

NIPOMO COMMUNITY SERVICES DISTRICT

AGENDA

JANUARY 21, 1998 7:00 P.M.

BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

BOARD MEMBERS

ALEX MENDOZA, **PRESIDENT**
KATHLEEN FAIRBANKS, **VICE PRESIDENT**
AL SIMON, **DIRECTOR**
ROBERT BLAIR, **DIRECTOR**
GENE KAYE, **DIRECTOR**

STAFF

DOUGLAS JONES, **General Manager**
DONNA JOHNSON, **Secretary to the Board**
JON SEITZ, **General Counsel**

87
20
17.40
1.50
18.90
45.00
63.90
1.90
65.80

NOTE: All comments concerning any item on the agenda are to be directed to the Board Chairperson.

CALL TO ORDER AND FLAG SALUTE

ROLL CALL

APPROVAL OF MINUTES

1. REGULAR MEETING OF JANUARY 7, 1998

PUBLIC COMMENTS PERIOD

2. PUBLIC COMMENTS

Any member of the public may address the Board on any item of interest within the jurisdiction of the Board. The Board will listen to all communications; however, in compliance with the Brown Act, the Board cannot act on items not on the agenda. Presentations limited to three (3) minutes.

BOARD ADMINISTRATION (The following may be discussed and action may be taken by the Board.)

3. PUBLIC HEARING - SUN DALE WELL
Review environmental negative declaration of construction of a new well
4. CONSTRUCTION OF SUN DALE WELL
Review bids to drill a test hole and well

(5 minute break)
5. SUMMIT STATION
Sub committee report
6. DISTRICT INVESTMENT POLICY
Adoption of the 1998 District Investment Policy

FINANCIAL REPORT

7. APPROVAL OF WARRANTS
8. QUARTERLY INVESTMENT REPORT

OTHER BUSINESS

9. MANAGER'S REPORT
 1. Cal. Water Journal article on Coastal Aqueduct
 2. Senator O'Connell correspondence on State Budget
 3. Facility Plan Approval - Wastewater Expansion
10. DIRECTORS COMMENTS

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL

Existing litigation GC§ 54956.9

1. NCSD vs. Shell Oil, et. al. Case No. CV 077387
2. Deferville/NCSD Arbitration

ADJOURN

NIPOMO COMMUNITY SERVICES DISTRICT

MINUTES

JANUARY 7, 1998 7:00 P.M.

BOARD ROOM 148 S. WILSON STREET NIPOMO, CA

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CALL TO ORDER AND FLAG SALUTE

President Mendoza called the meeting to order at 7:01 p.m. and led the flag salute.

ROLL CALL

At Roll Call all members were present except Director Fairbanks who arrived shortly after Roll Call.

APPROVAL OF MINUTES

1. REGULAR MEETING OF DECEMBER 17, 1997
Director Kaye mentioned the following corrections for the minutes:
 - Item 10 -Director Kaye would like to see more details on the Public Comments.
 - Item 3 - Director Blair made a motion to retain the present Board officers but motion failed due to lack of a second.

During this agenda item the following people spoke:

Brad Balzano - 226 Summit Station Rd: Made a suggestion to present the minutes at one meeting and approve them the next. On another matter, he quoted Evidence Code Division 5 California Chapter 3 Article 2 Section 33.

Mrs. Holder - 234 Summit Station Rd: Was concerned that the tapes of the meetings would be available for possible future examination.

Judith Supper - 226 Summit Station Rd: Asked how long the tapes are kept? She asked about a back-up recorder.

Upon motion of Director Blair and seconded by Director Simon, the Board approved the Minutes of the December 17, 1997 meeting with corrections.

- 1A. PRESENTATION TO PAST PRESIDENT OF THE BOARD
Item postponed.

PUBLIC COMMENTS PERIOD

2. PUBLIC COMMENTS

During this agenda item the following people spoke:

John Snyder - 662 Eucalyptus Rd. (outside District resident) suggested District purchase the DWR Bulletin 186 "Groundwater Storage Program for the State Water Project San Fernando Basin Theoretical Model" for \$3.00 from the DWR. Also, he informed the Board that Cal Cities PUC rate increase to pay for capital costs of State Water would be covered through a \$6,000 per hook-up for the next 2500 hook-ups.

5. WASTEWATER STATE REVOLVING FUND LOAN
 - a) Consideration to adopt a resolution dedicating a revenue source for re-payment of the loan.
 - b) Consideration to adopt a resolution establishing a Wastewater Capital Reserve Fund.

Mr. Jones explained the need to adopt resolutions for obtaining a loan from the State Revolving Fund.

There were no public comments.

Upon motion of Director Simon and seconded by Director Kaye, the Board unanimously approved Resolution 98-631.

**RESOLUTION NO. 98-631
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
DEDICATING A SOURCE OF REVENUE FOR THE
REPAYMENT OF THE STATE REVOLVING FUND LOAN**

Upon motion of Director Kaye and seconded by Director Fairbanks, the Board unanimously approved Resolution 98-632.

**RESOLUTION NO. 98-632
A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
ESTABLISHING THE SOUTHLAND WASTEWATER CAPITAL RESERVE FUND**

6. WATER RESOURCE ADVISORY COMMITTEE MEMBERSHIP
Selection and approval of representatives to WRAC

Director Kaye made a motion to retain Mr. Jones as member and Director Blair as alternate member to the Water Resources Advisory Committee.

During this agenda item the following people spoke:

Mr. Balzano - 226 Summit Station Rd: He disagrees with Mr. Jones as a member of the WRAC.

Director Fairbanks seconded the motion. The motion passed unanimously.

7. SAFE DRINKING WATER BOND ACT, AB 1180
Request for support for AB 1180

Director Simon made the motion to send letter of support of AB 1180 (a \$100 million general Obligation Bond Measure to be used to capitalize the State Revolving Fund Program to assist in funding public water system improvements.) The motion failed due to a second. There were no public comments.

FINANCIAL REPORT

8. APPROVAL OF WARRANTS
Upon motion of Director Blair seconded by Director Fairbanks, the Board unanimously approved the Warrants presented at the January 7, 1998 meeting. There were no public comments.

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: JANUARY 21, 1998

PUBLIC HEARING
ENVIRONMENTAL DETERMINATION
SUN DALE WELL

On December 17, 1997, your Honorable Board reviewed the draft Environmental Negative Declaration for constructing a new well at the intersection of Sun Dale and Camino Caballo in Nipomo. The Board set January 21, 1998 for a Public Hearing on the Environmental Determination and set January 13, 1998 for any written comments on the Draft Negative Declaration to be received so that staff may review and analyze them prior to the January 21st Public Hearing date.

Enclosed are the following:

1. Copy of the initial environmental study
2. Copy of Notice of Public Hearing
3. Letters received on the Environmental Determination through January 13, 1998:

Mr. Jim Garing of Garing, Taylor and Associates, will review the draft Environmental Determination and address the written comments received. After your Honorable Board has heard from Mr. Garing, the Public Hearing may be opened and take testimony from the public on this matter.

After the Public Hearing is closed, the Board may take this matter under consideration for adoption of a Negative Declaration on the Environmental Determination with respect to Sun Dale Well.

The attached resolution has been prepared on this matter.

C:\W:\sundalewell.DOC

Initial Study and Checklist

for

**Sun Dale Well
Nipomo Community Services District
Nipomo, CA**

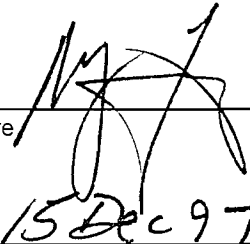
November 21, 1997

Agency: Nipomo Community Services District
P.O. Box 326
Nipomo, CA 93444

Agency Contact: Doug Jones, General Manager
(805) 929-1133

On the basis of this initial evaluation I find that the proposed project **could not** have a significant effect on the environment and a **negative declaration** will be prepared.

Signature



Date

15 Dec 97

Print Name

Robert James Faring
District Engineer

Environmental Checklist Form

Project Location: Nipomo, County of San Luis Obispo, CA,

Project Address: Northeast Corner of Sun Dale Way and Camino Caballo
Nipomo, CA

Description of Project: Construct a well to assist the District in meeting peak demand periods.

Environmental Impacts

Explanations of all answers are on attached sheets.

Discussion of environmental evaluation

The objective of this project is to provide water to the Black Lake Division and Town Division areas of the District during peak demand periods. The District has experienced periods when every well in the Town Division was operating, yet water level in all storage tanks was declining. Title 22 of the California Health and Safety Code states in part that distribution systems shall be designed to minimize the effects of events such as power supply, equipment, and structural failures, earthquakes, fires, floods and sabotage that are reasonably foreseeable.

The new well will assist the District in meeting its peak demand periods. The District currently has the production capacity to provide water to its customers at buildout. During peak demand periods there is insufficient production capacity and during periods of minimal demand there is excess production capacity. The estimated amount of water to be produced by the well is 700 gpm. Because the well will not be in production full time the effect on groundwater supplies will be negligible. There will be no, or negligible, effects on agriculture.

Water balance calculations performed by Lawrence, Fisk & McFarland in 1987 concluded that a deficit in the ground water should be occurring. Further studies by others for the Final Environmental Impact Report for the South County Area Plan Update, have questioned those conclusions. It appears that the deficits may be the out flow to adjacent units of the aquifer. The FEIR stated that, "Therefore, there is not now information indicating there is a significant and continuing state of decline in groundwater levels beneath the mesa."

There currently are no restrictions on growth in the District due to water supply. The construction of this well will not lead to an increase in the population of the area. This well will also serve to replace a 200 gpm well which was required before additional units could be added to the Black Lake development. The system did not have enough capacity to supply water at peak demand periods. That well was in accordance with a Specific Plan, including environmental review, which was approved by the County.

The area of disturbance of the project is small. No significant changes to the topography of the site will be required. No significant ground cover will be removed. No new roads or utility extensions will be required.

According to surveys performed on a portion of the site and sites in the surrounding area, there are no cultural resources which will be impacted as a result of the project.

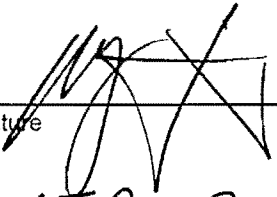
The hazardous material which will be stored on site will be stored in such a manner as to mitigate the chance of accidental release. No health hazard will be created.

The project will mitigate to less than significant levels the noise, air quality, and aesthetic impacts of the project.

The environmental effects associated with the project can easily be mitigated to less than significant levels. There will be no negative cumulative effect.

Determination:

On the basis of this initial evaluation I find that the proposed project **could not** have a significant effect on the environment and that a **negative declaration** will be prepared.

Signature 
Date 15 Dec 97

Print Name Robert James Garing
District Engineer

Explanation of Responses to CEQA Initial Study Checklist

I. Land Use and Planning

- a.) The current land use designation is Residential Rural. The District is allowed to construct wells within that designation.
- b.) The construction and use of the well will comply with all applicable environmental plans and policies.
- c.) The project will not impact, and will not create any impacts on, agricultural resources or operations. The site is located away from any existing agricultural land uses. There are no agricultural zoned lands within the area of the site.

The Nipomo Mesa sub-area has, in the past, functioned as an area of significant recharge to more intensively irrigated areas to the north on the Arroyo Grande plain and to the south in the Santa Maria Valley. This relationship has developed because the porous sand soils of the mesa provide rapid infiltration of rainfall, and its topography functions as natural recharge basins that contain and infiltrate almost all the rain that falls on the mesa.

The well will be used to augment the District peaking requirements. The impact of this well on groundwater supplies will be negligible.

- d.) Not applicable for this site.

II. Population and Housing

- a.) The service area of the District is not being expanded. The well is being drilled to provide water during peak, high demand periods.
- b.) The service area of the District is not being expanded. No infrastructure will be expanded as a result of this project.
- c.) No. The land is currently vacant and is surrounded by vacant lands. The site is not conducive to affordable housing due to its distance from shopping, transit lines and other services.

III. Geophysical

- a. - d.) The project will not result in or expose people to potential impacts involving seismicity, landslides or mudslides. The site is covered with sandy soils.
- e.) The site is covered with sandy soils. The ground in the area of the well site on the property is partially covered with native grasses. The District will install erosion and sediment control measures during construction if construction takes place during the rainy season and minimize the area of construction disturbance.
- f.) The construction or use of the well will not cause subsidence of the land.
- g.) Not applicable. Site is covered with sandy soils.
- h.) There are no unique geological or physical features on the site.

IV. Water

a. - e.) There will be no change in the surface waters as a result of this project. The area to be covered by the facilities is approximately 150 square feet, which is negligible for an increase in runoff. Site is covered with sandy soils. The site is not near a stream or watercourse.

f.) The topography of the mesa documents the capability of the dune sands to infiltrate essentially all the rainfall that falls on the mesa. The intermittent use and relatively small amount of water to be produced by the well will not change the quantity of ground waters.

g.) The topography of the mesa documents the capability of the dune sands to infiltrate essentially all the rainfall that falls on the mesa. The intermittent use and relatively small amount of water to be produced by the well will not alter the direction or rate of flow of the groundwater.

h.) The topography of the mesa documents the capability of the dune sands to infiltrate essentially all the rainfall that falls on the mesa. The intermittent use and relatively small amount of water to be produced by the well will not effect groundwater quality.

