

Harold Snyder
P.O. Box 926
Nipomo, CA 93444
(805) 929-2455 H

December 19, 2007
Nipomo Community Services District
148 Wilson Street
P.O. Box 326
Nipomo, CA 93444

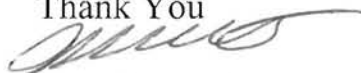
(805) 929-1133 Phone
(805) 929-1932 Fax

Dear Bruce Buel:

In the December 12th 2007 NCSD board meeting agenda item E5, in the SAIC application for Local Goundwater Assistance program, Table of contents on page two, a reference to "Appendix I -Draft GWMP"

I am making a public record request for a copy of the Draft GWMP.

Thank You



Harold Snyder

Hand Delivered.

RECEIVED
DEC 19 2007
NIPOMO COMMUNITY
SERVICES DISTRICT

Table of Contents

A.1. Project Information	
A.2. Application Tracking Information.....	
A.3. Narrative Description of Proposal.....	
A.4. Authorizing Resolution.....	
A.5. Applicant Authority	
A.6. UWMP Compliance.....	
B.1. GWMP and Related Programs.....	
B.2. Public Outreach and Community Support for the Project	
B.3. Technical Adequacy of Work.....	
B.4. Use of Information Gained.....	

Appendix I - Draft GWMP

Appendix II - June 2005 Santa Maria Groundwater Litigation Stipulation

NIPOMO COMMUNITY

BOARD MEMBERS

MICHAEL WINN, PRESIDENT
LARRY VIERHEILIG, VICE PRESIDENT
CLIFFORD TROTTER, DIRECTOR
ED EBY, DIRECTOR
JAMES HARRISON, DIRECTOR



SERVICES DISTRICT

STAFF

BRUCE BUEL, GENERAL MANAGER
LISA BOGNUDA, ASSISTANT ADMINISTRATOR
JON SEITZ, GENERAL COUNSEL

148 SOUTH WILSON STREET POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326
(805) 929-1133 FAX (805) 929-1932 Website address: NCSD.CA.GOV

December 21, 2007

Mr. Harold Snyder
P. O. Box 926
Nipomo, CA 93444

SUBJECT: DECEMBER 19, 2007 PUBLIC RECORDS REQUEST RE DRAFT GWMP

Dear Mr. Snyder,

Attached is a copy of the 1995 Rough Draft Ground Water Management Plan per your request.

If you have any questions, please don't hesitate to call me.

Sincerely,

NIPOMO COMMUNITY SERVICES DISTRICT



Bruce Buel
General Manager

CC: Public Records Request File
Chronological File

T:\DOCUMENTS\STAFF FOLDERS\BRUCE\LETTERS\071221\Snyder.DOC

TO: BOARD OF DIRECTORS
FROM: DOUG JONES
DATE: NOVEMBER 15, 1995

GROUNDWATER MANAGEMENT PLAN

A **DRAFT** of a Groundwater Management Plan has been prepared for the Board's review. It is the purpose of this **DRAFT** to indicate how a Groundwater Management Agency is organized and some of its functions.

Input from others will be encouraged.

The Board may wish to set up a committee to review the **DRAFT** and discuss this with others.

c:\w:\bd\gmabdltr.doc

DRAFT

**FIRST WORKING DRAFT
(FOR DISCUSSION PURPOSES)**

DRAFT

**GROUNDWATER
MANAGEMENT PLAN FOR THE NIPOMO SUBUNIT
OF THE GREATER SANTA MARIA GROUNDWATER BASIN
(SAN LUIS OBISPO COUNTY)**

**ARTICLE I
PREAMBLE**

SECTION 101. The NIPOMO SUB-UNIT is a sub-unit of the greater Santa Maria Basin. In addition, the NIPOMO SUB-UNIT is contiguous to other sub-units of the greater Santa Maria Basin namely the Tri-Cities Mesa Sub-Unit and The Santa Maria Valley Sub-Unit. The NIPOMO SUB-UNIT has been defined by the California Department of Water Resources Bulletins 118-75 and 118-80 and/or so designated by planning groups and consultants. A schematic representation of the related Sub-units of the greater Santa Maria Basin is attached hereto as Exhibit A.

SECTION 102. The Nipomo Community Services District (NCSD) is a California Community Services District organized pursuant to Government Code Section 61000 et seq. Nipomo provides retail water and sewer service in Southern San Luis Obispo County within the unincorporated town of Nipomo and in an area commonly referred to as the "Nipomo Mesa". Nipomo is a local agency within the meaning of Water Code Section 10753(a).

SECTION 103. The Southern California Water Company (SCWC) is an investor-owned public utility operating pursuant to the applicable provisions of the Public Utilities Code 2701 et seq. and in conformity with the directives of the California Public Utilities Commission. SCWC also provides retail water service within Southern San Luis Obispo County. SCWC is an investor-owned utility within the meaning of Water Code Section 10752(a).

SECTION 104. The San Luis Obispo County Flood Control and Water Conservation District (County) is a special act district organized pursuant to the Water Code uncodified Acts, Section 7205 et seq. and it carries out a variety of projects and tasks concerning the use, conservation, control and distribution of water within San Luis Obispo County.

SECTION 105. The greater Santa Maria Basin is thought to include at least two and potentially three distinct sub-areas. In addition, the Nipomo Subunit is contiguous to another hydrologic area commonly referred to as the Arroyo Grande/Tri Cities Mesa Subunit.

SECTION 106. There are a number of Mutual Water Companies whose corporate boundaries are contained within the NIPOMO SUB-UNIT. The primary source of water for these Mutual Water Companies is the NIPOMO SUB-UNIT.

SECTION 107. There are a number of agricultural operations that overlie the NIPOMO SUB-UNIT.

DRAFT

SECTION 108. There are a number of residential users, that overly the NIPOMO SUB-UNIT, that depend on small residential wells as their primary source of water.

SECTION 109. There are a number of businesses and industrial users, such as golf courses and light industry, that overly the NIPOMO SUB-UNIT, that depend on wells as their primary source of water.

