

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

February 9, 2010

Michael LeBrun, Nipomo Community Services District (NCSD)  
148 Wilson Street, P.O. Box 326  
Nipomo, CA 93444

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

Dear Michael LeBrun:

This letter is a request to inspect public records which are in the possession of the Nipomo Community Services District pursuant to the California Public Records Act (Govt. Code, 6250, et seq.). Following the inspection, we may request copies of some or all of the records. In the event we request copying by the Nipomo Community Services District we will, at that time, tender any required copying charges. However, we reserve the right to have copies of the records made at your location by an independent copying service of our choosing.

Please make the records available for inspection beginning on April 19, 2010 at 10:00 a.m. Unless we are notified otherwise, we shall expect that the records will be available for inspection in the office of NCSD.

The following is a list of the reasonably identifiable public records which we desire to inspect on or after April 19, 2010:

1. NCSD Board member Mike Winn made public comments at the last 2/3/10 Water Resources Advisory Committee (WRAC) meeting announcing that the NCSD Board had received copies of seawater monitoring well (or sentry well) test results as reported in the news of possible seawater Intrusion in the Santa Maria Times on 10/21/09 (see attached). He also noted that there were two additional quarterly periods that were also tested and reported.

I am requesting the test results and reports on all four monitoring periods.

If a portion of the information contained in the records we have requested is exempt from disclosure by express provisions of law, Govt. Code, 6254 requires segregation and deletion of that material in order that the remainder of the information may be released.

Please take note that Govt. Code, 6256 requires the Nipomo Community Services District to determine, within ten (10) days after receipt of this request, whether the City will comply with this request. If the City decides not to comply with all or any portion of this request, Govt. Code, 6256 requires notification to us of the reasons for the determination not later than ten (10) days from your receipt of this request. Further, Govt. Code, 6256.2 prohibits the use of any provision of the Public Records Act to delay access for the purposes of inspecting public records. Govt. Code, 6256.2 also requires that any notification of denial of this request for records must set forth the names and titles or positions of each person responsible for the denial.

Thank You



Harold Snyder

RECEIVED  
FEB 09 2010  
NIPOMO COMMUNITY  
SERVICES DISTRICT



## Tests suggest seawater invading basin

By Mike Hodgson/Associate Editor [m Hodgson@santamariatimes.com](mailto:m Hodgson@santamariatimes.com) | Posted: Wednesday, October 21, 2009 11:15 p.m.

Rising chemical levels in an Oceano "sentry well" could indicate seawater intrusion into the groundwater basin, according to a report delivered Monday at the Grover Beach City Council meeting.

In a report on the city's water supply, city engineer Jim Garing told the council the amount of chlorides, sodium and potassium found at the lower levels of the well in May rose dramatically in samples taken in August.

The sentry well is located between the ocean and 16th Street Park, where wells draw much of the groundwater for the city's residents.

"So there is some concern for a localized impact," Garing told the council. "We need to keep an eye on it and deal with it."

However, three other sentry wells in Pismo Beach, Grover Beach and south of the Oceano Airport showed no similar increases, and the wells haven't been monitored consistently since they were drilled as far back as the 1960s.

That makes it difficult to draw any conclusions from the readings.

"These wells have not been monitored since March of '96," Councilman Bill Nicolls said. "Now all of a sudden, two tests show a deterioration in the quality of the water. But we have nothing to compare it to."

Garing said the wells have been monitored since the 1960s but not consistently until it was mandated by the settlement in the Santa Maria Valley Groundwater Basin lawsuit.

"So, in fact, this one particular well that showed higher content could have been doing that for the last 10 years," Nicolls said.

Garing said that is possible.

Councilwoman Debbie Peterson asked if any previous tests showed rising salt levels and if the sampling was done when a lot of irrigation was taking place.

Garing said he did not have that data with him but could bring it to the council at a future meeting.

Although the site is north of the Nipomo Mesa Management Area of the basin, where sentry wells have not detected any saltwater intrusion, the potential for that concerns Nipomo Community Services District.

"This has implications for Nipomo," said NCS D Director Ed Eby, who attended the council meeting. "It hasn't been detected in the (sentry) wells to the south, but (seawater intrusion) has to start somewhere."

"I guess a conservative term would be 'concern.' A less conservative term would be 'alarm,' because these (levels) are worse than we've ever seen," he said. "The real question is, how far past the sentry wells has the salt plume gone in?"

South County water officials are concerned that pumping more groundwater than is being replaced could allow seawater to intrude on the underground basin, making well water undrinkable.

For that reason, the county drilled so-called sentry wells along the coastline some 50 years ago to monitor salt levels.

[http://www.santamariatimes.com/news/local/article\\_acc575ce-bed2-11de-b885-001cc4c0...](http://www.santamariatimes.com/news/local/article_acc575ce-bed2-11de-b885-001cc4c0...) 11/13/2009

Experts say chlorides and sodium are good indicators of intrusion because they are the most common ions in seawater.

But testing of the wells has been sporadic until the lawsuit settlement required consistent monitoring in the Northern Cities Management Area, which includes Arroyo Grande, Grover Beach, Pismo Beach and Oceano, and the Nipomo Mesa Management Area.

Garing said the rising levels were found in a well located just north of Pier Avenue near the Oceano Lagoon, where water quality is sampled at three elevations - 15 to 40 feet, 50 to 135 feet and 175 to 255 feet.