V. Air Quality

a.) To alleviate air quality impacts during construction, the District will require all contractors to maintain the equipment used on the project to satisfy all emission requirements. When in operation, the well will not violate any air quality standard or contribute to an existing or projected air quality violation. An approximately 100 HP energy efficient electric motor is being installed as a part of this project. The system may convert to natural gas in the future if the relative energy cost justifies such a conversion.

b.) There are no known sensitive receptors within the area of the project site.

c.) The small area and low profile of the project ensures that there will be no change in air movement, moisture or temperature.

d.) The well equipment will not produce objectionable odors.

VI. Transportation/Circulation

a.) Traffic to the site will increase during the four month period the well is under construction. After construction no significant increase in vehicle trips or traffic congestion will be generated as a part of the project. The well will be self-operating. The well will require only occasional visits by District personnel to maintain and test the well.

There will be no alteration or addition of streets as a part of this project. The project will not increase or induce the growth of population within the area served by the well.

b.) There will be no dangerous intersections resulting from the project. Access will be provided by a driveway off of a currently unimproved road. There is sufficient site distance. Traffic to and from the site will be minimal after construction. During construction the contractor will be required to maintain proper traffic safety measures according to the special provisions and specifications prepared for the project.

c.) Adequate emergency access will be provided. Emergency vehicles will be able to access the site by the existing roads.

d.) There will be sufficient parking area for any vehicles needed at the site after construction. There will be sufficient area on the site for parking during construction. In addition, the contractor will be required to park any vehicles in a safe manner according to the special provisions and specifications prepared for the project.

e.) There will be no hazards or barriers for pedestrians or bicyclists.

f.) Not applicable.

g.) Not applicable.

VII. Biological Resources

The following is based on information obtained from the County of San Luis Obispo Environmental Coordinator's office.

a.) A fairly wide area, which encompasses this project site, was designated as being a possible habitat for the Sand Mesa Manzanita (*Arctostaphylos Rudis*). The plant was last seen in the area in 1964. However, the habitat for this plant is chaparral and coastal scrub. Since the project site contains sandy soil and second growth eucalyptus it is unlikely that the Sand Mesa Manzanita will be found on the project site. The area where the well will probably be located is open. There were no manzanita sighted in this immediate area. In addition, Pismo Clarkia was sighted in an area to the northeast of the project site. Although no Pismo Clarkia has been found on the site, the possibility of its presence must be taken into account. Construction activity in areas other than the open area near the intersection of Sun Dale Way and Camino Caballo must take into account that Sand Mesa Manzanita and Pismo Clarkia may be present on the site.

It is anticipated that a few second growth eucalyptus trees will be removed as a result of the project. The construction activity will take place only on site and will utilize existing roads.

b.) There are no known locally designated species on or near the site.

c.) There are no known locally designated natural communities on or near the site. The use of the well will not impact locally designated natural communities. It is anticipated that a few second growth eucalyptus trees will be removed as a result of the project. Construction activity will take place only on site and will utilize existing roads.

d.) There are no wetland habitats on the site. The use of the well will not impact wetland habitats. The construction activity will take place only on site and will utilize existing roads.

e.) There are no known wildlife or migration corridors located on the site. The construction activity will take place only on the site and utilize existing roads.

VIII. Energy and Mineral Resources

a.) The electric motor to be installed as a part of the project will be energy efficient. The well will be used intermittently. The lights to be installed at the site will be used only when personnel are present after dark. The system may convert to natural gas in the future if relative energy costs justify such a conversion.

b.) The pump installed as a part of the project will be energy efficient. The well will be used intermittently. The lights to be installed at the site will be used only when personnel are present after dark.

The well will not directly or indirectly add to the population. The service area of the District is not being expanded.

IX. Hazards

a.) Sodium hypochlorite (liquid chlorine) or compressed liquid chlorine (CLC) will be stored on site. The liquid chlorine storage tank will contain a tank within a tank which is large enough to contain any spills. No spills to the outside of the tank will occur. Compressed liquid chlorine has a long safety record. The storage facility will be comply with all local, state and federal laws regarding the storage of materials.

b.) The project will not interfere with an emergency response or evacuation plan.

c.) No health hazard or potential health hazard will be created. The storage tank will contain a tank within a tank which is large enough to contain any spills. No spills to the outside of the tank will occur. Compressed liquid chlorine has a long safety record. The storage facility will be comply with all local, state and federal laws regarding the storage of materials.

d.) There are no existing potential health hazards on the site. The project will not expose people to existing sources of potential health hazards

e.) There will be no increase in fire hazards in the area of the project site. The existing grove of trees is far enough from the project to protect against an increase in fire hazards.

During and after construction the project will conform to all applicable local, state and federal laws regarding the storage and handling of materials.

X. Noise

a.) The building, which will be constructed as a part of this project, has been designed to reduce noise to nonsignificant levels.

b.) The noise to be generated by the well when it is running will be approximately 60 CNEL, or less, at the property line. The project will not expose people to severe noise levels.

The noise level from the Contractor's operations, between the hours of 7:00 am and 5:00 p.m. shall not exceed 86 dB(A) at a distance of fifty feet. In addition, the Contractor must comply with local ordinances regulating noise control. The surrounding lands are currently vacant and wooded.

The contractor will be restricted to construction during the hours of 7:00 am to 5:00 p.m., unless permission is granted by the District.

XI. Public Services

a. - e.) The service area of the District is not being expanded. There will be no impact on public services. The necessary water mains, telephone and electricity lines adjoin the site.

XII. Utilities and Service Systems

a. - f.) The necessary water mains, telephone and electricity lines adjoin the site. No extension of utility lines will be necessary as a result of this project. No utility systems will require substantial alterations as a result of this project.

XIII. Aesthetics

a. Project is not visible from a scenic vista or highway.

b. The site is mostly covered with a second growth eucalyptus grove with open areas. The surrounding property is currently vacant and similarly wooded. The adjoining roads are unimproved. The zoning of the area is Residential Rural. The surrounding properties are similarly zoned. The site will be constructed with the future surrounding residential development in mind. The motor will be housed in a building to reduce the noise. Any exposed equipment will be constructed in a neat manner. The site will be kept free of debris and trash. The project site will be fenced with a chain link fence.

c. The lights to be installed at the site will be used only when personnel are present after dark.

XIV. Cultural Resources

The following is based on information provided by the Central Coast Information Center at UCSB. Approximately 20% of the project site was previously surveyed. In addition, there have been several surveys in the region. No sites have been found.

- a. There are no known archeologically significant sites on or near the project site.
- b. There are no known existing prehistoric or historic archeological sites on or near the project.
- c. There are no known unique ethnic cultural values on or near the project site.
- d. There are no known religious or sacred uses within the potential impact area.

If historical or cultural remains are found during construction, work will stop until a report can be prepared. The conclusions of the report will be followed.

XV. Recreation

a., b.) The service area of the District is not being expanded. No new recreational facilities will be required and existing facilities will not be affected

XVI. Mandatory Findings of Significance

a.) No wildlife habitats or populations, plant or animal communities, rare or endangered plants or animals, or cultural resources will be affected by the project. The service area of the District is not being expanded. The well is being installed to conform to Title 22 requirements.

b.) The population of the District was established through the environmental studies prepared for the County General Plan. The well is being constructed in response to that population figure. The service area of the District is not being expanded. The District currently has the production capacity to

provide water for its customers at buildout. This project is within both the short and long-term environmental goals of the County.

c.) Due to the nature of the use of the well, there will be very few environmental impacts. Those impacts can be easily mitigated. The cumulative effect of these impacts will be negligible.

d.) The project will not cause substantial adverse effects on human beings.

Note: *This checklist was based on information found in the General Plan for San Luis Obispo County; information provided by California Archeological Inventory Information Center at UCSB; information provided by the SLO County Environmental Coordinator's office; information provided by NCSD; "Engineering Considerations of Groundwater Yields and Rights on the Nipomo Mesa Sub-Area, San Luis Obispo County, CA (October 1993); "Water and Sewer System Master Plan (November 1995); Final EIR prepared for South County Area Plan - Inland Portion (May 1991); and Attachment A to a memo from Environmental Division to Board of Supervisors re: Submittal of CEQA Required Findings and Statement of Overriding Considerations for South County Area Plan Update (March 1994), a memo to the District from Jim Garing, District Engineer, re: South County Area Plan Update, FEIR; and a memo to the District from Jim Garing, District Engineer, re: Will Serve Letters for New Development in Black Lake and Town Divisions.*

Issues (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
I. LAND USE AND PLANNING. <i>Would the proposal:</i>				
a) Conflict with general plan designation or zoning? (source #(s):)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Affect agricultural resources or operations (e.g. impacts to soils or farmlands, or impacts from incompatible land uses)? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
II. POPULATION AND HOUSING. <i>Would the proposal:</i>				
a) Cumulatively exceed official regional or local population projections? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Induce substantial growth in an area either directly or indirectly (e.g. through projects in an undeveloped area or extension of major infrastructure)? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace existing housing, especially affordable housing? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
III. GEOPHYSICAL. <i>Would the proposal result in or expose people to potential impacts involving:</i>				
a) Seismicity: fault rupture? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Seismicity: ground shaking or liquefaction? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Seismicity: seiche or tsunami? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Landslides or mudslides? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Erosion, changes in topography or unstable soil conditions from excavation, grading or fill? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Subsidence of the land? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expansive soils? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Unique geologic or physical features?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
IV. WATER. <i>Would the proposal result in:</i>				
a) Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of people or property to water related hazards such as flooding? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Discharge into surface waters or other alteration of surface water quality (e.g. temperature, dissolved oxygen or turbidity)? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Changes in the amount of surface water in any water body? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Changes in currents, or the course or direction of water movements? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Altered direction or rate of flow of groundwater? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Impacts to groundwater quality? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
V. AIR QUALITY. <i>Would the proposal:</i>				
a) Violate any air quality standard or contribute to an existing or projected air quality violation? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Expose sensitive receptors to pollutants? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Alter air movement, moisture, or temperature, or cause any change in climate? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create objectionable odors? ()	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
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VI. TRANSPORTATION/CIRCULATION.

Would the proposal result in:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Increased vehicle trips or traffic congestion? () | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Hazards to safety from design features (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)? () | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Inadequate emergency access or access to nearby uses? () | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Insufficient parking capacity on-site or off-site? () | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Hazards or barriers for pedestrians or bicyclists? () | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflicts with adopted policies supporting alternative transportation (e.g. bus turnouts, bicycle racks)? () | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Rail, waterborne or air traffic impacts? () | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

VII. BIOLOGICAL RESOURCES.

Would the proposal result in impacts to:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Endangered, threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds)? () | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Locally designated species (e.g. heritage trees)? () | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Locally designated natural communities (e.g. oak forest, (e.g. oak forest, coastal habitat, etc.)? () | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Wetland habitat (e.g. marsh, riparian and vernal pool)? () | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Wildlife dispersal or migration corridors? () | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

VIII. ENERGY AND MINERAL RESOURCES.

Would the proposal:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Conflict with adopted energy conservation plans? () | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Use non-renewable resources in a wasteful and inefficient manner? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

IX. HAZARDS. *Would the proposal involve:*

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) A risk of accidental explosion or release of hazardous substances (including, but not limited to: oil, pesticides, chemicals or radiation)? () | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Possible interference with an emergency response plan or emergency evacuation plan? () | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) The creation of any health hazard or potential health hazard? () | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Exposure of people to existing sources of potential health hazards? () | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Increased fire hazard in areas with flammable brush, grass, or trees? () | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Issues (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
--	--------------------------------	--	------------------------------	-----------

X. NOISE. *Would the proposal result in:*

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Increases in existing noise levels? () | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Exposure of people to severe noise levels? () | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XI. PUBLIC SERVICES. *Would the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:*

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Fire protection? () | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Police protection? () | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Schools? () | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Maintenance of public facilities, including roads? () | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Other governmental services? () | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XII. UTILITIES AND SERVICE SYSTEMS. *Would the proposal result in a need for new systems, or substantial alterations to the following utilities:*

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Power or natural gas? () | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Communications systems? () | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Local or regional water treatment or distribution facilities? () | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Sewer or septic tanks? () | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Storm water drainage? () | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Solid waste disposal? () | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XIII. AESTHETICS. *Would the proposal:*

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Affect a scenic vista or scenic highway? () | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Have a demonstrable negative aesthetic effect? () | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Create light or glare? () | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

XIV. CULTURAL RESOURCES. *Would the proposal:*

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Disturb paleontological resources? () | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Disturb archaeological resources? () | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Affect historical resources? () | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Have the potential to cause a physical change which would affect unique ethnic cultural values? () | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Restrict existing religious or sacred uses within the potential impact area? () | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XV. RECREATION. *Would the proposal:*

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Increase the demand for neighborhood or regional parks or other recreational facilities? () | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Affect existing recreational opportunities? () | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Issues (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigated	Less Than Significant Impact	No Impact
--------------------------------	--	------------------------------	-----------

XVI. MANDATORY FINDINGS OF SIGNIFICANCE.

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? | | | | <input checked="" type="checkbox"/> |
| c) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

PROOF OF PUBLICATION
(2015.5 C.C.P.)