SECTION 110. Collectively, NSCD, County, SCWC, and mutual water companies are referred to herein as the "ENTITIES". The ENTITIES, the agricultural users, the residential users and business and industrial users are collectively referred to herein as the USERS of the NIPOMO SUB-UNIT.

SECTION 111. The Santa Maria Subunit is a 200 square mile coastal basin drained by the Santa Maria River. It consists of younger and older alluvium. In 1975 the California Department of Water Resources estimated that the Santa Maria Subunit held approximately 2,000,000 acre feet in storage, of which approximately 1,000,000 acre feet is considered useable. (California Department of Water Resources, Bulletin 118-75.) The County of Santa Barbara Water Agency has more recently conducted a hydrologic analysis of that portion of the Santa Maria Subunit which lies within Santa Barbara County in a report entitled the Santa Maria Water Resources Report in April of 1994 and estimated that the total useable storage to be approximately 1,500,000 acre feet.

SECTION 112. The potentially related and contiguous hydrologic Subunit farthest to the north is the Arroyo Grande or Tri-Cities Subunit. Its northerly boundaries are the southerly boundary of the City of Pismo Beach and U.S. 101 to the northeast. The Arroyo Grande Subunit generally underlies the collective retail service areas of the Cities of Grover Beach, Pismo Beach and Arroyo Grande and the Oceano Community Services District.

SECTION 113. The Nipomo Subunit is associated with its distinctive topography, including the high central mesa lands, with bluffs to the south and north. The Nipomo Subunit is part of the northeasterly flank of the greater Santa Maria Basin. It differs from the adjacent areas in that its underlain by a thick sand section and topography that promote high rates of recharge. The primary aquifer beneath the Nipomo Subunit is the Paso Robles formation. The surface area overlying the Nipomo Subunit has been estimated to include 20,000 acres of land. Its storage capacity has been estimated at approximately 200,000 acre feet. A 1979 Report prepared by the Department of Water Resources reported a decline of fresh water storage from approximately 194,000 afy to 172,000 in 1975. A current safe yield study for the Nipomo Subunit is presently being conducted by the State Department of Water Resources (DWR Report). The DWR report is jointly sponsored by the County.

SECTION 114. The precise amount of groundwater extracted from the Nipomo Mesa is presently unknown. Total groundwater extractions have been estimated at around 14,000 afy in 1991. (DWR Bul. 160-93)

SECTION 115. The Santa Maria Valley Water Conservation District (SMVWCD) has previously engaged in the designation of a plan area for the purposes of developing a groundwater management plan for the Santa Maria Subunit in accordance with Water Code Section 10750 et seq. The plan area designated by the SMVWCD does not include lands outside the SMVWCD and is not intended to address the Nipomo Subunit.

SECTION 116. The Nipomo Subunit Users (Users) desire to work cooperatively and through the development of a consensus to address specifically identified groundwater management goals and objectives. The Users desire to manage groundwater underlying those lands which are within San Luis

Obispo County and within the NIPOMO SUB-UNIT of the PLAN AREA that may exist from time to time. These same lands are outside the plan area developed by the SMVWCD. The USERS seek to act jointly and cooperatively to carry-out this groundwater management plan in accordance with Water Code Section 10750 et seq.

DRAFT

**ARTICLE II
CREATION**

SECTION 201. The NCS D or the County are the only local agencies authorized to develop and implement a groundwater management plan within the meaning of Water Code Section 10753(a) and may enter into agreements with other Entities is required to carry-out this groundwater management plan.

SECTION 202. The Entities understand that the management of the ground-water within their collective retail service areas and incorporated boundaries overlying the Nipomo Subunit as identified in the Plan Area designated herein, is in the public interest and will provide for the common benefit of water users within the Plan Area.

**ARTICLE III
GOVERNANCE**

SECTION 301. Once the Groundwater Management Agency (Agency) is formed for the administration of this Plan it can be best accomplished through a supervising Board of Directors and a qualified advisory Technical Committee.

SECTION 302. The Board of Directors (Board) shall be comprised of five members, each a designated representative from one of the following groups: Agriculture, SCWC, NCS D, Industrial/Recreation & County Director (supervisor) whose district encompasses the Plan Area. Each Board member shall have equivalent voting rights, privileges and obligations. Each Board member shall serve for a period of four years. To begin with, three board members shall serve for four years and the other two board members for two years. Thereafter, appointments will be made for four year terms. The Board shall meet a minimum of once a quarter and as frequently as may be necessary. All such meetings shall be subject to the provisions of the California Open Meetings Act and all other state and federal laws concerning the operation and administration of public agencies.

SECTION 303. Where specified by this Plan, the Board shall act by unanimous consent. All other decisions shall be made by majority vote.

SECTION 304. The Board shall establish a Technical Committee, which may be a firm(s) and/or individuals, comprised of licensed engineers, geologists, hydro-geologists, hydrologists, or other water professionals to review the data, studies, reports and information which is collected, received or prepared for the Board. The Technical Committee shall meet and confer from time to time and shall operate pursuant to the rules, regulations and procedures which may hereafter be established by the Board and it shall have only those powers set forth herein. The Technical Committee shall conduct investigations, review and evaluate technical problems and concerns that may arise from time to time, and it shall perform the duties and functions established under this Plan.

DRAFT

SECTION 305. The Technical Committee shall attempt to operate by consensus. Where no consensus is evident, the Technical Committee shall submit input and its recommendations to the Board in the form of a report. The failure of the Technical Committee to undertake any action specified under this Plan shall not in itself invalidate or preclude the Board from taking any measure otherwise authorized herein.

SECTION 306. Eligibility for service on the Technical Committee is not determined by affiliation with Board members. Any person appointed by at least one member of the Board may be allowed to serve on the Technical Committee. Each member of the Board may appoint one person to the Technical Committee. The Board may collectively appoint a firm or other persons to the Technical Committee from time to time, however, eligibility to serve upon a designated Technical Committee shall be limited to those persons or firm(s) with technical expertise in water related fields; e.g. engineering, hydrology, geology, water supply, water rights and management. In no case may more than a total of seven individuals serve on the Technical Committee at any one time. Members of the Board shall not be eligible for service on the Technical Committee.