From May to August, measured chlorides fell from 180 to 160 milligrams per liter at the top layer but rose from 97 to 190 mg/l at the middle layer and from 175 to 500 mg/l at the deepest layer.

The maximum allowed level of chloride in drinking water, according to Environmental Protection Agency standards, is 500 mg/l.

Measured sodium fell from 175 to 150 mg/l at the top layer but rose from 63 to 150 mg/l at the middle layer and from 129 to 199 at the bottom layer.

Measured potassium fell from 33 to 28 mg/l at the top layer but rose from 4 to 62 mg/l at the middle layer and from 52 to 82 at the deepest layer.

There are no EPA standards for sodium and potassium in drinking water.

# NIPOMO COMMUNITY

## BOARD MEMBERS

JAMES HARRISON, PRESIDENT  
LARRY VIERHEILIG, VICE PRESIDENT  
MICHAEL WINN, DIRECTOR  
ED EBY, DIRECTOR  
WILLIAM J. NELSON, DIRECTOR



# SERVICES DISTRICT

## STAFF

MICHAEL LEBRUN, INTERIM GENERAL MANAGER  
LISA BOGNUDA, ASST. GEN. MGR./FINANCE DIR.  
PETER SEVCIK, P.E., DISTRICT ENGINEER  
JON SEITZ, GENERAL COUNSEL

*Celebrating 45 Years of Service 1965-2010*

---

148 SOUTH WILSON STREET    POST OFFICE BOX 326    NIPOMO, CA 93444 - 0326  
(805) 929-1133    FAX (805) 929-1932    Website address: [ncsd.ca.gov](http://ncsd.ca.gov)

---

February 18, 2010

**RE:    FEBRUARY 09, 2010 PUBLIC RECORDS REQUEST**

Dear Mr. Snyder:

Please accept this letter as the Nipomo Community Services District's (District) response to your February 09, 2010 Public Records Request that was received by the District on February 09, 2010. This response has been reviewed by District Legal Counsel Jon S. Seitz, who is the person responsible for raising objections referenced in this response.

As you are aware, the District is a Party to certain Groundwater Litigation (*Santa Maria Valley Water Conservation District v. the City of Santa Maria, et al.* Superior Court of California, County of Santa Clara Case no. 1-97-CV-770214), which is referred to in this response as the "Basin Litigation".

Part and Parcel of the Basin Litigation, a number of Parties, including the District, entered into a June 30, 2005 Stipulation that was approved by the above-referenced Court on August 3, 2005. The Stipulation divides the Santa Maria Groundwater Basin into three (3) separate management areas, the Northern Cities Management Area, the Nipomo Mesa Management Area and the Santa Maria Valley Management Area. The District is a member of the Nipomo Mesa Management Area Technical Group. Further, the Stipulation was incorporated into a Judgment that provided in relevant part, "The court approves the Stipulation, orders the Stipulating Parties only to comply with each and every term thereof, and incorporates the same herein as though set forth in full". The Judgment is the subject of an Appeal.

Pursuant to your request, Northern Cities Management Area well-monitoring results that have been publicly released by the Northern Cities Management Area, that are in the District's possession, will be produced on April 19, 2010, at 10:00 a.m. To the District's knowledge, these are the well-monitoring reports referenced in the Santa Maria Times article attached to your request.

Northern Cities Management Area well-monitoring reports, that are provided to members of the Nipomo Mesa Management Area Technical Group, that have not been publicly released by the Northern Cities Management Area will not be produced. The District objects to the production of such records/reports on the basis that such records are subject to the following exemptions to the Public Records Act:

1. California Government Code §6254(b), which exempts records pertaining to pending litigation to which the public agency (the District) is a party..., until the pending litigation or claim has been finally adjudicated or otherwise settled.

Well-monitoring reports pertain to matters currently before the Court in the above referenced Basin Litigation; and

2. California Government Code §6254(k) and California Evidence Code §1040, which exempts information acquired in confidence by a public agency.

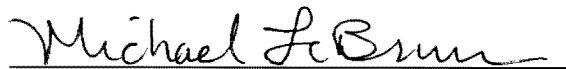
It is the District's position that non-publicly released well-monitoring reports exchanged between Management Areas are maintained in confidence, until individual Management Areas publicly release said information. By maintaining this information in confidence the interest of justice is promoted, because it facilitates the flow of technical information and opinion between Management Areas and their respective participants, engineers, and attorneys regarding resolution and settlement of competing interest related to the Basin Litigation.

Notwithstanding the District's objections, all Management Areas are required to file Annual Reports with the above referenced Court, pursuant to the June 30, 2005 Stipulation which provides in relevant part:

Annual Reports. Within one hundred twenty days after each Year, the Management Area Engineers will file an Annual Report with the Court. The Annual Report will summarize the results of the Monitoring Program, changes in groundwater supplies, and any threats to Groundwater supplies. The Annual Report shall also include a tabulation of Management Area water use, including Imported Water availability and use, Return Flow entitlement and use, other Developed Water availability and use, and Groundwater use. Any Stipulating Party may object to the Monitoring Program, the reported results, or the Annual Report by motion.

Well-monitoring reports from the Northern Cities Management Area will likely be included and/or summarized in the Northern Cities Management Area Annual Report, as referenced above. These Annual Reports are available to the public. It is the District's understanding that the Northern Cities Management Area Annual Report should be available during the Spring or early Summer 2010.

Very truly yours,



Michael LeBrun  
Interim General Manager