STATE OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO

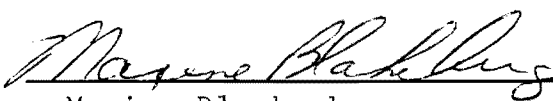
I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the **Five Cities TIMES-PRESS-RECORDER**, a combination of Pismo Times, Grover City Press and Arroyo Grande Herald-Recorder, a newspaper of general circulation, printed and published in the City of Arroyo Grande, County of San Luis Obispo, California, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of San Luis Obispo, State of California, under the date of December 17, 1951, Case Number 18811; that the notice of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

_____ Dec. 19, _____

all in the year 1997

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Arroyo Grande, California,
this 19th day of December 19 97


Maxine Blankenburg Signature

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PROOF OF PUBLICATION OF
Notice of Public Hearing

Paste Clipping of Notice SECURELY In This Space

PUBLIC NOTICE PUBLIC NOTICE PUBLIC NOTICE
NOTICE OF PUBLIC HEARING
(Pub. Res. Code# 21092 (3)(A))
Nipomo Community Services District will hold a public hearing on Wednesday, January 21, 1998 at 7:00 p.m. at 148 S. Wilson Street, Nipomo, CA on the following:

Project Title:	Sun Dale Well
Project Location:	Sun Dale Road and Camino Caballo
Description of Project:	Construction of a new well. No significant effect on the environment. Nipomo Community Services District. Adoption of Negative Declaration
Lead Agency:	Doug Jones, General Manager
Intended Action:	(805)929-1133
Lead Agency Contact Person:	
Address where documents may be obtained:	Nipomo Community Services District P.O. Box 326 148 S. Wilson Street Nipomo, CA 93444 (805)929-1133 Office Hours-M-F 8:00 a.m. to 4:30 p.m.
Public Review Period:	Begins on December 18, 1997. Ends on January 13, 1998
Anyone interested in this matter is invited to comment on the document by written response or by personal appearance at the hearing.	
	Doug Jones, General Manager

No. 992, Pub IT, Dec. 19, 1997.

633
RESOLUTION NO. 98- neg dec

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING AN ENVIRONMENTAL NEGATIVE DECLARATION AND
AUTHORIZING THE GENERAL MANAGER TO FILE A
NOTICE OF DETERMINATION FOR THE SUN DALE WATER WELL**

WHEREAS, the Nipomo Community Services District is in the process of implementing its water Master Plan by constructing new water production facilities located at the northeast corner of Sun Dale Way and Camino Caballo, Nipomo, California, to meet community needs (herein "the Project"); and

WHEREAS, the California Environmental Quality Act (CEQA) requires the District to assess the impact of the Project on the environment, circulate such assessment to interested agencies and the public at large and hold a public hearing on the findings thereof; and

WHEREAS, Garing, Taylor & Associates, Inc. have prepared an initial study for this Project which proposes that a Negative Declaration be approved. The analysis and findings of said study are incorporated herein by reference; and

WHEREAS, public notice of the proposed negative declaration was given as required by Section 21092 of the Public Resource Code, and

WHEREAS, a hearing for this project has been appropriately noticed under the Brown Act and the California Environmental Quality Act, and

WHEREAS, on Wednesday, January 21, 1998, the District held a Public Hearing on the proposed Negative Declaration, reviewed written comments, and accepted public testimony regarding the proposed Negative Declaration, and

WHEREAS, the Nipomo Community Services District, based on information contained in the initial study prepared for this Project, and the testimony received as a result of the Public Notice, the District, using its own independent judgement and review, finds that there is no substantial evidence that the Project may have a significant effect on the environment that was not otherwise considered by Environmental Impact Reports referenced in the initial study.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED THAT THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT does hereby adopt the Negative Declaration for the Sun Dale Water Well Project and authorize the General Manager to file a Notice of Determination in compliance with Section 21108 or 21152 of the Public Resource Code and the State Department of Fish & Game, Certificate of Fee Exemption.

PASSED AND ADOPTED by the Board of Directors of the Nipomo Community Services District this 21st day of January, 1998, on the following roll call vote:

AYES: Directors _____
NOES: _____
ABSENT: _____
ABSTAIN: _____

Alex Mendoza, President
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

Donna K. Johnson
Secretary to the Board

Jon S. Seitz
District Legal Counsel



KOCH CALIFORNIA LTD.

602 Eucalyptus Rd., Box 1127
Nipomo, California 93444
Phone (805) 929-4153

Fax (805) 929-5598

January 8, 1998

Dear People and Well owners of Nipomo:

NCSD is out to drill a new well. They do not have the pumping ability to supply the water needed in the peak summer time period. A limit on well serves has been reached. NCSD and Doug Jones have stated the ground water basin is in an overdraft (more water is being pumped than is coming in from rain fall). So the question is if Doug's statements are true where will the water come from?

Given NCSD's claim of a Prescriptive Right (Defined by there lawyer Scot Slater in Cal. Water Law & Policy 1995 as "The only way to obtain a prescriptive right is by taking the water away from another legal water user" and "Prescriptive rights normally begin to accrue with a trespassorial invasion of another's lawful right to water. Prescriptive rights are acquired by an adverse taking of water where the use of it is actual, open, and notorious; hostile and adverse to the original owner; and continuous and uninterrupted for the statutory period of five years, under claim of right") we should all take notice of this new well and what it will mean to our future water pumping rights.

On the bright side the Farm Bureau Lawyer David Guy states: "As previously mentioned, an appropriator (sic NCSD) can only legally pump surplus groundwater. It therefore follows that if a public agency proposes to pump groundwater, then the agency must show under the California Environmental Quality Act (CEQA) that its pumping will not significantly affect the environment. Since overdraft by nature is a significant effect on the environment, the agency must therefore show that it will be pumping surplus groundwater. If the public agency cannot show that the groundwater is surplus, then under CEQA this should be treated as any other significant effect on the environment, and the effect must either be mitigated or overriding considerations must be found in order to proceed with the project. Landowners can and should participate in the CEQA process to assure that their rights will not be jeopardized by the appropriation of groundwater."

This leaves us with a chance to eliminate prescription by writing letters to request a clear conclusion in writing of no overdraft or a full EIR for this new well. If the basin is determined in the EIR to be in overdraft that there be full mitigation of any new water use.

Letters should include the following:

State how, when and where you heard NCSD state there was an overdraft.

The new well is not just for emergency use and will result in increased pumping in the basin.

If the basin is overdrafted any increase in water use will impact your pumping and agriculture operation or your home use and will be a significant impact on the environment.

The letter should end with a summary of why you would be impacted and that an EIR is needed such as the following.

Additional pumping in a overdrafted basin will impact agricultural operations and farm land which is an environmental resource.

If you can not clearly state that there is not now and has not been an Overdraft on the Nipomo Mesa you should do a full EIR study and mitigate all planned and potential future use of the water pumped from the proposed well.

Letters should be faxed to me at 929-5598 for safety and then mailed to NCSD.

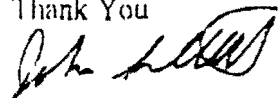
The written comment period ends January 13th.
Public comments will be heard on January 21st 7:00 PM

NCSD
P.O. Box 326
148 S. Wilson Street
Nipomo, CA 93444

The more people we have at the meeting January 21st the better.

If you have any questions please call. My home number is 929-2455

Thank You



John Snyder
Vice President

P.S. Its like their in your car with the engine running looking like there going to drive away and this is the last chance to say "hey you can't steal that"

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: JANUARY 21, 1998

NOTE

Most of the attached letters were delivered to the District by Mr. John Snyder, Koch California Ltd. The Nursery Group represents about 12 letters and about 6 letters are from individuals. Letters referenced in the enclosed letters are included in the group.

You will note there are duplicate letters sent by different people. If anyone wishes to view them, some of the duplicates are in the office.

Staff anticipates having written responses to the comments received by Tuesday, January 20, 1998.

7:14:1998 7:13PM FROM KOCH CALIFORNIA LTD 805 929 5598

P. 5

RECEIVED

Letter to the editor

NCSD IN TROUBLE

The Nipomo Community Services District is planning to drill a new well on the Mesa at Sun Dale Way and Camino Caballo with a planned capacity of 700 gallons a minute.

For years The NCSD has been saying there is an overdraft of the water basin. When the Cypress Ridge Golf course was planned the NCSD complained it would have a significant impact on the water basin. They have also tried in recent years to form a ground water management agency with far reaching consequences for everybody's water rights on the Mesa because they said there was not enough water. It seems that the NCSD has been following a strategy to tell everybody there is a ground water problem on the Mesa. That is,until now.

Now they want to drill another well for themselves and they are saying this has **no impact** on the basin. It seems the NCSD is toying with our intelligence. They are trying to have it both ways. When somebody else is putting a new straw into the ground they say it has an impact, because according to them we are already in an overdraft. However when the NCSD wants to put a new straw into the ground they say it does not have an impact. What happened to the overdraft situation? Could it be that they have been saying all these years there is an overdraft because of a legal strategy they were following while there really was not an overdraft?

I think the NCSD is in trouble now because they are caught in their own game. I think they should explain to everybody why they are on two sides of one issue. Please write or call the NCSD if you have any concerns about this issue. The written comment period ends January 13, 1998. There will be a public hearing on January 21, 1998.

Cees Dobbe
Nipomo



KOCH CALIFORNIA LTD.

662 Eucalyptus Rd., Box 1127
Nipomo, California 93444
Phone (805) 929-4153
Fax (805) 929-5598

January 13, 1998

Douglas Jones, (805) 929-1133, (805) 929-1932 fax
Nipomo Community Services District
261 W. Dana St.
P.O. Box 326
Nipomo, CA 93444

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JAN 13 1998

NIPOMO COMMUNITY
SERVICES DISTRICT

Dear Doug Jones:

I would like to comment on the Sun Dale Way Well Project Proposed EIR (Environmental Impact Report)

There are many flaws in the proposed Environmental Negative Declaration Report.

Paragraph 1 starts by stating "The district has experienced periods when every well in the Town Division was Operating, yet water levels in all storage tanks was declining"¹ (true) and later in paragraph 2 it states "The District currently has the production capacity to provide water to its customers at buildout"² (false). NCS D's Boyle Report States "... Summertime demand is up to 1.5 times higher the average annual demand."³ So there must always be extra production capacity (defined unrealistically by NCS D here as all pumps running all year long). There is no place to store the 270,000,000 gallons from winter when it is not used to summer when it is needed. Which means that there is not sufficient production capacity for the current residents much less fire flow needed for title 22 during peak demand and even less for new hookups.

One would should therefor conclude that this well could and will be used for more then fire flow. A "700 gam well"⁴ would produce 94 AF/ month. If the peak production is changed from 237 AF/month (with a yearly average of 175 AF / month or 2106AF a year ⁵) to 331 AF/month the yearly average would be 269 AF/ month or 3235AF a year. This is a 50% increase of water for NCS D and a 16% increase of use in the Nipomo area.

The second thing to note that this process has been on going. It appears that NCS D has known about the deficiency before November 1995⁶ and has still produced more will serves and intent to serve's without restriction until the Black Lake Specific Plan Amendment Request⁷ where the intent to serve letter for 57 homes states "This intent-to-Serve letter may be suspended if and for so long as the increased water capacity required by this Intent-to-Serve is not available. The District shall use all reasonable efforts to develop a new well site..."⁸. This means that title 22 fire flow has been reduced below acceptable levels by NCS D providing will serves to new development.

Paragraph 2 states "Because the well will not be in production full time the effect on ground water supplies will be negligible."⁹ And " There will be no or negligible effects on agriculture."¹⁰ There is no restriction on the use of this well or the timing it may be used instead of the Church or Savage wells on the east side of 101 which are in a separate ground water

system or to provide more will serves. Without restrictions it will have a significant impact on water levels as it is a similar size as the wells for the Cypress Ridge project on the mesa. NCSD's Letter states that "This project will have a significant impact on existing Nipomo Mesa water users"¹¹.

Paragraph 3 states "therefore, there is not now information indicating there is a significant and continuing state of decline in groundwater levels beneath the mesa". As we all know NCSD has concluded that there is an overdraft and has not changed that position. NCSD made "a Determination that there has been an overdraft of the Nipomo basin since at least 1987"¹². And has further stated "in conclusion, there has been continuous and clear documentation of overdraft conditions in the Nipomo Mesa, either as a separate subbasin or as part of the larger Santa Maria Ground water basin."¹³

Paragraph 4 states "there are currently no restrictions on growth in the district due to water supply."(False) and "the construction of this well will not lead to an increase in the population of the area."(False)¹⁴ Because the intent to serve letters for Tract 2264 (57 lots) is conditional on this new well there is a restriction on growth and its this well. This well will produce water for a 10% increase in population.

This well will not meet fully meet Title 22 of the California Health and Safety Code because "Appropriators that make investments based on this ground water supply should be fully aware of the tenuous nature of their right and must be prepared to curtail pumping during times of shortage."¹⁵

This well has production capacity of 1250 AF per year and the potential of increasing basin use by from the 1995 usage of "7443 AF per Year"¹⁶ of 16%. If there is not a 16% surplus there will be major impacts to agriculture in the form of payment for adjudication or the claim of prescription. Any in Prescription or potential increase in Prescription is a major impact to agriculture.

This clearly shows that there is a restriction on growth without this well and this well is the inducement of substantial growth in the area and so an Environmental Impact Report is needed.