ARTICLE IV PLAN AREA

SECTION 401. For the purposes of carrying out the goals and objectives identified above, the boundaries of the Plan Area including the Nipomo Subunit located within the County of San Luis Obispo, excepting any lands lying within the plan area of any management plan adopted by the SMVWCD pursuant to Water Code Section 10750 et seq. A map of the Plan Area is attached hereto and incorporated herein as Exhibit B. The boundaries of the Plan Area are more particularly described as follows. *(TO BE PROVIDED ONCE THE AREA IS DEFINED)*

SECTION 402. The Board acknowledges that in some cases that actions carried out outside the Plan Area may have an impact on the water supply and water production, distribution and treatment facilities within the Plan Area. However, through concentrated groundwater management efforts within the Plan Area, this Plan will protect local groundwater supplies and the recovery of imported nontributary supplemental water that may be stored within the Plan Area from time to time.

ARTICLE V DEFINITIONS

SECTION 501. Unless expressly provided to the contrary in the resolutions, rules, regulations and agreements implementing the provisions of this Plan, the terms defined in this Plan shall control the interpretation of the Plan.

SECTION 502. "Aquifer" means a geologic formation or structure that transmits or stores water in sufficient quantities to supply the extraction of water by wells or springs.

SECTION 503. "Available supply" means that quantity of water which can safely be withdrawn in any given year from the Nipomo Subunit without resulting in, or aggravating, conditions of overdraft, such as subsidence or water quality degradation. Available supply of the basin includes the naturally occurring supplies which are derived from precipitation, subsurface inflow and stream recharge. Available supply also includes that amount of water which would not have been available to the basin through natural recharging events such as imported water and any other water supply, which by virtue of the efforts of one or more

DRAFT

individuals or agencies, serves to replenish the basin. Available supply may include water added to the Nipomo Subunit through conjunctive use, water reclamation, desalination as well as the return flows from these sources.

SECTION 504. "Basin" means the Nipomo Subunit as described in Department of Water Resources Bulletin 118-75 and 118-80 as the Nipomo Subarea as shown in the map attached hereto as Exhibit "A".

SECTION 505. "Board" means the board of directors of the established Agency and expressly delegated groundwater management authority as provided by Water Code Section 10750 et seq., and as provided herein.

SECTION 506. "Cathodic Protection" means the technique to prevent the corrosion of a metal surface by making that surface the cathode of an electrochemical cell.

SECTION 507. "Conjunctive use" means the coordinated operation of groundwater and surface water supplies to add reliability to existing supplies and to maximize the number of beneficial uses that may be safely supplied with water. Conjunctive use shall have the same meaning herein as is set forth in Water Code Section 1011.5.

SECTION 508. "Export" means the extraction of groundwater from land overlying the Basin within the plan area for use on land outside the plan area.

SECTION 509. "Extraction" means the act of obtaining groundwater by pumping or by some other controlled means.

SECTION 510. "Extraction facility" means any device or method for the extraction of groundwater within the plan area.

SECTION 511. "Groundwater" means percolating groundwater lying beneath the surface, in which the soil is saturated with water. Groundwater shall not include groundwater which flows within known and defined channels and which forms the subsurface flow of a river, stream or creek.

SECTION 512. "Groundwater Basin" means a geologically and hydrologically defined area, consisting of one or more aquifers and which stores and transmits significant quantities of water.

SECTION 513. "Groundwater management activities" means programs, measures, or actions taken to preserve, monitor, protect, and enhance groundwater resources within the Plan Area.

SECTION 514. "Operator" means a person who operates a groundwater extraction facility. If the Agency is unable to determine who operates a particular extraction facility, then "operator" shall mean the person to who the extraction facility is assessed by county assessor or, if not separately assessed, the person who owns the land upon which the extraction facility is located.

SECTION 515. "Overdraft" means the condition of the basin where the average annual amount of water extracted exceeds the average annual supply of water to a groundwater basin, including the Nipomo Subunit.

SECTION 516. "Person" includes any state, or local governmental agency, private corporation, firm, partnership, individual, group of individuals, or to the extent authorized by law, any federal agency.

DRAFT

SECTION 517. "Plan Area" means the area designated in Section 401.

SECTION 518. "Program" means a groundwater management program prepared by the Agency pursuant to this plan under the provisions of Water Code Section 10750 et seq.

SECTION 519. "Recharge" means the natural or artificial replenishment of groundwater storage by subsurface infiltration, percolation or injection of one or more sources of water.

SECTION 520. "Replenishment" means spreading or injection of water for the purpose of enhancing the recharge to a groundwater basin including the Nipomo Subunit, or otherwise adding to the storage of groundwater within a basin.

SECTION 521. "Supplemental water" means surface water or groundwater imported from outside the watershed or watersheds of the Nipomo Subunit and other water supplies that are conserved and added to the natural sources of recharge to the Nipomo Subunit, which would have been otherwise lost or would not have reached the Nipomo Subunit.

SECTION 522. "Technical Committee" means a firm and/or a committee of individuals with technical expertise in the field of water resources that shall serve at the discretion of the Board and which shall undertake investigations and provide analysis, input and recommendations as set forth herein or as requested from time to time by the Board. The committee shall be advisory only.

SECTION 523. "Well interference" means a substantial static water level decline in a short period of time in a localized area, which is caused by pumping of groundwater from extraction facilities.

SECTION 524. "Water year" means that period beginning July 1st and ending June 30.

ARTICLE VI GOALS AND OBJECTIVES

SECTION 601. The objective of the Plan is to ensure that sufficient water resources are available to satisfy the present and projected beneficial uses of water within the Plan Area. The Plan is designed to protect groundwater quality within the plan area and to balance long-term average annual replenishment with extractions and other losses to the Nipomo Subunit within the Plan Area as may be consistent with the public interest.

