting is scheduled for Thursday, August 24, 2023, at 6:30 p.m. at the Santa Ynez Community Services District Community Room, 1070 Faraday Street, Santa Ynez, CA.

Mr. Buelow reported that the rental fee for the use of the Santa Ynez Community Services District Meeting Room has increased from \$30 to \$75 per meeting. Discussion followed. GSA Committee Members directed staff to explore other meeting location options with the ability for remote public participation specifically returning to the City of Solvang's City Council Chambers and report back findings at the next meeting. EMA GSA Committee Vice-Chair Brad Joos suggested that, due to the limited time available to secure a different location, the August 24, 2023 regular meeting be held at the Santa Ynez Community Services District Meeting Room.

**6. EMA GSA Committee reports and requests for future agenda items**

EMA GSA Committee Member Steve Jordan requested an update on future governance and encouraged EMA GSA to move forward with efforts.

**7. Adjournment**

GSA Committee Vice-Chair Brad Joos adjourned the meeting at 7:24 p.m.

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Brad Joos, Vice-Chair

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William J. Buelow, Secretary

**EMA GSA**  
**Balance Sheet**  
As of June 30, 2023

	<u>Jun 30, 23</u>
<b>ASSETS</b>	
Current Assets	
Checking/Savings	
1150 - Five Star Bank Checking #	14,224.51
Total Checking/Savings	<u>14,224.51</u>
Total Current Assets	<u>14,224.51</u>
<b>TOTAL ASSETS</b>	<u><u>14,224.51</u></u>
<b>LIABILITIES &amp; EQUITY</b>	
Liabilities	
Current Liabilities	
Accounts Payable	
2000 - Accounts Payable	860.00
Total Accounts Payable	860.00
Other Current Liabilities	
2300 - Deposits - Well Verification	817.50
Total Other Current Liabilities	<u>817.50</u>
Total Current Liabilities	<u>1,677.50</u>
Total Liabilities	1,677.50
Equity	
3000 - Ret Earnings	2,425.67
Net Income	<u>10,121.34</u>
Total Equity	<u>12,547.01</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><u>14,224.51</u></u>

**EMA GSA**  
**Profit & Loss YTD Comparison**  
 April through June 2023

	<u>Apr - Jun 23</u>	<u>Jul '22 - Jun 23</u>
<b>Income</b>		
4000 - Oper Assess fr Member Agencies	0.00	12,000.00
4500 - Grant Revenue	0.00	33,333.33
4600 - Interest Income	5.12	24.08
<b>Total Income</b>	<u>5.12</u>	<u>45,357.41</u>
<b>Expense</b>		
5320 - Office Expense (incl postage)	0.00	24.70
5330 - Outside Staff Support	300.00	1,200.00
5350 - Public Relations	0.00	164.34
5900 - Other Operating Expenses	60.00	60.00
6100 - Stakeholder Engagement	13.78	13.78
6400 - Annual Report	8,235.75	33,773.25
<b>Total Expense</b>	<u>8,609.53</u>	<u>35,236.07</u>
<b>Net Income</b>	<u><u>-8,604.41</u></u>	<u><u>10,121.34</u></u>

**EMA GSA**  
**Transactions by Account**  
**Deposits - Well Verification**  
 As of June 30, 2023

	<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Clr</u>	<u>Split</u>	<u>Amount</u>	<u>Balance</u>
2300 - Deposits - Well Verification									<b>6,000.00</b>
	Bill	04/12/2023	02019.001-2	GSI Water Solutions, Inc.			2000 - Accounts Payable	-1,200.00	4,800.00
	General Journal	04/19/2023	Deposit	Cohen	Well verification		1150 - Five Star Bank Checking #	1,200.00	6,000.00
	Bill	05/01/2023	02019.001-3	GSI Water Solutions, Inc.			2000 - Accounts Payable	-295.00	5,705.00
	Bill	05/11/2023	02019.001-4	GSI Water Solutions, Inc.			2000 - Accounts Payable	-4,027.50	1,677.50
Total 2300 - Deposits - Well Verification								<u>-4,322.50</u>	<u>1,677.50</u>
<b>TOTAL</b>									

**GROUNDWATER SUSTAINABILTY AGENCY FOR THE  
EASTERN MANAGEMENT AREA (EMA)  
IN THE SANTA YNEZ RIVER VALLEY GROUNDWATER BASIN**

**APRIL 2023 WARRANT LIST FOR COMMITTEE APPROVAL**

<u>NUMBER</u>	<u>DATE</u>	<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
1006	04/12/23	GSI Water Solutions	February 2023 Review for Well Verifications (partial) (paid by Well Owner Deposits)	\$ 1,200.00
1007	04/12/23	GSI Water Solutions	February 2023 EMA Annual Report WY 2021-2022	\$ 8,235.75
<b>MONTH TOTAL</b>				<b>\$ 9,435.75</b>

**MAY 2023 WARRANT LIST FOR COMMITTEE APPROVAL**

<u>NUMBER</u>	<u>DATE</u>	<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
NONE				
<b>MONTH TOTAL</b>				<b>\$ -</b>

**JUNE 2023 WARRANT LIST FOR COMMITTEE APPROVAL**

<u>NUMBER</u>	<u>DATE</u>	<u>PAYEE</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
1008	06/13/23	GSI Water Solutions	March & April 2023 Well Verification Review (paid by Well Owner Deposits)	\$ 4,322.50
1009	06/13/23	Santa Ynez CSD	Conference Room Rental (3/23 & 4/27/23 EMA GSA Meetings)	\$ 60.00
1010	06/13/23	Santa Ynez River Water Conservation District	Reimburse costs for SantaYnezWater.org & SantaYnezWater.com website domains paid by SYRWCD 3/29/2023 & 5/8/2023 (\$41.34 total split 1/3 per GSA)	\$ 13.78
1011	06/13/23	Valley Bookkeeping	2023 2nd Quarter Bookkeeping (April, May, June 2023)	\$ 300.00
<b>MONTH TOTAL</b>				<b>\$ 4,696.28</b>

**TOTAL CHECKS THIS QUARTER: \$ 14,132.03**