Thank You



John Snyder
Vice President

¹ December 17, 1997 NCSD Sun Dale Well Environmental checklist form, R. James Garing.

² December 17, 1997 NCSD Sun Dale Well Environmental checklist form, R. James Garing.

³ November 6, 1995 NCSD Water and Sewer System Master Plan.

⁴ December 17, 1997 NCSD Sun Dale Well Environmental checklist form, By R. James Garing.

⁵ November 31, 1997 NCSD Gross well Production 1996/97 and 1997/98 (Gprod96 and Gprod97).

⁶ November 6, 1995 NCSD Water and Sewer System Master Plan, By Boyle Engineering Corporation.

⁷ July 1997, Black Lake Management Association Specific Plan Amendment, By John L. Wallace & Associates.

⁸ August 7, 1997, NCSD Tract 2264 Intent to Serve 57 Single family residential lots, By Doug Jones.

⁹ December 17, 1997 NCSD Sun Dale Well Environmental checklist form, R. James Garing.

¹⁰ December 17, 1997 NCSD Sun Dale Well Environmental checklist form, R. James Garing.

¹¹ May 6, 1996, Letter from NCSD RE: EIR Cypress Ridge Tract Map and Development Plan, Steven Small, President NCSD.

¹² February 20 1996 letter from NCSD By Doug Jones.

¹³ February 20 1996 letter from NCSD By Doug Jones.

¹⁴ December 17, 1997 NCSD Sun Dale Well Environmental checklist form, by R. James Garing.

¹⁵ March 3, 1994 Protecting Landowner's Rights to Groundwater in California, by David Guy.

¹⁶ October 20, 1993, NCSD's Lawrance, Fisk & Mcfarland, Inc Report.

John Snyder
P.O. Box 926
Nipomo, Ca 93444
(805) 929-2455
(805) 929-5598 fax

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JAN 13 1998

NIPOMO COMMUNITY SERVICES DISTRICT

January 13, 1998

Douglas Jones, (805) 929-1133, (805) 929-1932 fax
Nipomo Community Services District
261 W. Dana St.
P.O. Box 326
Nipomo, CA 93444

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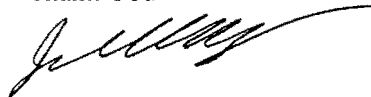
Paragraph 4 states "there are currently no restrictions on growth in the district due to water supply."(False) and "the construction of this well will not lead to an increase in the population of the area."(False)¹⁴ Because the intent to serve letters for Tract 2264 (57 lots) is conditional on this new well there is a restriction on growth and its this well. This well will produce water for a 10% increase in population.

This well will not meet fully meet Title 22 of the California Health and Safety Code because "Appropriators that make investments based on this ground water supply should be fully aware of the tenuous nature of their right and must be prepared to curtail pumping during times of shortage."¹⁵

This well has production capacity of 1250 AF per year and the potential of increasing basin use by from the 1995 usage of "7443 AF per Year"¹⁶ of 16%. If there is not a 16% surplus there will be major impacts to agriculture in the form of payment for adjudication or the claim of prescription. Any in Prescription or potential increase in Prescription is a major impact to agriculture.

This clearly shows that there is a restriction on growth without this well and this well is the inducement of substantial growth in the area and so an Environmental Impact Report is needed.

Thank You



John Snyder

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Susanne Koch Snyder
P.O. Box 926
Nipomo, Ca 93444
(805) 929-2455
(805) 929-5598 fax

January 13, 1998

Douglas Jones, (805) 929-1133, (805) 929-1932 fax
Nipomo Community Services District
261 W. Dana St.
P.O. Box 326
Nipomo, CA 93444

Dear Doug Jones:

I would like to comment on the Sun Dale Way Well Project Proposed EIR (Environmental Impact Report)

There are many flaws in the proposed Environmental Negative Declaration Report.

Paragraph 1 starts by stating "The district has experienced periods when every well in the Town Division was Operating, yet water levels in all storage tanks was declining"¹ (true) and later in paragraph 2 it states "The District currently has the production capacity to provide water to its customers at buildout"² (false). NCS D's Boyle Report States "... Summertime demand is up to 1.5 times higher the average annual demand."³ So there must always be extra production capacity (defined unrealistically by NCS D here as all pumps running all year long). There is no place to store the 270,000,000 gallons from winter when it is not used to summer when it is needed. Which means that there is not sufficient production capacity for the current residents much less fire flow needed for title 22 during peak demand and even less for new hookups.

One would should therefor conclude that this well could and will be used for more then fire flow. A "700 gam well"⁴ would produce 94 AF/ month. If the peak production is changed from 237 AF/month (with a yearly average of 175 AF / month or 2106AF a year ⁵) to 331 AF/month the yearly average would be 269 AF/ month or 3235AF a year. This is a 50% increase of water for NCS D and a 16% increase of use in the Nipomo area.

The second thing to note that this process has been on going. It appears that NCS D has known about the deficiency before November 1995⁶ and has still produced more will serves and intent to serve's without restriction until the Black Lake Specific Plan Amendment Request⁷ where the intent to serve letter for 57 homes states "This intent-to-Serve letter may be suspended if and for so long as the increased water capacity required by this Intent-to-Serve is not available. The District shall use all reasonable efforts to develop a new well site..."⁸. This means that title 22 fire flow has been reduced below acceptable levels by NCS D providing will serves to new development.

Paragraph 2 states "Because the well will not be in production full time the effect on ground water supplies will be negligible."⁹ And " There will be no or negligible effects on agriculture."¹⁰ There is no restriction on the use of this well or the timing it may be used instead of the Church or Savage wells on the east side of 101 which are in a separate ground water system or to provide more will serves. Without restrictions it will have a significant impact on water levels as it is a similar size as the wells for the Cypress Ridge project on the mesa. NCSD's Letter states that "This project will have a significant impact on existing Nipomo Mesa water users" ¹¹.

Paragraph 3 states "therefore, there is not now information indicating there is a significant and continuing state of decline in groundwater levels beneath the mesa". As we all know NCSD has concluded that there is an overdraft and has not changed that position. NCSD made "a Determination that there has been an overdraft of the Nipomo basin since at least 1987"¹². And has further stated "in conclusion, there has been continuous and clear documentation of overdraft conditions in the Nipomo Mesa, either as a separate subbasin or as part of the larger Santa Maria Ground water basin."¹³

Paragraph 4 states "there are currently no restrictions on growth in the district due to water supply."(False) and "the construction of this well will not lead to an increase in the population of the area."(False)¹⁴ Because the intent to serve letters for Tract 2264 (57 lots) is conditional on this new well there is a restriction on growth and its this well. This well will produce water for a 10% increase in population.

This well will not meet fully meet Title 22 of the California Health and Safety Code because "Appropriators that make investments based on this ground water supply should be fully aware of the tenuous nature of their right and must be prepared to curtail pumping during times of shortage."¹⁵

This well has production capacity of 1250 AF per year and the potential of increasing basin use by from the 1995 usage of "7443 AF per Year"¹⁶ of 16%. If there is not a 16% surplus there will be major impacts to agriculture in the form of payment for adjudication or the claim of prescription. Any in Prescription or potential increase in Prescription is a major impact to agriculture.

This clearly shows that there is a restriction on growth without this well and this well is the inducement of substantial growth in the area and so an Environmental Impact Report is needed.

Thank You



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JAN 13 1998
NIPOMO COMMUNITY SERVICES DISTRICT

John Snyder
P.O. Box 926
Nipomo, Ca 93444
(805) 929-2455
(805) 929-5598 fax

January 13, 1998

Douglas Jones, (805) 929-1133, (805) 929-1932 fax
Nipomo Community Services District
261 W. Dana St.
P.O. Box 326
Nipomo, CA 93444

Dear Doug Jones:

I would like to comment on the Sun Dale Way Well Project Proposed EIR (Environmental Impact Report)

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This shows that the production capacity is not sufficient for the current population much less build out. There is no way to store the 270,000,000 gallons of water from winter to summer as this would take 270 1 million gallon tanks like the Hetrik tank. Even the water for 10 homes at the current use of .66 AF per hookup would be 6.6 AF or about 2 million gallons or two tanks.

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Susanne Snyder

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JAN 15 1998

NIPOMO COMMUNITY SERVICES DISTRICT



KOCH CALIFORNIA LTD.

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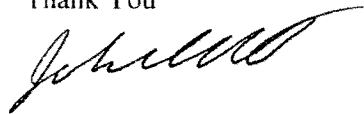
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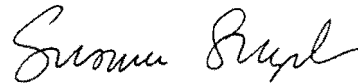
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This means the well could be used to replace pumpage of water from other wells with poor efficiency or water quality on the east side of Highway 101 and increase the amount of water pumped from this area upto the full capacity of 1000 AF. The wells on the east side of the 101 may or may not be in the same basin. This increased pumpage will impact private and agricultural wells.

Because agriculture is an environmental resource and private wells effect the overall quality of the environment for human beings you should complete an EIR and mitigate all impacts of this new well.

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Dear Doug Jones:

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The funding for this well is coming from the Capital financing fund #220 and from the Black lake developers. This funding is for current and future development. This makes this well growth inducing as it is required for new development. This increased development will negatively impact agriculture and the environment in Nipomo. This is an impact should be studied in an EIR and all impacts of this growth need to be mitigated.

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This well is not a permanent water source. If the cutbacks occur the cost of buying imported water will be placed on all the current NCSD customers not just the new development that needs this well water. This could be up to four times the current billing amount. This risk or actual occurrence would negatively effect the quality of life in Nipomo and the quality of the environment in Nipomo you should complete an EIR and minimize and mitigate all impacts of this new well.

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**Nipomo Community Services District
Doug Jones, General Manager
261 West Dana street
Nipomo CA 93444**

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JAN 13 98

NIPOMO COMMUNITY SERVICES DISTRICT

January 13, 1998

Dear Mr. Jones,

This letter is in regard to the planned well on the Mesa at Sun Dale Way and Camino Caballo.

For years the NCSD has been saying there is an overdraft of the water basin. I have heard this stated many times at the NCSD board meetings by you as the manager of NCSD and by several of the directors of the board. When the Cypress Ridge Golf course was planned the NCSD complained it would have a significant impact on the water basin. The NCSD has also tried in recent years to form a ground water management agency with far reaching consequences for everybody's water rights on the Mesa because you stated there was not enough water. It seems very clear to me that the NCSD has been following a strategy to tell everybody there is a ground water problem on the Mesa. That is,until now.

Now the NCSD wants to drill another well and you are saying that this has no impact on the basin. It seems that the NCSD is trying to have it both ways. When somebody else is putting a straw into the ground you say there is an impact because according to your statements we are already in an overdraft. However when the NCSD wants to put a new straw into the ground you say it does not have an impact. What happened to the overdraft situation? Could it be that the NCSD has been saying for years that there is an overdraft because of a legal strategy, while in reality there really was not an overdraft?

Since I have several private wells that I depend on for the viability of my business, this situation is of great concern to me. Furthermore the 75 employees that All Seasons Flowers LLC is employing are depending on the

health of the company and without an adequate water supply this would be severely affected.

I believe that the NCSD is now caught up in its own game. I think you cannot be on two sides of one issue. If you cannot state in writing that there has not and will not be an overdraft situation of the water basin, the NCSD is faced with two choices: One choice is to cancel the planned go ahead of the drilling of a new well and the second choice is to order a full EIR study and mitigate all planned and potential future use of the water from the proposed well

Sincerely,

A handwritten signature in black ink, appearing to read 'Cees M. Dobbe', written over a horizontal line.

**Cees M. Dobbe
President**

1-13-98

ADAM BROS.
F A R M I N G, I N C.

Doug Jones
Nipomo Community Services District
261 W Dana St.
Nipomo, Ca , 93444

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JAN 13 1998

NIPOMO COMMUNITY
SERVICES DISTRICT

Dear Mr. Jones,

As a property owner of the Santa Maria Valley and a participant in the workshops held by the Santa Maria Valley Water Conservation District previous to the adoption of their groundwater management plan, I am absolutely incredulous at the fact that your board seems to be changing it's position on the fact of overdraft in the Nipomo area of the Santa Maria Basin.

It would be one thing if you were to have gone on record as changing your minds after having reviewed the evidence and concluding that the pronouncements of overdraft were overstated, in question or simply wrong. However, what is apparently going on in this case is that your board wants to install a new well and the old story is inconsistent with the ability to do so. So, change the story. What the heck, noone will notice.

No, if your board feels that there still is compelling evidence of an overdraft, under CEQA they *MUST* do the full EIR prior to giving themselves permission to drill the well. If the board has changed it's position, let them state so unequivocally and categorically. For if there isn't an overdraft, and there's not, NCS D is free to continue pumping it's current appropriate amount and to the extent that surplus water is available, slurp that amount up as well.

As you are aware, these facts are now under litigation and will be decided by a hearing of the evidence, and a finding of fact and law. Your board would do well to at least wait until a court has made its' determination before creating facilities on which you may not be able to rely in the future.

Sincerely,



Peter L. Adam

BRASSICA WHLSE. NURSERY, INC.
675 GRANDE AVE,
NIPOMO, CA 93444

bus. phone: (805)929-1550 ~ fax: (805)929-1002
private: (805)929-2200
E - mail: holger@fix.net

January, 12th, 1998

Nipomo Community Service District,
Alex Mendoza,
Kate Fairbanks,
Bob Blair,
Al. Simon,
Gene Kaye,
261 West Dana St.,
P.O.Box 326,
Nipomo, CA 93444

To the Board of Directors,

This letter is in regard to the proposed negative declaration of the Environmental Impact Report on the proposed Sun Dale Well Project in Nipomo.