SECTION 602. A hydrologic investigation of groundwater resources in the Nipomo Subunit and in Southern San Luis Obispo County is presently being conducted under the supervision of the California Department of Water Resources and it will serve to supplement and update existing data. Through concentrated management efforts within the Plan Area, the Agency will fulfill their management objectives by protecting local groundwater supplies for the benefit of all water users within the Plan Area.

SECTION 603. The Agency may examine the possibility of acquiring nontributary supplemental water supplies, water reclamation and conservation, which can serve the combined purposes of improving water quality and increasing reliability of local water supplies as well as ensuring the ability of operators and the retail purveyors to satisfy their respective long term water requirements. This Plan will provide proper

DRAFT

management and full protection of the quantity and quality of local groundwater supplies within the Plan Area, while also maximizing opportunities for the use of nontributary supplemental water and other available supplemental water including conservation.

**ARTICLE VII
STUDIES AND INVESTIGATIONS**

SECTION 701. To ensure that the Agency's actions are taken in accordance with the public interest, and to ensure against the use of unnecessary and potentially burdensome management techniques, the Board will collect data, and conduct or receive necessary and relevant studies for the purpose of protecting and/or enhancing the quantity and quality of groundwater within the Plan Area.

SECTION 702. The Board shall collect data and conduct technical investigations to carry out this plan. All data collection and technical investigations authorized under this plan shall be carried out by the Technical Committee or its direct supervision and review by the Board.

a. Determination of Basin Boundaries and Safe Yield: Upon the Board's receipt of the DWR Report it shall be subject to review and comment by the Technical Committee. In reviewing the final DWR Report, the Technical Committee shall make a recommendation to the Board concerning the appropriate boundaries of the Nipomo Subunit and for modifications to the Plan Area, if any. The determination may be amended from time to time as the Board acquires additional or more complete information.

b. Determination of Safe Yield for the Plan Area: Upon receipt of the final DWR Report, the Technical Committee, consistent with the Board's goal of managing groundwater within the boundaries of the Plan Area, shall make a recommendation to the Board concerning the appropriate annual safe yield for the Nipomo Subunit. Upon receiving input and a recommendation from the Technical Committee, the Board shall adopt an estimated safe yield for the Plan Area without further hydrologic analysis.

c. Use of Existing Data Required. Upon receiving input and recommendations from the Technical Committee, the Board will evaluate and consider the adequacy of existing information and hydrologic studies which have been compiled by the State Department of Water Resources, the County of San Luis Obispo, Nipomo and any other available, reliable source before commissioning any new or additional studies under this Section.

SECTION 703. The Board shall annually prepare a report on the status of the Nipomo Subunit and the Plan Area. The report shall include an estimate of annual water supply replenished and lost to the Subunit within the Plan Area in the preceding reporting year. The report shall include any other information which the Board deems relevant and necessary to the effective management of groundwater within the Plan Area, including change in water levels and the amount of usable available water supplies which are held in storage.

a. Collection and Analysis of Data/Preparation of an Annual Report on Hydrologic Conditions: Data related to the hydrology inventory of the Nipomo Subunit within the Plan Area will be collected and reviewed annually as a component of an annual report to be approved by the Board. Principal factors to be considered will include surface water imported to the Nipomo Subunit, recharge to the Nipomo

DRAFT

Subunit from infiltration of rainfall and stream flow seepage, evapo-transpiration, discharge from the Nipomo Subunit as surface flow, and the extractions from the Nipomo Subunit within the Plan Area by private and public wells.

b. Preference for Utilization of Existing Data Bases. To avoid incurring unnecessary costs, the Technical Committee shall investigate and determine the status of existing studies and monitoring programs carried out within the Nipomo Sub-unit by federal, state and local agencies and make a report to the Board. Where possible, existing data collection programs shall be incorporated into the report.

c. Expansion of Data Collection Efforts. Where significant and important data is missing or incomplete, the Technical Committee will make recommendations on methods to acquire a more complete data base to the Board.

SECTION 704. The Board may prepare, or receive reports on groundwater and supplemental water supplies and conditions within the Plan Area. The Board may identify information useful to a water replenishment or conjunctive use project and prepare reports on the utility of conjunctive use or replenishment projects within the Plan Area.

SECTION 705. The Board may prepare or receive reports on groundwater quality within the Subunit. The Board may identify additional plans, programs or projects for the protection of water quality.

ARTICLE VIII MONITORING

SECTION 801. To protect and/or enhance the quality and quantity of water within the Subunit, the Board should conduct a basin monitoring program. The monitoring program may consist of the measures identified in this Article and would be implemented by the adoption of rules and regulations.

a. Monitoring Basin Conditions: The ongoing collection and analysis of basic hydrologic data are important elements of the Plan. Monitoring is essential to characterize Nipomo Subunit conditions within the Plan area to provide the technical information needed to make decisions regarding the optimal use and management of the Groundwater Basin. Monitoring of the Nipomo Sub-unit will assist the preparation of reliable studies and investigations and will enable the Nipomo Subunit to identify changing conditions and the need to implement specific programs, and document the accomplishments of the management programs. The Technical Committee will make recommendations to the Board, from time to time, concerning the adequacy of existing monitoring programs and the desirability of reducing or expanding those efforts.

b. Monitoring Changes in Water Levels. The Board may include in its evaluation one or more monitoring wells within the Plan Area for the purpose of monitoring changes in the amount of groundwater held in storage and the impact that water use practices and the environment have on the Nipomo Sub-unit. The number and location of these wells will be determined by the Board, upon receiving input and a recommendation from the Technical Committee.

c. Monitoring Water Quality Conditions. The Board may include in its evaluation one or more monitoring wells within the Plan Area for the purpose of measuring water quality conditions within the Nipomo Subunit. The number and location of these wells will be determined by the Board, upon receiving input and a recommendation from the Technical Committee.

DRAFT

SECTION 802. All well operators within the Subunit must register their extraction facilities with the Plan Area the first year of the adoption of this Plan. The registration shall include the following information.

