



Koch California Ltd.

P.O. Box 1127, 662 Eucalyptus Road
Nipomo, CA 93444
Phone: (805) 929-4153
Fax: (805) 929-5598
Email: kochcal@earthlink.net

July 10, 1998

Glen Britten (805) 781-5252 (805) 781-1229 fax
Greg Martin (805) 781-4470 78-5:00
San Luis Obispo County Engineering Department
County Government Center, Room 207
San Luis Obispo, CA 93408

Dear Glen Britten / Greg Martin:

Last December (see letters) I requested some information. Thank you for your response. It was my understanding that a number of people released their well data on a permit basis in a survey done by the county in 1993 and those wells were the ones I was requesting data for.

Could it be that there are no wells in TN12, TN11, TN10 X R33W, R34W, R35W that got a release in 1993?

On a second subject I have been requested by the SLO WRAC to look into the wording on the agreements between the county and well owners that have data that is being collected by the county. The WRAC committee would like to see if we could come up with something that might help agriculture be more willing to authorize the release of well data.

In order to understand what is now in use I would like a copy of the current standard agreement that you have with well owners to monitor wells. Is there only one version or has it changed over the years? If it has changed when were the changes and could I have a copy of those as well?

I would also like a copy of the agreement you have with the DWR when you released the county well data to them for the study that they have just completed in the draft form "Water Resources of the Arroyo Grande - Nipomo Mesa Area" April 1998 DWR (Mike Maisner (818) 543-4672 Ex 282). It is not clear to me which well data in that study is under what release restrictions and what those restrictions would be. I think getting a copy of the actual agreement could clear that up.

Would the "DWR agreement" be standard for data release to people like Tim Cleath of Tim Cleath and Associates? If not what are the other agreements and could I get a copy of them?

Thank You

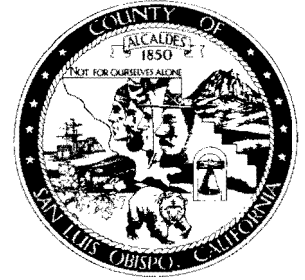
John Snyder
Vice President

SAN LUIS OBISPO COUNTY ENGINEERING DEPARTMENT

COUNTY GOVERNMENT CENTER • ROOM 207 • SAN LUIS OBISPO, CALIFORNIA 93408

TIMOTHY P. NANSON
COUNTY ENGINEER
GLEN L. PRIDDY
DEPUTY COUNTY ENGINEER
ENGINEERING SERVICES
NOEL KING
DEPUTY COUNTY ENGINEER
ADMINISTRATION

PHONE (805) 781-5252 • FAX (805) 781-1229



ROADS
SOLID WASTE
FRANCHISE ADMINISTRATION
WATER RESOURCES
COUNTY SURVEYOR
SPECIAL DISTRICTS

July 27, 1998

John Snyder
PO Box 1127
Nipomo CA 93444

Subject: July 10, 1998 Letter

Dear Mr. Snyder:

Enclosed for your use is text which describes the County's policy on the release of well data.

Please do not hesitate to contact me if you have any questions.

Sincerely,

GREG MARTIN
Project Engineer

Enclosure

File: Public Requests (Greg)

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San Luis Obispo County
Flood Control and Water Conservation District / Engineering Department
Well Data Release Policy

The County Flood Control and Water Conservation District maintains information on wells in the County including a list of wells with state well numbers and files on other wells. The list of state well numbers is available to the public. The state well numbering system provides the general location of the well. The District also has files of wells not in the state well numbering system. These files are not available to the public as they also provide well log information. The Environmental Health Department maintains a well database and is responsible for the collection of well log information.

The District's policy is not to release to the public well log or well level information collected from private property owners. Well log and well level information is released to other local, state, and federal agencies with the condition that the information is not released to the public. This policy is based upon years of verbal and written agreements between the Flood Control District's agents and property owners as well as specific legal language in California Water Code 13751, 13752 and California Government Code 6250, 6254 (e), 6254.5, and section 6255.

Water Code 13751 states that for every person who digs, bores, or drills a water well, cathodic protection well, or a monitoring well, or abandons or destroys any such well, or deepens or re-perforates any such well, shall file with the Environmental Health Department a detailed report.

Water Code 13752 states that said reports in Water Code 13751 shall not be made available for inspection by the public but shall be made available to governmental agencies.

Water Code 13752 also states that any report shall be made available to any person who obtains a written authorization from the owner of the well.

Government Code 6250 ,”finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state.”

The provisions of section 6254(e) exempt geological and geophysical data from disclosure.

Section 6254.5 (e) describes the disclosure of otherwise exempt records made to any governmental agency which agrees to treat the disclosed material as confidential.

With regard to section 6255, the Engineering Department takes the position that it is only by agreeing to maintain in confidence the water level information provided to the Department by private land owners will the Department be able to obtain that information from many land owners. That is to say, the land owners who own the water wells which the County monitors, allow the County Engineer to monitor the water levels only on the condition that the information be kept confidential by the Engineering Department. Consequently, the Engineering Department also relies on section 6255 of the Act which exempts from the disclosure requirement those records which, in the facts of the particular case, the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record.

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TIMOTHY P. NANSON
COUNTY ENGINEER
GLEN L. FRIDDY
DEPUTY COUNTY ENGINEER
ENGINEERING SERVICES
MUEL RIPPY
DEPUTY COUNTY ENGINEER
ADMINISTRATION

PHONE (805) 781-5252 • FAX (805) 781-1229



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Post #	Fax Note	7671	Date	8/4/98	# of pages	1
To	JOHN SNYDER		From	GLEN L. FRIDDY		
Co./Dept.			Co.			
Phone #			Phone #			
Fax #			Fax #			

Date: _____

MEMORANDUM

TO: To the County Engineer, San Luis Obispo County Flood Control and Water Conservation District

FROM: Name: _____

Address: _____

SUBJECT: Water Level Information -- Well No. _____
Common Name: _____

As the owner of the identified well, I request that the San Luis Obispo County Flood Control and Water Conservation District keep this information confidential. This information should not be released to any private individual, or consultant, without the written approval of the owner. We understand this information is used by the District and other Governmental Agencies for maintaining groundwater basin status and history; I consent to have San Luis Obispo County Flood Control and Water Conservation District personnel enter the property for the purpose of ground water level measuring.

(Signature)

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