I have, since we got ourselves established in Nipomo Oct., 1972, attended quite a few NCSO meetings. Never before in my life have I seen such a hypocritical and contradictory version of word formulations, as I have seen to-day, from your General Manager, Dough Jones.

Going back to July 19th, 1995, Mr. Jones called for a special public hearing concerning the proposed AB 3030(a bill that would enable a ground water manage plan), in which he was in favor of, due to his belief of an Overdraft of the Basin's groundwater. This was later tabled, due to an overwhelming outcry by the public, and presumably shelved until a DWR report was available. **Assumption:** Mr. Jones believes that there is an overdraft of the Nipomo Mesa groundwater table.

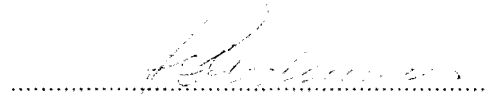
To me, it seems very ironic, what Mr. Jones stated in his Environmental Checklist Form, 2 1/2 year later. Namely, that a well was needed, and there would be no or negligible effect of the groundwater supply; if the well came into production.

Now, I would like to know how Mr. Jones would like to explain his controversial view of points to the public. For being a General Manager, it seems to me, that Mr. Jones ought to have a

more clear version of the situation and not such an inconsistent point of view, on whether there is an overdraft condition or not.

Conclusion: I would like to see the Board of Directors of NCSD make a clear decision on the issue of the **overdraft situation on the Nipomo Mesa**. If the Board cannot by document state that there is **no overdraft** on the Nipomo Mesa at the present time, nor has there been one in the past, you should do a full EIR study, as well as mitigate all planned and potential future use of the water, pumped from the proposed well

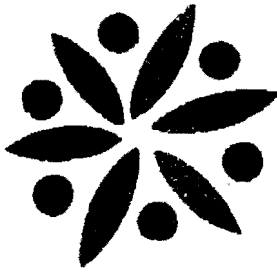
Sincerely,



.....
Holger Andersen, President

c. / General Manager, Dough. Jones





CLEARWATER
NURSERY, INC.

887 MESA ROAD ■ P.O. BOX 580 ■ NIPOMO, CALIFORNIA 93444

(805) 929-3241 ■ FAX (805) 929-5421

January 13, 1998

Nipomo Community Service District
Doug Jones, General Manager
261 West Dana St.
Nipomo, Ca 93444

RECEIVED

JAN 13 1998

NIPOMO COMMUNITY SERVICE DISTRICT

Dear Mr. Jones:

This letter is in regard to the Sun Dale Way Well Project proposed EIR. There has been a lot of confusion on the NCSD's position on whether or not an overdraft condition exists on the Nipomo Mesa. It seems, as growers, when we want to drill a well we are answered "There is an overdraft", but when NCSD wants to drill a well, it is "OK" and the overdraft situation is non-existent. NCSD, over the years have drilled more wells to support the increasing development.

NCSD had the chance to sign up for State Water to meet their future demands, but due to the sloppy way the state water was handled at the election, NCSD lost it's opportunity. It is our feeling that additional pumping in an overdraft basin will impact agricultural operations and farmland, which is an environmental resource.

We at Clearwater believe the Sun Dale Way Well Project will have a significant impact on the local groundwater and our agricultural operation, and we request that NCSD do a full EIR on this project. This project should be set aside until the DWR report, which should be out soon, is complete.

Sincerely,

John E. Djaffrooch
John E. Djaffrooch

AS



1650 MONTE VISTA AVENUE • P.O. BOX 609 • CLAREMONT, CALIFORNIA 91711
(909) 621-6886 • FAX (909) 621-6889

January 12, 1998

Douglas Jones
Nipomo Community Services District
261 W. Dana St.
P. O. Box 326
Nipomo, CA 93444

Dear Mr. Jones,

This letter is intended to add my voice to the growing chorus of concern over the Sun Dale Well project.

NCSD has indicated in the past, its concern regarding a possible overdraft situation on the Nipomo Mesa. In a May 6, 1996 letter to the County regarding the Cypress Ridge Project, NCSD cites six studies which conclude that an overdraft situation exists.

If an overdraft situation does exist then any increase in pumping will negatively impact the environment and agricultural operations in the area.

If NCSD cannot clearly determine that there is not now and has not been an overdraft on the Nipomo mesa, a full EIR should be done.

Regards,

Jeff Corey

RECEIVED

JAN 14 1998

NIPOMO COMMUNITY
SERVICES DISTRICT

Copy received 1/13/98



1650 MONTE VISTA AVENUE • P.O. BOX 609 • CLAREMONT, CALIFORNIA 91711
(909) 621-6886 • FAX (909) 621-6889

January 12, 1998

Douglas Jones
Nipomo Community Services District
261 W. Dana St.
P. O. Box 326
Nipomo, CA 93444

Dear Mr. Jones,

How can NCSD ask for a negative declaration on a proposed well, when this same body has maintained Nipomo Mesa is in an overdraft situation? Is it that the thinking can go in any direction that suits NCSD at any given time?

Additional pumping in an overdrafted basin will certainly have a negative impact on the surrounding area.

I strongly urge that a full EIR study be done, and that NCSD have a plan to mitigate all contingencies that will arise from this substantial additional pumping.

Sincerely,

Eugene K. Corey, CEO
Corey Nursery Co. Inc.

RECEIVED

JAN 14 1998

NIPOMO COMMUNITY
SERVICES DISTRICT



ERWIN FARMS & NURSERY, INC.

1229 POMEROY ROAD
ARROYO GRANDE, CALIFORNIA 93420
(805) 929-4480 (805) 481-4330

Certified Avocado Trees and Kiwis

California State License No. 9315.001

Nipomo Community Services District
Doug Jones, General Manager
261 West Dana Street
Nipomo, CA 93444


January 12, 1998

Dear Mr. Jones,

This letter is in regard to the Sun Dale Way Well Project Proposed EIR. Many others have brought up the inconsistencies in NCS D's position on whether or not an overdraft condition exists on the Nipomo Mesa, so we won't belabor the point. When somebody else wants to drill a well, NCS D says there is an overdraft. When NCS D wants to drill a well, it says there isn't, failing to acknowledge the six studies concluding there is an overdraft condition NCS D listed in its letter of May 6, 1996 to the County regarding the Cypress Ridge Project.

Politics aside, we are all living here together and we need to make the most of the limited groundwater supply available to us. We bought our property by Black Lake Canyon in 1971 and established our family avocado ranch. We have watched as development has occurred all around us and noted how NCS D has drilled more and more wells in our area to support the increasing development. NCS D had the chance to sign up for State Water to meet this demand, but due to the fiasco involved in the elections, NCS D lost its opportunity. People who considered themselves environmentalists thought by approving State Water they would be opening the door to increased development. They didn't seem to understand that the development would occur anyway, and without State Water, NCS D would drill more wells and encroach further and further on the local groundwater we agriculturalists are dependent upon. Most people who live here enjoy the rural atmosphere and the "greenbelts" that agriculture provides. Every time you drill another well and take more of our water you are pounding another nail in the coffin of these beloved greenbelts and agriculture in our area.

We believe The Sun Dale Way Well Project will have a significant impact on the local groundwater and our agricultural operation and we request that NCS D do a full EIR on the project. NCS D requested the County to evaluate the Cypress Ridge Project and Woodlands Project together to consider the overall impact on groundwater. We would like to see you follow your own advice and include the Sun Dale Way well and any future wells you plan on drilling in a comprehensive study which would take into account the total depletion of groundwater. Furthermore, the DWR report should be out soon and it would be prudent to wait and use that information as one of the resources for the EIR.

Sincerely,

Bill Struble, President.

RECEIVED

JAN 14 1998

NIPOMO COMMUNITY
SERVICES DISTRICT
Received copy 1/13/98

Pacific Sun Growers, Inc.

PO Box 250 1198 Mesa Rd. Nipomo, CA 93444
(805) 929-1986 FAX (805) 929-6578 email: pacsun@thegrid.net

January 13, 1998

Nipomo Community Services District
Doug Jones, General Manager
261 W. Dana Street
P.O. Box 326
Nipomo, CA 93444

Dear Mr Jones,

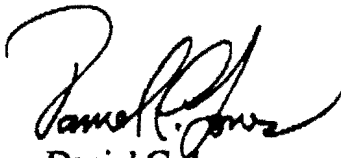
I have a few comments regarding you agency's proposed well project on Sun Dale Way.

In the past, you expressed overdraft concerns to the County regarding the Cypress Ridge and Woodlands Projects. I was in general agreement with you at the time that an overdraft situation may exist and that all major projects be scrutinized by an EIR. Your 700 GPM Well would have a major impact on the groundwater basin, and I, for one, want an EIR performed.

Also, I believe that no EIR would be complete or valid without the data from the long-awaited California DWR report.

Please add my name to the growing list of agriculturalists who want to see a Sun Dale Way Project EIR conducted by an independent firm

Sincerely,



Daniel C. Jones
Pacific Sun Growers, Inc.

Pacific Sun Growers, Inc.

PO Box 250 1198 Mesa Rd. Nipomo, CA 93444
(805) 929-1986 FAX (805) 929-6578 email: pacsun@thegrid.net

January 7, 1998

Nipomo Community Services District
Doug Jones, General Manager
261 West Dana Street
PO Box 326
Nipomo, CA 93444

Dear Mr. Jones:

This letter is regarding the proposed negative declaration of the Environmental Impact Report on the proposed Sun Dale Well Project in Nipomo.

In your Environmental Checklist Form submitted to the Board of Directors on December 17, 1997 regarding this proposed well, you stated, "Because the well will not be in production full time the effect on groundwater supplies will be negligible. There will be no or negligible effects on agriculture." In the next paragraph you go on to quote the FEIR which stated that, "Therefore, there is not now information indicating there is a significant and continuing state of decline in groundwater levels beneath the mesa."

I have attended numerous NCSD meetings over the past year regarding the need of a groundwater management plan in this area. The NCSD Board has repeatedly argued that the mesa is in an overdraft situation. In a February 20, 1996 letter from NCSD, Mr. Jones stated: "In conclusion there has been continuous and clear documentation of overdraft conditions in Nipomo Mesa, either as a separate subbasin or as part of the larger Santa Maria Groundwater Basin."

In a letter to SLO Dept. of Planning and Building written by Steven A. Small, NCSD President dated May 6, 1996 regarding the EIR on the Cypress Ridge Tract Map and Development Plan, Mr. Small lists six different studies stating,

"the following hydrological reports have concluded that the Nipomo Mesa sub-area is in an overdraft condition."

It appears to me that NCSD believes we are in an overdraft when arguing for a groundwater management plan and when a new well is proposed this overdraft suddenly disappears.

I believe with the new golf courses under construction or in the planning stages this well may have a detrimental effect on agriculture in this area. Since I have a private well for my wholesale nursery in this vicinity, I believe you should wait for the State Department of Water Resources study on our aquifer before the construction of this well.

I would also like to see NCSD clearly state it's decision on the overdraft situation on the Nipomo Mesa. If you can not clearly state that there is not now and has not been an overdraft on the Nipomo Mesa you should do a full EIR study and mitigate all planed and potential future use of the water pumped from the proposed well.

Sincerely,



Ben Trogon
Pacific Sun Growers, Inc.

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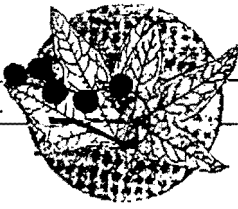
JAN 12 1998

NIPOMO COMMUNITY
SERVICES DISTRICT

NATIVE

WHOLESALE NURSERY, INC.

SONS



379 WEST EL CAMPO ROAD
ARROYO GRANDE, CA 93420

(805) 481-5996 FAX: (805) 489-1991

January 13, 1998

Douglas Jones
Nipomo Community Services District
261 W. Dana St.
P.O. Box 326
Nipomo, Ca. 93444
(805) 929-1133
(805) 929-1932 fax

Dear Doug Jones:

I would like to comment on the Sun Dale Way Project Proposed EIR
(Environment Impact Report).

We have received the enclosed letters and agree with the comments,
therefore, to simplify the process, we have incorporated all of the attached
comments into our own comments and attached them here for your
convenience. Since these concerns are the same as ours, incorporating
their comments into our comments should simplify and expedite your
review and response.

Respectfully,

David C Fross

David C. Fross
President

JAN-14-98

WED 7:56 8

P. 02

NIPOMO MESA FARMS, LTD.

Growers of Patricia Lee Tomatoes

January 13, 1998

Douglas Jones,
Nipomo Community Services District
261 W. Dana St.
P.O. Box 326
Nipomo, CA 93444
(805) 929-1133
(805) 929-1932 fax

RECEIVED
JAN 14 1998
NIPOMO COMMUNITY SERVICES DISTRICT

Dear Doug Jones:

I would like to comment on the Sun Dale Way Well Project Proposed EIR (Environmental Impact Report)

We have received the enclosed letters and agree with the comments, therefore, to simplify the process, we have incorporated all of the attached comments into our own comments and attached them here for your convenience. Since these concerns are the same as ours, incorporating their comments into our comments should simplify and expedite your review and response.