- a. The name and address of the operator.
- b. The name and address of the land upon which the extraction facility is located.
- c. The approximate location of the extraction facility.
- d. The purpose of groundwater use.

SECTION 803. The Agency shall prepare estimates of the amount of water extracted from the Nipomo Subunit within the Plan Area by each well operator and of the total cumulative groundwater extractions within the Plan Area and the Nipomo Subunit. These estimates may be done annually or for longer periods if adequate for management purposes.

a. **Extraction Measuring Device.** All extraction facilities within the Plan Area should have a means of determining water flow, extraction or use, unless the Board has expressly exempted the facility.

Comment: A waterflow measuring device (commonly called a meter) is the most accurate method of measuring the amount of water produced by a specific well, however, other methods of measuring groundwater production are available and they may serve the needs of the Agency in some circumstances. Accordingly, Option B follows below.

b. **Extractions from Each Extraction Facility Within the Basin Is To Be Measured.** Each well operator will determine the cumulative total of water they have extracted from within the Plan Area on an annual basis by crop duty estimates, the use of a water flow measuring device, power readings or any other generally accepted methodology for reliably determining the quantity of water pumped from the Nipomo Subunit or the Plan Area.

SECTION 804. All operators shall file an annual extraction statement with the Agency. The statement should be signed by the operator and it will summarize the amount of groundwater extracted by the operator within the preceding water year or an alternatively designated annual reporting period. The Agency will prepare and distribute a statement form for use by the operator. The statement shall contain but shall not be limited to the following information:

- a. Total extraction in acre-feet of water from the extraction facility.
- b. If a measuring device is not used, the crop types or other uses and the acreage served by the extraction facility compared to the number of acres owned, leased or controlled by the operator. This will include data on multicrops within one year.
- c. The method of measuring or computing groundwater extractions.

SECTION 805. Abandoned extraction facilities are a groundwater management concern because they represent a potential means by which pollutants or contaminants could reach the Nipomo Subunit. Any

DRAFT

operator of an extraction facility that abandons the facility after the effective date of this plan, shall give written notice of the abandonment to the Agency within 60 days of the abandonment.

a. An extraction facility may be considered abandoned if it has been operated for less than 8 hours of pumping in any 12 month period, or if it is in such a state of disrepair that it cannot be made functional, or is a monitoring well from which no data has been taken for a period of 2 years.

b. The Board may adopt the State well abandonment standards or the abandonment standards used by the County of San Luis Obispo, California.

**ARTICLE IX
THE PROTECTION OF BENEFICIAL USES**

SECTION 901. A well permit is required for any new extraction facilities or replacement facility to be located within the Plan Area. The permit shall be deemed ministerial and it shall be issued by the Agency upon the operator's compliance with the design spacing and informational requirements specified in this Section.

a. Design and Construction Standards. Upon receiving input and a recommendation from the Technical Committee, the Board shall adopt design and construction standards for extraction facilities within the Plan Area. The design and construction standards shall be at least as stringent as provided in the California Model Well Code and may include cathodic protection, if appropriate.

b. Compliance with another local agencies well standards. Upon review of an operator's application and upon receiving input and a recommendation of the Technical Committee, in its discretion, the Board may elect to accept the operator's demonstrated compliance with the well construction standards established by the State, the County of San Luis Obispo or as otherwise applicable within the Plan Area.

c. Well spacing requirements. To minimize well interference, to protect against water quality degradation, salt-water intrusion and land subsidence, upon review of an operator's well permit, upon receiving input and a recommendation from the Technical Committee, in its discretion, the Board may impose reasonable spacing requirements on extraction facilities and reasonable operating regulations on the operators of extraction facilities.

d. Exemption. Extraction facilities that exist on the date that this Plan is adopted are expressly exempted from the provisions of this Section.

SECTION 902. Actions which could materially degrade or contaminate a domestic water supply shall be prohibited within 100 feet of an extraction facility used to supply domestic uses. Upon consideration of the technical committee recommendation, the Board may adopt additional well head protections within the Plan Area.

SECTION 903. Water supply conditions within the Plan Area may vary from year to year. However, in conditions of prolonged shortage, drought or water shortage emergency, some regulation of groundwater extractions may be advisable. The Board may adopt additional rules and regulations as necessary to implement the Sections contained within this Article by unanimous consent. If the Board cannot agree, the matter may be submitted to the dispute resolution process pursuant to Article XVII.

DRAFT

a. Establishment of Basin Storage Capacity Thresholds, Development of Triggers and Responses. Water levels in the basin may fluctuate considerably in response to pumpage, recharge and climatic cycles. Upon recommendation of the Technical Committee, the Board may adopt rules and regulations to reduce extractions or undertake replenishment activities to bring the Nipomo Subunit extractions within the long-term safe yield or a managed overdraft condition for the Plan Area. The Board shall not adopt restrictions on water extractions within the Plan Area until it has determined that the present water replenishment efforts of the Basin users are insufficient and further that additional replenishment efforts are infeasible as provided in Article X below.

b. Protection of Essential Interior Domestic and Household Uses. In the event of prolonged drought or extreme water shortage, the Board shall take action to ensure that essential interior household domestic, health, sanitation and fire protection uses are protected.

SECTION 904. Any person that desires to export water from the Nipomo Subunit or the plan area shall obtain a permit from the Agency. No groundwater shall be exported from the Nipomo Subunit or the Plan Area, until the Board has issued a permit for the export.

a. The Board shall not issue the permit for export unless the applicant has demonstrated that a surplus of water exists or that such is an appropriated action for a conjunctive use program. The surplus must be capable of safe export without injury to existing beneficial uses of groundwater within the Nipomo Subunit or Plan Area.

b. The Board shall issue permits for export subject to a time certain. All permits shall declare that they are subject to the right of the Board to further condition, reduce or suspend the export where necessary to protect beneficial uses of water within the Nipomo Subunit or the Plan Area.

c. The Board shall reduce or suspend any export of water whenever the export is determined to be causing an unreasonable interference with the ability of any of the Urban Purveyors ability to meet their water supply needs or other material injury including that to the agricultural and industrial users within the Nipomo Subunit or the Plan Area. In implementing this provision, the Board, upon its receipt of input and a recommendation from the Technical Committee shall make a determination that the export is causing unreasonable interference or material injury or that the Plan Area is in overdraft condition and that alternative water supplies are not available to rectify the condition of problem. The Board shall exercise its discretion in acting upon its receipt of a recommendation from the Technical Committee to terminate or reduce exports from the Nipomo Subunit or the Plan Area; however, in no event shall the Board act until it has provided a noticed public hearing to consider the Technical Committee recommendation and other appropriate measures to address an overdraft condition.

d. The party seeking the right to export must have obtained all necessary permits from the County of San Luis Obispo that may be lawfully required.

e. Exports existing on the date this plan was adopted shall be exempt from the provisions of this Section.

SECTION 905. Any person who desires to store and recapture imported or developed water within the Nipomo Subunit, shall obtain a permit from the Agency as provided under this Plan and any rules and regulations that may be adopted hereto. No person shall operate a project to store imported or developed water within the Plan Area without a permit from the Agency. Storage and recapture facilities existing on the date this plan was adopted shall be exempt from the provisions of this Section.

DRAFT

SECTION 906. The availability of supplemental water to any operator shall not subject that operator to regulations more stringent than other operators.

**ARTICLE X
OVERDRAFT MITIGATION/
WATER REPLENISHMENT**

SECTION 1001. Where necessary to ameliorate existing or threatened overdraft conditions or water quality degradation, the Agency may undertake a groundwater replenishment program. The Agency may carry out the water replenishment activities identified in this Article.

SECTION 1002. After receipt of the final DWR Report and review and comment of the Technical Committee, and at any time thereafter in which an annual statement required under Article VIII demonstrates threatened or existing overdraft conditions within the Nipomo Subunit, or a threat to groundwater quality, the Technical Committee, upon direction by the Board shall make a recommendation concerning the pursuit of a water replenishment project for the benefit of the Plan Area.

SECTION 1003. Upon recommendation by the Board, pursuant to Section 1002, the Agency may acquire supplemental water individually or collectively for the purpose of replenishing the Nipomo Subunit. Any such acquisition of supplemental water will be completed only following the completion of all necessary environmental review and satisfaction of all governmental approval requirements.

SECTION 1004. Upon a determination that the Nipomo Subunit is in an existing or threatened state of overdraft, the Board may cause an investigation of whether potential replenishment projects to be carried out for the benefit of the Plan Area will require the levying of equitable assessments or other revenues.

SECTION 1005. If a replenishment project or projects appears viable, the Board shall not levy any assessments or fees related to the operation of a replenishment project until the assessments or fees have been approved by a majority vote of the registered voters within the Plan Area and compliance with the California Environmental Quality Act has been satisfied.

SECTION 1006. Upon receiving authorization of a majority votes of those cast within the Plan Area, the Agency may recover the costs associated with the acquisition of supplemental water and operation of the replenishment project through an appropriate replenishment or equity assessment.

SECTION 1007. Should the Board determine that alternative water supplies and/or a replenishment program are unavailable or infeasible to sufficiently mitigate conditions of overdraft within the Nipomo Subunit to an acceptable level, the Board may adopt rules and regulations limiting the quantity of water extracted from extraction facilities within the Plan Area and establishing priorities for available supplies.

SECTION 1008. In the event the Board adopts restrictions on the extraction of groundwater, the following beneficial uses shall be deemed to have the highest priority to available water supplies. (See Section 903)

- (a) Fire, health and sanitation within the Plan Area.
- (b) Essential household domestic uses.
- (c) All other uses overlying the Nipomo Subunit.
- (d) All other uses within the Plan Area.
- (e) Essential export uses.
- (f) All other uses.

DRAFT

SECTION 1009. Upon a determination that a significant threat of water quality degradation exists within any basin within the Plan Area, the Board will direct the Technical Committee to conduct an analysis of what remedial measures are required to reverse or mitigate the degradation. The analysis should be completed within one year from the Board determination of degradation.

SECTION 1010. Upon a determination that ground levels are subsiding within the Plan Area, the Board will direct the Technical Committee to conduct an analysis of the magnitude of the subsidence problem and potential remedial measures required to mitigate the land subsidence. The analysis should be completed with one year of the date the Board determines that subsidence exists within the Nipomo Subunit.

**ARTICLE XI
WATER CONSERVATION**

SECTION 1101. Urban retail water purveyors, including but not limited to Nipomo and SCWC, and their customers users shall be encouraged to comply with the provisions of the Best Management Practices Memorandum, compiled by the California Urban Water Conservation Coalition in 1991.

SECTION 1102. The amount of water applied under agricultural operations may vary significantly. However, differences in soil conditions and crop requirements (water duty) may significantly impact the extent of return flows for a given operation. Increased efficiency of agricultural uses shall be encouraged through a program of education and incentives.

a. The Agency may provide educational materials to assist agriculture operations to become as efficient as possible.

b. The Agency may provide references to public and private programs and materials designed to improve agricultural efficiency.

DRAFT

**ARTICLE XII
WATER TRANSFERS**

SECTION 1201. Operators may transfer water within the boundaries of the Plan Area, with the approval of the Board.

a. A transfer occurs when one well operator sells or leases water for use on a nonadjoining legal parcel.

b. The operator shall have the right to transfer up to the amount of the water which was consumptively used annually, in the five year period preceding the calendar year in which the transfer is requested.

c. The Board shall have the right to condition the transfer to avoid injury to existing lawful users and the environment.

d. Transfers that exist on the date that this plan is adopted are expressly exempted from the provisions of this Section.

SECTION 1202. Transfers for the benefit of uses outside the Plan Area shall be governed by the rules applicable to "export" set forth in Section 904 above.