Thank You

Kent Kavanaugh
KENT KAVANAUGH
GENERAL MANAGER

January 13, 1998

RECEIVED

JAN 13 1998

NIPOMO COMMUNITY SERVICES DISTRICT

Douglas Jones
Nipomo Community Services District
261 W Dana St.
Nipomo CA 93444
(805) 929 1133
(805) 929-1932 FAX

Dear Douglas Jones,

I would like to comment on the Sun Dale Way Project Proposed EIR.

(Environmental Impact Report)

We have received the enclosed letters and agree with the comments, therefor, to simplify the process, we have incorporated all of the attached comments into our own comments and attached them here for your convenience. Since these concerns are the same as ours, incorporating their comments into our comments should simplify and expedite your review and response.

Sincerely,

Mark C. Gulluscio
Facilities Manager
PETER HESSE INTERNATIONAL

790 LIVE OAK RIDGE RD.
NIPOMO, CA 93444
(805) 929 3810
(805) 929 6677 FAX



SPEEDLING

INCORPORATED

1040 N. THOMPSON ROAD • NIPOMO, CA 93444 • 805-489-8500 • FAX 805-473-3928

January 13, 1998

Douglas Jones,
Nipomo Community Services District
261 W. Dana St.
P.O. Box 326
Nipomo, CA 93444
(805) 929-1133
(805) 929-1932 fax

RECEIVED

JAN 13 1998

NIPOMO COMMUNITY
SERVICES DISTRICT

Dear Doug Jones:

I would like to comment on the Sun Dale Way Well Project Proposed EIR
(Environmental Impact Report)

We have received the enclosed letters and agree with the comments. therefore, to simplify the process, we have incorporated all of the attached comments into our own comments and attached them here for your convenience. Since these concerns are the same as ours, incorporating their comments into our comments should simplify and expedite your review and response.

Thank You

Enclosed list letter here _____

RECEIVED

Nipomo Community Services District
261 West Dana Street
Nipomo, CA 93444
Attention: Doug Jones

January 12, 1998

JAN 15 1998

NIPOMO COMMUNITY
SERVICES DISTRICT

Dear Mr. Jones

I am writing this letter in regards to the NCSD's proposed new well on Sun Dale Way. I have followed the NCSD's efforts to take control of the water basin beneath the Nipomo Mesa, and your assertions that the basin is in an overdraft situation. This new well is of great concern to me because although I don't live in the Nipomo Community Service District, I do live on the Nipomo Mesa and I would be adversely affected by an overdraft of the water basin. It seems apparent that this new well will result in the expansion of area served by the NCSD and could have a very negative impact on the ground water.

The NCSD had an election (which I was not allowed to vote in) and turned down the purchase of State water (at least partly because of the cost of the water). Now it appears that the NCSD wants to expand their water usage AT MY COST. This represents the VERY WORST in abusive government.....as I had no representation in the NCSD's decision against State water, but because of that decision I apparently will put at risk my water source for your continued expansion.

I strongly oppose your efforts to expand your well system because it contradicts your assertion that the basin is in overdraft. I also oppose your efforts to expand your control over the entire water basin because you have acted in bad faith and you already chose not to PURCHASE State water, you shouldn't have any rights to TAKE mine.

If your claim is that there is no overdraft situation, you should be forthcoming in stating so and drop all efforts to control the Nipomo water basin. If your claim is that there is an overdraft, your effort to drill another well and expand your District will adversely affect the basin and should not be allowed.

I hope you will reconsider your positions.

Sincerely,



Larry Adcock
2490 Callender Road
Arroyo Grande, CA 93444

January 12, 1998

Nipomo Community Services District
P O Box 326
148 South Wilson Street
Nipomo, CA 93444

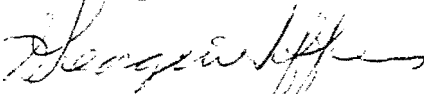
Gentlemen:

It recently came to my attention that NCS D intends to drill a 700 gpm well on Sun Dale Way and to propose a negative declaration of the Environmental Impact Report.

On several occasions in the past NCS D has lead me to believe that the Nipomo Mesa is in a state of overdraft. If this is true, I cannot see how there could be no environmental impact.

Of greater concern to me is the effect this project will have on my private well. Our 8 gpm well has provided sufficient water for our needs since 1975. This well is located on Hetrick Avenue west of Dale Avenue. If the mesa is in overdraft and you complete the Sun Dale project, it could render our well useless. I will do every thing possible to insure that you provide PROOF OF NO OVERDRAFT, or that you complete a full Environmental Impact Report on this project.

Sincerely,



George W. Jeffers
1356 Ewing
Arroyo Grande, CA 93420

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NIPOMO COMMUNITY SERVICES DISTRICT

Copy received on 1/13/98

January 12, 1998

Nipomo Community Services District
261 West Dana Street/P. O. Box 326
Nipomo CA 93444

Distinguished Board Members,

Your District, with the appearance of acting responsibly, has trumpeted for years that the Nipomo Mesa basin has been in overdraft. Yet in the same time period you've accepted new projects and committed yourselves to more service.

You bungled the opportunity to tap into an out-of-area supply source that apparently could have solved all our problems.

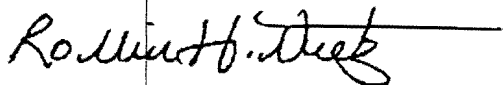
Now you come to the public, with hat in hand, sharing your intention to drill a new well (in our basin) and claim that it will have no impact!

What do you take us for?! Hypocrisy is not an admirable trait! It brings the credibility of the District's administration into serious question!

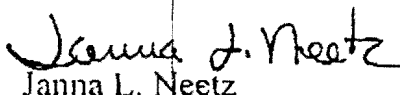
Until we see this change, we the under signed see no reason to either endorse or allow the District to drill new wells or expand in any other way!

In conclusion, we find that due to the erosion of confidence in the District, we must insist on an EIR study, and this only after the pending DWR study is published. New development must be held in abeyance to the AG industry that is pre-existing.

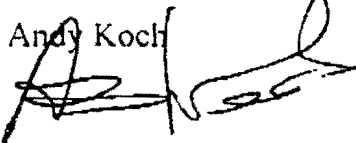
Respectfully,



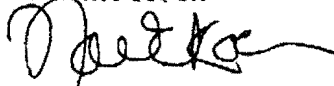
Rollin H. Neetz



Janna L. Neetz



Andy Koch



Norine Koch

DONNA MEHLSCHAU

101 Mehlschau Road
NIPOMO, CALIFORNIA 93444
(805) 929-3342

January 13, 1998

Mr. Doug Jones
Nipomo Community Services District
P.O. Box 326
Nipomo, CA 93444

Dear Mr. Jones

RE: Sun Dale Way Well EIR

The past few years you have preached doom and gloom for the state of Groundwater in the Nipomo basin. An assumed overdraft condition was a major reason given in the attempt to form a Groundwater Management Agency in 1995.

What has changed that would now allow an additional well to be drilled and pumped with no impact to the basin?

The credibility of Nipomo Community Services District is once again being challenged. NCSD must either:

- 1) Clearly state that the Nipomo Groundwater Basin is NOT IN OVERDRAFT.
- 2) Complete an EIR and mitigate the impact this well will have on the basin

Sincerely,

Donna Mehlschau

RECEIVED

JAN 13 1998

**NIPOMO COMMUNITY
SERVICES DISTRICT**

Edmond and Shawn Vasquez
P.O. Box 442
Nipomo, CA. 93444

Nipomo Community Services District
Doug Jones, General Manager
261 West Dana Street
P.O. Box 326
Nipomo, CA. 93444

January 12, 1998

Dear Mr. Jones,

We are writing this letter in regards to the proposed "Prescription Well" the NCS D is considering drilling. As private well owners, we object to the drilling of such a well without an Environmental Impact Report.

We have been under the impression that there has been an overdraft condition in the Nipomo Mesa area. In fact, you stated yourself in your letter dated February 20, 1996 from NCS D, "In conclusion there has been continuous and clear documentation of overdraft conditions in Nipomo Mesa, either as a separate subbasin or as part of the larger Santa Maria Groundwater Basin."

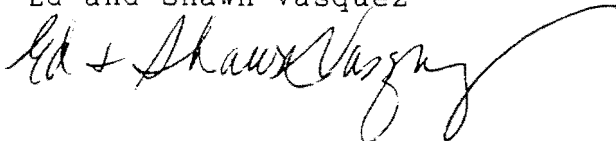
Where has it been proven that a groundwater overdraft does not exist? And if a groundwater overdraft does not exist, why the need for a new well? How, all of the sudden has the groundwater overdraft gone away? Could this possibly be just another attempt to take water from private well owners for the NCS D's benefit?

Our water is a precious commodity, maybe we should consider slowing the growth until we have a handle on our communities water problem?

We respectfully request that the Nipomo community Services District obtain an Environmental Impact Report before pursuing a new well.

Sincerely,

Ed and Shawn Vasquez



RECEIVED

JAN 13 1998

NIPOMO COMMUNITY
SERVICES DISTRICT

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: JANUARY 21, 1998

CONSTRUCTION OF SUN DALE WELL

On December 17, 1997, your Honorable Board authorized staff to acquire bids to construct the proposed Sun Dale Well located at the intersection Sun Dale and Camino Caballo Roads. Specifications were prepared by Garing, Taylor and Associates and sent to well drillers so they may bid on the proposed project. The following bids were received:

NAME	BID
Beylik	No bid
Enloe	95,870.00
F. Wells	113,599.95
Maggiora	114,913.00
Howard Pump	120,263.50
Engr. Estimate	110,320.00

Upon review of the bids, staff recommends that the low bid submitted by Enloe Well Drilling be awarded the contract to drill the pilot hole and well for the proposed Sun Dale Well.

The attached resolution awarding the contract to Enloe Well Drilling is presented for the Board's consideration.

**NIPOMO COMMUNITY SERVICES
RESOLUTION NO. 98-sundale**

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
AWARDING THE CONTRACT TO ENLOE WELL DRILLING
TO DRILL THE SUN DALE WELL**

WHEREAS, the Board of Directors of the Nipomo Community Services District ("DISTRICT") is desirous of having water facilities to meet its requirements; and

WHEREAS, the DISTRICT has requested bids to drill a well and said bids were open on January 13, 1998 at 2:00 p.m.; and

WHEREAS, five bids were received and the apparent responsive and reliable low bid was from Enloe Well Drilling in the amount of \$95,870.00; and

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AS FOLLOWS:

- 1) The contract to drill Sun Dale Well be awarded to Enloe Well Drilling, the lowest responsible bidder, in the amount of \$95,870.00.
- 2) The President is instructed to execute the contract in behalf of the District.

Upon the motion of Director _____, seconded by Director _____ and on the following roll call vote, to wit:

AYES: Directors _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

the foregoing resolution is hereby adopted this 21ST day of January 1998.

Alex Mendoza, President
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

Donna K. Johnson
Secretary to the Board

Jon S. Seitz
General Counsel

JAN 21 1998

TO: BOARD OF DIRECTORS

FROM: DOUG JONES

DATE: JANUARY 21, 1998

SUMMIT STATION

The Board's Sub-Committee consisting of President Alex Mendoza and Director Kaye, have met and reviewed information presented at past Board meetings and is waiting for the District engineer, Jim Garing, to summarize his findings in a report to the Board.

To monitor the pressure in the Summit Station pressure recording devices have been installed at Summit Station Rd. and Futura Lane. The attached letter was written to Mr. and Mrs. Holder. No response has been received from them.

The present water pressure reading on Summit Station Rd. have maintained approximately 40 psi. This information is being passed on to the engineer to be included in his findings which should be completed within 30 days.

On a quarterly basis, the District will be reporting to the State Health Department the Summit Station system pressures along with its other reporting requirements.

C:\w:\summitreport.DOC

AGENDA ITEM
JAN 21 1998

6

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: JANUARY 21, 1998

1998 DISTRICT INVESTMENT POLICY

The California Government Code Section 53646 requires local government entities to adopt an annual investment policy. Your Honorable Board adopted an investment policy for last year and it is proposed that the same investment policy be continued. Attached for the Board's review is the 1998 Investment Policy along with a resolution for adopting the policy and Government Code Section 53646.

C:\W:\BD\invstpol.DOC

RESOLUTION NO. 98-INVOL

**A RESOLUTION OF THE
BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING THE 1998 DISTRICT INVESTMENT POLICY**

WHEREAS, the Board of Directors of the Nipomo Community Services District believes that public funds should, so far as is reasonably possible, be invested in financial institutions to produce revenue for the District rather than to remain idle, and

WHEREAS, from time to time there are District funds which for varying periods of time will not be required for immediate use by the District, and which will, therefore, be available for the purpose of investing in financial institutions with the objectives of safety, liquidity, yield and compliance with state and federal laws and policies.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Nipomo Community Services District hereby adopts a District investment policy attached hereto as Exhibit "A".