**ARTICLE XIII
BASIN CLEAN-UP**

SECTION 1301. The Agency shall confer with the County and the California Regional Water Quality Control Board to determine whether the Nipomo Subunit which they are regulating pursuant to this Plan, will be enhanced or hindered by any action contemplated pursuant to this Plan.

SECTION 1302. All operators within the Plan area shall exercise good faith to avoid the possibility of introducing contaminating contaminants within the Plan Area.

**ARTICLE XIV
EXEMPTIONS**

SECTION 1401. Single family residences, served by a single well and operators who extract less than 1.5 acre feet per year from their wells are exempt from all provisions of this Plan, provided that the operator must still register his or her well in accordance with Section 802 above, unless they draw water from a critically overdrafted Basin.

Comment: The Agency may wish to exempt certain types or classes of users from the provisions of the Plan. For example, small producers which have no material impact on the effectiveness of the Plan may be exempted. Single-family residences, served by a single well are statutorily exempted. (Water Code § 10755.4.)

DRAFT

**XV
IMPLEMENTING RULES AND REGULATIONS.**

SECTION 1501. The Board will have to adopt rules and regulations from time to time, to implement provisions of the desired plan. The rules and regulations will be adopted by resolution with the unanimous approval of the voting members of the Board.

**XVI
COORDINATION**

SECTION 1601. The Nipomo Subunit encompasses a large geographic area and may have hydrologic continuity to the basins or subunits which flank it to the north in San Luis Obispo County and to the south in Santa Barbara County and westerly under the Pacific Ocean which may collectively comprise the greater Santa Maria Groundwater Basin. While it may be possible to develop a single groundwater management plan for the entire hydrologic area of the Santa Maria Basin, such a management effort is presently politically infeasible. There are substantial differences between water use and land use practices on lands inside and outside the Plan Area. The Agency may have needs and requirements related to the provision of water to retail water customers and the general water requirements of the operators within the Plan Area are not shared by individuals outside the Plan Area. Specifically, the management of a subsurface storage and conjunctive use programs are believed to be essential to the correction and mitigation of alleged overdraft conditions within the Nipomo Subunit. Each of the Board members representatives may have undertaken water management programs in the past which may be integrated into the management approach for the Plan Area.

SECTION 1602. The Board acknowledges the existence of at least two other groundwater management planning efforts that are underway for areas which may be hydrologically related to the Nipomo Subunit. These efforts may result in the successful formulation of groundwater management plan within the boundaries of the SMVWCD pursuant to the provisions of Water Code § 10750 et seq. In addition, the public retail water purveyors in the area of San Luis Obispo County commonly referred to as the "Tri-cities Area" have operated pursuant to a groundwater management "Gentlemen's Agreement" for more than 10 years. The Board may use best efforts to coordinate their groundwater management efforts undertaken pursuant to this Plan and within the Plan Area with other local agencies that do in fact adopt a management program in accordance with Water Code Section 10755.3. The Board will meet at least once annually with other local agencies that have adopted groundwater management plans that overlie the greater Santa Maria Basin.

SECTION 1602. Nothing herein shall be construed as pre-empting the provisions of any groundwater management plan adopted by the SMVWCD as it relates to lands within its designated plan area as it may exist from time to time.

SECTION 1603. Nothing herein shall be construed to apply to lands overlying the Basin that are within the political boundaries of the retail water purveyors located in the Tri-Cities area of San Luis Obispo County.

SECTION 1604. Nothing herein shall be construed to waive, limit or diminish the sovereign land use powers of the County of San Luis Obispo, the review and approval authority of the California Public Utilities Commission or the water and sewer service decisions of Nipomo Community Services District.

DRAFT

**ARTICLE XVII
DISPUTE RESOLUTION**

SECTION 1701. In the event disputes arise within the Agency under this Plan, they shall use best efforts to resolve the disputes through facilitation and mediation. Should such best efforts to mediate fail to resolve the conflict, the Board shall agree to submit the matter to neutral arbitration. The determination of the arbitrator shall be final absent a showing that the decision arbitrary or capricious.

C:\WGMA\drftplan

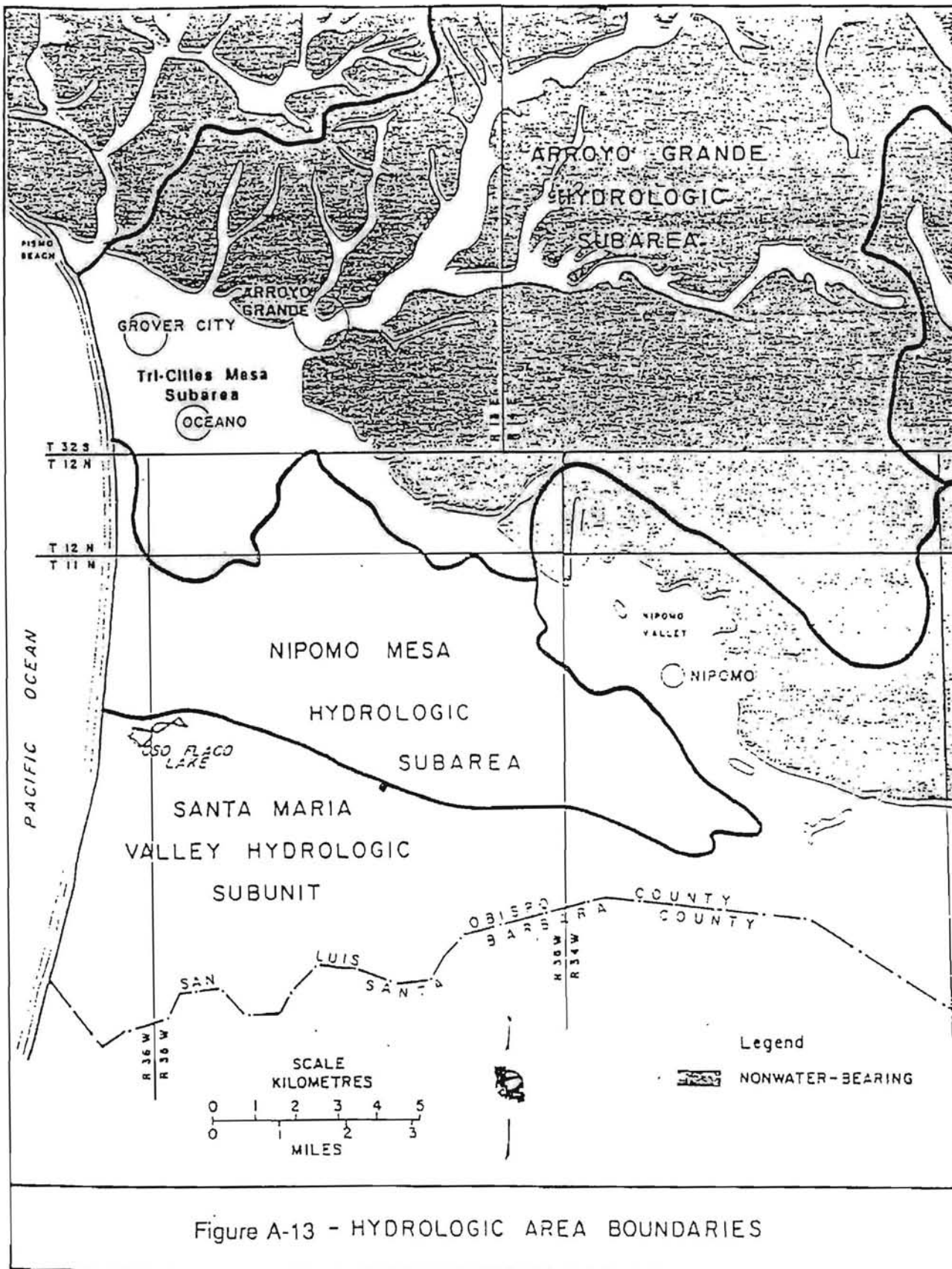


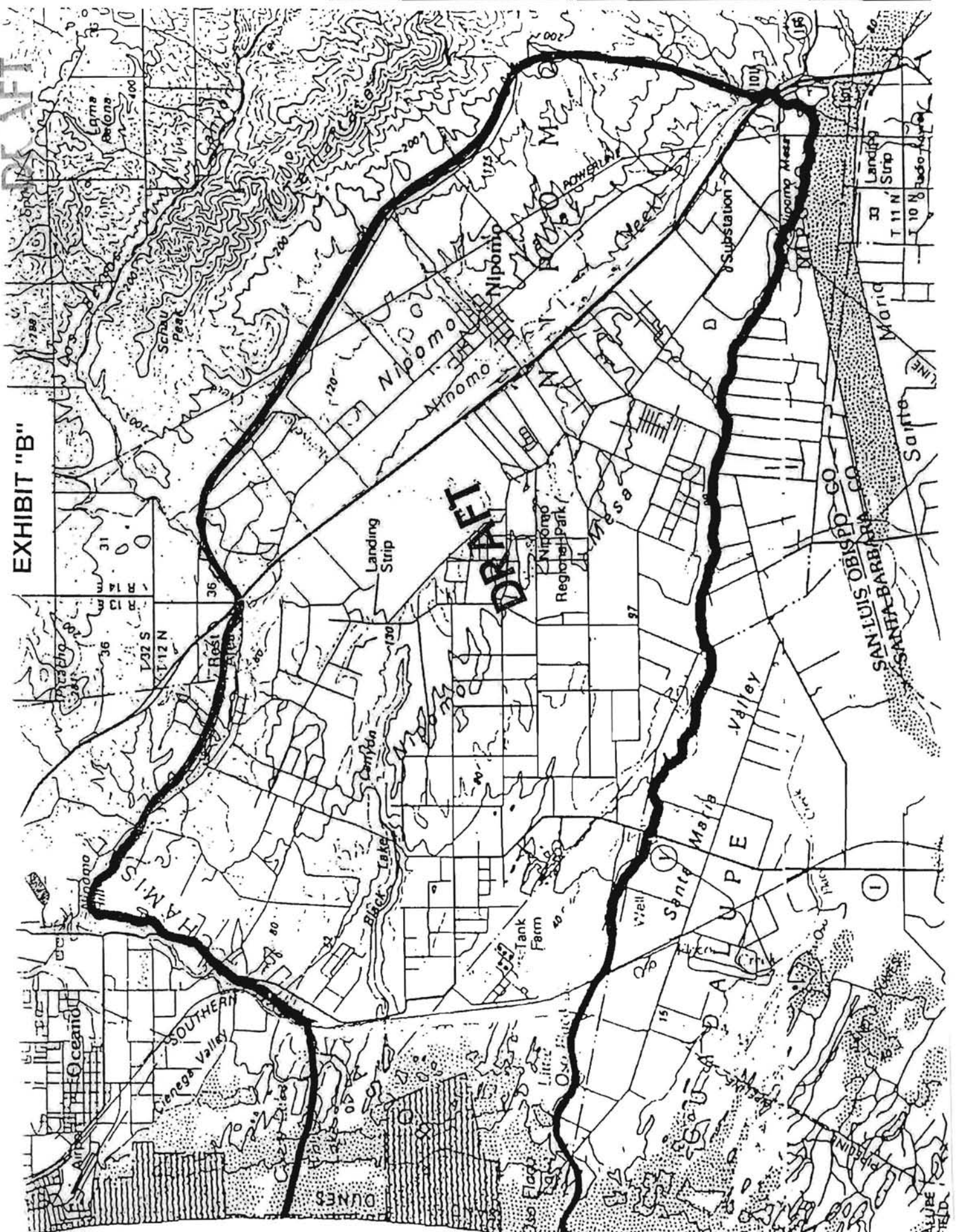
Figure A-13 - HYDROLOGIC AREA BOUNDARIES

DEPARTMENT OF WATER RESOURCES, SOUTHERN DISTRICT, 1979

DRAFT

EXHIBIT "B"

DRAFT



BEACH

STATE