PASSED AND ADOPTED by the Board of Directors of the Nipomo Community Services District this 21st day of January, 1998, on the following roll call vote:

AYES: Directors _____
NOES: _____
ABSENT: _____
ABSTAIN: _____

Alex Mendoza, President
Nipomo Community Services District

ATTEST:

APPROVED AS TO FORM:

Donna K. Johnson
Secretary to the Board

Jon S. Seitz
District Legal Counsel

EXHIBIT A

1998 INVESTMENT POLICY

NIPOMO COMMUNITY SERVICES DISTRICT

1. INTRODUCTION

The purpose of this written *Investment Policy* is to establish the guidelines for the prudent investment of Nipomo Community Services District funds (herein referred to as District's funds). The objectives of this policy are safety, liquidity, yield, and compliance with state and federal laws and policies.

District funds are to be managed with a high degree of care and prudence. Though all investments contain a degree of risk, the proper concern for prudence, maintenance of high level of ethical standards and proper delegation of authority reduces the potential for any realized loss.

This policy establishes the standards under which the District's Finance Officer will conduct business with financial institutions with regard to the investment process.

2. FINANCE OFFICER

The Board of Directors appoints the General Manager as the District Finance Officer and Treasurer. The District's Administrative Assistant shall serve as the District's Finance Officer and Treasurer in the absence of the District's General Manager.

3. SCOPE

The District investment portfolio shall consist of money held in a sinking fund of, or surplus money in, the District's treasury not required for the immediate necessities of the District. The District's investment portfolio shall be invested in accordance with this policy.

4. OBJECTIVES

The primary objectives are safety, liquidity, yield, and compliance.

A. SAFETY

The investment portfolio shall be managed in a manner that ensures the preservation of capital. The objective is to minimize credit risk and interest rate risk.

B. LIQUIDITY

The investment portfolio shall remain sufficiently liquid to meet all operating requirements. This shall be accomplished by structuring the investment portfolio so that investments mature concurrent with cash needs.

C. YIELD

Yield shall be a consideration only after the requirements of safety and liquidity have been met.

EXHIBIT A

1998 INVESTMENT POLICY

D. COMPLIANCE

This Investment Policy is written to be in compliance with California and Federal law.

5. STANDARDS OF CARE

A. PRUDENCE

The Finance Officer will manage the portfolio pursuant to the "Prudent Investor Standard." When investing, reinvesting, purchasing, acquiring, exchanging, selling and managing public funds in the District's investment portfolio, the Finance Officer shall act with care, skill, prudence, and diligence under the circumstances then prevailing, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the District.

B. DISCLOSURES

Finance Officer shall disclose any material interest in financial institutions with which he/she conducts the District business.

6. INVESTMENTS AUTHORITY

A. PERMITTED INVESTMENTS

The District Finance Officer is authorized to invest in the following institutions:

1. County pooled funds (California Government Code § 61730)
2. The Local Agency Investment Fund created by the California State Treasury (California Government Code § 16429.1)
3. One or more FDIC insured Banks and/or Savings and Loan Associations that are designated as District depositories by resolution of the Board of Directors California Government Code § 61737.02).
4. Such other financial institutions or securities that may be designated by the Board of Directors from time to time in compliance with California and Federal law.

EXHIBIT A

1998 INVESTMENT POLICY

B. PROHIBITED INVESTMENTS

The District's Finance Officer shall not invest in:

1. Inverse floaters, range notes or interest only strips that are derived from a pool of mortgages.
2. Any security that could result in a zero interest accrual if held to maturity.
3. A state or federal credit union, if a member of the District's Board of Directors or an administrative officer also serves on the Board of Directors, or any committee appointed by the Board of Directors, or the credit committee or supervisory committee, of the state or federal credit union.

C. DIVERSIFIED INVESTMENTS

Investments, other than investments referenced in paragraphs A (1) and (2) above, will be diversified to avoid losses that may be associated with any one investment.

7. REPORTS

A. QUARTERLY REPORT

Finance Officer shall file a quarterly report that identifies the District's investments and their compliance with the District's Investment Policy. The quarterly report must be filed with the District's auditor and considered by the District's Board of Directors within thirty (30) days after the end of each quarter (i.e., by May 1, August 1, November 1, and February 1) (California Government Code § 53646). Required elements of the quarterly report are as follows:

1. Type of Investment
2. Institution
3. Date of Maturity (if applicable)
4. Amount of deposit or cost of the security
5. Current market value of securities with maturity in excess of twelve months (if applicable)
6. Rate of Interest
7. Statement relating the report to the Statement of Investment Policy
8. Statement of the District's ability to meet cash flow requirements for the next six months.
9. Accrued Interest (if applicable)

EXHIBIT A

1998 INVESTMENT POLICY

B. ANNUAL REPORT

Prior to February 1, of each year, the Finance Officer shall file and submit an annual report to the District's auditor and Board of Directors which will contain the same information required in the quarterly report.

The annual report will include a recommendation to the Board of Directors to either:

1. Readopt the District's then current annual Investment Policy; or
2. Amend the District's then current Investment Policy.

C. LIMITED QUARTERLY REPORT

If the District has placed all of its investments in the Local Agency Investment Fund (LAIF), created by California Government Code § 16429.1, or in Federal Deposit Insurance Corporation, insured accounts in a bank or savings and loan association, in a County investment pool, or any combination of these, the Finance Officer may submit to the Board of Directors, and the auditor of the District the most recent statement or statements received by the District from these institutions in lieu of the information required in paragraph 7.A, above. This special reporting policy does not relieve the Finance Officer of the obligation to prepare an annual investment report as identified in paragraph 7.B, above.

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GOVERNMENT CODE

§ 53646. Written statements of investment policy; quarterly reports

(a) The treasurer or chief fiscal officer shall annually render to the legislative body of the local agency and any oversight committee a statement of investment policy, which the legislative body of the local agency shall consider at a public meeting. Any changes in the policy shall also be considered by the legislative body of the local agency at a public meeting.

(b)(1) The treasurer or chief fiscal officer shall render a quarterly report to the chief executive officer, the internal auditor, and the legislative body of the local agency. The quarterly report shall be so submitted within 30 days following the end of the quarter covered by the report. Except as provided in subdivision (e), this report shall include the type of investment, issuer, date of maturity par and dollar amount invested on all securities, investments and moneys held by the local agency, and shall additionally include a description of any of the local agency's funds, investments, or programs, that are under the management of contracted parties, including lending programs. With respect to all securities held by the local agency, and under management of any outside party that is not also a local agency or the State of California Local Agency Investment Fund, the report shall also include a current market value as of the date of the report, and shall include the source of this same valuation.

(2) The quarterly report shall state compliance of the portfolio to the statement of investment policy, or manner in which the portfolio is not in compliance.

(3) The quarterly report shall include a statement denoting the ability of the local agency to meet its pool's expenditure requirements for the next six months, or provide an explanation as to why sufficient money shall, or may, not be available.

(4) In the quarterly report, a subsidiary ledger of investments may be used in accordance with accepted accounting practices.

(c) Pursuant to subdivision (b), the treasurer or chief fiscal officer shall report whatever additional information or data may be required by the legislative body of the local agency.

(d) The legislative body of a local agency may elect to require the report specified in subdivision (b) to be made on a monthly basis instead of quarterly.

(e) If a local agency has placed all of its investments in the Local Agency Investment Fund, created by Section 16429.1, or in Federal Deposit Insurance Corporation-insured accounts in a bank or savings and loan association, in a county investment pool, or any combination of these, the treasurer or chief fiscal officer may supply to the governing body, chief executive officer, and the auditor of the local agency the most recent statement or statements received by the local agency from these institutions in lieu of the information required by paragraph (1) of subdivision (b).

(Added by Stats.1995, c. 783 (S.B.564), § 3.)

Historical and Statutory Notes

1984 Legislation

Section 4 of Stats.1984, c. 1226, provides:

"It is the intent of the Legislature that the provisions of Section 3 of this act apply to all local agencies, whether chartered or not."

1995 Legislation

Former § 53646, amended by Stats.1983, c. 105, § 8; Stats.1984, c. 1226, § 3; Stats.1985, c. 1526, § 3; Stats.

1983, c. 105, § 8; Stats.1993, c. 59 (S.B.443), § 6, relating to statements showing accrued interest, was repealed by Stats.1995, c. 783 (S.B.564), § 2. See, now, this section.

Derivation: Former § 53646, added by Stats.1949, c. 81, § 1, amended by Stats.1983, c. 105, § 8; Stats.1984, c. 1226, § 3; Stats.1985, c. 1526, § 3; Stats.1983, c. 105, § 8; Stats.1993, c. 59, § 6.

§ 53647. Interest; payment into fund

Notes of Decisions

2. Disposition of interest payments

Interest earned on monies deposited in civil actions is to be returned to owner of monies, rather than retained by

county as part of its general fund. *Fresno Fire Fighters Local 753 v. Jernagan* (App. 5 Dist. 1986) 222 Cal.Rptr. 886, 177 Cal.App.3d 403, review denied.

Additions or changes indicated by underline; deletions by asterisks * * *



TO: BOARD OF DIRECTORS

FROM: DOUG JONES

DATE: JANUARY 21, 1998

INVESTMENT POLICY - QUARTERLY REPORT

The Board of Directors adopted the 1997 Investment Policy for NCSD on January 8, 1997. The Policy states that the Finance Officer shall file a quarterly report that identifies the District's investments and their compliance with the District's Investment Policy. The quarterly report must be filed with the District's auditor and considered by the Board of Directors within thirty (30) days after the end of each quarter (i.e., by May 1, August 1, November 1, and February 1) (California Government Code Section 53646).

Attached is the December 31, 1997 Quarterly Report for your review. The Finance Officer is pleased to report to the Board of Directors that the District is in compliance with the 1997 Investment Policy.

After Board consideration and public comment, it is recommended that your Honorable Board accept the quarterly report by motion and minute order.

NIPOMO COMMUNITY SERVICES DISTRICT
INVESTMENT POLICY - QUARTERLY REPORT 12/31/97

The District's investments are as follows:

TYPE OF INVESTMENT	INSTITUTION	DATE OF MATURITY	AMOUNT OF DEPOSIT 12/31/97	RATE OF INTEREST	ACCRUED INTEREST 12/31/97
Money Market Checking (1)	Mid-State Bank	n/a	\$292.75	1.00%	\$0.00
Savings	Mid-State Bank	n/a	\$5,466.24	2.53%	\$0.00
Pooled Money Investment	Local Agency Investment Fund	n/a	\$5,119,246.43	5.72%	\$70,178.50

n/a = not applicable

(1) Amount of deposit reflects reconciled balance

As District Finance Officer and Treasurer, I am pleased to inform the Board of Directors that the District is in compliance with the 1997 Investment Policy and that the objectives of safety, liquidity, and yield have been met. The District has the ability to meet cash flow requirements for the next six months.

Respectfully submitted,

Doug Jones
General Manager and
Finance Officer/Treasurer

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: JANUARY 21, 1998

MANAGER'S REPORT

1. California Water Journal article on Coastal Aqueduct
See attached.
2. Senator O'Connell's correspondence on the State budget
See attached.
3. Facility Plan Approval - Wastewater Expansion
The District's Facility Plan approval for expanding the Southland Wastewater Treatment Plant has been approved by the State Water Resources Control staff. This item will be presented to the State Water Resources Control Board for approval and funding at their meeting to be held in March 1998. It is anticipated that if everything moves forward, construction will initiate sometime this summer.

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California State Senate

SENATOR
JACK O'CONNELL
EIGHTEENTH SENATORIAL DISTRICT

CHAIR
BUDGET & FISCAL REVIEW
SUBCOMMITTEE ON EDUCATION
COASTAL CAUCUS
MAJORITY CAUCUS
MEMBER
BUDGET AND FISCAL REVIEW
BUSINESS AND PROFESSIONS
CONSTITUTIONAL AMENDMENTS
EDUCATION
ENVIRONMENTAL QUALITY
JUDICIARY
NATURAL RESOURCES

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SAN LUIS OBISPO, CA 93401
(805) 547-1800

SANTA BARBARA OFFICE
28 WEST CARRILLO, SUITE F
SANTA BARBARA, CA 93101
(805) 966-2296

VENTURA OFFICE
89 S. CALIFORNIA STREET, SUITE E
VENTURA, CA 93001
(805) 641-1500

January 9, 1998

Douglas Jones, General Manager
Nipomo Community Services District
P.O. Box 326
Nipomo, CA 93444

Dear Mr. Jones:

As you are aware, Governor Wilson gave his final state of the state address on Wednesday which was followed with the release of his proposed budget for the 1998-99 fiscal year on Friday, January 9th. I regret to inform you that local governments have, once again, been given the short shrift by this administration.

The Governor began his address by highlighting the fact that California has celebrated its 55th month of economic growth; last year we grew one and one half times faster than the rest of the nation, unemployment is its lowest since 1990; personal income grew by more than 7 percent last year, and then pronounced "the 'Comeback' is over...We are back."

He ended his address without an utterance of support for local governments which was later reflected in his spending plan.

Governor Wilson seems to sincerely believe that the relief provided to cities and counties as a result of the Proposition 172 sales tax, COPS funding and trial court funding is sufficient. He refuses to return one dollar of the property taxes shifted to schools in the early 1990s.

I participated in a briefing for the press this week with several members of the legislature and the *Allies for California's Cities, Counties and Special Districts* which includes the leaders of California's business community and local governments. We are united in our call for ERAF relief and will continue to fight for the passage of AB 95 (Sweeney and Aguiar), ACA 4 (Aguiar) and SB 880 (Craven).

I sincerely thought that the remarkable fiscal picture for the state would shed a new light on this issue for Governor Wilson. Please know that I will continue to pressure him for local government relief in the 1998-99 budget and to make this an integral part of the budget debate in 1998.

Sincerely,


JACK O'CONNELL

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NIPOMO COMMUNITY
SERVICES DISTRICT

STATE WATER ISSUE

Coastal Aqueduct Gets Mixed Reception

Escalated cost from \$343 million to \$642 million stuns communities.

The Coastal Aqueduct began delivering State Water Project water to Santa Barbara and San Luis Obispo counties in July. Now, for better or for worse, the inauguration of the 143-mile-long underground pipeline marked the end of the water shortages seen during California's latest drought, but at a cost — some of the coastal communities now have an annual water bill they say exceeds

their ability to pay.

Dependent on a dwindling groundwater supply, the region has always been susceptible to severe water shortages and gained international attention over its water woes during the state's 1987-1992 drought, one of the century's worst.

At the height of the drought, cities and towns along the coast were

forced into rationing any water they could get and led the state in adopting water conservation programs — businesses and residents installed low-flush toilets and low-flow shower heads, restaurants stopped putting out water glasses, and the city of Santa Barbara prohibited residents from watering their lawns — a ban that made international news as

see Coastal page 8

Desperate homeowners sprayed their lawns green.

After suffering five years of severe drought, voters approved construction of the aqueduct in 1991. The turnout at the polls was only 40 percent — but of those voting, 57 percent said "yes" to the importation of state water.

But to some, the importance of a long-term, future water supply has been greatly lessened by the sobering reality of debt. The project cost, estimated before the election to be \$343 million, escalated during construction to \$642 million.

To pay for it, ratepayers in Santa Barbara County will pay a \$45 million bill every year until 2022, and a \$34 million bill annually from 2023 to 2035.

Residents in Lompoc will not be getting state water — they voted against the project. And in Orcutt, residents get state water through a private water company without paying extra for it. In 1992, after residents found out their water bills would go up by \$35 a month, they appealed to the Public Utilities Commission which ruled they did not have to pay.

The project consists of the 101-mile Coastal Branch pipeline that runs from the California Aqueduct in Kern County to Vandenberg Air Force Base, and the 42 mile-long second-phase section that runs from Vandenberg to Lake Cachuma. The pipeline will carry water to about 390,000 people in both counties, most of them in Santa Barbara County.

The only other public works project in Santa Barbara County that approaches the magnitude and significance of the coastal branch is Bradbury Dam and Lake Cachuma, built by the Bureau of Reclamation in 1953. But there's a big difference — state water, unlike Cachuma water, does not come with a federal subsidy to ease the financial burden.

Supporters say the new pipeline will be worth the expense. For one, in the event of another drought, citizens will not have to suffer as much as they did in the 1987-92 drought.

For another, they predict water is going to become increasingly difficult in the next century to deliver on a reliable basis.

Opponents predict that state water will increase the pressure for growth in some of the most scenic areas, including the Gaviota Coast and the Santa Ynez Valley, as urban communities try to "sprawl" their way out of the pipeline debt. Leaders in Santa Maria are already banking on growth to pay for their share of the pipeline.

Solvang Went to Court

In Solvang, the self-styled "Danish Capital of America," the pipeline that was once considered a savior, is now viewed a disaster. The state water debt has brought the small, once prosperous town to its worst crisis since incorporation in 1985.

With a population of only 5,100, the city ordered half as much water as Santa Barbara, which has a population of 90,000.

Solvang's water bill, at \$2.1 million per year, is more than half the size of the city's \$3.7 million general fund. The debt has created a ludi-

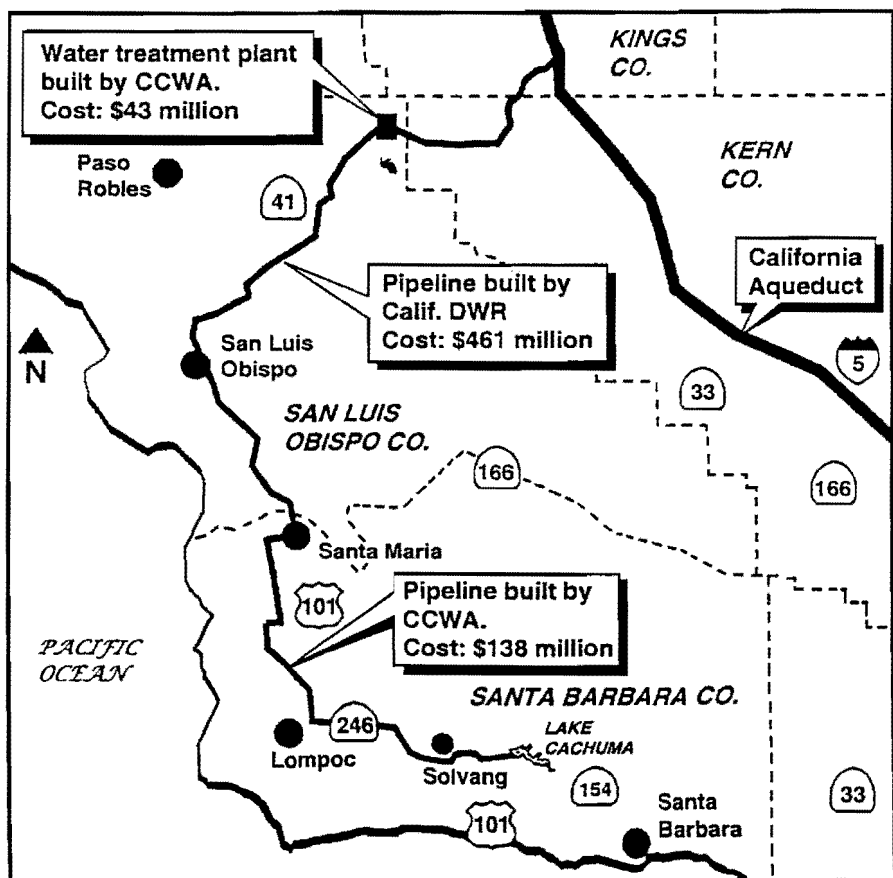
crous situation for Solvang — they can't afford to pay for the materials and labor to connect the city to the new pipeline. Consequently, the city is not requesting any deliveries of state water for the foreseeable future. There is a small benefit — by taking no water, Solvang saves about 15% on its water bill.

Earlier this year, city officials failed in their effort to convince a Superior Court judge that the city and the voters of Solvang had been deliberately deceived about the true cost of the project.

"The court's decision places a great hardship on the citizens and businesses in Solvang to pay for state water," said Councilwoman Nancy Orchard, who was elected in 1994, after the fateful vote. "It's a tragedy for this little town. We never needed the water."

Four Solvang council members, including Orchard, sent a letter to Gov. Pete Wilson asking him not to accept an invitation to speak at the July inauguration ceremony for the Coastal Branch.

"We feel it would be wrong and



SOURCE: Central Coast Water Authority

...ive to our severe plight for ... to come ..." the letter stated. As it turned out, Wilson was busy with state budget deliberations and did not attend the ceremony.

City officials are now investigating options to get Solvang out of the hole. One idea is to triple water rates. Another is a \$1,200 annual property tax increase.

Last year, the city used \$700,000 from its general fund for state water, effectively subsidizing residents' water bills, which are averaging \$55 per month. Now the council is considering increasing the subsidy to \$1 million a year for the next three years — but that still leaves \$1 million more per year that the city must come up with somehow.

"We're talking about survival here," said Orchard. "We're looking for every dollar. We've scrubbed the budget but every single thing is going into the water debt."

Using Less Water and Paying More

Santa Barbara County residents used to be able to lower their water bills by using less water. However, data from the 1996-97 fiscal year show that county residents tied to the aqueduct are using less water than they did during the drought in 1988 while paying nearly three times as much for it.

Records show a total of \$100,000 million in water revenues will be collected from county participants in 2001, the year when the full bills for state water kick in. That's a 36% increase over 1996-97 revenues totaling \$74 million.

Each community has an idea of how to deal with the escalated cost of water.

■ Goleta is charging developers a "water fee" of \$6,841 per home, among the highest such fees in the state.

■ Santa Barbara has mothballed its \$34 million desalination plant, which city voters ordered in 1991 together with hooking up to state water.

■ In Montecito, where a typical homeowner pays \$106 monthly for

water, the water district has sold off four properties for \$2.5 million.

■ Santa Maria has a bigger problem. It ordered as much water as the entire South Coast combined, and now faces a \$23 million shortfall. The city council plans to issue \$30 million in bonds to get through the next decade, hoping that by then, higher water rates and more customers will be able to pay the water bill.

Compounding Santa Maria's problems, farmers and landowners filed suit to prevent the city from storing state water underground. The farmers say their well levels have returned to normal. If state water is stored underground, they say, the city will likely one day charge them for it.

Meanwhile, Santa Maria is trying to sell some of its water to developers in Orcutt. The county Board of Supervisors recently approved zoning changes of farmland near Orcutt allowing 3,700 new homes by 2013.

"We've lost," said Ed Maschke, a political consultant who ran the anti-state water campaign in 1991. "Orcutt will be a boom town. We'll have cinemas, Burger Kings, outlet stores, Macy's — and the pollution, dust, the traffic and the crime we sought to get away from in the big cities."

Pipeline Project Got Out of Control

Locals claim the pipeline project got out of control because of mismanagement by the State of California. They say it failed to lock up adequate contracts for state water, never put a cap on the project's cost and made errors on simple issues.

Early on, the price went up for Santa Barbara communities because 11 towns in San Luis Obispo County backed out of taking state water, including San Luis Obispo itself.

Throughout construction, the portion of the pipeline built by the Department of Water Resources was afflicted with cost overruns. A bitter labor dispute among DWR's engineers and the weather created costly delays.

Inflation drove up expenses, too. The original cost estimate by DWR before the election was based on

1990 dollars. They also left out a \$43 million state water treatment plant in northern San Luis Obispo County.

The final \$642 million price tag broke down as follows:

■ \$461 million for 101 miles of pipeline built by DWR from the California Aqueduct to Vandenburg.

■ \$71 million for 42 miles of pipeline built by the Central Coast Water Authority from the base to Cachuma.

■ \$43 million for the treatment plant built by CCWA.

■ \$67 million for CCWA financing costs, local connections to the pipeline, emergency water supplies, seismic strengthening of the dam at Cachuma, and reserves.

To save money, Santa Barbara, like Solvang, has chosen not to take state water for at least five years. Montecito is not asking for state water this year. Even by 2001, only Buelton and Santa Maria plan to request their full entitlements.

But the pipeline bills — \$4.2 million annually for Santa Barbara, for example, and \$4.1 million for Montecito — must be paid whether water is delivered or not.

Coastal Branch is Important to the Region

CCWA Executive Director Dan Masnada said, "Of course, the concerns now are financial in nature, and rightfully so. But as the project becomes more and more affordable, future concerns will be more about reliability than cost."

Because the State Water Project has a firm supply, year in and year out, of only half the water that has been contracted for, there could be shortages along the Central Coast. In 1991, at the height of the drought, SWP deliveries were cut to zero for farmers and to 30% for cities.

"Ground water is unreliable if its overdrafted," said Masnada. "Even desalinated water would be unreliable if the cost of power were to increase significantly. State water is subject to the vagaries of Mother Nature. But properly combining all of these sources, we'll be able to maintain a flow of water from the tap."

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California expert says innovative water rates key to conservation

SALT LAKE CITY (AP) — Water bills are the key to conservation, said Tom Ash, a horticulturist for California's Irvine Ranch Water District. Ash said outdoor water in his area has been slashed 43 percent since 1990 by dramatic changes in the district's rate structure.

Without the savings, the district would have had to spend an extra \$12 million to acquire water.

Ash told the Utah Water Conservation Forum that hefty water bills get the customers' attention and encourage them to consider whether they need to be using so much water.

Per capita water consumption in Utah is second highest in the nation, while Utah's water rates are the third lowest. Several communities, including Salt Lake City, have taken the first steps toward revising their rate structures.

Irvine's program began with a study to determine the amount of landscaped area on each building lot in the city. Experts then calculated how much water would be needed monthly to keep a lawn healthy on that much land. This is the amount of water allocated to each homeowner for outside use.

The allocation varies over the year. More water is allowed during the hot summer months than during cool periods in the winter, spring, and fall.

Customers pay a minimum fee that covers the basic operating

costs of the system. Then they pay an additional fee for water. If customers use less than the allocation during a month, their water cost is low — less than the district's cost of providing the water. This is a bonus for conserving.

If they use their total allocation, they pay the normal water cost. If they exceed the allocation, the cost of water begins to rise quickly. Customers greatly exceeding the allocation end up paying eight times the water's actual cost.

Ash said the approach involves a minimum of government regulation and interference. There are no restrictions on when customers can water their lawns or how much they water. Individuals make their own decisions based on economic realities of the rate structure.

Extra payments from those exceeding the allocation are placed into a fund to help make water-conservation improvements in the district's system.

Colorado landscape architect Ken Ball told the group that one of the biggest challenges in water conservation is convincing users that low-water gardens still can be green and beautiful.

He said a 30-percent savings in outdoor water use could be achieved easily in most communities by improving watering practices and a 60-percent reduction is possible by replacing lawns with low-water plants.